

theoretical and practical knowledge, and the amendment simply clarifies the position.

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

Ayes	12
Noes	10
Majority for	2

## Ayes.

Hon. E. M. Davies	Hon. J. Murray
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. A. F. Griffith

(Teller.)

## Noes.

Hon. G. Bennetts	Hon. A. R. Jones
Hon. J. Cunningham	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. R. Hall

(Teller.)

Amendment thus passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with an amendment.

*House adjourned at 10.44 p.m.*

# Legislative Assembly

Tuesday, 22nd October, 1957.

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

## QUESTIONS.

### LAND AGENTS BOARD.

#### Capacity, Ability and Integrity of Members.

Mr. JOHNSON asked the Minister for Justice:

(1) Have any complaints as to the capacity, ability, or integrity of any member of the Land Agents Board been received?

(2) Has the board achieved improvements in the standing of land agency as a business?

(3) Do members of that board receive remuneration for the time put into investigating matter before the board?

(4) Can he produce any evidence to confirm the integrity, ability and capacity of any member attacked?

The MINISTER replied:

(1) (a) No complaints have been received as to the ability of any member.

(b) The Institute of Chartered Accountants and the Australian Society of Accountants respectively advised the Under Secretary for Law in December, 1954, and January, 1955, that Mr. C. M. Hansen was no longer a member of those bodies.

(c) In February, 1956, the member for Nedlands notified me that Mr. C. M. Hansen was excluded from membership of the recognised Institutes of Accountants in November, 1954, having been previously found guilty of an act or default discreditable to a public accountant within Clause 20 of the Royal Charter, which governs the Institute of Chartered Accountants in Australia, and that he was finally excluded for non-payment of dues. No particulars were given of the act or default and it was apparent that Mr. Hansen was not excluded on that ground but because of non-payment of dues.

(2) It is considered that through the activities of the Land Agents Supervisory Committee a substantial improvement in the standard of the land agency business has been effected.

(3) (a) Members receive the following remuneration:—

Chairman—£100 per annum.

Deputy Chairman and each member and deputy member—£4 4s. for each sitting of the committee.

(b) Members are entitled to reimbursement of travelling expenses when travelling to or from meetings of the committee or on other occasions when engaged upon official business of the committee, subject to the approval of the chairman.

(c) No other remuneration is paid.

(d) I am aware that Mr. Hansen does investigate matters before the board for which he is not remunerated.

(4) No, but there is no evidence that any member does not possess the integrity, ability and capacity expected of him.

I might add that Mr. Hansen does a deal of work that he is not paid for, and his investigations have been very satisfactory up to date.

#### TRANSPORT.

##### *Metropolitan Rail and Omnibus Fares.*

Mr. HEARMAN asked the Minister for Transport:

Can he say how current Western Australian metropolitan passenger rail fares and omnibus fares as fixed by the State Transport Board, compare with corresponding fares charged in Sydney and Melbourne on the basis of—

two miles;  
four miles;  
six miles;  
eight miles;  
ten miles?

The MINISTER replied:

The figures are as follows:—

Distance in miles.	Rail Fares.				Omnibus Fares.		
	Perth.	Sydney.	Melbourne.		Perth.	Sydney.	Melbourne.
			First Single.	Second Single.			
	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.	s. d.
2 .....	0 6	0 9	1 1	0 11	0 8	0 9	0 7
4 .....	0 8	1 0	1 7	1 2	1 0	1 3	0 11
6 .....	0 10	1 3	2 0	1 7	1 3	1 6	1 1
8 .....	1 0	1 8	2 3	2 0	1 5	1 10	1 3
10 .....	1 2	1 11	2 7	2 0	1 8	2 0	1 5

## EDUCATION.

*(a) Enrolments for High Schools.*

Mr. NALDER asked the Minister for Education:

(1) What are considered the necessary enrolments to entitle a district high school to be raised to a 5-year high school?

(2) What 5-year high school has the lowest number of enrolments?

(3) What are the numbers of scholars enrolled?

The MINISTER replied:

(1) Presumably the hon. member is referring to junior high schools as the term "district high school" has not been used officially for more than 20 years in this State. There are no regulations governing the matter but it is generally considered desirable that a separate high school should be established when there are more than 200 post primary students attending the junior high school and that continuity of such numbers is assured. It would not necessarily follow that the separate high school would provide for five years for post-junior students. This depends entirely on the needs of the whole area and whether there is likely to be sufficient fourth and fifth year students to warrant the setting up of senior grades.

(2) Narrogin.

(3) 363.

*(b) Accommodation, Narrogin Agricultural High School.*

Mr. W. A. MANNING asked the Minister for Education:

(1) Is he aware of the fact that thirty youths from various parts of the State are being deprived of agricultural education because portion of the dormitory accommodation has been condemned at the agricultural wing of the Narrogin Agricultural High School?

(2) Is it a fact that only fifty can now be accommodated instead of the usual eighty?

(3) Does he regard agricultural education as of very low priority in a State where the bulk of our production and export capacity comes from primary production?

The MINISTER replied:

(1) and (2) It is true that only 50 students are being admitted to the Narrogin Agricultural High School for agricultural education instead of 80 owing to the lack of funds to provide the necessary dormitory accommodation.

(3) No, but the provision of classrooms for children who have no suitable accommodation is regarded as more urgent than the provision of residential accommodation.

## RAILWAYS.

*(a) Overtime Paid, 1956-57.*

Hon. D. BRAND asked the Minister representing the Minister for Railways:

Will he state the total amount paid in overtime by the Railways Commission for the financial year 1956-57?

The MINISTER FOR TRANSPORT replied:

The total amount paid was £355,901.

*(b) Deferment of Major Works and Siting of Marshalling Yards.*

Hon. D. BRAND asked the Minister representing the Minister for Railways:

(1) In view of the considerable changes already made in the railway controlling authority, would he consider holding up any further action on major works and reconstruction of the railway system until a new authority is constituted?

(2) As the decision as to where the marshalling yards would be situated was not unanimous on the part of the commission and high-ranking officers, is the present "controller" satisfied that Welshpool is the right place for these yards?

The MINISTER FOR TRANSPORT replied:

(1) The limited loan money allocated for railway purposes for 1957-58 is restricted almost completely to essential operating and replacement requirements, which cannot be deferred.

(2) At a meeting of the All-Party Parliamentary Town Planning Advisory Committee held on the 17th August, 1955, the following motion was carried unanimously:

The committee endorse that part of the regional plan siting the marshalling yards at Welshpool.

*(c) Tabling of Dumas and Brisbane Report.*

Hon. D. BRAND asked the Minister representing the Minister for Railways:

In a report presented in October, 1953, Messrs. Dumas and Brisbane made certain recommendations regarding marshalling yards, and the chord line, and also referred to the complexities of the system of coupling rollingstock in the Western Australian railway system, and thought it urgent and important enough to present a separate report to the Minister of the day, in view of the publicity given to railway couplings and their manufacture, in recent court proceedings, will he lay a copy of the coupling report on the Table of the House?

The MINISTER FOR TRANSPORT replied:

Yes.

**PETROL TAX.***State's Allocation and Details of Expenditure.*

Hon. D. BRAND asked the Minister for Works:

(1) What was the total amount paid to the State by the Commonwealth by way of petrol tax for use in this State?

(2) What amount was spent on roads in the—

- (a) country;
- (b) metropolitan area; and on
- (c) other works in the metropolitan area?

(3) What amount is to be set aside from the latter programme for the purpose of constructing—

- (a) the Narrows bridge and its approaches;
- (b) the Narrows - Canning Bridge highway; and
- (c) widening the existing Canning Highway approach?

The MINISTER replied:

(1) In 1956-57, £6,031,987 was received by the Main Roads Department from the distribution of petrol tax funds.

(2) In 1956-57 there was spent from petrol tax funds the following:—

(a) Country	£5,265,813	(87.8%)
(b) Metropolitan area		
(c) Other works in metropolitan area	£732,320	(12.2%)
	<u>£5,998,133</u>	<u>(100.0%)</u>

\* Includes £427,310 expended on the bridge over the Narrows.

(3) (a) and (b) £432,000 was included in the 1957-58 programme of works from anticipated receipts as part provision for this work.

(c) From the receipts anticipated for 1957-58, £31,000 has been provided for duplicating the Canning bridge on Canning Highway.

**DRAINAGE.***Metropolitan Region Comprehensive Scheme.*

Hon. D. BRAND asked the Minister for Water Supplies:

(1) Has the Government accepted the responsibility of proceeding with the metropolitan region comprehensive drainage scheme?

(2) If so, what work has been done to date in that respect, and at what cost?

(3) What temporary drainage work has been done over the last three years by the department, and at what cost?

(4) When is it anticipated that the scheme will be completed?

(5) What is the estimated total cost of this work?

The MINISTER replied:

(1) Yes, but only in stages in accordance with considered priority of a particular main drainage area and availability of funds to carry out the work.

(2) Main drainage work including provision for the current year in—

Bedford Park, Bayswater	£56,500
Bentley-Welshpool	150,000
Victoria Park-Carlisle	123,200
Reconditioning Mill-st. drain, Canning	2,700
	<u>£332,800</u>

Provision has also been made on the current loan programme for a commencement of drainage in South Belmont—£8,000 and Bayswater (Brown's Lake)—£26,000.

(3) A total of £4,170 has been expended on assisting local authorities and residents with pumping operations for flood relief in Welshpool, Morley Park, Jolimont and Carlisle.

(4) Progress will be dependent upon the availability of funds. Complete drainage of the metropolitan area is expected to take many years.

(5) Something in excess of £2,000,000.

**FENCES.***Amending Legislation.*

Mr. ROSS HUTCHINSON asked the Minister representing the Minister for Local Government:

(1) Has the Government reviewed the law relating to fences in the metropolitan area, together with the proportions of cost to be borne by adjoining owners?

(2) If so, can he say broadly what amendments are proposed and whether the matter will be taken out of the cattle trespass Act?

(3) If not, will he undertake to have review made with a view to having this matter taken out of the cattle trespass Act?

The MINISTER FOR HEALTH replied:

(1) The Government has authorised an amendment to the Cattle Trespass, Fencing and Impounding Act to permit local authorities to make by-laws for the whole or part of their district as the case may be, prescribing what shall be a sufficient fence for the purposes of the Act.

No alteration is contemplated to the method of ascertaining the proportion of cost to be borne by adjoining owners and the present position will remain, i.e. half cost of a sufficient fence and, failing mutual agreement, the person claiming has a right of recourse to law.

(2) Answered by No. (1).

(3) When the Local Government Bill becomes law, all the provisions relating to trespass and impounding will be repealed from the Cattle Trespass, Fencing

and Impounding Act when it may be desirable to give consideration to a separate Act dealing with fencing only.

### FISHING INDUSTRY.

#### *Trawling at Albany.*

Mr. HALL asked the Minister for Fisheries:

In view of the answer given by the Prime Minister, Mr. Menzies, to the Premier's request that the Commonwealth Government should carry out experimental trawling east of Albany from that port—

- (1) Does he not think that sufficient experimental work has been carried out from the port of Albany and data supplied to the Commonwealth and State Fisheries Departments to warrant the Commonwealth Government establishing a trawling industry at Albany?
- (2) Was the failure of the previous trawling company at Albany attributable to the purchase of obsolete trawlers which had unsuitable coal burners and no refrigeration? If he agrees that these facts were the cause of the failure of the trawling company, has he acquainted the Prime Minister of those facts?
- (3) Can he advise what is the distance from Albany to the tried and proved fishing grounds, and the distance from Adelaide to the same fishing grounds?

The MINISTER replied:

(1) Yes.

(2) Unsuitability of the trawlers was largely responsible. The Commonwealth Government is fully aware of the reasons for failure.

(3) (a) From Albany—approximately 750 miles.

(b) From Port Adelaide—approximately 750 miles.

### TRUST FUNDS.

#### *Reserves.*

Hon. D. BRAND asked the Treasurer:

(1) What reserves, by way of trust funds, were available at the 30th June, 1953, 1955, 1956, 1957?

The MINISTER FOR WORKS (for the Treasurer) replied:

In answer to a similar question asked by the Leader of the Opposition on the 9th October, 1957, it was stated that no funds are held as a cash reserve. Likewise, there are no reserves by way of trust funds.

### H-BOMB.

#### *Significance re Future Power Projects.*

Hon. Sir ROSS McLARTY asked the Minister for Works:

In view of the tremendous significance on future power projects, brought about by the discovery of controlling the energy of the H-bomb, as reported in "The West Australian" of the 17th October, 1957, and the statement of scientists that the power will be available this generation, does he not think it would be advisable, before committing the State to large expenditure for future power projects that may become obsolete almost as soon as completed, to endeavour to arrange for one of the scientists, or other persons concerned, to come from England and advise the Government on future power projects?

The MINISTER replied:

The State is represented on the Commonwealth-State committee of the Australian Atomic Energy Commission.

One of the main purposes of this commission is to watch the effect of atomic energy development on Australian power supplies.

### STATE HOUSING COMMISSION.

#### *Acquisition of Mt. Barker Lots.*

Hon. A. F. WATTS asked the Minister for Housing:

(1) Did the Housing Commission, either for its own purposes or for the War Service Homes Department, acquire Mt. Barker lots 377 to 382 inclusive?

(2) If so, when were they acquired and what price was paid for each of them?

(3) What is the present Taxation Department value of each block?

(4) Are they at present held by the Housing Commission as such, or by the War Service Homes Department?

(5) Has any request been made by the Plantagenet Road Board to acquire these blocks for public purposes and if so, with what result?

The MINISTER replied:

(1) Yes.

(2) Acquired in 1950 and sold to War Service Homes Division in 1951 at cost, i.e., 6 lots for £163.

(3) Lots 377-379—£210 each

380—£200

381—£250

382—£220

as at the 18th October, 1957.

(4) War Service Homes Division. One lot has now been allocated to a war service home applicant.

(5) Yes. The local authority requested that lots be transferred for future shopping, children's playground and recreational purposes. The Director of War Service Homes will only sell at taxation values, which at date of request were:—

Lots 377-379—£210 each  
 380—£200  
 381—£250  
 382—£220.

The local authority advised on the 8th August, 1956, that it was unable to outlay price of acquisitions.

#### NATIVE WELFARE.

##### *Result of Blood Slides from Well 40 Natives.*

The MINISTER FOR HEALTH: On the 17th October, the member for South Perth asked me the following questions:—

(1) Were blood slides taken from the two natives who were evacuated recently by helicopter from the Well 40 area on the Canning stock route and who were later admitted to Derby native hospital?

(2) If the answer to No. (1) is "Yes," what mean haemoglobin and serum protein figures for the woman and child respectively, were revealed?

The information was not then available but I have it now. The replies to the questions are—

(1) Blood examinations were made.

(2) Shortly after arrival in hospital the mother's haemoglobin was 10.4 grammes per cent. and the boy's 12.5. Serum protein was not estimated.

#### MEMBERS' SPEECHES.

##### *Release of Hansard Transcripts.*

Mr. COURT (without notice) asked the Speaker:

Will you, Mr. Speaker, give consideration to a revision of the rule regarding the release of Hansard transcripts of speeches? I raised this matter earlier in the session and you allowed the existing conditions to prevail. However, the Opposition is finding considerable difficulty in proceeding with the consideration of Bills, due to the delay in getting the transcripts.

There is a case in point today, where the Bill concerned was moved on Thursday last. The transcript of the second reading speech was only released at midday today, thereby making it impossible for the members concerned to properly consider the speech, and to proceed with the second reading debate. I assure you that it is the desire of the Opposition, particularly at this stage of the session, to co-operate. If you could waive the present rule, particularly if a duplicate has not been returned after 24 hours, it would greatly facilitate our work.

The SPEAKER replied:

This matter was raised some little time ago, and I gave consideration to it. I conferred with the Chief Hansard Reporter on the existing rule which had been made by my predecessor. This is a question of considerable importance, and some discontent arose in regard to it in the past.

The ruling is that transcripts of speeches are not to be released until they have been scrutinised and corrected by the members concerned and returned to the Chief Hansard Reporter. It was pointed out that on occasions in the past, information contained in the transcripts of speeches had been used before the transcripts were corrected. It was thought that in the interests of all members, in order to overcome any conflict of opinion, the existing rule should remain.

I appreciate the difficulty of a member obtaining the adjournment of a debate, when he is desirous of going through the speech made by the Minister or member introducing the measure, and oftentimes there is much technical detail in the speeches. It is only natural to expect the member obtaining the adjournment of a debate to want the information contained in the transcript before the debate is resumed. My predecessor has made the existing ruling, with which I agree, and unless the difficulty I have outlined can be overcome, I cannot vary the rule.

At that time I appealed particularly to Ministers to scrutinise their transcripts quickly and, out of regard for those who had secured the adjournment of debates, endeavour to have those transcripts returned to Hansard so that they would become available to members much earlier. I know of one instance in which a Minister left the House early. When I went to look for him, he had gone; and he left town for the country on ministerial business early next morning, and was not back until the following Monday morning. The information that was sought from him was required by midday on the Monday.

The existing rule is in the best interests of all concerned. A member does not desire to be misquoted. At times there has arisen considerable debate for this reason. One such debate occurred in 1936 because a member obtained a copy of the speech of a Minister which had not been corrected, and hours were spent in a discussion of the matter. I will have a look once more at the point raised, but I doubt whether I shall be able to vary my ruling.

#### UNIFORM BUILDING BY-LAWS.

##### *Committee's Investigations.*

Mr. COURT (without notice) asked the Minister for Works:

Has he been able to obtain the information he promised to secure from the Minister for Local Government

regarding the deliberations of the committee investigating the uniform building by-laws?

The MINISTER replied:

I regret that the Minister has not yet supplied me with the information. I forwarded the request to him, but for some reason unknown to me the information has not been made available. I will see whether I can obtain it for tomorrow's sitting.

#### **BILL—EDUCATION ACT AMENDMENT.**

Introduced by the Minister for Education and read a first time.

#### **BILL—INSPECTION OF MACHINERY ACT AMENDMENT.**

Read a third time and transmitted to the Council.

#### **BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.**

Report of Committee adopted.

#### **BILL—JETTIES ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 17th October.

**MR. BOVELL (Vasse)** [4.55]: This measure is to validate the assumption of control of the jetties at Esperance and Busselton and the wharf at Geraldton by the Harbour and Light Department. As from the 1st July, the wharf at Geraldton and the jetty at Busselton were transferred to the administration of this department. I do not know whether the Esperance jetty has yet come under its control. It was to have done so on that date, but I understand that for some reason or other the transfer has not yet taken place.

As the Minister explained, it was found that certain legal difficulties had to be overcome regarding the assumption of control by the Harbour and Light Department. As railways and jetties not under direct control of harbour boards form part of the railway system, this legislation is necessary to enable the Harbour and Light Department to take control.

I would like to express appreciation, so far as Busselton is concerned, of the officers of the Harbour and Light Department for their co-operation and willingness to see that the transition was made as smoothly as possible. Mr. Forsyth, manager of the Harbour and Light Department, went to Busselton before the change-over took place; and later Mr. Fuller, an officer of the department, went there after the system was operating. Those officers and the department generally have extended a great amount of co-operation which has been deeply appreciated by both shipping interests and waterside workers at Busselton.

The Bill also seeks to validate certain regulations regarding jetties in the North-West. It is found that those jetties have been operating apparently illegally, and this Bill will validate regulations regarding the control of these jetties as well as the wharf at Geraldton and the jetties at Busselton and Esperance.

There is one part of the Bill about which I am not too happy, and that concerns the procedure which seems to have crept into Government legislation recently whereby the Government is able to make regulations under a principal Act. I have complained about the number of Acts that contain provisions for regulations to be made, and I feel that if there are any specific major alterations in regard to the control of jetties under the Harbour and Light Department, they should be set down in the Act, and the Government should not be given the opportunity of issuing regulations which might hamper operations at the outports. The Minister gave no indication as to the nature of any regulations which would be necessary. I would emphasise the fact that I do not object to regulations to validate action which may have been taken illegally in the past, but I think the House should be informed of any regulations that the Government has in mind in this particular instance.

Our outports are an essential part of the shipping services of this State and provide facilities for shipping from many more remote areas of the State. In the small outports, employment of waterside workers is spasmodic and therefore local conditions must be taken into consideration. If the Government were to promulgate regulations that would upset the smooth working of the outports, that would not be in the best interests of the shipping companies, the people who desire to ship produce or the waterside workers themselves.

The spasmodic nature of the shipping movements means, as I have said, that the waterside workers are employed at irregular intervals and some well-meaning regulation might easily interfere with their employment. I would like the Minister's assurance that no regulations of a major nature are contemplated in this instance and that he will give consideration to the peculiar circumstances applying at our outports. With those reservations, I support the second reading.

**THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn—in reply)** [5.31]: I thank the member for Vasse for his remarks and I do not think he need have any fear in this connection because the Minister whom I represent in this House and who introduced the measure in another place, is also Minister for the North-West and Supply and Shipping and

has, as his direct responsibility, the out-ports of the State. I feel that I can offer the hon. member the assurance he seeks and I have no doubt the outports will receive the necessary consideration. The notes which I have here show that Esperance is included and will come under the Bill.

Mr. Bovell: I understood that it was included but did not know whether the changeover had taken place yet.

The MINISTER FOR MINES: The changeover is about to be effected, although it has not taken place yet.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Bill passed through Committee without debate, reported without amendment and the report adopted

#### **BILLS (2)—RETURNED.**

1, Bush Fires Act Amendment.

With an amendment.

2, Marketing of Potatoes Act Amendment.

With amendments.

#### **ANNUAL ESTIMATES 1957-58.**

*In Committee of Supply.*

Resumed from the 17th October; Mr. Moir in the Chair.

*Vote—Chief Secretary, £114,218:*

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville) [5.7]: In submitting the Estimates of the Chief Secretary's Department, I should explain that among the functions of that department are included the control of street collections, charitable collections, rent control, film censorship and correspondence despatch. Subdepartments consist of the Registrar-General's Department, the Prisons Department and the Observatory.

As from the 5th of July, 1957, the integrated statistical service provided for under the Statistics Act Amendment Act, 1956, was established under the control of the Commonwealth Government and Mr. R. J. Little, who previously held the dual position of Registrar General and Government Statistician, resigned as Registrar General. Mr. N. B. Brice, previously Deputy Registrar General, was appointed Registrar General. Mr. W. V. Gray, the Registrar of Friendly Societies, resigned, as from the 30th September, and Mr. K. N. McKenna, a Treasury officer, has been appointed to that position.

In connection with the Observatory, I wish to state that during the past twelve months there has been an increase in all its activities. This applies to the essential State services, to research and to educational work. An assistant Government

Astronomer, engaged in England, was appointed to the Observatory staff. The Observatory will be associated with five programmes during the international geophysical year, which will extend at least until December, 1958. The programmes are in the fields of astronomy, seismology, oceanography (tidal information), while in two other fields—those of auroral study and the visual tracking of artificial satellites—volunteer efforts in this State have been, and are being, co-ordinated with the national effort, by the Observatory.

In addition to the usual duties being carried out as in the past, the greatly increased public interest in astronomy is being catered for by permitting more people to visit the Observatory and the supplying of more information for the Press and radio. There has also been an increase in the astronomical research activity and preliminary work is proceeding to engage in research work urgently requested by the astronomical world. Modern observations are required to supplement the basic data obtained here 40 to 50 years ago.

In connection with street appeals, for the year ended the 30th June, 1957, 53 organisations participated in 32 appeal days. The gross collections by all organisations amounted to £62,058. The supervision of these appeals has been continued by the department and all returns checked.

I come now to film censorship. The administration of the Censorship of Films Act, 1947, has been continued. The supervision of advertising and the registration of film distributors and exhibitors has also been continued. Uniformity of classification is ensured by agreement with the Chief Commonwealth Film Censor, Mr. C. J. Campbell. Fees collected for the year were £1,766 and the cost of administration on behalf of the State amounted to £300.

Next I will deal with prisons. During the year the increase in inmate personnel, associated with the increase in staff and the cost of maintenance of humans as well as of old, outmoded institutions, has been responsible for an unavoidable increase in costs. On the credit side there is the excellent work being done through the group therapy classes and more especially the rehabilitation of younger inmates and the re-education of that type of offender and several new Australians through the prison school, which is well attended, are worthy of mention.

Early in the year when the numbers at Fremantle gained such proportions, the department had to find ways and means of countering the situation. The numbers held at Barton's Mill and Pardelup prison farm were increased and an appeal to the Commissioner of Police was made to assist by holding as many as possible at country centres. That appeal met with immediate response with the result that the number at Fremantle prison has been reduced by over 100 inmates within the past few months.



The excellent work of Alcoholics Anonymous, operating within our main institution, is also worthy of special mention. Quite a few old derelicts have been saved through the influence of this worthy cause. Government grants and the generosity of the Lotteries Commission enabled the Prisoners' Aid Association and the Prison Welfare Office to extend their activities in the field of assistance and finding employment for many discharged prisoners.

Barton's Mill has continued its main activity of supplying firewood to Government institutions, which provides healthy and useful work for the type of inmate who can be trusted under the relatively free conditions at these out-stations. Work commenced last year on the clearing of land with the view to establishing a pine plantation in the area and it should reach a stage to permit of the first planting in the 1958 season.

Pardelup prison farm provides a very useful outlet for inmates who can be trusted under minimum standards of supervision. The good work established over the year is being maintained and, where possible, developed in the interests of the State. The introduction of stud cattle a few years back is beginning to show good dividends, and the sale of livestock and other produce helped considerably towards the upkeep of the institution, the chief function of which is the moulding of character through a correctional system which cannot be gauged in pounds, shillings and pence. The Government has been very fortunate in, and is most appreciative of, the assistance it has received from the officers of the Department of Agriculture in all its farming activities at Pardelup.

This department is one that the Government believes is functioning satisfactorily. It has had to put up with difficulties occasioned by insufficient funds to do all that is possible. For instance, new buildings are required in order to ease the accommodation problem, but that is common in most departments, and I suppose it will be with us for many years.

**MR. ROSS HUTCHINSON** (Cottesloe) [5.16]: I wonder whether the Minister for Works would be able to give me some information concerning the proposed new site for the Fremantle prison. I believe some consideration has been given to siting the Fremantle Gaol in a position not far removed from its present site. I am sure it is greatly desired by all concerned that the Fremantle prison should be shifted from its present site as soon as possible. The set-up at the moment is most unsatisfactory for two principal reasons: The first of these is that the prison is in the heart of the residential area, and the second, that the serious limitations in size give rise to problems concerning the administration of the prison.

With regard to the objection to the gaol remaining where it is, I think everyone should view with alarm the fact that the present prison is overcrowded to such an extent that prisoners are not able to be properly catered for by way of profitable occupation, both during their working hours and in their leisure time. In the circumstances that exist in the Fremantle Gaol at the moment, it is not possible to effect any worth-while prison reform. It would seem eminently desirable, therefore, that a decision should be reached very soon with regard to the proposals to site the gaol in a more satisfactory position.

Apart from the objections to the gaol remaining where it is, to which I referred, I feel sure that on many grounds there is other justification for its removal. One that springs to mind readily is that this land is extremely valuable, and I believe the Fremantle City Council desires to secure it in order to use it to much greater civic advantage than it is being used at present. All in all, I feel a real case may be made out for an urgent decision in this regard, and following on that, early implementation of that decision. I hope, therefore, that the Minister for Works will be able at this stage to give us some information concerning the suggestion I have made.

**THE MINISTER FOR WORKS** (Hon. J. T. Tonkin—Melville—in reply) [5.22]: Consideration has been given from time to time to the question of a new site for the Fremantle Gaol, but as funds are not available for the commencement of any building in connection with it, no final determination has yet been made, although several sites are still under review. I regret that I cannot give the hon. member more definite information than that.

*Item, Incidentals, £5,750.*

**MR. ROBERTS**: This item shows a decrease in expenditure of £3,831, and I wonder if the Minister could possibly explain the position to us.

**THE MINISTER FOR WORKS**: The estimate for 1957-58 is £5,750, and the actual expenditure on this item in 1956-57 was £9,581, which, as the hon. member pointed out, is a decrease of £3,831. The reason for this is the non-recurring cost of an accounting machine for the head office accounts branch.

*Item, Grants to chaplains visiting institutions, £1,250.*

**MR. COURT**: I notice that the amount is constant and I would appreciate information concerning the distribution of this sum, and the exact arrangement the Government has in connection with the service. It would appear to me that with the extension of this service to Government institutions of the type which I imagine

would be covered by this expenditure, a greater demand would be made for the service which is very necessary. I would like information as to whether greater expenditure is contemplated in the future.

The MINISTER FOR WORKS: Obviously, no greater expenditure is contemplated or provision would be made for it.

Mr. Court: I mean in the more distant future.

The MINISTER FOR WORKS: I do not know about that. The anticipated expenditure for the financial year is the same as that provided for the last financial year and that actually expended in the last financial year.

Mr. Court: Could you tell us the nature of distribution?

The MINISTER FOR WORKS: As I understand it, I think it means the expenses of visiting chaplains and nothing more. Apparently, the same number of institutions have been visited by the same number of chaplains from their respective denominations.

Mr. Court: Could you give us details of the distribution?

The MINISTER FOR WORKS: I am afraid I have not that information with me.

*Item, Unemployment relief, £100.*

Mr. ROBERTS: Last year unemployment relief was included in the estimates of the Department of Supply and Shipping, and the vote under that department was £200; expenditure being £199. This year it has been included in the Chief Secretary's Department and the estimate is shown as £100. Could the Minister please explain that?

The MINISTER FOR WORKS: The reason is that provision is now made only for emergency cases. When a person is unemployed and does not qualify immediately for assistance, and requires some relief on the spot to enable him to get accommodation and a meal, that assistance is given.

Vote put and passed.

*Vote—Registry and Friendly Societies, £38,342.*

*Item, Salaries, £36,142.*

Mr. ROBERTS: The amount allowed for salaries last year was £88,182 and the expenditure was £85,981. The estimate this year is only £36,202 which is a decrease of £49,779. There is a further item which reads "Less Rebates by Commonwealth Government" for which the vote last year was £6,200, of which £5,142 was expended. This year the estimate is £60, which represents a decrease of £5,082 and I should be glad if the Minister would explain this great decrease.

The MINISTER FOR WORKS: That is an understandable question but one to which there is an answer. It has been occasioned by the transfer of the statistician's office to the Commonwealth.

Mr. COURT: I would like to ask the Minister representing the Chief Secretary whether sufficient time has elapsed for the Government to make up its mind whether it is satisfied with the rearrangement of the statistical services made following legislation that was passed so that the Commonwealth was able to absorb the Western Australian staff and, in turn, undertook to supply the statistical requirements of the State Government. When the Bill was before the House, it appeared to be a sensible arrangement and one which would save the State Government considerable expenditure, and at the same time produce better statistical information.

The MINISTER FOR WORKS: I have no precise information on the question and assume, in the absence of any complaint, that the new arrangement is working satisfactorily.

Mr. ROBERTS: In view of the previous comments by the Minister, I take it that the decrease in Item 2, "Contingencies" of £6,389 is occasioned for the same reasons.

The Minister for Works: That is correct.

Vote put and passed.

*Vote—Prisons, £210,393—agreed to.*

*Vote—Observatory, £9,597:*

Hon. J. B. SLEEMAN: I would like some information from the Minister in regard to the Observatory, which used to be referred to as "peep show." It has been said for some years now that the Observatory has to go from its present position and it has been rumoured recently that it will be shifted to Greenmount, Mundaring or some other place.

Then again, I would also like to know if the rumour, which is going around the city at the present time that the Observatory is to go and that the block will be made available for a swimming pool is correct? I would like to know this, because it is a valuable piece of land and I do not think it should be used for a swimming pool.

The Minister for Lands: I thought the swimming pool was to go to King's Park.

The MINISTER FOR WORKS: I thought the member for Fremantle was much too long in the tooth to pay any attention to rumours.

Hon. J. B. Sleeman: I can tell you a few that have come very true. I will let you have them if you want them.

Hon. A. F. Watts: Not here.

**The MINISTER FOR WORKS:** This one is not. There is no truth in the rumour that this site is to be handed over for the purpose of an olympic pool. The item No. 1 dealing with "Observatory" shows an estimate of £6,247, while actual expenditure for 1956-57 was £5,101, showing an increase of £1,146. The factor causing this increase is a full year's provision for the Assistant Government Astronomer, who was appointed last year.

Item, Contingencies, £3,350.

**Mr. ROSS HUTCHINSON:** I desire to make a brief remark on this item. I think the Minister made some comment on the increase in this particular department because of activities concerned with the geophysical year. I wonder whether he could give some specific information regarding the increase under this particular heading. It will be noted that expenditure for this financial year shows a marked increase on that of last year. The "Contingencies" item shows that incidentals have increased and there is an item under the heading of "Time fuses, etc." I would like the Minister to make reference to the increase under this heading, if he has the information available.

**The MINISTER FOR WORKS:** The increase of £2,249 is occasioned by the necessity to provide technical equipment in connection with the expanded programme.

Vote put and passed.

*Vote—Lands and Surveys, £736,856:*

**THE MINISTER FOR LANDS (Hon. E. K. Hoar—Warren)** [5.37]: As is usual, an occasion such as this not only gives the Minister the opportunity of introducing his Estimates, but also enables him to present a broad general view of the activities of the departments which come under his control. I have attempted to do that this year.

I hope that what I have to say in connection with the Department of Lands and Surveys, the Rural & Industries Bank, the Bush Fires Board, the Department of Agriculture and many other matters which are included in this review, will encourage members to take part in the debate. After all, that is not only their privilege but it gives the Minister some idea as to the thoughts of members in connection with some of these most important departments and sometimes enables him to effect an alteration in the existing conditions for the benefit of all.

The year ended the 30th June, 1957, was one of continued activity in the disposal of Crown land and 1,157 applications were approved in that period for the alienation or leasing of vacant land as compared with 1,288 for the preceding 12 months. Three important land sales were conducted during the year at Kalbarri (Murchison River), Gilderton (Moore River), and

Preston Point (East Fremantle), and the amounts realised were £4,000 in excess of the upset prices.

The Land Board considered the evidence of 1,026 applicants and allotted 310 parcels of land, and the field staff of the department carried out a heavy programme of inspection and classification of lands. Sixty new farm-sized locations are being planned east of Mt. Many Peaks and it is expected that there will be a keen demand for them from settlers all over Australia when the blocks are made available for selection.

In the latter end of the year, seven cattle stations, ranging in area from 700,000 to 956,000 acres, were made available for selection in the North Kimberleys. The annual rentals of the land have been fixed at from 3s. per 1,000 acres to 6s. 6d. per 1,000 acres, and 33 applications were received for them. A land board will sit on Wednesday, the 20th November next, to allot this land.

An extensive area of light land situated on the south coast between the Gairdner and Phillips Rivers, is about to be examined and classified by a survey party of this department with a view to ascertaining its agricultural potentialities, and the making available for selection of a large number of new farms. In 1957-58 it is intended to complete the survey of about 1,000 blocks in the agricultural district to keep ahead of the requirements of general settlement, war service land settlement and the Esperance Plains private settlement scheme.

A survey and mapping expedition, accompanied by native welfare and public health departmental officers, will also classify, take star observations and prepare a preliminary map for 30,000 square miles of country near the Northern Territory—South Australian border. Thirty thousand square miles were classified last year in the Central and Eastern desert regions.

Provision has been made this year for the payment of survey costs of parcel 1 and the contour and channel lines for 1,000 acres to be cropped this year at the Liveringa rice project; also the survey and design of the new townsite area and the marking of a number of lots for immediate building requirements. It is anticipated that all of these surveys will be completed before the end of November, 1957. Another project to be completed this year will be the contour mapping of the Ord River irrigation area, the field surveys for which were completed last year.

Finance has also been provided for the purchase of a new aerial camera for low altitude photography. This will enable the mapping branch to proceed with 40ft. to 1in. sheets showing all development and improvements in the metropolitan area and other towns for the Metropolitan Water Supply and Sewerage and Drainage, Public Works, Main Roads and Railway Departments and local governmental authorities. It must be realised that all

this work must be kept well in advance so as to facilitate the stocktaking of our natural resources and to expedite the search for oil and minerals and the expansion of agricultural and pastoral settlement.

The war service land settlement scheme has reached a stage where one more year of intensive activity on a similar scale to the last will bring within sight the concluding stage of the developmental activity of the Land Settlement Board in implementing the scheme in this State. There are at the 30th June, 1957, 287 farms in the wheat and/or sheep areas where development has to be completed during the next two years so that the farms may be allotted under lease conditions to the remaining applicants. This means that the farms, besides being provided with access roads and cleared, must be sown to pasture or cereals, fenced, subdivided and provided with dwellings, farm buildings and water supplies.

The main project areas where these farms are situated are—

	Farms.	Average Size. Acres.
Eneabba (S.W. of Three Springs)	43	3430
Gairdner River (S.E. of Ongerup)	100	3000
Corackerup (East of Ongerup)	11	3000
Jerramungup (East of Ongerup)	18	2780
South Stirlings (East of Mt. Barker)	7	2350
North Many Peaks (East of Mt. Barker)	17	2130
Denbarker (S.W. of Mt. Barker)	44	1050
Rocky Gully and Perillup (West of Mt. Barker)	34	1050

The balance of the farms are on four repurchased estates at Sidecup, Bokerup, Crossman and Cordering. By a concentration of the department's plant, manned by skilled operators and also by the employment of numerous contractors with large comprehensive plants, developmental work is proceeding economically and at speed. The agricultural practice employed is abreast of the findings of research. As the first-phase clearing of heavily timbered areas reaches conclusion, heavy dozers owned by the department, as they become surplus to requirements, are sold at satisfactory prices to contractors. A comprehensive reconstruction programme undertaken in the dairying districts is nearing completion. The cost of State administration from the inception of the scheme to the 30th June, 1957, has been £786,637. The proportion of the State's contribution towards developmental costs written off to date, in accordance with the conditions of settlement, amounts to £228,862.

I come now to immigration. The State Government, by agreement, is responsible for conducting a hostel for the reception of British migrants who travel under the assisted passage scheme and who may require temporary accommodation upon their arrival. The first seven days of their stay in the hostel are a charge on State funds. Nominations for passages have shown a decided increase in the past eight months and there are now 3,920 berths

required for Western Australia. The average annual intake of British assisted migrants is 2,250.

Dealing with the Bush Fires Board, the board is entering upon its third year of operation. Undoubtedly, a great deal of progress has been made since it was set up. There are two major and rather differing sides to the board's work. In the first place, it deals with recommendations regarding prohibitions which affect a much wider field than that of individual districts. This was a major function of the old advisory committee. The main developments have been made in connection with the other side of the board's activities. This is in regard to the problems of individual districts, brigades or volunteer officers. The board has endeavoured to provide advice and assistance, and to help in every way possible in overcoming local problems. The service it has provided has been extremely well received without exception throughout the State, and it is felt a great deal of progress has been made in the comparatively short period these functions have been developed.

During the year, the first volunteer control and brigade officers' school and conference was held at Point Walter. The school was an outstanding success and the response was so great that, although nominations were limited to one from each district, it was still necessary to repeat the school and run two courses instead of one. As an extension of this work, the board has also undertaken a number of one-day courses in individual districts. Again, the response has been excellent and this work will be continued. A further central school will be held in the forthcoming season. A good deal of progress has also been made in establishing competition to help stimulate and maintain interest in the brigades.

The next item relates to the Rural and Industries Bank. Last year, 55 hay baling machines, purchased through the hay baling scheme, operated on 369 farms and baled 5,192 bales of hay and assisted to conserve 34 tons of fodder per farm. The scheme has now been extended to include forage harvester syndicates. The bank recently added £10,000 to this fund, which is now a revolving one of £60,000.

The bank now has a Perth and head office and 38 branches. During the year three branches were opened, i.e., St. George's Terrace West, Kalgoorlie and Victoria Park. They are all showing good savings bank figures. The fortieth branch will be opened at Midland Junction next month. Savings bank deposits increased £1,600,000 for the 12 months to the 30th September, 1957, when the figures stood as follows:—

	£
Deposits	2,800,000
Housing loans and commitments	750,000
Semi-governmental loans and commitments	400,000

Preparatory clearing of the site for the new bank building has commenced and the Principal Architect has already done a lot of drawing board work on basement and ground floor requirements. Construction of the main building is expected to commence about mid-1958.

The estimate of expenditure for the Department of Agriculture amounts to £744,557. There is an increase of £21,623 over last year's expenditure of £722,934, but only a little more than £4,000 above the estimate. Excellent progress has been made with the construction of the new laboratories at South Perth and it is expected that both wings will be ready for occupation towards the end of the year or early in the new year.

The policy of stationing departmental officers at district centres has been continued. There are now 58 extension officers and 15 other staff at eight district centres. Some 12 other extension officers are located in smaller groups in other townships in the South-West and wheat belt districts. In the northern areas there are nine extension officers and five other staff at Carnarvon, Wiluna and Wyndham. Difficulty is still being experienced in obtaining the department's full requirement of University trained officers.

An important phase of the department's work is that connected with land development and plant nutrition. Methods have been evolved for establishing subterranean clover pasture on newly cleared scrub plain and mallee country. The successful technique consists of reducing the quantity of the residues of native vegetation in the soil before planting the pasture. This can be achieved by burning as thoroughly as possible after rolling, logging or chaining; ploughing the land nine months or more before seeding; re-ploughing immediately before seeding; planting after rain in autumn and applying a heavy dressing of superphosphate along with the trace elements, copper and zinc. This method is being used successfully on many thousands of acres each year.

Following the department's investigations into the potash requirement of certain soil types in the heavier rainfall districts, a superphosphate-potash fertiliser was put on the market and has met with a ready demand from farmers. Investigations at the Bramley research station into the value of phosphatic supplements for dairy cows have been continued and have shown clearly that high levels of milk and butter-fat production are dependent on an adequate phosphorous intake. The presence of the disease vibriosis in cattle has been established in 75 per cent. of all infertile herds tested and it seems that it is a most important cause of infertility in dairying areas of the State.

Myotic dermatitis of sheep has increased considerably coincident with the use of certain new dipping preparations, particularly dieldrin and aldrin. As little was

known of the biology of the causal organisms or its behaviour in relation to the disease, a fundamental study was undertaken and has provided results which will enable the control of the disease to be investigated on a more rational basis.

The artificial breeding scheme which commenced at farmers' properties on the 15th May, 1956, has been accepted by farmers in districts that are being served. To the 15th May, 1957, some 1,500 cows had been inseminated and since that date a further 3,000. Some 250 farmers are listed as members of the scheme with a total of approximately 9,000 cows. The State's dairy aid scheme whereby sub-economic farms are being further developed and the cost of the more expensive type of country subsidised by the Government is continuing to make progress. So far two districts—Margaret River and Northcliffe—have been approached. The promise of additional pasture on the properties already dealt with should make a contribution to increased production in the coming years.

At the Kimberley research station the new insecticide endrin has sustained early promise in controlling cotton pests. Cotton can now be regarded, along with rice and sugar cane, as a crop well suited to the Ord River region. In the Kimberley division several large demonstration areas on stations have been subjected to range regeneration techniques with very promising results. In the Wiluna area a C.S.I.R.O. regional survey team has commenced survey work and it should be possible to expand research in this pastoral region in the near future.

Early this year, a survey was conducted on the quality of last season's wheat delivered at sidings. Sub-samples were obtained from those collected at all country sidings for the annual Chamber of Commerce f.a.q. determination, and samples of every tenth delivery to each of four selected sidings were also taken. These were subsequently analysed for protein and sedimentation value. The data, subjected to appropriate statistical treatment, showed that, while in general the higher protein wheats tend to be produced in the shorter season districts of the northern and eastern agricultural regions, they were, nevertheless, produced over a very wide area of the wheat belt, including some of the higher rainfall areas; and that there was a wide range in the protein percentage of deliveries at any one siding even within the same variety.

The data also indicated that the Zeleny test showed sufficiently good correlation with protein content to be a useful measure for the classification of receivals on a broad basis, such as could be useful to mills, but of questionable value on the classification of individual farmer-deliveries; and that total receivals at country silos having a protein content of 11 per cent. and over were 2,200,000 bushels or 7.8 per cent. of the total delivered harvest.

Of the 2,200,000 bushels of better quality grain, 1,700,000 was of better quality varieties and 500,000 of the weaker types. It is of interest that, in the last 10 years, the acreage sown to better quality varieties has risen from 4.4 per cent. to over 40 per cent. of the total acreage sown to wheat in this State.

In the cereal and sheep areas, the present season has been characterised by late opening and below average rainfall almost throughout. Farmers in many areas, particularly on the heavy soils of the eastern and north-eastern wheat belt, did not complete seeding until late June and in some cases, early July. This was due in part to the lack of sufficient rains in April and May and to the occurrence of heavy falls in June which precluded the working of land for some weeks. July was a very dry month and crops were slow to commence growth and remained backward. Light August rains improved the situation considerably, but September was very dry and good finishing rains are now an urgent necessity. Crops at this stage are persisting in most areas but, in the northern districts particularly, will finish very poorly unless further rain is received.

Due to the conditions prevailing in the cereal and sheep areas, where 80 per cent. of the State's wool is grown, it is expected that the average clip will be down by  $\frac{1}{4}$  to 1 lb. per head, compared with last season's 9.1 lb. per head. Total State wool production, however, should not vary considerably from the previous season owing to the increased number of sheep to be shorn which will be in the vicinity of 1,000,000 more, and of the order of 17,000,000 for the State. The present season for the fat lamb producing areas, despite its late start, has been about the average, and the quality of the lambs coming to hand so far this year has been rather better than in the previous season.

In the dairying areas, the season opened particularly well, and the excellent pasture conditions which existed during the autumn and winter are being continued into the spring period, while production is being maintained at a slightly higher level than last year.

**MR. BOVELL (Vasse)** [6.0]: It is pleasing to note that throughout the Minister's Estimates increased amounts are provided for; and although I have not yet had an opportunity of going through the increases in detail, I hope that they apply also to the development of agricultural research stations. I will deal with these matters when I come to the individual items. The lands and surveys increase is £18,655 and, as the Minister said, the Estimate this year for the Department of Agriculture is £744,557, an increase of £21,623 on the previous year. The Estimate for the Bush Fires Control Board shows an increase of £2,633 on last year.

I am particularly anxious, as I said a few moments ago, that our research stations should be developed. According to the list we have research stations at Avondale, Merredin, Chapman, Denmark, Wongan Hills, Salmon Gums, Manjimup, Bramley, Herdsman's Lake, Newdegate, Stoneville, Swan and Wokalup. During his speech the Minister referred to the Bramley research station, and the work that is being done there. I have watched the growth of this research station, and the good effect it has had as regards animal husbandry in the immediate dairying districts. Dr. L. C. Snook has taken a great personal interest in this venture and has done sterling work in the interests of agriculture in the dairying districts of the lower South-West.

We all realise, I think, that the foundation of our prosperity and progress is based on agriculture, and that has been amply illustrated through recent Press reports from the Eastern States wherein it was stated that the outlook, as far as agriculture in most of the Eastern States was concerned, was very grim, and the forecast was that if drought conditions continued there, they would have a serious and adverse effect on the nation's economy. That shows, and emphasises, the importance of the development of our primary industries. Australia is mainly dependent on its primary industries for its national income; and while I agree that we must encourage our secondary industries, we must also see that our existing agricultural structure, especially in Western Australia, is maintained, and that every effort is made to extend it as far as possible.

While we might have had surpluses of wheat in recent years, the forecast is, because of the bad season in the Eastern States, that we might not have sufficient wheat to supply Australia's own needs. From that it can be seen that the home market is growing to such an extent that we can use most of our primary products within our own country. Of course, I do not include wool in that statement, and there is no need for me to reiterate the great reliance that Australia has on its wool industry. Without it, we could not have, and would not enjoy today, the great social services that are provided for the Australian people.

The Minister for Health: Economically, we are riding on the sheep's back.

**MR. BOVELL:** We are, there is no doubt about that. All Governments, not only of all States, but also the Commonwealth, must realise this fact because, with the threat of a drought in the Eastern States, sheep are being sold at ridiculously low prices. Also, as I stated a few moments ago, our supply of wheat would be hardly sufficient for our own requirements, if this drought continued. Therefore it is the responsibility of all Governments to see that

the status quo of the agricultural industry is maintained; and its development should proceed on sound lines.

The Minister for Health: Inigo Jones predicted many years ago that there would be a drought throughout Australia.

Mr. BOVELL: So I understand. In past years I have followed his long-range forecasts and, generally speaking, they have been fairly reliable. I read in a publication issued only recently by the International Harvester Co. that the Commonwealth Minister for Industrial Development, Mr. R. G. Casey, had referred to the fact that we may have to be prepared if not for a period of five years of drought, for a period of five years of very poor seasons throughout Australia. This was because of the likelihood of a poor rainfall over those years.

I do not know on what he based his forecasts; but the report went on to state that he placed some responsibility on primary producers, and I think rightly so, not to over-stock. It is realised, of course, that no Government can make rain to ease droughts. They occur, irrespective of the colour of any Government, and we must be prepared for them, and we must realise that the country cannot stand increased agistment in times of comparative droughts.

The Minister for Health: Inigo Jones based his theory on cycles.

Mr. BOVELL: I understand so; and perhaps Mr. Casey was taking his line of thought from the Inigo Jones forecasts. I do not know that he did, but that warning was issued by him in this publication circulated by the International Harvester Co. in recent times. It is the Government's responsibility to see that general land settlement development is proceeded with on sound lines. The Minister indicated that the war service land settlement scheme had been almost satisfied. I understood him to say that most of the applicants have been more or less satisfied, or will be within the course of the next 12 months.

The Minister for Lands: The development work should be completed within the next 12 months.

Mr. BOVELL: Which should provide farms for all those who want them. I think the Minister quoted 287 wheat and sheep farms yet to be completed, which would satisfy the applicants in that category. I assume, as the Minister made no reference to it, that applicants for dairy farms under the war service settlement scheme have been more or less satisfied. Those people have not been so fortunately placed as those who have been engaged in the production of wool and wheat. So I think the Minister should give serious consideration to some of the difficulties that confront the war service land settlers in the dairying areas. I have been alarmed to see the number of original

war service land settlers who have vacated their properties, for one reason or another, particularly in the area that I represent. I refer, in that instance, to the Karridale area.

Mr. Nalder: What are the main reasons for it?

Mr. BOVELL: I think that the main reason is that the properties were not developed to the standard of a 40-cow unit, which they were promised in the first instance. They were promised that their farms would be capable of carrying 40-cow herds, which would provide sufficient income for the settlers to carry on. I communicated with the Minister only recently, and I believe an appeal is being held in regard to one settler. He has been on his farm for the last seven years and now he is faced with eviction. In my opinion, that is a very poor state of affairs.

If any person can stay on a property for upwards of seven years, and bad financial times confront him, every consideration should be given to him to ensure that he is permitted to continue. There may be some controversy between the settler and the departmental officers. But if a war service land settler has served his country for upwards of five years, and has farmed for seven years, it means 12 years out of his life. If he has to walk off his property at that stage it is a pretty poor show; he should be evicted only in the most extraordinary circumstances.

The Minister for Lands: You would not condone dishonesty, would you?

Mr. BOVELL: No.

The Minister for Lands: You had better have a look at that case.

Mr. Nalder: The settler might be forced into it.

Mr. BOVELL: I can only relate the circumstances as I know them. Whether the Minister is clairvoyant or not, I do not know, but apparently he knows the case I am referring to because I have communicated with him in regard to it. Presumably, the appeal board will deal with the case; but as far as I know there is no evidence that the person concerned was dishonest in any way. I know that he has a young family to provide for.

The Minister for Lands: We might not be talking about the same man; but the hon. member would not condone dishonesty.

Mr. BOVELL: No. If a man is openly dishonest, I would not condone it. But there may be extenuating circumstances; those circumstances might force him to provide an income for the well-being of his family. That is a different matter altogether. However, none of us would condone dishonest practices. But no person who has given five years of his life fighting for this country, and who tries to rehabilitate himself on a farm, and who

proceeds with it for seven years, should be evicted from his property unless there are strong grounds for it. It is very difficult for such a person to make a fresh start.

Mr. Nalder: Was he dependent entirely on dairying, or did he have fat lambs, and so on?

Mr. BOVELL: No; he was completely dependent on dairying. I went over the neighbouring property, which was also vacated; similarly the property opposite—in fact, quite a group of them were vacated. Apparently the settlers could not make ends meet, and I believe that it was probably not all their fault. I think their properties were not developed to an extent sufficient to enable them to eke out an existence. I know that some of them had to leave their properties to their wives, while they did outside work to enable them to carry on. I know also that there are rules and regulations in that regard; but when a man has a family to keep, he has to do something.

Mr. Nalder: The department advises some settlers to do that.

Mr. BOVELL: I understand that because this fellow did some clover rolling, or some other work, it was counted against him. That is not right.

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

Mr. BOVELL: Before the tea suspension I discussed the need for giving war service land settlers every opportunity to make a success of their properties. I referred to one case in the Karridale district. I consider that the settler concerned should be given another opportunity to make good.

I said that an appeal was to be heard in regard to that case, and by a remarkable coincidence it was heard today. I learned of this when the appellant called on me after tea. He was not aware that I had made reference to his case today. He was most concerned that after being eight years on his property at Karridale he should be threatened with the termination of his lease. He considers that if he is given another 12 months, he will be able to reduce his commitments. He also assured me that his failure to meet commitments resulted in a threat of eviction.

When the appeal case goes before the Minister, I would urge him to give earnest consideration to the settler. I well recall that when the Minister was on this side of the House he moved for a select committee to inquire into the conditions of war service land settlers, and his earnestness induced some members on this side of the House to support the move. I was hopeful that if the then member for Warren ever assumed office as Minister for Agriculture, he would continue to give consideration to war service land settlers.

The Minister for Lands: This settler has had plenty of consideration.

Mr. BOVELL: Here is an opportunity for the Minister to show further consideration. I am not criticising the Minister in any way with respect to this case. I want every assistance to be given to war service land settlers who have been on their properties for some years so that they will be able to carry on. I shall not disclose the name of this settler—

The Minister for Lands: I know the settler.

Mr. BOVELL: He has six children, two of whom are working. He has to maintain the other four. He had hoped that his eldest son would be able to continue working on the farm with him, but owing to economic circumstances this settler could not retain his son on the property.

The Minister for Lands: It was I who offered him this opportunity for appeal, so that he will be given a fair go.

Mr. BOVELL: I appreciate that. As I indicated, the Minister has given him every consideration. This is a matter of the settler failing to meet commitments, but in view of his assurance that he will be able to make good in 12 months, every encouragement should be given to him. I make that appeal to the Minister. I thank the Minister for the consideration he has already shown to the settler, and I hope there will be a successful conclusion to my representations.

May I remind the Minister that the farm in question has not been up to the 40-cow standard. If the settler is evicted, the Government will have to spend thousands of pounds in bringing that property up to the 40-cow standard. The Minister is well aware of this type of farm because he had a friend on the adjoining property. It is covered with bracken fern, and great expenditure is involved in eradicating this nuisance. It is generally agreed that the presence of bracken fern denotes good land, but it is a costly expense to overcome the problem.

The Minister for Health: Is there no feed value in bracken fern?

Mr. BOVELL: There is no feed value. The only significance of bracken fern is that the land is reasonably good for pastures when developed. The Minister has said that the settlement of ex-servicemen is nearing completion, so the only other matter with which I wish to deal is private land settlement. The Minister did outline some ventures with which the Government was proceeding. I did not hear him refer to the Scott River district which is partly in his electorate and partly in mine. I know that progress is being made there and a number of people following agricultural pursuits are looking to that area as a stock-raising district.

One settler has shown what the district can do in regard to the growth of pastures. He is Mr. Cusack. His clover pasture is a picture. I visited Alexander Bridge only last week, and this settler



undertook to send me photographs of his clover and pasture growth. It was not so many years ago when he first took up land there; it was since I became a member of Parliament. He has made a great success of his venture, and his successful experiment was the prelude to opening up the Scott River project.

Some problems confront the settlers in this district, and consideration will have to be given, among other things, for the provision of roadways to take transport to Augusta, on the south side of the Blackwood River, and the building of a bridge in Hardy Inlet. I am sure that the latter will be necessary for the success of the settlement. Not only will the roadway and the bridge serve the settlers in that district but they will also open up a very picturesque part of the State to tourists. Therefore this project will serve a dual purpose.

The Minister referred to the dairy farming improvement scheme with pilot areas in Margaret River and Northcliffe. It would be interesting to learn what progress has been made since I directed a question to the Minister early in the present session of Parliament. In my view, the scheme is founded on a sound basis, but progress is alarmingly slow. I would like to see a speeding up of the programme through the improvement of existing dairy farms.

Whilst I am dealing with existing dairy farms, I would mention that one great problem, which also affects the Forests Department, is the existence of isolated areas, for instance, Rosa Glen, Rosa Brook, etc. They are far away from the main thoroughfare with much forestry land dividing them, and it would be in the best economic interests of the State to devise a scheme to enable land now under the control of the Forests Department, lying between settled areas, to be made available for selection, and for eventual agricultural use. We do not want isolated farming areas.

I realise that there is great need to conserve the forest wealth of the State, but we should also bear in mind that settlers in these isolated areas are far from the main thoroughfare. In my opinion, it would be most desirable to inaugurate a scheme to open up isolated areas, now under the control of the Forests Department, for selection.

The Minister for Forests: It may be a better proposition to terminate the isolated farming activities. There is a gradual process of that taking place at the present time.

Mr. BOVELL: I hope it will not take place in my electorate. It is not in the best interests of the State to develop land at great cost to both the State and the individual settler, and then to let it revert to virgin bush. Of course, I recognise that it is vital that the State forest reserves be retained, but it must be done in conjunction with expanding agricultural development.

The Minister for Forests: Quite right; but outside the forest belt.

Mr. BOVELL: We will discuss that at a later stage. The Minister said that the Rural and Industries Bank now has 38 branches throughout the State, plus the head office; and it is anticipated that very shortly a new branch will be opened at Midland Junction. I heard the Minister for Police say, "Hear, hear," and no doubt that is because Midland Junction is one of the centres in his electorate.

We have recently heard quite a number of remarks about multiplicity of control. We have heard about the three-commissioner control of the railway system; and the Government recently introduced a Bill to provide for a public service commission of three members. I would like the Minister to tell us how the five-man Rural and Industries Bank Commission has operated. I do not think there has been any hostility amongst the commissioners as has been the case in other Government departments.

The Minister for Lands: You have only to look at the results.

Mr. BOVELL: It seems to me, as I said when the Bill was being dealt with, that it is over-administration to have five commissioners in control of an organisation with one head office and 38 branches. There should be one administrative head. Have a board of directors, if we like; but there should be one administrative head, as in all other banking institutions.

The Minister for Lands: All the commissioners with the exception of the chairman have control of their own departments, and only sit together at the board table.

Mr. BOVELL: I think it would have been better to call them anything but commissioners.

The Minister for Lands: Call them what you like; it makes no difference.

Mr. BOVELL: It would be better if there were a general manager or chief executive officer with assistants controlling the various departments. That is the normal banking custom. However, I referred to that merely in passing. The bank still has only 38 branches, yet institutions like the Bank of New South Wales can operate with one administrative head controlling almost 1,000 branches.

The Minister referred to the Department of Agriculture, and said there was an increase of £21,623 in the Estimates for the current year. I think he also said that the department had some difficulty in securing officers possessing agricultural degrees. I would like to know whether any attempt has been made by the Government to increase the remuneration of such officers, and how that remuneration compares with that provided for similarly trained and experienced officers in other

States of Australia. We cannot hope to keep experts here if we do not pay them a salary comparable with the salaries paid for similar services performed in other States of Australia. So I would ask the Minister, when replying, to give us some information regarding the payment of officers and a comparison between the position in Western Australia and that in the Eastern States.

The final matter with which I wish to deal is that of migration. We have heard comments from Commonwealth members of the party to which the Minister belongs, to the effect that migration should be curtailed. I want to know whether this Government subscribes to that view. For my part, I believe that Australia needs all the desirable immigrants it can obtain. I think the Minister said that some 2,000 migrants had come to Western Australia last year. I can only hope that they will continue to come. We have a great land, and Western Australia comprises 1,000,000 of the 3,000,000 square miles which constitute this Commonwealth. Therefore we need all the suitable migrants we can obtain. I hope the Minister will enlighten me as to some of the matters I have raised.

Progress reported.

## **BILL—LONG SERVICE LEAVE.**

### *Second Reading.*

**THE MINISTER FOR LABOUR** (Hon. W. Hegney—Mt. Hawthorn) [7.53] in moving the second reading said: This Bill is to confer on employees in private industry an entitlement to long-service leave after a period of continuous service. Before explaining its main provisions, I might mention that this is the last State of the Commonwealth to introduce such a measure.

In 1951 a scheme of long service leave was inaugurated in New South Wales, followed by one in Queensland in 1952; in Victoria, in 1953; and in Tasmania, in 1956. I understand a Bill has recently been passed in the South Australian Parliament providing for a measure of long-service leave, conservative though it may be. In Western Australia the Labour Government in 1927 conferred upon all Government wages employees in Western Australia a long-service leave benefit. After 10 years of continuous service a Government employee is entitled to three months' long-service leave; and those who had completed 10 or more years prior to the 1st January, 1928, were automatically entitled to the leave.

Following that basic principle, the regulations also provided that after a further period of 10 years, an additional three months' leave was to be conferred upon Government employees; and thereafter the prescribed time is seven years. So every wages employee in the Government of Western Australia who has served continuously for a period of 27 years is entitled in the aggregate to nine months'

long-service leave. Only recently, the Arbitration Court of Western Australia, after hearing evidence in the Yampi Sound case, submitted by the Australian Workers' Union, on behalf of its members at Yampi Sound, granted three months' long-service leave to employees after 10 years continuous service. I might say in passing that I believe the Australian Workers' Union in the goldmining case at present being considered by the court has a claim for long-service leave of three months after 10 years' service.

I come now to the matter of semi-governmental—or what we usually call local government—employees. Investigations disclose that there are 147 local authorities in Western Australia. They comprise 21 municipal councils and 126 road boards. Of the 21 councils, all but two have conferred long-service leave schemes on their employees. Of the 126 road boards, 114 have provided long-service leave schemes for their employees, and the basis is three months for 10 years. I see the member for Murray, the ex-Premier, looking at me. It may be of interest to him—undoubtedly he knows it already—to be told that one of the last local authorities to confer long-service leave on its employees was the Mandurah Road Board. I have an extract from the "Government Gazette" of the 12th July, 1957, which indicates that the local authority of Mandurah has extended this principle to its employees and made it retrospective to the 1st July, 1951.

In addition to that, it may be remarked that the Commonwealth has a long-service scheme in operation; and at present the basis is 4½ months for 15 years' service. It will be seen at once that the pro rata basis would be three months for 10 years. It also provides that if one works for 20 years, another 1½ months is granted. So that for 20 years those employees would in the aggregate receive six months' long-service leave.

It will thus be seen that the principle of long-service leave has been very well established in all States and in the Commonwealth. It may be of interest here to quote approximate figures showing that the work force in Western Australia is about 178,000, and that of that number about 48,500 are enjoying long-service leave on the basis of three months for 10 years or better.

Members by this time will have an idea that the basis of this Bill is three months' long-service leave for 10 years of service. The Government considers that a measure of this character should be no less liberal in its provisions—and I use that word in the right sense—than those for Government employees. The membership of the Australian unions who are not Government employees, rightly adopt a logical attitude and say that for 30 years Government wages employees have enjoyed three months' leave after 10 years of service; and, what is more, the public servants of

this country enjoy three months after seven years. If it is right and proper for a large proportion of the workers in this State, surely it is reasonable also for workers in private industry to be given the same treatment! This measure follows the policy of the Government, as announced about two years ago, which we are endeavouring to implement.

Mr. Court: Does this completely remove the question from any negotiations current between the employers and the A.C.T.U.?

The MINISTER FOR LABOUR: I suggest that I be allowed to outline the provisions of the Bill to the House and I will make passing reference to the interjection by the member for Nedlands. There will be ample opportunity during the Committee stage for the hon. member to raise any points he desires.

Mr. Court: This is a vital question.

The MINISTER FOR LABOUR: I will deal with the general principles of the measure and the difference between the schemes operating in the Eastern States and that now proposed for Western Australia. To pinpoint the main provisions of this Bill, its basis is a benefit of three months' long-service leave on full pay for 10 years' continuous service with the one employer and it is retrospective to the 1st January, 1951.

The qualifications are that any person who, at the time of the passing of this Act, has had more than seven years' continuous service and whose services are terminated by him before the 1st January, 1961—when leave will first commence to operate—on account of illness or incapacity or whose services are terminated by the employer with a view to avoiding his long service leave obligations under the legislation, will be entitled to pro rata leave from the 1st January, 1951, to the time of the passing of the Act.

An employee who, after the 1st January, 1961, has worked for at least three years continuously and whose services are then terminated by the employer for some reason other than wilful misconduct or serious negligence, will be entitled to pro rata payment for the three years from the 1st January, 1961, onwards and also for the period from the time of the passing of the Act to the 1st January, 1961. Any employee, for example, who started work on the 1st January, 1956, and worked until January, 1964, would be entitled not to the whole of the pro rata period, but to the period from the time of the passing of the Act—say, the 1st January, 1958—up to the time of termination of employment.

Under the Government regulations, where an employee works for three years continuously and has his services terminated for any reason other than wilful misconduct he is entitled to pro rata payment. There is provision in the measure that if

an employee dies whilst in employment and was entitled to long service leave benefits, the requisite payments are to be made to his personal representative.

In order that this measure will not be confusing to any one, I wish to make it clear from the start that it contains provision that any employee whose services have been terminated within six months prior to the passing of the Act will, if he has reason to believe that that action was taken by the employer to avoid the long service leave obligation, have right of appeal to the appropriate authority set out in the Bill.

If it is shown that the action taken by the employer was for the purpose of side-stepping the long service leave obligations, the employee will be entitled to pro rata payment from the time of his commencing employment—the earliest commencing day is the 1st January, 1951—up to the time of the passing of this Act. I hope there will be no such cases, but if an employee feels aggrieved, he will have right of appeal to the appropriate tribunal.

Long service leave is not to commence to accumulate until an employee reaches the age of 18 years, and the time of taking of the leave will be a time mutually agreed upon between the employer and the employee, within 12 months, and if there is any dispute as to the employee's right to take leave, or the time within which he is entitled to take it, an appeal can be made to the appropriate authority that will be set out in the Act. There is provision, also, that no employee is to accept other employment while on long service leave.

The Bill contains certain exemptions and exclusions. The exclusions include all Government employees except Commonwealth employees who are dealt with under Commonwealth law. Included are all Government employees, and that embraces fire brigades and those employed by State instrumentalities, all of whom receive the three months' leave for 10 years' service. I have not had an opportunity to ascertain to what extent the following applies, but there may be some employers who have already granted a measure of long service leave to their employees; and the Bill provides that an employer may be exempted from the provisions of the Act where it is shown that his employees are, under the conditions of employment with him, entitled under any scheme conducted by the employer or on his behalf, to benefits not less favourable than those prescribed in the measure.

Exemption may be granted for a period of a maximum of five years and the exemption can be renewed. Continuous employment is provided for and the Bill contains a definition. There are listed a number of factors which do not break a worker's employment and they include the taking of annual leave, the taking of long service

leave, interruption of work due to an industrial dispute provided the employee returns to work on the conditions agreed upon between the employers and the union or prescribed by the industrial tribunal.

Other factors are: Leave granted by the employer, absence due to illness or injury where a medical certificate is produced to the employer by the employee, the dismissal of a business passes from one employer to wilful misconduct if he is employed again by the same employer within three months, the standing down of an employee on account of slackness of trade, if he returns to work within 14 days of his being notified by the employer, and any other absence granted by the employer.

There is in the measure provision for what is known as transmission and the terms used are "transmittor" and "transmittee." Where the ownership or otherwise of a business passes from one employer to another, the person disposing of the business is the transmittor and the person acquiring it is the transmittee. The service of an employee who was working for the transmittor is not to be broken by reason of the transmission.

I have referred to payment in lieu of long service leave or in case of death. The method of taking long service leave will be in one period unless mutually agreed upon between the employer and the employee, when it can be taken in two periods. In the absence of agreement, the period of three months shall be without any break. Payment to a worker on leave will be by the usual method operating while he is at work, payment in full in advance or any other method agreed upon between employer and employee.

The administration of the Act is conferred on the holder of the office of Secretary for Labour and the functions of that office are clearly set out. That officer, on request and on application to him, will determine a number of matters that will undoubtedly arise in connection with legislation of this nature. It will be found that he has no power to issue directions, and appeals can be had from him to the industrial tribunal; in this case, the Arbitration Court.

The Bill clearly discloses some of the matters that will be dealt with, and I will not at this stage go into detail, but they are matters of general administration such as the question of whether the employee has had 10 years' continuous service, whether he is an employee within the meaning of the Act, whether he has been dismissed by the employer to avoid long service leave, and so on. All such matters will be subject to the Arbitration Court.

Inspectors under the Factories and Shops Act will be empowered under the Bill to carry out certain inquiries, and in case it is said that these inspectors should have nothing to do with this measure, I

will remind members that under the Factories and Shops Act those inspectors have the powers of industrial inspectors under the Arbitration Act. On page 9 of the Factories and Shops Act, it is shown that these men have full powers of inquiry and where it is necessary, as in cases of obstruction in the course of their duty, they have power to be accompanied by a police officer.

Disputes and appeals will be dealt with under the administrative section of the Act and the employers will be obliged to keep records. I doubt if that will entail any great amount of additional work because for taxation purposes and for industrial arbitration purposes the average firm or employer has continuing and up-to-date records of the names and addresses of their employees at the moment. Representation of the parties before the industrial tribunal or before the authority is provided for.

A cursory perusal of the Bill will at once show that it will lend itself to quite a number of regulations. As far as possible, the present Industrial Arbitration Court regulations will be harnessed to this measure and provision is made to that end. But where modifications are necessary, those modifications can be brought about.

Mr. Court: Are you going to deal with that query?

**THE MINISTER FOR LABOUR:** I am now going to make some comparisons. As a matter of fact, I am very pleased with the reception that this Bill has received because from the look of satisfaction on the faces of members, I can see that they are not disappointed. I know that some members have been in suspense for a long time and the look of satisfaction on their faces augurs well for the passage of this measure.

Mr. Court: We have had experience with you before; we must keep reminding you.

**THE MINISTER FOR LABOUR:** If the Deputy Leader of the Opposition has patience he will get his answer. Having given a rough outline of the provisions of the Bill, I would now like to express my appreciation to the Chief Parliamentary Draftsman. Anyone who looks at this measure will see that it is divided into seven parts. It is itemised and set out very clearly and the Parliamentary Draftsman has been working under heavy pressure. A glance at the Bill will show that his effort in trying to clarify the provisions of the measure was a very fine one indeed.

Now we come to the matter of what happens in the Eastern States at the present time, and what the code provides for. I have purposely set out to explain the fact that the principle of long service leave has been operating in all the other States. I have indicated briefly the

extent of the long-service leave provisions in this State, where the basis is three months' long-service leave for 10 years' service. For the benefit of the Deputy Leader of the Opposition, I will now indicate—because if I don't, members opposite will—that it is true that the principle operating in the other States is three months' leave for every 20 years' service. As I have said, ours is three months for 10 years. That is the only major departure from the code.

Mr. Court: And what a departure!

**The MINISTER FOR LABOUR:** The Deputy Leader of the Opposition seems to be anxious about the code but I would like to remind him that it is the same as the arbitration award—it is only a minimum standard.

Mr. Court: This becomes a minimum.

**The MINISTER FOR LABOUR:** I suggest that at this stage of our industrial development and in view of what I have said previously—namely, that there are nearly 50,000 people enjoying the facility of three months' leave for 10 years' service—the Labour Government would be slipping if it introduced a Bill on the basis of three months' leave for 20 years' service. I have no doubt that the A.C.T.U. will make a move in the direction of three months' leave for 10 years' service.

Mr. Court: Why did you anticipate the announcement of a uniform basis as a result of employer-employee consultation?

**The MINISTER FOR LABOUR:** The Deputy Leader of the Opposition was very anxious the other day to find out what we were doing in regard to the code. I recollect his having chided the Minister for Justice on a little Bill the other night when the Minister said we wanted uniformity; and the gentleman who was breaking his neck to get away from uniformity was the Deputy Leader of the Opposition.

Mr. Court: My word, I was on that one.

**The MINISTER FOR LABOUR:** Because we depart from uniformity, he is now anxious to get back to the code. The principle operating in the Eastern States is three months' leave for 20 years' service. In Tasmania there is a pro rata payment after 15 years; in Victoria and New South Wales there is a pro rata payment after 10 years. Those are the main provisions in the Acts of other States. As far as I know, in South Australia, after seven years' continuous service an employee gets one week per year extra; he is allowed to accumulate it for 13 years, making it 13 weeks' leave for 20 years' service.

If members study the clauses of this measure—apart from the 10 year provision and that dealing with seven years pro rata payment and the provision referring to retrospectivity—they will find that, apart from the machinery and administrative clauses, which are necessary and will be

found to be realistic, the provisions in regard to transmission, continued employment, exemptions, time of taking leave, payments in lieu and other matters in regard to appeals and the definition of "employer" and "employee" and so on are practically on all fours with those operating in the Eastern States Acts at the moment—they largely conform to the code.

As a matter of fact, there is a provision that if a worker is stood down for two months, or he resumes work within two months of a stand-down, he is entitled to have his service continued. The code provides for six months. There are certain other provisions in the code but they are of a comparatively minor character as compared with those in this Bill.

Mr. Court: Don't you agree with employer-employee negotiation? you always tell us you do. But here is your first chance to prove it, and you have flown in the face of it!

**The MINISTER FOR LABOUR:** We have flown in the face of nobody.

Mr. Court: You have. You have just told us about the code and this is exactly opposite to the code.

**The MINISTER FOR LABOUR:** Had time and circumstances permitted before the end of last session, a Bill similar to this would have been introduced. Circumstances prevented us from doing it, however, and we have taken the earliest opportunity to introduce a long-service leave measure. The Government is doing this in accordance with its promises to the people and in accordance with its election policy of 1956.

Mr. Evans: Hear, hear!

**The MINISTER FOR LABOUR:** We did not wait for any code. We honeycombed the Eastern States Acts. Tasmania took its cue from Victoria, and Victoria its cue from New South Wales. Great similarity will be found in the general conditions of the measures of those States to which I have referred. If the Deputy Leader of the Opposition refers to the code, he will find many of these provisions lifted from the present statutes of the other States.

Mr. Court: Is this the result of local negotiation between employers and employees?

**The MINISTER FOR LABOUR:** Not as far as I know. This is the result of the Government's promise to the people during its election campaign of 1956 and in accordance with its platform.

Mr. Court: You have taken a long time to get this far.

The Minister for Transport: You want it delayed still further.

**The MINISTER FOR LABOUR:** Members know as well as I do that this Bill is the result of long and concentrated

effort and attention on the part of the Government—just as is any other Bill it introduces.

Mr. Ross Hutchinson: There should have been negotiations with the employers.

The MINISTER FOR LABOUR: I have mentioned our policy. I do not want to antagonise anybody but if I wished to hit back, I could say that there was as much negotiation with the employers in regard to this measure by this Government as there was by the previous Government with the trade union movement, when it introduced the 1952 Arbitration Act.

The Minister for Transport: Flat as a pancake!

Mr. Court: I do not think that is fair.

Mr. Ross Hutchinson: It is not comparable.

The MINISTER FOR LABOUR: It is true. I have outlined the policy of the Labour Government. It is not as though we took something out of the blue; we made promises to the people.

The Minister for Transport: A mandate.

The MINISTER FOR LABOUR: I thank the Minister for Transport for that expression. We wanted to carry out that mandate. If there are approximately 50,000 employees receiving, in effect, what I have submitted to the House tonight, surely it is not extravagant; surely it is worthy of the closest consideration of Parliament!

The Minister for Transport: It is long overdue.

Mr. Court: Do you say the code is inconsistent with your election promise?

The MINISTER FOR LABOUR: The Deputy Leader of the Opposition cannot trick me.

Mr. Court: The code is sanctioned by the A.C.T.U. and the employers. Surely that is consistent with your policy!

Mr. Wild: The truth is you do not know what party you belong to.

The MINISTER FOR LABOUR: I belong to the Australian Labour Party, and I have belonged to it since I was a lad. The party to which I belong does not change its name as does the party of which the member for Dale is a member. At one time it was called the "Win the War Party"; on another occasion it was called the Liberal Party, and then in an endeavour to steal the thunder of the Country Party, it was called the Liberal and Country League. The party to which I belong has been called the Australian Labour Party since its inception, and I hope it will continue to be so.

Mr. Wild: You will get on.

The MINISTER FOR LABOUR: We have our policy and our platform. When the Deputy Leader of the Opposition asks me whether the code conforms to the policy of the Labour Party I would remind him that I said earlier that it was the minimum.

Mr. Court: This becomes the minimum for this State.

The MINISTER FOR LABOUR: It has been determined by the Labour Caucus and the Labour Cabinet and agreed to by the Labour Party in Western Australia. We make no apology for introducing the measure.

Hon. Sir Ross McLarty: Is there any provision under this Bill for a fund to be built up similar to that which applies to workers' compensation or is it the responsibility of the individual employer?

The MINISTER FOR LABOUR: I am glad of that interjection. It will be observed in regard to the payment of long service leave that in Victoria the waiting period was 12 months; there was no waiting period in New South Wales. There was a waiting period in Tasmania of three or four years, and provision has been made for a waiting period of three years here. It will be the responsibility of the individual employer to provide for the payment of long service leave.

Hon. Sir Ross McLarty: Would it not have been more satisfactory if he had contributed to a fund so that the worker would be sure that he would receive this payment.

The MINISTER FOR LABOUR: I do not want to develop that, but it is a fair question. The position the member for Murray visualises is that all employers would pay into a trust fund in respect to their employees.

Hon. Sir Ross McLarty: Yes.

The MINISTER FOR LABOUR: If that were done the employer would pay into a fund. Somebody would have to administer the fund and control it. There would have to be some trust or authority set up. As I said just now, there are approximately 180,000 in the present work force in Western Australia. Of that number approximately 50,000 are Government employees, so there would be 130,000 employees entitled to some form of long service leave or payment out of the fund under the scheme as visualised by the member for Murray. I suggest that the number of 130,000 would continue to increase with the development of the State and it would be necessary, whichever way one looks at it, for the trust to keep a very accurate and clear record of the service of each individual employee in that 130,000.

With all the casual workers throughout Western Australia and the temporary nature of some of the employment and the

moving from employer to employer—shearers and those in the building industry to give two examples—it would be absolutely impossible, to my way of thinking, to effectively administer such a fund. After a very close examination, it was found that in the other States the scheme operated with only employees in the continued service of one employer. That is the reason why after due consideration this Bill was introduced.

I would like to say that by degrees the prejudices in some quarters against some measures is gradually being broken down. That is true so far as private employers are concerned, apart from spasmodic instances here and there. It is mostly in the last six or seven years that such a scheme as this has been in operation in the different States. I can speak with a fair amount of experience. Members here know, if they will admit the truth, that when the working week was 48 hours and workers in different industries decided that 44 hours was long enough, there was a hue and cry from one end of the country to the other.

There was a great deal of opposition to the 44-hour week, but the 44-hour week was established and became the standard working week throughout Australia. If one reads Judge Higgins' judgment in 1922 in regard to the 44-hour week, when 48 hours was the standard, one would be led to believe that when the 44-hour week was inaugurated, it would become the order of the day. However, in due course, there was agitation for a 40-hour week, and a 40-hour week is almost general now. I have no doubt that in a few years time, with the development of science, the standard working week will be less than 40 hours.

I can recollect that when there was agitation for the provision of annual leave in some avenues of employment it was stated that business and industry could not stand it. However, the Arbitration Court now has a standard annual leave and standard sick leave clause and margins for certain degrees of skill. There was a time in this country when there were no mining laws for men going into the dungeons of the earth to win gold and other minerals. When they demanded laws for protection against machinery and dust, there was opposition to it. It is the same with factories. Some employers said they would be ruined if the restrictions were placed on them, but such was not the case. So it is with long-service leave.

Some people may consider this measure is liberal compared with the Eastern States measures, but, with my limited knowledge of industrial affairs and the history of the industrial movements in Australia, I would say that it will not be long before there is a definite agitation to improve long-service leave conditions as set up in the code. I see no reason why we should just copy holus bolus what has been done in the

other States. The last thing we want to do is to put 50,000 workers in this State in a false position in regard to the implementation of our policy.

Mr. Roberts: You made reference to the transmitter and the transmittee. Did you imply that the transmittee must take over subject to the transmitter?

The MINISTER FOR LABOUR: I did not say anything about taking over staff. I said that where the business was transferred from one person to another, the employees working for the transmitter would not have service broken by reason only of the transfer. If there are any dismissals and it is shown that these dismissals are due to the fact of trying to avoid long-service leave, the machinery provisions of this Bill will apply.

Mr. Ackland: Under this legislation, what provision have you made for the casual worker who goes from place to place and works for a week or two here and a month or two somewhere else?

The MINISTER OF LABOUR: I am glad the hon. member made reference to that matter. In reply to the member for Murray, when he asked why payments should not be made into a trust fund, the payment into the trust fund would be in respect of casual workers, and the payments would be made by various employers. As I mentioned, a casual worker may go from farm to farm, or shearing shed to shearing shed. He also may be a bricklayer, plasterer, carpenter or a builder's labourer going from employer to employer. To effectively administer the matter, it would be necessary to have a large staff and certainly necessary to keep accurate and clear records of each individual employee, day in and day out and year in and year out.

Mr. Ackland: You have discarded that suggestion. What about casual workers?

The MINISTER FOR LABOUR: If I am any judge at all, I think the member for Moore—

The Minister for Transport: Or less.

The MINISTER OF LABOUR: If the A.W.U. put up a lot of claims to the Farmers' Union for loading, equivalent to the long-service leave loading, pro rata on the casual rate, I wonder how the member for Moore would react?

The Minister for Transport: Support it, of course.

The MINISTER OF LABOUR: As I indicated, where a group of workers are employed by the one class of employers in a concentrated group such as the Waterside Workers' Federation, it would not be so difficult to administer a long-service leave scheme with payments by employers into a fund, as it would be, for instance, for the building industry to create a trust fund.

At this stage of the business respecting any general provision for casual workers, who have a loading now for lost time and payment in lieu of holidays, there might be a move to have a loading for payment in lieu of long service leave. That would be a matter for the Arbitration Court to adjudicate.

Mr. Court: Have you worked out the overall cost of the scheme?

The MINISTER OF LABOUR: I have no doubt—

Mr. Court: Don't you think as the responsible Minister in charge you should tell us?

The MINISTER OF LABOUR: It is the policy of the Government to bring down such measures as it deems fit.

Several members interjected.

The MINISTER OF LABOUR: If the Deputy Leader of the Opposition thinks it will be necessary to show what the cost will be, he can produce his facts and figures.

Mr. Court: As a responsible Minister for Labour, you should tell us.

The MINISTER FOR LABOUR: We are just as much responsible as anybody else. I will be glad to hear from the member for Moore or from the Deputy Leader of the Opposition in regard to the costs or any other aspects of the scheme. This scheme is, as I said before, to confer benefits on private employees.

Mr. Wild: Regardless of cost.

The Minister for Transport: If you use simple arithmetic, you would know it would be 6d. in the £.

The MINISTER OF LABOUR: A survey was made by a Commonwealth officer of the Department of Labour and National Service regarding the ramifications of the Acts in the other States and their effect upon costs and industry. It was found that the position adjusted itself. Certain rearrangements were made to carry out the work and it did not cost nearly as much as employers originally thought it would. I invite any member of the Opposition to contact the employers' organisations in the Eastern States and ask for their reaction to the long service leave measures which have been in operation for a few years. That is a fair proposition.

Mr. Court: You have a responsibility to tell us what it costs. You said it was not very much.

The MINISTER OF LABOUR: I did not say anything about costs.

Mr. Court: Don't you think you could tell us?

The MINISTER OF LABOUR: We will be pleased to hear from the Deputy Leader of the Opposition on the matter of costs and the desirability of extending such legislation to the workers of Western Australia. I hope on this occasion that the

Opposition will treat this measure on its merits and realise that if it tried to block legislation of this kind, the time is not far distant when it will be placed on the statute book.

Mr. Ackland: All we want is information, nothing else.

On motion by Mr. Court, debate adjourned.

## BILL—JURIES.

### *Council's Amendments.*

Schedule of 36 amendments made by the Council now considered.

### *In Committee.*

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

#### No. 1.

Clause 3, page 3, lines 39 and 40—Delete the words "as to profession, occupation, office, rank, degree and station."

The MINISTER FOR JUSTICE: I have no objection to the amendment. I move—

That the amendment be agreed to.

Mr. BOVELL: I am glad the Minister has agreed to the amendment, and I hope he will be in a conciliatory mood and accept them all.

The Minister for Transport: That is not conciliation but surrender.

Mr. BOVELL: The Minister, when the Bill was previously in this Chamber, opposed any amendments moved by the Leader of the Opposition or me on the ground that the Bill was a Legislative Council measure, brought in to conform with the recommendations of a select committee appointed by that Chamber. In order to expedite the proceedings, I shall be quite agreeable if the Minister moves that we accept the 36 amendments on the notice paper.

Question put and passed; the Council's amendment agreed to.

#### No. 2.

Clause 4, page 5, line 26—Delete the words "Except where this Act provides otherwise."

The MINISTER FOR JUSTICE: I would like to be conciliatory but I feel that on this amendment the Council has taken the Bill right out of our hands. I move—

That the amendment be not agreed to.

If we agreed to this there would be no meaning in regard to the application of the measure. I refer members to the disqualifications. Legally this must remain.

Mr. BOVELL: I disagree with the Minister. I think the words are superfluous. Amendment No. 3 provides for another deletion.



The MINISTER FOR JUSTICE: I am surprised at the reasoning of the member for Vasse. The measure does "provide otherwise" and unless we make provision for that state of affairs, there will be no sense in what we do. I have no objection to the next amendment.

Mr. BOVELL: Even if the measure does provide otherwise, I point out that this will be a new Act altogether and not an amendment to an existing Act.

The Minister for Justice: Have a look at Clause 5.

Mr. BOVELL: That is a straightout statement. I think the words are superfluous.

Question put and passed; the Council's amendment not agreed to.

No. 3.

Clause 4, page 5, line 27—Delete the words "whether a man or a woman."

The MINISTER FOR JUSTICE: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 4.

Clause 5, page 6—Delete all words after the word "pardon" firstly occurring in line 19 down to and including the word "misdemeanour" in line 21.

The MINISTER FOR JUSTICE: I move—

That the amendment be not agreed to.

This is a legal matter. These words were inserted in the clause to deal with the possible effect of the Civil Rights of Convicts Act, 1828. This is an Imperial Act; and, having been passed before 1829, would presumably apply to this day. Section 3 of the Act provides that every punishment for felony, once endured, should have the effect of a pardon under the Great Seal. The purpose of the Act was to prevent persons who had been found guilty of an offence and served their term of imprisonment, from suffering certain substantial loss of civil rights.

There is a possibility that this Act could be construed as amounting to a free pardon, within the meaning of the phrase in Clause 5 (1) (b) of the Bill, for any person who has served imprisonment for a crime or misdemeanour. This would mean that a person with a long record of crimes or misdemeanours, for which he had endured imprisonment, might be held, under the Imperial Act, to be a person who had received a free pardon and was therefore qualified to serve as a juror.

The words proposed to be deleted were inserted for the purpose of removing any doubt and to ensure that persons convicted of crimes or misdemeanours, who had not received an actual free pardon, could not

be considered to have received a free pardon under the Imperial Act. Any Act in force prior to 1829 still applies, and that is why the Bill was drafted in the way it appears.

Mr. BOVELL: I am surprised that the Minister should disagree with the amendment. He referred to Acts that were in force prior to 1829. That is when the State was first settled. What the Legislative Council means here is that a person who has been convicted and has paid the penalty is a free person. I have heard the Minister for Justice expound the theory that if a person has paid the penalty according to law, he is then a free person. I think it is a wrong principle to exclude such a person from the rights and privileges extended to others under this or any other Act. On reflection, I think the Minister will see that this provision deals only with people who have paid the full penalty and who, having done so, are entitled to be free citizens again.

The MINISTER FOR JUSTICE: In theory that might be all right, but we want to see that we get fair administration of our laws. If we had one or two persons on a jury that had not got a free pardon, it would not be conducive to the best administration of the law. We want this protection if we desire that justice shall be done with regard to our juries.

Mr. JOHNSON: The member for Vasse is making the right argument for the wrong amendment. The argument he is putting forward is one in favour of deleting the whole of paragraph (b). If the amendment is agreed to, a man may not be a juror if he has been convicted of a crime or misdemeanour, unless he has received a free pardon. It is plain that he is completely mixed up because a person remains convicted even after he has served his sentence. His argument is completely irrelevant to the amendment he is supporting. I do not think the amendment improves the situation.

Mr. BOVELL: We can only deal with the amendments as sent down by the Legislative Council. I do not agree with the member for Leederville that my argument is mixed up; that it applies to the deletion of the whole paragraph. Even if that were so, we could only go halfway because we are dealing with the amendment.

Mr. Johnson: It does not make sense.

Mr. BOVELL: Maybe not to the hon. member; but that is nothing new. However, I stick to my point of view on a matter of principle. Once a man has served a sentence he is, in my opinion, a free citizen; and there is no greater supporter of that than the Minister and the member for Fremantle.

Question put and passed; the Council's amendment not agreed to.

No. 5.

Clause 5, page 6, line 23—Delete the word "write" and substitute the word "understand."

The MINISTER FOR JUSTICE: I do not think this amendment is really necessary, but I offer no serious objection to it and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 6.

Clause 6, page 7, line 29—Insert after the word "Act" the words "and persons to whom the sheriff has issued a certificate of permanent exemption pursuant to Subsection (10) of Section 14 of this Act."

The MINISTER FOR JUSTICE: There is no real necessity for this amendment because provision is already made for it in Subclause (10) of Clause 14. Legal advice it that it is not necessary and I move—

That the amendment be not agreed to.

Mr. BOVELL: I think it clarifies the position; and I do not think any harm would be done by agreeing to it.

The MINISTER FOR JUSTICE: I oppose the amendment. Provision is already made for it, and it does not clarify the position.

Mr. COURT: I think the Minister is overlooking a vital factor. Subclause (1) of Clause 6 is quite specific, and I refer members to Subclause (2) of Clause 4. If the Council's amendment is agreed to, it will place beyond any doubt the provisions of Subclause (10) of Clause 14, which deals with a person who establishes his or her claim to exemption from serving as a juror on the ground that he or she is suffering from a physical infirmity, etc. The matter might never come up, or be challenged, but why not tidy the Bill up?

The MINISTER FOR JUSTICE: My legal advisers tell me that there is no necessity for it. Consequently I oppose the amendment.

Mr. JOHNSON: If the member for Nedlands reads the whole of Subclause (2) of Clause 4, he will see that the Legislative Council's amendment is unnecessary. The Second Schedule to the Act, to which this amendment refers, includes as the last item "persons incapacitated by disease or by infirmity, of mind or body, from discharging the duty of jurors." I doubt if anything could be clearer than that. Why put unnecessary words into the Bill?

Mr. BOVELL: I am not a legally trained person, but I think the amendment clarifies the position. It gives the sheriff the right to issue a permanent certificate of exemption, and I cannot understand why the Minister will not agree to it.

The MINISTER FOR TRANSPORT: The Council's proposal does not add anything to, or take anything away from the clause. It is only a matter of whether the Bill is properly written, and Crown Law advice is that the words are unnecessary. So why include them?

Mr. BOVELL: Crown Law authorities wrote the Bill and they would not admit that they were wrong. The amendment makes for better reading and sets out the position so that even a layman can understand it. I support the Council's amendment.

Question put and passed; the Council's amendment not agreed to.

No. 7.

Clause 6, page 8—Delete Subclause (3).

The MINISTER FOR JUSTICE: The subclause which this amendment seeks to delete is necessary from a legal point of view and I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 8.

Clause 14, page 11—Delete all words from and including the word "but" in line 11 down to and including the word "women" in line 15.

The MINISTER FOR JUSTICE: I think this is a matter of drafting and, as far as the ratio is concerned, it is almost impossible to have an equal number of men and women. So I have no objection to the amendment and I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 9.

Clause 14, page 12—Delete all words after the word "notice" in line 1 down to and including the word "inspected" in line 4 and substitute the following:—"to be served on the person informing such person that their name has been recorded on the draft jury roll."

The MINISTER FOR JUSTICE: I can see no objection to the Council's amendment, but, in my opinion, the provision requires redrafting. I therefore move—

That the amendment be amended by striking out all words after the word "notice" in line 1 down to and including the word "district" at the end of the subclause, and the following inserted in lieu:—

- (a) informing the person to whom it is addressed that his name has been recorded on the draft jury rolls;
- (b) stating the procedure by which an exemption may be obtained to be served on every person whose name has been

recorded on the draft jury rolls by posting it as a letter addressed to the person at his place of abode as shown on the said rolls.

That will clarify the purpose of the Council's amendment.

Mr. BOVELL: As far as I can gather, the purport of the wording suggested by the Minister conforms to the amendment made by the Council. If the Minister can give me an assurance that the text of the amendment is not altered legally, I shall agree to the amendment of the Council's amendment.

The Minister for Justice: The text is legally the same. It is merely a matter of altering the phraseology.

Question put and passed; the Council's amendment, as amended, agreed to.

No. 10.

Clause 14, page 12—Delete all words from and including the word "to" in line 7 down to and including the word "secretary" in line 19.

No. 11.

Clause 14, page 13, line 1—Delete the words "his or her" and substitute the word "a."

No. 12.

Clause 14, page 13, line 3—Delete the words "a physical" and substitute the word "an."

No. 13.

Clause 14, page 13, line 4—Delete the words "or disability."

No. 14.

Clause 14, page 13, line 8—Delete the word "may" and substitute the word "shall."

On motions by the Minister for Justice, the foregoing amendments were agreed to.

No. 15.

Clause 14, page 13, lines 9 and 10—Delete the words "and a certificate so issued has effect according to its tenor."

The MINISTER FOR JUSTICE: This is similar to a previous amendment. If the amendment is agreed to, it will destroy the effectiveness of any proclamation. It is no use issuing a certificate unless it is going to have an effect; that is the legal meaning of the term. I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 16.

Clause 16, page 15—Delete Subclause (5).

The MINISTER FOR JUSTICE: The Crown Law Department says that this amendment appears to be unnecessary. The

provision is a machinery one and is desirable because there might be some doubts as to the summoning authority placing a ticket for such a juror in the box after all the tickets had been placed therein. The court might hold that once the body of the tickets had been put in, no other could be added for that year. When a woman makes an application to be released from the jury list, she has the right, after two years, to be relisted. If that occurred there would be a possibility that her name would not be put back in the box for the time being because it would be illegal. For that reason this clause was inserted. I move—

That the amendment be not agreed to.

Mr. BOVELL: I think the Minister's advisers have been very indefinite on this matter. They think it might suit the convenience of those administering the Act, and therefore it would be better to keep it in. In its wisdom the Legislative Council—which, through its select committee, inquired fully into the matter of juries—decided that this provision is of no particular use and suggested its deletion. In view of the consideration given to the matter by the Council, I support the amendment.

Question put and passed; the Council's amendment not agreed to.

No. 17.

Clause 23, page 17—Delete all words in the clause after the word "jurors" in line 11.

The MINISTER FOR JUSTICE: I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

No. 18.

Clause 27, page 20, line 25—Delete the word "criminal."

The MINISTER FOR JUSTICE: The solicitor who had a look at this says that jury proceedings in a civil trial are very different from those of a criminal trial, and a separate set of provisions for criminal trials is contained in Part VII of the Bill and that Clause 27 should be confined to criminal trials. I move—

That the amendment be not agreed to.

Mr. BOVELL: I support the amendment.

Question put and passed; the Council's amendment not agreed to.

Mr. Ross Hutchinson drew attention to the state of the Committee.

Bells rung and a quorum formed.

No. 19.

Clause 38, page 28—Delete Subclause (3).

The MINISTER FOR JUSTICE: I have rather a long explanation in regard to this matter. The provision is supported by the judges and is the practice throughout the whole of Australia. The note I have from the Crown Law Department is as follows:—

The first matter referred to is the significance of Clause 38 (3) and (4).

The time for challenging jurors under the present law is set out in Section 629 of the Criminal Code which reads—

An objection to a juror, either by way of peremptory challenge or by way of challenge for cause, may be made at any time before the officer has begun to recite the words of the oath to the juror but not afterwards.

In Clause 38(3) of the Bill a right to challenge a juror peremptorily must be exercised as the juror comes up to take his seat, and before he takes it and not afterwards. It will be noted that Clause 2 of the Bill repeals Section 629 of the Criminal Code.

It is a matter of importance for the community, not just the Crown, that juries adjudicating on criminal offences should be unprejudiced and unbiased in any way.

It is not a matter of selecting a jury which is friendly towards the Crown, if in fact that can ever be the case, but excluding from a jury any jurymen who may be favourably disposed to a particular accused, whether on the grounds of friendship or ties of blood, or jurymen who have previously committed serious offences or have anti-law or anti-police leanings. The "stand by" is made use of by the Crown to ensure as far as possible honest administration of the law and the freedom of juries from the taint of prejudice or bias, either in favour of a particular accused or against the administration of criminal law generally. It would not be well for the community if accused persons are acquitted not on the merits of the case, but because of the personal bias of a jury either in favour of a particular accused, or generally against those who administer the criminal law.

A further matter which must be remembered is that the Crown strictly has no "right" of "stand by."

The application by the Crown Prosecutor to the judge to order a jurymen to "stand by" is an application to the discretion of the court. The judge has the discretion at any time of refusing to stand by a jurymen at the request of the Crown Prosecutor, and would certainly exercise that discretion, and refuse an application in any

circumstances where he considered the Crown's application would be unfair or an abuse of the privilege.

The Crown's right to ask for an order of "stand by" is retained in the jury system of all the other States and the judges in this State have recommended that the provision be retained.

I think that is conclusive and it follows the practice in this State, the other States of the Commonwealth and other parts of the British Commonwealth. I move—

That the amendment be not agreed to.

Mr. BOVELL: What the Minister has said is too involved for me to follow and I must apply my own interpretation to the amendment made in another place. It appears that they do not want the jury to get settled down and for someone then to raise an objection. The legal profession can challenge the juror on entering the court.

Question put and passed; the Council's amendment not agreed to.

No. 20.

Clause 38, page 28, line 14—Delete the words "for cause."

The MINISTER FOR JUSTICE: I move—

That the amendment be not agreed to.

Question put and passed; the Council's amendment not agreed to.

No. 21.

Clause 41, page 29, line 7—Delete the words "of all."

The MINISTER FOR JUSTICE: I move—

That the amendment be not agreed to.

Mr. BOVELL: I support the amendment, as I raised this question when the matter was being debated in this Chamber. The words are entirely unnecessary.

Mr. ROSS HUTCHINSON: Besides being unnecessary, the words are not true and I think the Minister should agree to this small amendment.

Mr. Johnson: What are your reasons?

Mr. ROSS HUTCHINSON: As a matter of fact, the verdict given is not one agreed to by all the jurors, although it is the verdict of the jury.

The MINISTER FOR JUSTICE: The legal interpretation is that it shall be taken as the verdict of all the jury.

Question put and passed; the Council's amendment not agreed to.

No. 22.

Clause 47, page 31, lines 5, 6 and 7—Delete the words "such refreshment to be provided at their own expense by the summoning officer."

No. 23.

Clause 49, page 31, line 25—Delete the word "four" and substitute the word "five."

No. 24.

Clause 49, page 31, line 27—Delete the word "three" and substitute the word "four."

No. 25.

Clause 50, page 31, line 34—Delete the word "four" secondly occurring and substitute the word "five."

No. 26.

Clause 50, page 31, line 35—Delete the word "three" and substitute the word "four."

On motions by the Minister for Justice, the foregoing amendments were agreed to.

No. 27.

Clause 50, page 31, line 36—Insert after the word "four" the word "jurors."

The MINISTER FOR JUSTICE: I move—

That the amendment be not agreed to.

If the amendment were agreed to, it would be necessary to have the word included in many other places in the Bill. It is not necessary, from a drafting point of view.

Question put and passed; the Council's amendment not agreed to.

No. 28.

Clause 57, page 35—Delete all words from and including the word "is" in line 18 down to and including the word "trial" in line 31 and substitute the following:—"takes or causes to be taken or publishes or causes to be published any photograph or likeness or other pictorial representation of any person summoned to attend or empanelled as a juror for any trial whether civil or criminal."

No. 29.

Clause 57, page 35—Delete all words from and including the word "or" in line 34 down to and including the word "notwithstanding" in lines 5 and 6 on page 36.

No. 30.

Clause 57, page 36—Insert a new subclause to stand as Subclause (2) as follows:—

(2) If the court at which any person charged with any crime in respect of which the penalty of death may be inflicted and at which such person may be or is committed for criminal trial at any time before the rising of that court states that in the opinion of the court in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court should be published then thereafter no person shall print,

publish, exhibit, sell, circulate, distribute or in any other manner make public such report or any part thereof or attempt so to do.

The MINISTER FOR JUSTICE: I move—

That the foregoing amendments be not agreed to.

Rather than agree to these amendments, I feel that we should strike out the entire clause. These provisions were included at the instigation of the select committee, of which the chairman was Hon. A. F. Griffith. Now he seems to have been in collusion with the Press and they have drafted amendments that will be of no value. I say definitely that these amendments have been drafted in co-operation with the Press, and they are of no material value. The chairman of the select committee which looked into the question of jury service has turned a complete somersault and has now suggested these amendments which will make the clause null and void. I oppose the Council's amendments Nos. 28, 29 and 30.

Mr. BOVELL: Mr. Chairman, are we in order in taking these amendments together?

The CHAIRMAN: Yes, they all refer to the same clause.

Mr. BOVELL: Then your ruling, Mr. Chairman, is that these three amendments can be taken together?

The CHAIRMAN: Yes.

Mr. BOVELL: I bow to your ruling, even though I feel it might have been advisable to take them separately. I understood the Minister to say he was agreeable to deleting the entire clause.

The Minister for Justice: I would sooner that than accept these amendments.

Mr. BOVELL: We would support the Minister if he moved to delete the entire clause but we would not support him in disagreeing with the Council's amendments. I would refer members first to amendment No. 28 made by the Council. It certainly goes halfway; indeed, it goes further than I would be prepared to go. The Minister should accept this amendment as a reasonable compromise.

The Minister for Justice: An unreasonable compromise.

Mr. BOVELL: During the second reading debate, I opposed the entire clause. The Leader of the Country Party moved a similar provision in order to meet the wishes of the Government and I supported him. I would ask the Minister to reconsider his attitude to amendment No. 28. I would now like to draw the attention of members to the Legislative Council's amendment No. 29. This cuts out the vicious penalty clause which the Government carried in this Chamber. At the time I pointed out

it was vicious and should be deleted, and I am pleased that the Legislative Council has supported my view.

From Legislative Council amendment No. 30 members will see that it is proposed to insert a new subclause which will be found on page 7 of the notice paper. In this regard it will be recalled that the Minister himself quoted Sir Patrick Devlin as an authority with respect to the English law and I gather that the English law provides for similar circumstances; that if the court considered it would prejudice the fair trial of an accused, it would request the Press not to publish or print any matter appertaining thereto. The Press of Australia is a responsible and respected organisation, and if the court requested its members not to publish or print certain matter which in the court's opinion might be prejudicial to the accused, then the members of the Press in Western Australia, at any rate, would, I am sure, respect the court's wishes.

The Minister should accept this amendment in view of the fact that he quoted Sir Patrick Devlin as an authority on this matter. The select committee which considered this matter, indicated that it was desirable to look into the question of whether the Press should report such trials. It is not adamant in its attitude, and the members of the Legislative Council who comprised the select committee agree with Sir Patrick Devlin in this regard. I support the Council's amendments Nos. 28, 29 and 30 because they are in keeping with the standards of the Press. The Minister should give further consideration to these amendments.

The MINISTER FOR JUSTICE: I must continue to oppose the Council's amendments. The chairman of the select committee has turned a complete somersault. In the first place he advocates something and later does not hold to his opinion. I have nothing against the Press but we know the opinion expressed by the chairman of the select committee to which I have already referred in matters appertaining to the Press. There is no question of compromise. We must either reject the amendments or delete the clause altogether.

[Mr. Heal took the Chair.]

Mr. Court: We will support you in deleting the clause altogether.

The MINISTER FOR JUSTICE: I do not propose to move for the deletion of the clause, and I oppose the amendments.

Mr. COURT: My inclination is to amend the Council's amendments by deleting all the words placed in their message and replacing them by the simple words "delete clause 57"—in other words, to defeat completely the clause as it originally appeared in the Bill. I thought the Minister intended to agree to such a proposition, and we hastened to assure him of our support if

he did, because it is consistent with our attitude during the second reading debate on the measure.

I feel that the member for Vasse, with the Legislative Council, has gone more than half way with the Government to allow certain provisions to be placed in the Bill to restrict the Press in certain circumstances, but without restricting its normal freedom in the manner originally intended. It must be borne in mind that the magistrate has certain powers vested in him already for the hearing of cases and the exclusion of the public. For some reason or other, the Government sought to interpret some of the comments in the Legislative Council's select committee's report as being a recommendation for very severe restriction of the Press.

If anything, I can find fault with some of the restrictive implications of the Legislative Council's amendment. For instance it says "before the rising of that court states that in the opinion of the court in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court shall be published then thereafter no person shall print, publish, exhibit, sell, circulate," and so on. I can see all sorts of practical difficulties.

Such cases are not cleaned up in one day and surely if the Press is there on the first day, and on the second day publishes particulars regarding the hearing. Then the magistrate, before the court rises on the third day, says "I feel this evidence should not be published," it would be ludicrous, because two-thirds of the evidence—and probably important parts—would have been published. Surely no Government would allow a newspaper to be prosecuted for having published that evidence before a magistrate gave his ruling!

If this is taken literally, a newspaper would have to be something of a clairvoyant to assume what the magistrate would say on the second or third day. I am disappointed that the Minister would not allow us to join forces with him to send this back to the Legislative Council with a message to the effect that we have deleted all their words and inserted the simple words "Delete Clause 57." If he is adamant and will not take the initiative to delete Clause 57, I must support the Legislative Council's amendments.

Mr. JOHNSON: The Legislative Council has indicated by the form of its amendments that it recognises the need for some degree of control of principles in relation to certain court proceedings. Like the member for Nedlands I feel the amendments proposed are poor ones, having some very obvious defects which have been pointed out by the member for Nedlands and which the member for Vasse missed. I feel that the situation agreed to by the

Legislative Council indicates there is need for some form of control and that the control in the Bill as printed is preferable to the amendments from the Legislative Council. I support the opposition to the amendments.

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

Ayes .....	19
Noes .....	13
Majority for .....	6

## Ayes.

Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Marshall
Mr. Gaffy	Mr. Moir
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. W. Hegney	Mr. Potter
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Steeman
Mr. Johnson	Mr. Norton
Mr. Kelly	

(Teller.)

## Noes.

Mr. Ackland	Mr. Nalder
Mr. Bovell	Mr. Owen
Mr. Court	Mr. Perkins
Mr. Hearman	Mr. Roberts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	

(Teller.)

## Pairs.

Ayes.	Noes.
Mr. Hawke	Mr. Brand
Mr. Tonkin	Mr. Watts
Mr. Sewell	Mr. Crommelin
Mr. Andrew	Mr. Oldfield
Mr. Toms	Mr. Grayden
Mr. May	Mr. Thorn
Mr. Rhatigan	Mr. Mann
Mr. Lapham	Mr. Cornell

Question thus passed; the Council's amendments not agreed to.

## No. 31.

Second schedule, page 38, line 5—Add after the word "schoolmaster" the words "and the wives of persons to whom this provision applies."

## No. 32.

Second schedule, page 38, line 8—Add after the word "ushers" the words "and the wives of persons to whom this provision applies."

## No. 33.

Second schedule, page 38, line 11—Delete the words "Executive Council—members of the."

## No. 34.

Second schedule, page 38, line 13—Delete the words "Governor—officers and servant of household of."

## No. 35.

Second schedule, page 38, lines 16 and 17—Delete the words "if actually practising" and substitute the words "and the wives of legal practitioners."

The MINISTER FOR JUSTICE: I move—

That the foregoing amendments be agreed to.

Mr. BOVELL: This is an example where the draftsman has not proved his worth in regard to drafting a sensible schedule. I would point out the fact that the Governor is not on the Legislative Assembly roll, so it is redundant to have his name there, and also members of the Executive Council are members of the Legislative Assembly or Legislative Council, so it is redundant as regards them. The Minister has always been a great advocate for the infallibility of the draftsmen, but here are one or two cases where the draftsman has been at error.

Question put and passed; the Council's amendments agreed to.

## No. 36.

Second schedule, page 39, line 4—Delete the words "Commonwealth Public Service—officer of."

The MINISTER FOR JUSTICE: I cannot agree to this amendment for legal reasons. I think we will have to send a draftsman to another place now. Under Commonwealth law officers of the Commonwealth Public Service are exempt from serving as jurors, whether they are summonsed under the law of the Commonwealth or of a State. Any provision in this Bill attempting to make Commonwealth public servants liable for jury service would be inconsistent with Commonwealth law and would be invalidated by reason of Section 109 of the Commonwealth Constitution. I move—

That the amendment be not agreed to.

Mr. BOVELL: If it is unlawful for Commonwealth public servants to be liable for jury service under Commonwealth legislation, there is no need for it to be in the Second Schedule, and the words are unnecessary. If they are necessary, it means that our laws override the laws of the Commonwealth. The Minister has given an indication to the Committee that the Commonwealth prohibits its public servants from serving on juries and therefore it is redundant to have these words in this Bill.

Mr. JOHNSON: The argument put forward by the member for Vasse applies to all the people referred to in Part II of the Second Schedule, and not just Commonwealth public servants.

Mr. Bovell: Why include the whole of the Second Schedule?

Mr. JOHNSON: I am not sure, but I know it was in the Act which this one is to replace, and I realise that the people concerned who are listed in the Second Schedule are exempted by virtue of Commonwealth law and not of State law. I think it is time a protest was raised at the way the member for Vasse, who has been leading the opposition, has handled this Bill without giving it due preparation. We have just seen an outstanding

example of his lack of understanding of the Bill with which he is dealing. In the amendment just agreed to, he made the Governor of this State liable for jury service, because in no part of the Second schedule is the Governor excluded. He was excluded under Executive Council, but that has been taken out.

Mr. Bovell: From where are these jury lists compiled?

Mr. JOHNSON: From the electoral rolls.

Mr. Bovell: Is the Governor on an electoral roll? You wake up!

Mr. JOHNSON: I want to make a protest on this proposition. It is not fair to Parliament to ask us to have an Opposition that does not do its job.

Mr. I. W. Manning: You do not know what you are talking about.

Mr. Lawrence: On a point of order, I cannot hear the member's speech.

Mr. Roberts: You do not want to.

The CHAIRMAN: I ask the Committee to keep order.

Mr. JOHNSON: Inasmuch as the amendment was unstudied, it shows a disrespect for Parliament. It is not as though it came from an unprepared back-bencher; this came from the member for Vasse who has been leading for Her Majesty's Opposition and who is a responsible member of Parliament. It is his duty to study the legislation to see that the amendments brought forward are given here in due form and with the best advice and after detailed study.

#### *Point of Order.*

Mr. Roberts: Has the member for Leederville the right to criticise the Opposition when we are dealing with a particular clause of the Bill?

The Chairman: I would say he has the right to criticise the Opposition, but I ask the member for Leederville to stick closely to the amendment.

#### *Committee Resumed.*

Mr. JOHNSON: The whole point of the amendment is that it is made without due study by people who have not done their job as an Opposition should. I feel very strongly on this. I have kept quiet through the debate except for a couple of small intrusions earlier.

Mr. Ross Hutchinson: Useless ones.

Mr. JOHNSON: But there are a number of points I would like to make. I refer to the argument that took place on the deletion of the words "of all" in Clause 41.

The CHAIRMAN: Order! I will ask the member for Leederville to stick to amendment No. 36, otherwise I will have to rule him out of order.

Mr. JOHNSON: I shall deal with this on another motion shortly.

Mr. BOVELL: In fairness to me, I think I should be permitted to say something in reply.

The CHAIRMAN: Order! If the member for Vasse does not stick to the amendment, I will rule him out of order.

Mr. BOVELL: I think that is most unfair.

The CHAIRMAN: I sat the member for Leederville down on a point of order.

Mr. BOVELL: I have co-operated with the Minister to such an extent that I have in every way endeavoured to help him follow the Bill. I am going to ignore the inane, silly and unconsidered remarks of the member for Leederville.

Question put and passed; the Council's amendment not agreed to.

#### *Report.*

The MINISTER FOR JUSTICE: I move—

That the Bill be now reported to the House.

Mr. JOHNSON: I think that on this question I can debate the matter on which you, Mr. Chairman, ruled me out of order. I feel it would be appropriate to report to the House that on this Bill, which has now been agreed to with sundry amendments, the Opposition has neglected its duty to Parliament and to the Government of Western Australia by not dealing with it effectively or efficiently.

I point out that there was quite a debate on amendment No. 21 to delete the words "of all" relating to a jury verdict of less than the whole jury. In Clause 49 where the same principle arises, but the words are not "of all" but "of the whole of the jury," no action was taken but just a bit of pin-pricking and delaying, and generally treating Parliament in a manner that was disrespectful to Parliament.

Mr. Ross Hutchinson: What about calling him off?

The Minister for Transport: I think he is right.

Mr. JOHNSON: As I pointed out in one of the earlier debates, the member for Vasse raised an argument with which I quite agreed when he said that a person who had purged his crime by serving a sentence should be treated as a free man. However, the amendment with which he was dealing did not happen to deal with that point. If he and the others who spoke on this matter had read the clause carefully, they would have seen that a person who had been convicted of a crime would still remain handicapped even if the amendment had been agreed to.



*Point of Order.*

Mr. COURT: Is it proper for a member to go over the whole of the Committee debate? If the Government wants it that way, I am not very concerned, but we have done our best to co-operate on this measure. If the Government wants a full scale debate on the report to the Speaker, it is all right with us, but it would appear to me that the hon. member is out of order in continuing a full scale Committee debate on clauses that were debated ages ago.

The Chairman: I rule that the member for Leederville cannot debate each amendment again as the amendments were fully discussed in the Committee stage. All he can debate is whether the message can be reported to the House.

*Debate Resumed.*

Mr. JOHNSON: I had no intention of debating all the amendments, but was just referring to a couple to indicate that this series of amendments was brought before the House in an ill-considered manner indicating that the Opposition had not done its job.

Mr. Ross Hutchinson: That is rubbish.

Mr. JOHNSON: That is a matter which should be reported to Parliament, and when the report is presented to the House by you, Mr. Chairman, it should include some indication to show that the House censures the Opposition for not doing its job properly.

Mr. PERKINS: We cannot possibly allow the speech made by the member for Leederville to go without some comment.

Mr. Ross Hutchinson: I think it ought to be ignored.

Mr. PERKINS: The speech will be recorded in Hansard. This is a most extraordinary position that any member on the Government side could take up. The hon. member has suggested that the Opposition should have expert legal advice and study each measure brought forward by the Government—

Mr. Ross Hutchinson: And have the wisdom of Leederville Leo!

Mr. PERKINS: — before voicing any opinions on what the Minister in charge of the measure puts up. Since I have been a member here, we have always looked to the Minister in charge of a Bill to get the advice of the Crown Law Department and to be fully informed by the officers of his own department as to the legal as well as the practical implications of it.

The member for Leederville has now castigated the Opposition for not doing the job which, obviously, is primarily the responsibility of the Minister in charge of the measure. Although I think the argument put up by the member for Leederville is entirely ridiculous, on the other hand I still do not think the Opposition

can possibly allow a statement such as the one he made to go by without raising some protest and indicating that we do not share such ridiculous opinions.

Mr. BOVELL: I assisted the Minister as far as I possibly could; and I can just imagine what would have been the position had we been on the other side of the House and the present Government been in Opposition. The Minister, owing to the numerical strength of the amendments sent down by the Legislative Council, was without doubt floundering on a number of occasions, and I spoke across the Chamber indicating what the amendments were in an endeavour to assist him.

Mr. Potter: I do not think it is possible.

Mr. BOVELL: For the benefit of the member for Leederville, I went through all the amendments and took considerable pains to study them. I tried to follow the interpretation that the Minister gave to the amendments and, as a member of the Opposition, I expressed our disagreement or argument as the case may be. It ill becomes a member of the Government side of the Chamber or, indeed, any member for that matter, to rise as the member for Leederville did.

In my parliamentary career, this is my first experience of any member making such unfair and unwarranted remarks. I feel that the Minister should rise and say that the Opposition has been co-operative. Although we do not see eye to eye, I believe that I was co-operative with the Minister.

The Minister for Justice: I co-operated with you, too.

Mr. BOVELL: I think the Minister did, but I do not think he can deny that he received fair co-operation from me. I think that if the member for Leederville does not need legal advice, he needs medical advice.

Mr. COURT: I was hoping the Minister in charge of the House or the Minister in charge of the Bill would rise on this matter; and for that reason, I was reluctant to rise ahead of the member for Roe. I felt the criticism offered by the member for Leederville, was, in fact, a back-door method of criticising his own Government; that he preferred to criticise the Opposition and hoped it would bounce back on the Government rather than come straight out and criticise his Government.

This is not the first time that the hon. member in question has seen fit to hold himself up as a paragon of virtue in this place; and one possessed of superior knowledge. My short experience of Parliament leads me to understand that this is a very dangerous thing to do, and that a degree of humility in these matters is not a bad thing.

The member for Vasse, who has been attacked, is one of the most co-operative and most responsible members of the

Chamber. He is handling the Bill on behalf of the Opposition and he is one of the most easy-going and responsible members here. He co-operates in all matters and within reasonable limits, without conceding any principles. If the member for Leederville is correct, he is reflecting on his own Minister for having overlooked consequential amendments, because if the Minister accepted one amendment, he had an obligation surely, to draw the attention of the Committee to the consequential amendments!

The Minister for Transport: He rejected the first one; there was no need for the second.

Mr. COURT: I also point out to the Committee that in connection with one important amendment that the Minister was submitting to the House, the Minister had only one copy of it—his own—which he had to hand up to the Chairman. I invite the attention of the Committee to an incident that happened last Thursday afternoon when the member for Blackwood endeavoured to move without written notice.

The CHAIRMAN: Order! You cannot discuss something that happened last week.

Mr. COURT: I am trying to instance the similarity of experiences in this Chamber. There is a relation between the two experiences. On that occasion the Premier took the member for Blackwood to task because he did not have a copy of the amendment for the Minister.

The CHAIRMAN: That was something that took place last week. We are now talking about the motion that I report to the House. The hon. member must keep to that.

Mr. COURT: I bow to your ruling, Mr. Chairman, but I think the instances are on all fours. The Minister did not have a copy for the Opposition; he did not have a copy to hand to the Chairman, without surrendering his own.

Mr. Johnson: That is not showing respect for the Chairman's ruling.

Mr. Bovell: The member for Leederville has taken leave of his senses.

Mr. COURT: I am referring to the fact that the Minister did not have an extra copy of an important amendment; and prior to that I was discussing something which took place last week.

The Minister for Transport: Supposing we report to the House now.

Mr. COURT: I have said my piece. I felt it was my duty to say something on behalf of the member for Vasse because he has adopted a very conciliatory and patient attitude.

Question put and passed.

Resolutions reported and the report adopted.

The MINISTER FOR JUSTICE: I move—

That a committee consisting of the member for Vasse, the member for Leederville and the mover draw up reasons for not agreeing to certain of the Council's amendments.

Mr. BOVELL: I do not know whether it would be possible, under the circumstances and because of the unwarranted attack made upon me by the member for Leederville, for us to reach agreement.

Mr. Ross Hutchinson: It is an insult.

Mr. BOVELL: I am surprised that the Minister should move in this direction; but if it is the will of the Committee, I will accept the nomination.

Question put and passed.

Reasons adopted and a message accordingly returned to the Council.

## BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 17th October.

MR. HEARMAN (Blackwood) [11.6]: As the Minister pointed out, this Bill is comparatively simple and straightforward. Firstly, it seeks to validate any actions of the Minister and the one remaining commissioner since the resignation of one of the assistant commissioners. I think that is necessary, and requires no debate at all. There should be no opposition to it whatever. The other thing that the Bill attempts to do is to alter the constitution as it were, and, in fact, it proposes to do away with the three-man commission altogether, and appoint a single commissioner as we have had in the past for many years.

I have had a look through the recommendations of the Royal Commission appointed in 1948, and I find there are certain matters there in connection with this particular subject which are most interesting. As I understand it, that Royal Commission visualised a commission of three men to administer and operate the railways, although I think they did conceive the idea that there would be a general manager, as they termed him—they did not like the use of the word "commissioner"—and two assistant general managers. Their concept of it was that the general manager should definitely be the top dog, as it were, and the assistant general managers, as they termed them, would be there for the purpose of relieving the general manager of some of the work and administrative responsibility; they would not be there to exercise their powers in the manner in which the commissioners, in point of fact, actually did.

That Royal Commission also made a further rather interesting recommendation and one which I think we should consider. They recommended that in appointing a

general manager, as they termed him—or a commissioner as we propose under this Bill—the appointment should be a permanent one, and not one for a period of years. He should be appointed to the job and should retain his position unless removed for a misdemeanour or until he attained the retiring age of 65. The commission put forward some cogent reasons for that recommendation.

From the evidence adduced the Royal Commission realised that railway administration in the State was at times greatly affected by party politics. That made it possible for the commissioner who was doing a very good job to conflict with the Minister over a political issue. The Royal Commission felt that it was desirable that the appointment to the position of commissioner should not be jeopardised when the commissioner was not in complete agreement with the political wishes of the Minister.

From my own observations and from the observations of the present Minister, railway administration in the State has been far too political. Too much interference has gone on with that administration, and has resulted in inefficient administration. If a person was appointed to manage the railways, he should be left as free as possible to carry out his duties. He should be held responsible for the job, but he should be given the power to hire and fire without question. He should be left in control of freight and fares; if they are to be determined politically, it is inevitable that maladministration and inefficiency will crop up.

The history of our railway system over many years has indicated that far too much of a plaything has been made of the railways in party politics. Extraordinary anomalies in freight and fares, and similar matters, have arisen from political interference. It is desirable to consider making the appointment longer than seven years as envisaged in the Bill. In that event the commissioner could perform his task with less fear of political consequences, in carrying out what may be a fair but unpopular policy. I would like to hear from the Minister concerning the term of appointment.

Previously the single commissioners were appointed for five years; then in the case of the three-man commission they were appointed more or less for life; now it is proposed to revert to a one-man commission for seven years. I need not dwell on the reason why the three-men commission did not work satisfactorily because an inquiry is now taking place. It is plain to the general public as to why that commission could not work. We could well consider extending the period beyond seven years.

The Minister for Transport: Why?

Mr. HEARMAN: For the reasons I have quoted from the report of the 1948 Royal Commission. It was felt that the commissioner would be influenced in respect of his reappointment if he disagreed with the Minister over a political question. Although such an incident might not have arisen in the past, I do not know that it will not arise in the future. In any event, that was a recommendation of the 1948 Royal Commission. I would like to hear whether the Minister has considered that recommendation.

For the first time it is proposed to appoint a man to the important position of managing the railways, which is the biggest single undertaking in this State, without his having to possess any qualifications, because no mention of that is made in the Bill. I do not mean to imply that the Government will make a political appointment. The matter is so serious that the Government will have to appoint the best person available for the job. Under this Bill, a person like myself with no qualifications for that job, will not be debarred from being appointed.

Hon. J. B. Sleeman: What qualifications can be included in the Bill?

Mr. HEARMAN: That was included in the previous Bill and in the Government Railways Act. In the previous legislation the qualifications of the commissioners were laid down—that is, some experience in some branch of railway work. Under this Bill a person with no experience of railway work can be appointed commissioner.

Hon. J. B. Sleeman: You do not suggest that the Government will appoint a person without any experience?

Mr. HEARMAN: No. If that is the case, there is no reason for not stipulating the qualifications in the Bill. I do not suggest there is anything wicked behind the intention of the Government; I merely point out there is a departure from the usual practice. I am seeking a reason.

The Minister for Transport: There is a school of thought that the position does not necessarily require anyone with railway experience. A sound business manager may be what is required.

Mr. HEARMAN: I know there is that school of thought and I am glad the Minister has raised that point. If he is able to get a capable businessman to fill the position, the first condition is that such a person shall be free and untrammelled in the performance of his duties. No doubt a high salary will be paid, but such a person will only be interested if he is free from political interference in operating the railways. That brings me back to the point of being reasonably free of political interference.

The Minister for Transport: Does it not bring you to the point that the matter of appointment should be as free as possible from parliamentary interference?

Mr. HEARMAN: I agree with the Minister in that respect. What I am pointing out is that no qualification is stipulated in the Bill; I would like the Minister to amplify this point, because he has not told us the reason for so doing. There may be a very good reason for not setting out the qualifications and the Minister has indicated his thoughts by his interjection. If that is what he intends to do he should say so. I am not criticising him, but he should be frank with the House about the Government's intentions. I am not trying to fish for the identity of the person. I could hazard a guess.

The Minister for Transport: You would still be wrong because the matter has not been considered. As a matter of confidence, we were considering the member for Blackwood, but we did not know how to describe his qualifications!

Mr. HEARMAN: I can understand the Minister's remarks. At the time of being appointed as members of Parliament, nearly all of us had no experience of Parliament previously. It does not mean to say that I am completely opposed to the idea of having a man with no railway knowledge at all, but it is a point that needs amplification. If we are going to put a man there with no railway knowledge at all—and as the Minister said there is an argument that can be put forward as to why a man with a good sound business knowledge could perhaps do the job as well as, or even more satisfactorily than, a man with railway knowledge—the Minister might give some indication of what changes he envisages in the senior staff positions within the railways to ensure that the right advice will be given.

I take it that there will have to be some changes by virtue of the constitution of the commission. We will have to find a corresponding chief mechanical engineer to the one we used to have before.

The Minister for Transport: I think that would be put to the new commissioner.

Mr. HEARMAN: Perhaps so, but it would be interesting to know. Another point we should realise is that if we are going to get a good businessman, it brings us back to the question of term of appointment. Is seven years a sufficiently long time to induce a man to leave a successful business—and I presume he would come from a successful business—to go into another job and, for reasons of political interference, or falling out with the Government of the day, find himself out in the cold, cold snow after seven years? He would be in the position of having to more or less re-establish himself in business somewhere. I think the matter should be given further consideration and if possible the period should be extended beyond seven years.

Hon. Sir Ross McLarty: He has to retire at 65.

Mr. HEARMAN: Yes, but if we could obtain a good man of 45 to take the job, he would like to be secure for 20 years.

Hon. J. B. Sleeman: Tell us what you would like in the Bill.

Mr. HEARMAN: I could not hear that interjection.

Hon. J. B. Sleeman: Give us an idea what you would like.

Mr. HEARMAN: I would like to see it made a permanent appointment because we would have more chance of attracting a good man to the job, particularly if the Government gets someone from outside the service. If it is going outside the service, we will have to extend the period in order to get a good man. The Minister was not very informative in his speech as to what the Government's intentions are.

Hon. J. B. Sleeman: I think the Minister will take some notice of you.

Mr. HEARMAN: I hope he will. I think it is a matter which should be considered very carefully. Another question arises. If I read the Bill aright, there is nothing to stop the present remaining commissioner—if I may describe him in such a manner—from being appointed as commissioner. I am not saying he should not be, as he has only a short time to go, and it might be satisfactory to appoint him for that short period and in the meantime look around for a really good man. That is a point the Minister should clarify. If my reading of the Bill is correct then there is nothing to prevent his being appointed. I think the Minister said in his speech, if I remember aright, that the Government had given very little thought as to who the person would be; all it desires at the moment is a single commissioner.

There is an interesting point in the 1948 Royal Commission report suggesting a board of directors to advise the Minister. Apparently, it was realised that the Minister would not be a railway man and that a board of directors—it was not visualised that they be full time—would consist of three men. For the information of the House I will read what the report had to say on page 58—

In putting forward these proposals for the establishment of the board of directors to advise the Minister for Railways on all questions of railway policy, we are influenced by two main considerations which we regard as essential requirements for an efficient State-owned railway system, namely—

(1) The Minister for Railways, in consultation with the board of directors, must continue to lay down railway policy and be responsible to Parliament for the efficient control and administration of the railways.

(2) The actual management and working of the railways cannot be undertaken efficiently by a body whose members have not an expert knowledge of railway management and railway operation.

We wish it to be clearly understood that it is our intention that the board of directors shall function purely in an advisory capacity to the Minister for Railways, and shall not have any jurisdiction over the actual management and working of the railways, which we regard as the function and responsibility of the Commissioner of Railways.

It is quite apparent that this 1948 Royal Commission did regard the actual administration and management of the railways as being a matter for a railway expert. It was also well aware that an expert would need guidance in policy matters from the Minister and from a board of directors. I suspect that that particular commission was aware that our railways had been hamstrung by political interference over many years and this was its way of removing the railways from further political interference.

With these remarks I support the second reading of the Bill and will expect to hear some further information from the Minister in reply. This as a change which we must hope will be for the better. I support the second reading.

On motion by Mr. Nalder, debate adjourned.

*House adjourned at 11.28 p.m.*

## Legislative Council

Wednesday, 23rd October, 1957.

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

### QUESTIONS.

#### SHEEP.

*Rail Transport from Gnowangerup to Midland Junction.*

Hon. L. A. LOGAN (for Hon. A. R. Jones) asked the Minister for Railways:

Because of complaints from the management of the Kayanaba Pastoral Co. and the Westwood Grazing Co. made to me with regard to the transport of sheep by the Government Railways, I desire to ask the Minister the following:—

- (1) Is it a fact that the railways lifted several wagons of sheep from Gnowangerup on the 9th October at 9 a.m. consigned to the above companies?
- (2) If the answer to No. (1) is "yes"—
  - (a) what time and date did the train hauling the stock arrive at Narrogin;