now than it has been for a considerable time as great lengths of it have been resleepered entirely.

It therefore seems fantastic to me that we should be quoted these figures as the cost of reconditioning that track when we know large sections of it will not have to be touched. I hope that my information about that track is correct as it will give us a breathing space. I do not deny that this is a problem we are facing and it is not only the problem of the Government of the day but also it affects all members of Parliament, together with the producers in the areas concerned, who are more vitally affected than anyone.

If we can keep those branch lines operating for several years during which time we can sort the position out, it will grant us the necessary breathing space. In the meantime, I agree with other members who have spoken in similar vein that before we take such drastic action the Railway Department should put its own house in order. It would be the crowning insult to some of those people in the outback areas who are facing great difficulties to be told that although these branch lines are to be closed, the Railway Department is not to dispense with any of its staff.

Obviously, if those users of the railway have to face such great handicaps they are entitled to expect a drastic overhaul of all the department's costs. I hope the Minister will follow up that point because I feel that even if he had his way and he discontinued the services of some of these branch lines, he will not solve any problem unless he cleans up the short-comings in the administration of the railway itself.

On motion by Mr. Sewell, debate adjourned.

House adjourned at 12.47 a.m. (Thursday).

Legislative Council

Thursday, 13th December, 1956.

CONTENTS.

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

BILL—FIRE BRIGADES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.34] in moving the second reading said: The first amendment in this Bill is for the purpose of enabling the abolition of a fire district and the removal from the Second Schedule to the Act of the name of an abolished district. When the principal Act was consolidated in 1942 all local authority districts which had been created fire districts were shown as such in the Second Schedule. While Section 5 of the principal Act authorises the creation and cancellation of further fire districts, there is no provision for cancellation of those appearing in the Second Schdeule. An example is that of Wiluna which is no longer required as a fire district but cannot be cancelled as such.

The next amendment proposes that the Fire Brigades Board shall be enlarged to include a representative of the permanent firemen. The W.A. Fire Brigade Employees' Union is of the opinion that many of its members' aims in regard to such things as administration working, working conditions, passive time, interpretation of regulations, allocation of relief, duty, etc., could be given improved consideration if the men had a representative on the board.

At present the board consists of 10 members. Two of these, one of whom is the president, are appointed by the Government, three are elected by the insurance companies, one by the Perth City Council, and one each by the other metropolitan local authorities, the Goldfields and the rural local authorities, and one by the volunteer fire brigades. It will be seen, therefore, that while the volunteer firemen are represented on the board, the permanent men are not. In this regard I would like to mention there is a representative of the firemen on the Board of Fire Commissioners of New South Wales, and on the Metropolitan Fire Board, Victoria.

The Chief Electoral Officer has recommended that provision be made for appeals to a magistrate should any question or dispute arise in regard to the regularity or validity of an election, or the voting at an election, of a member of the board. A query of this nature arose some little time ago, and it is considered there should be a right of appeal in such a case. The Bill seeks to implement the Chief Electoral Officer's recommendation.

The following amendment is consequential on the proposal to appoint to the board a representative of the permanent firemen. At present the parent Act provides that members of the board shall enter upon their duties on the first day of January following their appointment or election.

This would mean that if the appointment of a representative of the permanent fireman was agreed to and he was not appointed on or before the 31st December, 1956, he could not take up his duties until the 1st January, 1958. To remedy this the Bill proposes he shall be appointed on a date determined by the Minister and hold office until the 31st December, 1957. After that date the member will hold office for two years, as do the present members of the board.

The Act at present provides that the aggregate fees paid to the 10 members of the board shall not exceed £850 in any one year. This maximum has existed since 1949 when it was increased from £50. In view of the reduced purchasing power of money and the proposal to increase the board's membership by one, the Bill seeks to increase the maximum to £1,250.

Section 35 of the Act gives the Governor power to make regulations for prescribing the various apparatus and for appliances saving life and property to be kept and maintained in all premises, excluding private dwellings, which dwellings shall not include flats. Under this authority a regulation was gazetted requiring every owner and occupier of premises other than private dwellings to provide and maintain such apparatus and appliances as the chief officer orders in writing.

The right of appeal to a magistrate within seven days of receiving such an order is provided in the regulation. An appeal by the Delphi Hotel was upheld in the Perth Police Court on the ground that the regulation was void because of uncertainty. The Crown Law Department considers it doubtful whether the regulation is a proper exercise of the power conferred by the Act. The Bill seeks to amend the regulation making powers in the Act to overcome this difficulty.

Section 46 (2) of the Act permits the board, with the Governor's consent, to issue debentures for the amount of money borrowed under the provisions of Subsection (1) of that section with interest at a rate not exceeding 6½ per cent. The board has requested that the limit of 6½ per cent. be removed as such limit would hinder the board from raising loans if the approved borrowing rate was increased above that rate. The Under Treasurer supports the board's request and the Bill seeks in place of a maximum of 6½ per cent. to provide that interest on debentures be at a rate approved by the Governor.

Subsection (1) of Section 65 of the Act as it stands, renders the owner of uninsured premises or property on which a fire occurs liable to pay certain charges to the board for the attendance at the fire of any brigade under the board's control. In recovery proceedings against the owner of an uninsured vacant block of land on which a grass fire occurred which was attended by a brigade, it was successfully contended by the defendant that as the property on which the fire occurred was not an insurable interest, the provisions of the subsection did not affect him.

The board seeks to clarify the position by making the owner or occupier of uninsured premises or property (whether the same is insurable or not) liable for the board's charges for a brigade's attendance at a fire on the premises or property and the Bill contains an amendment to that effect. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—Short Title and Citation:

Hon. C. H. SIMPSON: I would like a little time to peruse the Bill in general, as I missed the call for the adjournment on the second reading. I was wondering if the Bill could be postponed until later.

Progress reported.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.42] in moving the second reading said: This is a Bill that Mr. Simpson may not require an adjournment on because he probably knows all about it. This Bill contains two provisions, the first of which is to provide for the erection of bus shelters by the State Transport Board, and the other to make the Commissioner of Police responsible for bus stops and stands in the metropolitan area.

I want to emphasise that it is not the desire of the Government or of the Transport Board that the board embark upon a programme of constructing bus shelters. Generally speaking, local authorities—particularly of recent days—have been most co-operative and anxious to do the best they can for the patrons of public transport; but there are some who show no solicitude whatsoever for the trials and tribulations of bus passengers either before or after their journeys.

Every member will have observed the long, patient queues waiting for public transport in the heart of Perth in extremes of searing heat and driving, chilly rain. The Government considers that if the local authority is unconcerned with the plight of these people, then it should help them.

Members need not fear that such a scheme would result in the erection of hideous structures in the heart of the city, as the Bill provides that in each case the board shall confer with the local authority as to the location, size and type of the shelter. If agreement in this regard is not reached, the matter is to be dealt with by arbitration, either under the Arbitration Act or by some other method agreed on by the parties. The erection of the shelters would be financed from the fees paid to the board by the bus companies, and therefore bus passengers would be indirectly paying for the shelters.

Hon. Sir Charles Latham: That means that the State will pay all the money.

The CHIEF SECRETARY: Members will have noted that several bus shelters have already been erected around the metropolitan area, and in most cases the local authorities concerned have contributed 50 per cent. of the cost.

Hon. Sir Charles Latham: In some cases business houses have erected bus shelters.

The CHIEF SECRETARY: That is so; but a large number of local authorities have also entered into an agreement to erect bus shelters on a 50-50 basis. The other amendment is to make the transport Act conform in one respect with the Traffic Act in respect of the definition of local authority so far as the metropolitan area is concerned. Under the Traffic Act the Commissioner of Police is the traffic authority in the metropolitan area. This amendment seeks to make the Commissioner of Police the local authority in the metropolitan area only so far as bus stops and bus stands are concerned. The section of the State Transport Co-ordination Act that is proposed to be amended states—

> The local authority shall if so required by the department appoint within its district such stands for omnibuses as may mutually be agreed upon between the local authority and the board.

In the event of failure to reach agreement, there is provision for the matter to be referred to arbitration. In actual fact, it has been found that the procedure is for the police, in conjunction with the Transport Board—and of more recent days, perhaps, also the Main Roads Department—to investigate the best stopping places and to make a determination in connection with them. The metropolitan local authorities are apparently not concerned about these matters because it is a traffic problem, and I think that in the great majority of cases the recommendations of the Police Traffic Branch are accepted without question.

So as to avoid the necessity of submitting these matters to local authorities with consequent delay and with little useful purpose being served, it is sought to streamline the procedure. In the country districts, where the local authorities are the traffic authorities they will continue as in the past to decide where the bus stops shall be. Therefore, there is no interference with them at all. I move—

> That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—BUILDERS' REGISTRATION ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.48] in moving the second reading said: The parent Act provides for the registration of builders in the metropolitan area who undertake work exceeding in value a sum of £800, the object of registration being to ensure that there is a close check on builders, that responsibility is fixed and that shoddy or unsatisfactory work is reduced to a minimum. The registration board, which consists of five members representing various sections of the building industry comprises the Principal Architect, who is chairman, and one representative each of the Royal Australian Institute of Architects, the Master Builders' Association, the workers engaged in the building industry and the Builders' Guild.

The functions of the board generally are to determine a course of training—including practical experience in the work of a builder—to maintain a register of approved builders, to investigate complaints, and generally to supervise the standard of work, for which latter purpose it employs an executive officer and an inspector. The board's revenue is derived from the registration fees paid by builders and its expenditure is mostly on salaries and modest fees to members. The board has power to cancel licences, and those dispossessed have the right of appeal to a court.

In 1953 with a desire to stimulate the building industry and to encourage small builders and competent tradesmen to undertake the construction of cottages the Act was amended giving the board power to register what were termed "conditional builders." Broadly speaking this provided for the automatic registration of builders in the metropolitan area who undertake work not exceeding £4,000.

As was anticipated this resulted in the registration of some hundreds of conditionally registered builders, the number in June, 1954, being 611, all of whom made a contribution to the housing shortage. It did, however, encourage the influx of a large number of persons who registered conditionally for the sole purpose of building one house and obtaining discounts on building materials. There were pastrycooks, clerks and even a few women amongst the conditionally registered builders. Many are not now operating but they all played their part in overcoming the acute shortage of houses.

However, the scene has now changed. There are at present 708 registered builders as well as 1,329 conditionally registered builders whose licences are current. In view of the fact that the housing shortage has been overtaken, it is time that the position should be re-examined.

Since the introduction in 1953 of the provision enabling conditionally registered builders to operate, there have been many submissions for some variation, particularly in the past 12 months. It has been pointed out that many of the conditionally registered builders are not now operating and many obtained registrations only to build one house. Some had since returned to their trade; and it was claimed the position in regard to apprentices had become difficult, particularly in respect of those who were employed by small firms which had since gone out of business. The very large number of conditionally registered builders in relation to the whole, indicated a need for some clearing of the lists.

Conferences have been held between responsible bodies, including the Builders' Registration Board, the Master Builders' Association, the Builders' Guild and the Building Trades Executive of the A.L.P. The concensus of opinion was that there was need for a revision and that the position could best be met by a system of "A" and "B" class licences with adequate protection for those already conditionally registered, at the same time making it possible for a competent tradesman to operate in a small way as a builder.

This legislation, therefore, has the support, in principle, of many sections of the building industry and of those who are vitally concerned in its very existence on a healthy economic level. It provides that there shall be two classes of builders—"A" and "B." Registration as an "A" class builder may be obtained by the applicant passing both parts of an examination and having had at least seven years' experience in the building industry.

Registration as a "B"-class builder may be obtained by the applicant passing the "B" section of the examination and having had at least five years' experience in the building industry. The "B" examination will be comparatively simple and be a forerunner to the examinations qualifying for admission as an "A"-class builder. This provides an avenue for those who desire to expand their activities and enter into the wider field.

Those persons who at present are registered as conditional builders would become "B" class builders and retain registration provided they carry out work to a value of not less than £5,000 in each year from the commencement of the new Act. The Act at present confines the conditionally registered builder to works costing £4,000. The increase will give the "B"-class builder additional scope and is in line with increased costs since the 1953 amendment was passed.

"B" class builders could obtain full registration by passing the "A" section of the examination. The provision of the examination for "A" and "B" class builders means that any "B" class builder having the necessary experience may obtain full registration by passing the "A" section of the examination, and also that any "B" class builder who loses registration because he does not carry out work to the value of

£5,000 in any one year may obtain re-registration by passing the prescribed examination and otherwise qualifying by having the necessary five years experience in the industry.

Another amendment seeks to increase the fees of members of the Builders Registration Board. The fees at present are £2 2s. per meeting, the board holding 12 meetings per year. It is felt that a fee of £3 3s. under present conditions would be reasonable and in accordance with fees paid to members of other boards and commissions. The members are busy men and give their time freely in the interests of the industry. Although only 12 meetings annually are held, which will limit the annual emolument to 36 guineas, members are involved in the affairs of the board outside of ordinary meeting times.

It is felt that these amendments to the Act will be of benefit to the building industry. The Bill protects the existing conditionally registered builder and at the same time removes the anomalies at present existing.

This Bill takes me back to something I advocated many years ago in this House, when I successfully moved to raise the limit of the contract to be undertaken by an unregistered builder from £500 to approximately £800. At the time, Mr. Thomson's father was a member of this House and he supported me. I am hoping that the son will follow in the footsteps of the father. In the depression days, I advocated that there was no necessity for the cottage builder to pass an examination, because once that examination was passed such a builder was entitled to undertake all types of construction.

There was a demand for this by a number of small builders who had the qualifications to carry out only ordinary cottage building, and did not wish to undertake further studies to enable them to qualify for building the larger types of construction. I suggested two classes of builders: the "A" class, to be entitled to undertake any type of construction; and the "B" class, to be confined to cottage building.

I think I referred to a single-storey instead of cottage building. Once there are two storeys to a building the question of struts, strains and stresses arises, and the ordinary builder is not au fait with those factors. I suggested that "A" and "B" certificates should be issued. Since that time the Act has been widened considerably—more than I anticipated. Now that the peak need for houses has passed, the Bill will bring the position back to normal. No doubt this Bill will benefit all those who are engaged in the building industry. I move—

That the Bill be now read a second time.

HON. R. C. MATTISKE (Metropolitan) [3.58]: Once again I agree with the Chief Secretary in that the measure now introduced is one which will be of very considerable benefit to the building industry, and to the public who have to make use of the services of builders. I commend the Minister for Works for the manner in which he approached the various sections of the building industry directly concerned with this Bill, prior to its drafting, so that he was able to hear all the arguments for and against the various points. As a result, he has saved much of the time of Parliament by obviating the necessity to discuss matters which might be comparatively irrelevant.

The principal purpose of the Bill, as the Chief Secretary said, is to make some provision for the existing conditionally registered builder and to ensure that persons wanting to be conditionally registered in future pass an examination and prove themselves to be competent to carry out any building job entrusted to them. In the last two or three years, because any person at all could obtain registration without an examination of any kind, a number of people obtained registration who, under more favourable circumstances, could have exploited the public. Fortunately that did not happen, because there were sufficient builders to ensure that people desiring to build homes had a reasonable choice. The result was that building work was carried on without any exploitation.

Prior to the introduction of this Bill, the conditionally registered builders were able to undertake up to £4,000 in any one contract. This Bill proposes to lift the amount to £5,000, which is considered to be a reasonable figure for cottage work or other small jobs in which conditionally registered builders may engage. It has been suggested by certain people that the limit might well be raised to £8,000 or £10,000. But when the matter is considered for a moment it will be realised that that would be a bad move. If the Bill is passed the conditionally registered builder can operate up to £5,000. By passing the few remaining subjects necessary to enable him to be registered as an "A"-class builder—

Hon. J. McI. Thomson: How many have sat for examination and how many have passed and failed?

Hon. R. C. MATTISKE: With regard to the "A"-class builder, when the Act first came into force in 1939, those who were legitimately engaged in the industry were automatically granted registration. They only had to satisfy the board that they had been legitimately engaged and had, in fact, built certain structures. If there was any doubt, the board refused registration pending further inquiries. With the passage of time it became necessary for any one desiring registration to pass the prescribed examination.

At the end of the war, a number of persons who were in the forces at the time when the door was closed, complained that they had not had an opportunity to apply for registration within the prescribed time and, therefore, through their war service, were suffering a disability. Action was taken to open the door again, and another bunch of builders was admitted, without examination, but on proof that they had been previously legitimately engaged in the industry. I am not sure as to the exact number who were admitted without examination; but I would say that, of the total number registered at present, it would be one-third of those fully registered. Those registered now as conditionally registered builders were all granted that concession without any examination of any kind, and it is mainly to that section that this Bill is directed.

Hon. G. C. MacKinnon: Wouldn't a person having a high-priced building erected normally employ an architect and so have considerable protection against shoddy work?

Hon. R. C. MATTISKE: That is correct. With regard to a higher-priced building, naturally the architect who is going to advise his client to accept a particular tender will not do so without a prior knowledge of the competency of the builder concerned.

Hon. G. C. MacKinnon: Then why not extend the limit?

Hon. R. C. MATTISKE: For this reason: If the limit for the conditionally registered builder were extended, it would be too difficult to police. In the last few years, the board has experienced considerable difficulty in policing the Act because, in order to take legal action against anyone contravening the limit clause, it has been necessary to obtain documentary evidence, and the only evidence in these cases is a copy of the contract of sale between owner and builder.

It is extraordinary the number of cases in which an owner will negotiate with a builder, who is not fully registered, to perform a certain contract; and then, when trouble arises later, will endeavour to protect or cover up that builder. If, later on, there is an argument between that owner and the builder, it is found that there is no proper legal evidence on which either side could take proceedings. When people want to buy from a shop an article that is valued at £300 or £400, they have no hesitation in entering into a written contract. But when there is a case of building a structure worth £5,000 or more, it is extraordinary how often they enter into such contracts without a proper instrument in writing. To enable the board to have full control over conditionally registered builders who may desire to go to the £8,000 to £10,000 class, it is necessary to have a limit well below that.

There is another definite advantage in having the limit fixed at £5,000. A person registered as a "B"-class builder under the Act, whether by his initial admission under this measure or subsequently by examination, will have completed the first portion of the total examination. Then, by a subsequent passing of the remaining higher grade subjects he can attain to full registration. It is therefore an incentive to one who is limited to £5,000, but who is legitimately engaged in the industry, to exert himself to the extent of studying for a year or so, taking the prescribed examination and ultimately becoming a fully-registered builder competent to carry out a higher class of work. It is a very good thing to have that limit of £5,000 up to which a "B"-class builder can operate.

There is one portion of the measure which needs amendment, and I understand it is the intention of another member to move such an amendment at the Committee stage. The Bill provides that a person operating at the moment as a conditionally registered builder will automatically be granted registration as a "B"-class builder. It is also provided that he may continue so to operate so long as he builds at least £5,000 worth of work in each year.

The disability in that provision lies in the fact that if through personal reasons he has to retire from the industry for 12 months or more, or go out of the State, or is in any other way not able to carry out the £5,000 worth of work in one year, it will be necessary for him to pass the examination before he can be readmitted as a "B" class builder. It is felt that that is not quite fair, and that in this respect there may have been an oversight on the part of the person drafting the Bill.

The only other point in the measure to which I would refer concerns an increase in the fees payable to the members of the board. They have been allowed two guineas per sitting, with a maximum of 24 guineas in any one year. It is proposed to raise those figures to three guineas and 36 guineas respectively. The sittings of the board are quite lengthy, and a considerable amount of work is done at them. In addition, a good deal of work is done prior to and subsequent to the meetings. It is often necessary for the whole board or certain individuals on the board to inspect works, and consequently quite a lot of their time is absorbed.

The Bill limits the payments in any one year to 36 guineas on the basis of one meeting per month. In actual fact, the board meets on more frequent occasions, so the payment of 36 guineas a year is by no means excessive. I commend the Government for introducing this measure and have pleasure in supporting the second reading.

Sitting suspended from 4.10 to 4.30 p.m.

HON. E. M. DAVIES (West) [4.30]: It it not my intention to speak at any length, but I want to say at the outset that I desire to support the measure because I believe it will do something which will prove of advantage to people classed as unregistered builders, and to those who desire them to carry out certain works. I can recall that some years ago an amendment moved by the Chief Secretary was responsible for raising the value of work that could be done from £500 to £800. That, of course, is vastly different from the amount of £4,000 permitted under the Builders' Registration Act today.

In view of rising costs, it is essential that an increase should be permitted, and the proposal to step it up to £5,000 is a move in the right direction. It appears to me, however, that the amount of £5,000 will be permitted in a particular contract—I assume it would be for one house. In the event of an unregistered builder contracting to build a duplex type of house, which actually is two residences, the amount of £5,000 would not be sufficient. That being so, we should consider increasing the amount from £5,000 to £7,000; this would enable an unregistered builder to contract for the building of that particular type of residence. That no doubt can be considered during the Committee stages of the Bill.

Mention was made of certain examinations which it was necessary for builders to pass before they were permitted to become "A"-class builders. I have no knowledge at all of the type of examination they are required to pass, and I am sure other members are not acquainted with this matter either. I suggest that the file dealing with those examination papers should be laid on the Table of the House in order to give members an opportunity to see just what is required of builders before they can qualify as "A"-class builders.

I am sure that great benefit will be derived from the Bill both by the unregistered builder and by the people who employ him. As I have said, I think there should be an increase of the amount permitted; and instead of being £5,000, it should be £7,000 to enable these builders to contract for the duplex type of house. With those few remarks, I support the second reading of the Bill.

HON. J. McI. THOMSON (South) [4.35]: Like Mr. Davies, I have no idea of the examination it is necessary for builders to pass before they are able to qualify and become registered. I confess to that, even though I am a registered builder myself. However, I came into that category in 1939. There is considerable merit in the Bill. It will enable the "B"-class builder to increase the amount of his activities on a contract to £5,000. Again I find myself in agreement with Mr. Davies that the amount should be extended to cover the duplex type of house, as was pointed out by that hon. member. Such houses are still erected, and it would be farcical if "B"-class builders had to reject contracts for duplex houses when they were qualified to do the job.

I am not at all in favour of restrictions of any kind; and I think it is wrong for us to say to an individual that he will be permitted to do this or that provided he has passed the necessary examination, and is qualified to do so; and that if he has not passed the necessary examination, he will not be permitted by law to carry out those activities. To my mind that constitutes an infringement of human rights.

This Bill applies only to the metropolitan area, and it should be extended in its provisions to cover the country districts as well; because I have seen some dreadful things perpetrated in the country by Johnny-come-lately contractors, who have never held a hammer or a saw. It is outrageous to think of the impositions that these people have inflicted on farmers in the country districts. I know of an instance of a farmer having had no fewer than three builders to do a job which one qualified man would have been able to carry out, and at the same time make a reasonable margin of profit.

The measure is to prevent unscrupulous people from operating, and to prevent from doing so those who wish to register for the purpose of building their own homes and thus obtain the benefits of discounts allowed to builders. It is most dishonest that they should obtain these discounts, and the Bill deals with that aspect.

The board should consider extending the scope of the Bill to the country districts, because it is as necessary to protect contractors in those districts as it is to protect those in the metropolitan area. I have always looked with displeasure on legislation that restricts an individual's activities. This measure before us is certainly justified, and will ensure that the legislation on the statute book is operated to the advantage of all concerned.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Section 10A amended:

Hon. G. E. JEFFERY: I move an amendment—

> That after the word "work" in line 13, page 4, the following proviso be added:—
>
> Provided that this paragraph shall not apply to any builder who for reasons which are satisfac-

tory in the opinion of the board has not during the preceding year executed building work to the value aforesaid.

That would safeguard the interests of the smaller builder. If through illness or for some reason beyond his control he is unable to complete work to the value of £5,000, he will be permitted under the amendment to retain his registration.

The Chief Secretary: He may have gone for a trip around the world.

Hon. G. E. JEFFERY: That is so. He may be out of the State.

The CHIEF SECRETARY: I have no objection to the amendment. I understand it was agreed to in another place but was not inserted on account of an oversight.

Hon. J. McI. THOMSON: I support the amendment. The purpose is obvious. If a builder were unable to complete his contract of £5,000 in one year through illness or circumstances beyond his control he would retain his registration if those reasons were acceptable to the board. Otherwise, if he completed work only to the value of £4,750 and stopped, he would have to reregister.

Hon. R. C. MATTISKE: I commend this amendment to the Committee. It is a matter I raised in my second reading speech. I feel it is reasonable, and hope the Committee will approve of it.

Amendment put and passed.

Hon. G. C. MacKINNON: There is a question I would like to ask the Chief Secretary in regard to works of a higher price—say £8,000 or £9,000. In these cases one would expect an architect to be employed by the owner. Jobs of £2,000 or £3,000 would normally not have any supervision from an architect; so the point raised by Mr. Mattiske in regard to the high limits does not seem to hold water. Would the Chief Secretary tell me whether that is so; and, if so, what is the objection to the increased amount?

The CHIEF SECRETARY: There is a lot in what the hon. member says. Generally a person in the higher figure does employ an architect, and the person building the £2,000 or £3,000 home cannot afford one and relies on the builder. But the only reason I can give for this amount is that I understand it was arrived at in conference as being suitable.

Clause, as amended, put and passed.

Title—agreed to.

Bill reported with an amendment.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Incorrect Press Report—President's Statement.

The PRESIDENT: This morning I called on the chairman of directors of West Australian Newspapers Limited, Sir Langlois Lefroy, and handed him the motion agreed to by the House on Thursday, the 6th December, 1956 and discussed with him details leading up to the submission of the motion.

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.50] in moving the second reading said: This Bill has three main objects:—

(a) To define more clearly the sections relating to compensation for injurious affection in the existing Act, particularly as regards zoning of land. At present they are by no means clear.

(b) To prevent the sale of land in so-called "lots" for which no certificates of title can be issued.

(c) To extend the period of operation of the interim development powers in the metropolitan region (under which the Interim Development Order was recently made) for a period of 12 months from the 31st December, 1956.

The first of these provisions has been requested by the Perth City Council so that the compensation provisions of the parent Act will be made clearer before the council finalises its scheme for the zoning of its district. As the Act stands at present, there is considerable doubt and a lot of fear on the part of local authorities that in a comprehensive zoning scheme, an authority might be faced with a very large payment of compensation for injurious affection, a large portion of which might be unjustified.

The Bill provides that no compensation for injurious affection shall be paid in respect of the zoning provisions in a town-planning scheme; that is, the defining or classifying of the scheme area into various zones in which specified types of land use are permitted—industrial, residential and the like. However, the provision regarding no compensation will not apply unless:—

(1) The scheme also provides for the retention of existing use rights in land and buildings which do not conform to the zoning proposals, and permits the reasonable extension of any buildings, and

(2) The zoning permits the land to be developed or improved privately, that is, it is not zoned or reserved for public purposes such as roads, parks, schools, etc., which would preclude private development.

It must be assumed that the zoning will be properly carried out after a careful assessment of existing and potential land use; and that if not properly carried out, the scheme will not be approved in any case. There is already provision for advertisement and objections to all town-planning schemes.

It is now generally accepted town-planning practice that properly constituted zoning regulations are, in fact, no more onerous than health or building regulations in a civilised community and should not be subject to the safeguards set out above carrying compensation for injurious affection.

This principle has already been accepted in the Victorian town-planning legislation, which is probably the most advanced in Australia; and it formed one of the recommendations in regard to legislation in the metropolitan regional plan. If this provision is accepted, it will clear up many of the existing doubts and result in a much more positive approach to planning from the local authority angle.

The second provision deals with the subdivision of land. It has arisen as the result of land sales in the Yanchep area where lots have been sold for which no certificate of title has been issued. In the particular circumstances, an application for subdivision in principle was made and refused. No recourse was had to the appeal provisions of the Act; but the owner has since sold lots to various purchasers, who have apparently paid for them, and in some cases erected buildings. There is no prospect of a certificate of title being given to the purchasers and they must, therefore, remain in the title of the vendor.

The Crown Law Department has advised that action cannot be taken against the vendor as the lots are unidentifiable; and while it is not considered that the practice will necessarily become widespread, it is a loophole in the Act. The Bill proposes to prevent this practice and to plug the loophole.

The third amendment is to extend the term of the metropolitan interim development order from the 31st December, 1956, to the 31st December, 1957. I think members would appreciate some details of this order. The metropolitan regional plan in its printed form was made available to the general public in September, 1955, with the intention that the proposals should become as widely known as possible. Copies were made available to all members of Parliament and to all local authorities affected; and up to the present time a total of about 1,000 copies have been distributed.

In addition, the Government has sponsored an exhibition of the proposals which has been held twice in Perth and will be shown in Fremantle and elsewhere in the metropolitan region. This exhibition has been well attended and great interest has been shown in it. It seems right to assume that the proposals are now becoming more widely known.

Initially the Government set up a Town Planning Advisory Committee—composed of members of the Government, the Opposition and local authorities—to consider the proposals in the plan and report to the Government. This committee sat between the 5th August, 1955, and the 3rd November, 1955, and reached agreement on a number of major issues as well as approving of the plan in principle.

The committee agreed that a complete revision of the legislation was necessary, and that interim development legislation in the metropolitan region was urgent. The committee commenced consideration of the composition of the regional planning authority and of the major proposals in the plan.

During the sittings of the committee there were many expressions of opinion to the effect that the members of the committee were all exceedingly busy and unable to give the time necessary to the detailed consideration of the various proposals, and thought was given to the replacement of the committee by another regional committee or authority.

Following this, the interim development legislation was passed at the last session of Parliament and the preparation of an interim development order was put in hand. Because of its fairly complicated nature, the necessity to produce a set of plans sufficient for statutory purposes, and the need to amend some of the plan proposals—which had already been superseded owing to lack of control—the interim development order was not ready until the end of July, 1956, and was gazetted on the 7th September, 1956.

The legislation had been prepared with a view to operating the order for a period of at least 12 months from the date it came into effect; and that is why the extension of powers for a further 12 months is now asked for in this Bill.

The Government has not yet made a decision on the form that the regional planning authority should take It is not yet satisfied that the authority should be either a committee composed of Government and local government representatives, as recommended in the plan, or an authority similar to the Board of Works in Melbourne. It is important that the right decision should be made in this case and the matter is under consideration. In the meantime, the Town Planning Board is acting as interim development authority.

It is the aim of the Government to be in a position to introduce a major revision of town-planning legislation in the next session of Parliament, in which the anomalies in the Town Planning and Development Act can be cleared up and provision made for a regional planning authority, the operation of a statutory regional plan, and the necessary financial provisions.

In the meantime it is most important that interim development control should continue, and the general position be held as far as possible. In other words, the statutory plan should take over where interim control leaves off, and there should be no gap between them.

During the operation of the interim development order the Town Planning Department, the Main Roads Department and the Railway Department, together with other Government departments affected, are proceeding with more detailed investigation of the proposals in the plan and their more accurate delineation. Local authorities are being consulted and asked to express their views, and in many cases they are giving full co-operation. As a result of this process, it should be possible to present the regional authority, when established, with a plan in which many of the initial difficulties and objections have been smoothed out, thus enabling their consideration of it to be easier.

This is a difficult time in any major planning scheme: the time between initial presentation in advisory form and final approval. While the Government is anxious to finalise a plan as soon as possible, it must be realised that we have come a long way in a very short time. Our progress compares very favourably with that of other cities in Australia and elsewhere.

We are making a plan for the future development of our capital city and principal port and the surrounding area—a plan for development which will last long past our lifetime. It is important that the right decisions be made at this juncture, as we do not want to retrace our steps. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

BILL—ROAD CLOSURE.

Received from the Assembly and read a first time.

BILL—MARRIAGE ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the previous day.
Question put and passed.
Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Assembly.

BILL—LOTTERIES (CONTROL) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [5.4]: This is a small Bill, the substance of which is to provide superannuation facilities for the staff of the Lotteries Commission. When the commission was first established, it had to run the gauntlet of considerable debate, and it was subject to continuance year by year. Over the years, however, it has become accepted by both Labour and Liberal-Country Party Governments, and undoubtedly it has resulted in a tremendous amount of charitable work being done; and I think all parties now agree that it has become a permanent feature of our administration system.

The commission, while it was temporary in character and liable to be discontinued, could not take any steps to provide benefits such as this; but now that it has been renewed for five-year periods, the question of providing superannuation for the employees, who are all permanent employees, has been raised. There are about 25 employees actually engaged by the commission —eight men and 17 women—most of whom are middle-aged. Some of the women are widows and the prospects are that they will remain with the commission for some time.

Under the Bill they have the choice of contracting out of the scheme, which is to be on a contributory basis, or selecting one of the two alternative systems provided for in the measure. The whole thing falls into line with other Government institutions, and there seems to be no valid reason why the scheme should not be accepted, but every good reason why it should be adopted. Having those features in mind, and knowing the desirability of placing the commission on the same level as other departments, I offer no objection to the proposal. I have pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and transmitted to the Assembly.

BILL—LIQUID PETROLEUM GAS.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.10] in moving the second reading said: Members will be aware that for some months liquid petroleum gas has been produced as a by-product

of the Kwinana refinery. This gas is now being distributed throughout Western Australia by an arrangement between the B.P. Refinery (Kwinana) Ltd., Commonwealth Oil Refineries Ltd. and Westralian Farmers Co-operative Ltd.

Before distribution began, these companies found that there was in existence in Western Australia two Acts dealing with gas. One of these affects the standards of gas and is known as the Gas Standards Act, 1947. The other Act, which has as its object the control of companies who are distributing town gas, and who had a monopoly for that purpose, is entitled the Gas Undertakings Act, 1947-1956.

These Acts do not define gas, but were intended to cover town gas, not liquid petroleum gas. The three companies concerned wrote jointly to the Premier asking that they be exempted from the provisions of the Acts. Because of the essential differences between town gas and liquid petroleum gas, the request was considered by the Government to be reasonable.

Although the Government is prepared to exempt the companies from the provisions of both these Acts, it considers that purchasers of the gas should be entitled to a guaranteed gas standard. Standards have been laid down in England and America for liquid petroleum gas, and the present Bill proposes that the State Electricity Commission, which administers the two Acts I have referred to, should have power to declare the standards for the gas, and to police them. I am informed that these standards will be in accordance with recognised overseas standards, and will deal with both quality and safety.

The State Electricity Commission has the statutory right to distribute town gas within a certain distance from the centre of the City of Perth; and the Fremantle Gas and Coke Co. Ltd. has a similar right of distribution within five miles of the centre of Fremantle. The Bill seeks to provide that liquid petroleum gas shall not be sold in those areas without the consent of the Minister. The Bill has been examined by representatives of the three companies, the Fremantle Gas and Coke Co. Ltd., and the State Electricity Commission, all of whom have agreed with the general principles of the measure.

As liquid petroleum gas has a much higher calorific value than town gas, the appliances used for town gas cannot be used for liquid petroleum gas unless they are modified. The companies propose to market liquid petroleum gas in containers; and it is probably that, because the price of the product is not competitive with that of town gas, the biggest market for the gas will, for some time at least be in country areas, where it could provide a much-needed amenity in many homes. It is particularly suitable for use in caravans and launches, and there are also some industrial purposes for which it could be used with advantage. I move—

That the Bill be now read a second time.

On motion by Hon. L. A. Logan, debate adjourned.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.13] in moving the second reading said: The sweeping amendments made last session to the principal Act were designed to protect property-owners and to ensure that they received fair compensation for, as well as giving them the right to voice objections to resumption. In the subsequent months there has been evidence of the undoubted advantages which the new legislation confers on property-owners. Some minor problems have arisen which may require some legislative correction but it is felt it would be wise to obtain a further 12 months' experience in the operation of the new provisions before attempting any further major amendments.

There is, however, one matter which requires early correction, this referring to Sections 29 and 29A of the parent Act. These are the sections which require the Minister to offer back to the owner any land which is not required for the purpose for which it was resumed, or otherwise acquired.

When the amending legislation was introduced last session it was never intended that these restrictive provisions should apply to land which had been acquired by negotiation or outright purchase. It is felt that so long as the Government or a local authority purchases land on the open market for a necessary public work, and that there is a willing buyer and a willing seller, there should be no necessity to offer the land back to the original owner even though it may not be required for the work for which it was purchased.

Representations have been received from the Local Government Association and from many individual local authorities, requesting an amendment such as is contained in the Bill, and expressing the view that where a local authority purchases land for a consideration agreed upon between the parties, then it is unjust and unreasonable to require the local authority to give the vendor the first right of repurchase if the authority subsequently desires to resell the property or use it for some other purpose

The same line of reasoning also applies in the case of land purchased for Government requirements. The Bill therefore seeks to exclude from the parent Act the necessity to first offer back

to the original owner land which has been acquired for a public work other than by resumption, and which is not needed for that original purpose. The Bill also contains a clause which gives specific authority to sell or use land for any other work where such land has been acquired otherwise than by compulsory taking and resumption. The other clauses in the measure are consequential. I move—

That the Bill be now read a second time.

HON. G. C. MacKINNON (South-West) [5.15]: As the Chief Secretary has indicated, this measure seeks to straighten out a section of the Act which at present is a little unreasonable. Under the Act as it now stands, a person might sell a block to a local authority or the Government for £1,000; and if at the end of five years the Government or local authority concerned changed its mind about the use to which the land should be put, and desired to dispose of it, although that land might in the intervening period have appreciated in value to £5,000, there would be no option but to offer it back to the original owner at the price which the Government or local authority had paid for it.

That is quite reasonable where the land has been compulsorily acquired; but in instances where there was free will on both sides in regard to the transaction, that provision is unreasonable and the Government or local authority should be able to sell the land to whom it likes, should it wish to dispose of it. I support the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.17]: A position such as that to which Mr. MacKinnon referred has arisen during the last 12 months. Long before that, the then Minister for Works, and I as Minister for Local Government, insisted that even though the local authorities had resumed certain land up to 25 years before, they should offer it back to the original owner in instances where it had been compulsorily acquired. We realised, however, that there should be protection in cases of compulsory resumption; and that was the reason for the introduction of last year's measure.

Inadvertently, the words "or otherwise acquired" slipped into the Bill; and when it became law, the result was that no matter how land had been acquired, the Government or a local authority had to offer it back to the original owner.

There have been instances where land was purchased for a recreation area; and then, the local authority having made other provision to that end, the land was sought to be subdivided for housing purposes. But owing to last year's legislation, I had to insist that the land be offered back to the original owner, who, of course, was prepared to take it back as it returned him a handsome profit. That sort of thing has placed local authorities in an invidious position, and this measure will rectify the anomaly as has been explained.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—CHURCH OF ENGLAND DIOCESAN TRUSTEES AND LANDS ACT AMENDMENT.

Second Reading.

HON. J. McI. THOMSON (South) [5.23] in moving the second reading said: The purpose of this Bill is to enable the Bunbury Church of England diocesan trustees to use the proceeds from the proposed leasing of property on which the present cathedral of Bunbury stands for the building and maintenance or endowment of a new cathedral and ancillary buildings. Under the present Act the church is unable to do that.

The trustees have purchased a site in Bunbury on which to erect a new cathedral —what is known as the Brend Tor site— and the land has already been levelled and a large retaining wall erected in preparation for the erection of the new structure. When the new cathedral is completed the trustees propose to use the present cathedral site for the establishment of business premises, which will in due course be leased.

I understand that tentative plans have been prepared for the proposed buildings, and for the purposes which I have mentioned the trustees have requested that the present legislative action be taken. The Synod of the church at its last session gave approval to the Bill, and I therefore trust that this House will agree to the measure. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed*.

BILL—PARLIAMENT HOUSE SITE PERMANENT RESERVE (A. 1162).

Received from the Assembly and read a first time.

BILL—BREAD ACT AMENDMENT.

Report.

Report of the Committee adopted.

Third Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.31]: I move—

That the Bill be now read a third time.

HON. R. C. MATTISKE (Metropolitan) [5.52]: Without unduly delaying the House, I would like to utter this last warning concerning the consequences that may arise from the passing of this legislation. Admittedly, it will provide that those persons living within a distance of two miles of a bakery will be able to have their bread delivered, which is a very good thing, but I want it clearly understood that there will have to be a price paid for that service.

As I said during the Committee stage of the Bill last night, the total delivery cost allowed in the metropolitan area by the Wheat Products Prices Committee at present is approximately 4d. per 2lb. loaf. In Kalgoorlie at the moment that 4d. per loaf delivery cost must be reduced as there is a certain element of delivery cost included in the present sale price because the bread has to be delivered to certain strategic points at which householders pick it up. Therefore, it will not mean that the price will automatically increase by 4d. per loaf but by a figure which those who are competent to estimate consider will be no less than 2d. and will probably be 2½d. per 2lb. loaf.

This increase in price must be borne by somebody. It will have to be borne by the householder, if the Wheat Products Prices Committee carries out its normal function and allows fair and reasonable delivery costs to the bakers as it has always done in the past; or it will have to be borne by the manufacturer of the bread if the Wheat Products Prices Committee will not agree to the delivery cost being passed on to the consumer in full. In the first place, considerable protest must be raised by the consuming public of Kalgoorlie. Surely they cannot be aware that by having their bread delivered the 200 or 300 yards from the present pick-up points to their homes it will cost them an extra 2d. per loaf.

On the other hand, if the baker has to stand the full impact of the additional delivery costs, I feel sure that there is going to be considerable trouble in the industry in the near future. I was very interested in a remark made by Mr. Bennetts during the Committee stage of the Bill last night when he referred to the possibility of some third party commencing a delivery service. I may not have heard him quite correctly; but if it be possible for a third party to undertake delivery of bread in those parts, the likely trouble of which I speak may not eventuate. Nevertheless, so that they will not be under any misapprehension, I wish to draw the attention of members to the fact that this extra charge I have mentioned may have to be imposed.

HON. G. BENNETTS (South-East) [5.36]: In view of the fact that my name was mentioned by the previous speaker, and being one of those who was fighting for the delivery of bread on the Goldfields, I want to point out that at the time bread was being delivered in those parts, certain persons approached the bakers in Kalgoorlie with the object of taking on the delivery of bread by contract, and they were prepared to deliver it at the price ruling at that time. However, the bakers would not agree to that proposition.

I consider that we could deliver bread in Kalgoorlie cheaper than it would be delivered in the metropolitan area. Therefore, I am pleased the Bill has reached this stage, and I trust that its provisions will prove satisfactory to the people on the Goldfields.

HON. J. M. A. CUNNINGHAM (South-East) [5.37]: I do not care to delay the passage of the Bill much longer because I think every phase concerning it has been covered. Nevertheless, I am astonished at the remarks made by Mr. Bennetts. On the Goldfields today, 80 per cent. of bread deliveries would be made by motor-vehicles. If anyone seriously thinks that bread or any other commodity can be delivered on the Goldfields cheaper than in the metropolitan area, when the principal item that is used for its delivery is petrol, which is retailed on the Goldfields at 1s. per gallon more than it is in the metropolitan area—to say nothing of the wear and tear on the vehicle—he is sadly astray.

In fact, this rent-leasing arrangement for delivery of bread was tried in the metropolitan area. A baker who thought it was an excellent move leased the delivery of bread to the carters so that it would create a greater incentive to them; but at the end of 12 months, deliveries on every single round had so deteriorated that all the rounds had to be reorganised.

Such a scheme is not practicable; because even if a baker had 200 houses on his round, and was allowed to charge the maximum for delivery—say, 3d. a loaf—that would give him a return of £17 a week, out of which his costs would have to be defrayed. That would leave him a net amount of about £10 or £12 a week. On those figures, therefore, the delivery of bread is impossible. I have heard nothing during the debate on this Bill that will make me change my mind. It will be an imposition on the people who want their bread delivered, although I must admit that the delivery of bread would be a great benefit if it could be achieved without an increase in the price.

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

Ayes	17
Noes	10
Majority for	7

Ayes.

Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. J. Cunningham	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	Hon. J. Murray
	(Teller.)

Pair.

Aye.	No.
Hon. J. J. Garrigan	Hon. A. F. Griffith

Question thus passed.

Bill read a third time and returned to the Assembly with amendments.

BILL—BETTING CONTROL ACT AMENDMENT.

Assembly's Request for Conference.

Message from the Assembly requesting a conference on the amendments insisted on by the Council, and notifying that at such conference the Assembly would be represented by three managers, now considered.

The CHIEF SECRETARY: I move—

> That the Assembly's request for a conference be agreed to, that the managers for the Council be Hon. L. C. Diver, Hon. J. Murray and the mover, and that the conference be held in the Chief Secretary's room at 9 p.m.

Question put and passed and a message accordingly returned to the Assembly.

BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [5.45]: After hearing the speeches of various members last night, there is little that I can add to the very clear exposition of the case given by those who contributed to the debate. In particular I refer to the figures supplied by Mr. Watson. Speaking in general terms, there are certain features in the Bill which we dislike. I would itemise a few of the objections so that members can make up their minds whether they will accept, reject or amend the measure now before us.

We can all agree that any figures and facts put before us by Mr. Watson on this measure should be considered carefully, because he has had many years of experience in this field. He knows the exact effects, and how the tax will bear on the different sections of industry. Whatever the Government may think and propose to do, it will be well advised to study very closely the information put forward by Mr. Watson, and to be guided by the comments he made.

To many of us it appears that in a number of respects this is an iniquitous tax. It bears on many sections of the community. While it treats some very lightly, it treats others very harshly. It is, of course, a tax on capital values. While it is imposed on an ascending scale—and so hits the person in the top bracket very heavily—it is also levied on values which, over the last few years, have been increased greatly, and will increase still further in the next few years.

I referred to this aspect when I spoke to the probate Bill, and mentioned that, in fact, there was a double reaction in the incidence of that tax. Not only did it affect a property more and more as the tax increased, but we should take into account the way in which the value of properties on which this tax is imposed has also been increasing. Unless those factors are taken into account, the estimate made by the Government of the expected return from the tax would obviously be incorrect.

When speaking to the probate Bill, Mr. Watson pointed out that 10 years ago the capital on which that tax was levied was £4,700,000. In a short space of 10 years that was increased through revaluation to over £14,000,000. Probate duty which in 1946 amounted to £238,000 has, within 10 years, increased to over £1,000,000. In a sense the tax under this Bill is a levy on capital and the same factors apply. In regard to city properties in particular, it looks as if the tax will be very high. It has been calculated that city properties will be taxed three to five times more than the present rate. The tax on church properties and similar organisations will be doubled, according to the amount of property held. Householders will have to pay an increased amount. Agricultural lands which, since 1931, have been exempt from this tax, will now have to pay it.

It might be worth while to point out that church properties are to receive this impost. I am referring to church properties from which revenue is derived. Perhaps it is right that church properties which derive revenue from rent should be taxed. There can be no exception taken to the tax at present levied; but it has to be taken into account that these organisations, which are non-profit-making bodies

devote the revenue derived from such properties to the carrying on of their work for the good of the community.

In addition to churches, other institutions—such as the R.S.L., Trades Hall, friendly societies, the R.A.C. and other non-profit organisations—will find the tax doubled. Against that, the owner of unimproved land will not have an additional tax imposed upon him (unless the value exceeds £5,000). There is an anomaly in this respect which needs rectifying. The tax can affect the house purchaser, who may be the purchaser of a Commonwealth-State rental home at, say, Wandana Flats. He will have to pay a tax as required by this Act. The person living in a rental home will not have to pay anything.

It seems to me that one of the worst features of the tax is that it applies on an ascending scale. It might be argued that people owning properties valued at £20,000 and over are wealthy and well able to pay an increased rate of tax. They will have to pay an increased amount, even on a flat rate. But these people are being taxed on an increasing scale—the higher the valuation ascends, the greater the tax. In many cases such properties have been acquired through thrift, self-denial, hard work, business acumen, etc., yet the money accumulated to purchase this property, which in many cases had been fully taxed previously, will be taxed again under this Bill.

The old cry in favour of land tax was the objective of splitting up large estates, but in these days that objective has been lost sight of. The tax now represents a handy means for the Government to obtain revenue. Few Governments refrain from imposing this tax to raise the necessary funds to carry on the functions of Government. The position here is different from that of the Eastern States. Western Australia is a young State in the early stages of development and faces a huge task. By comparison with the sister States over the east, which have been developing for many more years and have reached a far more advanced stage, Western Australia is well behind.

While I agree that Governments must be able to obtain revenue to carry on its functions, after viewing the figures which have been placed before us I am inclined to think there are other ways to raise the necessary funds than by the imposition of this tax. In the first place there can be a more apparent exercise of economy. We can point to certain divisions of Government administration where big sums of money are being spent.

The question is—in view of the obligations to which we are committed—whether it is advisable to carry on too fast and too far, particularly in regard to development around the metropolitan area which is being undertaken at the expense of development in the country. In fact, if there were more evidence of country development which will in time produce wealth for the State, I might be inclined to take a different view to the one I now take.

The rate of tax is very high. Many instances were given last night, and there is one from the Taxpayers' Association which I wish to read. This gives in factual detail some of the increases in this tax, compared with the rate that now applies. It is a return dated the 29th November, 1956. It shows what will be paid under the proposed land tax and what was paid on the old tax on the unimproved value. The figures are as follows:—

Unimproved Value	Old Land Tax 1½d. in £			Proposed Land Tax 2d. to 8d. in £		
£	£	s.	d.	£	s.	d.
500	2	12	1	4	3	4
1,000	5	4	2	8	6	8
5,000	26	0	10	41	13	4
10,000	52	1	8	83	6	8
20,000	104	3	4	208	6	8
30,000	156	5	0	375	0	0
40,000	208	6	8	583	6	8
50,000	260	8	4	833	6	8
60,000	312	10	0	1,125	0	0
70,000	364	11	8	1,458	6	8
80,000	416	13	4	1,791	13	4
90,000	468	15	0	2,125	0	0
100,000	520	16	8	2,458	6	8
120,000	625	0	0	3,125	0	0
140,000	729	3	4	3,791	13	4
160,000	833	6	8	4,458	6	8
180,000	937	10	0	5,125	0	0
200,000	1,041	13	4	5,791	13	4
250,000	1,302	1	8	7,458	6	8

It will be seen that on the higher values on the ascending rate, the amount becomes very steep indeed. This must have some effect on rents and goods, because business people who have to bear the charges will no doubt take all such items into account and will include them as costs. In some cases they can pass on those costs, but in many cases they cannot; they just have to take them. It seems to me that, in view of our present state of development, the tax is one that might have been avoided.

I will not accuse the Premier of issuing a threat, but he did say that an alternative means of raising this money would be by increasing railway freights. He mentioned that as if it were the only alternative he had. But I contend there are other alternatives before him. One would be to introduce more economies in our system of administration. One source which was open to the Government and which it did not seize upon was the incidence of the betting tax, which most people believe could have been much higher.

But my main grouse is that whereas the Treasurer, when introducing this measure, said he reckoned on receiving £470,000 for this year—that is, for part of a year—and £1,000,000 for a full year, this measure, as actually introduced, with the ascending scale of values and the increasing returns which revaluation would provide, is more likely to bring him double or

treble the amount he is budgeting for. On that score alone, it is a measure that might be looked into and, before it is proceeded with, other means of taxation should be examined.

One of the items that requires some consideration is the concession to certain institutions. I refer particularly to life assurance societies which, in the Eastern States, receive a special concession, particularly if they own property which is occupied and employed for their own use. If it is let to other people, it is a revenue-producing property and subject to the same assessment as similar properties owned by the people. That is something which is not provided for in our Act; and if the Bill is proceeded with, there should be some amendment in committee which would give those societies at least the same concessions as they receive in the Eastern States.

On the score that this Bill will impose a heavy tax on the people of a young and developing community; that it must mean a lot particularly to the young people of this State who are buying their own homes; that it will contribute in some measure to the inflationary trend; and that our circumstances are different from those of the Eastern States, I would advise the House not to accept the Bill. I intend to vote against it.

On motion by Hon. F. D. Willmott, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT (No. 3).

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Section 10 repealed and re-enacted.

Hon. L. A. LOGAN: This section deals with the metropolitan area, but it has reference to licences in respect of tractors, semi-trailers, trailers or caravans; and in his second reading speech, the Chief Secretary said that Subsection (5) (b) would be a help to primary producers. I ask him why this reference was made when the provision relates to the metropolitan area.

The CHIEF SECRETARY: This provision relates to vehicles that were previously licensed outside the metropolitan area but have been brought into it.

Hon. L. A. LOGAN: I accept the explanation. The Chief Secretary, in his speech, said it was to assist the primary producer. But it only does so when he becomes a city slicker.

The Chief Secretary: No; when the machine becomes a city slicker.

Hon. A. R. JONES: I move an amendment—

> That after the word "either" in line 7, page 5, the words "three months" be inserted.

It has been possible to license a vehicle for three, six, nine or 12 months. I think that it is necessary for a person to have the opportunity to license his vehicle for three months if he so wishes, but that is not provided for in this subsection of proposed new Section 10. For financial reasons a person might not be able to find sufficient money to license a car for six or 12 months, particularly as the fees are to be increased. The same position could apply if a person intended to buy a new car in, say, three months' time; and in such a case he would want to license the old one for only three months. A dealer might want to license a car for only three months to cover the period while it was standing on his showroom floor. For those reasons I ask the Committee to agree to the amendment.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. The granting of quarterly licences was a wartime measure introduced on account of petrol rationing. But it imposes a lot of administrative work on the Traffic Branch, and the local authorities. Last year it was necessary to issue 195,000 licences at the Police Traffic Branch—irrespective of the country licences—and they covered 104,000 vehicles. So it will be seen that there was an average of approximately two licences for every vehicle for the year. If quarterly licences were discontinued there would be a saving of 25 to 30 per cent. in the licensing work of the department. The department also says that a person who is able to purchase a motorcar costing £1,000 or more should be able to afford the cost of a half-yearly licence. I will admit that that does not always apply, but that is the departmental idea of things.

Hon. N. E. Baxter: It is pretty crook.

The CHIEF SECRETARY: The department also mentions the case of motorcyclists, where the licensing fee is £1 a year, and the owners of small cars who would be able to pay in four quarterly instalments if the amendment were agreed to. Mr. Jones talked about a person wanting to license his car for only three months. There is already provision in the Act to cover refunds in such cases; there is no difficulty about it.

Hon. A. R. Jones: But a person loses money on it.

The CHIEF SECRETARY: Local authorities have advised that the quarterly licensing could be abolished without causing any hardship or difficulty in country areas. The reason for this amendment in the Bill is to cut down on the administrative work of the department, and also to

cut down some of the expenses—although I will admit that they are not great in that regard.

Hon. N. E. Baxter: You pay for it in the licence.

The CHIEF SECRETARY: But that does not compensate for the extra expense involved. For those reasons I hope the Committee will not agree to the amendment.

Hon. L. A. LOGAN: Whilst I admit that there may be some additional administrative expenses attached to quarterly licensing, the fact that almost 50,000 owners of vehicles in Western Australia availed themselves of the quarterly licence is sufficient to warrant its being continued. People would not use that facility unless they wanted to do so and I should imagine that it was probably for financial reasons. The fact that there is to be a 47 to 50 per cent. increase in licence fees makes it more necessary than ever to retain the quarterly licensing.

The department's argument about a man owning a motorcar costing £1,000 is so much nonsense. There are hundreds of small old-type vehicles running around the city and they are owned by the workers who cannot afford to pay too much out at a time for licence fees, particularly about Christmas time. If the license falls due in December and they have to pay for a six-monthly licence, many of them will have to put their cars on blocks. I support the amendment.

Hon. A. R. JONES: It is all very well for the departmental officers to put up excuses; but, after all, they are paid servants of the people, and the people's wish should be a guide as to what those servants shall do. I feel sure that the extra 2s. 6d. charged would pay for the paper used and the additional time involved. I think it is a necessary amendment and I hope it will be agreed to.

Hon. J. M. A. CUNNINGHAM: I intend to support this amendment. During the second reading I expressed some doubt as to the advisability of discontinuing the system because, although the records might indicate that many people have not availed themselves of the quarterly licensiing because of the increased fees I think a large number of people will do so. Had there not been any change in the registration fees there might have been some reason for cutting out this system, but I think we should agree to continue the system for at least 12 months to see how many people take advantage of it.

Hon. F. R. H. LAVERY: I, too, am in favour of the quarterly licensing system, for the reasons Mr. Cunningham expressed. We propose to increase the licensing fees, and—in the case of a truck—to a very high figure; so I think we should continue with the present system at least for 12 months to see how many people use it. I will give an example. Not long ago a young chap got a contract for firebreak ploughing in the Bonnie Rock area. The distance to be covered was about 300 or 400 miles and he had to license an AW6 tractor. He was on the job for about a fortnight or three weeks but if the provisions in this Bill were part of the Act it would have been necessary for him to license that vehicle for six months and yet he will have no further use for the vehicle beyond the three weeks' work which he has done.

Hon. L. C. Diver: It did not cost him any more than 7s. 6d. for the licence.

Hon. F. R. H. LAVERY: It cost a lot more than that, as the hon. member should know. There is a body of people whom I represent who assisted me to get into Parliament—I refer to the working people.

Hon. Sir Charles Latham: Hooray!

Hon. F. R. H. LAVERY: With the increased licencing fees, and because of the use of parking meters, it will be cheaper for a working man to leave his car at home and walk to Perth in the future.

Hon. J. M. A. Cunningham: And with a possible increase in the price of petrol.

Hon. F. R. H. LAVERY: Yes. I hope this three-monthly licensing period will be continued. It will do no harm except that some officers will have to make out slips of paper for a small amount of money instead of for a larger amount. I support the amendment.

Amendment put and passed.

Hon. L. A. LOGAN: I would like the Chief Secretary to explain the last four lines of paragraph (a) of proposed new Subsection (5) on page 5.

The Chief Secretary: The hon. member should read the entire new subsection to get the full effect of the last four lines.

Hon. L. A. LOGAN: I move an amendment—

> That all the words after the word "applicant" in line 9, down to and including the word "date" in line 12, page 5, be struck out.

Now that the quarterly licence provision has been inserted, this will have to come out.

Hon. G. C. MacKINNON: It seems to me that the licensing authority wishes to keep the 12 months' period intact. If a car has been licensed for 12 months and the owner suddenly decides that he wants to license it for a shorter period—say, for three or six months—the licensing authority seems to desire that the annual licensing date should remain as it was originally. I think it may be desirable to keep the spirit of this provision intact.

The CHIEF SECRETARY: I think Mr. MacKinnon is right; but if Mr. Logan will withdraw his amendment, I will have the matter examined and let him know the position.

Hon. L. A. LOGAN: If the Chief Secretary will have the matter examined, I will ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. A. R. JONES: I move an amendment—

That the word "five" in line 12, page 7, be struck out and the word "two" inserted in lieu.

I cannot understand why any local authority issuing a licence should be averse to permitting a person with more than one vehicle to license them all at the one time. It would be a saving to the licensing authority and to the person concerned. It would also be a greater safeguard and avoid the posting of constant reminders.

The CHIEF SECRETARY: The reason for permitting an owner of five or more vehicles to have all or any of them licensed on the same date is to facilitate the work of the traffic office. If an owner of two vehicles wished to have them licensed on the same date this might apply to a person owning a motorcycle or a motor wagon or it could apply to a person owning a push cycle or motorcycle. The main reason is to spread the work out over 12 months. If the amendment is carried it could upset the internal administration of the Traffic Branch.

Hon. N. E. BAXTER: The argument put up by the Chief Secretary is a very poor one. This paragraph is not mandatory. If the Commissioner of Police thinks it is in the best interests of the owner to have the licence for his two vehicles expire on the same date he could grant that. I cannot understand the Chief Secretary.

The CHIEF SECRETARY: I hope we will make it mandatory one way or the other. We should not say "may" or there will be endless confusion.

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

Clause 6—Section 11 (1) amended:

Hon. A. R. JONES: I move an amendment—

That paragraph (b), in lines 17 to 29, page 8, be struck out.

At present the Act provides for the issue of a licence at half price to the owner of a commercial vehicle connected with the agricultural industry. The reason this concession was granted was that these commercial vehicles operate mainly on the farm. Only at certain times do they cart wheat from the farm to the siding or cart super back to the farm from the siding. They also make one or two trips with loads of wool. These vehicles do two-thirds of their work on the farm. Paragraph (b) seeks to abolish that concession and leave it at the discretion of the local authorities. That would be a bad thing.

As I explained in my second reading speech, one local authority could adopt one idea, while another local authority could adopt another. One could be strict and another could be easy. Many farmers have a property in two road board areas where the boundaries adjoin—some in three—and it would be possible for one local authority to be easy and the neighbouring local authority to give no concessions at all. There would be a traffic in licences where parties could license all vehicles with the one road board. I think it would be hard for a road board secretary to determine who should receive this concession, and why, and I ask members to adopt my amendment.

The CHIEF SECRETARY: The Road Board Association has for a long time wanted one concessional licence only. The Government felt there might be exceptions where there ought to be more than one; and if that were the case, the best judge would be the local authority. As compared with those of the other States, these concessions are generous. In New South Wales 90 per cent. of primary producers are licensed at normal rates. In Victoria there is a sliding scale and it is limited to one vehicle only.

In South Australia there are half rates on one motor wagon only, while in Tasmania 60 per cent. pay normal rates. There are no details from Queensland. At present there are 26,000 concessionally rated primary producers in this State, leading to a loss of revenue of £120,000.

Hon. A. R. JONES: I appreciate what the Chief Secretary has said, and I have no doubt that there are some vehicles licensed at the moment which would not come within the category as set out by the Act. However, we should treat the 95 per cent. fairly, rather than penalise them to include the 5 per cent. It is only reasonable that the farmer who does two-thirds of the running of his vehicle on his property should receive a benefit, because he is only operating part of the time on the road. We must remember that he pays petrol tax on all the petrol used in that vehicle. It is only right and just to allow this concession. If it is left to the discretion of the local authority, I think farmers will be pegged to one concession only.

Some men have three farms in one district with a vehicle on each, and the local authority could say it would give one concessional licence only. Those men would be in the same position as the person operating one vehicle on one farm. No hardship has been caused up to date, and the provision in the Bill is another tax on farmers who are already taxed to the hilt.

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

Ayes	14
Noes	10
Majority for	4

Ayes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. M. Thomson (*Teller.*)

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery (*Teller.*)

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. J. J. Garrigan
Hon. H. K. Watson	Hon. E. M. Davies

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

Clauses 7 and 8—agreed to.

Clause 9—Section 16 amended.

Hon. F. R. H. LAVERY: I intend to oppose this clause, because I consider it contains many anomalies and I cannot understand why it is in the Bill. I could use 20 different examples to show where it would act against the man who sells his vehicle. The person who purchases a block of land is responsible for transfer fees, and I cannot see how this clause can be effective, other than to cause a great amount of inconvenience to the person who sells his car. I oppose the clause.

Hon. J. M. A. CUNNINGHAM: I would like the Chief Secretary to give a reason for shifting the onus in respect to the charge from one person to the other. It is a generally recognised rule concerning transactions such as this that the purchaser pays the transfer fees. This is the only case where the seller will be responsible.

Hon. G. C. MacKINNON: If I traded my car to a motor firm, just when the licence was due to expire, and the firm held it for three or four months, what would be the position, because the licence would have expired by them?

Hon. J. M. A. Cunningham: This refers to transfer, not the renewal of the licence.

The CHIEF SECRETARY: The only explanation I can give is that previously the purchaser of the vehicle was responsible and it was found that in many instances the procedure of transferring was neglected. It is desired by this clause to provide that the seller of the vehicle shall be responsible and not the purchaser. In the instance mentioned by Mr. MacKinnon, he would not be responsible for the fee. It is a transfer of the car from one owner to another, and not the licence. I believe the present practice has caused complications in a number of ways.

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

Ayes	9
Noes	14
Majority against	5

Ayes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. J. D. Teahan
Hon. G. E. Jeffery	(*Teller.*)

Noes.

Hon. J. Cunningham	Hon. G. MacKinnon
Hon. L. C. Diver	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. F. R. H. Lavery	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray (*Teller.*)

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. J. J. Garrigan
Hon. H. K. Watson	Hon. E. M. Davies

Clause thus negatived.

Clause 10—Section 17 amended:

Hon. G. C. MacKINNON: The Chief Secretary did not reply to the second reading debate but said that he would reply to any queries that were raised when the Bill was in Committee. I ask whether he will reply, as he said he would.

The CHIEF SECRETARY: I have not a record of those who asked questions, so I request that they ask them again.

Clause put and passed.

Clauses 11 to 13—agreed to.

Clause 14—Section 23 (4) amended:

Hon. A. R. JONES: I move an amendment—

> That the word "twenty" in line 7, page 21, be struck out and the word "ten" inserted in lieu.

The penalties imposed in the measure are reasonable in most instances, but I do not think this one is. If a person has endorsed on his licence that he must wear a hearing aid or glasses when driving a car, and he does not use them, and is convicted of the offence, the penalty prescribed is £20. This appears to be harsh for a first offence in view of the fact that a person can be convicted of dangerous driving, and even of driving while under the influence of liquor without there being a prescribed minimum. I have seen drivers convicted of driving under the influence of liquor and fined as little as £10.

Hon. R. F. HUTCHISON: It would not matter very much if a man who did not have good hearing drove a car. Horns are not used on cars to any extent now. I

know deaf people, and I would say they would be competent to drive. I do not know why this provision has been included. I would be glad to support a move to provide for no penalty at all in connection with a deaf person driving a car, so long as he is subject to the usual penalties for carelessness and anything else. Deaf people very often are more alert and sensitive than are people with all their faculties. A deaf person is not like a person with faulty sight. I support the amendment though I think the penalty would be better removed in the case of a deaf person.

Hon. G. E. JEFFERY: I agree to the clause as printed regarding the non-wearing of spectacles, but I agree to the amendment in regard to the non-wearing of a hearing aid. I suggest there is a difference between the degree of guilt for not wearing glasses and that for not wearing a hearing aid. If a man who should wear glasses, does not do so, then he is a danger on the road, and the penalty of £20 is not too much. Very often these people are not found until they have an accident and someone has suffered as a result.

It is much harder to pin guilt on a person for not wearing a hearing aid; because people who are deaf do not use the aid, except when they are in conversation with someone else. In between times they turn it off because of the cost of batteries. I think that £20 is not too great a penalty for not wearing spectacles, but it is too much in the case of a person not wearing a hearing aid.

Hon. G. C. MacKINNON: I do not like the clause. There are eye conditions which may not be capable of correction with glasses but which would not be sufficiently defective to worry a person driving a motorcar. My wife has this type of defect—it is not capable of correction, but it does not affect her ability to drive a car. She has been passed. Another good reason for the amendment is that a man might have lost his glasses or be on the way to get them repaired. I would like to see the penalty for a first offence reduced to £5.

The CHIEF SECRETARY: The penalties provided in the measure are maximum penalties. I will not express a view as to which is the more serious—an eyesight defect or a hearing defect—but I know that good hearing is necessary on the roads today if accidents are to be avoided.

Hon. L. C. Diver: What would happen if the battery in the hearing aid went flat?

The CHIEF SECRETARY: The owner would have to take the risk. Mine is a special licence conditional on my wearing glasses, and without them I would be a danger on the road.

Hon. J. M. A. CUNNINGHAM: I am glad to have the Chief Secretary's assurance, as the wording of the clause in relation to the penalties differs from the usual.

The Chief Secretary: Under the Interpretation Act the figure stated must be a maximum.

Hon. J. M. A. CUNNINGHAM: I think defective eyesight is more dangerous on the road than defective hearing.

The Chief Secretary: Section 29 of the Interpretation Act deals with the maximum penalty.

Hon. J. M. A. CUNNINGHAM: Then I am satisfied.

Hon. L. A. Logan: The phraseology here is the same as is used throughout the parent Act.

Hon. A. R. JONES: I realise that what the Chief Secretary has said is correct and I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. J. G. HISLOP: I do not intend to oppose the clause; but I think that in future clauses of this kind should be framed so as to lay down standards as to what is required. The eyesight might be 6/60ths instead of 6/6ths and it might be correctable to about half way between. But what is the standard required? The police eyesight check is not very scientific. We must decide whether a person whose hearing is incapable of improvement by a hearing aid is more dangerous on a road than the person lacking an arm or a leg but who has had his car adjusted. I think the clause is inadequate.

Hon. F. R. H. LAVERY: I agree with Dr. Hislop that the police eyesight test is a simple one, but the person concerned has the right to have a private medical test if the licence is refused. If a driver has had a licence for years and his sight deteriorates until he cannot pass a test, the police order him to see a qualified optician. A man employed by the Fremantle City Council for years was this year refused a licence owing to his sight having deteriorated; but after consulting a specialist in St. George's Terrace, he has now regained his licence. I sought Dr. Hislop's aid recently in relation to a lady whose hearing had deteriorated over the years and who voluntarily surrendered her licence. The Commonwealth department said that she could not be helped by a hearing aid, and so she is excluded from driving and has no appeal. Many bus drivers have for years held their licences conditional on their wearing glasses.

The CHIEF SECRETARY: When one applies for a licence, if one's eyesight is below a certain standard a special licence is issued conditional on glasses being worn, and the licence-holder is examined every year before the licence is renewed.

I do not know what standard would be required in regard to hearing, but no doubt it would be similar to that required in the case of eyesight. The safeguard is there and no hardship would be inflicted on any person who is issued with a special licence after undergoing an examination, such licence to be used only when the driver wears glasses or uses a hearing aid.

Clause put and passed.

Clause 15—agreed to.

Clause 16—Section 25 amended:

Hon. J. M. A. CUNNINGHAM: The amendment that I propose to move is only a small one, but it is something that has probably been overlooked in the past. It seeks merely to give to a traffic inspector the same powers as a member of the Police Force in regard to the apprehension of a driver who is under suspension. In a following clause in the Bill where a similar provision applies to a drunken driver, such power is granted to a police officer or a traffic inspector to apprehend a drunken driver without warrant, so I cannot see any reason why a traffic inspector should not be granted this power in respect to this clause. I move an amendment—

> That after the word "amended" in line 12, page 22, the following be inserted:—
>
> > (a) By inserting after the word "Force" in line 19, Subsection (1), the words "or a traffic inspector."

Hon. L. A. LOGAN: This amendment may place too much power in the hands of a traffic inspector. In my opinion there is a vast difference between a policeman and a traffic inspector in the country. Not all traffic inspectors are fully trained; and after all is said and done, this offence relates only to a person who drives a vehicle without a permit. The amendment will, however, give power to a traffic inspector to apprehend any person without authority, and I think it would be going too far.

Hon. G. C. MacKINNON: I understand that a police officer has some protection at law in the event of his making a wrongful arrest which he cannot sustain, but which, nevertheless, he executes in good faith. Should a traffic inspector have that protection granted to him also? Because if this provision were included in the Act he would need it.

Hon. J. M. A. CUNNINGHAM: In answer to Mr. Logan, I would point out that this offence is considered to be so serious that when the Act was amended in 1951, it provided for a penalty of £100. The clause which I read previously provides for a similar penalty, but it does contain the words "by member of the police or an inspector without warrant." The peculiar position arises, however, that it is principally in the country that a person committing such an offence is apprehended.

Such a driver would be detected in the metropolitan area only if he were apprehended for the commission of some other offence. In a small country town, however, the traffic inspector would know almost everyone by sight, and he would know when a man was under suspension. The omission of these words in this one instance will permit an offender to get away with this offence in the country districts.

Hon. F. R. H. LAVERY: I think the penalty of £100 will make me vote against the amendment. If such a penalty is provided it could only be for an offence that is considered to be serious and where the apprehension of any driver should be carried out by a member of the Police Force. Such jurisdiction should not be given to a traffic inspector who has not the requisite training or authority. Recently, in the Brookton-Beverley area a traffic inspector was dismissed because it was considered he was not the right type for the job and I am sure there are many others of similar calibre throughout the State. Also, we do not want a repetition of the Hardy case.

Hon. J. M. A. CUNNINGHAM: I forgot to answer Mr. MacKinnon's question in regard to the protection at law of a traffic inspector. This provision applies to a driver who is under suspension but who is apprehended whilst driving, but cannot be arrested by a traffic inspector because the latter has not the power. The same answer could be given to Mr. Lavery's question. Although the offence appears to be serious, similar penalties are provided for an offence of drunken driving which implies the importance of the charge; and in such a case the traffic inspector has powers equal to those of a police officer. This is only a small omission, but traffic inspectors are keen to have the anomaly rectified.

Hon. W. F. WILLESEE: If a driver is apprehended, a traffic inspector has the power to call upon a police officer, and therefore he is freed of any responsibility of making an arrest and would not have to worry about the protection to which Mr. MacKinnon referred. A traffic inspector already has the power to follow a car, apprehend the driver and call upon the police should he desire an arrest to be made. All in all, the clause as it stands is quite satisfactory.

Progress reported till a later stage of the sitting.

(Continued on page 3311).

Sitting suspended from 9 p.m. to 11.38 p.m.

BILL—BETTING CONTROL ACT AMENDMENT.

Conference Managers' Report.

The CHIEF SECRETARY: I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—

The managers have agreed not to proceed with amendments Nos. 1 and 2 made by the Legislative Council but to insert the following alternative amendments into the Bill:—

Clause 2, page 2:

Add the following proviso to the interpretation of "Off course turnover" and to the interpretation of "On course turnover":—

Provided, however, that the Commissioner shall have an absolute discretion to decide what is and what is not a bet made by a bookmaker on his own behalf in the capacity of a backer but not in the capacity of bookmaker.

I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

BILLS (2)—FIRST READING.

1, Public Service.

2, Wheat Pool Act Amendment.

Received from the Assembly.

BILL—TRAFFIC ACT AMENDMENT (No. 3).

In Committee.

Resumed from an earlier stage of the sitting. Hon. W. R. Hall in the Chair; the Chiew Secretary in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 16 to which the following amendment had been moved by Mr. Cunningham:—

That after the word "amended" in line 12, page 22, the following be inserted:—

(a) by inserting after the word "Force" in line 19 of Subsection (1) the words "or a traffic inspector,

(b) "

Hon. J. M. A. CUNNINGHAM: I wish to make this point clear. The power of apprehension is given to the police officer or the traffic inspector in respect of offences against the Act, except in the instance I specified. When the principal Act was passed there might have been a reason for this differentiation, but I have not been able to discover it. It might have been an oversight. In all cases, whether they be major or minor offences, the power of apprehension is given to both those officers except in this instance.

The CHIEF SECRETARY: What the hon. member has said may be correct, but I have not had time to check on the information. It would be dangerous to give the power of apprehension to the traffic inspector in this instance. I would be surprised if what the hon. member has said is correct, because in so many respects the power given to the traffic inspector is limited. He has not the power of apprehension outside of his own district.

Hon. J. M. A. Cunningham: Why is the traffic inspector given the power of apprehension in every other instance?

The CHIEF SECRETARY: I have not time to check it up. On page 40 of the Traffic Act the power of apprehension is given only to the police officer and not to the traffic inspector.

Hon. J. M. A. Cunningham: That is the only case where that is done. In other sections of the Act, such as Section 32 (2) this power is given to the inspector.

The CHIEF SECRETARY: That does not mean he is the traffic inspector.

Hon. G. C. MacKinnon: In the definitions the term "inspector" means the traffic inspector appointed under the Act.

The CHIEF SECRETARY: That seems to be definite. What I wish to prevent is some innovation being inserted into the Act.

Hon. J. M. A. CUNNINGHAM: In centres like Kalgoorlie, Boulder and Merredin the traffic inspector is appointed to control traffic. To people who have been accustomed to living in the metropolitan area it may appear strange that the police officer has no power of apprehension in respect of offences against the traffic regulations. He is not given the authority under the Act. In those places a policeman can be driving along a road, but he has no power of apprehension if a motor bike passes him at 70 miles per hour. Where some other offence is being committed the policeman will have the power of apprehension, such as in a motor accident or where a pedestrian is injured, but in respect of speeding he has not that power. Where a traffic regulation is being violated a policeman cannot apprehend the offender. That power is given to the traffic inspector. The police officer is not concerned with traffic regulations in a municipality and if he sees an offence being committed, such as for speeding, he cannot do anything about it.

Hon. J. D. TEAHAN: I do not know that Mr. Cunningham is quite right. I think that a policeman has powers all over the State, but I do not think the Commissioner of Police encourages the police to do anything about these things, except in the cases of drunken driving, because they

are not paid for it. This amendment is to give power to a traffic inspector, and I see nothing wrong with that. The ones I have known have been of good character and quite capable of doing the job they are intended to.

In my district there are a few young hot-headed riders of motorcycles who have been banned from the road because of repeated serious offences. But if they are seen riding while still under suspension, the traffic inspector is almost powerless to do anything about it, whereas a police officer could arrest them.

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

Ayes	7
Noes	16
Majority against	9

Ayes.

Hon. J. Cunningham	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. D. Teahan
Hon. A. R. Jones	Hon. G. Bennetts
Hon. G. MacKinnon	*(Teller.)*

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. E. M. Davies	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. Murray
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. D. Willmott
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. J. M. Thomson
	(Teller.)

Pair.

Aye.	No.
Hon. A. F. Griffith	Hon. J. J. Garrigan

Amendment thus negatived.

Hon. A. R. JONES: I move an amendment—

That subparagraph (ii) in lines 26 to 28, page 22, be struck out.

I consider that it is dangerous for one who is learning to ride a motorcycle to have someone on the pillion seat behind him. I suggest that the pillion rider would be likely to unbalance the learner.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. At present there is no provision in the Act for a person to learn to ride a motorcycle. Where else could a licensed motorcyclist supervising the beginner sit, except on the pillion seat?

Hon. A. R. JONES: I know there is nothing in the Act, as the Chief Secretary said, and that the Bill proposes to remedy that; but if the proposed new subsection is agreed to, without this subparagraph, the licensed driver will be able to sit in a sidecar attached to the motorcycle ridden by the learner, or ride another motorcycle alongside the learner, and thus keep him under supervision. Those are wise attempts to place the learner under some sort of supervision.

It would be a dangerous practice to sit on the back of the cycle. If it had a sidecar the licensed driver could ride in that or else the learner could team up with a licensed driver riding alongside him while he was learning. It is better to risk one life than to risk two lives. If a person cannot ride a motorcycle on his own he has less chance of riding it with someone sitting on the pillion seat behind him.

The Chief Secretary: He would have no control over the learner if he was on another machine, but he would have some control over him if he were on the same machine.

Hon. A. R. JONES: Apparently the Chief Secretary has not had much experience of riding on a pillion seat, because he would have no control.

Hon. G. C. MacKinnon: He could lean over.

Hon. A. R. JONES: And then they would both fall off.

The Chief Secretary: He could advise the learner.

Hon. A. R. JONES: I think I have said sufficient in favour of the amendment.

Hon. F. R. H. LAVERY: I do not know whether Mr. Jones has visited one of these motorcycle riding schools, which the late Mr. Harry Hearn used to talk about so much; but when these boys first start to learn, they sit on the bike while it is on a stand and they are taught the fundamentals of handling the controls. Then one of the teachers gets on the pillion seat and the learner rides the bike slowly around the yard. I think the amendment is unnecessary.

Hon. G. C. MacKINNON: My objection is not to the person riding on a pillion seat but to the fact that pillion seats are permitted. It would be better to prohibit pillion seats as separate entities and enforce the provision of the double seat, or the one long seat, so that the pillion rider sits right up on the rider.

Hon. F. R. H. Lavery: They are still called pillion riders.

Hon. G. C. MacKINNON: The pillion seat is generally recognised as a separate seat. If the person on the pillion seat is sitting sufficiently close to the driver he would have a considerable amount of control because he could hold the driver and they could lean as one unit whereas if one leans one way and one the other there could be disastrous results. After all, a man has to get a learner's permit and so the constable would have some responsibility to see that the teacher had a certain amount of commonsense. We have to have some section in the Act to cover people learning to ride; and, after all, the first thing a learner does when he gets his licence is to race home and take his

mates for a ride on the pillion seat to show how good he is. I agree with the Chief Secretary on this matter.

Hon. L. A. LOGAN: I agree with Mr. MacKinnon when he says that the double seat is safer than the pillion seat. It is not long since the police were stopping motorcyclists if they had someone on the pillion seat who was sitting close up to them and hanging on to them. The police soon discovered that it was a mistake and the closer the pillion rider sat to the rider the safer it was. But I do not agree with Mr. MacKinnon about the pillion rider having control over the bike. He would not be able to control the brake, the throttle or the steering, and they are the three essentials. If something started to go wrong and the pillion rider attempted to lean over and take control, they would both be in the soup.

Hon. G. C. MacKinnon: The pillion rider could talk to the learner.

Hon. L. A. LOGAN: What would be the good of talking to him! He would only get into a shemozzle. Mr. Jones's next amendment on the notice paper, as regards the teacher riding alongside the learner, is a much better idea. I was one of those mugs who attempted to ride a bike with a pillion passenger the first time I rode. It was a mistake. I drove down town and got my licence straightaway, but I did not have control of the machine. I can visualise it now. If the policeman had tested me with a pillion rider, I would not have been given a licence. It would only cause trouble to allow a raw recruit to have a pillion passenger.

The Chief Secretary: He would be in more trouble if he did not have someone to tell him what to do.

Hon. L. A. LOGAN: If he had someone riding alongside him he could be told what to do. After all, he would have been given some instruction before he tried to ride the bike, and if we had a clause to cover that aspect in the Bill there would be some sense in it.

Hon. N. E. BAXTER: I do not know whether I am dumb or not, but I cannot see the necessity for these provisions.

The Chief Secretary: Chop them all out!

Hon. N. E. BAXTER: The Chief Secretary has not given us any information as to how many accidents have occurred with learners. I would say that the majority of accidents occur 12 months after these chaps get their licences, when they start going mad with their hot rods.

Hon. H. K. Watson: With pillion passengers.

Hon. N. E. BAXTER: I do not know of one serious accident that has occurred to a learner. I can remember a chap in West Perth when I was younger. He learned to ride his motorcycle there and he became so proficient that he could ride it by standing on the seat; he was one of the best trick riders in this State. He did not have a serious accident as a learner, and I do not know of any learner who has. I think the Chief Secretary has put up a lot of eye-wash.

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

Ayes	....	....	....	8
Noes	....	....	....	16
Majority against			....	8

Ayes.

Hon. N. E. Baxter	Hon. J. M. Thomson
Hon. L. C. Diver	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. R. C. Mattiske
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. F. Hutchison
	(Teller.)

Amendment thus negatived.

Hon. A. R. JONES: I move an amendment—

> That after the word "learner" in line 30, page 22, the following be added:— who shall at all times ride on the left of accompanying licensed motor cyclist.

I think it would be safer if the person who had a licence rode on the outside—that is, nearer the traffic—and the learner on the inside, or on the left.

Amendment put and passed.

Hon. N. E. BAXTER: This is an astounding clause. Who is to say what type of motorcycle a person should learn on? The learner's permit should be issued irrespective of the class of motorcycle. There is no difficulty at all in learning how to ride a motorcycle, and I do not think the Chief Secretary or the Police Department can substantiate the need for this provision. It is different in the case of a motorcar where the person sitting next to the learner has some control. If a person buys a 250 c.c. or a 500 c.c. motorcycle, is the Police Department going to tell him on what type of motorcycle he shall learn?

Hon. R. C. MATTISKE: I would like the Chief Secretary to define the word "class."

The CHIEF SECRETARY: I think it refers to the power of the motorcycle. It would be better if learners were limited to a particular class until they were able to ride. When they could ride one type of motorcycle, it would be easier for them to ride another.

Hon. L. A. LOGAN: If I went into a shop tomorrow and bought a 500 c.c. motorcycle and then asked for a permit to learn to

ride, would I have to borrow a 250 c.c. motorcycle on which to learn, or would I get a permit for a 500 c.c.? When one gets a licence to drive a car it is not a licence to drive a Ford Prefect or a Pontiac. It is a general licence.

The CHIEF SECRETARY: The hon. member would not get a licence at all; he would get a learner's permit. He would first have to demonstrate that he could manage a machine, after which he would be given a licence.

Hon. N. E. BAXTER: The Chief Secretary is deliberately misconstruing the points raised by Mr. Logan.

Hon. L. A. Logan: Is it not a licence? Of course it is!

Hon. N. E. BAXTER: If I buy a 500 c.c. motorcycle and ask for a learner's permit, am I going to be told that I must not learn on a 500 c.c. motorcycle but that I must obtain a 250 c.c. motorcycle for the purpose? If two people bought two motorcycles, one a 500 c.c. and the other a 250 c.c., would they be given permits to ride different types of motorcycles?

Hon. F. R. H. LAVERY: I thought I was probably one of the dumbest members in this Chamber, but I am satisfied that the palm now passes to Mr. Baxter. The whole position is quite plain. When one gets a licence, an endorsement will be made indicating that the learner will be riding a 500 c.c. motorcycle or a 250 c.c. motorcycle, depending on the type he had bought. When he had learnt to ride he would then get a general licence.

Hon. N. E. BAXTER: I have no doubt that Mr. Lavery is as dumb as he says he is. When a licence is issued there is no mention of horsepower and when it is issued for a motorcycle it is a final licence—it is a licence to ride a motorcycle. The clause is too silly for words.

Hon. G. C. MacKINNON: I agree with Mr. Baxter. Because the clause is so silly I think the more subclauses we have written into it, the better. People have no trouble in learning how to ride motorcycles. They probably start with a push-bike where they are able to find their balance and then go on to a motorcycle. The provisions contained in this clause will encourage the breaking of the law because the person with a cycle of lower horsepower will be tempted to learn on one of a greater horse-power.

Hon. F. J. S. WISE: I move—

That the question be now put.

Motion put and passed.

Clause, as amended, put and a division taken with the following result:—

Ayes	12
Noes	12
A tie	0

Ayes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. R. C. Mattiske
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. H. K. Watson
	(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative.

Clause, as amended, thus negatived.

Clause 17—agreed to.

Clause 18—Section 32 amended:

Hon. J. G. HISLOP: I move an amendment—

That the following be inserted on page 26 to stand as paragraph (a):—by adding the following proviso to Subsection (1):—

> Provided that it shall be a defence to a first offence to a charge under this subsection in respect of a person under the influence of drugs to prove that such drugs were taken by the person pursuant to the prescription of a duly registered medical practitioner or administered to the person by such a practitioner in the course of treatment for or in prevention of disease from which such person suffers or is likely to suffer.

This amendment applies to a person who is afflicted with a chronic illness and who may quite unsuspectingly have a reaction to a drug and find himself unable to handle a car. I desire to give such a person a chance to prove his innocence of wilfully driving in a dangerous manner when he has reacted unfavourably to treatment given by a registered medical practitioner for some particular purpose. The individual may be given an injection of typhoid vaccine and before he reaches home he becomes dizzy and faint, but continues to drive his car, almost unaware he is doing so. I do not want to protect an individual who continues to commit this offence, but only suggest it should be a defence to a first offence so the genuine person overtaken by a medical emergency can appeal on those grounds.

From my reading of the clause it appears to mean that if an individual stood guilty of driving under the effects of drugs, he would have his licence automatically suspended for some period, which might be a very severe punishment to the individual

who, through no fault of his own, offended against the Act. I want to make it quite clear that I do not want to support an individual who perpetuates this offence.

The individual who claimed he had committed this offence while under the influence of drugs, taken as laid down in the amendment, would still be liable to a suspension of licence by the magistrate because, under the parent Act, it could be decided that he should not have been driving the vehicle. However, this amendment will give an individual an opportunity to offer this defence on the occasion of a first offence.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. There is nothing in the proviso to indicate how it would be proved the person took the drugs in the manner prescribed by the medical practitioner. Nor is there any provision that the medical practitioner shall advise the person that he would be incapable of driving a vehicle. No one could prove whether or not the drugs were being taken in accordance with the instructions of a medical practitioner. He should be prohibited from driving a vehicle whilst under the influence of drugs.

Hon. J. G. HISLOP: There has been no attempt on my part to suggest that a person who commits this offence on more than one occasion should be given any latitude. A man may have been a diabetic for years; and if he delays having a meal, he may be affected by a low blood sugar which would have the effect of allowing him to commit this offence. However, having been warned of this possibility happening to him, he realises he must not allow himself to be in a position wherein this could occur, as he would then leave himself open for the bench to decide he was not in a fit state of health to drive a car. A lot of people take modern drugs these days which have a certain amount of effect on odd occasions.

I think we have to be reasonable about this and give an individual an opportunity of defending himself. The Chief Secretary asked: How is it to be known that they took this according to the prescription? The prescription must be produced. The pharmacist who made it up would have a copy. Medical evidence could be called to say whether or not the drug would be the cause of the temporary inability to drive a car. In framing legislation, we have to be careful that the innocent individual is not penalised equally with the one who is negligent in his approach to the law.

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

Ayes	18
Noes	6
Majority for	12

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. F. J. S. Wise
Hon. G. MacKinnon	Hon. F. R. H. Lavery
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. H. C. Strickland
Hon. E. M. Davies	Hon. J. D. Teahan
Hon. G. E. Jeffery	Hon. G. Fraser
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. A. F. Griffith	Hon. J. J. Garrigan

Amendment thus passed.

Hon. J. G. HISLOP: I move an amendment—

That the following be inserted on page 26 to stand as paragraph (b).

(b) by deleting the proviso to Subsection (2) and substituting the following:—

Provided that immediately after such person is charged the person laying the charge shall inform the nearest relative of the person charged and further the person charged shall be granted the facility to contact this relative.

When a person charged under this section is suspected of being under the influence of alcohol it is mandatory that he be afforded the right and facility, if he requests it, to be examined by a medical practitioner.

When a person charged under this section with being under the influence of alcohol denies such charge, he shall, if he agrees, be taken to the nearest hospital at which facilities exist, for the purpose of having a blood alcohol test taken by a medical practitioner at that hospital.

When a person charged under this section claims that his condition is the result of the use of drugs in conformity with the prescription of a medical practitioner or of being the result of treatment by a medical practitioner, he shall without undue delay be examined by a medical practitioner or taken to the nearest hospital where facilities exist for the investigation of such a claim.

When the Court before whom a person is charged is of the opinion that the person charged

was not under the influence of alcohol when the alleged offence was committed, it may hear the charge in camera and order that publication of any report of the proceedings before the Court is unlawful and prohibited except the same be made by any person in the performance of his official duties pursuant to this Act or regulations.

In general I have attempted to give the individual who has been charged with drunkenness or driving under the influence of drugs, a chance either to see that he is given justice, or to ensure that steps are provided to allow him to deny the charge, and also to see that modern methods are used in order to prove that he was suffering from alcohol.

In regard to the first portion of the amendment I might say that everyone I have spoken to around the House, and another place, knows of individuals who have been arrested but have not been allowed to communicate with relatives. Such a person might be in danger of being charged with alcoholism when there is some other cause for his condition that would be known to his relatives. It is possible that the accused person would not be capable of contacting the relatives. Realising that the true relationship of the police to the public is that of guardian rather than judge and executioner, the person laying the charge should inform the nearest relative of the person charged.

With regard to the second portion of the amendment, if there is any doubt about the condition of a person, as a last resort the district medical officer should be called in. Also, in Perth, the person could be taken to the public hospital and there examined by medical officers who would be completely without prejudice in relation to him, and where he could have a complete test made by the most modern scientific methods.

A person charged may claim that his condition is due to drugs. He may mistakenly have taken an overdose, and the fact that he has committed the offence should be secondary to his own life's interest. He should be examined or taken to a hospital where his claim could be investigated.

The final paragraph of the amendment has been included for the protection of the individual. I have discussed this matter with several justices, and one of them told me that he had long asked for this to be made possible, because, he said, it does not matter whether a man is being charged with being under the influence of alcohol or liquor, there is still the question of stigma; and in some cases no stigma should exist. It is quite wrong that in the case of a man's first offence, publication should be made of his disabilities, and his reputation endangered.

The MINISTER FOR RAILWAYS: The first paragraph of the amendment could cause a lot of unnecessary expense as there are many new Australians in our community whose nearest relatives might be in Europe, and to inform them would serve no purpose.

Hon. E. M. HEENAN: I think there is a great deal of merit in the amendment because there is considerable difference between a degree of alcoholism which would render a person incapable of driving a vehicle and that which would make him drunk. Society looks down on a person convicted of such charges, as motor-vehicles are very dangerous in the hands of anyone not absolutely capable.

I have no sympathy for the person who takes a vehicle on the road when incapable through the use of drugs or alcohol and risks causing damage or injury. However, a young and enthusiastic police officer could mistakenly arrest a person whose breath smelt of liquor and who might be affected by the accident in which he had been involved and that person might not get a fair trial and he could lose his job and have his reputation damaged for all time. I believe that at times people do not receive a fair trial in such circumstances and I have also heard that people charged have been refused facilities to get in touch with friends or medical advisers. In regard to informing the relatives, the difficulty could be overcome by including the words "where practicable."

The last paragraph, which proposes that the charge be heard in camera, is impracticable, although the court could perhaps direct that the name of the person be not published. The difficulty there would be that the name would probably have been published when the person was arrested and charged. I support the amendment.

The CHIEF SECRETARY: I think there is some merit in portions of the amendment. I believe the difficulty in the first paragraph could be overcome by using the words "shall inform a relative or friend nominated by the person charged."

Hon. J. G. Hislop: I would accept that.

The CHIEF SECRETARY: There should be provision for the person to contact relatives or friends. In regard to the last paragraph the court would not know, until it had heard the evidence, whether the person charged was under the influence and so the case could not be heard in camera.

Hon. J. G. Hislop: They would know because the charge would be one of using drugs. The section deals with alcohol and drugs.

The CHIEF SECRETARY: But the case would be heard before they knew whether he was guilty. I have heard complaints

about the treatment of people arrested and charged and I think we should include provisions to remove abuses of that sort.

Hon. C. H. SIMPSON: Drunken driving is a serious offence and heavy penalties are provided to protect the public. This amendment might help to protect a person charged, who has something to be said on his behalf. As a legal adviser might be a more important figure than a medical practitioner in regard to protecting a man's rights, I think there should be provision for the person charged to be able to contact a legal adviser, and especially as I have heard of instances where such persons have been refused permission to see a solicitor. The difficulty could be overcome by adding at the end of the second paragraph the words "and contact a legal adviser." At the same time, it is just as important that the law should take its course for the protection of the general public. Therefore, I think that such a proposal could be embodied in Dr. Hislop's amendment very easily.

Hon. F. R. H. LAVERY: I should imagine that those provisions in the Act which relate to the charge of drunken driving are probably the ones that cause more concern to the authorities than any other. It would be better, in the society in which we live today, to try to give all sections of the community an equal and fair answer to the problem. As a result of reading the reports in the Press, I know that there are many drunken driving charges heard in our courts. I also know that the fines are fairly severe and that the defence pleas are numerous and varied. Because of that, I think that the amendments proposed by Dr. Hislop have a great deal to commend them. I know from experience that once a person is arrested on a charge of drunken driving, he can say that he has done this, that or the other; and who is to know whether his statements are correct if one does not know the degree of his supposed drunkenness when arrested?

In my opinion, there are two types of men who are arrested on a charge of drunken driving. One is a man who is incoherent and incapable of controlling his actions and may have received all the courtesy and help possible; and yet, when he is again in a sober state, will deny that he received such help. The other is one who is not so greatly affected by alcohol that he does not know what he is doing or does not know the offence with which he has been charged. He is the one who also knows that he has some rights. However, it is generally known that such rights are often denied to a man who is charged with drunken driving.

I am anxious to do all that is possible to assist such a man, and I am sure that these amendments will achieve the object, not only of assisting him but also of assisting the police officers who have been responsible for his apprehension. Such a provision may also assist in getting him out of his trouble and, finally, will ensure that the penalties imposed upon him will be fair and equitable.

Mr. Simpson also made a telling point. Some very severe penalties are inflicted on a person convicted on charges such as this, and therefore every opportunity should be given to him to prove himself innocent no matter what it might cost the State. Firstly, a person so charged has to bear the stigma of being charged and apprehended by the police; secondly, he has to pay the monetary penalty that may be inflicted upon him; and thirdly he runs the risk of being deprived of the use of his vehicle for a cretain period, or for all time.

I would not give a driver a second chance if he were found guilty of driving whilst drunk. If he was incapable of handling his vehicle and was likely to cause the death of another person by driving it, I do not think that he should be shown any leniency whatsoever. The first paragraph of Dr. Hislop's amendment should be accepted because every facility should be made available to the person charged to contact his nearest relative. I agree also with the next paragraph, which provides that the person so charged shall be examined by a medical practitioner if a request is made for such examination.

The Chief Secretary: We are not worried about the man who is incapable of asking for a friend or relative to be sent to him. We are trying to protect the innocent man.

Hon. F. R. H. LAVERY: It could be that he would not know that he possessed such rights. The third paragraph of Dr. Hislop's amendment provides that the person charged with the offence shall be taken to the nearest hospital in order that his reflexes may be tested, and that he may be submitted to a general examination. In the fourth paragraph, where mention is made of the condition of the person so charged being due to the administration of drugs, it is also suggested that he be taken to the nearest hospital for medical examination; and I consider that is a very sound provision. In the last paragraph it is proposed that a person charged with the offence of drunken driving should be granted some leniency in regard to the publication of the proceedings concerning the hearing of the charge.

The system under which a number of men are charged with the offence of drunken driving needs some clarification. If a man is curled up in the back seat of his car trying to sleep his drunkenness off, he should not be charged with drunken driving. He could be charged with being drunk and placed in the lock-up if necessary; but he should not be charged with

the more serious offence of drunken driving and have his vehicle impounded, plus the possibility of having a very heavy penalty inflicted on him.

Hon. J. G. HISLOP: In order to make the work of the Committee a little easier, I am quite prepared to accept the amendment proposed by the Chief Secretary. I am pleased that the Committee is agreeable to my amendments but I would like to withdraw subparagraph (5). This may make the amendments more acceptable to the Committee.

Progress reported.

BILL—BETTING CONTROL ACT AMENDMENT.

Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the conference managers' report.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 5, 6 and 12 made by the Council and had disagreed to Nos. 2, 3, 4, 7, 8, 9, 10, 11, 13, 14 and 15.

BILL—VERMIN ACT AMENDMENT (No. 1).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendments made by the Council.

House adjourned at 1.33 a.m. (Friday).

Legislative Assembly

Thursday, 13th December, 1956.

CONTENTS.

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

VOTES AND PROCEEDINGS.

Correction.

The SPEAKER: I draw members' attention to the fact that an error has been noted in the printed Votes and Proceedings for Tuesday, the 11th December. It appears therein that the member for Moore was appointed as a manager from this House to the conference sought on the Betting Control Act Amendment Bill. I wish to correct this error as it was the member for North Perth who was so appointed.