Legislative Assembly.

Tuesday, 17th September, 1946.

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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTIONS.

BEAM BUSES.

As to Extending Service to Fremantle.

Mr. NORTH asked the Minister for Transport:

1, Having regard to the request for the Beam Transport Buses to be permitted to run to Fremantle from the present terminus near Victor-street Crossing, will the operation of the extended route necessitate an increased number of buses and an extended time-table?

2, Is the Victoria-street Crossing now safe for buses, owing to the new warning signs just erected?

3, If it is not yet safe for buses, what further protection is necessary?

The MINISTER replied:

1, Probably one extra bus would be necessary to extend the service to Fremantle, but, unless there was an appreciable increase in traffic, an extension of the present timetable would not appear necessary.

2, In addition to the departmental crossing sign at approximately 10ft. from centre line of each road, additional signs in accordance with the standard laid down by the Standards Association of Australia for use at open level crossings have recently been erected (probably by Main Road Board) at approximately 30ft. from centre line of each road. The crossing should therefore be safe for vehicular use, providing drivers use the same care as is called for at all open level crossings not equipped with warning devices.

3, Answered by No. 2.

EDUCATION.

As to Commonwealth Assistance, etc.

Mr. McLARTY asked the Minister for Education:

1, Has he submitted a case to the Commonwealth Government for financial assistance to education in Western Australia?

2, If so, with what result?

3, Does he consider the rural areas, particularly the South-West, suitably provided for in the matter of secondary education?

The MINISTER replied:

1 and 2, Pursuant to the unanimous recommendation of the State Ministers for Education, a joint request to the Commonwealth Government for financial assistance to education was submitted by the Premiers of the States, and the Commonwealth has the matter under consideration.

3, It is considered that more and improved facilities for secondary as well as primary education are necessary for rural areas, and steps have been taken by the State Government with a view to effecting the improvement required.

PUBLIC ACCOUNTS REPORT.

As to Availability for Estimates Discussion.

Hon. W. D. JOHNSON asked the Treasurer:

In reply to my questions on the notice paper of the 12th, he referred to the Auditor General's report. My question made no reference to the Auditor General's report: it related specifically to the annual report of the Public Accounts. In view of this misunderstanding, will he state when Parliament will be in possession of the report of the Public Accounts, 1945-46?

The TREASURER replied:

The Public Accounts are the financial statements of the year's operations and the Auditor General's report is the only one which gives any report to Parliament on the revenue and expenditure of the various departments.

The Public Accounts will be laid on the Table of the House this week.

EAST PERTH POWER HOUSE.

As to Estimated Peak Load.

Mr. SEWARD asked the Minister for Works:

What is the estimated maximum peak load of electric current required to supply the full demands of the districts served by the East Perth power house, including industrial establishments, transport services, business requirements and private homes?

The MINISTER replied:

The actual maximum peak load experienced to date was in July last, and totalled 51,000 kilowatts.

LEAVE OF ABSENCE.

On motion by Mr. Doney, leave of absence for two weeks granted to Mr. Berry (Irwin-Moore) on the ground of ill-health.

BILL—NURSES REGISTRATION ACT AMENDMENT.

Report of Committee adopted.

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the 12th September. Mr. Rodoreda in the Chair; the Minister for Works in charge of the Bill.

Clause 8—Amendment of Section 28. (Partly considered):

Mr. DONEY: I move an amendment—

That in lines 10 and 11 the words "less than three months nor" be struck out.

The clause gives the impression that all hit-and-run accidents follow a more or less set pattern. That is not so. According to the Bill the degree of blame for these accidents is such that nothing less than three months' imprisonment could be a fit punishment. But one can visualise many accidents where the motorists is only technically guilty and the punishment should be purely nominal. It could be met by imprisonment for one, seven or 28 days. During the second reading debate speakers gave instances of where that could apply. In other cases, of course, the maximum imprisonment should be awarded without hesitation. To put a woman or a minor in prison for from three to 12 months, without the option of a fine, for causing a broken finger or a small cut, or something similar, is overdoing it.

I do not agree with verdicts on important matters of this kind being cut and dried. There should be room for ample discretion on the part of the magistrate. It is wrong for members here, knowing nothing of the details of a particular case, to say, in effect, to the magistrate, "Here is your verdict—three months, and nothing less although if you care to increase it to 12 months you may." There is not a great deal of difference between the clause as I wish to amend it and as it stands. The magistrate's discretion would still reach as far as 12 months, but it could start at 24 hours, if members like. We might consider whether the services of a psychiatrist might not be secured before a case is finally disposed of. I do not mean one in private practice but a man who is in the employ of the Government, of whom I understand there are one or two. Where the problem seems to involve considerations of this description, I think the magistrate's decision might well be withheld until a report from a psychiatrist had been received and given due consideration.

The MINISTER FOR WORKS: I have explained on more than one occasion during the progress of the debate that the Government included this penalty clause for the purpose of establishing what it believes will be a strong deterrent in the future to any person involved in a motor accident clearing away from the scene as fast as it is possible for him to do so. To the extent that we weaken the minimum penalty will we weaken the deterrent effect of the clause.

Mr. Doney: But you will not weaken it, because the maximum penalty will remain.

The MINISTER FOR WORKS: The maximum penalty will remain, but the minimum penalty will practically disappear. In my opinion, the minimum penalty ought to be maintained at its present level—three months' imprisonment. In recent months we have seen how this type of offence has continued, and even increased. Three things are necessary before a person can be convicted and punished under this clause. In the first place, the individual must be involved in an accident. Secondly, he has to run from the scene of the accident without stopping to find out what has occurred; whether anyone has been injured and, if so,

whether he can assist the injured person. Thirdly, someone involved in the accident has to suffer injury before the minimum penalty of imprisonment can become effective. I submit that if a person is involved in an accident or causes one and clears away from the scene immediately, without making the slightest inquiry as to what has happened, that person is entitled to exactly no consideration at all.

I am not a bit impressed by the suggestion that a psychiatrist or someone else should be consulted for the purpose of deciding whether the person who hit and ran was, or was not, possessed of some mental defect or disability. The less we rely upon that sort of thing in connection with these accidents, the better it will be for the innocent people who are injured or, in some instances, killed as a result of the callous conduct of hit-and-run motorists. During my reply to the second reading debate, I indicated that I would be prepared, when the Bill was at the Committee stage, to consider some modification of the clause in the direction of giving the court discretion as to whether imprisonment without the option of a fine should be imposed in cases where it was convinced beyond doubt that the hit-and-run motorist had hit unknowingly and consequently had gone on without having any knowledge that he had caused, or been involved in, an accident. The member for West Perth has placed on the notice paper an amendment which deals with that phase, plus one or two other ideas. The instances where a motorist hits without knowing he has done so are very few and far between.

Mr. Doney: You admit that that happens and such cases are likely to exist?

The MINISTER FOR WORKS: There have been odd cases.

Mr. Doney: Will you admit that they are not catered for under the clause?

The MINISTER FOR WORKS: In my opinion, such instances would represent about one case in 5,000. I am prepared to give consideration to the amendment that will be suggested later on by the member for West Perth, which would leave discretion with the court as to the penalty to be imposed. That is far less than the member for Williams-Narrogin proposes when he suggests wiping out the minimum term of imprisonment altogether.

Mr. GRAHAM: I am wondering whether we are not going further than we really intend. The Act as it stands provides for certain penalties where a person is injured or a vehicle is damaged. The amendment relates to an accident involving injury to a person but no penalty would seem to be included for neglect to report an accident causing damage to a vehicle.

Mr. Doney: The question of civil damages will remain.

Mr. GRAHAM: That is so, but the individual involved in this breach of the Traffic Act would be responsible for damage to a vehicle, but no penalty is provided for neglect to report an accident involving the vehicle.

Hon. N. KEENAN: The objection I have to the clause would be met by the amendment submitted by the member for Williams-Narrogin, and that objection is that the clause does away with the magistrate's right to exercise discretion. Although a magistrate has been appointed for the special purpose of exercising discretion, he is not allowed to do so in this instance. Are we justified in altering the law in that direction? Is there any reason why, if the bench took too lenient a view of this class of offence, the Crown Law Department should not draw the attention of the court to the prevalence of this type of offence and ask it to consider whether it was not necessary to impose more severe penalties in order to prevent their occurrence? That has happened over and over again, especially in the Old Country. When certain waves of crime occur, the Home Secretary sends a circular to a judge, for the purpose of his circulating it among his fellow judges, directing his attention to the increase in crime and asking that the judges should take that into account when administering the law. The result is that the judges are made aware that the crime is becoming prevalent and adopt a more stringent attitude in imposing penalties.

If we take away from the bench the right to exercise its discretion, it will be a mere recording machine when the accused appears before it and is convicted. The accused then must be sent to gaol for three months. True, a discretion is allowed within the range of three and twelve months; but the person has to suffer the infamy of being sent to gaol, notwithstanding that the circumstances

might be of a character that would not at all warrant the imposition of imprisonment. The circumstances might be such that the bench in its discretion would never dream of imposing imprisonment. I am entirely opposed to the suggestion that we should practically pass a vote of censure on all the occupants of the bench, men who have been carefully selected, I presume, by the Executive, because of the possession by them of the particular qualifications required to estimate what penalty should be inflicted. Notwithstanding the injury inflicted on a person might be the mere scraping of a finger, that would be sufficient, if he were convicted of the offence, to compel the bench to sentence him to imprisonment.

Mr. DONEY: The severity of the punishment might quite easily defeat the ends of justice. The magistrate might consider that the offence did not warrant three months' imprisonment, but he could not reduce the term to two months or a fortnight. Would he not take the course of dismissing the case? I cannot see that he could do anything else. In justice to the individual and to the injured person, he might decide, "I could give him two months' imprisonment or one month's or a fortnight's, or perhaps 24 hours'." But he is denied that right; he must impose the sentence fixed by the statute. Perhaps that aspect has not been brought to the notice of the Minister.

Mr. McDONALD: I think the matter raised by the member for East Perth—

The Minister for Works: I think you should look at the top of page 6. That point is covered.

Mr. McDONALD: Yes. As the Minister said, I have an amendment on the notice paper, the second one, which is designed to maintain the minimum punishment of three months for this offence. We are desirous of using every means possible to stop this offence and my amendment, which I do not propose to discuss at the moment, preserves three months as the minimum penalty in every case where the magistrate feels or considers that the offender should be sent to gaol; but if the person convicted did not know that there was an accident, or if there are special reasons why imprisonment should not be ordered, then the magistrate is given a discretion. That is an alternative. I prefer the amendment of the member for Williams-Narrogin to the position as it now stands in the Bill.

Hon. W. D. JOHNSON: There has been a good deal of adverse criticism, at least in my electorate, of the undue leniency of the punishment inflicted for this offence. As a matter of fact, the Press took it up, but did not get very far and its representations were ignored. I felt that the punishment was not severe enough to protect the general public from hit-and-run motorists.

Mr. Doney: You do not worry about making the punishment actually fit the crime!

Hon. W. D. JOHNSON: No. There is another aspect of the matter. The Government, in its wisdom, no doubt took into consideration when framing the Bill the opinions of its expert advisers. There are qualified experts on traffic and no doubt the Government was given the soundest advice. The Government has decided upon the minimum punishment and Parliament must shoulder a very serious responsibility if it removes it.

Mr. Doney: That is the same as saying that the Government should never accept any amendment.

Hon. W. D. JOHNSON: No. I said I believed public opinion had been offended by the leniency of the punishment inflicted for this offence.

Hon. N. Keenan: Do you know whether the Minister for Justice drew the attention of the bench to that?

Hon. W. D. JOHNSON: That suggestion is new to me. Ever since I have been in Parliament, I have always understood that Parliament resents any representations being made to courts of justice. I have heard it argued many a time in our Parliament that it is quite wrong for the Government or Ministers to make representations; that we have to leave those who administer the law to be guided by the law as passed by Parliament rather than by any influences that might be brought to bear by representations from Ministers in charge. I have never heard it suggested that this latter should be done, and it is quite news to me to hear from one who is undoubtedly an authority that it actually takes place in the Old Country. I do not like the idea.

The Minister for Works: I should think the courts would resent it.

Hon. W. D. JOHNSON: I think so, too. I commend the Government for suggesting this minimum punishment. We have reached the stage where a special organisation has been created to try to protect the public. Members of the public are nervous about these constant accidents. Womenfolk are not easy until their children and others come home, because of the possibility and the liability of accidents. We have to try to allay public feeling in that respect, and the only way is to demonstrate that Parliament calls for punishment adequate to an offence of this kind. A minimum penalty of three months' imprisonment is as little as is reasonable.

The MINISTER FOR WORKS: The Government does not desire to put anyone in gaol. I emphasise again that the intention of the Government is to establish a very strong deterrent so that hit-and-run accidents will be less frequent in the future. Several fatal accidents have occurred through the activities of hit-and-run motorists; and many people have been injured seriously, and some permanently. The offence is becoming so serious and frequent as to justify Parliament in saying what it thinks about the matter. It justifies Parliament in making a decision as to what should be done to try to wipe out the offence or to reduce it as much as possible. Parliament is thoroughly justified, if it thinks that should be done, in directing the courts as to the minimum and maximum penalties to be imposed when any person is convicted of this offence. The magistrates are employed to carry out their particular duties; and, if Parliament establishes minimum and maximum penalties for any offence, it is the duty of the magistrates to make decisions accordingly. There are minimum and maximum penalties for offences much less serious than this one.

Mr. McDonald: In the way of fines; but very few in the case of imprisonment, I think.

The MINISTER FOR WORKS: There are some.

Mr. McDonald: I do not know of any.

The MINISTER FOR WORKS: If Parliament thinks this type of offence is one that should have provided for it minimum and maximum periods of imprisonment, Parliament is in duty bound to see that those penalties are incorporated in the Act. I think it is true to say that there is in the minds of most courts an unconscious bias in favour of the motor vehicle owner.

Mr. McDonald: I question that. If it were suggested it was the other way round--

The MINISTER FOR WORKS: I am sure it is not the other way round. I have carefully watched the penalties imposed on motorists for different offences; and, if anyone else cares to study them, I think he will come to the conclusion that there is an unconscious bias operating in many cases in the mind of the court in favour of the motorist in the infliction of penalties. I could give in detail a case in which I was personally involved as absolute proof of what I say, but I prefer not to do so. I hope no member of the Committee will be persuaded by the speech of the member for Nedlands.

Mr. Watts: I have been persuaded.

The MINISTER FOR WORKS: I should take it for granted that that would happen, on the basis that lawyers must hang together or they may hang separately. I hope the majority of members will not be convinced by the member for Nedlands that it is a wrong thing and an unjustifiable thing to take away from courts their discretion as to the minimum and maximum penalty that should be imposed for particular offences. I submit that the seriousness of this offence, the cowardly nature of it, and the increasing number of cases of this kind, are all sufficient considerations to justify the Committee in voting against the amendment.

Mr. STYANTS: I hope the Minister will not agree to any alteration in the minimum penalty outlined in the Bill. We do not desire or attempt to interfere with the discretion of the court as to whether a person is guilty or not. The only manner in which we propose to interfere with the court's discretion is this: We say what we consider to be the minimum penalty that shall be inflicted. I think there is other legislation in which we provide a minimum penalty. Why should we not be able to do it in this instance? I would be very disappointed if the Minister agreed to any alteration. I have read in the papers of police court actions in which trivial penalties have been inflicted on motorists for

very severe offences. Reference has also been made to allowing a psychiatrist to examine a person to see whether he was responsible for his action.

The Premier: Who would examine the psychiatrist?

Mr. STYANTS: There may be something in that too!

Mr. Doney: The Government has a psychiatrist in its employ; or it did have.

Mr. STYANTS: If a person is not able to control his actions to such an extent as to adopt a humane attitude, and stop to see if he has injured anybody or what damage he has done after having caused an accident, he has no right to be in possession of a driver's license, and it should be taken from him. I remember that some years ago a legal man in Fremantle submitted a defence of amnesia. I think that had he charged a royalty for the use of that defence he would have been a millionaire today; because it seems quite in order, not only in motor accidents but in other types of offence, to plead amnesia.

What this Committee has to decide is whether the penalty of three months' imprisonment on a person who causes an accident and may fatally or seriously injure somebody and who then bolts without stopping to see what damage has been done, is too great. I do not think it is. I do not know of any more callous thing a person can do than, after having knocked a person down, or injured somebody in a vehicle, and having a full knowledge—and I emphasise this point—that he has caused injury to such person, take to his heels and bolt without a care or thought as to what is to become of his unfortunate victim. In the event of the court deciding that a person has been guilty of such a crime, I believe that three months' imprisonment is not too great a penalty, and I hope the Minister will not agree to diminish it.

Mr. ABBOTT: No one can deny the seriousness of the offence that this provision attempts to deal with, or that if Parliament so decides it can impose a minimum penalty as is suggested. What is being argued is the advisability of permitting the judiciary to decide in any particular case what would be the proper penalty. It is usual, if an offence is of a very serious kind, to provide a serious maximum penalty. That could be done here. We could increase the maximum penalty provided under the existing Act. I think that for manslaughter the penalty may be up to 20 years' imprisonment. There is no reason why Parliament in this instance should not make the maximum sentence five years. That would be an indication to the judiciary of the seriousness with which Parliament views this offence. I would have preferred some action in that direction.

It is quite open to the Minister for Justice—I know of no law against it; though it may not be the custom—to appeal against any sentence. Just as anyone convicted and considering his sentence too heavy may appeal to the higher courts, so the Crown may appeal against any conviction if it thinks the sentence is too light. So far as I know, that has not been done. Although it is unusual for the Crown to suggest to any particular magistrate or judge that the sentence imposed by him is not correct, there is no objection, so far as I know, to a Minister for Justice pointing out to the Chief Justice, who is the highest judicial officer in the State, how seriously this offence is viewed by the Government. That has been done by the British Parliament in certain cases.

Hon. W. D. Johnson: You would not suggest that the Chief Justice should speak to the magistrates about it?

Mr. ABBOTT: The Chief Justice has the privilege of conferring generally with the judges or magistrates, and on more than one occasion that has been done.

Hon. W. D. Johnson: The magistrates can consult the Chief Justice.

Mr. ABBOTT: In my opinion there would be no objection to the Chief Justice conferring generally with the lower courts on any particular class of crime.

Hon. W. D. Johnson: I think it would be a complete innovation.

Mr. ABBOTT: It has been done in England. The court of appeal can review any sentence and increase or decrease it. My main objection is that though it is desired to deter the driver of a car that is involved in an accident from abandoning some injured person, there is no definition of "injured," and there is nothing in the measure to say that the guilty person shall have knowingly committed the offence. The person concerned might not know that he had

caused serious injury. The injured person might have only an injured finger nail. When backing out from a parking place one might bump another car, and an occupant of that car might receive a scratch, but under the provisions of this measure the judge would be compelled to inflict a penalty of three months' imprisonment.

The Minister for Works: This is special pleading, with a vengeance.

Mr. ABBOTT: The police might have discretion not to prosecute, in such a case.

The Minister for Education: The driver would first of all have to be found guilty.

Mr. ABBOTT: He would have to be found guilty on the facts. If a man bumped another car when backing out from the kerb and then drove off—

The Minister for Education: Without knowing anything about the accident?

Mr. ABBOTT: —the member for West Perth says he would still be guilty, but that is an extreme case. In a case such as I have mentioned the penalty would be extreme, though where there is a serious accident and the driver concerned deliberately abandons an injured person the penalty would be appropriate. I think the case of a man who knocks another on the head with a bottle and leaves him lying there is much worse, and that occurs very frequently.

Mr. Doney: What sentence is generally imposed in such cases?

The Minister for Education: You expect such a man to run, but you do not expect a motorist to run.

Mr. ABBOTT: There are good, bad and indifferent motorists. I think the offence is 100 times greater in the case of a man who ill treats little children, but there is no such penalty provided there. In view of the vagueness and unsatisfactory nature of the clause I think it should be left to the magistrate or judge, under the supervision of the court of appeal, to decide what is an appropriate penalty in the circumstances.

Mr. FOX: I hope the Minister will stick to the Bill, because it is an indication to the general public that Parliament takes a serious view of hit-and-run offences. In a great many cases when men have stolen cars and are involved in accidents they go for their lives, not wishing to be apprehended. The Minister for Education, the Speaker and I were nearly run down on one occasion by a motorist. He continued on and tore the running board off another vehicle. The member for North Perth suggested a maximum penalty of perhaps five years, without any minimum being specified, but that would mean increasing the penalty. It is usual for a six months' penalty to be inflicted, so his suggestion would double the penalty proposed by the Minister for a hit-and-run driver.

Mr. Abbott: In appropriate cases, yes.

Mr. FOX: Where there is a maximum penalty laid down under the Act there is always a minimum, below which the magistrate cannot go.

Mr. Watts: There is nothing of the kind.

Mr. FOX: I think there is, and that it is one-tenth of the penalty laid down in the Act. If the Minister sticks to the Bill it will be a warning to drivers that they must drive with care, and must stop and take what is coming to them if involved in an accident.

Mr. NEEDHAM: I have paid particular attention to the arguments adduced by those members who belong to the legal profession, and who seem to think that if this clause becomes law anyone found guilty of the offence will receive three months' imprisonment. They must have forgotten that if the magistrate is not satisfied with the evidence he need not impose the penalty. The member for Nedlands has suggested that some discretion be left to the magistrate. In recent years the sentences imposed in many cases have been in no way commensurate with the magnitude of the offence. Such offences have been treated with leniency by magistrates, until now the offenders have become a menace to the public. I remember a case in Melbourne where the magistrate was asked, "Has the pedestrian no rights at all?" and he replied, "Yes, the last and sad rites." That has frequently been the case in the last couple of years. I think the clause should be accepted by the Committee. There may be some excuse for the "hit" but there is no excuse for the "run." The most careful driver may be involved in an accident, but if he is conscientious he will ascertain whether any person has been injured or whether damage has been done to the other vehicle. There is no justification for running away.

Hon. N. KEENAN: I desire to clear up some possible doubt, after the remarks of the member for Guildford-Midland. I have never suggested and would not suggest that the Crown should communicate directly with any member of the bench and say that such and such a penalty should be imposed. That would be intolerable, but what the Crown is entitled to do, and what has been done on many occasions, is to draw the attention of the bench to the prevalence of certain crimes. At one time garrotting became prevalent in England and the Crown very properly drew the attention of the Lord Chancellor to that fact, suggesting no course except that he should consider that prevalence, which he did, and the bench thereupon took steps, through deterrent sentences, to prevent that crime being so popular among criminals. The Minister for Justice would be entitled to communicate to the Chief Justice a record of the facts of these occurrences and of their frequency, and to ask him to instruct his fellow judges as to what measures should be taken to prevent that frequency. I do not think the member for Guildford-Midland would take exception to that.

The criminal law provides for very similar circumstances. A person who unlawfully does an act by which bodily harm is caused to another person is guilty of a misdemeanour. This means bodily harm of any sort, but it would have to be serious before a case would be sent to the criminal court. Complete discretion is left to the bench; only a maximum penalty is provided and the court may impose any sentence considered proper up to that maximum. Yet here we are asked to reverse that procedure. Is there any justification for it? The Minister said he knew of many cases where the minimum penalty had been imposed. I should like to know of them. The member for Geraldton mentioned cases of wilful murder. In such a case, the court is directed to impose a sentence of death, but if it is not a murder with malice prepense, the bench may impose any lesser penalty. Yet, under this provision, we are to ask the court to send the accused to gaol. I should regard such a step with horror because it would be a reversal of the administration of British justice. The Minister says he wants a deterrent. Let him examine the Criminal Code. At one time in Great Britain the penalty for stealing a shilling was death by hanging, and "deterrent" was the only defence for that penalty. So the Minister finds himself in strange company when he asks us to pass this provision as a deterrent.

The Minister for Works: Not so strange as to be in your company.

Hon. N. KEENAN: That is not only a personal but an impertinent retort. The Minister should bear in mind the position he holds and that impertinence is not consonant with dignity.

The Minister for Works: It is the same as what you said a moment ago.

Hon. N. KEENAN: Has the Minister never found himself in strange company before? The member for Geraldton appreciates how repugnant it would be to take away the discretion of the bench. We are asked to direct the magistrates that, no matter what the circumstances may be that might justify a nominal sentence, they must impose the infamy of imprisonment.

Mr. DONEY: The member for Kalgoorlie was strangely contradictory in the views he expressed. He said he had no wish whatever to interfere with the court except to say what penalty it should inflict. The hon. member might be able to work that out to his own satisfaction or explain that he did not mean it. The member for South Fremantle wants the maximum penalty and nothing less; yet, if I am correctly informed, Fremantle magistrates only a few days ago fined a drunken driver only £1. I am convinced that the cowardliness and baseness of the hit-and-run motorist who knows precisely what he is doing merits imprisonment for as long as justice demands it, whether the term be one year, two years or three years, but I again insist that there are wide variations of guilt. I think the Minister admitted that these would amount to no more than one in 6,000, which, of course, is getting as near to negligible as can be.

The Minister for Works: The sooner we defeat this amendment, the sooner we shall be able to consider one that may meet some of the objections you are raising.

Mr. DONEY: The Minister is only entitled to turn down my amendment on its merits or demerits. He is obsessed by the deterrent aspect. That surely is offensive to justice. These cases should be decided on their merits. Members on the Govern-

ment side have obviously shown mistrust of the court. This Bill is supposed to be a non-party measure, and it is remarkable that all the support for the amendment has come from the Opposition side, while members on the Government side have supported the Minister.

Mr. STYANTS: I am beginning to doubt the sincerity of the member for Williams-Narrogin in moving this amendment.

Mr. Thorn: Why?

Mr. STYANTS: The hon. member has given notice of another amendment which would achieve precisely what he is now objecting to. At the top of page 6 of the Bill appears a provision that any person convicted of any other offence under this subsection shall be liable to a fine not exceeding £50 or to imprisonment for a term not exceeding six months. The hon. member would have that altered to provide for imprisonment for a term of anything up to 12 months without the option of a fine.

The Minister for Works: That relates to a drunken driver.

Mr. STYANTS: But the principle is the same. In the case of drunken drivers, he would wipe out the discretionary power and insist on a convicted person being imprisoned for one month to 12 months. Therefore it appears to be rank inconsistency for the hon. member to object to a minimum penalty being provided in this case.

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

Ayes	15
Noes	23
Majority against ..	8

AYES.

Mr. Abbott	Mr. North
Mr. Brand	Mr. Seward
Mrs. Cardell-Oliver	Mr. Shearn
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Watts
Mr. Leslie	Mr. Willmott
Mr. McDonald	Mr. Doney
Mr. McLarty	*(Teller.)*

NOES.

Mr. Collier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Panton
Mr. Fox	Mr. Read
Mr. Graham	Mr. Styants
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Triat
Mr. Hoar	Mr. Willcock
Mr. Johnson	Mr. Wise
Mr. Kelly	Mr. Withers
Mr. Leahy	Mr. Wilson
Mr. Marshall	*(Teller.)*

Amendment thus negatived.

Mr. McDONALD: I move an amendment—

> That at the end of the clause the following proviso be added:—"Provided that if the Court shall be satisfied that the person convicted was not aware of the occurrence of the accident or if in the opinion of the Court there are special reasons why a sentence of imprisonment should not be imposed the Court may in lieu of imprisonment impose a fine of not less than Twenty pounds and not more than One hundred pounds."

This amendment tends to preserve in general the minimum sentence of three months. It also provides that imprisonment need not be awarded if the magistrate is satisfied the motorist did not know he had been involved in an accident. The amendment goes on to say that some discretion to dispense with imprisonment might be utilised by the magistrate if there are special circumstances. I gave some idea of the special circumstances when speaking before. I said I would be reluctant to see any young boy or girl of 18 or 19, who might become involved in an accident and might lose his or her presence of mind and not stop, sent to gaol for three months. I also indicated that a woman might be driving a car and might not stop for similar reasons, and she might be a mother of a young family. That is a case, too, where I would be sorry to see such a woman sent to the Fremantle gaol for three months. In lieu of imprisonment the court might inflict a penalty of a fine of not less than £20 but not more than £100. The minimum might be made larger or smaller and the maximum made larger or smaller according to the views of the Committee.

As the member for Nedlands said, whether it is right or wrong it has been the generally accepted principle in British Criminal law that circumstances may exist which may render discretion on the part of the court almost absolutely necessary. We cannot contemplate all the circumstances which may arise and which may affect the penalty which should be ordered. Under Section 669 of the Criminal Code it is provided in, I think every case but that of wilful murder, that the court, having regard to the character and antecedents and age of the person convicted, may award any penalty it thinks fit. It may even release the offender upon bond or require him to pay a fine. In any case, it may dispense with any term of imprisonment.

I feel I have discharged my responsibility in submitting this amendment for the consideration of the Committee. The idea is to give general directions to the magistrates and justices that there may be a minimum term of three months' imprisonment for this offence and at the same time allow them in the case of special circumstances to refrain from imposing imprisonment if they think imprisonment would be something which should not be ordered in the case of the particular person who has been convicted.

Hon. J. C. WILLCOCK: We have not yet heard what the Minister may have to say on this amendment. I do not agree with the member for West Perth in regard to the maximum and minimum penalties. It is a very pernicious principle to provide that a certain amount of money shall relieve a person of the responsibility for a crime and constitute his only punishment. To some people a fine of £100 would make no difference, whereas in the case of others a fine of £20 would mean ruination.

Mr. McDonald: I agree with you.

Hon. J. C. WILLCOCK: In most Acts of Parliament the minimum penalty is 10 per cent. of the maximum. The member for West Perth wants it to be 20 per cent. We should not depart from the principle that has been followed in the past. I have always advocated vesting a certain amount of discretion in our magistrates. We select people in whom we have confidence and in whose judgment we have faith and we believe that their decisions will be sound and correct. When we get them on the Bench, however, in cases where they are supposed to exercise judgment, we say, "No judgment in regard to this particular instance." If the principle is good it should be exercised in pretty well all cases. There is an elementary incentive in regard to anyone who commits an offence of this kind. It may be due to some youthful indiscretion, and there is the natural desire on the part of the person concerned to cover up his tracks in the case of an accident. It is the elementary thing that gets into one immediately. People fall for something which is inherent in human nature. We now say, "For that particular offence, no matter what may be the result of the misdemeanour you have committed, you will have to go to gaol for three months."

I am loth to send to gaol any otherwise respectable citizen who, without any forethought or premeditation such as making up his mind suddenly to commit a misdemeanour, makes a mistake. The stigma of gaol is something I would not like attached to any of my family nor do I think any member of the Committee would like to have it attached to any of his family. A young fellow of 18 or 19 may get into trouble of this type. The inherent thing in such young people is to endeavour to get out of their responsibility, but they are caught and convicted and willy-nilly go to gaol for three months. Forever and ever there would be that brand upon their foreheads. We should be very circumspect in this matter. It does not matter what a person goes to gaol for. Once his character has been besmirched by a conviction and he has been sent to gaol he is looked upon as a citizen in whom no one can have confidence. Of course I agree that the crime of knocking people over and callously running away is a terrible one. I believe in the punishment being made to fit the crime, but where there is an element of doubt, perhaps a borderline case, such as one in which other people would say, "You were unlucky to be fined as much as £10," the magistrate should not be placed in the position of having no option but to send the convicted person to gaol for three months.

Mr. Doney: Would that element view apply equally to a young hit-and-run motorist?

Hon. J. C. WILLCOCK: Yes.

Mr. Doney: Your admission comes too late. That should have been dealt with on the last clause.

Hon. J. C. WILLCOCK: I want to protect our youths, our respectable sections of the community who have no inherent desire to commit a crime and to whose nature the commission of a crime is foreign. I do not want to see them, without any discretion whatever being allowed, sent to gaol and suffer all that indignity and ruination. A man cannot hold a Government position if he has been in gaol for many offences. Who, for instance, would marry a man who had been in gaol?

The CHAIRMAN: Order! I think the hon. member is getting away from the

amendment, which provides the means for keeping people out of gaol.

Hon. J. C. WILLCOCK: I do not agree with the amendment inasmuch as it is not uniform with the general procedure of our Code or of the treatment of offences which are known as misdemeanours. I see no reason why in these circumstances the magistrate should not have the option of exercising discretion as he would in any other case.

The MINISTER FOR WORKS: I agree only in part with what the member for Geraldton has said about the attitude adopted towards the man who has been in prison. Everything depends upon the offence for which the person was imprisoned. To digress on that point, I understand that the majority of the members of the New Zealand Ministry did, in previous years, serve terms of imprisonment. Everything depends on the type of offence for which a person is imprisoned, rather than upon the fact that he has served a term.

Mr. McDonald: It is all right if you become a Minister.

The MINISTER FOR WORKS: I have indicated before that I would be sympathetically disposed to amending this clause to the extent of giving the magistrate discretion where he was convinced that a hit-and-run motorist, convicted of the offence, was without any actual knowledge of having done it. For that reason, and because there have been odd cases of that kind, I am inclined to accept the portion of the amendment which provides that the court may, in such cases, impose a fine instead of a minimum term of imprisonment. This amendment goes further than that, however. It gives to a magistrate the discretion to impose a fine if there are special reasons justifying the non-imposition of a term of imprisonment. I am not quite as happy about that part of the amendment as the other.

Hon. J. C. Willcock: Give it a trial.

The MINISTER FOR WORKS: I think the member for Geraldton is doing some mind reading. I had thought to move to delete those words, but I am prepared to accept them at this stage to see how they work out in practice during, say, the next 12 months. If these special reasons are interpreted by the courts in a reasonable way, then no doubt Parliament will continue to leave those words in, provided of course they are put in on this occasion. If, however, all sorts of reasons become established as special reasons, then in a year's time Parliament might very well be justified in considering whether it should delete those particular words.

Hon. P. Collier: A special reason might be that the accused is a good-looking girl.

The MINISTER FOR WORKS: Once a magistrate accepts a plea as a special reason, the measure imposes a fine instead of imprisonment. The decision in such a case would become a precedent and, I suppose, would be adopted by all magistrates, and we might easily find that the attempt to decrease this type of offence by the imposition of severe penalties would be undermined. However, I am prepared to give this a trial in practice for about 12 months. I am inclined to favour the deletion of the minimum fine as set out in the amendment. That is not so much for the reason advanced by the member for Geraldton as upon the basis that where the magistrate finds that the person convicted had no knowledge of having caused an accident such person should perhaps, not be fined as much as £20.

Hon. N. Keenan: What do you suggest?

The MINISTER FOR WORKS: I suggest we have the maximum of £100 and no minimum.

Hon. N. Keenan: I agree.

Hon. J. C. Willcock: The minimum is nearly always ten per cent.

The MINISTER FOR WORKS: If a magistrate is convinced that he is dealing with one of those unusual and infrequent cases where a motorist has caused an accident but has had no knowledge of what happened, it might be unreasonable to fine him £20

Mr. Styants: Would he not, in that case, acquit the man?

The MINISTER FOR WORKS: This is in reference to a convicted person. I move—

> That the amendment be amended by striking out in line 7 the words "not less than £20 and."

Mr. TRIAT: This carries out the suggestion that I put forward last week. I only partially agree to the amendment of the member for West Perth. Where a

magistrate finds that a person has no knowledge of the accident, there should be no penalty. When I spoke the other evening I used the expression, "innocently-guilty." The suggestion that a magistrate should be compelled to inflict a fine on people who have no knowledge of causing an injury is the most unjust thing I have heard of. I stand four square in the belief that for people who inflict an injury and run away, no penalty is too great. But if a person inflicts an injury without knowledge there should be no penalty. I support the amendment on the amendment.

Mr. McDONALD: There is substance in the reasons given by the Minister for his amendment, and I support it.

Amendment on amendment put and passed.

Mr. WATTS: I am not quite satisfied yet that this amendment will do the full measure of justice desired by the member for Mt. Magnet. It seems to me that if a person can prove that he was not aware of the occurrence of the accident, he is not guilty of any offence, and there should be no penalty. I have always understood it to be a principle of our criminal law that a person is not criminally responsible in the event of his believing that a certain state of affairs existed when it actually did not exist, provided that he could prove his honest belief. I think that principle is set out in Section 24 of the Criminal Code, which provides—

> A person who does or omits to do an act under an honest and reasonable, but mistaken, belief in the existence of any state of things is not criminally responsible for the act or omission to any greater extent than if the real state of things had been such as he believed to exist.
>
> The operation of this rule may be excluded by the express or implied provisions of the law relating to the subject.

The wording of this amendment seems to be such as to exclude that general provision. It seems to me that the amendment provides for a state of affairs where the accused person can show that he was not aware that any accident had taken place. In consequence he did not hit and run from an accident.

The Minister for Lands: Would he be convicted in those circumstances?

Mr. WATTS: Under this amendment h must be convicted, in my view. Again I as myself, "How can he be convicted if he wa not aware of the accident?" In these circum stances what is the effect of the amendment I admit that I cannot satisfy myself abou it. I am strongly in accord with the senti ment expressed by the member for Wes Perth and the member for Mt. Magnet. T impose a minimum penalty of three months imprisonment on everyone, without takin into consideration the circumstances of eac case, would be wrong. But I am not satis fied that the amendment suggested will no raise more difficulties.

Mr. McDONALD: I appreciate the mat ter raised by the Leader of the Opposition I gave some little thought to it myself. I an inclined to think that this is a class of cas where the prosecution has not to prove tha the offender knew that he had been involve in an accident. The mere fact that he wa involved in an accident and failed to sto is sufficient to render him liable to convic tion. There are a number of similar case under the Traffic Act. If I am charged wit driving without a tail light burning it wil not help me to say that I did not know.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. McDONALD: If a driver were charged with having driven without a tai light or with defective brakes, it would no be an excuse if he were to say that he wa not aware that his tail-light had failed o that the brakes were defective. It is oper for this particular provision in the Bill t be construed as meaning that if there is an accident and the driver does not stop, h then becomes guilty of an offence. In such a case the magistrate would almost certainly regard the breach as purely technical and would impose a nominal penalty. In the circumstances, and to be on the safe side, no harm would be done by providing that if a man is convicted of failing to stop in the circumstances where he could satisfy the court that he had not realised that he had been involved in an accident, the court would have discretion as to the penalty to be imposed. Possibly the court in minor cases would not impose a penalty at all but order the defendant to pay costs.

Mr. CROSS: I do not like the proviso at all, although the Minister is prepared to give it a trial for 12 months. I do not think

members, including the member for West Perth, fully understand what is implied. If a man is not aware that there has been an accident, he cannot be guilty of hitting and running.

Hon. J. C. Willcock: Yes, he can.

The Minister for Works: Of course he can.

Mr. CROSS: Take the position under the liquor laws. If a barman sells drink to someone who is under 21 years of age, the law does not prosecute the publican but the barman, and that is unfair.

Hon. J. C. Willcock: But the publican pays the barman's fine.

Mr. CROSS: I can visualise all sorts of implications if we agree to the amendment. As it is worded, even though a person should be unaware of the occurrence of the accident, he would be fined, and I am opposed to that. It seems to me that if the occurrence were purely accidental, the police would not take action. Under the amendment if someone were to walk into the side of a car as it was passing and the driver was not aware of it, he would be regarded as a hit-and-run motorist, and be fined.

Mr. HOAR: Like the member for Canning, I am not enamoured of this amendment although I favour the incorporation of the first portion in the Bill. The second part of the amendment seems to cut right across the previous amendment. If we accept this proposal as it stands we will soon find ourselves faced with the position that practically no severe penalties will be imposed in regard to these serious accidents.

Mr. Abbott: But this does not deal with serious accidents.

Mr. HOAR: In my opinion the Bill was drafted in a form that would make it a deterrent for the future, irrespective of whether the accidents were serious or otherwise. The next clause that we will consider deals with three distinct happenings that must occur before a license can be taken away permanently from a driver. I would like to know, Mr. Chairman, whether I can move an amendment to strike out all the words after "accident" with a view to substituting other words.

The CHAIRMAN: No. The hon. member cannot move such an amendment, seeing that we have already amended the clause in later lines.

Mr. HOAR: I do not see how a man could be held guilty—unless he has been guilty of some other offence under the Traffic Act—if he were completely unaware that something had happened. Last night I saw a heavy lorry proceeding along the back streets in Subiaco without headlights but with a tail-light. The driver was travelling very slowly but an accident could have occurred anywhere between the street lights and he could have been unaware of the occurrence and proceeded on his way. Of course, he had committed offences against the traffic regulations, but a cyclist could easily have brushed against the heavy truck and an accident could have occurred without the driver knowing anything about it at all. To say that that man would be guilty of a hit-and-run offence would be ridiculous. As I cannot move to amend the amendment I shall oppose it.

Mr. LESLIE: I hope the Committee will not reject the amendment. I can cite the position under another Act where penalties are provided for breaches, whether knowingly committed or merely technical One instance came under my notice with regard to the Firearms and Guns Act, one section of which provides that if a person who owns a firearm allows another person to use it without the permission of the police, he is guilty of an offence for which a fine of £10 is provided. A farmer owned a rifle to which an employee had access. On one such occasion when the employee used the rifle a minor accident occurred, and the police took up the case. The farmer, who was an honest and reputable man, asked the magistrate what he was charged with, and when Mr. Read, P.M., who was presiding on the bench, read the section to him the farmer said that he would have to plead guilty as he knew the employee used the rifle but did not know just when he did so. Mr. Read said to the man, "I am sorry but you have pleaded guilty and actually you are guilty of a technical offence only. I will have to fine you £10. But for the provision in the Act fixing the fine at that amount, you might have been cautioned and ordered to pay costs." In this instance the magistrate should be allowed to exercise discretion so as not to inflict hardship on a person who had offended unwittingly.

Mr. CROSS: I move—

That the amendment be further amended by striking out the words "One hundred pounds" in the last line.

This deals with men who are innocent, and yet a magistrate or some of these Justices of the Peace is to have power to impose a fine of £100! The member for Nelson gave an instance where an accident could easily have happened with the driver of a heavy truck, without his knowing anything about it. The man could have satisfied the court on the point, and yet he would have to be fined £100.

Hon. W. D. Johnson: But he would not have to be fined that amount.

Hon. P. Collier: Magistrates are not madmen!

Mr. CROSS: I know that.

Hon. P. Collier: He would not fine the man at all.

Mr. CROSS: From what I have read, magistrates do not carry out the laws as we think they should. Take the street obstruction laws; they are not carried out properly! I think, in a case like that, a fine of £20 would meet the position.

Amendment on amendment put and negatived.

Amendment, as previously amended, agreed to; the clause, as amended, put and passed.

Clause 9—Amendment of Section 31:

Mr. WATTS: On behalf of my colleague, the member for Williams-Narrogin, I move an amendment—

That a new subclause be inserted as follows:—"(1) By repealing Subsection (3) thereof and inserting in lieu a new subsection to stand as Subsection (3) as follows:—'(3) Such person upon conviction for such offence shall be liable to imprisonment not exceeding 12 months.'"

The amendment would repeal Subsection (3) of Section 31, dealing with motorists who are charged with being under the influence of liquor when driving a motor vehicle. The present provision is for a monetary penalty or imprisonment for a period mentioned. The procedure has been adopted in regard to hit-and-run motorists of cutting out the monetary penalty, except in the somewhat extraordinary cases dealt with in the last amendment. I regard the offence of driving a motor vehicle while under the influence of liquor as being of a more substantial nature than the offence of the hit-and-run motorist. A drunken person in charge of a motor vehicle is one of the greatest menaces to the community that can possibly exist. More damage is done to the public by such persons than is done in any other type of vehicle accident. The amendment is perfectly consistent with the previous observations of the member for Williams-Narrogin. He objected to the provision that a magistrate should have no discretion as to the term of imprisonment, and to there being a minimum of three months' imprisonment, whether he wished to impose that penalty or not.

Mr. STYANTS: I oppose the amendment. In spite of the heroic attempt of the Leader of the Opposition to prove consistency on the part of his colleague the member for Williams-Narrogin, I am still unconvinced, as the argument previously was that discretion as to the nature of the penalty should be given to the court.

Mr. Watts: Only as far as imprisonment was concerned.

Mr. STYANTS: The present penalty is £50 or three months' imprisonment. The amendment does not provide for any discretion as far as a monetary penalty is concerned, but for imprisonment without the option of a fine for any period up to 12 months. To give the court discretion to impose a penalty of imprisonment for seven days or 14 days in the case of a drunken driver is simply making the whole position ridiculous. The amendment I propose moving later provides for heavier penalties.

The MINISTER FOR WORKS: It is true that the member for Kalgoorlie proposes to move an amendment substituting a term of six months' imprisonment for the existing term of three months. That would mean that the existing penalty would be altered to read, in effect, a fine of up to £50, or gaol with or without hard labour for six months. The magistrate would have a discretion to impose a fine of £50 or less; and if he decided not to impose a fine he could order imprisonment. It must be remembered in dealing with the amendment before the Committee that the only offence that would be committed by a driver of a motor vehicle in these circumstances would be the offence of being under the influence of liquor. It is therefore arguable whether

we ought to take away from the existing penalty clause all reference to the imposition of a fine. I should not object to the existing maximum fine being increased up to £100. However, I very much doubt whether we would be justified in taking from the magistrate the right to impose a monetary penalty and leave him only with power to order imprisonment up to a maximum of one year. I oppose the amendment in its present form.

Mr. ABBOTT: It is difficult to determine when a person is under the influence of liquor to such an extent as to render him incapable of having proper control of a vehicle. Consequently, if the penalty be made too heavy, the accused would be given the benefit of the doubt more often than probably would be right. For that reason I am not in favour of the amendment. If the offence is serious enough, the accused person could be charged under another section, that is, if he had caused injury to some person as a result of dangerous driving. But it may so happen that he might be in control of the vehicle while it was stationary. In such a case it would be unreasonable that imprisonment should be the only penalty.

Amendment put and negatived.

Mr. STYANTS: I move an amendment—

That in line 4 of proposed new paragraph (a) of Subsection (3) the word "three" be struck out and the word "six" inserted in lieu.

The Committee should understand exactly what the Bill provides and what would be the effect if my amendment were carried. At present the Bill provides that a person convicted of being under the influence of liquor shall for the first offence have his driving license cancelled for a period of three months; for a second offence, six months; and for a third offence, permanent cancellation. The provisions in the Bill are just tinkering with this very serious problem. I think we are all agreed that drunken drivers are a menace on the road not only to other users of the road, but to themselves as well. I think it is also agreed that if a drunken driver is fortunate enough not to have an accident, that is just due to the vigilance and care of other drivers and not to his own judgment; because he is incapable of using judgment in the handling of a vehicle if he is under the influence of liquor. Any penalty provided should be sufficiently severe to be an effective deterrent. I do not think the clause provides that deterrent.

To cancel a driver's license for only three months for the first offence and six months for the second, would give an entirely false idea to the majority of the public as to the manner in which we should view this particular menace. I do not think it would impress upon the members of the public who drive motor vehicles under the influence of liquor, the serious view this Chamber is taking of the number of accidents and the loss of life due to drunken driving. Very often the cancellation of a driver's license for three months would constitute little or no penalty at all. I have in mind the person who uses his car only for week-end pleasure or for going out some evening during the week. The suspension of his license would not be a very severe penalty. If we made the penalty for a first offence six months, it would give him a greater time to meditate upon the value of his driver's license. I will admit there is the man to whom the cancellation of his license for three months, would constitute a severe penalty; but I do not think it would be too severe. We are told that such a cancellation might be the means of his losing his livelihood. That argument leaves me quite unmoved; because to be compared with the loss of his livelihood is the loss of another person's life or the permanent disablement of another person, which would be worse in many instances than his being killed outright.

It would not be an exaggeration to say that there are hundreds of people who have gone prematurely to their graves in this State as the result of the action of drunken drivers. In addition, our hospitals are being crowded out as a result of motor accidents, and I have no doubt that some of those accidents are caused through drunken driving. In the paper of the week-end before last it was stated that for a period of 26 hours there were 21 admissions to hospitals in the metropolitan area as a result of motor accidents. I think it is admitted that whilst a motor vehicle is a very useful piece of machinery, it is probably the most dangerous and deadly device placed in the hands of the public. What we have to consider is whether the person who is convicted of getting intoxicated and driving, or attempting to drive a vehicle, is harshly dealt with by having his license cancelled for six months, as proposed in the amendment. If a person

were mentally afflicted, he would not be granted a driver's license. Drunken drivers are in somewhat the same category as far as their ability to drive a motor vehicle with a reasonable degree of safety to themselves and other users of the road is concerned. If there are certain persons who, because of their makeup, are not able to take a vehicle out with the assurance that they will not be under the influence of liquor; if there are people who are unable to resist liquor on such occasions, they should not be permitted to hold a driver's license. The public can be protected from this type of driver by our inflicting a penalty that will serve as an effective deterrent.

The Minister for Works: I support the amendment.

Mr. ABBOTT: While sympathising a good deal with the views of the member for Kalgoorlie, I doubt whether this is wise. The usual penalty for being under the influence of liquor is half-a-crown or 10s.

The Minister for Lands: Not while in charge of a motorcar.

Mr. ABBOTT: I said for being under the influence of liquor.

The Premier: That is when you are under your own power.

Mr. ABBOTT: Exactly.

Mr. Triat: And dismissal from employment in some cases, too.

Mr. ABBOTT: Yes. Is it not a serious offence to be under the influence of liquor without driving a motor vehicle? Once a person is under the influence of liquor he loses discretion, and it is no good imposing a huge penalty on him. In that state he will still drive his car, whether a big penalty is imposed or not. What we need to do is to increase the penalty for drunkenness, but that is regarded as a matter of no importance.

The Minister for Lands: So the poor pensioner who wanders out of the Old Men's Home should be fined 10s. because he happens to be drunk?

Mr. ABBOTT: It would be a good idea.

The Minister for Lands: It would be a stupid idea.

Mr. ABBOTT: After all, it is not the fact of the man's being drunk that is so serious, but that any person should allow him to get drunk.

Mr. Seward: That is not being dealt with under this Bill.

Mr. ABBOTT: It may not have much to do with the Bill, but people are allowed to drink in hotels until they become intoxicated.

The Minister for Lands: At home, too!

Mr. ABBOTT: Yes, but a man's home is his own castle. I think this is a matter that should not be treated too lightly. After all, a man may be deprived of his livelihood.

Mr. Seward: But he may deprive you of your life!

Mr. Fox: He is depriving himself of his livelihood.

Mr. ABBOTT: Perhaps he is; but we treat these things too lightly. Look at the danger of a drunken man on the street! A man swerves and might do anything, yet we treat it as a mere nothing. Not that I am objecting to the principle of the Bill, but it is inconsistent. A man on the street, who is drunk does all sorts of stupid things. A man swerves and kills everyone. What happens? He is fined half-a-crown.

A member: Kills everyone?

Mr. ABBOTT: It is not right that a man who has unfortunately been caught twice should be deprived of the means of his livelihood. I cannot support the amendment.

Hon. N. KEENAN: I object to this clause for the same reasons that I objected to the clause we debated before; namely, that it takes away the magistrate's discretion. He has to deprive the man of his license, although circumstances might be such that he would strongly wish not to do so.

Mr. NEEDHAM: I regret that I cannot support the amendment. The clause is a step in the right direction. The amendment goes to extremes. I hold no brief for any man convicted of drunken driving. I realise the danger he is to the community. To a man depending on the use of his car for his livelihood, the fear of suspension of the license should act as a deterrent, and he should not be guilty of again driving his car whilst under the influence of liquor. There are many people driving today who in their sober moments are reckless and a danger to pedestrians and vehicular traffic. Many of them have no knowledge of the energy and power they control. They should

be severely punished for being a danger to life and limb. But while I have no brief for drunken drivers, I think we should temper justice with mercy. If the Minister has accepted the amendment, I hope the Committee will disagree to it. The clause is divided into three parts, and gives a man three chances. The drivers of motor vehicles should be made to become alive to their responsibilities both to themselves and the public generally. If they will not accept their responsibilities I think the cancellation of licenses is justified.

Amendment put and negatived.

Clause put and passed.

Clause 10—Amendment of Section 46:

Mr. WATTS: By arrangement with the member for Williams-Narrogin I do not propose to move on his behalf the amendment standing in his name, but on my own behalf I move an amendment—

> That in line 2 of proposed new Subparagraph (b2) after the word "to" the word "owner" be inserted.

I understand that the objective of this provision is to make it possible to impose working hours and conditions on persons driving omnibuses, who are not subject to Arbitration Court awards; in other words, those who both own and drive the vehicles. As at present worded, the provision would give the authorities power to prescribe working hours and conditions for any driver or conductor, and surely that would cut across the Arbitration Court or any other tribunal concerned in the making of awards covering drivers and conductors. I do not think that is what the Minister desires. I believe he wants to control owner-drivers. It is desirable that there should be regulation of hours and conditions in all cases. Before the State Transport Co-ordination Act came into operation some people who owned and drove transport vehicles virtually killed themselves by the excessive hours and bad conditions of their work.

The MINISTER FOR WORKS: There is no intention on the part of the Government to insert this provision for the purpose of over-riding any appropriate Arbitration Court award or agreement. It is proposed as an amendment of Section 46 of the Act, which authorises the making of regulations for many purposes. Therefore any regulation made in connection with matters set out here would have to be placed on the Tables of both Houses of Parliament and would have to be considered and decided on by those Houses, either House having the power to disallow any such regulation. I am prepared to put beyond doubt the intention of the Government. The member for Nedlands intends to move an amendment, in appropriate words, to that end. His amendment will have the effect of ensuring that no regulation made in this regard can conflict with the provisions of any appropriate Arbitration Court award or agreement.

Mr. Watts: If the member for Nedlands is going to move such an amendment I will withdraw mine.

The MINISTER FOR WORKS: The member for Nedlands might foreshadow the amendment that he proposes to move.

Hon. N. KEENAN: The amendment that I propose to move will provide that if any award of the State Court of Arbitration covers or deals with any of the matters set out in proposed new Subparagraphs (b2) and (b3), any regulation or order made under those provisions will be null and void. The Commonwealth Arbitration Act, however, over-rides all State industrial law.

Mr. WATTS: In view of the remarks of the Minister and the member for Nedlands, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

The MINISTER FOR WORKS: I move an amendment—

> That in proposed new Subparagraph (b3) the words "of the double-deck, tractor and semi-trailer types, and on other omnibuses which have two or more entrance or exit doors on the same side of the vehicle" be struck out.

I think it is advisable to leave the authorities the discretion of providing for the employment of conductors on any type of omnibus, instead of tying them to special types that are now on the road. In 12 months' time new types of buses may be on the road, and we should allow regulations to be made to cover the employment of conductors on them.

Hon. N. KEENAN: The effect of the amendment will be to bring in a class of bus that deals with limited traffic running to the suburbs. As an instance I would

refer to the Shenton Park bus, which is almost a family affair. Such small buses are of great benefit to outlying districts that have not the population to warrant the running of big buses, but if they are forced to employ conductors they will go out of business.

The Minister for Works: There is no intention of doing that.

Hon. N. KEENAN: But it could be done. Under the provision as it stands, such a bus is exempt.

Hon. W. D. Johnson: It would be dangerous to exempt it.

Hon. N. KEENAN: The Minister agrees that it is not desirable to include such buses. What is the middle course?

The MINISTER FOR WORKS: There is no intention to include buses of that kind, and if any Government wished to compel the operator of such a vehicle to employ a conductor, the regulation would have to be laid on the Tables of both Houses, and could be disallowed. There would be no justification for such action in connection with a bus of that kind, but I think it advisable to leave the authorities power to provide for the employment of conductors on all classes of buses, so that when new types come on the roads in future the authorities will be able to proceed immediately to provide for the employment of conductors on them. The fear of the member for Nedlands is not well grounded and I hope he will withdraw his opposition to the amendment.

Amendment put and passed.

Hon. N. KEENAN: I move an amendment—

> That at the end of the clause the following proviso be added:—"Provided that if any award of the State Court of Arbitration covers or deals with any of the matters set out in paragraphs (b2) and (b3) above, the provisions of such award shall prevail and any order or regulation made under the said paragraphs (b2) or (b3) shall have no force or effect."

The MINISTER FOR WORKS: The proviso would be rather sweeping unless we restricted it to any order or regulation that conflicts with any such award.

Hon. N. Keenan: I have no objection.

The MINISTER FOR WORKS: Without those words the amendment would automatically wipe out every order or regulation made under those paragraphs irrespective of whether some of the orders and regulations conflicted with an award or not. The fact that any one of them did conflict would mean that all would cease to have force or effect. I move—

> That the amendment be amended by inserting after "(b3)" where it occurs a second time the words "which conflicts with any such award."

Amendment on amendment put and passed.

Mr. CROSS: Some unions are registered under the State court and some under the Commonwealth court. I believe that the amendment would not cover awards under the Federal court as such awards would over-ride State laws.

Amendment, as amended, put and passed; the clause, as amended, agreed to.

Progress reported.

BILL—FRIENDLY SOCIETIES ACT AMENDMENT.

Received from the Council and read a first time.

ANNUAL ESTIMATES, 1946-47.

In Committee of Supply.

Debate resumed from the 10th September on the Treasurer's Financial Statement and on the Annual Estimates; Mr. Fox in the Chair.

Vote—Legislative Council, £2,760:

MR. WATTS (Katanning) [8.38]: I have looked through the Estimates and have read with considerable interest the Premier's remarks, which unfortunately circumstances prevented me from hearing in person, and I find that he has budgeted for a deficit of something under £200,000. I hope that, in view of other considerations that arose in the course of his observations, he will be able to keep a little nearer to the estimated deficit on this occasion than was the case last year, because we are all aware that the provisions of Section 6 of the uniform tax law, which was then in operation and which enabled some very satisfactory arrangements to be made in respect of last year's deficit, will not be available to the hon. gentleman this year and it might be the more advisable

therefore, in order to carry out his expressed wish that we should not have a deficit owing by the people of the State, that he should come a little nearer to his estimated figures than was the case last year. I was very interested to read what the hon. gentleman had to say about incurring the deficit of £912,000 for the last financial year, and his references to that fact which included these words—

Such action as was taken was deliberate. When speaking on the Address-in-reply I ventured to suggest that the Treasurer might admit the soft impeachment that he had not made the most arduous efforts that were possible to keep the deficit within the bounds laid down in his previous Budget Speech because there were more ways than one of killing a pig, and he was probably thinking of getting even with the uniform taxation legislation. I think we can all express our satisfaction—at least we can do so if we hold the views on uniform taxation which I do and which I feel the Treasurer subscribes to very substantially—that he was able to achieve that deficit, which involved certain expenditure of an unusual character, much of which so far as I can see was completely justified, and the full amount of which was recouped on application upon the recommendation of the Grants Commission.

This cleared up a very difficult position. It has, as he stated, left no debt owing by the people of this State, as unfortunately was the case with previous deficits, and which has presented, although in somewhat unusual circumstances, yet another balanced budget for Western Australia for the year ended 1945-46. It, shall we say, is not so much to the credit of the State Government that the Budget was balanced on this occasion as to some fortuitous set of circumstances which was taken advantage of and which I think might have been taken advantage of in the same circumstances by anybody who found himself similarly placed and who held the views which I hold and to which possibly the hon. gentleman does not strongly object; in fact he may have sympathy with them even to a greater extent than I think.

But the Treasurer also made a comment on the fact that the Budget was being introduced this time a little earlier than usual. Now the introduction of the Budget a little earlier than usual is undoubtedly advantageous but is not so advantageous as it might be, as I think is indicated in the questions asked by the member for Guildford-Midland in recent days when he inquired whether the report by the Auditor General on the public accounts was available for examination. We all know that, while there are perhaps not a great many items to which reference is made in the Auditor General's report and to which members on this side of the Chamber or even those on the Government side could take any very great exception, still there are some, and we do not know, if we have not seen the Auditor General's report because it is not available, whether on this occasion there are any, few or many such items.

So it would have been much better had the Estimates been introduced at the time they were and had it been possible to have the Auditor General's report available for perusal at the same time. Mention has been made of this matter in at least the last four or five years. I think that all the Budgets during that period have been brought down before the Auditor General's report upon the public accounts was available.

Hon. W. D. Johnson: One report presented at the beginning of this session was for last year.

Mr. WATTS: I believe that is so, and I am convinced that some better arrangement could be made. I can hardly believe that it is necessary for a period of nearly three months to elapse before any report can be made to Parliament by the Auditor General on last year's public accounts. I take it that the auditing of the State's accounts is not done in a wild rush at the end of the financial year. I believe it is done progressively from month to month, in fact from day to day, and it would seem to me that the Auditor General should be in a position to provide his report at least by the first week in September, and that the Government Printer should be in a position, even if special arrangements were necessary for the purpose, to make the printed document available to this Chamber. Until four or five years ago the Auditor General's report was always available prior to, or at least very shortly after, the introduction of the Budget. That practice seems to have been departed from in recent years because of the printing difficulties occasioned by the war which were, I take it, much more considerable then than now. But I submit that it cannot be allowed to continue. We have been

kind and generous with succeeding Treasurers in raising little complaint about this particular aspect, and I am not going to stress the point any more tonight save to say that I trust this will be the last occasion on which a Budget will be presented without the report of the Auditor General being made available to members at or about the time of its introduction.

In the course of his remarks, the Treasurer made some reference to the unemployment problem. I believe that problem will become more acute when certain provisions in the Commonwealth Re-establishment and Re-employment Act begin to lose their effect. There are many employers who are carrying out their obligation to reinstate ex-Service personnel in their business, and who find that reinstatement not easy. In many instances it is putting them to considerable inconvenience, which they are disregarding because of their obvious feeling that it is their duty to reinstate these persons in the employment which they held before going on Service. But that obligation, as I understand it, persists only for a period of some months—I think six months—at the end of which time it is quite possible, and highly probable, that many persons now in employment, because of the provisions of that law, will find themselves obliged to seek other avenues in which to employ themselves. That aspect alone will cause some difficulty which is not apparent now but which is almost certain to be apparent shortly after the expiration of that period from the time of their reinstatement in their present employment.

I understand that at present there are some 3,000 persons in this State receiving unemployment allowances—if that is the term—under the Commonwealth legislation, and that at the 31st July there were about 4,000 ex-Servicemen classified as unplaced. It seems to me that this number is steadily increasing. It may be satisfactory from some aspects to feel that these people who are without regular employment are provided with means of subsistence under this Commonwealth legislation, but it does not establish them in any occupation and it does not give them their rightful place in our community, nor does it make a substantial contribution, if it makes one at all, to the rehabilitation of our industrial framework. It is simply a stop-gap procedure which, while it gives a little immediate comfort to the persons concerned, does not hold out any great hopes for the future of those people. It is only a few months ago when a much smaller number was quoted, and it may be as the number has been regularly increasing since that time that in a month or two from now it will be much higher. In these circumstances we shall have, directly or indirectly, a substantial unemployment or re-employment problem on our hands, which will take all the ingenuity that we possess to deal with so as to turn these people into avenues of employment where they can be most useful and contented, and indeed to which they are entitled in all the circumstances of their case.

I regret that the procedure in the Legislative Council on the Address-in-reply is not followed in this Chamber.

The Minister for Lands: One speech and an adjournment.

Mr. WATTS: I will explain the procedure to which I refer. In that House I understand it is the practice, and has been for many years, for the Minister who is the Leader of the House to reply, at the conclusion of the speeches of members, to all the observations that he considers of importance or of public interest. The net result is that the suggestions and complaints of members are dealt with, and capably so, by the Chief Secretary, and any proposition which has any merit in it, and any complaint which is a matter of public importance receive attention.

Mr. Seward: It used to be done in this House many years ago.

Mr. WATTS: It has not been the practice during the time I have been here, but I am quite willing to believe that it was done in previous years. But it certainly is not done at present. No matter what the observations may be, or however weighty the arguments put forward on the Address-in-reply by members, no Minister of the Crown deigns to reply to them or deigns to give the information sometimes sought in good faith by members. The Ministers preserve a complete silence! I think it is a course to which all members—and I do not confine my remarks to those sitting on the right or left of you, Mr. Chairman—are entitled to object.

I can call to mind one or two matters I referred to on the Address-in-reply. I asked for an explanation from the Government—if there was an explanation forthcoming—as to the great decline in wheat acreage licensed in this State as compared with the tremendous increase in wheat acreage licensed in New South Wales, Victoria and, proportionately, Queensland. I asked, in the course of my remarks, whether any, and if so what, representations had been made to the Commonwealth Government on this subject. I have no information on that point whatever. I am today as ignorant of the attitude of the State Government on this matter and the attempts, if any, that it has made in connection with it as when I made those remarks approximately two months ago. I do not think that is a reasonable attitude for any responsible Government to adopt when a subject of that kind is discussed on the Address-in-reply by any member of the House, let alone the one who, for the time being, does his best to lead His Majesty's Opposition in this Chamber. So again I ask that same question and on this occasion I trust I shall receive a reply because it is well known—and not on my testimony either but on that of the Premier himself—that the economy and welfare of this State are considerably affected by the progress or lack of progress of our wheat industry. We cannot have progress if the wheat industry of the State, especially in comparison with that of the industry elsewhere in the Commonwealth, discontinues. Apparently we are to have 799,000 acres less in Western Australia and 1,810,000 acres more in New South Wales—and those are the figures given by Hon. F. M. Forde in the House of Representatives some months ago. There is the question of the effect or possible effect on the revenue of certain of our public utilities to which I will refer later.

I find in the Budget that there is to be an increased expenditure on education, in comparison with that of last year, of approximately £141,000. I must say that I take not the slightest exception to that—quite the contrary. I would be the better pleased, however, if a greater proportion of the increased expenditure could be allotted to something other than the increased remuneration that has to be paid to the teaching staff. Do not misunderstand me! I do not object in the slightest to the increased remuneration which is proposed. On the contrary, I am of the opinion that in some instances it is not increased enough, having regard to the services rendered by the people in question and the skill and knowledge that many of them must possess in order to carry out their duties satisfactorily. But I realise that out of the increase of £141,000, £101,489 is represented in increased salaries and, indeed, if one compares it with the estimate for last year, practically £138,000 out of the £141,000 is accounted for in that way. Therefore it does not appear to effect as great an improvement in the facilities available for education as would seem to be the case at first sight, because it cannot be assumed—at least I refuse to assume—that the teaching profession has not given of its best even when in receipt of the salaries that prevailed before such increases as had taken place actually become the law of the land.

I believe that the members of the teaching profession have had sufficient regard for themselves and their profession not to be eternally thinking about the remuneration they receive, but have given the best possible service at all times. No-one can convince me that because they are paid a few pounds extra per annum we will get from them a great deal more work or a much higher standard, because I do not think either of those things is achieved in the case of the majority of these people by doubling their salaries. I believe that the teachers work at full pressure and to the utmost of their skill and ability at all times.

But what I do see in regard to the education problem, particularly as associated with the rural districts, is this: A greatly increased number of omnibus services has been inaugurated in the last couple of years and, in many cases, there is no room for the children to be suitably housed in the schools in the central places to which they are being taken by those omnibuses. We find throughout the country districts that very large numbers of extra children have been taken to central places under this system. It is a desirable system in my view. Having examined it fairly thoroughly, I think, on the balance, it is far preferable in the majority of cases to the one that preceded it, but it will not be nearly so satisfactory—and I doubt if in some cases it will be as satisfactory as small country schools—if children are to

be taught, as they are now being taught, in C.W.A. restrooms, in small country halls, in church halls, in odd rooms from place to place and also in road board lesser halls. In the circumstances, I think the position is very unsatisfactory indeed.

I do not see, unfortunately, any relief from it because it is not, I believe, a question of money so much—I think that problem can easily be solved; I am given to understand so by the Minister for Education, and I have no reason to doubt the statement he made in my company a few weeks ago—as it is a question of the impossibility of securing the material requirements in regard to these buildings. If we cannot cope with the procuring of materials for the housing problem—and we are unable still to do so—we cannot grant permits for married couples and the great majority of permits that are applied for are being turned down, while houses and other buildings cannot be erected because of the shortage of materials; so what immediate prospect is there of these school edifices that are required being erected within a reasonable time? It seems to me that, in consequence of six or seven years of war and of the delay that is likely to ensue because of the shortage of materials and because of other considerations that we know of, the present generation of school children is either to be hampered by war conditions or to have uncongenial conditions in quite a number of schools and in consequence must to some degree suffer.

Notwithstanding all the efforts which I have no doubt will be made by the teaching staff to overcome these problems, in some cases they are virtually insurmountable; yet we were led to believe no less than three years ago that the school-leaving age would be raised to 15 years. If we were to indulge in that today, I venture to say that many of the schools would not be able to contain the children who would be required to be taken into them. Therefore in some cases I doubt the wisdom of proceeding with the bus services that are in mind. I say, "in some cases" because I fully realise, and know, that the situation is not so bad in some places as it is in others, and it is possible to a limited extent to cope with the problem of buildings.

In my own electorate there are at least four schools the number of children attending which is well above the capacity of the schools to accommodate. Only one of those four, as a result of work during the last 15 months, has been provided with, or is about to be provided with, the necessary extra two classrooms to cope with the additional children. The remainder are in that state which is known, I understand, as Kathleen Mavourneen—it may be for years, or it may be for ever. We do not know what additional buildings will be provided, and that state of affairs is to be found not in that part of the State only, but in a great many other places as well. So it seems to me that we are entitled, when the Minister for Education introduces his section of the Estimates, to know from him in detail just what is being done and will be done to overcome this difficulty. He should let us have some idea and give us some assurance, which we can convey to interested parties, as to when the improvements will be effected and not leave the matter, as it seems to me to have been left today—largely in the air, unexplained and, in my view, in a very unsatisfactory position. Tonight we heard from the Minister for Education that it is the intention of the Government to make application to the Commonwealth for a special grant for education in this State. Of course, I feel that that obligation has been forced upon Ministers.

In introducing the Estimates the Premier discussed at some length the position of Western Australia under the system of uniform taxation and the restricted sovereign rights with which we now find ourselves possessed. Normally one would object to making application to the Commonwealth for financial assistance in a matter which, constitutionally and in every other way, is the obligation of the State; but in all the circumstances, and just in the same way as I sympathise with the Premier regarding the £912,000 problem of last year's deficit, I think we are justified in making application for assistance in this matter. There is certainly a great deal of work to be done. I do not know whether money alone will do the trick, but it will at least let us make some contribution, and it may be of some advantage to bring the Commonwealth to a realisation of why there is a need for a readjustment of the financial relationships between the Commonwealth and the State.

It is a matter of about three years since I introduced a motion in this House in regard to the necessity for a conference being called between the Commonwealth and the States on this subject. I think I moved the motion in slightly different terms afterwards and on both occasions, if I remember aright, the motion was carried by this House without much, if any, dissent. At the time no action appeared to have been taken that was worthwhile in regard to the proposal, but in more recent weeks some interest does appear to have been shown in the question. I presume that is so because the seriousness of the position has been at last forced home on the State Premiers, particularly those in the Eastern States of the Commonwealth, and there now does seem some possibility that such a conference will take place. I will say, too, that I subscribe to the views that were expressed, perhaps not in so many words but at least strongly implied in his observations, when the Premier suggested that an elective convention would be unsuitable to carry out this work.

In the present state of politics I feel that the election of such a convention might lead to a battle between party political machines and that must be at all costs avoided, because we want to approach the subject, which is one divorced altogether from party politics, on the basis of an earnest discussion between the representatives of the States and the Commonwealth so as to come down to the question as to what is best for the nation and for the six individual parts of it—the States—in the interests of the people as a whole. In such circumstances an elective convention would not be a good start in that direction, and I am not surprised at the views which I believe the Premier holds in the matter and with which I heartily agree. It seems to me that the State Parliament should select whatever number be requisite from its membership and that they should confer with a lesser number of Commonwealth representatives.

In my view the Commonwealth representation should be limited to the same proportions as on the Australian Loan Council. We do not want another spectacle such as we had when the Constitutional Convention was convened in 1942, at which 12 members of the Commonwealth Parliament and two representatives from each of the six States endeavoured to thrash out something on a purely political basis, which was a most ill-advised course to adopt and resulted in chaos that ended in the total rejection of the whole of the proposals by the Australian people. We want to get down to what is best for the Australian nation and its component parts—the six States. I am convinced that an approach to the matter in that manner will result in a much greater measure of success being achieved, and I should indeed be glad if I was able to make some small contribution to that end by drawing attention to the subject some time ago.

I should also make some reference to the Premier's observations regarding price control. Unfortunately he did not give us any idea as to what is intended in the future. We have passed legislation in this State enabling the existing control to carry on until the end of next year. Some effort was made during the course of the discussion to exclude real property or land from the provisions of the Bill, and a good deal was said here as to the disadvantages attendant upon the Commonwealth system of control of land prices based only on the price alleged to have ruled on the 10th February, 1942, which price in 1946, I am convinced, represents a false basis and one that is neither fair to the vendors nor to the economy of the State. Particularly in Western Australia, I am convinced that our land values are being decried far more than the value of those areas as agricultural or pastoral propositions justifies.

I should have been glad to have heard from the Premier just what points of view were put forward by this State in regard to the matter and just what relief we are likely to obtain from these regulations, because I recollect that when the Bills were being discussed in this House a year ago the Premier was at least sympathetic towards the views I expressed, and I relied upon the attitude he adopted and was prepared to leave the matter without further criticism at the time in the expectation that some further efforts would be made to improve the position. I am not saying that they have not been made.

The Premier: Without desiring to extend the length of the Budget speech, I point out that the matter was certainly given publicity after the Premiers' Conference.

Mr. WATTS: Yes, that may be so, but I have previously made reference to newspaper reports and I certainly do not think the alpha and omega are reached by newspaper reports on matters of this kind.

The Premier: One could make a Budget speech last a week if one went into all the details.

Mr. WATTS: Unfortunately I was not here to listen to the Premier's speech, but I suggest that had it lasted another hour there would have been no complaint from any member of the Committee. In my past experience, the Premier has not been so uninteresting that he could not be listened to. Therefore I would offer him that suggestion for future reference. So far as I am concerned, he may rest content that I shall be prepared to listen to him for another hour if I am present, as I usually am.

I regret, too, the Commonwealth attitude, as explained by the hon. gentleman, to the States' objection to uniform taxation. The view was apparently expressed that, because the States went to the High Court after the uniform tax proposals had been put forward and the High Court's decision was not exactly favourable to them, the undertaking given by the Commonwealth thereafter had no further force or effect. It is extraordinary that the High Court's decision was given on the 23rd July, 1942, and that on the 2nd September, 1942, exactly six weeks later, the Commonwealth Treasurer, according to "Hansard" 1942, page 21, said—

> The Commonwealth tax plan will replace the former taxing system and will operate for the duration of the war and one year thereafter.

So six weeks after the High Court's decision had gone against the States to the extent mentioned by the hon. gentleman in his speech, the undertaking previously given was reiterated, and so if I have understood aright the objection taken by the Federal authorities, it seems to me it is quite untenable. But I would have liked to know something more of this formula which is to be adopted for future use and which was referred to by the Premier. I should like to know its likely effect upon the State's revenue as derived from compensation from the Commonwealth under the uniform tax laws. The hon. gentleman's statement in regard to it was clear enough so far as it went, but it did not enable anyone, I suggest, to arrive at a conclusion as to what the State is likely to get out of the compensation or how the amount is to be calculated, and I am extremely anxious to have that information as early as possible.

Another point I wish to ask the hon. gentleman is this: Are all these arrangements that have been made in regard to uniform taxation and compensation and the formula for future use incorporated in any written agreement or Act, or are we relying on some oral undertaking? If the latter, what guarantee is there that it will not be broken in the same way as I say—and there is no denying it—the uniform taxation pledge was broken in 1942? If it is only an oral arrangement, will the Treasurer be good enough to tell me whether he is satisfied with such an oral arrangement or did he attempt to obtain some more concrete scheme, and if so how was that proposition received and why was a written undertaking or something more definite not given?

The Treasurer made some reference to the railway system and revenue and transport conditions generally. We are promised considerable improvements over a period of some years, but I am wondering whether by that time it will not be too late to induce the public to continue in sufficient numbers and sufficient quantities to use our railways. Two or three years ago, I expressed the opinion that the public of Western Australia could, I believed, be made to patronise our public transport facilities if good service were provided. This service has been and is likely to be—looking at it from the angle of an improved basis—very considerably delayed, and I am thinking that, with the ease of using other forms of transport now coming into vogue, our railways are going to have an even harder struggle than they have had in the past to retain patronage. I am convinced that they will not retain patronage unless we can do something about the decreases in production that are taking place or appear to be likely to take place in the State by comparison with the pre-war period.

I have already made some reference, which I will not reiterate, to the wheat acreage licenses. I made some reference on the Address-in-reply, in respect of which also

I have heard nothing further, to the fact that the tobacco industry in Western Australia seemed to be entirely in the doldrums. Whereas there was the best part of 1,500,000 lbs. produced four years ago, the total output for this year will apparently be less than 200,000 lbs. Then I find that the position in the dairying industry is that the production is considerably less than it was some years ago. I have not the exact figures for Western Australia, but, on a Commonwealth basis, the reduction runs into something like 130,000 tons per annum. I am assured by those who are knowledgeable in the dairying industry that were there no butter rationing in Australia today, as there was no butter rationing before the war, there would be no butter available in Australia for export, whereas before the war, when there was no butter rationing, there was at least 130,000 tons of butter available for export.

I hope the Premier will make better bargains with the Commonwealth Government in the interests of Western Australia than his Federal confreres make with countries oversea in regard to Australian production. I understand that at present an extra 16s. per cwt. is being obtained by the Commonwealth Government from England for Australian butter, making the price 216s. 10d. per cwt. Incidentally, I understand that the 16s. extra is not to be paid to the Australian producers. Before the war, Great Britain paid from 10s. to 18s. per cwt. more for Danish butter, butter of better quality apparently, than was paid for Australian butter. So, if it is paying to Australia 216s. 10d. per cwt. Australian currency, it would appear that Britain should be paying 234s. 10d. Australian currency to Denmark, but we find that Britain is buying Danish butter at 275s. Australian currency, or a matter of £2 per cwt. more in Australian currency than they are paying for Australian butter.

It seems to me there is something radically wrong if the situation which existed before the war has not altered in regard to quality—and so far as I know that is not so—that there should be now such a much wider discrepancy in the prices being paid. It does not smack of that efficiency which I hope the Government of Western Australia will display in its transactions with our Federal friends; and I am satisfied that great improvements could be effected in many other aspects of our primary produce to which I may have an opportunity of making some reference later on when dealing with another matter. It is well known in regard to the dairying industry that the figure being paid in Australia is not what one would call an incentive price. It certainly is stated to cover the cost of production, but there certainly would be an incentive price if something approaching the figure which is part of the bargain, I understand, between Great Britain and Denmark, were payable in this country.

Is our goldmining industry receiving through the Commonwealth Government anything like the maximum value for its gold? As I understand the position, the price in this country is pegged at a figure which has been stationary for a long time. Does anyone know whether the Commonwealth Government is taking our gold at that price and selling it elsewhere at a much higher figure, because it is a well-known fact that in various countries of the world it will fetch a great deal more than is being paid for it in Australia? And that is of particular interest to the people of Western Australia. Is it not a fact that it is necessary now to work ore of a higher grade than that which was worked immediately before the war? I think, Mr. Chairman, you will find that it is so.

The Minister for Lands: Why?

Mr. WATTS: Because the costs of extraction and the rest of the expenses involved are greater than they were, the price has not risen, the tax has to be paid and lower-grade ore, therefore, is not sufficiently profitable. Consequently, a slightly higher-grade ore has to be worked to obtain the same return. I think you will find that is so, Mr. Chairman.

Mr. Triat: You are knowledgeable, my friend.

Mr. WATTS: The only means of getting that lower-grade ore worked is when it is possible to obtain a better price for the finished article. I believe it can be obtained and I would like to know whether it is, because I have a strong suspicion that it is, but that it is not being paid to the producers of gold in this country. The whole matter requires a great deal of consideration. If the position is not as I say, if there is irrefutable evidence to the contrary, I shall be glad to have it.

I do not care to postulate here on misstatements, but I think there is a sound basis for the suspicion which I have in my mind and it will take the clearest proof to the contrary to satisfy me that there is not; because if all those industries were expanding instead of contracting, as there appears to be every indication that they are, then the transport of their expanded production and the transport of the articles necessary to enable that expanded production to be made, would provide very substantial revenues for the transport facilities of the State, and in many instances revenue which would be of a profitable character. We have to fight for this State of ours. We have to ensure that we are not left out on the limb. Western Australia has been called the Cinderella State and that is not a condition of affairs that will satisfy me.

The Minister for Lands: I think that the 50 per cent. tax over £9 should be remitted, anyhow.

Mr. WATTS: I am sure it should be. I do not personally approve of a tax based on the full value of the article. I have no objection to taxes based on profits, which is quite a different thing. I would do away with the tax altogether in the interests of Western Australia, but that is very largely by the way.

Can we be told, or is it yet too early, anything about the negotiations taking place with respect to the Federal Aid Roads Agreement? There are a great many areas in Western Australia where people are asking for improved road conditions, and in many instances the answer given by the responsible officers is that until the uncertainty regarding the financial situation of the Main Roads Department—which is all founded on the Federal Aid Roads Agreement—alters, they are unable to say when the work will be put in hand.

I take it difficulty will be experienced in getting the agreement renewed on the three-fifths population and two-fifths area basis. That arrangement originally came into existence, I think, when Sir Earle Page was the Minister in charge of the matter. It was a particularly favorable arrangement to Western Australia, but one which was amply justified. We have an area here which takes some handling from the point of view of the road authorities, I frankly admit. There is grave necessity for roads in places where practically none exists. I contemplate the northern areas of this State as requiring—if they require nothing else, and they do require many things—a much better and well-thought-out road system to enable transport and communication to take place more easily. But we are not going to be able to tackle this problem very satisfactorily if we are to be reduced, for example, to assistance in road building on a population basis entirely.

The Premier: I do not think there is any question about that.

Mr. WATTS: I do not think that likely to come about, but there is a feeling, I know, in certain quarters—whether or not it is justified I cannot say—that a very strong attempt will be made to alter the existing basis of allocation.

The Premier: I do not think that will arise either.

Mr. WATTS: It is very satisfactory to me to hear that, because it makes the situation a very great deal better.

I notice that the Agent General is to cost us an additional £907. He has cost us just on £6,500 for the year, including the allocation of £1,500 under what is known as the Special Act. I am not one of those who believe that the position of the Agent General should ever be called into question. Although the work that he does, I have no doubt, is very changed in recent years owing to the altered relationship financially between the Commonwealth and the State, I am pretty certain in my own mind that he is doing very valuable work. I would like, however, to know what he is doing as we never get a word about it. We get other reports, such as the reports of the Transport Board and the Rural and Industries Bank and other departments, and these are read very carefully. If a report were available as to the operations of the Agent General's Department from year to year I am sure it would be read with great interest by many, if not all, of the members of this House. I think we are entitled to hear what this gentleman is doing for us. We are entitled to have it from his own hand, as it were, and I would commend the suggestion to the Premier as one to which I think he might give favourable consideration at an early date, so that

we might at least next year have a report from the Agent General laid on the Table of the House.

Another item in the Budget which is somewhat mystifying to me is the one under the heading of "Expenditure as may be necessary owing to war conditions." It was estimated last year at £122,600, and £138,000 was spent. That was almost £16,000 over the estimate; and of course there were not any war conditions actually during the major part of that period. It was not very clear, seeing that most of the military and allied operations had been greatly decreased in Western Australia for some months before that, what it was intended for then. But still less clear is it what the £30,000 for the year ended the 30th June, 1947, is going to be for; that is, what expenditure will be necessary owing to war conditions. I should have thought we might be supplied with a little information on that subject, but we were not. However, perhaps the time is not yet!

I find, too, that increased expenditure of £10,000 is estimated for the Department of Native Affairs. I do not complain in the slightest. I am keen on quite a lot more money being spent on that department, and I am also keen on how it shall be spent. I think we have a large number of our native population in the settled areas who are suffering from something in the nature of an inferiority complex. They feel that nobody wants them; that they are of no use to anybody and not of much use to themselves. It is a little difficult to explain the sensations that I think are running through them; but it seems to me that they feel they are not a race, not even a section of our community; that they are just the odd man out.

The situation in some places is almost intolerable for them. They have, I suppose—especially the half-caste type—the instinct to desire pleasure and amusement. They betake themselves to some country centre near where they live and try to attend a dance. There is a watchman on the door, and they cannot get in. They want to go to the pictures, and the sergeant of police comes and yanks them out in the majority of cases. They are not allowed much at the schools—sometimes I think with considerable justification—and, generally speaking, to put it in common parlance, life must be a blob to most of them. In other places, I think people have established ways out of these difficulties. They have given them, as far as practicable, some community life of their own. They have provided them with entertainments which, substantially, they run themselves; and I think that generally they are creating in them, to as great an extent as possible, their own community spirit.

All that, I think, is lacking in the settled areas of Western Australia; and it is time that we attended not only to the physical needs of these people, but also to their mental and their recreational needs. The extra £10,000 voted to the Department of Native Affairs, I know perfectly well, will not achieve that. Some of it will be expended on increased remuneration of the persons already employed, and on payment of the one or two extra about to be employed in the Department of Native Affairs. But I think we will have to go a very long way in our expenditure before we can really hope to place these natives, in the settled areas anyway, in a position where they are likely to be of some use not only to the community but also to themselves. I think that the quicker we set about achieving that, the better.

I shall await with interest the report which is forthcoming on the question of a medical school in Western Australia, to which reference was made by the Treasurer. One is not filled with the idea that the report will be an easy one to digest, if the gentleman who is to make it was correctly reported in "The West Australian" of a day or two ago; because on that occasion he decidedly gave the impression that the problem is a big one, the expenditure very considerable, and the task of bringing the matter to fruition very great. Still, I think the Government is to be commended for having an inquiry made. At least we shall have a report from a responsible and knowledgeable person, who will indicate to us what we shall have to aim at if we are going to achieve a medical school in this State.

I believe that to have a medical school, if it be at all practicable, is extremely desirable. It would, I think, remedy the position in two aspects: Firstly, it would provide a place within the State where our own students desiring to take a medical course could complete it, and I have no doubt, in

those circumstances, effect some saving as far as they are concerned; and it would perhaps bring the training within the reach of many who could not reach it now. Secondly, it will have the effect of enabling us to increase our veterinary staffs in Western Australia. That is a very considerable problem in this State, and likely to be so for some years to come unless something of this kind is done. But I think, if we succeed in getting veterinary students trained in Western Australia, we shall have to make some fairly attractive arrangements to keep them here—far more attractive than some of those under which others have been employed in the past; because they have been employed at a remuneration much higher elsewhere.

The inclination, when an offer is made to one which is more attractive than the job one has, is—unless there is some sound reason why one should not take it—to accept it. Western Australia has thus lost one or two good men; and the more we do for them, and the more opportunities we accord them for training, the more we will lose them unless conditions here are made attractive. If we are going to the expense of having these people trained to be of service to the State, there is no question that we shall have to make the position here a little more attractive to them than it has been in the past, if we are to retain them. I will content myself this evening with what I have said. There are a number of matters to which I propose to make reference on the Departmental Estimates after they have been introduced by the respective Ministers. I prefer to save my remarks on those subjects until I hear what the Ministers have to say, because in some cases they may answer my queries in advance.

Progress reported.

House adjourned at 9.45 p.m.

Legislative Council.

Wednesday, 18th September, 1946.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

BILL—ROAD DISTRICTS ACT, 1919-1942, AMENDMENT.

Bill read a third time, and *passed.*

BILL—MARKETING OF BARLEY (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. SIR HAL COLEBATCH (Metropolitan) [4.36]: I am always more than anxious to support any measure that will improve the lot of the primary producer, or any section of primary producers, but I cannot bring myself, for two reasons, to vote for the second reading of this measure. My first reason is that I think the time has come when we should aim at getting away from control by boards instead of intensifying the control they have exercised during wartime, and instead of seeking, as this Bill seems to do, to make it a more or less permanent feature. My second and strongest objection to the Bill is that it would hand over the barley grower, bound hand and foot, to the Minister. The proposed board is to consist of six members, four of whom are to be direct nominees of the Minister.

Previous speakers have raised some objection to the Minister's nominating one of the three representatives of the producers, but I do not think they mentioned the reason given by the Minister for that action. His reason is to see that "at least one producer is a man of the highest quality." I