

# **BILLS (4): RECEIPT AND FIRST READING**

1. War Service Land Settlement Scheme Act Amendment Bill.
2. Firearms and Guns Act Amendment Bill.  
Bills received from the Assembly; and, on motions by The Hon. L. A. Logan (Minister for Local Government), read a first time.
3. Business Names Bill.
4. Companies Act Amendment Bill.  
Bills received from the Assembly; and, on motions by The Hon. A. F. Griffith (Minister for Justice), read a first time.

## **ADJOURNMENT OF THE HOUSE: SPECIAL**

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.31 p.m.]: I move—

That the House at its rising adjourn until 4 p.m. tomorrow (Thursday).

Question put and passed.

*House adjourned at 5.32 p.m.*

# **Legislative Assembly**

Wednesday, the 22nd August, 1962

## **CONTENTS**

Page

### **QUESTIONS ON NOTICE—**

Bus Shelters : Government Grants to Local Authorities	576
City of Perth By-law No. 65 : Tabling of Records	577
City of Perth Wards— New Boundaries : Finalisation and Tabling of Plan	578
Compulsory Third Party Insurance— Premiums : Fixation	576
Rebate for Accident-free Owners	576
Courthouse at Midland : Provision of New Building	576
“Cuisenaire Arithmetic” System : Adoption in State Primary Schools	573
Diesel Locomotives : Number on Order and Delivery Date	575
Ex-mental Patients : Employment and Re-employment	576
Fireworks : Banning	576
Hire Purchase : Return of Goods	572
Junior and Leaving Certificates : Entrants and Passes Obtained	575
Kalgoorlie Express : Hot Water Facility in Second-class Coaches	573
Legislative Assembly Electorates— Acreage	578
Enrolments for Districts	573
Level Crossing at Welshpool— Shunting Link : Closure	575
Shunting Operations : Inconvenience to Road Users	575

## **CONTENTS—continued**

Page

### **QUESTIONS ON NOTICE—continued**

Migration Mission's Recruitments— Employment and Housing	577
Method and Cost of Transport	577
Trade Categories	577
Mineral Claims— Jurisdiction of Warden	574
Letter from Lohrmann, Tindal & Guthrie to Warden Malley	574
Warden's Order to Survey	574
“Normay Syndicate” : Registration and Workers' Compensation Cover	572
Police Station at Midland : Provision of New Building	576
Public Service Appeal Board : Appeals for Years 1958 to 1962	574
Railway Crossing at Gosnells : Installation of Lights	572

### **QUESTIONS WITHOUT NOTICE—**

Sittings of the House : Adjournment for Bunbury By-election Campaign	580
City of Perth By-law No. 65 : Tabling of Records	579
C.S.I.R.O. Research Stations— Establishment of New Farms	579
Sale of “Glen Lossie”	579
Diesel Locomotives : Use of Six on Order	579
Mineral Claim No. 90 : Propriety of Granting by Former Minister	578

### **BILLS—**

Amendments Incorporation Act Amendment Bill— Receipt ; 1r.	581
Building Societies Act Amendment Bill— Receipt ; 1r.	581
Business Names Bill : 3r.	581
Church of England (Northern Diocese) Act Amendment Bill— Receipt ; 1r.	581
Companies Act Amendment Bill : 3r.	581
Declarations and Attestations Act Amendment Bill— Receipt ; 1r.	581
Firearms and Guns Act Amendment Bill : 3r.	581
Health Act Amendment Bill— Intro. ; 1r.	580
Interpretation Act Amendment Bill— Receipt ; 1r.	581
Reprinting of Acts Authorisation Act Amendment Bill— Receipt ; 1r.	581
War Service Land Settlement Scheme Act Amendment Bill : 3r.	580

### **MOTIONS—**

Eyre Highway Motel Sites : Inquiry by Select Committee	584
1871 Pensioners : Increased Payments	607
Members' Questions : Withholding by Speaker	610
Television : Country Transmission Licenses	582

The **SPEAKER** (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

**QUESTIONS ON NOTICE****"NORMAY SYNDICATE"***Registration and Workers' Compensation Cover*

1. Mr. D. G. MAY asked the Minister for Labour:

- (1) Was the "Normay Syndicate" registered with the Mines Department when operating at Marble Bar during the period 1949-1956?
- (2) If so, were all employees of the "Normay Syndicate" covered by workers' compensation during the mentioned period?

Mr. BOVELL replied:

This question was wrongly directed. It should have been asked of the Minister representing the Minister for Mines. The answers are—

- (1) Syndicate names are not registered with the Mines Department. However, the "Normay" Gold Mining Lease No. 1122 near Marble Bar, was granted in 1952 to W. W. Nicholls, W. W. Marshall, J. C. Baker and D. McK. Hedley. The present registered holders of this Lease are H. J. J. King, A. J. Coate, W. W. Marshall, J. C. Baker and D. McK. Hedley.
- (2) I am informed the State Government Insurance office has no record of a workers' compensation policy in the name of the "Normay Syndicate."

**RAILWAY CROSSING AT GOSNELLS***Installation of Lights*

2. Mr. D. G. MAY asked the Minister for Railways:

In view of the increasing volume of vehicular traffic utilising the Gosnells-Fremantle deviation road, will he indicate when it is anticipated that crossing lights will be installed at the Gosnells railway crossing?

Mr. COURT replied:

The provision of crossing lights at the Fremantle road crossing, Gosnells, has been authorised and materials are being assembled. It is anticipated installation will be effected within a few months.

**HIRE PURCHASE***Return of Goods*

3. Mr. TONKIN asked the Minister representing the Minister for Justice:

- (1) Is he aware that no sooner had the Hire Purchase Act, 1959, become law, under which the hirer of any goods comprised in a hire-purchase agreement was placed in a favourable position with regard to terminating the hiring by returning the goods, than certain firms and persons calling themselves moneylenders or financiers adopted a standard hire-purchase agreement, the effect of which is to deprive the hirer of the rights granted to him by section 12 (6) and to convert a "voluntary return" into a "repossession" with all the drastic consequences which befall the hirer in such circumstances?

- (2) As Parliament most certainly intended to prevent moneylenders or financiers from devising ways and means of defeating the provisions of section 12 (6) by providing in section 28 (1) that any provision in any agreement or document whereby—

- (a) any right conferred on the hirer by this Act to determine the hire-purchase agreement is excluded or restricted . . . is void;

and by section 28 (2) that "where any agreement or other document contains a provision that is void under subsection (1) of this section, the owner under the relevant hire-purchase agreement concerned commits an offence against this Act."

And by section 39 that "a person who commits an offence against this Act for which no other penalty is expressly provided is liable to a penalty of £200."

How is it that many hundreds of standard hire-purchase agreements having provisions which are void under section 28 (1) have been, and are being, made, notwithstanding the provisions of section 28 (2)?

Mr. COURT replied:

- (1) No.
- (2) Since the Act came into force only a few matters of complaint have been brought to the notice of the Crown Law Department, and, of those, none has been concerned with the point raised by the honourable member.

If the honourable member cares to supply specific instances of the breach of section 28 (1) inquiries will be made and appropriate action taken.

### "CUISENAIRE ARITHMETIC" SYSTEM

#### *Adoption in State Primary Schools*

4. Mr. D. G. MAY asked the Minister for Education:

- (1) Has consideration been given to adopting the "Cuisenaire Arithmetic" system in State primary schools?
- (2) Is this system at present in operation at any State schools, and if so, to what extent?
- (3) Is the Education Department of the opinion that this system would be of advantage if implemented in primary schools?

Mr. LEWIS replied:

- (1) Yes.
- (2) Yes, in 78 schools.
- (3) The department is experimenting cautiously in the schools mentioned and if the experiment is successful it will make recommendations regarding implementation.

### CITY OF PERTH WARDS

#### *New Boundaries: Finalisation and Tabling of Plan*

5. Mr. GRAHAM asked the Minister representing the Minister for Local Government:

- (1) Have the proposed new ward boundaries of the City of Perth yet been finalised?
- (2) If so, will he lay on the Table of the House a plan showing such boundaries?
- (3) If not yet finalised, when does he anticipate they will be?
- (4) From what date will the new ward boundaries become effective?

Mr. NALDER replied:

- (1) No.
- (2) *Vide* No. (1).
- (3) Before the end of December.
- (4) For the elections in May, 1963.

6. *This question was postponed.*

### LEGISLATIVE ASSEMBLY ELECTORATES

#### *Acreage*

Mr. D. G. MAY asked the Minister representing the Minister for Justice:

- (1) What are the acreage areas of all metropolitan electorates?

#### *Enrolments for Districts*

- (2) What are the latest figures for people enrolled for the Legislative Assembly for the following districts:—

Manning;  
Riverton;  
Rossmoyne;  
Canning Vale;  
Orange Grove (C);  
East Cannington (Canning);  
Kenwick;  
Thornlie;  
Maddington;  
Gosnells?

Mr. COURT replied:

- (1) The acreages of districts in the metropolitan area are—

	Acres
Balcatta	12,992
Bayswater	9,664
Beeloo	7,552
Belmont	9,472
Canning	44,800
Claremont	4,544
Cockburn	63,360
Cottesloe	3,776
East Melville	7,168
Fremantle	3,072
Karrinyup	4,544
Maylands	3,264
Melville	4,096
Mount Hawthorn	2,368
Mount Lawley	2,176
Nedlands	4,800
Perth	3,392
South Perth	3,776
Subiaco	2,176
Swan	16,5
Victoria Park	2,1
Wembley	8,256

- (2) Legislative Assembly Electoral Rolls are compiled in lexicographical order. Enrolment figures are not kept for any section or locality within an Assembly district.

8. *This question was postponed.*

### KALGOORLIE EXPRESS

#### *Hot Water Facility in Second-class Coaches*

9. Mr. EVANS asked the Minister for Railways:

What is the reason why hot water is not provided as a washing facility on the new second-class coaches used on the *Kalgoorlie Express*?

Mr. COURT replied:

It is presumed that the reference is to renovated and improved second-class coaches in use on the *Kalgoorlie Express*. These were not originally designed to provide

hot water and additional expenditure would be required to make this facility available. The renovation of these coaches has made them of almost equal standard to the first-class coaches except for the provision of hot water, and it is considered that the difference in the fare rate would not justify the inclusion of this facility.

### MINERAL CLAIMS

#### *Warden's Order to Survey*

10. Mr. TONKIN asked the Minister for Lands:

As he has stated that if the warden had ordered a survey of mineral claim 90 in connection with an application for mineral claim 292, to which the owner of mineral claim 90 had objected, the present difficulty would not have arisen, will he state what section of the Mining Act, 1904-1957, or of the regulations thereunder empowered the warden to order a survey of mineral claim 90 in such circumstances if he were so minded?

Mr. BOVELL replied:

I did not state "that if the warden had ordered a survey of mineral claim 90 in connection with an application for mineral claim 292, to which the owner of mineral claim 90 had objected, the present difficulty would not have arisen." What I did say was: "It was in the warden's power to have ordered a survey before submitting his recommendation—but he did not do so."

Regulation 55 under the Mining Act, 1904-1957, provides that if an objection is lodged against the granting of an application for a mineral claim, the warden may order the survey to be made before reporting on the application to the minister.

If the honourable member is still not satisfied I would refer him to p. 540 of *Hansard* No. 4.

*Letter from Lohrmann, Tindal, & Guthrie to Warden Malley*

11. Mr. TONKIN asked the Minister representing the Minister for Mines:

- (1) Is he aware that a letter from Lohrmann, Tindal, & Guthrie signed per pro H. Guthrie was addressed to Warden N. J. Malley on the matter of objection to certain surveys then listed for hearing on the 21st instant, but since altered to the 18th September?

- (2) Is he further aware that in the letter in question the writer presumed to show the warden his duty and suggested that if the warden decided to allow the matter to be called on in open court his legal right to do so would be questioned?

#### *Jurisdiction of Warden*

- (3) If legal opinion is to the effect that the warden has no jurisdiction in the case in question would it not be more proper to take proceedings in the Supreme Court to obtain a writ of prohibition to restrain the warden from acting instead of writing to him and telling him what it was believed his powers were and that it was doubted whether he had any power to declare "null and void" the acts of a Minister of the Crown?

Mr. BOVELL replied:

- (1) and (2) All correspondence received up to the date of the tabling of the relevant file appears on those files.
- (3) The litigation in question is pending in the Warden's Court between private litigants, who will be advised by their own solicitors. It is not for the Minister for Mines to offer legal advice on what action either party should take.

### PUBLIC SERVICE APPEAL BOARD

#### *Appeals for Years 1958 to 1962*

12. Mr. HALL asked the Premier:

- (1) How many promotion appeals in all divisions were heard by the Public Service Appeal Board for the years 1958-59; 1959-60; 1960-61; 1961-62?
- (2) Of the appeals heard for the respective years, how many were successful by the appellant, and how many received decision in their favour as the recommended applicant?
- (3) How many appeals were lodged with the Appeal Board, by Public Service employees from country centres, and how many were upheld in all divisions, and how many received appointment as the recommended applicant for the respective years?
- (4) How many appeals were lodged with the board from employees of the Public Service engaged in the city area, and of the number lodged how many were upheld, and how many received appointment as the recommended applicant?

Mr. BRAND replied:

It has been assumed that this question only applies to employees under the Public Service Act and to the Government Employees (Promotions Appeal Board) Act.

(1)	53/59	59/60	60/61	61/62	Total
Professional .....	1	2	2	2	7
Clerical .....	32	32	55	60	179
General .....	7	2	7	8	24
Totals .....	40	36	64	70	210

  

(2)					
Successful Appel-					
lants .....	4	5	8	14	31
Successful Recom-					
mended Appli-					
cants .....	36	31	50	56	179
Totals .....	40	36	64	70	210

- (3) and (4) This information is not readily available and would involve considerable research into records which are now stored in the State Intermediate Records Repository.

### LEVEL CROSSING AT WELSHPOOL

#### *Shunting Operations: Inconvenience to Road Users*

13. Mr. JAMIESON asked the Minister for Railways:

- (1) Is he aware that considerable inconvenience is caused to road traffic at the Welshpool level crossing by the shunting operations of the W.A.G.R. during peak traffic periods when the considerable numbers of employees of the Welshpool industrial area are using same?
- (2) Would he investigate the possibility of shunting operations being restricted to off peak traffic periods?

#### *Shunting Link: Closure*

- (3) Has provision been made for an eastern access to the industrial centre from the proposed new marshalling yards so as to allow the closing down of the shunting link over the Welshpool crossing?

Mr. COURT replied:

- (1) Whilst it is conceded that some inconvenience is caused to road users of this crossing, it is not agreed that such is of considerable magnitude. Delays are kept to an absolute minimum.
- (2) Shunting has to be performed during both morning and afternoon periods to suit the requirements of firms located within the industrial areas, and its restriction to off peak periods is impracticable.
- (3) No, but consideration is being given by the Main Roads Department to an overbridge at a later date.

### DIESEL LOCOMOTIVES

#### *Number on Order and Delivery Date*

14. Mr. JAMIESON: To ask the Minister for Railways:

How many diesel locomotives are on order and when are they expected to be delivered from—

- (a) the Eastern States;  
(b) the United Kingdom?

Mr. COURT replied:

Six main line diesel electric locomotives are on order and are expected to be delivered as follows:—

- (a) Three from English Electric Co. of Australia Pty. Ltd. Queensland; expected to arrive Fremantle by ship between the 6th and the 9th September, 1962.

Three from Clyde Engineering Co. Pty. Ltd., New South Wales to be delivered by rail: one ex their works on the 29th August, 1962 and one each of the remaining units following at two weekly intervals.

- (b) Nil.

One diesel mechanical shunting locomotive is on order ex Commonwealth Engineering Company's works at Bassendean. It is the last of an order for five and is expected ex works on the 28th August, 1962.

### JUNIOR AND LEAVING CERTIFICATES

#### *Entrants and Passes Obtained*

15. Mr. NORTON asked the Minister for Education:

Will he advise the House of the total number of children who—

- (a) sat for their Junior Certificate examination;  
(b) sat for their Leaving Certificate examination;  
(c) passed their Junior Certificate examination; and  
(d) passed their Leaving Certificate examination;

in the years 1957, 1958, 1959, 1960, and 1961?

Mr. LEWIS replied:

	1957	1958	1959	1960	1961
Number who sat for Junior examination .....	4,814	5,522	6,371	6,450	7,641
Number who passed Junior examination .....	3,668	4,261	4,746	4,905	5,797
Number who sat for Leaving examination .....	1,452	1,772	1,877	2,141	2,391
Number who passed Leaving examination .....	1,008	1,239	1,314	1,479	1,619

## COMPULSORY THIRD PARTY INSURANCE

### *Premiums; Fixation*

16. Mr. CROMMELIN asked the Minister representing the Minister for Local Government:

- (1) Who fixes the amount of premium payable by motorists under the compulsory third party insurance policy?

### *Rebate for Accident-free Owners*

- (2) Will he give consideration to recommending adjustment of compulsory third party insurance premiums so that accident-free owners may claim a rebate as is done by insurance companies under their comprehensive motor insurance policies?

Mr. NALDER replied:

- (1) The trust, subject to the confirmation of the Minister who now has the advice of the Premiums Committee appointed under the Act.
- (2) The question of a no-claim rebate has been considered, but presents so many difficulties and anomalies that it is not regarded as practicable.

## FIREWORKS

### *Banning*

17. Mr. HEAL asked the Premier:

Has the Government considered further the possibility of introducing legislation for the banning of fireworks in Western Australia?

Mr. BRAND replied:

Revised regulations relating to fireworks have been prepared, designed to reduce the size and restrict the scope of the types previously offered for sale, and to eliminate from manufacture certain objectionable substances or features which had caused mishaps in the past.

Importers are required to obtain permission from the Chief Inspector of Explosives, Mines Department, to import and must submit samples of all types of fireworks for testing at the Mines Department Explosives Laboratory to ensure compliance with the new specifications.

18. *This question was postponed.*

## COURTHOUSE AT MIDLAND

### *Provision of New Building*

19. Mr. BRADY asked the Minister representing the Minister for Justice:

- (1) Has the Crown Law Department decided on building a new courthouse in Midland?

- (2) Has any site been decided upon for proposed new courthouse building?

Mr. COURT replied:

- (1) and (2) It is not proposed at present to build a new courthouse at Midland. The additions and renovations carried out recently have placed the building in good condition, as well as providing the necessary accommodation to meet present needs and any increased business for a number of years hence.

## POLICE STATION AT MIDLAND

### *Provision of New Building*

20. Mr. BRADY asked the Minister for Police:

- (1) Are any plans being prepared for the erection of a new police station at Midland?
- (2) Does he contemplate a new building for the Police Department being erected in the current year?

Mr. CRAIG replied:

- (1) This item is being listed in the 1963-64 loan works programme.
- (2) Building will be commenced when plans are completed and funds available.

## BUS SHELTERS

### *Government Grants to Local Authorities*

21. Mr. DAVIES asked the Minister for Transport:

What is the policy of the Government in regard to making funds available to local authorities for the erection of bus shelters?

Mr. CRAIG replied:

There is no established policy as regards payment for bus shelters, but the Government has provided financial assistance in some cases. The question of future finance for the erection of shelters is at present under consideration.

## EX-MENTAL PATIENTS

### *Employment and Re-employment*

22. Mr. FLETCHER asked the Minister for Health:

- (1) Is he aware—
  - (a) of the alarm of the W.A. Mental Health Association, trade unionists and others concerning the reluctance of some employers to engage or re-engage ex-mental patients;
  - (b) that as Professor Saint, Dean of Faculty of Medicine, W.A., has stated that one out of

ten persons in Australia needs psychiatric treatment during his or her life, there is the possibility of causing further unemployment to that extent;

- (c) that such an employer's attitude could aggravate a possible latent predisposition towards another mental breakdown?

- (2) Will he endeavour to prevail on the Employers Federation the need for sympathy and understanding by—

- (a) absorbing into employment as many ex-patients as possible;  
(b) where the ex-mental patient is found to be unsuitable or redundant, that reassurance is given that he is not being rejected on grounds of past mental illness?

Mr. ROSS HUTCHINSON replied:

- (1) (a) to (c) I am not aware of the alarm referred to by the honourable member, as my understanding was that a large number of employers were sympathetically inclined in these matters. However, the subject is one in which the department as well as other organisations, like the Mental Health Association, is keenly interested in obtaining maximum support.
- (2) (a) and (b) Every endeavour is being made in this direction and other directions, and will continue to be made.

#### CITY OF PERTH BY-LAW No. 65

##### *Tabling of Records*

23. Mr. GRAHAM asked the Minister representing the Minister for Town Planning:

Will he lay on the Table of the House, or make available for my inspection, the full records of minutes, notations and other data covering the period from the 1st July, 1961, to the present time, in relation to by-law No. 65 made by the City of Perth under the Local Government Act and the Town Planning and Development Act?

Mr. LEWIS replied:

All relevant papers dealing with by-law No. 65 since its disallowance on the 1st November, 1961, are contained in file No. 192/62 (Local Government Department), laid on the Table of the Legislative Assembly on the 14th August, 1962.

#### MIGRATION MISSION'S RECRUITMENTS

##### *Trade Categories*

24. Mr. DAVIES asked the Minister for Immigration:

- (1) How many people have contracted to migrate to Western Australia as a result of the work of the migration mission now overseas?  
(2) What are the trade categories of each male migrant?

##### *Employment and Housing*

- (3) By which companies will they be guaranteed employment?  
(4) Who will be responsible for providing housing accommodation?

##### *Method and Cost of Transport*

- (5) What is the cost of bringing each migrant out by—  
(a) air;  
(b) sea?  
(6) How many of those persons who have already agreed to migrate will be brought to Western Australia by—  
(a) air;  
(b) sea?  
(7) Who is responsible for meeting the cost of fares of these migrants?

Mr. BOVELL replied:

- (1) As at the 17th August, 1962, the mission has arranged for 172 workers who, with wives and dependants, represent approximately 680 persons. The numbers are increasing daily. Final acceptors for migration to Australia are still subject to medical and other checks before departure. The mission has received over 1,200 applications, many of which have yet to be interviewed and passed through medical and other formalities.
- (2) The 172 workers referred to in No. (1) include:

Boilermakers ..	28
Welders ..	32
Electrical installers and fitters ..	8
Turners ..	5
Motor mechanics ..	8
Riggers ..	2
Coppersmiths ..	1
Process workers ..	5
Steel erectors ..	1
Lagers ..	1
Machinists ..	2
Carpenters and joiners ..	30
Plumbers ..	6
Painters ..	7
Sheet metal workers ..	2
Bricklayers ..	7
Instrument fitters ..	1
Cabinetmakers ..	1
Fitters ..	25

- (3) Responsibility for employment has been undertaken by a wide group of employers. The list is extending daily and no good purpose would be served in listing names at this juncture.
- (4) The availability of sufficient housing is being closely watched by the Government. There is also close co-operation from employers who are organising some housing to supplement that available from normal sources. The flow of tradesmen and their families is being related to housing availability.
- (5) This is arranged by the Commonwealth without cost to the State Government. The details of the "U.K.-Australia Assisted Passage Scheme" and the contracts which the authorities concerned enter into with the shipping companies and airline operators are not known to this Government.
- (6) The numbers of migrants travelling by sea and by air to Australia are subject to almost daily review dependent upon the availability of shipping and airline bookings. The latest known allocation by shipping is:

*Canberra* leaving London 19th September (20 berths)

*Oriana* leaving London 19th October (185 berths)

*Castel Felice* leaving London 5th November (180 berths)

*Strathnaver* leaving London 7th December (180 berths)

*Fairsky* leaving London 15th December (180 berths).

Ten have already arrived by air and further small parties are expected to follow by air at about two or three week intervals.

- (7) When a migrant leaves the U.K. for Australia, each adult pays £10 (Sterling) and children under 19 years of age travel free. The balance of the fare is met in accordance with the terms of the "U.K.-Australia Assisted Passage Scheme." Migrants proceeding to Australia from other countries contribute varying amounts which are determined by the Government of the country of origin, and the balance is borne by nations which contribute to the operation costs of the "Inter-governmental Committee for European Migration." In any case, the State Government does not contribute to the costs involved.

Mr. Jamieson: What happens in the next chapter?

Mr. BOVELL: I was giving a detailed answer to the member for Victoria Park.

## QUESTIONS WITHOUT NOTICE

### MINERAL CLAIM No. 90

#### *Propriety of Granting by Former Minister*

1. Mr. GRAYDEN asked the Minister representing the Minister for Mines:

(1) Is it a fact that in 1956 the member for Merredin-Yilgarn who was at that time the Minister for Mines in a Labor Government, or alternatively another Labor Minister acting for him in his absence, granted the Hancock claim known as mineral claim 90, and not 292 as referred to in error in a question yesterday?

(2) If the answer to No. (1) is "Yes" is he aware that the disclosure—the shock disclosure—that the claim in question was in fact granted by a Labor Minister conflicts with the allegation by the Deputy Leader of the Opposition that in fact such a claim may not have been lawfully pegged and applied for and therefore should not have been granted, contains a serious implication of impropriety on the part of the then Minister for Mines or the Minister acting in his absence?

(3) As the question of whether the lease was, in fact, lawfully pegged and applied for is the crux of the present dispute in respect of this mineral claim, and in view of the implied reflection of the then Minister for Mines or the Minister acting in his absence—

Mr. W. Hegney: What is the question?

Mr. GRAYDEN: —will the Minister detail or reiterate the circumstances associated with the granting of this claim by a Labor Minister in 1956?

The SPEAKER (Mr. Hearman): In view of the answers given to question No. 11 on today's notice paper, I will have to have a further look at the honourable member's last question. I will allow his first two questions.

Mr. BOVELL replied:

On behalf of the Minister for Mines, I wish to thank the member for South Perth for giving notice of these questions. The answers are as follows:—

(1) Mineral claim 90 was granted to Hancock Prospecting Pty. Ltd. by the Acting Minister for Mines of the day (The Hon. W. Hegney) during the absence of the Minister for Mines (The Hon. L. F. Kelly) in America.



- (2) It is not considered that, in granting mineral claim 90 subject to survey, the Acting Minister acted in any improper manner.

### DIESEL LOCOMOTIVES

#### *Use of Six on Order*

2. Mr. H. MAY asked the Minister for Railways:

With reference to question No. 14 on today's notice paper, will he advise if the diesels are being purchased for any particular project or are they to be used for the general running of the State railways?

Mr. COURT replied:

These diesels were ordered many months ago and they were announced at the time. The six diesels in question are main line diesels of the same type as the two which were ordered by the previous Government, and they will, I understand, do their main service on the Kalgoorlie-Perth line.

Mr. H. May: Are there any more coming?

Mr. COURT: I have answered the question of the member for Beeloo regarding the number of diesels on order, and I have given him the complete answer.

Mr. H. May: I thank the Minister.

### CITY OF PERTH BY-LAW No. 65

#### *Tabling of Records*

3. Mr. GRAHAM asked the Premier:

(1) I would like to tell the Premier that I am asking this question without any animus and without any motive. I asked the same question on the 16th August and again yesterday, and again this evening; and in my opinion I have not received an adequate reply. I ask the Premier whether he will make personal inquiries with a view to ascertaining whether all of the papers in connection with Perth City Council By-law No. 65 have been made available to me in accordance with the questions asked?

(2) Having regard for the fact that among the papers which have been tabled there are newspaper clippings announcing the intention of the Minister for Town Planning to have a conference with the Perth City Council, and then subsequently a newspaper report that such a conference was held, is it not more than passing strange that there is no reference whatsoever on the official papers

either in respect of the invitations either way to meet or the deliberations which took place?

Mr. BRAND replied:

(1) and (2) Had I received notice of these questions, I could have perhaps made some inquiries. However, I am prepared to seek further information; but I wonder if the honourable member himself has not approached the Minister for Local Government and, outside of this House, put those questions to him. It would seem that there must be some explanation. I see no reason why the honourable member could not achieve his purpose by meeting the Minister himself rather than coming back through me for what would no doubt be a similar reply for the same reasons as given by the Minister representing the Minister for Local Government in this House.

### C.S.I.R.O. RESEARCH STATIONS

#### *Sale of "Glen Lossie"*

4. Mr. HALL asked the Minister for Agriculture:

(1) Is he aware that portion of "Glen Lossie" Research Station, Kojonup, is to be sold by the C.S.I.R.O.?

(2) If the answer to No. (1) is "Yes," can he explain the reason of the C.S.I.R.O. for selling portion of the research station, and what is the expected price for the sale?

#### *Establishment of New Farms*

(3) Can he advise if the C.S.I.R.O. intends to establish any other experimental farm or farms in Western Australia; and, if so, where is it anticipated that such experimental farm or farms would be established and at what approximate cost?

Mr. NALDER replied:

I wish to thank the honourable member for giving me prior notice of these questions, the answers to which are—

(1) I have been informed that the Commonwealth Scientific and Industrial Research Organisation intends to sell portion of "Glen Lossie" research Station, Kojonup. Further information is being sought.

(2) This can only be answered by the Commonwealth Scientific and Industrial Research Organisation.

(3) I understand a Commonwealth Scientific and Industrial Research Organisation establishment near Baker's Hill is contemplated. I am not in a position to supply details.

## SITTINGS OF THE HOUSE

### *Adjournment for Bunbury By-election Campaign*

5. Mr. BRAND (Premier): Yesterday, the Leader of the Opposition asked whether the Government would give consideration to an adjournment of Parliament next week owing to the desire of so many members to attend in the Bunbury area. I said I would examine the situation. I have since conferred with the Deputy Premier, and members of our parties, and it has been decided that we will sit at least on Tuesday and Wednesday; and I hope that tomorrow I will be able to announce the decision as to whether the House will sit on Thursday.

## HEALTH ACT AMENDMENT BILL

### *Introduction and First Reading*

Bill introduced, on motion by Mr. Ross Hutchinson (Minister for Health), and read a first time.

## WAR SERVICE LAND SETTLEMENT SCHEME ACT AMENDMENT BILL

### *Third Reading*

MR. NALDER (Katanning—Minister for Agriculture) [5.2 p.m.]: I move—

That the Bill be now read a third time.

MR. H. MAY (Collie) [5.3 p.m.]: I desire to take this opportunity to say a few words in regard to the measure, because on two separate occasions I was prevented from speaking, once on the second reading, and the other at the Committee stage. It was no-one's fault that I was not able to speak, but that is why I desire to say a few words on the third reading.

As the Minister knows, I am keenly interested in the war service land settlement scheme, and I believe that the introduction of this Bill justifies the assertions that have been made that there are many aspects of the scheme which need to be explained to the general public. I welcome the Bill and I shall support it because it will do some good for the settler by giving him an opportunity to sell his lease in the event of circumstances arising which make it necessary for him to sell; and he is not to be held up or prevented from selling his lease because of any money he may owe to the Rural and Industries Bank.

It is a good idea; but this is only one aspect of the scheme that has been worrying the settlers and, as I said during my speech on the Address-in-Reply, I believe there should be some inquiry into all

aspects of the scheme. The member for Katanning, before he became a Minister, held the same views as I now hold in regard to the war service land settlement scheme; and the fact that he has now become the Minister in charge of this project should not make him alter his previous views; or if he has information which has caused him to change his mind, or change the opinions he held previously, he should give that information to the public, and particularly to the settlers.

I notice that the R.S.L. has asked for a Royal Commission to be appointed to inquire into the whole matter, but I doubt whether a Royal Commission is necessary. I believe that if a Select Committee were appointed the settlers could be told all they want to know, and the general public could learn why there is so much dissatisfaction among the war service land settlers. I have taken the opportunity of saying a few words, and I hope the Minister will agree to some inquiry, because I will agitate until he does something about it, so that the settlers will be given some opportunity publicly to voice their complaints; and then we will all know whether or not they are justified. I support the measure.

MR. NALDER (Katanning—Minister for Agriculture) [5.6 p.m.]: I am rather pleased that the member for Collie spoke to the third reading and made some comments about the proposed amendment, because never in my experience in the House has a measure been introduced by a Minister and passed the second reading without any comment from the Opposition.

Mr. Graham: Many times.

MR. NALDER: It was quite amazing. However, the member for Collie made some comments on the third reading, and I appreciate what he had to say, and also the fact that he is beginning to take an interest in war service land settlement.

Mr. May: I am not beginning.

MR. NALDER: I think that when the honourable member spoke on the Address-in-Reply it was the first occasion he had mentioned it in this House. Therefore it gives me some satisfaction to know that at least we are getting some support for the war service land settlement scheme, which we are quite confident is nearing completion. There has been a lot of criticism about it and, in some cases, it has possibly been justifiable criticism.

Mr. May: Don't go back on yourself now.

MR. NALDER: I am not going back on myself. If the honourable member listens carefully he will see that I do not intend to do that. I appreciated the honourable member's comments about the measure which, as I said when I introduced it, is to permit settlers, if they desire, to sell

their leases or their properties. They will also be permitted to sell on terms, and this will be an advantage to many settlers. Some of them have already taken advantage of the idea elsewhere, and this legislation will allow settlers in Western Australia to do so. The Federal authorities support it and have recommended that we go ahead with the legislation.

Mr. Hawke: Would there be any limit to the number of farms any one purchaser could buy?

Mr. NALDER: Outside of the scheme, no. If a number of people wanted to buy one or two farms there would be no reason why they could not do so, provided they satisfied the authorities in regard to the money owing to the war service land settlement scheme.

I also noted the honourable member's comments with reference to the resolution passed by the R.S.L. That is another matter altogether, and one which I would be prepared to discuss when I have another opportunity. I am pleased that the House is satisfied with the measure.

**Question put and passed.**

**Bill read a third time and transmitted to the Council.**

## **BILLS (2): THIRD READING**

1. Firearms and Guns Act Amendment Bill.

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

2. Business Names Bill.

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.

## **COMPANIES ACT AMENDMENT BILL**

### *Third Reading*

MR. COURT (Nedlands—Minister for Industrial Development) [5.10 p.m.]: I move—

That the Bill be now read a third time.

MR. JAMIESON (Beeloo) [5.11 p.m.]: I wish to say only a few words on the third reading; but I want to draw the Minister's attention to the fact that the parent Act, which was passed last year, has become a best seller and is not now available to many companies which require it for use by their executives who wish to become familiar with its provisions before the legislation finally becomes law. As far as I have been able to find out, it is not proposed to print further copies until the amendments contained in this measure are passed; and it would appear that some business firms may be at a distinct disadvantage if they are not able to get copies of the Act.

As the Minister is probably well aware, many companies would delay acquiring copies of the legislation until the proclamation date was imminent; but they want to know where they are going. I am drawing the Minister's attention to the matter, and I am warning him that there may be some reaction from the business interests which have not been able to get copies of the legislation. Maybe he can look into the possibility of some further supplies being made available with these amendments incorporated as soon as they have been approved by the Governor. That is all I wanted to say at this stage. I would have drawn the Minister's attention to it on the second reading but unfortunately the information was not made available to me in time to do so.

MR. COURT (Nedlands—Minister for Industrial Development) [5.14 p.m.]: I shall discuss the matter with the Minister for Justice. I did hear there was a shortage of copies of the Act passed last year—that is, the 1961 Act—but I have not heard of any inconvenience being suffered as a result of it, because most of the firms who were interested in the legislation hastened to get copies as soon as they were available following the passage of the Bill last year. However, I give the honourable member an assurance that I will discuss the matter with the Minister for Justice in view of the importance of the legislation to the business community.

**Question put and passed.**

**Bill read a third time and transmitted to the Council.**

## **BILLS (6): RECEIPT AND FIRST READING**

1. Amendments Incorporation Act Amendment Bill.

2. Reprinting of Acts Authorisation Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

3. Building Societies Act Amendment Bill.

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Chief Secretary), read a first time.

4. Church of England (Northern Diocese) Act Amendment Bill.

5. Declarations and Attestations Act Amendment Bill.

6. Interpretation Act Amendment Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

## TELEVISION

*Country Transmission Licenses: Motion*

MR. SEWELL (Geraldton) [5.21 p.m.]:  
I move—

That in the opinion of this House, as there were no applications for TV licenses in the Katanning-Albany and Northam-York areas, and having given consideration to the fact that the Geraldton and Kalgoorlie districts were not made the subject for the allocation of such licenses during 1961, and remembering the public protests that arose in these districts in respect thereof, the State Government should make immediate representation to the Federal authorities to now offer interested bodies the opportunity to apply for TV transmission licenses in the last-named districts.

This motion has been brought about by the help and co-operation of other members who find their districts affected in the same way as the Geraldton district, the one which I represent. I refer, in the first instance, to the member for Kalgoorlie, in representing the people of that district; and to the member for Boulder-Eyre, who speaks for the people residing in that area. Since the Commonwealth authorities have called for applications for further television licenses in this State, many people have approached the member for Avon, the member for Merredin-Yilgarn, and—I have no doubt—the member for Murchison, in regard to the districts which they represent being served with television programmes.

We feel that some action should be taken by the State Government to bring home to the Commonwealth authorities their responsibility in this matter. The fact that there are no TV programmes shown in the areas of Geraldton and Kalgoorlie—apparently because they embrace so much territory—has disturbed the minds of people in those parts a great deal, particularly the farmers in the wheatbelt areas ranging from Geraldton right across to Merredin. It is found that the Commonwealth authorities have not made any move whatsoever to give the people in these areas the pleasure of enjoying television since the announcement of a third TV station for Perth was published in *The West Australian* dated the 9th March, 1962. In an article appearing on the front page of that issue, Postmaster-General Davidson was reported as having said—

The TV expansion plans announced today mean that by the middle of 1964 Australia should have 87 television stations—nine of them in Western Australia.

The nine in W.A. will include the two commercial stations and the national station in Perth and one commercial and one national station in

each of the following three country areas: Bunbury, Katanning-Albany, and Northam-York.

Since then we have been informed that no applications have been received by the Commonwealth authorities for the Katanning-Albany and Northam-York areas. So where do we go from there, Mr. Speaker?

Is television to be enjoyed only by people in the metropolitan area and the Bunbury area? If it is not possible to erect television stations in outback centres, surely there are some people who are willing to provide a service that will enable programmes to be relayed from the Perth TV stations. If the Katanning-Albany and York-Northam licenses had been granted, the viewers in the areas served by those stations would not have been as numerous as the 27,000 people residing in the Geraldton area, and another 27,000 people who are living in the Kalgoorlie district, making a total of 54,000 people, in all.

It is understood that programmes could be relayed from the Perth station by means of translators from a satellite station. It is also understood that 2,500,000 viewers in America are accommodated by such a method, and the cost of establishing a satellite station in Western Australia is estimated at £500,000. No doubt other members, like myself, have heard of all sorts of things such as TV translators, and booster stations. Also, I think three or four other names have been mentioned and all sorts of different prices have been quoted. I will quote figures in regard to these translator stations which have been given to me on the best of authority, and I have no doubt that they will be correct. I would suggest to members, however, that any other figures that have been published in newspapers by various people who claim to have a full knowledge of the subject, should be considered with a good deal of caution.

Country and goldfields people do not enjoy the same number of amenities as the people in the city. They are prepared to be denied such comforts to a certain degree. In this instance, however, the pleasure of viewing TV programmes should not be the sole prerogative of the people in the metropolitan area: country people should have the opportunity to view such programmes also. In moving the motion I am aware of the difficulties surrounding the provision of television programmes in regional areas 100 miles distant from the transmitting station.

The people in the outback areas feel that they have not received a fair deal by Commonwealth authorities in regard to the provision of various amenities, such as television programmes; and it has been proved beyond doubt that television fills a need in the community, because apart from providing pleasure and amusement it is also a good medium for educating the

young and people of all ages. Television is used now in metropolitan schools as part of the educational curriculum, and therefore it could also be used in country schools. Of course, I do not suggest that it should interfere in any way with the work of a teacher, but it could be used in conjunction with the school programme and the teachers and, by this means, it could become a valuable asset in our educational system.

To further the claim that representation should be made to the Commonwealth authorities by the State Government, I commend to members the subleader published in *The West Australian* of the 2nd August, 1962, and the remarks of The Hon. F. Collard, M.H.R., in the Federal House, which were reported in the Commonwealth *Hansard* of the 2nd May, 1962.

The latest contributions in support of the provision of TV in the less-populated areas have been made by Senator Branson, and by The Hon. H. Leslie, M.H.R., in *The West Australian* of Friday, the 10th August.

We in the Geraldton area have been told that we could have our own commercial station provided we complied with certain conditions and were active in getting firms interested in establishing a commercial TV station in that area, and that when this was established a national station could follow. I know members will agree with me that the cost of providing a TV station such as would be required to serve the areas represented by the Premier, the member for Moore and myself, would possibly be too great for any private enterprise. There would not be sufficient advertising forthcoming to warrant the establishment of a commercial station in those parts.

We therefore claim that the Commonwealth Government should establish a national station to serve the area, or do something to assist a person or persons who, as a result of their knowledge, would be prepared to relay the programmes from the metropolitan area to the outback districts.

I want to support the proposition that an investigation be made. This proposition was put forward in the first instance by The Hon. F. Collard, M.H.R., at Canberra; namely, for a translator system as provided by the Adler Translators. I believe such a system could be installed where it has been proved it could give satisfaction. I believe that a translator system to relay TV programmes from the Perth stations to the Murchison and on to Kalgoorlie could give satisfaction to the people who are resident there.

Quite a lot has been said and written on this subject, and I would suggest that we, in this Chamber, are only laymen when it comes to considering a matter such as this. Therefore we have to be guided by the technicians, the experts, and the engineers in this field. We all realise that

television is a fairly new innovation in this State, and changes in the technique of television are taking place from week to week as a result of experiments carried out by those people. What was not possible a week or a month ago could be possible today.

For the benefit of the House I want to quote some figures and facts concerning the area that can be covered by an Adler translator. The first question one may ask is: What is an Adler translator transmitter? The answer is that it is an automatic TV transmitter which enables isolated and fringe communities to enjoy television equal in quality to that seen by viewers near the main station.

The next question one might pose is: What is an Adler translator station? It is a 20 to 100-watt TV broadcast station which retransmits the programmes of an originating station to an isolated community, or one deprived of direct reception by distance and terrain barriers. A typical single channel 100-watt translator station consists of:—

- VHF receiving antenna;
- 20-watt translator-transmitter;
- 100-watt translator amplifier;
- UHF unitized transmitting antennas;
- interconnecting cables and accessories;
- TV monitor;
- remote control line;
- primary power A.C. line;
- shelter to house the equipment;
- antenna tower structure.

The station operating it is usually located at the highest point near the community to be served. The station's receiving antenna picks up off-the-air signals from an originating VHF station and feeds them into the translator-transmitter for conversion to a UHF channel. This new frequency can be fed direct to the re-transmitting antenna, or first fed into an amplifying unit to enable a stronger signal to be beamed. An operator need not be stationed at the site as the carrier wave of the main station operates the translator automatically, switching it on and off.

The translator does not require continual maintenance or service. It is designed for unattended operation in remote areas, and the rugged Adler translator equipment provides maximum service with minimum maintenance. So simple is the construction that any competent local television technician can be trained to handle all routine checking and maintenance.

Each translator-transmitter is adjusted at the factory to receive one specified VHF channel and transmit one UHF channel. Where, therefore, a choice of channels is desired additional translators are necessary.

Regarding the area which a translator can service, the coverage depends on factors which include effective radiated

power and antenna height. Under ideal line-of-sight clearance conditions, regular reception has been achieved at a distance of 75 miles from an Adler 20-watt translator. The average coverage, however, can be assumed to exceed 20 to 30 miles minimum.

Using the 100-watt unit, coverage would probably exceed 100 miles; but of course the distance could be modified owing to local factors. Various arrangements and combinations of the unitised UHF antenna can be supplied to beam signals from the transmitter along a narrow arc or a full 360 degrees.

Local commercials can be fed into the translator system. The equipment that is required for translator reception on a standard VHF television set can be met by the addition of a simple inexpensive UHF converter. The Adler translator, as is known in this State, has been proved. There are over 200 Adler translator stations working throughout the world, from the Rocky Mountains in North America, to the tropics of South America, as well as in Cuba, Korea, Canada, Italy, and elsewhere. They have given continuous service under the most severe conditions.

In continuing its programme to expand the scope of translator services, the Adler organisation has now developed a 150-watt translator to provide greater economy and quality of reception over a very wide area. Today Adler Electronics Inc. is recognised as the world leader in the design manufacture and installation of high quality translator rebroadcast systems.

I give the House this information which has been obtained from the best authorities to prove my point that if the Commonwealth Government will not, or cannot, make available to us national television stations in the areas I have mentioned—that is, the Geraldton, Greenough, and Murchison areas, and also the Kalgoorlie area—it should make some inquiry into the provisions of a translator system and a transmitter system, so that the residents of those areas will be able to enjoy the television programmes which are now enjoyed by people living in the metropolitan and near-metropolitan districts.

I ask the indulgence of the House to quote from a subleader which appeared in *The West Australian*, and which covers the situation very clearly and concisely. The subleader is headed, "Television In the Country," and is as follows:—

The Government has been slow in taking television to the country in this State. Its arrival should be hastened. Because entertainment is less freely available in the country, television has a more important role outside cities than in them.

The South-West will have to wait until late in 1964 for its national service, after which the national network

will be extended to other rural areas. But under present policy Kalgoorlie and Geraldton, two of the most important towns in the State, will remain without television and Bunbury is likely to be the only town with a commercial station.

The failure of the Broadcasting Control Board to attract applications for licences to operate stations in the Great Southern and the central agricultural areas confirms the view that there are definite economic limitations to the investment of capital in commercial television. The Government was not unaware of this when it invited applications but it should now act quickly to enable country people to be served by an alternative and less expensive method than the erection of self-contained commercial stations.

This points to the widest possible use of translators in relaying programmes from Perth to areas outside the range of the Bunbury station. Other methods would have to be used to include towns such as Albany, Geraldton and Kalgoorlie, but the Government should see that by one means or another they are all given programmes from national and commercial stations with the least delay.

I do not think any member would disagree with that subleader. I have endeavoured to point out the need for the establishment of national television stations in the areas referred to, namely Geraldton and Kalgoorlie. The State Government should request the Commonwealth Government to take action immediately to ascertain whether the claims I have put forward for the installing of these transmitters and translators are justified, as was suggested by the newspaper article I have just read. If they can be installed, then the television programmes which are now telecast in the metropolitan area will be seen in country centres.

I know that all country members in this House would support this motion; and I want to refer to the great assistance which has been given to me by the member for Kalgoorlie and the member for Boulder-Eyre in connection with this matter. I commend to the House the motion standing in my name.

Debate adjourned, on motion by Mr. Burt.

## **EYRE HIGHWAY MOTEL SITES**

*Inquiry by Select Committee: Motion*

**MR. MOIR** (Boulder-Eyre) [5.40 p.m.]:

I move—

That a Select Committee be appointed to inquire into and report upon the calling of applications and allotment of motel sites on the Eyre

Highway, the calling of further applications and the granting of a site to BP Australia Ltd. after their application had been rejected.

To my mind, this motion is rather serious, and one to which members will have to give deep consideration. It may be remembered that this matter was first raised in the House by the Leader of the Opposition who asked for papers to be tabled dealing with the granting of leases for motel sites on the Eyre Highway. That request came about as the result of a letter written to a member in another place—a member for the South-East Province—by a person who was most deeply concerned, as that person conducts a motel on the Eyre Highway at a place called Cocklebiddy.

In some respects a perusal of the file laid on the Table of the House was most illuminating, but in other respects it was most mystifying, because one found a lot had been left to the imagination. A close look at the file makes one wonder how much is on that which was tabled and how much is on another file somewhere else, because the file that was tabled appeared to be very disjointed, and it left a lot to the imagination. It is impossible to see what led up to the existence of some of the papers; and, as I said before, a very unsatisfactory state of affairs is revealed, both by the documentation of the papers and their contents.

The file shows that no less a person than the Premier took it upon himself to give a direction that a further motel site be granted after applications for one had been called and considered by a land board appointed for the purpose. After consultation with departmental officers and with the Tourist Development Authority—which had expressed certain opinions—the Land Board sat, considered the applications, and finally made the allocations.

One of the applicants—BP Australia Ltd.—missed out and subsequently made an approach, or wrote a letter expressing regret at not being allocated the site; and that was evidently referred to the Premier, although there was nothing on the file to say how. The Premier immediately issued a direction that was tantamount to an instruction that this company be given a site.

I think I should read the original letter that was written in connection with this matter so that members will understand the indignation of the man who had pioneered a motel business in this area and who was a successful applicant for a site. This man had gone to considerable expense in establishing his motel; and, in connection with the granting of the site to him, he had undertaken further substantial expense in order to meet the requirements which were subject to the calling of applications.

It is easy to understand his indignation, particularly when one realises he was led to believe that no other site would be granted in that area and that he would have a clear run as far as his business was concerned. It must be understood that the amount of traffic travelling on the Eyre Highway is not great, and only a certain number of establishments of this kind are warranted. If too many allocations are made the people who invest money hoping for a return will, in most cases, be badly disappointed.

This man wrote to The Hon. R. H. C. Stubbs, M.L.C., on the 24th June, 1962, as follows:—

After a lot of consideration, I am enclosing some papers which I would like you to read through, and return at a later date. Being our local member, I want you, if you think fit, to place the facts before the Opposition Leader, Mr. Hawke. The first talk of the motels being allotted along the Eyre Highway was October, 1961, and I have enclosed the letter notifying me that my application was accepted in May, 1962. As you can see by the enclosed letters, the Lands Board stated that they realised to make motels paying propositions they must not be placed too close together. As you know yourself, I have been held up for nearly twelve months with the outside septic toilets, as I started them last July, and had then to wait to see if granted the motel site, where it would be exactly allotted. There were two lots of tenders called for the motel sites, to which we applied each time, over a period of months. Whereas the B.P. site was granted in a matter of minutes. After reading the paper where the Premier, Mr. Brand, had granted a special motel site for B.P. I looked up the Government Gazette and saw where tenders were being called for a new site on the Highway. The Gazette was printed on the 18th May, 1962 which was a Friday. As all Government offices are closed over the weekend it wouldn't be posted until Monday, 21st of May, and the tenders closed on the Wednesday, 23rd May, which would be leaving a margin of two days for the Gazette to arrive at Norseman for anyone's inspection. I feel it would be well nigh an impossibility for it to arrive in Norseman, and anyone to be able to submit a tender in that short a period. Bearing in mind that I have the written statement from the Lands Board that they didn't intend placing opposition close to the given sites, and the same as Mr. Jackson at Balladonia, we were verbally assured that providing we built our new motels to regulations that nothing would be let go between the now existing motel sites. The

B.P. had tendered for Cocklebidy at the Lands Board meeting and it was granted to me. The mere fact of us having to wait months for the tenders to be finalised and B.P. missing out fair and squarely at the Lands Board meeting, and then in a few minutes being handed a site only 42 miles from Cocklebidy on a silver platter, so to speak, makes me feel that there has been foul and underhand corruption done somewhere along the line.

I have no definite proof but if seen into you could find out that the surveyors were sent out to peg the three sites before the site to B.P. was allotted. I think you know, Mr. Stubbs, how we have started out here from scratch. I built this up, such as it is, from nothing. Six years ago I was serving tea and pies to the travellers in a tent, before we had bowsters installed. Dry times the only drinking water polluted with the carcasses of field mice, and foxes. Your young family missing out on pleasures that a town affords. Surely this counts for something when its justice you want to see. I have gone into debt for at least £10,000, which is an awful lot of money to me on the assumption that there would be nothing on the road between Balladonia and myself. I am a peace-abiding man and don't like arguments but feel it is my duty to children and myself to face up to the matter as I feel sure of underhand work somewhere. Instead of taking the alternative and easy way of ignoring the facts which are very plain to see.

Trusting you can do something for me in this matter. I realise the other motel will go up, as the site has been granted, but if an underhand thing could be proved and exposed it would be only right for the future of our children who have to carry on. Thanking you,

I do not agree with some of those statements, but I believe that this man can be forgiven for some of the conclusions he has drawn. The whole business is a very sorry mess, and I feel that the Premier and the Minister for Lands are both very culpable in this matter. I say that advisedly because as responsible people they should look very closely into these situations before they act. It is very easy to do something on the spur of the moment which has subsequent ill-effects on other people.

The first evidence on the file of an application is the application of the 22nd May, 1961, from BP Australia Ltd. for a site adjacent to the present Cocklebidy site. There is quite a lot of correspondence on the file, but it is important to note that at an early date there was a document addressed to the Surveyor-General

by the Acting Under-Secretary for Lands (Mr. Young) in which, among other things, he said—

Do you think a second site should be made available?

That is in reference, of course, to BP's application. Let me interpolate here that in view of what is on the file it is rather surprising that there are very few documents showing that people have been inquiring about these particular sites. Yet when applications were first called there were no fewer than 16 companies and persons advised that applications were being called, some of them being as far away as the Eastern States. Presumably, therefore, these people had made inquiries; but there is no evidence of such inquiries on the files.

On that occasion they were notified, which is in sharp contrast to the time when BP was ultimately granted a site. It was decided to call further applications, and no-one except BP was notified. That is an extraordinary state of affairs, and more extraordinary still when we realise that a man at Coolgardie had inquired about a site and was informed that his application was too late. In fact, an officer has entered a memo. on the file that it was just too bad—or words to that effect—that this man had missed the bus.

Subsequently, when applications were called in the *Government Gazette* on the 18th May, no-one was advised except BP. No-one took the trouble to notify this man at Coolgardie who had missed the bus previously. I say the whole thing is very glaring indeed.

Another extraordinary matter is that a letter appears on the file out of the blue, giving a description of the conduct of people, their capabilities, and the manner in which they conduct their businesses on the existing sites along the highway. It must be understood that for many years now some four people have been operating on the highway, conducting motels and service stations. They have been true pioneers, having opened up their businesses when the traffic was very light and when the road was nowhere as good as it is today. Even today it is admitted that the road is not all that could be desired. Nevertheless those people did provide those services, and no doubt the businesses were unpayable at that time; but they battled on in the hope that as traffic increased so their businesses would build up and provide a profit. One can readily realise that conditions must have been rough in their initial stages, but I understand that over the years those people have improved their sites and accommodation until they are now providing fairly reasonable accommodation and service to travellers.

One would think that in order to find out what type of service was being provided the department would have called for a report from some responsible officer of the



Government. Instead we find that the Acting Under-Secretary for Lands has received a report from Mr. Smythe of the Roads and Reserves Branch. I could not see anything on the file indicating that this officer had been requested to obtain a report; but, as I have said, out of the blue it appears on the file and is as follows:—

Re Road-side Houses Eyre Highway.

I contacted Mr. F. L. R. Feakes of 84 Chelmsford Road, Mount Lawley, telephone 28 2180, who is the owner-driver of a motor transport service travelling between Perth and the Eastern States and he informed me as follows:—

Balladonia. Roadside House, conducted by Robert Jackson. Building apparently the old Balladonia Station Homestead. Very poor service. Place like a pigsty. Owner developing a sheep property. Petrol supplies available but owner appears disinterested in improving other services.

Cocklebidly. Owned by Paddy McDonald operated by his son-in-law, Mr. A. Hector.

And that is not correct because it is conducted by a Mr. McDonald and his son-in-law Mr. Hector. To continue—

Has good visions and ideas for development, but finance doubtful. Vacuum Oil Co. supply fuel oil, etc.

Madura. Excellent service and accommodation available.

Eucla. Gurney's service station at old Eucla Telegraph Station. No overnight accommodation, meals available.

Have ideas of establishing a new roadhouse near the W.A.-S.A. border but have not commenced any work on the new site.

Personal equation not good and regarded as "hopeless."

A brother conducts a roadhouse at Kanalda Station in S.A. 68 miles from the border.

I would like to know why, as there must be responsible officers in the Main Roads Department, such as engineers and surveyors who travel that road, a report was not called for from one of them. Again, officers from the Police Department make patrols from Western Australia right to the border at least three or four times a year, and they would have been in a position to supply a more factual report on these people. I say "more factual," Mr. Speaker, because I have taken the trouble to find out, from a member in another place, who is the health inspector in that district, what these people who have been maligned in this document are like. I quote further—

Balladonia: Mr. and Mrs. Jackson, occupied the old telegraph station which is owned by Crocker Bros. who

run a pastoral property. The building is in a bad state of disrepair and was difficult to do anything with.

Mr. and Mrs. Jackson gave a 24 hour service for both meals and petrol. They went out on the highway when conditions were bad and did a very good job for the travelling public.

Mr. Jackson spent quite a considerable sum of money on a property he had no lease of.

Water was always a very scarce item and had to be watched carefully and at times carted from Norseman.

I requested Mr. Jackson to provide fly wire screening and fly screen-doors which he did almost immediately.

The beds were clean and the place in reasonable condition having in mind the isolation and lack of water. But the motorist was always certain of a good meal and service.

Eucla: Mr. and Mrs. Roy Gurney run a service station at Eucla. They are building a Motel on top of the Eucla Pass and when I saw it last was well advanced.

It means wrecking the old buildings at the old telegraph station, transporting the material to the top of the pass. Ample provision is being made for accommodation and a water supply.

Mr. Gurney also excavated a 1,000,000 gallon dam to catch run off water.

The Gurneys at their present place give a petrol and oil service, and canned food and cool drinks were available. There was until recently a large room which overnight people could occupy. It since has been dismantled.

I think the term hopeless is unjust. The Gurneys live a life of isolation, they have a very good zoo, birds and animals of all breeds. Mrs. Gurney has a very good collection of sea shells.

Mrs. Gurney is deemed responsible enough to take weather information, both temperature, relative humidity and reading the rain gauge, etc., and giving this information twice daily to the relative office.

Mrs. Gurney conducts a pedal wireless apparatus and keeps in touch with the aerial base. They also have a landing strip for the Flying Doctor. The Gurneys conduct picture shows for their friends from time to time. They have to haul their petrol a long distance for the service of motorists.

The Gurneys also conduct a pastoral property.

The South Australian Police and the Western Australian Police regularly stay there overnight. The Gurneys when on patrol have rendered

invaluable service to the Police in connection with assistance in locating undesirable people and stolen vehicle detection.

Those are the people who are described as "hopeless" by this transport operator. I was interested to note what type of person would give a report like that when he used the term "hopeless". I found, on investigation, that the transport service of which he is a partner was sued in April, 1960 by Joseph Lucas (Aust.) Pty. Ltd., for £101 4s. 6d. covering goods sold. On the 30th June, 1960, the company called a meeting of creditors under part XI of the Bankruptcy Act (Scheme of Arrangements); and the schedule of unsecured creditors amounted to £6,695 0s. 3d. Further to that, he was sued in September, 1960, by Smith Copeland (W.A.) Pty. Ltd. for £46 for goods sold and delivered.

I do not like placing that information before the House, but I do so in view of the report which has been made about these people. It appears to be totally unjustified; and in describing them as "hopeless" one wonders how he would describe himself. This is only in passing—it may be of some significance as to how this report came to be obtained—but we find that the liquidator of his business was Henry M. Kitson who is connected with the firm of Hendry, Rae and Court, accountants of St. George's Terrace, Perth.

I find the Premier has disputed the fact that only one motel site was to be granted in each area, and these people were informed to that effect. I think the Premier should make it quite clear that he was entirely mistaken when he made that statement. He made that statement just recently, and in writing, to Mr. MacDonald. He says *inter alia* that at no time was there any suggestion that one person would be granted a monopoly over any region. The Premier goes on to say—

The Oil Company referred to by you in your letter originally requested the lease of a site much closer to Cockle-biddy than the one granted.

When granting further leases, consideration will be given to their effect on existing leaseholders.

That letter was dated the 30th July. This man being under the impression that he was not to have competition adjacent to him, had eventually written protesting to the Premier, and the Premier replied that at no time was there any such suggestion. That is completely wrong, and I think the Premier should acknowledge his mistake in a written letter to the man concerned.

All through this file there are documents in which it is stressed by the Surveyor-General and the Tourist Development Authority that no further sites other than the existing sites should be granted. Eventually, the Land Board, in making its

decision, kept that well in mind. There is a note on the file by the Assistant Under-Secretary for Lands, which reads—

My letter of advice to the Tourist Development Authority was discussed by that authority at a meeting on the 7th instant.

It was thought by some members that if all the four present roadhouse proprietors at Madura, Eucla, Balladonia and Cocklebidy intended to enlarge and improve their present establishments, it might not be necessary or advisable for further sites to be made available.

The Chairman of the Tourist Development Authority will make some inquiries through the oil companies as to the prospects for the improvement and extensions of the Madura premises.

There were four sites, but in the calling of applications the fact was overlooked at first that one of the sites was the subject of a liquor license; and it appears that the board then decided to allocate the other sites, entirely ignoring that one. It is interesting to notice what the Surveyor-General had to say in a letter dated the 10th January, 1962, addressed to the Under-Secretary for Lands—

With reference to your letter at page 22, we have received information from Eucla, Balladonia and Cocklebidy, but the Madura people have not yet replied.

Provided these establishments are brought up to the required standard, I am still of the opinion, as expressed at page 5, that one additional motel would be enough. However, the Tourist Development Authority are in a better position to judge, and I think that the question as to how many motels should be provided between Norseman and Eucla should be left to them.

I recommend that the Tourist Development Authority be asked to state how many motels there should be between Norseman and Eucla, excluding those two. Action should then be taken to call for applications for a site at Balladonia, one at Cocklebidy, and enough others to make up the number. As the Madura lessees have not replied to your two letters, I see no reason why they should be considered at all, and it might be a good idea to write to them now, informing them that as no reply has been received, it is assumed that they do not intend to improve their premises, and that applications for leasing of other sites will be called.

In regard to the latter paragraph, it is subsequently revealed on the file that the people at Madura had not received the letter, and they explained that there is no regular mail service on that road. They

have to depend on the people travelling through to bring the mail, and at times their letters are reposted to them from various parts of Australia. So one can understand why they had not replied to the letter addressed to them. Subsequently they got in touch with the department and made satisfactory arrangements, and they are building a new establishment there and complying with the requirements of the department.

In a letter addressed to the Secretary of the Tourist Development Authority by someone acting for the Acting Under-Secretary for Lands, it is stated in the relevant portions—

The Surveyor-General is still of the opinion that provided the four present establishments (Madura, Eucla, Balladonia and Cocklebiddy) are brought up to the required standard, one additional motel would be sufficient. However, it is considered that the Tourist Development Authority are in a better position to make a decision as to the number of motels which should be provided between Norseman and Eucla (excluding those two).

The Land Board, which is comprised of Government officers, decided to grant the site at Eucla but refused the applications for the sites at Balladonia and Cocklebiddy; and did so on the ground that BP had not complied with the requirements of the application inasmuch as its building proposals did not comply with the motel model by-laws, and because the other two people had not shown where they were able to obtain the finance to enable them to do the necessary extensive alterations and improvements to the existing buildings. A memo on the file from the Tourist Development Authority, over the signature of the director, and dated the 8th February, 1962, states—

At a meeting of the Tourist Development Authority held this morning it was resolved to forward the following recommendations to you:—

(1) That motel sites in the vicinity of Balladonia, Cocklebiddy, Madura and Eucla are adequate to travellers' needs and no additional sites are necessary.

The memo. goes on to state—

The Tourist Development Authority understands that in the event of multiple applications for any one site it will be necessary for them to be dealt with by a Land Board. The Authority requests that immediate steps be taken to establish such a board in order to expedite finalisation of applications.

Before any decision is given by the Land Board in respect to sites for which multiple applications are received the Tourist Development Authority would like to be consulted.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. MOIR: Continuing with my remarks, I want to emphasise that it is disclosed by the files that the Surveyor-General and the Tourist Development Authority were quite emphatic that only one lease should be approved in each of the areas for which applications were to be called for lease sites. It was not as though these sites were pinpointed, because they were not. The applications were called for the areas concerned, and I should imagine that they could be diverted quite a bit one way or another in the localities mentioned because of various requirements that are essential in that country. For example, a good water supply would be the first consideration, and being in close proximity to that water supply would be the next important consideration.

However, as members know, supplies of good water are few and far between along the highway, and evidently it was left to the applicant finally to decide the location. That is exemplified in a document signed on behalf of the Under Secretary for Lands. That document is a letter written to the applicant who made inquiries of the department. I do not know whether the letter embraced all of the 16 people who had inquired, but it reads as follows:—

Dear Sir or Madam,

Re Motel Sites, Eyre Highway.

Referring to your enquiry concerning the above subject, I am enclosing herewith for your information copy of a notice appearing in the Government Gazette of the 16th February, calling applications for Motel Sites at or near Balladonia, Cocklebiddy and Madura on the Eyre Highway.

I think that is important when we remember the words, "at or near," which words apply to these particular areas. The letter continues—

No specific sites have been made available for leasing and each applicant will need to locate a site in a position suitable to his requirements and complying with the conditions and shall give an adequate description, supported by a plan or sketch of the site applied for.

An inspection of all the sites applied for will be made by a Departmental Representative before a Lease will be recommended for approval. Only one Lease will be approved in each of the localities mentioned.

I am also enclosing a Copy of the Draft Motel By-Laws for Regulating the Construction, Establishment, Operation and Maintenance of Motels as published in the Government Gazette of the 20th September, 1961.

Applications on the form enclosed, supported by a covering letter giving full details of the applicant's proposals

should be submitted to this Department with a deposit of £13 10s. on or before Wednesday, 21st March, 1962.

That letter is quite clear, and that is what the applicants were told. I think all of the 16 applicants listed were sent a copy of this letter. That is in sharp contrast to the subsequent action when, after these applications were called for these sites, fresh applications were called without any notice being given to the previous applicants, except the successful ones. That is a deplorable state of affairs; and it is even more deplorable when it is found that a letter was sent to Mr. Payne, of the Caltex Service Station, Coolgardie, following the granting of the leases to McDonald, Jackson and Smith.

Mr. Payne had made an application for a site and this is what the Division Surveyor (Central) said in addressing himself to the Surveyor-General on this later application—

1. I do not think that any positive action can be taken regarding the application for a Service Station and Restaurant Site, vide pages 86 and 87, at this juncture.

2. As you are aware, a Land Board has been convened to deal with the allocation of three Motel Sites along the Eyre Highway, on Thursday, 26th instant, but it would not surprise me greatly if the current applications for the sites lapse because of the Motel By-laws. I have been informed that the costs entailed in establishing such a unit would be in the vicinity of £60,000.

3. Based on the figures recently submitted to the Land Board during the hearing for the allocation of a Roadhouse Site on the North-West Coastal Highway, it would appear that the cost of establishing a Roadhouse, without residential accommodation, would be in the vicinity of twenty to twenty-five thousand pounds.

4. Consequently, if the present applicants for Motel Sites along Eyre Highway do not proceed with their original intentions because of the costs involved, it may be necessary to call fresh applications for Roadhouse units, inserting special conditions.

5. If the latter course transpires, Mr. Payne could then be considered an applicant, but, if current applicants are prepared to establish Motels in strict accordance with the gazetted by-laws, it would be wrong in principle to allocate an additional site for Roadhouse purposes only.

In a memo. directed to the Under-Secretary for Lands, the Acting Surveyor-General then had this to say—

1. I agree with Mr. Morgan. The applicant had the opportunity to apply, but did not avail himself of it. He has missed the bus.

2. I recommend that he be informed that his application cannot now be accepted.

The files have subsequently revealed that these applicants were unsuccessful, with the exception of British Petroleum. Their applications were rejected by the Land Board. In this particular instance Mr. McDonald was the successful applicant for the site at Cocklebidy which had been applied for by himself and British Petroleum.

I reiterate that the site was not pinpointed and it was left to the applicants to select the site in that area. Following the compilation of the document I have just read, this letter was written to Mr. Payne—

Dear Sir,

I have to acknowledge receipt of your communication of the 3rd ultimo, wherein you make application to this department for a block of land approximately eight (8) miles east of "Balladonia" Station on the Eyre Highway, and to advise that the Lands Department recently invited applications for motel sites at several points along Eyre Highway—including "Balladonia"—on which to establish accommodation and restaurants, and has now completed arrangements with the approved applicants. In view of this, your application for a site for the purposes mentioned in your communication could not at present receive consideration.

Yours faithfully,

Then there is a signature for the Under Secretary for Lands. That is dated the 10th May, 1962. It has the stamp of the department dated the 11th May, 1962. The extraordinary thing is that on this same sheet of paper is a notation by somebody who initials it—I do not know who it is. It says—

Note:—

Additional site about 50 miles west of Cocklebidy dealt with in Corres. 1347/62.

Notice gazetted 18th May, 1962.

That is on the very sheet of paper on which Mr. Payne was notified in effect, though not in quite the language used in the memo., that he had missed the bus.

So we see that the BP application was dealt with on the 16th May, and a notation appeared on the same page on which Mr. Payne had been notified that he had missed the bus. Incidentally it is interesting to note that when applications were first called 16 people were notified. Further applications were called on the 18th May. It was not seen fit to notify any of those people, or to notify Mr. Payne, who

was a recent applicant. We find that British Petroleum in its application had applied for a site at Cocklebidly. Before applications were decided that company submitted a further application dated the 27th February, 1962. It is addressed to the Under-Secretary for Lands, Lands Department, Perth, and reads—

With reference to your advertisement which appeared on page 483 of the Government Gazette No. 15 of 16th February, 1962, and in compliance with the terms contained therein, we wish to apply for a 21 years' lease of:—

- (a) a site at or near the present service station at Cocklebidly or
- (b) a site between Cocklebidly and Madura or
- (c) a site near the present service station at Madura or
- (d) any site which you may make available in this vicinity, preferably between Cocklebidly and Madura, on the northern side of the highway.

Our first preference is for site (a) which is referred to in our letter dated the 22nd May, 1961 . . .

The company's first preference was for Cocklebidly. There is a notation on the file that the BP application and the specifications forwarded by the company with this application were not up to standard. The following is a memo. to the Under-Secretary for Lands from the Land Board, which met to deal with the applications—

The Land Board constituted to deal with applications received for motel sites on the Eyre Highway recommends:—

1. That the application of B.P. Australia Limited be not granted, as the applicant's plan of intended residential units did not conform to the motel model by-laws.

2. That the applications of Messrs. MacDonald and Jackson be not granted, as neither applicant submitted satisfactory evidence of his financial ability to erect a motel that would comply with the motel by-laws.

3. That the application of A. E. Crocker be not granted, as no evidence was submitted to the Board of his intentions concerning compliance with the conditions of the proposed lease.

4. That applications be again called for leasing of sites for motels at or near Balladonia and Cocklebidly, embodying the same conditions as published in the Government Gazette dated 16th February, 1962, subject to the following amendments:

- (a) Clause 2 to read "The Lessee shall pay the actual cost of survey which will be carried out at an early date."

(b) Clause 4 to read "The Motel shall comply with the motel by-laws as gazetted 20th September, 1961, and all buildings shall be to the approval of the Hon. the Minister for Lands and the Local Authority, provided that the minimum number of residential units shall be five and that such number shall be increased to a minimum of ten when directed by the Hon. the Minister for Lands.

5. We further recommend:

- (a) That the survey of sites at Balladonia and Cocklebidly be undertaken immediately.
- (b) That the Lessees of Special Lease 3116/2143 at Madura be informed that such Lease will not be renewed upon its expiration at the 31st December, 1964, unless a minimum of five accommodation units complies with the standard laid down by the motel model by-laws, by 31st October, 1962, and an additional five Motel units are provided in each of the next two following calendar years.

There is quite a bit more in that strain, but I do not think it is necessary to read it. Anyhow that memo. was signed by Mr. Ritchie, Chairman; Mr. R. H. Miller, member; and Mr. John Morgan, member. The Minister for Lands then reviewed the position and directed a memo. on the 2nd May, 1962, to the Under Secretary for Lands in which he said—

I have given careful consideration to report and recommendation of the Land Board, constituted to deal with applications received for Motel Sites on the Eyre Highway.

2. It would appear to me that in the event of fresh applications being called no additional applicants would be forthcoming.

3. As the purpose of this exercise is to have facilities established to provide services for travellers to and from the Commonwealth Games in November next, please refer the matter back to the Land Board for further investigation of applicants' ability to comply with the conditions of application.

4. For further consideration and report, please, no later than Monday next, 7th instant.

I think the Minister for Lands did the right thing.

Mr. Bovell: He always does the right thing, but it is not always acknowledged.

Mr. Brand: Oh yes it is!

Mr. MOIR: Consequent on that, the Mobil Oil Company of Australia Pty. Ltd wrote to the Under Secretary for Lands as follows:—

Dear Sir,

We wish to confirm today's telephone conversation between a member of your Board and our Mr. Stone that if either, or both Motel sites at Cocklebidy and Balladonia were granted to our nominees, namely W. McDonald and R. & O. Jackson, we would accept the responsibility of:—

- (i) Making certain that the buildings, in detail, were erected in accordance with your By-Laws.
- (ii) That sufficient money was available for the erection of these buildings.
- (iii) That the buildings are erected before the contract date—October 31, 1962.

All quotes are now in hand and work could commence immediately approval is given.

Yours very truly,  
Mobil Oil Australia Pty. Ltd.  
J. A. Slater,  
Branch Manager for W.A.

So it was not very long before it was evident that these people had the ability and the financial means required to erect these motels. Previous to that, on the 16th March, 1962, there was a letter addressed from the Vacuum Oil Company to the Under-Secretary for Lands, Perth, which reads as follows:—

Dear Sir,

Re. Cocklebidy Motel

In this support of the application of Mr. W. McDonald for a Special Leasehold of a Motel site, we submit to you what we feel are some important factors which should favour the granting of this application.

Mr. McDonald has handled the products of this Company at Cocklebidy for eight years and has proved that he and his family are well qualified for the operation of that portion of a Motel which covers a wayside Service Station on the Eyre Highway, and in consequence thereof the future of a similar establishment under his control would be assured.

Prior to the issue of the *Government Gazette*, 16th February, calling for applications for a Motel site at Cocklebidy, Mr. McDonald applied for a Motel site through his Solicitors, Messrs. John H. O'Halloran & Co. on the 16th November, 1961, and had applied to this Company for finance to assist him to establish an 18 bed Motel, to be completed before the Empire Games. In conjunction with this development he also planned to

apply for D.C.A. approval of the airstrip he had prepared for use of light aircraft and Flying Doctor Service.

From observations that have been made on behalf of this company, we have formed the opinion Mr. McDonald, together with his son-in-law, Mr. Paddy Hector, have shown great initiative in pioneering and developing this business and their efforts are welcomed and appreciated by the travelling public.

Mr. McDonald has developed an underground water supply at a cost of nearly £1,000 and tested to supply 8,000 gallons per day for two months to the Main Roads Department.

The letter gives details of the appointments which Mr. McDonald established at the existing road station. Further on the letter states—

To provide these services we understand that Mr. McDonald has expended over £6,000 in establishing this oasis on the Eyre Highway and that it is only in the last year or so that the business has become profitable.

By reason of these observations and with a knowledge of what has been achieved to date, we are of the opinion that Mr. McDonald, together with his son, daughter and son-in-law, are eminently suited and capable of operating a motel venture in this isolated area.

Our company with the established £200,000 outport terminal at Esperance and projected bulk storage facilities at Norseman, can guarantee a continuity of supplies of petroleum products to all points on the Eyre Highway and adjacent areas. We are pleased to support the application of Mr. McDonald for a motel site and with your approval forthcoming will afford financial assistance to him.

That completely disposes of the fears held by the Land Board that Mr. MacDonald would not have the financial resources for building an adequate motel structure.

There is also a letter from John H. O'Halloran & Co. to the Under Secretary for Lands dealing with motel sites, in which the company also gives an assurance on behalf of its client.

Acting on the directions of the Minister for Lands, the Land Board again considered the applications. A letter dated the 7th May, 1962, was sent to the Under Secretary for Lands from the Land Board signed by Mr. Ritchie (Chairman), Mr. Morgan (Member), and Mr. Miller (Member). It states—

1. The Land Board has, in accordance with the direction at page 33, investigated further, the applications lodged for motel sites along the Eyre Highway.

2. Consequent upon further submissions on behalf of Messrs Jackson and MacDonald by Mobil Oil Australia Pty. Ltd., guaranteeing finance for full compliance with the conditions under which applications were called, the Board rescinds its recommendations on pages 31 and 32.

3. The Land Board has now allocated the following sites:—

- (a) At or near Cocklebidy to W. L. MacDonald.
- (b) At or near Balladonia to Robert Jackson and Olive Emily Jane Jackson.

The Board submits the following recommendations:—

(i) That the application of B.P. Australia Limited be not granted, as the applicant's plan of intended residential units did not conform to the Motel Model By-laws.

(ii) That the Lessees of Special Lease 3116/2143 at Madura be informed that sub Lease will not be renewed upon its expiration. . .

Further on its states—

That the survey of sites at or near Cocklebidy and Balladonia be undertaken immediately.

That again bears out what I have said that the sites had not been pin-pointed. The letter continues—

That, subject to approval of (ii) above, the advertised site at or near Madura be not allotted.

4. The Board submits recommendation (iv), in the belief that the existing facilities at Madura, together with the proposed units at Cocklebidy and Balladonia and the establishment under construction at Eucla, will cater for the normal volume of traffic on the Eyre Highway.

A letter dated the 8th May to the manager of BP Australia Limited was sent by the Secretary of the Land Board. It is as follows:—

I regret to advise that your application for the lease of a site on the Eyre Highway at or near Balladonia-Cocklebidy or Madura for the erection of a motel was not successful.

The deposit lodged with such application will be refunded.

So the company was unsuccessful in obtaining a site at Madura, as well as Cocklebidy.

On the 9th May, the manager of BP Australia Limited wrote to the Under-Secretary for Lands in the following terms:—

Eyre Highway—Your Reference 895/62.

We were disappointed to receive your letter of yesterday's date advising us that our application to lease a motel

site on the East-West Highway was unsuccessful.

Now that we are aware of those aspects of our earlier proposal that were unacceptable to the Land Board we have redesigned the residential units to conform to the requirements of the Motel By-laws (Motels) No. 3 as depicted in the attached revised ground layout plan.

As we understand that only two of the three leases have been allocated, we would be grateful if you would, on our behalf, re-submit our revised plans and accept this letter as our formal application for the remaining site under the same terms and conditions as outlined in your letter of 19th February, and our original application dated 27th February, 1962.

Needless to say, we would be happy to make available to officers of your department any further information needed to support this application, and we know you are cognisant of the need for an early decision so that we might conform to the construction deadline and, more importantly, take some action concerning the water storage problem.

It will be noticed that the company was making a fresh application. We should bear in mind that the Madura site had not been allocated at the time.

The Chairman of the Land Board wrote to the Under-Secretary for Lands as follows:—

Only two sites were allocated by the Land Board. The existing facilities at Madura have been erected upon a special lease granted by this department and the board's recommendation was that the renewal of such lease be not granted unless the accommodation was brought up to the motel by-law standard.

I am of the opinion that BP Australia Ltd. are not applying specifically for the unallocated site at Madura, but would accept a site elsewhere on the Highway.

Nevertheless, it could be considered that the company was applying for a site on the Eyre Highway. The minute continues as follows:—

Your attention is drawn to the fact that the amended plan of the accommodation is still not in accordance with the motel by-laws. The ground floor space of each unit is 10 square feet under requirements and the cubic capacity is 80 cubic feet below standard.

Having its application rejected on the ground that it did not comply with the conditions laid down, the company submitted a further application for a motel site, but neither did this application comply with the motel by-laws.

The Under-Secretary for Lands wrote to the Chairman of the Tourist Development Authority (Mr. R. H. Doig) on the 10th May, 1962, as follows:—

I am forwarding to you a further application for a motel site on the Eyre Highway, received from BP Australia Limited, together with comments by the Chairman, Land Board, above.

If in the opinion of your Authority a further site should be made available for leasing, it is presumed that the same terms and conditions as have been fixed for the sites already allotted must apply.

Mr. Ritchie has pointed out that the amended plan of accommodation herewith is still not up to the standard required under the motel by-laws.

It would, of course, be necessary to advertise any further site that may be made available for this purpose.

I could find nothing in the files which were tabled in this House to show that the application by BP Australia Limited had been considered by the Tourist Development Authority; instead, we find a remarkable document on the file over the initials of the Premier. I do not know whether this has any significance, but the document is not numbered. I inserted it in the place where I thought it should be placed. Probably it was misplaced as a result of an omission. It should be Document No. 4 on the file, because the one before it is No. 3 and the one following it is No. 5. This document is addressed to the Minister for Lands. It reads as follows:—

While I appreciate that the Land Board has given this matter careful thought and has also taken into consideration available statistics regarding the extent of existing traffic, it is my view that traffic will increase much more rapidly than is generally believed, particularly if our efforts are successful to accelerate the rate of bitumen construction.

I believe that it would be a pity to lose the opportunity of obtaining facilities of the standard which B.P. propose to provide, especially as within a year or two there should be ample room for them and they might not then be available.

In all the circumstances I consider it desirable that another site should be provided and I shall be glad if you will arrange accordingly.

Applications should be called and dealt with in the minimum time possible in order to enable the successful applicant to complete construction before the time of the Commonwealth Games.

As to whether the site should be between Madura and Cocklebiddy or 25 miles west of Cocklebiddy, I express no firm opinion. I would be prepared to leave this to you after consulting the officers of your department, and, if you thought desirable, the members of the Land Board who considered the original application.

Evidently the Premier was quite easy as to whether the Land Board should consider the original application and also this one. Then we see the Minister for Lands literally spring to attention.

Mr. Hawke: I refuse to believe it!

Mr. MOIR: On the same day—the 15th May—under the Premier's memorandum is this—

Under Secretary for Lands.

For immediate action please and advice to me as soon as possible.

(Sgd.) Stewart Bovell,  
Minister for Lands.

Mr. Bovell: That is my usual attitude.

Mr. MOIR: There is no doubt that when the Premier speaks he certainly gets some action.

Mr. Graham: Sometimes.

Mr. Bovell: It was ever thus.

Mr. MOIR: I interpolate here that there have been other occasions when there did not seem to be such smart action. On the 15th May there was a minute from the Under-Secretary for Lands to the Assistant Under-Secretary for Lands. All this on the same day—rather extraordinary for the Lands Department.

Mr. Bovell: No it isn't!

Mr. MOIR: The minute reads as follows:—

In the opinion of departmental officers, it is considered the best sites for an additional motel would be 100 miles east of Madura or 50 miles west of Cocklebiddy.

I have discussed the matter with Mr. Osman, Manager, BP Australia Limited, who is prepared to accept a site west of Cocklebiddy. I have assured him that the most suitable site, not less than 45 miles or more than 50 miles west of Cocklebiddy, will be selected by the department.

In other words, it is a case of pick your own. Continuing—

Please advise Mr. Morgan and arrange for advertising in this week's Gazette—one notice only.

This appears on the 15th May—the same day that the Premier's action took place. There was also consultation with the Manager of BP. In other words, the Premier said, "Select your own site. Tell us where you want it and you will get it."

Mr. W. Hegney: He must have had the right oil.



Mr. MOIR: He must have. I must change over to it. Still on the 15th May, a wonderful day of activity in the Lands Department—

Mr. Bovell: Every day is; you ask the member for Merredin-Yilgarn.

Mr. MOIR: —a minute signed by Mr. Morgan for the Deputy Surveyor-General reads as follows:—

Please have survey file started for Motel Site—

There was evidently no doubt about it. It was to be granted to the company—

about fifty miles West of Cocklebidy. Area and specifications of site will be identical to those at Cocklebidy and Balladonia.

Mr. Kelly: Had tenders closed?

Mr. MOIR: They had not even been called.

Mr. Graham: What a racket!

Mr. MOIR: The Assistant Under-Secretary for Lands, in forwarding this to Mr. Morgan, wrote this memo.—

Please note and return urgently.

It was all an urgent business.

Mr. Heal: A red letter day!

Mr. Hawke: I bet the Minister's blood pressure was up that day.

Mr. Bovell: Not at all. It is my invariable practice in the office to deal with things promptly.

Mr. MOIR: This company had had its application considered twice by the Land Board and rejected twice because it had not complied with one of the essential provisions of the application. However, it was to be granted a site when it submitted a suggestion of what it was prepared to do, even though it did not comply with the motel model by-laws; and everybody from the Premier down was turning handsprings and somersaults to set the machinery in motion to give the site to the company.

On the 15th May—which was three days before the applications were called for this further site—these rather strict terms and conditions were laid down—

The lessee shall provide a service to supply petrol and oils to the travelling public 24 hours a day at reasonable prices.

The boundaries of the lease shall be fenced within one year with a stock proof fence which shall be maintained in good order.

The lessee shall not apply for a license to supply liquor without the prior approval of the Minister for Lands. If a license is granted, the rent will be immediately re-appraised. and further—

No dogs shall be kept by any person living at the site.

Mr. J. Hegney: What is the reason for that?

Mr. Bovell: There are pastoralists in the area and their stock has to be protected from wild dogs and other animals which may rush around and destroy stock.

Mr. Hawke: There is no need for the Minister to bark at us.

Mr. MOIR: On the next day—the 16th May—this letter was addressed by the Under-Secretary for Lands to the Manager of BP (Aust.) Ltd.—

Re Motel Site—Eyre Highway.

The enclosed copy notice will be published in the *Gazette* on 18th May, 1962.

The company had prior notice. Continuing—

Please arrange for Company particulars and a signature to complete the enclosed application form, which should be lodged in this office on or before 23rd May.

The necessary deposit (£13 10s.) is already held to your credit.

That was the deposit for two previous unsuccessful applications. Then there is a notation to the O.C. Registration and Deeds as follows:—

Please allocate a Nuyts Location number to the area applied for herein. Everything was moving.

Mr. Bovell: That is efficiency.

Mr. MOIR: Then the application came in with this letter dated the 17th May—the day before applications were called in the *Government Gazette*. The letter is from the Sales Manager of BP Australia Ltd. who was mentioned previously as having had a verbal discussion on the 15th May with a departmental officer. The letter reads as follows:—

Re Motel Site—Eyre Highway.

Your reference 1347/62.

Thank you for your letter of the 16th instant, enclosing a copy of an application for special lease, which we have duly completed and return herewith.

We also attach layout plans of the improvements we propose to erect on the site should our application be successful, and should like to repeat the assurances given in our letter of the 9th May, and our discussions with several officers of your department, that these will comply with the Model By-laws (Motels No. 3) as required in clause 4 of the terms and conditions enclosed with your letter under reply. Your attention is invited to the fact that we have made some minor modifications to the residential units to those submitted under cover of our letter of 9th instant, and in this

regard, we would like to thank your Mr. Edwards for his helpful advices in this matter.

We trust the application and attachments are satisfactory, and look forward to your favourable reply.

Notice that the company mentions minor modifications to its previous application which was turned down! There were some serious omissions from the company's attempted compliance with the motel by-laws. Then we have this note by Mr. Ritchie—

O.C.

I.B. 24/5/62.

Note—

The Under-Secretary informed the Premier of the result of the application herein and B.P. Australia have also been advised.

So evidently the Land Board met in camera and allocated this. Then Mr. Ritchie sent a memo. to the officer of the Roads and Reserves Branch. It is dated the 5th June, and is as follows:—

Although the exact position of Nuyts Location 3 will not be known until survey is completed, there appears to be no reason why Executive Council approval to the lease cannot be sought at this stage. For necessary action please.

That is a most extraordinary thing: to seek Executive Council approval for a site of which nobody knows the location! They are going to lease a site and they do not know where it is going to be.

Mr. W. Hegney: That is tough.

Mr. Hawke: They have not dropped any steel pegs from an aeroplane.

Mr. MOIR: In the selection of this site we find another very interesting document which is dated the 17th July, addressed to the Surveyor-General, and signed, "B. E. Campbell, Staff Surveyor." It is as follows:—

Job No. 26803—Survey of Nuyts Location 3.

1. I met representatives of B.P. Australia Ltd. at Norseman on Thursday, 31st May, 1962, and travelled with them during the next two days whilst investigations for the selection of a suitable motel site were carried out.

2. Some prolonged investigation was necessary before a suitable site was agreed upon.

3. My instructions stated that any site should be between 45 and 50 miles west of Cocklebiddy.

4. During the course of ground selection the B.P. representatives pointed out numerous sites which they considered very suitable for their requirements, but as these sites were

well inside the 45 mile limit, I accordingly informed them that a site would not be surveyed so close to Cocklebiddy.

5. However, further investigations from a point 45 miles west of Cocklebiddy as far west as 70 miles produced no suitable sites, and bearing in mind the obvious requirements already specified in my report on Balladonia Location 16, namely, suitable ground for catchment purposes, etc., a compromise was made, and a site about 43 miles west of Cocklebiddy was chosen.

6. The Location, Nuyts Location 3, was surveyed, as per instructions. Refer to my Field Book No. 36, page 4. See also classification sheet attached.

7. Cost of survey is listed on a separate sheet attached.

That is the documentary story, and I must say that it is an amazing story.

Mr. Bickerton: It's a best seller.

Mr. MOIR: British Petroleum was an unsuccessful applicant. It was unsuccessful for a Madura site, which was not allocated. Yet on its further application when it mentioned Madura and Cocklebiddy, although there was nothing on the file to show it, everybody appears to have got the idea that they wanted a site near Cocklebiddy.

Members of the Government might attempt to argue that 43 miles is quite a distance between sites; but I say that if one lived 43 miles from one's nearest neighbour on the Eyre Highway, that neighbour would be practically next door. Those people pioneered those sites. They were not granted leases; they made arrangements with the occupiers of the pastoral properties to build those places and they gradually built up their businesses over the years.

Mr. MacDonald went out there with his family and started off by selling pies from a tent. What courage a man like that must have! He developed his business until he had something worth while, and it was of great assistance to the travellers passing through. The other three lots of people along that highway built their businesses under similar conditions.

Then we find that applications were called for the sites that were going to be leased to them. No particular site was pinpointed. It was indicated that it would be a certain area, and they were told to pick their sites in that area. They picked their sites and put in their applications on the assurance that no two applicants would be granted the same area. Despite the letter of the 30th July to Mr. MacDonald from the Premier, Mr. Brand, in which he said that at no time was there any suggestion that any person would be granted a monopoly of a particular region,

there is ample evidence on the file that these applicants were informed that only one motel would operate in each particular area. It was on that understanding that these people undertook to commit themselves to such heavy expenditure.

One can imagine the consternation of this man when he found that a big oil company had been granted a lease within 43 miles of him on that same highway. Forty-three miles on that highway at the present time is just a fleabite; it is not far to travel at all. There is talk of the road being bituminised; and that, of course, will cut the distance.

I want to refer briefly to an article which appeared in the *Weekend News* of Saturday, the 11th August, 1962, and which was written by Mr. Lloyd Marshall and headed, "New Glamour Role for Eyre Highway." It is quite a long article, but I am not going to read all of it. It says that prefabricated motels have gone out to several sites on Eyre Highway, one of which belongs to Mr. Macdonald. He did not lose any time getting on to the job when his application was granted. He evidently put in the order immediately for this motel to be delivered to him. The writer has this to say—

Oil companies are not public benefactors. They are putting money into service points because they are staffed with business men who have judged that the time has arrived when the service points can be operated profitably.

#### Money Spinner.

And now it is a race to get the best positions so that not only will Australia's Main Street be a Golden Highway to the Golden West but it will be a golden money spinner with all those millions of gallons for commercial and tourist vehicles.

In other words, there is going to be cut-throat competition with these people.

What I am concerned about is the very tender regard shown by no less a person than the Premier for this wealthy British Petroleum Oil Company—which, as I say, was the losing applicant for a site at Cocklebiddy—in circumstances that leave a lot to be desired.

Mr. Grayden: You will hear the reason for it shortly—and there is good reason.

Mr. MOIR: If the honourable member can give a reason for the hole-and-corner methods being adopted, I will be very interested to hear it. I say they are hole-and-corner methods when we find that on the 16th May—after the Premier had taken action on the 15th May—these people were notified to submit an application. It can be seen from the file that to all intents and purposes this company had already been granted the site. None of the people previously interested were advised—not even Mr. Payne who had

been informed a few days before-hand that he had missed the bus. That takes a good bit of explaining. There may be an explanation for it. Probably it can be explained to the Government's satisfaction, but it will have to be a good story to satisfy me.

Mr. Graham: And a lot of others.

Mr. MOIR: I am very concerned that this sort of thing occurs on a Government level; because, after all, I maintain that while these big institutions do play a wonderful part in this country both in opening up portions of it and supplying the requirements of the people, the little people like the MacDonalds are also playing a prominent part and they should receive equal consideration with the more powerful people.

MR. BRAND (Greenough—Premier) [9.21 p.m.]: I am going to oppose this motion because, in the first place, whatever the criticisms of the action which I took, on the part of the Opposition or anyone else, there surely is not a case for a Select Committee. In fact, all the evidence is on the file and to all intents and purposes I would be the only witness, because, to cut a long story very short, it was my minute which has already been read out to the House which brought about the situation which is the subject of the honourable member's speech.

He set out to indicate that there were some very doubtful actions—suspicious decisions—but I can assure the House that there were no doubtful actions on my part or on the part of anyone else. I appreciate that Mr. MacDonald has written to the member for Boulder-Eyre and that Mr. MacDonald is very concerned. We have to realise that all the honourable member has said about the lead-up to the final decision of the Land Board simply resulted in the Land Board deciding that Mr. Jackson of Balladonia and his wife would be the successful applicants for that site and that Mr. MacDonald and his son-in-law, Mr. Hector, were the successful applicants for the Cocklebiddy site.

The question of calling applications for the site at Madura is indicated on the file as being one where the Land Board decided that if certain conditions were complied with the existing lessee should continue; and those conditions were that the lessee should add another five units of accommodation at Madura.

I wish to say that I have no regard for B.P. or any other oil company—I have no interest whatsoever in them. Nor have I any interest in the Mobil Oil Co. at Cocklebiddy and Balladonia, the Shell Oil Co. at Madura, or the Shell Oil Co. at Eucla.

Mr. H. May: They have some interest in you!

Mr. BRAND: That may be so. I could not say. They may have some interest in members of this House; but the fact remains that the B.P. Co. was the only company which had the wherewithal to establish a motel and a service station. They were the only ones to come forward outside the existing set-up.

I drove my car to Adelaide some two years ago—or perhaps it was a little bit longer—and I saw for myself the service which was being provided on this highway. I appreciate that the people of Balladonia faced great difficulties, inasmuch as they did not have any money; and, in fact, they had very little direct vested interest in the old station house, which was certainly falling down and in a very dilapidated condition.

We called in there for petrol and we were given service. I must admit that I did not feel that the place was all that it might have been by way of tidiness or cleanliness. Nevertheless, the owners were working under very difficult circumstances. At Cocklebiddy we found quite clean and serviceable premises, providing the pies to which the member has already referred. We discussed some of the problems with Mr. MacDonald. We discussed the problem of water supply, and we discussed the problem concerning some of his pastoral leases. I understand he had some few thousand sheep, some of which were grazing around the site.

At Madura, where there is a licensed hotel or motel, whichever we might call it, reasonable service was provided. We then came to Eucla where Mr. and Mrs. Gurney and their family have lived for many years. We were able to obtain a cup of tea and a very nice light meal; and we were supplied with petrol. We then went to the new site where Mr. and Mrs. Gurney are erecting a motel. They have started to demolish the old buildings down on the plain and to transfer them on to the escarpment where there had already been established a monument to the early pioneers of the postal services and around which they were hoping to establish a new service station. He was bringing up only a few bricks at a time, and at that stage it appeared that it would be quite a lengthy period before he was able to provide accommodation.

It is not a matter of providing petrol service; it is a matter of providing accommodation. When it was ultimately decided that we should call for sites for motels on the Eyre Highway, a decision was made bearing in mind the increased patronage of the road and the very real upsurge of business which would take place during the brief period of the British Empire and Commonwealth Games. The Christmas season will follow. As figures show, there are more than 25 or 28 vehicles a day which on the average have

passed there for the last 12 months or so. The number of vehicles during the Christmas period increases into the hundreds.

I placed my minute on the file simply because I felt that here was an opportunity to establish a new building of a high standard with people who could provide, if it can be provided at all, a reasonable water supply, and also the accommodation which I believe will be in demand in a very short time. I believe that if the B.P. company did not come in then, it could be quite a number of years before it would again be interested.

I might also say that all this land along the Eyre Highway is Crown land and the Government is able to control all of it. If there were any private properties along the Eyre Highway then there was nothing to stop private people selling land to oil companies and then establishing themselves near Cocklebiddy or in any other place. Anyone who cares to read the file with an open mind will see that each person who had an interest in this matter was endeavouring to avoid any real impact by way of competition at Cocklebiddy.

The file indicates that the B.P. company was anxious to establish near Cocklebiddy because that is the optimum site along the highway. It wanted to establish a site between there and Madura; and when it was finally decided that it should be between 50 miles and 70 miles on the west side of Cocklebiddy I felt that so far as the company was concerned, or anyone else was concerned, not very real interest would be shown.

However, as the file indicates, B.P. was still interested, and I took the action I did to ensure that we did not miss an opportunity which I believed would not come our way again for some time; because the company was compelled to provide another 10 units of accommodation, and the decision was made without any regard for petrol service or anything else. We will have 10 units at Balladonia and we have 10 units at Cocklebiddy, and we hope to have 10 units at Madura.

Some short time ago the Minister for Works travelled by road to South Australia, and he reported that there was no prospect of a motel being completed at Eucla for some months to come, and therefore that accommodation would not be available. Also at Madura there were only the existing five units available. I honestly believe that the road traffic on the Eyre Highway—and when I refer to road traffic I mean private cars—will increase so rapidly in the near future that further accommodation will have to be provided; and Mr. MacDonald, provided he is competitive, will get more than his share of the business simply because of his situation on the Eyre Highway.

The file reveals, too, that we took into consideration the fact that he had certain buildings there, and a survey was made and special consideration was given to include those buildings in his site. Therefore, his situation was not disregarded at all. It simply meant that we had another opportunity—a further opportunity—of getting a new motel, or a new service station with a motel site, and this was the standard which would be established on this highway.

I do not agree with the remarks of Mr. Lloyd Marshall that this will be a golden highway, and all the extravagant language he used; but I believe that with the speeded-up programme of surfacing the Eyre Highway there will be a marked increase in the traffic which will travel east to west and west to east. The plans are that the Western Australian section of the highway will be sealed by about 1969—some 460 miles of it from Norseman east—and when the road from Port Augusta to Ceduna is sealed, as has been planned—and a great deal of money has been provided by Sir Thomas Playford—it will become a very busy highway.

I believe I was looking ahead; but I anticipated, and in fact I was more or less warned, that in making such a decision there could be criticism of my actions. However, after careful judgment, I decided that I would write the minute to the Minister for Lands. I asked that applications be called with the minimum of time, simply because of the time factor from that point to the Commonwealth Games, when we required this accommodation. As far as I am aware, the calling of applications in both cases was in conformity with the regulations, and also in conformity with the traditional line taken by the Land Board.

Mr. Bovell: That is correct.

Mr. BRAND: It was done in a minimum of time. I did not wish to exclude anybody, but I simply asked that applications be called in the minimum of time, and that was done. I have very little more to say about this matter. I believe the case which I have put forward is quite a simple and very brief one, and it is in reply to a lot of reading from the file by the honourable member, who sees some ulterior motive in the decision which I made.

I can assure the House there was no ulterior motive at all; and looking into the future, I think every one of these service stations or road houses, as they might become known, will receive a fair share of the business; and might I say to those pioneers who are already established out there: You have the backing of whatever pastoral interests you have already established. Their service stations and motels are built alongside their existing businesses.

We must not overlook the fact that the Mobil Oil Company has already established a business on one side, and will be establishing another one on the other side of the B.P. site. It seems to me, judging from what we have seen in other parts of Australia, that the oil companies will ensure that there is keen competition, and in that way they will improve the standard of the Cocklebidy site. They will also improve the standard of the Balladonia site. My objective is to give a service to the people who travel along this road, and we have favourably considered the people who are already established. I say there is no case whatever for a Select Committee to be appointed to inquire into a matter which is clearly set out in the file, and about which, as far as I am concerned, there has been no doubtful action.

MR. HAWKE (Northam—Leader of the Opposition) [8.37 a.m.]: The Premier has pleaded guilty to the main points of criticism which were made against him by the member for Boulder-Eyre. He has given reasons as to why the criticised actions were taken and, in effect, has asked for some degree of mercy—

Mr. Brand: I did not ask for mercy at all.

Mr. HAWKE:—in regard to the question of setting up a Select Committee to investigate the whole of the circumstances. There is no doubt at all that a careful reading of the file exposes not only a very great hurry to provide BP with a motel site west of Cocklebidy on the Eyre Highway but also to make sure that BP would be the only people to know the site was available.

Mr. Brand: That is not so.

Mr. HAWKE: It is so; because applications for the site were advertised publicly on a Friday and they closed in Perth on the following Wednesday.

Mr. Brand: That is set out: that is the minimum time to be allowed.

Mr. HAWKE: I suggest to the Premier that he try to be reasonable about this matter. The member for Boulder-Eyre made no suggestion of ulterior motives against the Premier, and I make no such suggestion either.

Mr. Brand: I would like to know what you call it then.

Mr. HAWKE: I feel certain the Premier felt that in the circumstances he was doing the right thing. I give him credit to that extent; but I say it is an awful exaggeration for the Premier to claim that anyone who might be interested in making application to lease the site in question had a reasonable opportunity to do so when applications were only called publicly on the Friday and closed in Perth on the following Wednesday.

Mr. Brand: As far as I was aware, no-one else had shown any interest in any case.

Mr. HAWKE: That is not the point at all, and it is not correct for the Premier to say as far as he knew no-one else had shown any interest, because the file clearly demonstrated that when applications were called not long previously for sites in the vicinity, some 15 to 20 applications were made for them, but only two sites were allocated in the 100-mile locality of which I am speaking. So there were other people keenly interested; but their applications had been passed over in favour of Mr. MacDonald in the one instance, and in favour of the Jackson people in the other.

So there were many other people interested; in fact, keenly interested and anxious to obtain a site for the erection of a motel in that area. In fact, the member for Boulder-Eyre, when speaking, indicated that an applicant from Coolgardie, who sought an opportunity to erect a motel on the Eyre Highway, had applied to the Lands Department, and there was a note put on the file by one of the officers stating, in effect, that Mr. So-and-So had made an application, but had missed the bus.

I ask the members of this House to work out in their minds when the *Government Gazette* published in Perth on the Friday would reach Coolgardie, for instance, seeing that the next day was a Saturday and the following day a Sunday. I ask them to work out in their minds when that *Government Gazette* would reach Norseman, where there might have been some people who would have been extremely interested to apply for these leases.

So I say that my first important point of criticism is in respect of the impossible period of time which was stipulated between the calling of applications and the closing of them. It is obvious from the file—and the Premier would not deny this—that BP was a preferred applicant. It had prior knowledge of the fact that applications were to be called. I have no doubt that it knew when they were to be called before they were called, and when they were to close before any information was published when they would close.

This land is Crown land, as the Premier has told us. This means that in the proposed leasing of it every citizen of the State should have an equal opportunity to apply for it; and the Government breached that clear-cut and valuable principle in relation to the disposal of Crown land either by lease or by any other method. So the Premier and the Minister for Lands are both vulnerable on that important ground; and, as I have said, that is my main point of criticism.

Surely the Minister for Lands would agree that every citizen of the State should have equal opportunity to apply for a lease of Crown land regardless of whether it is

to be used for a motel site or for any other purpose. Yet, in this instance, only the preferred applicant had any knowledge or opportunity to apply for this lease because that applicant was the only one that knew. The Premier tries to justify that by saying he was anxious that a minimum of time should elapse between the calling of applications and the closing of them.

Mr. Brand: In order to have the building completed in time for the Commonwealth Games.

Mr. HAWKE: Yes; in order to have the motel completed by the time the Commonwealth Games traffic started to come to Western Australia. Surely two weeks between the calling of applications and the closing of them would not have made all that difference! I am not sure whether I would have been so upset or so critical had even a week been allowed to elapse between the two dates, but I think, in the circumstances, nothing would have been lost in the long run had two weeks been allowed to elapse.

Mr. Brand: Maybe I was wrong in saying a minimum of time, instead of saying that I appreciated how short time could be in the circumstances.

Mr. HAWKE: I think the Premier would realise, on reflection, that the time between calling for applications on the Friday, as published in the *Government Gazette*, and the closing of them in Perth on the Wednesday, was an unconscionably short period; because, apart from other factors, some of the people who might have been anxious to apply would have lived at Coolgardie, Norseman, Port Augusta, Esperance, Kalgoorlie, or some other place.

So I say a very serious mistake was made in calling for the applications and then closing them so rapidly. I sincerely hope and trust that what has happened in this instance will serve as a guide and a safeguard in regard to future applications relating to the leasing of Crown land; or in regard to any other matter under the control of the Government where every citizen in the community should have an equal opportunity of being able to apply for whatever is being made available to the public.

The other point of criticism I wish to make briefly is in relation to the fact that the Government granted a lease to Mr. MacDonald and his partner at Cocklebidy, and, at the time, as I understand it, granted a lease some 100 miles westward to the Jackson family. As far as my knowledge of the situation goes, that meant there would be no intervening motel operating.

The Premier says that by granting BP a lease to construct a motel only 43 miles from Cocklebidy, Mr. MacDonald and his partner would not be detrimentally affected in their business. I cannot agree

with that. I think, and Mr. MacDonald thinks very strongly, that his situation has been prejudiced very greatly. He feels that the £10,000 for which he has become committed for the improvement of the building on his site is gravely endangered; and apparently he is not in a position to suffer the loss which he considers he could easily make within a reasonably short period.

I might agree with the Premier in his reasoning that Mr. MacDonald and his partner would make ends meet between now and, say, the end of the year, with all the additional Commonwealth Games motor traffic travelling on the highway, together with the Christmas traffic that would be moving over it subsequently.

Mr. Brand: And the general build-up of traffic that will continue.

Mr. HAWKE: However, Mr. MacDonald has to look further ahead than four or five months. I do not know what his financial means are, but I should imagine they are not great; and when a person in his situation commits himself to an expenditure of £10,000, by probably binding himself to a bank or some other financial institution in order to obtain the money, he must be able to see more than five or six months ahead. He wants to be able to see, I should think, at least six years ahead to get a fair return on his money and to preserve his capital.

In all the circumstances, I think that if a lease were to be granted for a site approximately halfway between Cockle-biddy and the site which was leased to the Jacksons further west applications for another lease should have been called at the same time. It should have been public knowledge at the time that another motel site would be leased on the highway between the other two. Had that been public knowledge, or had there been any thought it was likely to happen, then Mr. MacDonald would have thought seriously whether he would have applied at all; and Mr. Jackson further west would also have had second thoughts whether he should apply and commit himself to the additional expenditure in which he became involved once the site was leased to him.

So those are two unfortunate features which seem to me clearly to arise from the activities of the Premier in this matter; and also from the actions, subsequently, of the Lands Department. I repeat, I make no suggestion of ulterior motive against the Premier, the Minister for Lands, or any of their officers. I give them credit for what they did in the belief that it was the thing to do in the situation which they saw, and the angle from which they saw it.

I am convinced that in their anxiety to achieve the objective which was ahead of them they overlooked some tremendously important principles, the most important

of which, as I said earlier, is that when applications are called in a situation of that kind, they should not be called and closed in such a way as to make it impossible for the public, or for people who might be interested, to know what is going on. That was a most important feature of the situation, and I sincerely hope and trust it will never be repeated in this State, no matter which Government is in office.

MR. BOVELL (Vasse—Minister for Lands) [8.53 p.m.]: The Leader of the Opposition said during his remarks that I am vulnerable; and therefore, I feel it incumbent on me to say something in this debate, even though I think the Premier has dealt adequately and completely with the matter. It must be remembered that applications had been called, prior to the second lot of applications, for the establishment of motels on the Eyre Highway which would conform to the motel by-laws. However, the position was that the application made by British Petroleum was deficient in that it did not comply with the conditions. As a matter of fact, the main purpose of this exercise was to get an adequate residential unit established before the commencement of the British Empire and Commonwealth Games in Western Australia.

After the applications, in the first place, had been dealt with by the Land Board, that board reported its findings and recommendations to me; and I must admit I was concerned that the establishment, or what would appear to be the establishment, of an adequate accommodation unit on the Eyre Highway would not be accomplished before the commencement of the Games. I discussed the matter thoroughly with the Premier; and he, as Minister for Tourists, was also very concerned.

It was then the Premier directed the minute which the member for Boulder-Eyre has read completely to the House from the files. Because we had had previous discussions on the matter, I forthwith asked that immediate action be taken and that the applications be recalled within a minimum of time. I discussed the matter with the Under-Secretary for Lands who, at my direction, convened the Land Board, made arrangements for the necessary entry in the *Government Gazette*, and called the applications within the time provided by the Land Act.

Mr. W. Hegney: How many days is that?

Mr. BOVELL: I am not going into any further detail.

Mr. Hawke: I bet you are not!

Mr. BOVELL: The timing was left to the departmental officers.

Mr. Hawke: The timing was perfect from one point of view.

Mr. BOVELL: It was carried out in the minimum of time.

Mr. W. Hegney: Do not blame the departmental officers.

Mr. BOVELL: I am not blaming the departmental officers. They did as they were instructed; and they were instructed to carry out the calling for fresh applications within the minimum time.

Mr. Hawke: How many days?

Mr. BOVELL: They only carried out their instructions.

Mr. Hawke: How many days?

Mr. BOVELL: That has already been related here. I am not going to repeat that information, because I know that members of the Opposition have a great habit of trying to draw red herrings across the trail.

Mr. Bickerton: Do you know what the minimum time was?

Mr. BOVELL: The only application received was that from British Petroleum; and that company was the successful applicant. The whole purpose of this exercise was to have established on the Eyre Highway an adequate accommodation unit for travellers coming here for the Empire Games.

The action taken by the Premier, myself, and the departmental officers is constitutional; and I believe the establishment of this unit is in the best interests of Western Australia, because of the great importance of the games to be held here in November of this year.

Mr. H. May: It is a pity some justice did not come into it.

Mr. BOVELL: It was important to have this accommodation unit established before the commencement of the Empire Games.

MR. H. MAY (Collie) [8.58 p.m.]: I move—

That the debate be adjourned.

Motion put and a division taken with the following result:—

Ayes—24.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. D. G. May
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller.)

Noes—24.

Mr. Bovell	Dr. Henn
Mr. Brand	Mr. Hutchinson
Mr. Burt	Mr. Lewis
Mr. Cornell	Mr. I. W. Manning
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Crommellin	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. O'Neill

(Teller.)

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Motion thus negatived.

*Debate Resumed on Motion*

MR. WILD (Dale—Minister for Works) [9.1 p.m.]: I only want to add a few words to what has already been said during this debate. I passed over this particular area referred to in the motion some time in April last, but I cannot remember the exact date. In any event it was since the last general election.

On my return I made a report to the Premier on what I had seen. I was absolutely alarmed at the situation that confronted me. If the Premier did take what appears to be a hasty action—but action within the law—I say that under the circumstances he could have done nothing else.

Mr. Moir: What was the date of your trip?

Mr. WILD: I do not remember the exact date, but it was since the last general election. I think it was some time in April when I went over.

Mr. Hawke: Which year?

Mr. WILD: At Cocklebidly, in the presence of the Commissioner of Main Roads (Mr. Leach), and the engineer (Mr. Eustace), Mr. Hector said to me, "I have lost interest." When I asked him, "What are you going to do about the accommodation?" he replied—and I think these were his exact words—"I have lost interest."

Mr. Moir: He has probably lost interest now.

Mr. WILD: This was before this matter came up.

Mr. Hawke: Do you remember his exact words?

Mr. WILD: If those were not his exact words they convey exactly the impression which I was given, and the impression which he left with the Commissioner of Main Roads, the engineer, and myself. When I looked at my notes I was certain that was what he said.

When we moved to Madura practically the same situation was found. When I questioned Mr. Smith as to what he was going to do, he indicated that he did not feel he would be putting in any units. When I saw Mr. Gurney at Eucla I was surprised at what he was doing. He is a great pioneer and works there with one son aged about 19 years and another about 14 years, trying to erect the motel. They bring the bricks from the old site and then lay them, brick by brick. At the time we paid him the visit he was fitting the front door of a room which will finally be the cafe. I asked him where the bedrooms were to be built, and he replied, "I will have to put them down here." I asked,



"Who is building them?" and he replied, "I am." I then asked him, "What are you going to build them out of?" and he replied, "I am going to build them of brick."

I visited the tourist authority in South Australia, Victoria, and New South Wales; and each one indicated that it had a full file containing the names of people desiring to come to Western Australia for the forthcoming Empire Games. I spoke to the R.A.C. in South Australia and was told there would be 2,000 to 3,000 motor cars coming to Western Australia over the Eyre Highway for the Games. When I returned to Western Australia I told the Premier it was absolutely urgent that something should be done to provide accommodation, otherwise all these people coming over would have no accommodation.

I only rose to speak so that I could indicate to the House what Mr. Hector had said to me, and give my observations. Let us be factual about this matter. Who else would be prepared, other than an oil company, to expend several thousands of pounds—the amount required for the establishment of such a motel—on a venture which will sustain a burst of business for a matter of three to five weeks?

Mr. Hawke: Can the Minister tell us how many miles it is from Eucla to the site which has been given to BP Australia Ltd.?

Mr. WILD: I do not know where that site is. I have not the slightest idea where it is.

Mr. Hawke: Of course not.

Mr. WILD: I was alarmed at the situation, because I knew that many people were coming over for the Games. The Premier took action within the law, recognising the urgency of the situation and the fact that the Games were to be held in four or five months' time. He did the only thing possible; and the Leader of the Opposition would have done exactly the same.

Mr. Hawke: He would not. From what you have said it is a pity you came back.

Mr. WILD: The Leader of the Opposition would have done exactly the same. There was every justification for what the Premier did. I join in the comment of my colleague on my left, the Minister for Lands, when he said there was absolutely no indication that he was gaining anything, except to give service to the people of Western Australia. There is no justification whatever for the appointment of a Select Committee, as suggested by the member for Boulder-Eyre.

MR. MOIR (Boulder—Eyre) [9.7 p.m.]: I listened very intently to the three Ministers who have just spoken. Frankly, I am very disappointed with their explanations,

and I am not a bit impressed by any one of them. In his opening remarks the Premier said that he would be the only witness if a Select Committee were appointed. I have known the Premier for quite a while, but I have never looked on him as being egotistical—although that remark might apply to some members of his Government.

Mr. Brand: It certainly was not egotistical. I accept full responsibility for the action. There was never any degree of egoism in my action. Let me get that clear in your mind.

Mr. MOIR: The Premier had not given thought to this question, just as he had not given thought to the action he took previously.

Mr. Brand: He did give it a lot of thought.

Mr. MOIR: I do not think for one moment there was any ulterior motive on the part of the Premier.

Mr. Brand: That is why you are moving for an inquiry!

Mr. MOIR: I do think that the Premier was very lacking in his deliberations; in fact, he did not make any deliberations at all. He could not have read these files; he just took action without any thought of an investigation.

Mr. Hawke: The Minister for Works pushed him into it.

Mr. Wild: The Minister did not.

Mr. MOIR: I suggest that, if a Select Committee were appointed, the first witnesses to be called would be the applicants who initially inquired for these motel sites. Of course they are no mean people; and among the parties, Ampol Petroleum is included. I want to read from a list, which is dated the 23rd February, appearing in the file. These people were advised by the Lands Department that applications were to be called for the lease of motel sites on the Eyre Highway: Ampol Petroleum; BP Australia Ltd.; Vacuum Oil Co.; Caltex Oil; H. C. Sleight; Neptune Oil; Mr. Robert Jackson; Mr. MacDonald; Mr. John and Mary Smith; Mr. J. S. Brown, Box 12, Como; Mr. J. Russell, 2B Grand Promenade, Meltham; Mrs. Grace Brown, Bordertown, S.A.; Mr. N. A. Samek, Scarborough; the Secretary, Highway Motels, Perth; Director of Tourist Development, W.A.; Shell Co., Perth; Mr. V. Deak, Kitchener Street, Peterborough, South Australia.

I should imagine some of those people would conceivably desire to go before a Select Committee to express their views on what has happened; and certainly the people vitally concerned would be very interested to do this. In the second statement I have noted, the Premier said that British Petroleum was the only one to come forward under the set-up. I ask him this: What does he think of Mr.

Payne's application—the man who was backed by the Caltex Oil Co. at Coolgardie. Is not that company sufficiently important for the Premier to take notice? The Premier went on further to say that the files would reveal that everybody was trying to avoid encroaching on Cocklebidly.

I would go further and say that probably these people who inquired were anxious not to encroach on Cocklebidly, Madura, Balladonia, or Eucla, because the majority of them did not believe they would be successful applicants when it was intimated to them that only one motel site would be granted. They would feel that the people already there would have a prior right and would receive prior consideration providing they could comply with the conditions laid down in the calling of applications. The people who applied did comply with the conditions, but British Petroleum did not. So far as the files are concerned, I am not aware that the company has complied with the conditions now. However, it has been granted a site.

Mr. Brand: It certainly has.

Mr. MOIR: When it made its further application it still did not comply with the conditions as laid down. I agree that the file does disclose that a lot of responsible people were trying to avoid encroaching on Cocklebidly; and the Tourist Development Authority was quite emphatic that there should be no encroachment on the existing sites. The Surveyor-General was also quite emphatic about this in the notification to the applicants, which pointed out there should be no encroachment on the existing sites. I will now read from the file a letter, dated the 16th November, 1961. Here I would point out something which bears out my earlier assertion that all the papers connected with this case were not laid on the Table of the House, because it is a copy from file 493/51, which was not tabled. The letter in question was forwarded to Mr. John and Mrs Mary Smith, and copies were sent to the other applicants. The letter reads as follows:—

I should be obliged if you would favour me with a reply to my letter of the 19th October, 1961, which read—

This Department proposes to call applications for leasing of sites for Motels at selected positions along the Eyre Highway, but before taking such action invites you to furnish full information concerning any future plans you may have for the improvement and development of your existing establishment.

2. You will appreciate the fact that it is highly desirable to provide a satisfactory standard of Motel along the Highway and, of

course, it is realised that they must be paying propositions. Bearing these aspects in view, the Department realises that it would be obviously unwise to grant sites for leasing too close together. You are therefore now afforded an opportunity to state in what manner you propose to improve and extend your establishment as a guidance to the Department in choosing new positions for sites.

So we find that British Petroleum was not worried about encroaching on the site at Cocklebidly; and it was not worried about it at Madura, Balladonia, Eucla, or anywhere else. That was stated in one of the company's applications.

The Premier went on further to say that the Ampol Oil Company was on both sides of BP; but I would point out to him that that does not make much difference to Mr. MacDonald.

Mr. Brand: It ensures the safety and competitive standard of their business.

Mr. MOIR: Oil companies are interested only in selling oil. Although Mr. MacDonald receives a commission from oil sales, he is interested in supplying accommodation to the travellers. As far as the oil companies are concerned, I do not suppose they would be very worried if a motel was not a paying proposition. Therefore, I do not see the point in the Premier's statement.

Mr. Bovell: After all is said and done, it is a public convenience.

Mr. MOIR: I think the Premier has probably been anxious to see that suitable and adequate accommodation is provided, but I say he did not give due consideration to all the circumstances before he directed the action to be taken. I say preference was shown to British Petroleum—preference which should not have been shown.

If the Government decided in its wisdom that other sites should be allocated—and for the life of me I cannot see why, because it had already informed the people concerned that sites would not be granted in their areas—would it not be the logical thing to inform all of the interested people, and particularly the Caltex man, Mr. Payne, at Coolgardie, who only a few days before had been informed by the departmental officer that his application had been received too late?

In fact, the departmental officer's memo. on the file relating to that application said, "He is too late. In effect he has missed the bus." Those were the very words used on the file. However, Mr. Payne was not notified; nor were any of the other applicants, although applications were called with a minimum of delay, according to the Minister for Lands.

Mr. Bovell: That is so. I gave my instructions and I take full responsibility.

Mr. MOIR: Do not wave your finger at me. It might be all right to wave it at some of your departmental officers.

Mr. Bovell: I do not have to do it to them.

Mr. MOIR: I will not jump when you do that. On the 15th May there was the direction that applications were to be called with a minimum of delay; and evidently that was on the 18th May. Yet, on the 16th May, BP was advised by letter that applications were going to be called and the company was invited to apply.

Mr. Hawke: They were preferred applicants all right.

Mr. MOIR: On the 16th May a file was ordered to be started in order to deal with BP's application. It is quite apparent it was a preferred applicant; it was certainly getting the inside running. I could not help thinking, when the Minister for Lands projected himself into this debate, that the Premier must have been reminded of that old saying, "Save me from my friend," because I thought he made the position infinitely worse.

Mr. Bovell: That is only a matter of opinion.

Mr. Brand: I guess a few on your side have thought that about you sometimes when you have risen to your feet.

Mr. MOIR: I thought the Minister for Lands ran counter to his previous decision that he was afraid that adequate accommodation would not be provided by the time of the Commonwealth Games.

Mr. Hawke: Had to make up for the Chevron-Hilton.

Mr. MOIR: I wonder by what tortuous line of reasoning he arrived at that decision?

Mr. Bovell: Because I had hoped that the original Land Board decision would produce the desired result.

Mr. MOIR: The Minister had access to the file which indicated that the applicants—in particular MacDonald and Jackson—had had their applications rejected because they could not show the board how they were going to obtain the finance, and yet the Mobil Oil Company stated that it was prepared to guarantee these people all the finance they would require. Specifications had all been provided and they complied with the conditions laid down by the Government when it called tenders, those conditions being, of course, that the motel model by-laws must be complied with.

The Minister is concerned that adequate accommodation will not be provided, so he speeds everything up to make it possible for the discarded applicant to be granted a site, and the applicant of

whom I am speaking is the company whose application was rejected on two occasions by the board because its specifications did not come up to standard.

Mr. Bovell: But they did come up to standard.

Mr. MOIR: Not at the time.

Mr. Bovell: But they did finally.

Mr. MOIR: Well, of course, if we give a person enough opportunities no doubt he will come up to standard; but a memo. on the file indicates that even when this company submitted its third application the specifications were still not up to standard.

Mr. Hawke: Slow learners!

Mr. MOIR: The Minister says that he was afraid. Evidently that is another memo. missing from the file, because there is no memo. concerning the Minister's misgivings. As a matter of fact, according to the Minister he had no confidence in his officers or in the Land Board.

Mr. Bovell: That is ridiculous, of course.

Mr. MOIR: He had no confidence in them because after the Land Board had rejected the application on the grounds that it was not adequately shown whence the finance was to be obtained, he returned the matter to the board for further consideration.

Mr. Bovell: That is fair enough.

Mr. MOIR: Of course I told the Minister when I opened my speech that I quite agreed he had done the wise thing, and it is a pity he spoiled that opinion by speaking; because I repeat that, after the applications were granted, assurances were given by substantial people that finance would be available, and yet the Minister does not place on the file his doubts but leaves it until now to rise in the House and say he had doubts. Why did he approve if he had doubts?

I would say that any reasonable person could have no doubts when assurances were given by people of the standing of the Mobil Oil Company that finance would be available if the people were granted the lease. And yet the Minister has his doubts. The Minister for Works also had his doubts. He took a trip across the Eyre Highway.

Mr. Hawke: He can't remember when.

Mr. MOIR: He cannot say when he went, but he does know that it was after the elections. I happen to remember that the elections were on the 31st March, so it must have been some time since that date. He said he was alarmed at the accommodation situation; but of course the applications had not been determined at that time. Therefore the people naturally were not going to be renovating their

buildings and spending thousands of pounds on their establishments before they knew the result of their applications.

I can understand the Minister for Works being alarmed then, although I am assured that the accommodation was reasonable; but naturally it was not accommodation that would be adequate for the amount of traffic which will be coming over for the Games. But evidently the Minister for Lands does not read the papers. Although he had serious misgivings about the people being able to erect adequate establishments, he still okayed the decision of the Land Board but was subsequently a party to the calling of an application for a fresh site. But, as I said, the Minister does not read the papers because in the article in the *Weekend News* on Saturday, the 11th August, was the following—

Mr. Bovell: That is, of course, only a feature article; the expressions of some person who—

Mr. Tonkin: Be careful!

Mr. MOIR: I would be careful if I were you, because the Press has been kind to you people; and I would not cast any doubts on its veracity if I were you.

Mr. Bovell: I will express my views against the Press or anyone else if I think I am right.

Mr. Hawke: Wait until after Saturday week!

Mr. Brand: That great day!

Mr. Bovell: I am never afraid of expressing anything which I think is right.

Mr. Brand: Let none of us count our chickens.

The SPEAKER (Mr. Hearman): Order!

Mr. MOIR: May I continue? The article to which I was referring reads—

It has gone this way: The State Land Board met in April to consider requests for sites to be leased for motels operating service stations along the highway.

Successful applicants were notified by mid-May.

By the end of June one 10 double-unit motel was stacked on wheels and on its way to the leased site on the Eyre Highway.

Another 10 double-unit motel was prefabricated here and shifted by road convoy in its entirety to its leased site a fortnight ago. The contractors arrived back in Perth yesterday.

The building part of the job was completed.

I ask: Can any reasonable person expect any faster action than that? The article also states—

Another package motel for the South Australian sector of the highway will be supplied and constructed from here.

That does not interest us just now, but further on the article states—

Just where are these new motels going?

Robert and Olive Jackson who pioneered the Balladonia refuelling point at the old Balladonia homestead about eight years ago, are behind the new Balladonia motel.

When they started their venture they were anticipating that one day the Eyre Highway would become National Route No. 1, Australia's Main Street.

Their new motel, about 20 miles west of the old Balladonia homestead, is where the new road turns off from the Eyre Highway to go direct to Esperance.

It is a 10 double-unit motel with toilet and hot and cold water in every room.

Further east from the Jacksons' W. L. MacDonald was a pioneer eight years ago at Cocklebidy. He began there with faith, hope and patience for the future of Main Street.

I do not think he would have much faith in this Government at present. To continue—

His motel has been completely prefabricated in Perth. Erection took less than a fortnight. It was the men who erected his motel who arrived back in Perth yesterday.

It is also a 10 double-unit motel with all the modern comforts you would expect to find in any metropolitan motel.

So much for the fears of the Minister for Lands. I would like to say that I am very sorry to have to air this matter in the House.

Mr. Court: That will be the day!

Mr. MOIR: It might be a laughing matter for members on the other side of the House, but I think it is a very serious matter for the people concerned.

Mr. Hawke: Hear, hear!

Mr. MOIR: I do not, as a member, derive any pleasure from seeing Governments of any complexion do what has been done to people who cannot afford to have such a thing done to them. I believe this is something which the Government should take to heart, and in my opinion a Select Committee would give people an opportunity to come forward and say what they think about this matter and give evidence before the committee; because, as I say, the whole story is not revealed on the file and no doubt there are people concerned who could give a lot of information to a Select Committee.

However, if my motion has obtained no other end than to air this matter in the House, and to impress upon the Government that it cannot get away with this

sort of thing without somebody raising his voice against it, then the motion has served a worth-while purpose. I hope it will be carried.

Question put and a division taken with the following result:—

## Ayes—24.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. D. G. May
Mr. Davies	Mr. Molr
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller.)

## Noes—24

Mr. Bovell	Dr. Henn
Mr. Brand	Mr. Hutchinson
Mr. Burt	Mr. Lewis
Mr. Cornell	Mr. I. W. Manning
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Crommelin	Mr. Naider
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. O'Neill

(Teller.)

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

## 1871 PENSIONERS

*Increased Payments: Motion*

MR. HEAL (Perth) [9.36 p.m.]: I move—

That in the opinion of this House, the Government should introduce legislation during the present Session, to improve substantially the financial position of the 1871 and other State pensioners who received little or no assistance from the 1960 legislation.

I am sure the Premier will be pleased that we have returned from Cocklebidy and are now back in the House to discuss some other motions. My motion is somewhat similar to that which I moved last session. If my memory serves me correctly, at the time the division was taken on that occasion the House divided evenly, and you, Sir, gave your casting vote in favour of the Noes and the motion was defeated. I sincerely hope that when you saw this motion again on the notice paper your conscience caused you to give some thought to deciding that if a similar position arises, you will give your vote in favour of the Ayes.

It was coincidental that on the same day I gave notice that I would move this motion, the Premier gave notice of his intention to move for the introduction of a Bill to amend the Superannuation and Family Benefits Act, 1938-1961. That raised some hope in my mind—and I am sure

in the minds of some other members—that he had at last seen fit to provide an increase for pensioners whom we have made some effort to help over the past two or three years.

However, when the Premier explained his Bill and presented it to the House, I was disappointed—and no doubt a lot of members were—to find out that it contained nothing to provide an increase for these people. I do not wish to repeat my speech of last session because it would be boring to members.

Mr. W. Hegney: No it wouldn't.

Mr. HEAL: I do feel, however, that in view of the many requests I have had from the Commonwealth Retired Officers' Association, and the many letters I have received in relation to this aspect, it should once again be brought before the members of this House. I am sure that the consciences of a lot of private members who sit behind the Government must have pricked them when the Treasurer of the day has continually refused to give these pensioners some aid and some assistance, and they find that they have to vote against a motion of this nature.

There are quite a few new members on the Government side, and I sincerely hope that when this debate is concluded they will give some serious thought to supporting this motion; because, as everyone knows, it is not binding upon the Government—it is simply expressing an opinion that the Government should look into this aspect of providing these pensioners with some relief.

When I moved this motion last year the Premier's opening words, in opposition to it were—

I do not suppose there is anything easier than to move a motion such as this in a House of Parliament—that in the opinion of the House there should be an increased pension, or an increased holiday, or an increased wage, or an increased profit. That is very simple; but the very fact that this particular motion for an increase in pensions had to be moved indicates there are some reasons and probably good reasons why increases such as those suggested by the member for West Perth, are simply not given.

I would like to say to the Premier—who is not in his seat—that a private member in this House has only certain ways and means of approaching the Treasurer to have his views placed before him and before the House. The moving of a motion of this nature brings before the Treasurer and the House the plight of these people. No doubt when the Premier was an ordinary private member on this side of the House, and even when he was elevated to the position of Leader of the Opposition, he must have moved a motion which

started off with the words, "That in the opinion of this House such and such should be carried out."

I hope that during this session of Parliament, and after due consideration, he will be able to see his way clear to give some increases in pensions to these people. In the Speech the Governor delivered on the opening day of Parliament it was stated that several Bills would be introduced this session, and included in the list was one to amend the Judges' Salaries and Pensions Act. I do not know what is contained in that piece of legislation, because as yet it has not been introduced, and I do not say for one moment that I am opposed to it. However, if the Treasurer can see fit to bring down a Bill which no doubt will have as its object increasing the salaries or superannuation of the judges, surely he can see his way clear to do something about the plight of those who are at present on the lower scale of superannuation payments.

If it is good enough to increase the superannuation payments for one section of the community, it should be good enough to do it for all other sections. I sincerely hope that when the Treasurer introduces the Bill I have just been discussing he will have given some further thought to the point I am mentioning, and that another Bill will be introduced to increase superannuation payments generally. I had a letter dated the 30th July, 1962, from the Secretary of the W.A. Commonwealth Retired Officers' Association in which he states—

Now that Parliament is sitting again, we are very interested in the 1871 Act especially. Under date of June 17th last I wrote the Premier bringing the matter to his notice, but he has not acknowledged our letter.

That letter is dated the 30th July, and maybe since that time the Premier has acknowledged it. In brackets, after that statement, the Secretary has written, "he usually does reply." The letter goes on to state—

I have seen Mr. Skewes, the Superintendent of Superannuation, W.A. He says he has lodged his report with the Premier after Skewes returned from the East at a meeting of all superannuation associations, but to date he knows nil further as Brand has not advised him further

Mr. Brand: Who wrote this letter?

Mr. HEAL: This is from the Secretary of the W.A. Commonwealth Retired Officers' Association.

Mr. Brand: What is his name?

Mr. HEAL: Mr. Hall. His letter continues—

Mr. Hawke's reply to my letter to him stated if the 1871 Act comes up this session he will do what is possible

to urge the matter along. The 1871 Act Committee under George Jeffery—

that is not Mr. George Jeffery, who was previously an M.L.C. The letter goes on—

—has been moving again and states a Liberal member has promised to help them.

At least the association has made a step forward, and if it has been able to get one of the private members on the Government side to support it we may get somewhere. To continue—

We have already pointed out the Commonwealth Government recognising the increased costs of living has paid out two advances to their retireds during the past months—

Mr. Brand: Evidently they missed out when the Labor Party was over here.

Mr. HEAL: No. If my memory serves me correctly, and if the Premier will open his eyes and think seriously, he will realise that the Hawke Labor Government gave these people some increases.

Mr. Brand: Some.

Mr. HEAL: Two increases as a matter of fact.

Mr. Brand: They have never stopped complaining about the amounts since.

Mr. HEAL: If they have not stopped complaining about the amounts since, it is all the more reason why the Premier should give them some increase now.

Mr. Brand: Not only the amounts, but the system under which they were allocated. If the Labor Party was so very interested in the problems of the 1871-ers it had a chance of resolving them when it was over here; and you were a member.

Mr. HEAL: They were given some increases by the Labor Government because of the increased cost of living, but as a Liberal Government has been in office in Canberra for the past 12 or 13 years, the cost of living has been increasing every year; and that is one of the main reasons why I think these people should be given some increase. It is the increased cost of living that is their main argument; and time and time again they have gone to the Premier of this State, and to the Premiers of other States.

Mr. Brand: A large number of them have benefited under this Government.

Mr. HEAL: They approached the Premier two or three years ago and asked him to bring down a Bill to increase superannuation payments—

Mr. Brand: And we introduced two.

Mr. HEAL: —and the Government introduced legislation, but it provided increases for those who were receiving the larger superannuation payments. Unfortunately, those who were on the two lower brackets of superannuation received no increases at all. They are the ones I am

mainly concerned with at present; because over the past four years they have received no increases. The ones to whom I am referring are mainly in the ranges of £300 to £399 per annum, and £200 to £299 per annum.

If the Treasurer can see his way clear to give some Government servants an increase in their salaries—and I am not saying they do not deserve it—surely he can give an increased pension payment to those people who are on the two lower brackets of superannuation, and who have received no increases at all in recent years. Surely the Premier should be able to do something about it during this session of Parliament. To continue with the letter—especially the widows, and we use this to bolster an effort for Brand to do something for us.

Our 1871 members have not received anything extra for years now. Here—with a copy of our letter of June 17th to Mr. Brand. Thanks in anticipation for any help the Labor Party can give our cause.

The letter that was sent to the Premier by the association, and which is dated the 17th June, 1962, reads as follows:—

It is noted that the W.A. Parliament meets on July 26th, 1962. During 1961 several letters passed between your Government and my association dealing with this subject. Particularly and respectfully we draw your attention to your last letter to us dated Sept. 20th, 1961. Para. 4 reads, "However, every consideration has been given to your request and my earlier statement that I am unable to agree to any further adjustments at this stage, is reiterated."

In the 1962 session we sincerely hope that a stage for further consideration will be reached. In the interim the Commonwealth Government has seen fit to recognise the burden of the cost of living and has paid increases as from November, 1961, to those who retired up to July, 1954, and correspondence is proceeding to adjust retired pensioners up to 1959. A printed statement made by Mr. Hawke, 13th March, 1962, reads, "A Labor Government would grant increases to the two groups last mentioned," meaning the 1871 and the 1938 pensioners.

We hold an official copy supplied by the Commonwealth Superannuation Board comprising all the list of names concerned on the Commonwealth transferred list, including the widows of ex-W.A. officers transferred to the Commonwealth under section 57 of the Act.

You are aware that the financial burden is borne by the consolidated revenue of the Commonwealth except for a small adjustment with the State

amounting to W.A. service of those concerned which only averages approximately £2 per annum. Further consideration by your Government would naturally include a review of the rest of the 1871 Act pensioners who have always worked for the State. Again reminding you that the 1871 Act is an extension of the English Act beginning as far as W.A. is concerned on June 1st, 1890, when W.A. took over. The diminishing numbers on our transferred list shows men 34 still alive and widows 88.

Whether the Premier has acknowledged that letter, I do not know, but he will be able to tell us when he speaks to the motion. Up to the 30th July his department had not given any indication to the Retired Commonwealth Officers' Association whether the Government intended to introduce legislation during this session of Parliament. Any effort made in this House to give some relief to these people will be really appreciated, and an increase is richly deserved. I will be most thankful to members if they will see their way clear to support the motion.

When the matter was discussed in this Chamber last year, the member for Subiaco suggested that a committee be formed to investigate the position and report back to the Treasurer. But over the past number of years many reports have been made to the Treasurer not only from the Superannuation Board but also from people who have been selected to go into the matter and report back to the Government. As yet, no substantial increases or no benefit has been granted to the people regarding whom I am now concerned; that is, those who are on the lower pension bracket.

In the past year or two an amendment was made to the Act providing that persons who had retired from the Public Service, but who were subsequently reinstated to carry out certain duties in one of the Government departments—and one of those persons would be on a fairly high salary—would be entitled to continue to receive their superannuation benefits while performing such a service. If Parliament can see its way clear to bring down an amendment to the Act to make concessions for that group of people, surely the Government can see its way clear to make revenue available for the payment of increases in the pensions paid to the 1871 pensioners, especially when such additional expenditure would not amount to a great deal, because the numbers of these people are decreasing each year, and I feel sure that within the next ten years their numbers will be reduced to practically nil.

Therefore, on that score I feel that the Premier should show these people some sympathy and grant them assistance. I have here a letter addressed to me from a person who resides in Subiaco, and from

the appearance of the writing the correspondent appears to be an extremely elderly person. His letter is undated, but it was received by me about the 10th July last and reads as follows:—

As I am a Labor man I don't feel like asking my member Mr. Court or Guthrie—I live in no man's land) to look into the following matter. The present Government promised to look into the rates of lower groups of superannuation and see what they can do about it. Up to date nothing has happened, except sending somebody into space to see what can be done. Seeing you and other Labor M.L.A.'s tried very hard in the last Parliament to prevail upon the Government to take action in the matter, I thought, you will be kind enough to stir them up again through the proper channels or give them another go when the House meets.

No doubt that person is suffering as a result of a situation brought about through matters beyond his control, such as the higher cost of living; and apparently he has not been able to purchase his own home and has to pay rent for his accommodation, in the same way as many more of these pensioners are doing.

Some people, of course, may claim that these pensioners should have been able to save sufficient money to purchase a house either before or upon their retirement. However, I think some consideration must be given to the fact that many of these pensioners had a large family to support, and in those days there were no social service benefits to help them along and consequently they found difficulty in being able to save enough to purchase a home of their own. I feel quite sure that all their income had to be spent on the maintenance of their families and their educational needs commensurate with their standard of living.

I feel certain, therefore, that the Premier will prove to be sympathetic towards these people on this occasion, especially when I cite a case such as that person who lives in Graylands who wrote to the member for Nedlands, and who, no doubt, also wrote to the member for Claremont. The cause of these pensioners is a very deserving one, and I am certain the Premier has called for a report from Mr. Skewes on the matter; and regardless of whether his report is favourable to the needs of these people—especially those on the lower income bracket—I hope he will be able to introduce amending legislation this session which will grant them some relief.

We all know the Treasury Department is heavily taxed and inundated by requests from various organisations and Government departments for additional finance; but as there are not many people involved in this matter, and the granting of such

a request does not impose a great burden on the revenue of the State, I feel sure the Premier could bring down amending legislation this session. I have much pleasure, therefore, in moving this motion, and I sincerely hope the majority of the members in this Chamber will support it. As I said before, it is worded only in a simple way and is not binding on this House. I feel certain the Premier will agree to it and so grant these people the assistance they deserve.

Debate adjourned, on motion by Mr. Brand (Treasurer).

## MEMBERS' QUESTIONS

*Withholding by Speaker: Motion*

**MR. TONKIN** (Melville—Deputy Leader of the Opposition) [9.56 p.m.]: I move—

That the Speaker's action in withholding notices of questions from the Notice Paper is in excess of his authority and a wrongful interference with the rights and privileges of members of this House.

I do not move this motion in any disrespectful manner, but do so in order to establish what the privileges are and the extent of the Speaker's authority, because it is extremely important that the rights and privileges of members should be adequately safeguarded as has been done in the practice of the House of Commons, extending over some hundreds of years. If one refers to the Fifteenth Edition of *May's Parliamentary Practice*, page 235, one will find this explanation—

Duties of the Speaker under usage.—It is the duty of the Speaker to see that the House is properly constituted before it proceeds to business. He preserves the orderly conduct of debate by repressing disorder when it arises, by refusing to propose the question upon motions and amendments which are irregular, and by calling the attention of the House to bills which are out of order (and securing their withdrawal). He rules on points of order submitted to him by Members on questions either as they arise or in anticipation, but any notice of a question seeking a ruling must be notified to him privately and not placed upon the paper.

The Speaker's rulings, given either in private or in public, are taken as the precedence for future conduct, and for that reason it is very necessary that care be given by the Speaker to the rulings which he is called upon to make from time to time. I quote *May* further—

The Speaker's rulings, whether given in public or in private, constitute precedents by which subsequent Speakers, Members, and officers are guided. Such precedents are collected and in course of time may be formulated as principles, or "ancient usage". It is largely



by this method that the modern practice of the House of Commons has been developed.

So, from that, you will see, Mr. Speaker, that it is most important that the conduct of the House by the Speaker shall conform with the practice laid down over many years by the House of Commons, and that rulings should only be given after very careful consideration of the points at issue. Standing Order 109 reads as follows:—

At the time of giving Notices of Motion, Questions of which notice has been given may be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the House, in which such Members may be concerned. Such Questions must be handed to the Clerk at the Table, but not later than thirty minutes after the House assembles.

On page 339 of *May's Parliamentary Practice*—and I again quote from the Fifteenth Edition—there is a chapter on the Speaker's control of questions, which reads as follows:—

Irregularities in a notice of a question are dealt with in the manner adopted regarding notices of motions and are corrected at the table, or reserved for consideration.

So in the first instance when questions are delivered to the Table if they are not quite right they may be corrected at the Table, and if there is any doubt they are reserved for future consideration. To continue—

The Speaker's responsibility in regard to questions is limited to their compliance with the rules of the House.

That is very definite verbiage. It leaves no room for doubt as to what his responsibilities are. It goes on to say—

Responsibility in other respects rests with the Member who proposes to ask the question. A notice of a question asking for a return and setting out its details is put upon the paper as a notice of motion for a return. On many occasions the Speaker has stopped a Member asking by private notice a question that has been refused at the table, or asking the parts of questions struck out at the table or taking the opportunity when raising a point of order to read out a question which has been refused at the table. The refusal of a question at the table cannot be made the subject of debate.

So it is clear that the Clerks at the Table are given the responsibility of determining what is wrong with the questions which are being put forward; and the responsibility of the Speaker is limited. All

he can do is to see they comply with the rules of the House. Standing Order 106 reads—

After Notice of Motion has been given the terms thereof may be altered by the Member reading aloud and delivering at the table, at the usual time of giving Notices, an amended Notice, any day prior to that for proceeding with such Motion, or may withdraw the same when called upon. If a Member be not present when the Notice of Motion given by him is called on, another duly authorised Member may either move the same or seek its postponement.

Standing Order 107 reads—

No Notice of Motion shall be given after the House shall have proceeded to the business of the day as set down on the Notice Paper.

Standing Order 108 reads—and this is the one I want to emphasise—

If any Notice contains unbecoming expressions, the House may order that it shall not be printed, or it may be expunged from the Notice Paper, or amended by order of the Speaker.

So the Speaker's authority with regard to notices which contain unbecoming expressions is limited to his being able to amend the order which is being given. It is pointed out in *May* that the rules regarding questions are similar to the rules regarding notices of motion. If we turn to *Hansard* of the House of Commons of 1888—and I go back a good distance to show there is conformity with the rules throughout; that it is long established practice—we find in Vol. 329, page 157, the following:—

The Lord Mayor of Dublin (Mr. Sexton) (Belfast) said, he wished to submit a question to the Speaker on a Point of Order. He gave notice last night, by speech and writing that on the next occasion of this Bill coming before the House he should move that, in consequence of the exclusion of Irish representatives from the debate on the second reading, the House declined to proceed further with the measure. That notice had not appeared on the paper.

The question he had to ask was—

As the Speaker had been good enough to say earlier in the sitting that Irish members would have full opportunity of debate on a subsequent stage of the Bill in what form could their objections be raised, if not pertinent to the motion for reference to a select committee?

The Speaker's reply was—

The motion before the House in regard to the Bill is, that it be referred to a select committee, and the notice of the honourable member is not relevant to that motion.

Therefore the Speaker, exercising his responsibility to see that questions conform to the orders of the House, could rightly reply that that was not a relevant motion and therefore should not appear on the notice paper.

If we refer to *May's Parliamentary Practice*, page 384, we will see a chapter dealing with Irregular Notices. It reads as follows:—

As the notice paper is published by authority of the House, a notice of motion or of a question to be put to a Member, containing unbecoming expressions, infringing its rules, or otherwise irregular, may, under the Speaker's Authority, be corrected by the clerks at the table.

That does not say, "May be left off the notice paper at the Speaker's discretion." It says, "May be corrected at the table under the Speaker's authority." It continues—

These alterations, if it be necessary, are submitted to the Speaker, or to the Member who gave the notice. A notice wholly out of order, as, for instance, containing a reflection on a vote of the House may be withheld from publication on the notice paper or, if the irregularity be not extreme, the notice is printed, and reserved for future consideration.

There again emphasis is laid upon the Speaker's responsibility, which is to see that the notices conform to the orders of the House. He cannot go beyond that. If the motion or question is entirely out of order then it is the Speaker's authority, of course, to say it shall not appear. If it needs alteration or correction that is done by the Clerk at the Table.

If we go back to Standing Order 109 we see it is definitely contemplated that members of the House may ask questions of other members, and so it has been for very many years.

Mr. Crommelin: Do they have to answer them?

Mr. TONKIN: No more than Ministers do. But I am dealing with the right of a member to ask questions, which has long been established. If we look at the House of Commons Debates of 1941-42, Vol. 381, page 215, we get an example of this—

Commander King-Hall: I rise to ask the hon. Member for Kidderminster (Sir J. Wardlaw-Milne) a Question of which I have given him Private Notice—whether, in view of the critical nature of the military situation in Egypt, he will defer moving his Motion until the present battle has reached a definite conclusion?

Mr. Speaker: There is a definite Rule that it is not in Order for an hon. Member to ask another hon.

Member a Question, but there are exceptions to that Rule. It has taken place in the past.

It is not in order for an unofficial hon. Member to ask another unofficial hon. Member a Question on general knowledge or on the merits of a particular case, but on some Question with which an hon. Member is connected, that is to say, with a Motion or a Bill, it has been Ruled in the past that an unofficial hon. Member is entitled to ask a Question on that subject.

Mr. Cocks: Is it not laid down in Erskine May that an hon. Member may ask another hon. Member a Question?

Mr. Speaker: Only under certain conditions.

Sir John Wardlaw-Milne: My hon. and gallant Friend the Member for Ormskirk (Commander King-Hall) was good enough to give me notice of this interesting and unusual procedure, and I am bound to say it is the first time that I have ever heard of it. It is very interesting, but I think the hon. and gallant Member has addressed his Question to the wrong quarter. There is one body only in the country—the Government—which can say whether the situation is so serious that in the national interests the Debate should not take place.

It has been established without any doubt that a member of the House has the right to address a question to another member who does not occupy an official position, if that member is connected with a motion or a Bill forming the business of the House.

If we look at the *Parliamentary Debates* for 1864, we will find a further example of the same thing. I quote from Vol. 174, p. 1914 as follows:—

Rule of the House—Questions to Private Members—Question.

Captain ARCHDALL said, he rose to ask the hon. Member for Galway (Mr. Gregory), if it is true, as has been stated, that a Sub Inspector of Police, attended by men of the force under his command, trespassed and shot game on the estates of the hon. Member, without permission or authority; and that he refused to desist or to leave the lands, when warned off by the tenants.

Sir COLMAN O'LOGHLEN rose to order. He wished to know, whether it was consistent with the rules and orders of the House that such a Question as the hon. and gallant Gentleman had placed on the paper should be asked of any private Member?

Mr. SPEAKER: The rule of the House with respect to asking questions of a private Member is that any ques-

tion may be put relating to any Bill, Motion, or other public matter connected with the business of the House in which such Member may be concerned. If the hon. Gentleman is prepared to show that the Question he is about to ask comes within these limits he may put it; otherwise he may take the opportunity in debate of referring to the matter, but he cannot put it in the shape of a question.

So it is perfectly clear that a private member has the very definite right to question another member regarding any Bill or motion in which he considers such member may be connected or concerned. Therefore it boils down to a question of the interpretation of the words, "in which such member may be concerned." Mr. Speaker believes, in the first instance, that a member can only be regarded as being concerned with a motion or a Bill of which he is the sponsor. I disagree entirely with that point of view because the wording is "in which he may be concerned."

The SPEAKER (Mr. Hearman): The question before the House is whether I am entitled to withhold the questions; it is not a matter of questioning private members at all.

Mr. TONKIN: This motion arose because you withheld certain questions of mine from the notice paper.

The SPEAKER (Mr. Hearman): I quite understand that.

Mr. TONKIN: I am now questioning whether you are justified in that action.

The SPEAKER (Mr. Hearman): I do not think that aspect comes within the ambit of this motion.

Mr. TONKIN: Surely it does; because if you acted in excess of your authority that is precisely what the motion says. I am arguing that your action was in excess of your authority.

The SPEAKER (Mr. Hearman): The action of withholding a question, but not a matter of what the question was. The point at issue is whether I can withhold a question or not.

Mr. TONKIN: That is so. That is what I am debating. I say the only time you are entitled to withhold a question is when it is out of order. I am endeavouring to show it is not out of order if it refers to some motion or Bill in which a member may be concerned.

The SPEAKER (Mr. Hearman): That is fair enough. I thought you were arguing along the lines as to whether a private member can be questioned or not.

Mr. TONKIN: No. I am addressing myself on the point as to whether in withholding questions you acted in excess of your authority. I am endeavouring to

establish that you did, because your authority is limited to ensuring that questions conform to the Standing Orders and the practices of the House; in other words, that the questions are within the Standing Orders.

Standing Order 109, in my interpretation, permits a member to question another member on any matter relating to any Bill or motion in which the latter may be concerned; but if you do not allow such a question to go on the notice paper, when it conforms to that description, then in my view you are exceeding your authority, and you are not right in withholding the question. That is what I am endeavouring to prove.

This boils down to one's interpretation of the words "in which he may be concerned." In your explanation given to the House yesterday you made the point that if a member in his professional capacity had become connected with some business of the House, then he could not be questioned about that, because he was acting in a professional capacity. If that were correct, a distinction between members of this House would be made—a distinction between those who had no outside contractual obligations, and those who had—because your ruling would mean—

The SPEAKER (Mr. Hearman): I said it was undesirable.

Mr. TONKIN: I submit with respect it is not undesirable if the Standing Orders provide accordingly. Surely a little reflection on the matter will show how unfair such a distinction would be. If one could question members who had no outside contractual obligations, but one could not question members who had such obligations, a distinct privilege would be conferred on the latter. It is a privilege to which they are not entitled, because so far as we are concerned there should be no distinction. We should all have the same rights and privileges, irrespective of our outside obligations.

If one looks at page 50 of *May's Parliamentary Practice* one will see a reference to this contractual relationship—

and I quote—

On 15th July 1947 the House by resolution declared that "it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of a Member

being to his constituents and to the country as a whole, rather than to any particular section thereof.

In the same resolution the House agreed to the report from the Committee of Privileges on the case of Mr. Brown and the Civil Service Clerical Association (H.C. 118 (1946-47)). This case arose from certain actions by the executive committee of a Trade Union which had a formal contractual relationship with a Member of the House, under which he received a salary. The complaint made to the Committee of Privileges submitted that actions by the Trade Union were calculated improperly to influence the Member in the exercise of his parliamentary duties. Although in this particular case the Committee found that no breach of privilege had occurred, in their general conclusions the Committee stated that "the relationship between a Member and an outside body with which he is in contractual relationship and from which he receives financial payment is, however, one of great difficulty and delicacy, in which there must often be a danger that the rules of privilege may be infringed."

That emphasises the fact that any contractual obligation or relationship should be entirely ignored in the business of the House and that the members may under this Standing Order, irrespective of outside obligations to clients or anybody else, be questioned upon matters in which they may be concerned.

I submit to you, Sir, that with the exception of where questions are distinctly out of order you have no authority—you cannot point to a Standing Order or to the practice of the House of Commons to show where you have that authority—to determine that a question shall not appear upon the notice paper. That, I submit, is the responsibility of the House. Your authority is limited to your directing the Clerks at the Table to effect alterations to questions to make them conform to the Standing Orders; and if it is not possible to alter them and they are completely out of order you may order them to be removed from the paper. However, if they comply with Standing Orders, however much you might feel it is undesirable that such questions be asked, I submit you are not clothed with the authority to exercise your judgment in that direction, because the Speaker's duty is clear—he has definite limitations in regard to his authority in connection with this matter.

For that reason I feel it is very necessary that rulings on matters of this kind shall not be made upon party lines to meet the circumstances of the occasion, but they should be made with the knowledge that they form precedents for the

conduct of Speakers to follow, and members to follow; and we should be, every one of us, jealous of the rights and privileges which have been handed down for hundreds of years.

Therefore, I say it is the Speaker's responsibility to safeguard those rights and privileges for members of Parliament; and it is certainly not his task in any way to infringe them or take them away. If we permitted them to be whittled away from time to time by adverse decisions, then we would become considerably circumscribed and things for which our forefathers fought many years ago would be lost. We should do our utmost to preserve them.

If this is an offensive Standing Order—and it has been there for hundreds of years and was brought to us from the Mother of Parliaments—and private members are not to be questioned, the Standing Orders Committee should get rid of the Standing Order. But whilst it is worded as it is, members are entitled to use it if the occasion arises where that is felt desirable; and in my view the only time the Speaker is justified in withholding such questions from the notice paper is when they are completely irregular and out of order.

I submit that the questions which I submitted were not irregular. They were not out of order, because you permitted me to ask the same questions today of a Minister. They did not contain any unbecoming language; and they conformed to the Standing Orders with regard to information which it was desirable to obtain. The only point was that you felt I should not ask them of a member because you said the House had no knowledge that the member in question was associated with some firm.

I do not think that had any bearing on the questions at all, because the Standing Order says, "any Bill or Motion in which the Member may be concerned;" and you would not have to be very bright to know that the member for Subiaco is vitally concerned in a motion which stands on the notice paper—not remotely concerned, but very vitally concerned in a number of ways, because part of his emolument will depend upon the result of the decision.

The SPEAKER (Mr. Hearman): Order! I cannot allow discussion along those lines. The question is whether I have the right to withhold questions or not. On this motion the honourable member cannot debate a decision I made the other night in respect of his question. I have been pretty lenient.

Mr. TONKIN: Are you ruling in a motion of this kind that I cannot—

The SPEAKER (Mr. Hearman): I am ruling that you keep to the motion and the motion reads, "That the Speaker's

action in withholding notices of questions from the notice paper is in excess of his authority."

Mr. TONKIN: That is what I am trying to prove.

The SPEAKER (Mr. Hearman): You seem to be getting into a discussion on the affairs of the member for Subiaco.

Mr. TONKIN: No; I am endeavouring to show that Standing Order 109 refers to the question of Bills or motions in which the honourable member may be concerned. Your ruling was that he was not concerned. Surely I am entitled to show you that he is concerned.

The SPEAKER (Mr. Hearman): No, not on this motion. It is a separate motion to come.

Mr. TONKIN: I cannot follow that argument. It must finally boil down to an interpretation of the words, "in which he may be concerned" because surely—

The SPEAKER (Mr. Hearman): Order! I will not permit any further discussion along these lines. The motion is simply a question with regard to the right of the Speaker to withhold questions from the notice paper; and it does not deal with any specific action of the Speaker. If you want to deal with any specific action of the Speaker you will have to frame a notice of motion accordingly. This is a general motion questioning the right of the Speaker to withhold questions from the notice paper.

Mr. TONKIN: I could not agree more. My intention here is to prevent from being established as a precedent the action which you have taken in connection with certain questions. I want to show—if I be permitted—that the action taken was in excess of the Speaker's authority, because he has no such authority to withhold questions from the notice paper in such circumstances as surrounded the questions which I submitted. Surely that is logical enough!

That, then, must resolve itself into an interpretation of the words, "Bill or Motion in which the Member may be concerned," because if it does not resolve itself into an interpretation of that kind, into what does it resolve itself?

Mr. Graham: Quite right.

Mr. TONKIN: Because the rest of the wording is perfectly clear. It says that a member may address questions to another member. There is no argument about that. It only remains to determine in what circumstances he is prohibited. I submit to you, Sir, that the only circumstance which will prohibit him is whether he is questioning a member about something with which he is not concerned. That surely must be the distinction; and it is for that reason that I want to establish—not just for my own convenience, because

I achieved my objective in another way; but I want to establish for those members who will come after us the right to continue to do what members of Parliament have been enabled to do for hundreds of years; and that is, question other members with regard to matters with which they may be concerned if those matters are part of the business of the House. Obviously they are not entitled to question members about matters of general policy and obtain information as we endeavour to do from Ministers, because the restriction is that it must be something to do with the business of the House.

Therefore, surely the criteria are, firstly, that the matter about which the member is to be questioned is part of the business of the House, either as a Bill or a motion; and, secondly, it must be a matter in which the member may be concerned. Now if those two requirements are met, I submit to you, Mr. Speaker, that you have no authority to withhold questions from the notice paper.

Mr. Graham: Hear, hear!

Mr. TONKIN: And I submit the precedents of over hundreds of years to substantiate that thought. I say it would be a sorry day if we permitted a Speaker to do that in contravention of an established practice and by a wrong interpretation of Standing Orders.

As our positions change from time to time, it may be convenient for the members of a Government one day to defeat the move of a member of the Opposition in a matter of this kind; but as sure as night follows day they will rue the day on some future occasion if they allow their rights and privileges to be fished from them and infringed by wrong decisions. That is why I submit the matter quite dispassionately—

Mr. Court interjected.

Mr. TONKIN: —in the hope that commonsense and logic will prevail. I did not hear what the Minister for Industrial Development said.

Mr. Court: I said that that will be the day!

Mr. TONKIN: The Minister for Industrial Development does not believe I can speak dispassionately?

Mr. Court: That will be the day!

Mr. TONKIN: I can assure the Minister that it will take more than him to make me annoyed. So let us ignore the Minister, because what he says should be ignored. The question is, of course, whether it is desirable to protect the rights and privileges of members of Parliament, and I treasure the rights and privileges which are available to members today as a result of a very long struggle over many years. If it means little to the Minister for Industrial Development, I could not care less so far as he is concerned; but I do care for those members who will come after us

and to whom we have a responsibility to ensure that they will enjoy the same rights and privileges which we have enjoyed and which have been enjoyed by those who have gone before us.

**MR. BRAND** (Greenough—Premier) [10.35 p.m.]: I did say on one occasion that I did not know very much about Standing Orders, and the member for Beeloo of course took it up and quoted it against me. I was being very honest, possibly more honest than most of those who have said a great deal about the matter, appearing to know something about it. But surely the question that is being discussed at the present time is one in which the Speaker himself must have the last say.

It would seem to me that in the interests of law and order and good control, this authority and final decision should rest with the Speaker in order to avoid a situation in which all sorts of questions may be raised—whether they be of the nature referred to by the honourable member, being asked of a private member about a matter in which he may be concerned, or whether they be of another kind. Surely the general good order and status of the House has to be maintained and, indeed, secured by the decision of the Speaker on such matters! I have been in this House since 1945 and I cannot recall that this matter has ever been raised on the floor of the House.

**Mr. Tonkin**: It has, a number of times.

**Mr. BRAND**: It may be so; and evidently in spite of what the honourable member said about laying great foundations for the future, the House has decided along the lines which we are following at present. On the 2nd August, 1921, this very issue was debated, and the motion that was moved by the then member for South Fremantle (Mr. McCallum) was as follows:—

That the Speaker's action in mutilating and amending notices of questions, and withholding notices of questions from the Notice Paper, is a wrongful interference with the rights and privileges of this House.

**Mr. Curran**: Quite right!

**Mr. BRAND**: How would you know?

**Mr. Jamieson**: Probably better than you!

**Mr. BRAND**: That motion was dealing with the very principle referred to by the honourable member who has just resumed his seat. It was debated at great length and was decided in the negative on the voices. There was no division. It would seem to me, therefore, that in those days the members felt that the Speaker had the authority which we all feel he should retain in respect of the decision as to questions to be asked in this House either of Ministers or of private members.

**Mr. Graham**: I think you would have to give us a bit more information as to the particular action to which exception was taken.

**Mr. BRAND**: The member for Balcatta can read the debate for himself. It is contained in *Hansard* Vol. 1 of 1921-22 and appears at page 82.

**Mr. Graham**: That is what I intend to do.

**Mr. BRAND**: I am simply quoting the motion debated and I have told members the result of that motion.

**Mr. Tonkin**: Objection was taken to the language used and there is a Standing Order covering that.

**Mr. BRAND**: Nevertheless the motion debated was—

That the Speaker's action in mutilating and amending notices of questions, and withholding notices of questions from the Notice Paper, is a wrongful interference with the rights and privileges of this House.

It seems to me that that is the question being raised now—whether the Speaker has done the right thing and whether he has the authority to withhold questions such as were asked by the honourable member. Standing Order 109 reads—

At the time of giving Notice of Motion, Questions of which notice has been given may be put to Ministers of the Crown relating to public affairs; and to other Members, relating to any Bill, Motion, or other public matter connected with the business of the House, in which such Members may be concerned . . . .

**Mr. Tonkin**: If the Speaker will let you. It is not in the Standing Order.

**Mr. BRAND**: The Speaker has decided, in the interests of decorum—and, I should say, the good standing and reputation of the House—that these questions should not be asked. It is very seldom that the Speaker has ruled out any questions which have been put in the right way, and in a fair way, to the Minister of this House; and I am one who would urge that we oppose the motion of the Deputy Leader of the Opposition and allow the Speaker such judgment and control as is necessary to maintain law and order in this House.

**MR. GUTHRIE** (Subiaco) [10.41 p.m.]: I should like to point out that the motion which the Deputy Leader of the Opposition has moved bears no relationship whatsoever to the right of any member to ask any other member a question. It bears no relationship at all to the question of whether a member is entitled to ask a private member any question. It does not make any reference to any particular question. It merely questions your right, Mr. Speaker, to withhold notices of questions. It reads—

That the Speaker's action in withholding notices of questions from the notice paper is in excess of his auth-

ority and a wrongful interference with the rights and privileges of members of this House.

That is all it says. If this motion is carried it will be, in effect, a declaration by this House that under no circumstances do you, Sir, have the right to withhold notice of any question whatsoever, no matter what your reason is; and in no way has the Deputy Leader of the Opposition related it to the right of a member to ask a private member a question.

Mr. Graham: To make it more specific—

The SPEAKER (Mr. Hearman): Order!

Mr. GUTHRIE: I am dealing with the motion which is before the Chair. It is challenging your right, Mr. Speaker, to stop any question being put to anybody, whether he be the Premier, a Minister, or a private member; and that is the same question which the then member for South Fremantle put before this House 41 years ago and which was rightly rejected; and, I would say, the question should be rightly rejected today. I would be quite out of order in answering any of the irrelevancies in which the Deputy Leader of the Opposition has indulged—it would be quite irrelevant to the question.

MR. JAMIESON (Beeloo) [10.43 p.m.]: There is far more to this matter than the casual problem which the member for Subiaco has implied. We all know the reason why the motion has been put on the notice paper, and the specific matter which was being questioned—or it was wished should be questioned—at the time. It is no use the member for Subiaco hiding under that cloud.

#### *Point of Order*

Mr. GUTHRIE: On a point of order, Sir, we have never had any indication as to what the questions were. The member for Beeloo tells us that we all know what the questions were. Nobody knows what the questions were.

The SPEAKER (Mr. Hearman): I do not think I have disclosed the questions.

Mr. JAMIESON: If I am not wrongly informed, I think some questions were asked of the Minister appertaining to the same matter.

The SPEAKER (Mr. Hearman): I inform the member for Beeloo that the questions which were asked this afternoon were not entirely related to the same question.

Mr. Jamieson: They were, in substance.

The SPEAKER (Mr. Hearman): Not entirely in substance, either.

#### *Debate Resumed on Motion*

Mr. JAMIESON: The fact is, we must, as a House, control the debates in this House as we would want them to be controlled. As the Speaker for the time being, you, Sir, have that responsibility. But your position could be occupied by any other member at any particular time. I would say that when such an occasion arises, it is simplicity itself to overcome the problem as to whether a person is involved or not; and this is not the first occasion. I raised an issue in this House several years ago about people being involved, and their voting rights; and you, Sir, informed me that you had no knowledge at that stage of their being involved.

The simple and the obvious way out of the problem is for you, Sir, in your position, to ask those people whether they are the persons who are involved, and whether they are involved in that particular way; because you must uphold not only the one Standing Order but all Standing Orders pertaining to things which members have to do under certain circumstances. That is an essential point which you must bear in mind when you are making a decision; and you must uphold not only one Standing Order, but all Standing Orders which apply under such circumstances. I feel that this point has been completely overlooked at this particular time.

The SPEAKER (Mr. Hearman): That has nothing to do with this particular question.

Mr. JAMIESON: With all due deference to you, Sir, I would say that we have to determine tonight whether your disallowance of such questions is in order. Frankly I would like to see this matter right out in the open so that any question, so long as it is not offensive, can be asked of Ministers or other members in this House. Last session I was, unfortunately, in the same position as the Deputy Leader of the Opposition on this occasion.

You will recall, Sir, that we had a discussion on a matter in your room pertaining to the disallowance of certain questions on that occasion. I did not proceed with the matter, but at the same time I think I had every justification in putting my questions on the notice paper. I support the motion.

MR. COURT (Nedlands—Minister for Industrial Development) [10.47 p.m.]: I oppose the motion. I think the matter is clearly set out in Standing Order No. 109. It does lay down that the Speaker has the right to reject certain questions; and the Deputy Leader of the Opposition's motion is to the effect that the Speaker's action in withholding notices of questions from the notice paper is in excess of his authority and a wrongful interference with the rights and privileges

of members of this House. Surely he is not claiming that the Speaker has not the right to withhold certain questions!

Mr. Tonkin: If you had listened to me, you would have heard me say they were out of order.

Mr. COURT: The motion of the Deputy Leader of the Opposition seriously questions the right of the Speaker to withhold questions. The Speaker has a definite right. It does not matter what authority the Deputy Leader of the Opposition refers to, the right is established for the Speaker to withhold certain questions; and there is good reason for it. If we allowed this matter to go too far we could have such an unfortunate state of affairs in this Parliament that it could become a very undesirable place in which to transact the business of the State.

If we followed the reasoning of the Deputy Leader of the Opposition to its logical conclusion it would be very easy for a certain type of member to frame something maliciously on the notice paper; for him to so frame questions that they could be quite unfair and quite unreasonable and have all sorts of inferences drawn from them even if the member concerned refused to answer them. There are certain members with that type of brain, who can work out a type of question which is completely unanswerable; and heaven forbid that we should reach such a stage in this House!

The Deputy Leader of the Opposition has relied almost entirely on *May* and the debates in the House of Commons. He has given us a lot of emotional stuff about the established usages and customs of the House of Commons, none of which is denied. We all believe in that sort of thing, otherwise we should not be in this House.

There was one particular point which I consider is worthy of note. If we wish to examine *May*, we will find that some parts of *May* mean a certain thing, and other parts mean something else. As in most things, we can build up a story to suit our own particular case. It is apparent to me that the House of Commons has accepted the fact that when the Table rules out a question then it is ruled out.

Mr. Tonkin: The Table?

Mr. COURT: Yes.

Mr. Tonkin: That is not the Speaker.

Mr. COURT: The Deputy Leader of the Opposition is not going to split straws on that one, surely!

Mr. Tonkin: My word I am! There's a difference.

Mr. COURT: I should say the fact that the House of Commons was prepared to accept the Table's ruling as to whether it was out or in, and it was not debatable as to whether it should be out or in strengthens

the right of the Speaker, surely, to give a ruling; because normally the Table is, as I understand it, acting under the authority of the Speaker. If the Table is accepted by the House of Commons as having the last say in this sort of thing, and acting under the authority of the Speaker, as it does, surely the Speaker's own personal ruling has even more merit.

Mr. Tonkin: The House always has the last say.

Mr. COURT: I would refer the honourable member to the House of Commons *Hansard* of 1903 when a Mr. Weir was speaking in similar circumstances to the case we have before us tonight, and the Speaker of the House of Commons said—

The honourable member cannot discuss whether questions were, or were not, properly refused at the table.

And that is where the matter ended. The Speaker's statement was not queried or challenged by the House or by the member concerned.

Mr. Tonkin: What does that reference prove?

Mr. COURT: It proves to me that the House of Commons has accepted the fact that in these particular matters we have to allow some discretion to the Speaker of the House; otherwise his position becomes absolutely useless. It could be bypassed by certain people trying to be mischievous in using the notice paper for their own particular ends.

Mr. Tonkin: Are you saying that that was the end of the matter, and a member of the House could not have moved a substantive motion in connection with it?

Mr. COURT: I am saying—

Mr. Tonkin: Are you saying that?

Mr. COURT: I am saying that *May* quotes this as the authority: That when a question is rejected by the Table it remains rejected and it cannot be debated. In other words throughout the years the House of Commons has obviously accepted the fact that its members are quite prepared to put their trust in the Speaker in regard to these matters; and I think for very good reason.

Surely somebody in the House has to be entrusted with the responsibility, and trusted in his responsibility to give a ruling on these matters; because we could have people working out mischievous ways of overcoming the position and using the notice paper for their own ends. Therefore, having regard for *May's* doctrine in the matter, and the particular instance I quoted as a case to support that doctrine, and having regard for the commonsense of the matter, I think the Speaker should be entrusted with the responsibility in these matters and should not be challenged. There are other ways in which a member can get his point of view across.



Mr. Tonkin: That has nothing to do with it.

Mr. COURT: There are other ways—

Mr. Tonkin: That has nothing whatever to do with it.

Mr. COURT: If it suits one's purpose to want to direct a particular question at a particular member it can be done in the normal course of debate; and if the point is introduced in debate, and it is worth answering, and the member involved considers it to be of some importance, and that his personal integrity, his efficiency, or something else is challenged, he has the right to answer it. Also, there are other methods he can use to answer it. It is not as though the honourable member is being silenced—although that was the impression one would gain from his remarks—if we allow the Speaker to have some discretion in this matter. But it would be a sorry day for all of us if we did not allow the Speaker to have this discretion, and I oppose the motion.

Mr. Jamieson: And you talk about freedom of speech.

Mr. COURT: I do.

Mr. Graham: Like Adolph Hitler.

**THE SPEAKER** (Mr. Hearman) [10.55 p.m.]: I do not wish to curtail debate on this matter, but if there are no other speakers I feel that before the Deputy Leader of the Opposition concludes the debate I should make a few observations. In the first place the motion clearly questions the right of the Speaker to withhold any questions at all from the notice paper; because it makes no distinction. It states—

Withholding notices of questions.

The Deputy Leader of the Opposition himself conceded that questions could be out of order, and the Speaker should properly withhold them. He quoted *May* in support of that contention. The actual quotation is to be found in *May* at pages 384 and 385, and it might be as well to quote it again. It comes under the heading of "Irregular Notices" and states—

A notice wholly out of order, as, for instance, containing a reflection on a vote of the House, may be withheld from publication on the notice paper.

Surely to goodness it is the Speaker's responsibility to decide whether or not it is in order; and if it is not in order then clearly he must withhold it from the notice paper. So on that ground alone I feel the motion should be defeated, because it suggests that if this motion is carried, even if a question is out of order, the Speaker has no authority to withhold it from the notice paper. I hardly think even the Deputy Leader of the Opposition would agree with that proposition. In fact, I do not intend to read it into his remarks; and I think he was careful to

point out that where questions were out of order they should not be allowed. If we carry this motion it will be in direct conflict with the right of the Speaker even to withhold a question that is out of order.

The question of procedure and precedence was mentioned by the Deputy Leader of the Opposition, and I agree with what he had to say that rulings do tend to form precedents, and a great many of the modern usages of this House, and the House of Commons, are based on previous rulings given and precedents established.

I would draw the attention of the House to a question that was struck off the notice paper on the 16th August, 1932; and I quote from *Hansard* of that year at page 25. Mr. Raphael was the member concerned and he said—

At the last sitting of the House I gave notice of a question, but I see this question has been omitted from the notice paper.

The Speaker replied—

I struck out the question from the notice paper, because I did not think it was a fair thing to ask any individual member of the House his opinion upon the particular matter referred to by the honourable member.

As I would expect, the House did not dispute that reasoning on the part of the Speaker; but it is worth noting that the Speaker did not rely on any Standing Order. He simply said he did not consider it was a fair thing; and would the House have the Speaker permit questions that he did not consider were a fair thing? I would hate to think that any member in this House would stand for the suggestion that unfair questions should be asked; and I believe that if the House were to be given the same reasons members would accept them in the same manner as members did then. It certainly establishes a precedent, I think.

That brings me to the point of the interpretation of Standing Orders, which, of course, is the responsibility of the Speaker. Inevitably Standing Orders must from time to time require interpretation. The Deputy Leader of the Opposition suggested that these practices—and I hope I do not do him wrong when I suggest this—and the Standing Orders went back for hundreds of years. It might be of interest to the House to realise that that is not the case.

When the First Edition of Sir T. Erskine May's often-quoted work was written there were 14 Standing Orders in the House of Commons. At one stage there were no Standing Orders, but up until that time it was left entirely to the discretion of the Speaker to decide what he would allow and what he would not allow. Standing Orders were then introduced, until today we find that, in this House, we have 419

Standing Orders, primarily for the purpose of facilitating the machinery of Government.

Every Standing Order places some restriction on a member of Parliament—on what he may do or what he may not do—and Standing Orders are designed essentially for the facilitation of Government business. It might come as a shock to some people; but none the less that is the position, and I think if members reflect on that they will find that what I say is true; namely, that every Standing Order places some restriction on the private member. It may place some restriction on the Government at times, also, but the private members are curbed.

In the introduction to the Fifteenth Edition of *May's Parliamentary Practice* the final paragraph is not without interest, and I quote from it—

Recent periods of emergency have not made it any easier to reconcile the ancient practice of the House, which protects the rights of minorities, with its modern standing orders which aim at the forwarding of Government business. In face of these conflicting claims the drastic powers of curtailing debate entrusted to the Speaker by the standing orders would be hard to justify—

I ask members to note those words very carefully—

—but for the confident belief that they will be exercised with a discretion trained in the spirit of the traditional practice.

Whether I have that necessary discretion may be questioned by some members. However, I endeavour to interpret the Standing Orders in that spirit. I believe I am not entirely without some precedent.

Perhaps I may be permitted to relate a story that is told about the late Viscount Dunrossil when he was Speaker in the House of Commons; and, as members know, he was an eminent Speaker and will probably go down in history to stand alongside other famous Speakers such as Speaker Onslow and Speaker Shaw-Lefevre. Nevertheless, he gave a ruling, and in the House of Commons the Speaker's ruling is inviolate and is never questioned. I do not expect, of course, to be accorded that courtesy here. None the less, a member thought the ruling was rather unusual so he rose in his place and he asked the Speaker to give reasons for his ruling. Speaker Morrison, as he then was, said, "The ruling is quite clear, and the reason, like the reasons for all Speakers' rulings, is shrouded in impenetrable mystery."

I suggest to members that, if they think that over, on that particular occasion the very eminent person I have mentioned probably would not interpret Standing Orders completely literally; but because he

thought that certain things, in the interests of fair play, should be allowed, he allowed them. It is within the capacity of the Speaker to interpret the Standing Orders—and perhaps, on occasions, not to take them too literally—to protect, as I have mentioned, the minorities and the private member. As May says—

Too harsh an application of the literal application of Standing Orders would be extremely difficult to justify.

It has been suggested by the Deputy Leader of the Opposition that I am curtailing the rights of members. I could stop the particular question—and I told him that I did not think that this was a fair thing—and I draw the attention of members to Standing Order 111, which reads as follows:—

In answering any such Question, a Member shall not debate the matter to which the same refers.

So, in other words, a member may be asked a question, and some latitude may be allowed in the wording of it—not a great deal, strictly, but some—but very little latitude is allowed in the reply. That is when the question arises of whether it is a fair thing.

If the Deputy Leader of the Opposition wishes to raise a point which I will not allow him to do by question, he has complete liberty to raise it by a motion placed on the notice paper which means that it can be fully debated, and the member is given the full right of reply. Further, I think I would be right in assuming that it would be the wish of this House that if there are contentious matters, particularly when private members are involved, every right of reply should be afforded.

I think I would be misjudging the wishes of this House if I felt there was any intention to restrict the right of a private member to reply. So it may be well that the particular ruling I gave which led to this motion being placed on the notice paper, could well have been a matter of protecting the rights of the private member. In any case, I suggest that the motion should not be agreed to because, if it were, it would simply mean that the Speaker could not withhold any question from the notice paper regardless of whether it was in order or not.

**MR. TONKIN** (Melville—Deputy Leader of the Opposition) [11.7 p.m.]: The arguments advanced by those opposed to the motion have been interesting and, in some cases, amusing.

**Mr. Ross Hutchinson**: They do not impress you?

**MR. TONKIN**: I come to the conclusion that the consensus of opinion of those opposed to the motion is that although Standing Order 109 does exist, it is by way of ornament and not use. Although it

provides that a member may question another member, it is not to be done. Of course, that is a ridiculous situation!

Although I said the Standing Orders had been in operation for hundreds of years, I did not mean in this form. The usages of Parliament, as can be proved from the old volumes from which I quoted, have formed the Standing Orders of the House, although not bound in volume form. They have been the decisions of Speakers given over many years and the decisions of the House over many years and they form the basis for the conduct of the House upon which the Standing Orders have been framed.

If it were not intended to state the limit of the Speaker's authority, why is there a chapter in the book dealing with it? If the Speaker can please himself what he does, and it is left to his discretion, why have a chapter on it instructing him what to do? There is a chapter on it and it is very specific; but if we are to accept the argument advanced by the Minister for Industrial Development, this chapter amounts to nothing. The Speaker can do what he likes, when he likes. I will not submit to that dictum. I prefer to take my guidance from what is written in the printed word in connection with this matter. I quote from page 339 of the Fifteenth Edition of *May*. The heading of the chapter is "Speaker's Control of Questions". It says—

Irregularities in a notice of a question are dealt with in the manner adopted regarding notices of motions and are corrected at the table, or reserved for consideration.

That means with the Speaker subsequently. To continue—

The Speaker's responsibility in regard to questions is limited to their compliance with the rules of the House.

That is plain English, surely! It has a very definite meaning for me. It certainly does not mean that the Speaker can please himself as to what authority he takes in connection with this matter; otherwise the word "limited" is meaningless. This chapter defines what a Speaker may do in connection with questions; and, Sir, I thought it was too elementary to specifically state that I was excepting motions which were out of order.

One is not supposed to do anything that is out of order; not even interject. If it is out of order, it is out of order; and cannot be done if the Speaker is exercising his authority. Accordingly, if a question is out of order automatically, it will not be allowed, because it cannot be allowed. It is out of order, just as any question of a member cannot be allowed if it is out of order; or any attempt to speak cannot be permitted if it is out of order.

My motion was referring to questions which are in order, and which are kept off the notice paper by the Speaker. I say without any doubt in my mind at all that

having read this chapter on the Speaker's control of questions, and having given some study to the practices in the House of Commons, there is a definite limit to what the Speaker may do when the questions are in order.

Mr. Court: Are you going to read the rest of that paragraph which you started?

Mr. TONKIN: I have read it before; it is a bit late to read it again.

Mr. Court: Don't you think that last sentence is pertinent? It has never been challenged.

Mr. TONKIN: That says, "refusal of a question at the Table." But if the Minister will read *May's Parliamentary Practice*—and there are a number of chapters dealing with this matter—he will find that the reference to the Table means that the Clerks have authority to amend a question without reference to the Speaker, and they frequently do it.

Mr. Court: Read the next sentence.

Mr. TONKIN: I am not going to read any more.

Mr. Court: Because it does not suit you. It ties up the Table with the Speaker.

Mr. TONKIN: I say definitely that when the Clerks are in any doubt that a question is out of order, or wrongly phrased, they do not hesitate to say it needs to be corrected; and it is corrected without reference to the Speaker. It appears on the notice paper in the proper form.

But there are times when the Clerks at the Table are in some doubt as to whether the question should rightly be placed on the notice paper, and that is reserved for consideration, and the Speaker may then give a decision privately, or he may give it in the House as he thinks fit. But this chapter distinctly says that his responsibility is limited; and if the Minister can read any other meaning into the word "limited" than that it confines his responsibility, then he has a new interpretation of English.

Mr. Court: Had the Clerks ruled out your question without reference to the Speaker I gather you would have accepted that decision?

Mr. TONKIN: I would have accepted it. That is their prerogative and it cannot be challenged.

Mr. Court: You do agree they are subject to the Speaker?

Mr. TONKIN: And the Speaker is subject to the House.

Mr. Court: Not on this matter.

Mr. TONKIN: On all matters he is subject to the House. As a matter of fact he is subject to the House for the position he occupies.

Mr. Hawke: And for how long he will occupy it.

Mr. TONKIN: Surely the Minister for Industrial Development will not give us that clap-trap. The House must at all times, as it will in this matter, decide the question. Do not let us forget that majorities do not prove things; they only decide them. They do not prove whether they are right or wrong. If the Minister wants to read some other interpretation into this let him do so if it suits his purpose. I want to interpret Standing Orders in the way they are meant to be interpreted in connection with the English used in them.

Why does it say the responsibility rests with the member who proposes to ask the question, if the full responsibility is with the Speaker; and he can decide whether or not one can ask a question? We are asked to believe that Standing Order 109 means a member may question another member regarding a Bill or a motion in which he may be concerned if the Speaker will let him. If that is so, the sooner the Standing Order is expunged from the book the better; because it is only a trap. If it is intended to be used, it should be used in accordance with the way it is set out; and in accordance with the rulings that have been given, I repeat, over hundreds of years, in connection with this very question.

Mr. Court: Do you accept this ruling given in 1903 and never challenged?

Mr. TONKIN: What ruling is that?

Mr. Court: The one I read out by the Speaker of the House of Commons which said the matter is not subject to question.

Mr. TONKIN: Which one?

Mr. Court: The question ruled out by the Table.

Mr. TONKIN: The Minister means not subject to debate; he said "not subject to question."

Mr. Court: I mean not subject to debate.

Mr. TONKIN: I am not debating it. I am debating the matter as to whether the Speaker in withholding from the notice paper questions which are in order is acting in excess of his authority. From my reading of Standing Orders, and from *May's Parliamentary Practice*, I say he is acting in excess of his authority if he withholds from the notice paper questions which are not out of order.

Apparently there are other people who believe that the Speaker should please himself whether he permits questions which are in order to be asked. So some day a member may be able to ask a question that is in order; and another day, according to state of the Speaker's liver, he may not. That seems to me to be a ridiculous situation. I think the rules are laid down; they are capable of proper interpretation; and there is no room for exercising one's desires or wishes in connection with the matter. The rulings given over many years prove that. It is desirable that the practice which has been followed so often

should continue to be followed; that is, Standing Orders should be interpreted in the way they are written. If we do not like them we should send them back to the Standing Orders Committee to have them altered.

Question put and a division taken with the following result:—

Ayes—24.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. D. G. May
Mr. Davies	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May

(Teller.)

Noes—24.

Mr. Bovell	Dr. Henn
Mr. Brand	Mr. Hutchinson
Mr. Burt	Mr. Lewis
Mr. Cornell	Mr. I. W. Manning
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Crommelin	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. O'Neill

(Teller.)

The SPEAKER (Mr. Hearman): The voting being equal, I give my casting vote with the Noes.

Question thus negatived.

House adjourned at 11.24 p.m.

## Legislative Council

Thursday, the 23rd August, 1962

### CONTENTS

	Page
<b>QUESTION ON NOTICE—</b>	
Country Bus and Rail Services : Comparative Working Costs	628
<b>BILLS—</b>	
BP Refinery (Kwinana) Limited Bill : Com.	626
Business Names Bill : 2r.	624
Coal Mines Regulation Act Amendment Bill : 3r.	623
Companies Act Amendment Bill : 2r.	625
Evidence Act Amendment Bill : 3r.	623
Firearms and Guns Act Amendment Bill : 2r.	624
War Service Land Settlement Scheme Act Amendment Bill : 2r.	623

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4 p.m., and read prayers.