given to altering the staff arrangements, by appointing two additional stationmasters, one on each of those lines.

I know the Minister will not mind my criticism, because it is meant to be made in a constructive way. Before resuming my seat I would like to take this opportunity of extending to you, Sir, my congratulations on your elevation to the position of Speaker of the Chamber, and to wish you every success and enjoyment in the position you hold.

Debate adjourned, on motion by Mr. I. W. Manning.

ADJOURNMENT OF THE HOUSE

MR. BRAND (Greenough — Premier) [9.30 p.m.]: Before I move the adjournment, would you permit me, Mr. Speaker, to remind members that they should have their Address-in-Reply speeches ready so that the debate is not delayed any longer than is necessary. We will cross those bridges as we come to them. I move—

That the House do now adjourn.

Question, put and passed.

House adjourned at 9.31 p.m.

Legislative Council

Wednesday, the 7th August, 1968

The PRESIDENT (The Hon. L. C. Diver) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (14): ON NOTICE

MANNING HIGH SCHOOL

Student Accommodation

1. The Hon. C. E. GRIFFITHS asked the Minister for Mines:

   (1) Will the new Manning High School be sufficiently completed in time for all the first-year students to be accommodated at the commencement of the 1969 school year?

   (2) If the answer to (1) is "No," what arrangements will be made to accommodate those students affected?

   The Hon. A. F. GRIFFITH replied:

   (1) Yes.

   (2) Answered by (1).

COUNTRY HIGH SCHOOLS

Technical Training and Apprenticeships

2. The Hon. G. E. D. BRAND asked the Minister for Mines:

   (1) Is the Minister aware that, where secondary education has been provided up to third-year high school standard in the country provision has only been made for children with academic ability?

   (2) Will the Minister please advise if the position has ever been examined with a view to the instruction of other students in technical subjects and the training of apprentices?

   The Hon. A. F. GRIFFITH replied:

   (1) High schools in country areas do make provision for students other than those with academic ability. The full range of courses, including commerce, trades and, in some cases, agriculture, is available according to the demand.

   (2) Yes. Where numbers warrant classes may be established under the technical division.

RAILWAYS

Dining Charge on "Westland"

3. The Hon. J. J. GARRIGAN asked the Minister for Mines:

   Is it a fact that a person joining the *Westland* at Tammin and travelling east to Kalgoorlie, is charged $1.50 for dinner, when it is impossible to serve a meal as the dining car is detached at Cunderdin?

   The Hon. A. F. GRIFFITH replied:

   Yes. This is explained by the fact that all passengers travelling interstate from stations between Perth and Kalgoorlie, Kalgoorlie excluded, are charged a common fare which includes sleeping berth fee and meal.

EDUCATION

High Schools: Pre-vocational centres

4. The Hon. R. F. CLAUGHTON asked the Minister for Mines:

   (1) What educational objects or needs are the pre-vocational centres instituted in some high schools, such as Mirrabooka High School, designed to fulfil?

   (2) (a) Are the courses in such centres available only to a defined section of a school population; and

   (b) if so, what are the limitations?

   (3) (a) Are the courses elected; and

   (b) if not, is it intended to make them elective either for—

   (i) a defined section of the school population; or

   (ii) the whole school population?

   (4) (a) Which pre-vocational centres provide courses outside normal school hours;

(b) is it the intention of the Education Department to open all such centres for evening or night classes; and

(c) if not, for what reasons?

The Hon. A. F. GRIFFITH replied:

(1) Pre-vocational centres are designed to introduce students in certain courses to a wide range of vocational interests, so assisting in the most satisfying job selection at the completion of schooling.

(2) (a) Yes, for the time being.

(b) At the present time the limitation is for students taking the High School Certificate course. However, this limitation may be varied in individual schools.

(3) (a) The courses are experimental and are available only in certain schools. The policy as to whether they will be elective will be determined as the experiment develops.

(b) Future policy is under consideration.

(4) (a) None.

(b) They could be used if a demand existed.

(c) Answered by (b).

STANDARD GAUGE RAILWAY

Koolyanobbing-Kwinana: Transport of Iron Ore

5. The Hon. R. H. C. STUBBS asked the Minister for Mines:

With reference to the transport of iron ore from Koolyanobbing to Kwinana on the standard gauge railway line—

(a) has Australian Iron & Steel Pty. Ltd. made any representations to the Government to have the undertakings implicit in the provisions of the B.H.P. Agreement Act No. 67 of 1960, varied in regard to the use of the rail facilities for the transport of iron ore;

(b) if the reply to (a) is "Yes," what has the company proposed?

The Hon. A. F. GRIFFITH replied:

(a) No.

(b) Answered by (a).

TRAFFIC

Accidents: Secondary Roads

6. The Hon. S. T. J. THOMPSON asked the Minister for Mines:

(1) With reference to a statement in the Press where the Minister for Police is quoted as saying that his department is more concerned with the accident rate on secondary roads than on the main highways, will he advise whether the term "secondary roads" used, referred to all roads other than main highways, or only to the roads classed as secondary by the Main Roads Department?

(2) Could the Minister provide figures of fatal accidents in the country areas for the six months ended the 30th June, 1968, giving details as to the type of road—

(a) main highways;

(b) secondary or other roads;

on which they occurred?

The Hon. A. F. GRIFFITH replied:

(1) My statement referred to my concern that many accidents were occurring on secondary or minor roads where graduated speeds, such as now applying on most major roads in the south-west, had not yet been introduced and the only restriction was the blanket limit of 65 m.p.h., even though many of these roads were obviously unsuitable for travelling at 65 m.p.h.

(2) (a) 50.

(b) 27.

EDUCATION

Students' Accident Insurance

7. The Hon. F. R. WHITE asked the Minister for Mines:

(1) What automatic accident insurance is available to primary and secondary children attending State schools, during school hours?

(2) Is the State Government Insurance Office students' accident insurance available to children attending private schools?

(3) If the reply to (2) is "Yes," what are the premiums charged for children attending—

(a) State schools; and

(b) private schools?

(4) What other insurance companies have similar schemes, and what are the premiums charged by each?

(5) What profits (if any) were made by the State Government Insurance Office from the students' accident insurance for each of the financial years 1965 to 1968, and what was the revenue from this source for each of those years?

(6) What happens each year to any surplus revenue from this scheme?

The Hon. A. F. GRIFFITH replied:

(1) There is no automatic accident insurance available but all students can be covered under the students' accident insurance with the State Government Insurance Office.

(2) Yes.

(3) Premiums are the same for both State and private schools. These premiums are:—

Primary schools	Full benefits	$2.30 per student	
	Half benefits	$1.15	„ „
All other students	Full benefits	$3.50	„ „
	Half benefits	$1.75	„ „

(4) The Commonwealth General Assurance Co. operates a scheme similar to that of the State Government Insurance Office and at similar rates. Details of other companies which may offer this type of policy are not known.

(5)

	Surplus	Deficit	Revenue
	$	$	$
1964–65	20,932	....	102,456
1965–66	18,557	....	100,519
1966–67	7,463	....	96,205
1967–68	....	2,607*	88,070*

* Estimated.

(6) Surpluses are credited to office reserves. Prior to 1964-65 deficits had been incurred and the accumulated loss on the account to the 30th June, 1967, was $26,436.

FITZGERALD SCHOOL

Insurance and Replacement

8. The Hon. E. C. HOUSE asked the Minister for Mines:

(1) Is the Minister aware that the new Fitzgerald School was destroyed by fire on the 2nd August, 1968?

(2) Does the Public Works Department carry its own insurance on school buildings and equipment?

(3) If the answer to (2) is "Yes," will the claim funds be expended on immediate replacement of a new permanent school?

(4) If the answer to (2) is "No," will Treasury funds be made available immediately for the rebuilding of the school?

(5) What insurance provision has the department for equipment, bought by the local Parents & Citizens' Association, that was lost in the fire?

(6) Will the parents be compensated for the loss of children's school books?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) Yes, through the Insurance of Public Buildings Trust Account.

(3) Yes.

(4) Answered by (3).

(5) The Education Department has a policy to cover such a loss to the extent of a $2,000 claim.

(6) Claims will be given consideration.

STATE BATTERIES

Ore Crushed in Last Two Years

9. The Hon. J. J. GARRIGAN asked the Minister for Mines:

What was the total tonnage of ore crushed at all State Batteries in Western Australia during each of the financial years ended—

(a) the 30th June, 1967;

(b) the 30th June, 1968?

The Hon. A. F. GRIFFITH replied:

(a) 33,639.25 tons.

(b) 23,765.3 tons.

ROADS

Leonora-Wiluna Section: Upgrading

10. The Hon. G. E. D. BRAND asked the Minister for Mines:

(1) In view of the growing importance of the main road north of Leonora to Wiluna and beyond, and recognising the excellent work of the Main Roads Department, does the Government consider that the funds allocated are sufficient to meet the cost of work required to make the road an all-weather highway?

(2) Because of the growing tourist traffic, and the large quantity of semi-trailers using the road, will the Government investigate the possibility of a special grant for the purpose of upgrading this road to the desired standard?

The Hon. A. F. GRIFFITH replied:

(1) It is known that there has been a build up of traffic in recent years on this important secondary road which is the responsibility of the respective local authorities. The funds allocated by the Main Roads Department are considered to be sufficient to meet the present day traffic demands.

(2) Answered by (1).

11. *This question was postponed until Tuesday, the 13th August.*

RAILWAYS

Grain and Wool: Freight Rates

12. The Hon. R. H. C. STUBBS asked the Minister for Mines:

(1) In regard to the transport of grain and wool on the Western Australian Government Railways, what are the freight rates per ton or ton mile for—

(a) grain,

(b) wool?

(2) What is the cheapest method obtainable in grain and wool transportation on the Western Australian Government Railways?

The Hon. A. F. GRIFFITH replied:

(1) Freight rates for the average distance of haul in the 1967-68 year—176 miles:

(a) Grain—

Wagon loads—$5.40 per ton.
2 tons—$8.35 per ton.
Less than 2 tons—$10.10 per ton.

(b) Wool—
Minimum 1 ton—$12.97 per ton.
Less than 1 ton—$15.36 per ton.

(2) Answered by (1).

13. *This question was withdrawn.*

HOUSING

Land in Mitchell Street, Bentley

14. The Hon C. E. GRIFFITHS asked the Minister for Mines:

(1) Is the State Housing Commission negotiating with the Canning Shire Council for the exchanging of approximately five acres of land owned by the shire in Mitchell Street, Bentley, for an equivalent area owned by the commission at the end of Baldock Street, Bentley?

(2) If the answer to (1) is "Yes," will the Minister advise—are there any conditions being sought on the use or zoning of the land in Mitchell Street by the State Housing Commission, and if so, what are the conditions?

The Hon. A. F. GRIFFITH replied:

(1) Yes.

(2) The commission desires to utilise the land for medium density development on the same basis applicable to the land being exchanged.

ADDRESS-IN-REPLY: FIFTH DAY

Motion

Debate resumed, from the 1st August, on the following motion by The Hon. F. R. White:—

That the following Address be presented to His Excellency:—

May it please Your Excellency: We, the members of the Legislative Council of the Parliament of Western Australia, in Parliament assembled, beg to express our loyalty to our Most Gracious Sovereign and to thank Your Excellency for the Speech you have been pleased to deliver to Parliament.

THE HON. I. G. MEDCALF (Metropolitan) [4.48 p.m.]: Mr. President, could I be permitted to add my congratulations for the honour which has been bestowed on you in having been reappointed to the Presidency of this Chamber. From what I have heard, and from the kindness and courtesy you have shown me, I am sure you enjoy the complete confidence of members.

I should also like to thank The Hon. W. F. Willesee for his kind remarks which were addressed to the new members, and particularly for those remarks addressed to me. As my friends—the new members—have already said, this is a time when one does feel one needs the support of one's fellow members, and it is pleasing for a new member to be received in this fashion.

I should like to support the motion which was so ably moved by The Hon. F. R. White. Before proceeding with what I propose to say, I should also like to refer to my predecessor in office, Sir Keith Watson. He was very well known to me as, of course, he was to all members of this House. He always impressed me tremendously with his knowledge and his grasp of fiscal matters, and with his extremely accurate knowledge of financial subjects having regard to Commonwealth-State financial relations. He was an able man and his integrity was beyond question.

I first heard of him many years ago, at the age of 16, when I was a student at school and he was conducting the secession campaign. He had proceeded to London with a delegation to put before the House of Commons a motion that Western Australia should secede from the Commonwealth. I must confess that even at that age I did not concur in the motive behind the secession campaign. I have never felt it was particularly appropriate to Australia's growing and developing position in this part of the world. However, in that respect my opinion differed from that of my father. He was completely and absolutely behind Mr. Watson's motion in that respect, but I suppose generations will always differ a little in their approach to various matters and I have come to realise the importance of Sir Keith Watson's activities at that time, and how they contributed to an understanding of Western Australia's position by the rest of the Commonwealth. I feel he made a substantial contribution to the awakening desire and the realisation on the part of the Commonwealth of the need to cater for Western Australia's rather particular requirements. I think, by and large, in departmental matters, we have received basically equal treatment ever since.

I must say, in paying this tribute to Sir Keith Watson, I would not like it to be thought that I am in any way foolish enough to think that I am a replica of

him. I am not in any sense of the word. However, I hope I shall be able to make a small contribution from time to time to the debates and deliberations of this Chamber. I wish Sir Keith well in his retirement, as I am sure does every member in the Chamber.

Today I wish to speak on the subject of law reform. This is a vast and important subject and it has been dealt with on many previous occasions of which I am aware, both in the general and in the particular sense. A great deal has been written about the subject and a great deal has been talked about it; and when I say, "in the particular sense," I mean in respect of particular Acts of Parliament or in respect of particular laws.

I want to deal briefly with the history of modern law reform, and then I wish to refer to the activities of the Law Society in this regard in recent years in Western Australia, and perhaps deal with one or two aspects of law reform which I think are important to bear in mind when any questions involving the revision or reform of the law come up.

Perhaps one of the most significant utterances on the subject was made in the year 1828 by Lord Brougham, who was then Lord Chancellor. He spoke on the subject in the House of Lords for no less than six hours. I do not propose to weary the House by speaking for anything like that period, so you may rest assured, Mr. President, that I will try to deal with the essentials of the subject only.

Lord Brougham's speech was significant at the time because there was then a real need for law reform in government and, as a result of his remarks, he deeply impressed the Government and the public, and the Press at the time, and an agitation commenced for law reform which resulted in the passage of a number of significant pieces of legislation. Various commissions were set up during the nineteenth century, the majority of them directly resulting from the activities of Lord Brougham and others. They carried out various reforms of specific subjects, including whole sections of the law.

The Lord Chancellor had criticised the series of separate jurisdictions which existed in those days, and the fact that the law, one might say, was in a series of watertight compartments—if one got into one compartment one could not conveniently get into another—the fact that there were no county courts—what we know as local courts—and the fact that there was an archaic system of pleading—a mass of anachronistic rules which were quite out of touch with the thinking and needs of contemporary society.

Many of the reforms which were introduced in England during the nineteenth century were copied by or adopted in Western Australia; and, of course, in those days, as was the position in other States, the practice was simply to adopt holusbolus the Acts of the English Parliament. In fact, so prevalent was the practice that on one occasion a draftsman in the South Australian Legislature, in coyping one of the English Statutes, was so faithful to his task that he even copied the last section which said, "This Act shall not apply to Scotland."

So in any event many of the laws that were passed in England were adopted in Australia without any change. I suppose in many ways that was the golden age of law reform. The reform committees which were set up had three tasks: firstly there was the consolidation of the existing law; secondly they dealt with criminal law, particularly in respect of the treatment of offenders; and, thirdly, they dealt with administrative or procedural reforms.

In the twentieth century the practice has changed in England, and a series of *ad hoc* committees has been appointed to consider various sections of the law. These committees have been set up by direction of the Lord Chancellor of the time; they are known as the Lord Chancellor's Law Revision Committees, and they consider various aspects of the law from time to time. However, they have not been permanent commissions in the sense that they were in the nineteenth century. So the pattern changed in England.

In Australia, before World War II, very little was heard or said about law reform; certainly, no research was made into the question of law reform. It was simply a subject that was missing from the discussions and from the legislation of the time. There was complete apathy so far as members of the public and the Legislature were concerned. A few conferences were held at various places scattered throughout the country and at some of them, particularly in Victoria, some good work was done on the question of law reform. However, by and large, very little effective work on law reform was done in this country. Of course, that applied to this State, too.

As I have just said, before World War II there was practically no law reform in the sense that a concerted attack was made on the subject. However, since the war the picture has changed. In the early 1950s the Law Society of Western Australia set up a Law Reform Committee on a full-time basis—full-time, but voluntary—and, in addition, it set up a number of other *ad hoc* committees which from time to time considered various Acts and reforms which it thought were necessary.

This activity, of course, was entirely unofficial; it had no official sanction whatever but it was inspired by the members of the society who would write into the secretary and say that one of their clients, or some member of the public had put to them a particular situation which they considered ought to be reformed. The members of the society appealed to the

society as the body to which they belonged and they expected the society to do something about the matter.

The society would refer these matters to its Law Reform Committee and the committee would give a good deal of consideration to the question and would make recommendations. If they were accepted by the society they would be forwarded to the Minister, or the responsible department concerned, with the suggestion that the law might be reformed.

Scores of matters have been put up to the society over this period and, if they were accepted by the society, in most cases they were put to the responsible Minister concerned. Some very notable work was performed by these various committees, especially by the Law Reform Committee itself. I would particularly like to refer to the work of the Bills of Sale Committee in 1956-57. About this time the Government of the day was proposing to make some amendments to the Bills of Sale Act. These amendments were of a fairly formal nature; but it was suggested the Law Society might be interested in making further recommendations, and the society set up a special committee consisting of a number of senior practitioners, who went into the matter carefully.

The original Bills of Sale Act was passed in 1899 and it contained a number of anomalies. Bills of sale is not a remote subject; it has to do with borrowings by members of the public on plant and machinery, chattels, motorcars, furniture, and items of that sort. It has therefore a pretty general effect right throughout the community. However, there were a number of antiquated forms and procedures in the Act, and some very confused situations which could arise increased the difficulties and the cost of registering Bills of Sale, and generally caused a lot of inconvenience to the business community and the public.

The committee made some sweeping recommendations with the purpose of obviating all the conceivable anomalies. The Government accepted these recommendations and, in 1957, it brought down the Bills of Sale Act Amendment Bill which when passed freed the community from a series of confused situations which had operated since 1899.

This was of very great benefit to the business community, and in 1962 another *ad hoc* committee was set up with the special task of bringing in a new law governing trusts and trustees in Western Australia. This was, in fact, the conception of the Law Society itself, but from an early stage it had the blessing of the Crown Law Department and the Minister. Some very notable results were achieved in the field of trusts and trustees as a result of this committee's deliberations.

We had laboured under the Trustees Act, which was passed in 1900, and under very old laws, such as, for example, the law known as the "rule against perpetuities" and another, the rule against accumulations.

These ancient rules had been handed down from time immemorial, and I have heard professors of law publicly state they have not been able to comprehend them. Members will appreciate, therefore, how difficult it was for ordinary members of the public to understand what they were all about.

The committee which met again made some sweeping recommendations, and these old rules were completely abolished so far as Western Australia was concerned. In addition many new powers were given to the trustees; powers which would enable trustees to carry out their work more expeditiously, more cheaply, and more favourably so far as the beneficiaries under the trust were concerned.

These powers included powers which formerly had to be obtained by application to the court—such as powers to sell trust property, and power to mortgage.

But other powers were also given to trustees under this Act, such as power to apply moneys for the benefit of infants and power to carry on business.

The Government accepted this Act *in toto*. It also accepted a number of other Acts which, one might say, complemented it. These were all passed in 1962. I might say that the passage of this Act has made Western Australia the envy of trustees in other parts of the world. It has even had the small effect of bringing some capital here. When people have wanted to set up trusts, instead of going to a State which has complicated trustee laws they made investments in Western Australia, because of the comparative simplicity of our trust legislation.

Another committee was set up in 1966-67 —again entirely inspired by the Law Society—to consider the proposed introduction of a Legal Contribution Trust Bill. As you, Sir, and the members of this House will recall this was passed by Parliament in the last session. The purpose of that legislation was to enable the trust funds held by lawyers in various trust accounts to receive interest. Prior to this they had not been able, by law, to receive interest. The funds simply resided in the various banks and amounted to many thousands of dollars.

The money belonged to the clients of the legal practitioners and, therefore, they could not receive the interest on it. By agreement with the banks an arrangement was made whereby interest on these funds could be paid into a special fund which, as you are aware, Sir, was for the provision of legal aid for people who could not otherwise afford it. It also provided

some form of guarantee and indemnity in the event of a legal practitioner defalcating on his trust account. There were other recommendations, though I will not go into any detail in that respect.

I would, however, briefly like to mention the recommendation made by the committee of the society in 1964 that a Strata Titles Act should be introduced in Western Australia. This suggestion was made because of the very confused situation which formerly obtained whereby we could only have what are sometimes called vertical titles. The legislation was to permit the introduction of horizontal titles in flats and blocks of home units.

Prior to this there were many difficulties associated with the holding of a title as tenants-in-common, commonly called a "vertical title". This entitled the owners to the whole and to every part of the flats. This was clearly inconvenient in a block of flats which individual owners wanted to own separately.

The Government brought in the Strata Titles Act, and the society ceased to play any further part in that Act apart from making the recommendation.

Another recommendation of the society —and I think this coincides with some activity by the Crown Law Department— was that a suitors' fund should be set up. This was also passed in the form of legislation by Parliament. The suitors' fund provides that every person who issues a writ or summons must pay a small fee of 10c which goes into a special fund held by trustees.

In the event of anyone being unsuccessful on appeal on a question of law—and consequently having to pay the costs of the appeal—the fund is used to indemnify that person and to pay the costs on the basis that it is not fair and equitable that that person having lost the case purely on a question of law should be liable for the other party's costs.

That fund is now in existence and I do not think it has been very much used. Another recommendation of a more earthy nature, perhaps, was that funeral expenses should be a deduction for probate duty purposes.

Prior to this, of course, upon the death of a person, as at the point and time of death, the probate authorities virtually ruled a line across the estate and only the debts which occurred before that date could be deducted from the assets of the estate. So funeral expenses incurred after death were not a deduction. As a result of this recommendation the Government saw fit to amend the Act to enable funeral expenses to be classed as deductions.

Over the years there have been many more recommendations and reports too numerous to mention embracing such subjects as the protection of purchasers in contracts of sale, testator's family maintenance, liability for straying animals, procedures in criminal trials, infants, workers' compensation, traffic, local government, increasing the widow's share on intestacy, and many more matters which I will not deal with now.

The final recommendation of the Law Reform Committee was that law reform was so important that a permanent law reform committee should be set up. I am very pleased to say that this has now taken place; as we all know. I will mention that matter briefly again in a moment.

Before leaving this section of my remarks I would like to emphasise that the work of these various committees of the Law Society over the last 15 or 16 years has been entirely honorary and gratuitous. From time to time it has received the assistance of the officers and draftsmen of the Crown Law Department, who have also co-operated, together with the University Law School. They freely provided expert help and assistance on particular projects.

I would like to make a few general observations on law reform, and to stress that I believe law reform is a continuing necessity; there is a continuing need in the community to keep a watching brief on our laws to ensure they are brought up to date and kept in line with social developments.

On a moment's reflection it is of course obvious that this is necessary. The law must of necessity lag behind social changes —sometimes it is a few years behind and sometimes it is 50 years or more behind. The reason for this is again obvious, because when a law is passed it is an expression in words of a certain situation at a particular time.

The same applies to a decision of the court which is the decision on a legal situation at that date and it is used as a precedent for the future, just as the Statute law is quoted from time to time as being the law that applies. Although that law was appropriate at that time we all know that social and economic changes take place in the community. These are going on all the time and accordingly we can never say that the law has been completely reformed and that it can be done up neatly in a bundle, tied with tape and put away in a drawer, and that accordingly we have done our work; we have reformed the law. This is something that is called for all the time. It calls for a continuing watching brief on the state of the laws. This has, of course, been realised in some other parts of the world where there are in fact parliamentary and other committees whose task it is to carry on the process of law reform from day to day.

The problem is exemplified by considering such matters as the Companies Act. The Companies Act was passed in 1893 when the population of the State was 80,000. There was no substantial change

made to that Act until the next Companies Act was passed in 1943. This was not proclaimed until the 1st January, 1948.

But look at the changes which have taken place in this community in the intervening years between 1893, about the year gold was discovered, and 1948—after two world wars and two or three depressions and booms, and the tremendous development and changes in the State. In all that time we have laboured under the same old Act which did not cater for all sorts of situations. In the meantime, other States and countries in the British Commonwealth have passed one or two Companies Acts, and even our 1943 Act was behind the Acts which had been in force in other parts for many years. Now, of course, we have another one, and I believe a further one is coming up.

Whilst we might bewail the continuing increase in legislation, I fear there is no getting away from it. The law must keep up with the times, and if it is a continuing task, the question arises as to how we should tackle it. How do we go about keeping the law up to date? It is really a gargantuan task. Should we try, in the light of some new social theory, to get all the laws together and make a clean sweep and draw up new laws on every conceivable subject, something like Napoleon tried to do when he brought in his Code? A moment's reflection I think will convince members that this is neither possible nor reasonable. The laws do, after all, represent the accumulated wisdom of past generations, even though they may frequently be found to be bad; and if we sweep them all away we are likely to incur far more trouble and odium than we can ever cope with.

In this respect I would like to quote from a paper by Dr. Goodhart, Professor of Jurisprudence in the University of Oxford, and referred to in the *Australian Law Journal*, Vol. 33, at page 126. He said—

> Law reform, if it is to prove successful, must be a practical exercise. It depends on three things: (a) The law reformer must know what are the practical defects of the present law; (b) he must ascertain what practical steps can be taken to overcome these defects; and (c) he must attempt to foretell what will be the results of those steps. If he keeps these three elements in mind he is not likely to exceed the limits that ought to circumscribe his attempts.

In other words, the law requires reform only so far as it works badly in practice, and in this respect I am indebted to Professor Shatwell who delivered a paper on the subject at the 10th Legal Convention of the Law Council of Australia in Melbourne. He referred in that paper to the "living law" as being what should guide us in our attempts at law reform. By "living law" as distinct from "book law" he meant the practical application of well-understood principles to known defects or faults in the law. I would like to quote again from Professor Goodhart's paper. The reference is the same and at page 132 he said—

> Unless a target shows a certain degree of wear it is doubtful whether it can be regarded as a satisfactory one for law reform, except where the point at issue is concerned with a technical matter which has unexpectedly arisen in a recent case. I doubt whether a law reform committee ought ever attempt to be original. It is its function to deal with situations which have given rise to practical difficulties, and if there is no evidence that they have arisen then it is better for the law reformer to remain inactive.

In other words, the best results are achieved in practical fields where actual known mischiefs can be demonstrated or where we can predict the existence of mischiefs and evils in the community. At page 141, in the same volume, Professor Shatwell says—

> In this context, it is to be remembered that there may be some positive dangers in changing the law in situations in which there is not full and clear evidence of present or future mischiefs, and which do not lend themselves to thorough practical investigation.

Now, although the moral of those words is that we should have evidence of practical defects before we start reforming particular parts of the law, we should not attempt to reform the law in every single case which is put before us. We should not reform the law because of one exceptional case. It would be quite wrong because one individual had got himself into an almost inextricable situation after a series of exceptional mishaps, that the whole of the law which governs the entire community should be amended. I think all members would agree with that; in other words, the old legal motto that "hard cases make bad law" would operate. We should judge these mischiefs on their merits. We still have to consider questions of principle and there are cases when, quite apart from reforming a particular defective legal situation, we have to think of the proper principles concerned—principles of law, I mean; principles we would want to feel were proper and fair for the community.

Here the law reformer runs into difficulty because his work is likely to impinge on that of the Legislature. That is something he must watch carefully because he has no right to usurp or to attempt to usurp the function of the Legislature. Questions of policy, which are usually questions of principle, should be left to that Legislature; but sometimes we find the law reformers including all sorts of policy matters in

their recommendations, and these are matters which they have no right to include.

To illustrate this, I would say that a question of policy, in my opinion, would be whether illegitimate children should be classed as being in the same category as legitimate children. This seems to be a question of policy and not of law reform in the strict sense. Another example would be whether the convictions of children in the Children's Court should be used as evidence in the Criminal Court. That seems to be one involving considerations of protection of infants; and is really a matter of policy.

Another matter of policy—I would say a classic one—is the question of the age of majority. What should be the appropriate age at which people acquire full adult status? In this connection, it is interesting to note that this question was, in fact, put to the Law Society, and it was asked to make a recommendation that infants—by that I mean those under the age of 21—should be allowed to mortgage their land on attaining the age of 18. It was considered by various committees—in fact, even by a general meeting—and there was a good deal of animated discussion about it; and it was felt that infants of 18 should be allowed to mortgage their land provided there were some safeguards to protect them against occasional folly and the traps that some would fall into. At the same time, the society was asked to consider the question of whether infants should be allowed to make a will before they turned 21, because that was also something they could not do.

Finally, the society decided it was impossible really to write in any safeguards and if someone was to be regarded as having full status at 18, it was no good talking about safeguards. These people could not be protected against their own folly between the ages of 18 and 21. However, the society did recommend that children of 18 should be allowed to make a will; but it made no recommendation in regard to the mortgaging of land. That is, after all, a matter of policy. In various communities, of course, the age of majority has been considered quite differently. For instance, in ancient Rome, 25 was the age of majority; and, in many parts of the world, 18 is the age. That is a matter for the particular community and, no doubt, it depends on particular factors at the time.

Various other ages known to law have varied from time to time. Again they involve matters of policy. For instance, the age of consent—that is, the age at which a girl could consent to what would otherwise be unlawful sexual intercourse, or the age at which she could consent to marriage—in England was 10, for consent to intercourse, and 12 for consent to marriage.

In addition, there was another age, known to the law as the age of discretion, which some people never seem to reach. The age of discretion was, in fact, the legal age at which a youth could make certain dispositions about his future and his guardianship, and he was also liable at that age for criminal acts. In England in the nineteenth century, this was regarded as 14.

Sometimes we hear talk of "the drinking age." This is not an age which is known to law, but it is really an incident of the age of majority, and I suppose this boils down to a question of policy and what the Legislature would consider as a matter of policy should be the age at which an infant should be allowed to drink. But that is certainly not a matter for law reform in the strict sense.

I would now like to mention the subject of uniformity. This is something about which we have heard a great deal in the last few years. In fact, it was mentioned in this State and in other parts of Australia before the war by a few learned writers who said it would be a wonderful idea if all the Australian States had uniform legislation because this would do away with a lot of the silly pernickety differences between one State and another, and everyone would know what the law was throughout the whole continent, whether they were living in Darwin, Ipswich, or Perth.

At a first glance that seemed to be a rather attractive thought, but nothing was done about it. The Commonwealth and the States went on their own separate ways. It was not until after the war, when the Attorneys-General started meeting, that the question of uniformity began to gain importance. Of course, there is a basic uniformity between the laws of the various Australian States because the States all copied or adopted many of the Acts of the English Parliament in the nineteenth century. So we have a basic uniformity in such matters as the sale of goods, partnerships, stamp duties, and similar subjects. There is a basic pattern of uniformity although, of course, there are differences in detail.

There are certain very important advantages in uniformity in certain areas, and these areas, I would suggest, are in trade and commerce on an interstate basis. Where trade and commerce exist between the States, it is clearly of great advantage to have uniformity. Likewise, it is of great advantage to have it in certain matters of personal status; for example, in matrimonial causes. We now have a great deal of visitation between the States. It is easy to move interstate by air; and, as a result of this, people move about a lot more, and clearly it is an advantage to have uniformity in that area.

We have uniformity in a number of commercial matters. We have it in connection with bills of exchange and bankruptcy, and we now have it in connection with company legislation, and in other similar Statutes which are recommended by the Attorneys-General conferences, and adopted by the States.

There are other areas in which uniformity can still play a part. We could have uniform legislation on some aspects of traffic and motor vehicle insurance. There still exist differences between the States in these areas and sometimes they are very difficult and embarrassing. For example, one could imagine he is insured because he is insured in this State. However he could go to some other place and find he was not covered in respect of certain types of vehicle accidents. This is an area in which there is still room for improvement.

However there really is a limit to uniformity. There is a limit at which uniformity runs headlong into the proper and rightful interests of the States. I do not mean the interests of the State Legislatures; I mean the interests of the people who live in the States. The various States of Australia have not all built up an exactly similar set of laws on all subjects. Various parts have been isolated from others, particularly Western Australia. In many cases we have built up our own laws which are just as good as if not superior—I venture to say—to some of the laws which operate in some other parts of Australia.

I have in mind a Bill which was proposed a few years ago. The Minister is well aware of what I am referring to; namely, proposed alterations to the Adoption of Children Act. It was proposed that a new adoption Act should be introduced in Western Australia based on proposed New South Wales legislation. However the particular Act was completely inappropriate to the situation in Western Australia and it provided for a most cumbersome procedure. It would not really apply in Western Australia, because a different set-up exists in respect of child welfare compared with New South Wales.

I understand that after the Minister had discussions with the Child Welfare Department and other senior officials who were interested, as well as members of the medical profession, he quite rightly came to the conclusion that it was not appropriate that we should have uniform legislation in this respect, and it was not adopted in Western Australia. I do not know what happened to it in the other States of Australia, but it was a good example of where uniformity was not necessary or desirable.

There have been other cases where a rather cumbersome procedure has been put forward. Another one was the Resealment of Probates Bill, but I will not go into detail. It was a Victorian Bill proposed for Western Australia. Theoretically it would have simplified resealment of probates; in fact, it was infinitely more cumbersome than the comparatively simple procedure which exists here and it would have meant a good deal more trouble and expense. It would have avoided the necessity to go to the court for certain purposes, but instead it would have been necessary to go to a number of Government departments and incur a great deal of expense and inconvenience. Quite rightly that proposal was also rejected.

Uniformity is not a panacea for all ills and we should not slavishly accept it. It has a proper place, and that is in the areas to which it applies; but we should be careful we do not say, "Ah! Uniformity," and leave it at that, because uniformity on its own justifies nothing.

I would now like to refer to what has happened in respect of law reform in one or two other jurisdictions in the British Commonwealth. New Zealand is a place where some very modern legislation has been passed in the last 20 years or so, and it is due largely to the work of the Law Revision Committee of that country which consists of the Attorney-General, a member of the Opposition, two practising lawyers, two University nominees, and a draftsman. Over the years the committee has produced some very advanced legislation and a lot of it has served as a model for other parts of the British Commonwealth. Some of it has been adopted in the United Kingdom.

In Victoria there are several ways by which law reform is achieved. The Law Institute of Victoria, which is the equivalent of the Law Society in Western Australia, has a law reform committee which is much the same as the Law Reform Committee of the Law Society in Western Australia. In addition, there are legislation committees of the Law Institute to which all Bills are submitted for comment as they are brought into Parliament, and the comments, by request, are referred back to the Attorney-General who considers them. Very often they are helpful to him.

In addition, there is the Statute Law Revision Committee of Victoria, which is a parliamentary committee consisting of members of all parties. It is a full-time paid committee which has the continuing task of keeping an eye on legislation for the purpose of bringing it up to date.

Finally, the Chief Justice of Victoria has his own committee consisting of judges, lawyers, and University nominees. It works completely independently and makes recommendations to the Government from time to time. Of course, the recommendations may or may not be accepted. However, it does mean a continuing watch is

kept on legislation in Victoria and perhaps we could do worse than have a look at the system which operates there.

Professor Shatwell states in the paper to which I referred that a more general attack could be made on law reform, perhaps through the Law Council of Australia. The latter body is the Federal body of all the law societies. He suggested that this approach might be one way to tackle law reform. I should like to quote his recommendations which are referred to in the *Australian Law Journal*, Vol. 31, at page 335. He said—

> To provoke discussion, the following proposals are put forward.
>
> (1) That Committees drawn from the Bench, the Bar, the solicitors' branch of the profession, and the law schools be set up to examine the need for law reform in the fields of (a) procedure and the administration of the law, (b) the law relating to public authorities and the citizen, (c) the treatment of offenders, (d) private law, and (e) the form of the law, including the problem of its volume.
>
> (2) That these Committees request the State Crown Law Departments and the professional societies, including the country law societies, to draw to their attention any matter arising in practice which appears to call for reform.
>
> (3) That each Committee prepare a report on such of these matters as it selects from time to time, and that in the preparation of these reports these Committees be assisted by trained research workers, some of whom might be employees of the Law Council of Australia.
>
> (4) That such reports should contain (a) a clear formulation of the basic problems, (b) an historical analysis of the way the present law came into existence, (c) a clear statement of the purposes to be achieved by changing the law, (d) the legislative possibilities by which such changes might be effected, and (e) a summary of any known experience relevant to the choices open.

Since those recommendations were made, the Law Council of Australia has, in fact, set up some committees. The recommendations were made approximately 10 years ago. Committees have been set up on criminal law, evidence, trade practices, matrimonial causes, hospital benefits, and a number of other subjects. The committees have produced quite a deal of notable work which is submitted to the conferences of the Attorneys-General from time to time.

I would not like it to be thought for one moment that I am suggesting law reform is the exclusive province of lawyers. That is not the purpose of my remarks at all. The main burthen of my remarks is to stress the continuing need for law reform and the fact that this is something we must continue to support. However, there is a case for having lay, or non-lawyer, representation on some expert committees. There is great value in having on the committees intelligent lay opinion which can bring to bear on the technical people perhaps what we might loosely describe as the common sense approach—or the common touch. Generally, private people are more in touch with the public's reaction to proposals for law reform.

The United Kingdom has not gone into this question very much. Their law reform committees have been composed mainly of professional people. However, the United States of America and Canada have had law reform committees which included a number of laymen who have made considerable contributions to law reform from time to time. There was one rather extreme case in Canada which I would like to mention. In that country a committee of the Canadian Bar Association was set up to consider questions of criminal law and the severity of sentences. A bright chairman on one of the committees, which consisted entirely of defence counsel, decided it would be a good idea to invite the opinions of some of the inmates of the penitentiaries on questions of law reform.

Accordingly, he wrote a letter to the editors of the *Kingston Penitentiary Telescope*, which is a magazine published by the inmates of the Kingston Penitentiary. They considered the questions which the committee put to them and wrote back to the committee of defence counsel. First of all the editors thanked the defence counsel for having asked for their views and added the following comment:—

> We have not hesitated to speak frankly, because we feel we are speaking to friends. After all some of us would not be where we are if it weren't for some of you.

Perhaps that was taking it a little too far. There is, nonetheless, a good case for lay representation on law reform committees in Australia.

As you are well aware, Mr. President, we have the spectacle of having an official Law Reform Committee set up in Western Australia. That is a most forward move and I understand the committee is now operating from premises located in Sherwood Court. It has a budget and the

nucleus of a staff. It consists of a chairman, who is a practising lawyer, a University representative, a representative from the Crown Law Department, and a draftsman. It is charged with the task of considering specific aspects of the law which are referred to it by Cabinet, or to which Cabinet has given approval. This is the first step—and a most significant step—towards "continuing" law reform in Western Australia. I strongly commend the Government for having taken the step of setting up the committee.

The approach to law reform should be practical as far as the committee is concerned. Following on the remarks I have made, I believe it should be a practical approach—that is, a case by case, problem by problem approach as things crop up and appear to be in need of attention. I welcome the status which has been given to the committee and I hope it will continue to prosper.

Obviously, each member of the committee cannot be an expert and the time will come when it will be necessary for the committee to farm out some of its work. I consider it will be necessary for it to appoint subcommittees of experts on particular subjects, or at any rate to call in somebody to advise it here and there. Clearly the law is so vast that everyone cannot be expected to be an expert on all aspects of it. Therefore I believe the committee will find the need to expand, and I hope the Government will support any expansion of the committee as it is found to be necessary, as I believe it will be found to be necessary. I hope, too, that money will be forthcoming from time to time to pay for the cost of the expansion, and that the committee will be accorded the prestige which I believe its work demands.

To sum up my remarks, Mr. President, so far as the future of law reform is concerned I feel we should not be pessimistic about it. We can see that some progress has been made to date. We should not be over-optimistic, because clearly law reform is a difficult task and one that will take a long time to effectively and satisfactorily bring about in the community. However, we should attack the problem realistically. There is tremendous scope for legal research. The first points made by all the authors I quoted are that it is necessary to know the historical background to the law, which it is proposed to amend, and to know clearly all about the law before one attempts to say what it ought to be.

Therefore there is plenty of scope for legal research. There are many endowments and benefactions for research of various kinds being availed of throughout the Commonwealth, but I am aware of the very few that have been made for legal research, and yet it is a tremendously important task.

As I have already said, I commend the Government for having constituted this permanent Law Reform Committee and it will be able to carry out a certain amount of research. Nevertheless there is ample scope for more research, and whilst I know that such work costs money and the Government has not sufficient money to carry out all the projects which compete for it, we would do well to bear in mind that, as a community, we must be prepared to support research into our laws and their continuing revision; that is, the revision of the ordinary laws of the land which govern and regulate the affairs, the everyday lives, and indeed the very welfare and existence of ourselves and our children.

THE HON. J. G. HISLOP (Metropolitan) [5.46 p.m.]: First of all, I convey to you, Mr. President, my relief that you have decided to carry on as President, and the House has decided you should retain the Chair, for another term of six years at least. I hope it is for a longer period than that. I also express to the newly elected members the pleasure one enjoys of meeting individuals with new ideas, because following the last general election we have been very fortunate in having had such people elected to this House.

I cannot start my speech without saying to The Hon. I. G. Medcalf that he has introduced to this House something which must remain with us for quite a long time. In all probability, by his remarks he has laid down a principle which will be accepted for many years. Knowing him so well as a personal friend I would also add that possibly this is just a beginning of the intelligent speeches the House can expect to hear from Mr. Medcalf.

I am possibly in a somewhat difficult situation, so I hope members will bear with me whilst I will try to interest them in some of the events which occurred during the period this House was closed—from the end of 1967 until its reopening in 1968. Within that time the first conference of Australian Presiding Officers and Clerks-at-the-Table was held in Canberra. I must admit that there have been times in the past when I have felt I would like to know how this Chamber of ours is organised, and how the matters brought before it are properly conducted. Even so, if there is a certain amount of questioning on whether something is right or wrong, I remain one of those who do not know. After speaking to some of my colleagues, I think there are several in the same position as myself; that is, they do not know either.

Nevertheless I feel certain they realise that once we have in our possession information of the nature that is contained in the report that has been made of this first conference of Australian Presiding Officers and Clerks-at-the-Table, we would be able to devote some of our time to discussions and to learn something from a

rapid and hasty look at the contents of this report. What I have tried to do is to select some portions of the report so I may quote them to the House in the hope that the information will be of interest to members.

The first one I chose refers to what happens in Parliament at question time. This part of the report has been written by Mr. Riches, C.M.G., who was the Speaker of the Legislative Assembly in South Australia. At the conference he made a lengthy speech on what occurs at question time in the House of Assembly and the Legislative Council in South Australia. This part of his remarks rather interests me—

> Because we attach so much importance to questions we do not adopt the procedure that is adopted in some parliaments of having a debate on the motion to adjourn the House.
>
> Members take it in turns to ask questions. I thought you might be interested in the procedure adopted by members in catching the Speaker's eye. The Clerks have had prepared a pad of sheets showing the names of every district represented in the Parliament. As members indicate to me that they desire to ask a question, I tick the districts that they represent. Each member is given one call and no-one is given a second call until all of the members who desire to ask questions have had one call. The Leader of the Opposition is given the first call and then the calls alternate between the two sides. But if more members are seeking to ask questions on one side than the other there can be three, four or more questions from one side in succession. We also keep in mind the order of questioning, and, as far as possible, on the next day the earlier calls are given to the members who were called later the previous day.
>
> Because we attach so much importance to the ability of members to raise points at question time, by practice we have departed from the principles laid down by Sir Erskine May, who by and large says that questions should be directed on any matter of public interest under the control of Ministers but only for the purpose of seeking information. Our members use question time as much for the purpose of pressing a point as for seeking information. That makes the position of the Chair not an easy one. This is not written into the Standing Orders; it is a practice that has grown up over the years. In my judgment it is a practice that has worked well in the interests of the State and has had a good effect on the government and on the departments administered by the various Ministers. When it is known that any act of any government department may be the subject of a question on the next day on the floor of the House and that the person doing the act may be called upon to give an account to the Minister, the Cabinet or the Parliament, care is taken to see that the public interest is considered properly before the decision is made in the first instance.

For the sake of those members who may be interested, this extract appears on pages 15 and 16 of the report.

Our President (The Hon. L. C. Diver) and the Speaker of the Legislative Assembly in this State at that time (The Hon. J. M. Hearman) both took part in the discussions on the various questions that were raised at this conference. On page 20 of the report, Mr. Hearman is reported as having said—

> In our Parliament normally the House meets at 4.30 in the afternoon. Generally we handle about 25 or 30 written answers and perhaps another half dozen questions without notice. It is not usual for question time to extend beyond 5 o'clock. We deal with approximately 30 or 35 questions. There are only 40 members in the House who want to ask questions. This suits us fairly well. The House has not been in any way critical of this procedure. After the initial effort I have had very little difficulty in controlling questions.

I now quote the following words of our President which appear in the third paragraph on page 26:—

> MR. DIVER—I would like to congratulate Mr. Speaker Riches on bringing this matter forward. I must say that the Legislative Council of Western Australia does not face many of the problems that other Parliaments appear to be meeting in respect of questions. Our standing orders do make provision for questions without notice. Standing Order 87 says:
>
> > After notices have been given, questions may be put to Ministers of the Crown relating to public affairs, and to other Members relating to any Bill, motion, or other public matter connected with the business on the Notice Paper, of which such Member may have charge.
>
> Then Standing Order 88 says:
>
> > In putting any such question, no argument or opinion shall be offered, nor inference nor imputation made, nor any facts stated, except so far as may be necessary to explain such question, and the President may direct the Clerk to alter any question so as to conform with this Order.

Turning to page 29, the Speaker of the New South Wales Legislative Assembly (Mr. Ellis), has this to say in the second paragraph—

> Although there is a great deal of abuse of the rules by members asking questions there is more abuse by Ministers replying to questions. It is not uncommon in the Parliament of New South Wales for a Minister to take 10 or 15 minutes to reply to a question. Very often most of what he says is entirely irrelevant and is merely political propaganda for the purposes of the Government. It is idle for a Speaker to attempt to force a member to observe the rules if he has no control over the Minister who replies to the question. My predecessors many years ago laid down that in the Parliament of New South Wales the Speaker has no control over the way in which a Minister answers a question. That puts the Speaker in an impossible position. If he seeks to make a member play the game the Ministers abuse the rules and the whole situation gets out of balance.

An interesting piece of the report is contained in the last paragraph on page 29. Mr. Christie is the speaker and he is reported as having said—

> MR. CHRISTIE—My remarks will be in slight contrast to those of Speaker Ellis and other Speakers. For my part, I want to deal with the machinery and not the substance of questions. In Victoria we have a standing order which was recorded in 1859 and modified in 1889. That is the basis on which our question time operates. Members give their questions in writing to the Clerk at the table and the following day the question is referred to by number and is answered by the Minister.

What struck me in those remarks is that 80 years have passed without any alteration being made to that procedure.

One interesting person whose remarks I followed up was Mr. Chan, who is the President of the Legislative Council of the Northern Territory. He was reported as having said—

> MR. CHAN—I thank previous speakers for the information that I have gained from listening to them. Our system follows that of the House of Representatives in that we have questions on notice and questions without notice. The questions on notice are usually the harder ones. As we have no Government and no Opposition, questions are usually asked of the official members who represent the Government. Some of the questions on notice that are asked in the House are also asked outside the House before the sitting. They are set out on a notice paper, but often they are accepted before that date by the member from whom the information is sought. In some cases the answers to questions have been prepared and passed on to the questioner before the questions are put on the notice paper. This is where the problem arises. Neither the question nor the answer has been made public. I have some doubts about how the questioner may use the information. Sometimes the questioner will wish to ask a further question based on the answer he has received. I do not accept such a question on the same date as the original question. Often I am faced with the possibility of the whole process of question and answer having taken place before the House meets.

A curious position exists in the Northern Territory.

The Hon. W. F. Willesee: Did you say there was no Opposition?

The Hon. G. C. MacKinnon: There is no Opposition and no Government.

The Hon. J. G. HISLOP: I draw attention to what is contained on page 76, where Mr. Whitlam asked questions of Mr. Holt and Mr. Snedden regarding the *Voyager* Royal Commission.

Those of us who are interested in financial procedures will find a presentation by Mr. W. J. Aston, Speaker of the House of Representatives, from page 83 onwards. The paper covers six pages and the discusions on it cover another six pages.

One matter which cropped up during the second day of the session was the production of a daily *Hansard*, which could be very useful. This is to be found on page 103, the last paragraph of which is as follows:—

> I may say that we have in New South Wales at present a Hansard staff of nineteen, and the estimated cost of the staff is $94,000 a year. It has been estimated that three additional sub-editors and other extra staff will be required to produce a daily Hansard, and this would mean an additional cost of some $52,000 a year. Apart from the extra cost, we are up against the practical difficulty that there is simply not enough accommodation in the House at the present time for the additional staff.

The following are the views of Mr. Chan, who is in a very different position from that of other members of Parliament:—

> Most of you know that we use a system of reproduction from tape recorders, and we have found this system most effective. At present we provide members with a very rough transcript of speeches they made on the previous day, and we do this at considerably less than half the cost

> of a system based on manual shorthand writers. I have given some thought to the possibility of improving our present system to a stage at which members of the Press could be allowed to use the daily copies. The proposal I have in mind would involve the employment of two extra staff members, but our Hansard would still be considerably cheaper than any other Hansard.

On page 124 Mr. Chan, President of the Legislative Council for the Northern Territory, presented a paper on the problems of an anachronistic House, in which the following appears:—

> The Oxford English Dictionary defines an anachronism as anything existing out of date or "any former thing which is out of harmony with the present." Using either of these definitions it is not incorrect to describe the Legislative Council of the Northern Territory as an anachronism.

Further on he said—

> The curious constitution which does not allow any of the three groups comprising the Council to control the business makes for a condition bordering on organised anarchy. Minority governments are no strange thing in Australian Parliaments but I am not aware that there has ever been anything similar to the present situation in the Northern Territory where six official members and eight elected members contend for the support of three appointed members who owe no allegiance to either the Federal government or the people of the Territory.

He then expounded further on that difficulty.

Sitting suspended from 6.7 to 7.30 p.m.

The Hon. J. G. HISLOP: I intend to shorten my speech quite considerably and mention a matter that might appeal to members of this House. I refer to the subject of Parliament and the Press. Mr. President, you were the person who brought this matter up at the presiding officers' conference, and I shall quote what you had to say. It reads—

> MR. DIVER—I should like to add a few comments to the subject of Parliament and the Press. I often feel that it is a pity that the Press does not report the proceedings of Parliament in a manner similar to that adopted by our national broadcasting stations. My experience has been that the Australian Broadcasting Commission has never given anything other than a factual report and intelligent report of the proceedings of Parliament. I believe it is high time that the Press emulated the blueprint established by that medium.

In the Legislative Council of Western Australia some years ago, but since I have been President, we had a situation in which our newspaper *The West Australian* reported in the following manner:

> Casting vote decides £1 surcharge. . . . . Country Party members Mr. Baxter and Mr. Jones joined Labor members to vote against the Bill. Mr. Loton (C.P.) abstained from voting.

That is an extract from the article which was printed but mentions the salient feature to which I shall refer. On the next day of sitting the Honourable A. L. Loton rose and said:

> Standing Order No. 402 deals with "Precedence to Question of Order or privilege," and Standing Order No. 403 deals with "Complaints against newspapers." In view of those Standing Orders, I wish to take action. Standing Order No. 402 reads as follows:—
>
> > All Questions of Order and matters of Privilege which have arisen since the last sitting of the Council shall, until decided, suspend the consideration and decision of every other Question.
>
> Standing Order No. 403 reads as follows:—
>
> > Any Member complaining to the Council of a statement in a newspaper as a breach of privilege shall produce a copy of the newspaper containing the statement in question, and be prepared to give the name of the printer or the publisher and also submit a substantial Motion declaring the person in question to have been guilty of contempt.
>
> I lay on the Table of the House—

I think that was done by Mr. Loton. Continuing—

> —the newspaper in question, and under Standing Order No. 403 I lay a complaint against a newspaper. The newspaper is *The West Australian* dated 7th November, and the name of the printer is David Henry Melville McCulloch at the West Australian Office, Newspaper House, St. George's Terrace, Perth.
>
> The complaint I make, Mr. President, is that in the news item dealing with the Motor Vehicle (Third Party Insurance Surcharge) Bill, incorrectly referred to as the Motor Vehicle (Third Party Insurance Act

> Amendment) Bill, which was before the Legislative Council yesterday evening, the statement is made that the Country Party members, Mr. Baxter and Mr. Jones, joined Labor members to vote against the Bill. Mr. Loton (C.P.) abstained from voting. This implies that I was not prepared to cast a vote where in fact I was paired as far as the official record in *Hansard* was concerned, with the Hon. H. C. Strickland. Both Ministers of the Crown, the Leader of the Opposition and both Whips have known all through the recess that I had agreed with the Hon. H. C. Strickland to give him or arrange, a pair while he was away from the House on private business on all occasions when the legislation was on party lines, with certain exceptions I believe that the Leader of the House (the Hon. A. F. Griffith) and the Leader of the Opposition (the Hon. F. J. S. Wise) will both agree that I have honoured this undertaking at all times.

A very serious view was taken, but the matter soon settled down. I repeat this to draw the attention of members to the fact that there are matters which we do not understand or about which we have little knowledge regarding the conduct of the Legislative Council.

I now wish to discuss something which is quite interesting to me, but before doing so I would like to compliment Mr. Ferry on his achievement in being appointed to the Library Committee; and I hope he will enjoy this just as much as I did over the years that have passed.

In America there is a legislative reference service, known as the Library of Congress, which is also the National Library of the United States. It serves congressmen directly through a legislative reference service, and is the most highly specialised service of its kind in the world. There are proposals to change its name to, "Legislative Research Service."

There is a model of this type of service in Canberra. The Commonwealth Library was modelled on the Library of Congress and provides a service to the Commonwealth Parliament. The books in that parliamentary library are low in number, consisting of fewer than 50,000 volumes, mainly printed in English.

There are six legislative research specialists and they are now at work in the parliamentary library working in the broad subject fields of defence, foreign affairs, science and technology, social welfare, statistics, trade, industry, and finance.

Staff is the answer to progress. It is uneconomical for highly expert staff to function without continuous support being available. It would be of no use attempting to set up an organisation of this sort without trained persons to carry on the work of the library. Trained librarians are in short supply in Australia. A service along the lines I have mentioned would be beyond the resources of our State. In South Australia there has been a discussion on a financial level in regard to the Canberra library.

It is interesting to learn that in the City of Wollongong in New South Wales it is thought that an amount of $250,000 has been spent on library services for the public. If we are going to do anything of this sort, we will have to join up with the organisations we already have. I feel sure it would prove very satisfactory if we had some connection with the University Library, the State Library, and the Institute of Technology that has just been built in the Collier Pine Plantation, in an endeavour to obtain what we could from one another. I am sure this could be made a workable proposition.

I look at it this way for this reason: All the time I have been on the Library Committee we have been dealing with books of interest that were very easy to read, but unfortunately when the changeover of the library, from what is now the TV room to its present situation, took place quite a number of valuable old history books were taken to the State Libray. One thing I regret is that we have lost the ancient Latin and Greek history books which some of us thoroughly enjoyed. These are now in the hands of the State.

In order to raise our library to a standard of worth we should attempt to reorganise it. The large room which was devoted to the library in the first place, but which is now the room in which members watch TV after their evening meal, should again be taken over for the library so that it will be possible to recall quite a large number of the books we once had.

The commencement of a library of this sort is not just an accumulation of books; it is necessary for someone to have the ability to investigate articles about which any member of this House may ask. A person with this ability would need to have had a considerable amount of education and training in book work before his appointment.

In the Canberra libraries I think the secretaries are paid as much as $12,000 a year and yet it is still not possible to obtain a sufficient number of trained librarians.

The sort of library I have suggested will possibly have to start in a small way, but it will eventually reach the stage where

we can ask the reasons for certain things and be supplied with a book or pamphlet in relation to the question.

I have just been thinking of some of the books I have read which have influenced my mind considerably. For instance, if one obtains a book on China written by Pearl — I cannot think of the complete name, but this person is a very good writer.

The Hon. J. Dolan: Is it Pearl Buck?

The Hon. J. G. HISLOP: No; I have remembered the name—it is Cyril Pearl. He gives the history of Morrison and his years in China; but all we get out of the book is what Morrison did as a man and sometimes as a looker-on in China. However, if one reads a book written by Jacques Marcuse, one will find that the book goes into the most intimate details of life in China as well as Government policy. If Colin Simpson goes to Russia, he goes as a tourist and writes a book for tourists, even though he writes extremely well. However, if one wanted a more informative book about Russia then one would read a book written by John Gunther. Apparently John Gunther is widely accepted in Russia; and if members have not read about Gunther going through Russia, it would be worth their doing so. He writes of the depth of Russia and its population of hundreds of millions of people.

The suggestion I have made has been on my mind for quite some time, and I think a start should be made.

In compiling the report of the First Conference of Australian Presiding Officers and Clerks-at-the-Table, everyone has given of his best. I think we might look seriously at the report and realise that about 10 subjects were handled by the conference. The report is well enough put together to have each subject taken separately and made available to any member of the Council who would like to make a study of any particular section. So interest might be spread right throughout the House. I repeat, there have been many times in the 27 years I have been in this House that I have remained silent because I did not fully understand what was required in a particular situation.

I would also suggest that a reorganisation of our library along the lines I have suggested would probably be too much for the Library Committee to handle, and it might be wise to consider asking two or three of our members to join with members from the Legislative Assembly—together with the organisations I have mentioned—to make application to organisations such as the University, etc., to see whether it is being conducted in the way we wish it to be. In that way we could gain a great deal more information than we have been able to gain in the past.

If any member wanted help in organising something of this nature I would not mind giving advice. However, I have no intention of discussing in this House the organisation of the Library Committee, because that sphere belongs to the members of that committee. If there is any suggestion that we should chase knowledge through research, then I think the Government might make up its mind on the procedure to be adopted. Having got that off my chest, I feel happier that I might have stimulated some activity or thought amongst members. The books I have mentioned are genuine and I am quite certain that if we set out as a body of people wishing to gain by research reading, we would do a lot more for this Council.

I have often seen Mr. Kim Beazley and Mr. Hasluck debating, and I have come away feeling proud of those two men. They obviously portray the characteristics that we would expect of anyone who is giving at least portion of his life to the community.

THE HON. J. DOLAN (South-East Metropolitan) [7.49 p.m.]: I support the motion so ably moved by The Hon. F. R. White, and I take advantage of this opportunity to express pleasure, Mr. President, in the fact that you are again presiding over this House. My association with you since I have been here has been most cordial, and I have always found that you conducted the proceedings of this House with dignity and honour. On the occasions when you have had to present the image of Parliament outside of this House, you have done so with considerable benefit to the House itself.

I took advantage of the opportunity, when I reached the end of my first term in Parliament, to go back over some of the matters that I had handled during the five years I had been here, and also to go back over some of the speeches which I had made. It was quite interesting, and it is quite a good exercise for anybody who has had a period here.

First of all, Sir, may I extend a welcome to our new members and, at the same time, express a certain tinge of regret that other members are missing from their regular places. I would particularly refer to The Hon. E. M. Heenan—who was the father of the House—to The Hon. H. R. Robinson, who did an excellent job as Party Whip for the Government, and, of course, to The Hon. H. K. Watson—as he was when he retired. I had a great deal of respect for the ability of Mr. Watson, because he was such a great fighter. We have seen him in action when fighting a losing battle, but he never gave up until the third reading stage. Even then, he was inclined still to pursue the subject of the fight. Having such a great admiration for him, as an opponent, I was deeply interested to see how his successor would shape up. I listened with interest to our friend Mr. Medcalf, tonight, and I am satisfied he will fill the shoes of Mr. Watson quite comfortably. I wish the new

members a happy time here, no matter for how long they stay. If they enjoy their stay as much as I have in my five years, they will be very happy.

One of the first matters I looked back on was my maiden speech. I suppose everybody looks back on his maiden speech with a certain amount of satisfaction; when he stands up for the first time as an elected representative of the people, and does his best to do them credit. On that occasion I mentioned that the greatest dividend-producer we had in Australia was education. I further mentioned the fact that we all had a part to play, and that industry was playing its part. I mentioned that some of the larger firms, such as B.H.P. and the Shell Company, had given scholarships to encourage our great scholars. I made reference to a scholarship which had been awarded just a day prior to my maiden speech, to a young lad named Jones, whose father was a great friend of mine. The scholarship was worth $8,000, and gave the lad an opportunity to study at the Cavendish Institute in Cambridge. He had had a brilliant career in the University here, and obtained nine distinctions in his science degree. He was never down in the lower rungs, where the rest of us had to battle.

I met the lad's father just a couple of weeks ago and I asked about Robert. The father informed me that the lad had completed his doctorate and was recognised as one of the top physicists in England. I thought I would quote that as an example to show that money which is spent on encouraging our brilliant scholars is money which procures very big and lasting dividends.

The Hon. L. A. Logan: Was that the son of the school teacher, Owen Jones?

The Hon. J. DOLAN: That is right. I always read *The Teachers' Journal* with interest. Sometimes, of course, the journal is concerned with the mundane things of interest to its own members, but at other times the leading articles, particularly, touch on subjects of interest to us all. A recent leading article made reference to the fact that a great deal of research in education was necessary. It pointed to some of the spectacular successes in Australia through research; for example, the biological control of the prickly pear. I well remember reading in *Walkabout*—perhaps 20 or 25 years ago—that the little insect responsible for getting rid of prickly pear—called cacto-blastis—is probably the only insect in the history of the world that has a memorial hall erected in its honour.

Another point of interest is the biological control of our rabbit pest by the introduction of myxomatosis. What a wonderful assistance that has been to farmers and incidentally, of course, to the nation. What a wonderful thing has been the discovery of trace elements. I suppose our spectacular advances in agriculture have been due very largely to some of these great biological discoveries. The editorial I am speaking of made particular reference to the fact that in this modern age the trend of education is a little bit different from what it was when we went to school, or when some of us were teaching in schools. The editorial poses the query, "Who has seen a computer in operation?" It also asks "Who has seen a space ship at close quarters?" Yet our whole education system in the field of mathematics today is probably geared to these phenomena.

No-one seems to have examined the problem or done the necessary research to ascertain what the average citizen needs today so that he may live his life to the full, or so that he may get the best advantage from it. It is suggested, for example, that we badly need to study post-school arithmetic in the fields of time payment, hire purchase, discount interest, life assurance, medical benefit funds, holiday planning, and subjects of that nature. One would probably not find any reference to most of them in the arithmetic curriculums.

The subject of social studies does not seem today to meet the needs of a population which votes now because voting is compulsory. I suppose if we were to ask even a brilliant student what was the meaning of adult franchise, he would not know it means that one adult in one area equals two adults in another area—electorally speaking. That would be a solution students would have to study in order to appreciate.

Some weeks ago I had a question asked in a House of Parliament in another place—in the Commonwealth sphere—so that I could get some information relating to the awarding of Commonwealth scholarships. The figures I obtained were quite illuminating. I studied them very carefully and some weeks ago had them all ready for my Address-in-Reply contribution. To my amazement, I picked up a paper during the week and found that a professor of politics from the University in this State was quoting exactly the same figures. His thoughts were running in the same direction as mine—that the dice so far as Commonwealth scholarships are concerned appear to be loaded in favour of one particular class.

I say that advisedly, and I use the word "appear" because a close inspection might show there is a possible explanation for this. When the first scholarships were awarded, they were awarded on a study course and on the results that were obtained at a particular examination. In the awarding of the scholarships right throughout the State—and I will take only our own State, because that is all that concerns us—they worked out about equal between State schools and private schools.

Then, because of changing examination conditions—for example, in Victoria and Tasmania the authorities did away with the Junior Certificate altogether—it was found necessary to introduce some new scheme in order to award the scholarships. The matter was referred to the Australian Council for Educational Research which came up with the type of examination which took place in this State a couple of weeks ago. This consisted of two days of concentration and what we would call intelligence and general knowledge tests.

These tests appear to be loaded in favour of a particular section of the community, so much so that the results last year showed an amazing trend. They showed that with State School children who applied for these scholarships and took the examination, and with those who came from Catholic private schools the results worked out about the same; but in regard to children from other independent schools the number of scholarships obtained was out of all proportion to the numbers who sat for the examination.

I thought there must be some reason for this, and that it must be because of the type of examination which was set. That seems to be the weakness in the present awarding of these scholarships—and I use the word "seems" advisedly because there may be in existence one of those unusual sets of circumstances to which Mr. Medcalf referred when he said, "You don't make laws to suit one particular set of unusual circumstances."

In this particular case the questions asked in the examination seem to hinge on what goes on in a home. In homes of the higher income group one finds that the topics of conversation are such that the children are able to obtain a general knowledge and a seeming degree of intelligence which, in comparison with those children who come from the poorer class of homes, is out of all proportion. I could quote the figures to prove my point, but I do not want to take up the time of the House. These figures would show that what I have just said is an established fact, and it appears to be one of those subjects into which there should be some research or some close examination to find out whether that is the true position.

Perhaps I could refer to what Professor Reid had to say. The heading of the article is, "Scholarship Anomalies Alleged." The date of the paper in which the article appears is the 5th August, which is only two days ago, and the remarks are attributed to Professor G. S. Reid, who was speaking to the Annual Conference of the W.A. Federation of Parents & Citizens' Associations. I would just like to take a couple of items out of context, but anybody can read the full article. The report, after giving all the details, states—

> "The moral of this is obvious," he said. "If you wish to enjoy the highest odds in the scholarship competition, you must seek to be a member of the upper income bracket."
>
> Competitive scholarships created an elitist society. The Commonwealth government appeared to be fostering an educated middle-class elite.
>
> He said: "In discriminating in favour of private schools, one wonders if the government would like to see a greater proportion of the population committed to a fee-paying education system."

I shall not continue to quote, but members can see that this is a subject which is well worthy of examination by the people who conduct these scholarships.

The next item I wish to mention has reference to a leading article in *The Teachers' Journal* and relates to a disability that teachers transferred to the north have to put up with in regard to the zone allowances. Teachers who go to the north and spend nearly two years there find that of the two years they can get exemption from tax for only one year.

Originally the zone allowances were commenced in 1945 and, in introducing the Bill at that time, the late Mr. Chifley, who was the Federal Treasurer, said that the reasons for the zone allowances were to compensate people who went to the north for all the disabilities they suffered. The answers that have been given by the present Federal Treasurer—and I am discussing this question quite apart from party politics—indicate that he has shelved the question, and I think he has destroyed the purpose for which the zone allowances were made.

I intend to write to the Teachers Union and make the suggestion that it should work along the following lines: The present position is that a teacher who is posted to the north-west for two years generally goes there at the end of his holidays in February and, by the time he is due to fill in his first income tax return after he has been in the north, he has not completed six months' service there and therefore he has not become eligible for the zone allowance. I suggest that the transfer of teachers—that is, for teachers going to and from the north—should be made during the May holidays. That would ensure that the teachers would start and conclude their service in May and would be able to fulfil their two-year qualification. I make that submission in the hope that these people will get the justice to which they are entitled.

The Hon. R. Thompson: You would have to get the department to agree.

The Hon. J. DOLAN: I would go one step further to elaborate on the point I was making about scholarships. A question was asked in another place recently and

the questioner wanted to know what percentage of students were continuing to the fourth-year standard at the beginning of the 1968 school year; and the question referred to those high schools which have a fourth-year available. All the high schools are listed in the reply and it is peculiar that of those children who go on to the fourth year the schools which show the largest percentages are situated in areas where the higher income groups live. In those cases the percentages were 46.2, 40.3, 47, and so on.

However, at the other end of the scale, the percentages dropped to as low as 19.3, 20, and so on. There was one figure of 15.7 per cent., but there was an explanation for that particular case. The schools which showed the lower percentage were situated in working class areas. Therefore it appears that in some respects our educational system is not fulfilling the purpose for which it was designed. All children, irrespective of their parent's affluence, should receive the same advantages.

Before I finish on that topic I would say, in the case of Commonwealth scholarships, that a good general knowledge and the ability to answer a certain type of question does not indicate whether a student has the capacity to make full use of his ability. There are many children who, because of their home surroundings have fared badly in this type of test but we would probably find, with set courses where they could get down and learn, probably without the assistance of their parents, they could do just as well at the University as the other children to whom I have referred.

Recently, as one means of overcoming the problem of the high price of land and housing, a development plan was submitted on the other side of the river by the Metropolitan Region Planning Authority. This was in the Canning-Armadale corridor and the people concerned definitely have some problems. I went to a few of the meetings which were called. The Shire of Gosnells called one meeting which was held at the civic centre and it was crowded. At the meeting those who were present discussed all the implications of the proposal.

I am not critical of the situation, but I am referring to this question so that members can draw their own conclusions. As I said, at the meeting to which I have just referred a number of matters were discussed and there was general agreement on certain points in the scheme. I shall read these points lest I make a vital error. I quote—

(1) This meeting objects to anything further than 1½ chains being declared Public Recreation as regards Canning and Southern River frontages and the Gosnells Shire Council, M.R.P.A. and Town Planning Board be notified accordingly.

(2) This 1½ chains, riparian rights and pumping rights are not to be ceded unless the land is developed as residential allotments.

(3) This 1½ chains reserve to be included as part of the public open space requirement on an area basis.

(4) Those owners whose dwelling now falls within the 1½ chains reserve be allowed sufficient area to accommodate that dwelling with a public road frontage.

Before I get off that point I would refer to the fact that a number of my constituents have what are called riparian rights. Their homes are built close to the river and they have the right to use the river water. The people to whom I refer have had these rights since as far back as 1955, when one of the owners bought his residential block and applied to the Under Secretary for Water Supplies and was granted riparian rights. I quote this information because I think it is of general interest—

Riparian rights are as follows:—

and these rights are defined by section 14 of the Rights in Water and Irrigation Act—

(a) Water free of charge for the domestic and ordinary use of yourself, family, and servants or for watering cattle or other stock;

(b) Provided there is a dwelling on the property and the land was alienated from the Crown prior to the 22nd September, 1914, a further right of free water from the river for the irrigating of a garden not exceeding 5 acres in extent, being part of such land, and used in connection with the dwelling.

The water cannot be taken from the river, however, for irrigating a garden even if it does not exceed 5 acres in extent if such garden is used for the purpose of cultivating produce for sale.

The people who have riparian rights wish to retain them, even after areas have been set aside for open space and some of their land has been resumed. In my view it is only right that those who had the foresight to select a site for their homes 14 or 15 years ago, and were granted riparian rights should be permitted to hold those rights. It is possible, of course, even if roads are built, for them to be able to install a pipe and a pump and use the water from the river.

The Hon. A. F. Griffith: If these areas were declared urban would they still be entitled to take that water?

The Hon. J. DOLAN: The urban area could not cover these people.

The Hon. A. F. Griffith: It might, ultimately.

The Hon. J. DOLAN: I examined this area very closely.

The Hon. L. A. Logan: It is flat and wet.

The Hon. J. DOLAN: Yes, with no possibility of the land being used for urban development. A very big problem already exists in this area and it is one which sooner or later must be faced by this Government, or some subsequent Government—I refer to the question of the necessity for adequate drainage and sewerage. I do not need the Minister or anybody else to tell me that this work costs a great deal of money. I know it does; and I know that the money would be difficult to find.

However, I would point out some very obvious matters. Even though it will cost millions of dollars it is a problem that must be faced. In some of the areas at the moment there are septic systems which do not operate satisfactorily. The result is that there is pollution of some of the streams and underground water supplies. This definitely constitutes a health hazard, and if there were an outbreak of any disease I suppose it would be debited against the scheme eventually coming to fruition.

Palliatives have been suggested. Some places have special sewage centres where the effluent is treated and fed back into the streams. We have been told of engineers who have drunk the water after it had been treated and have been known to say that it was really quite tasty. I do not think I would be game to do likewise.

Anybody who has read the papers will see that the health officers in the shires concerned have taken samples of the water, and they claim quite definitely that the streams and the water supplies there are contaminated and polluted because of septic tank effluent.

I will conclude that line of thinking by referring to a play on words by the Minister the other night when he referred to affluence and effluence. I have heard it said that our modern society is such at the present time that affluence and effluence are synonymous terms!

It is strange that even though I prepared these items of my speech some months ago, so that I would be ready to speak at a moment's notice, almost everything I prepared has already been mentioned publicly. I do not know whether the persons concerned have entered my office and seen my papers but it is certainly strange that the points I intended to make have already been referred to.

One such matter that was referred to, which appeared in the *Weekend News*, and which I discussed with you, Sir, on the way to a civic reception recently is the bottleneck at the Canning Bridge. I refer to it as a dangerous traffic spot. I daresay we have all gone across the Freeway towards Canning Bridge. On approaching Canning Bridge we find the road widens and a third traffic lane has been made with an arrow going around to the left.

If that is the way you go home, Mr. President, you will be forced to turn left to join this bottleneck. There are three lanes of traffic at the eastern end af Canning Bridge. As one comes off the bridge and proceeds along the Canning Highway the road narrows in the first 50 yards to two lanes. After a further 50 yards 50 per cent. of the traffic turns right to go to Manning. All the traffic that turns left off the Freeway adds to the bottleneck and the danger hazard.

Not being an engineer but a very simple soul, every time I have looked at this problem I have felt, as no doubt you have, Sir, that the traffic in the third lane bound for Manning, Salter Point, and so on, should be taken along the street which runs along the foreshore. That would ease the congestion, because it would only be a question of continuing the road across Canning Highway into this street. This is such a simple means of obviating the congestion that it makes one think there must be a catch in it. It is similar to hearing someone tell a story and feeling that there is a catch in it somewhere.

I do not think this suggestion would interfere with the future highway plans, because it is intended to take the road straight across Canning Highway.

The Hon. A. F. Griffith: Have you asked the Main Roads Department what it thinks about this?

The Hon. J. DOLAN: The department has given an opinion in the paper.

The Hon. L. A. Logan: You would have a job training the motorists who wanted to go to Manning to use that lane.

The Hon. J. DOLAN: I have not yet found that people cannot be educated or regimented. If we put up a "No entrance" sign, or something of that nature, it would be quite sufficient, because most people can read. At this point I am reminded of the fellow who was stopped by a policeman while travelling down a one-way street. The policeman said, "Don't you know this is a one-way street; didn't you see the arrows?" The motorist replied, "Arrows! I didn't even see the Indians."

It would not take people long to discover that the way I have suggested would be the easy way to get home and at the same time dodge the traffic congestion.

I tried for three years to get the Main Roads Department to do something about the intersection at Canning Highway and

Preston Point Road. I wrote letters to the department, I spoke on the matter in the Address-in-Reply, I asked questions in the House, and so on, but got nowhere at all.

Eventually the department probably felt that we would not keep talking about these things without reason, and in the meantime, of course, a couple of people had been killed, there were some very serious accidents, quite apart from about 10 or 15 near misses each day. All sorts of things were suggested and eventually the Main Roads Department sent down a couple of engineers. They must have been young fellows who were keen and bent on trying to find a solution to the problem. Now traffic and pedestrians are directed by a median strip and steel barriers. This system has been in operation for the last year and there has not been one accident since.

The traffic in that area has moved smoothly and it looks as though the "solution" has been a complete success. If we can find a solution in one case it goes to show that a very close examination is necessary of the points at which bottlenecks occur.

The Hon. J. G. Hislop: Is not Money Road a dangerous area?

The Hon. J. DOLAN: It is, and I could mention a number of other points. If the people who examine these problems look at them carefully they will find that a real danger exists.

Following representations made to me by a city council about a certain dangerous intersection in my province, I made an approach to the department concerned. The city councillors were worried and enlisted my support in the matter. Feeling that the only way to go about these things is to have a look at them, I went out early one morning to examine this danger point. It is little wonder that the city councillors are concerned about it. The local residents knew of the danger that existed. The danger is on a through road from Manning Road to Canning Highway, and I feel certain that if a trap were set at least 100 motorists could be picked up any day for exceeding the speed limit.

Being aware of the danger, the local residents stop at the corner before proceeding. I saw five or six near misses which could have resulted in fatalities if the people approaching the intersection were strangers. A close examination would reveal the problem and danger that exists, and yet it would appear that the Main Roads Department cannot see this danger. These dangers cannot be alleviated without some action being taken, or some solution being found.

One street I know of had no "Stop" signs. Motorists generally avoid streets which carry "Stop" signs and use those where there are no "Stop" signs. This of course creates a hazard. I would like some of the departmental officers to traverse these areas day in and day out, because I feel sure they would see the necessity for guiding the motorists by the necessary signs.

Mr. Medcalf referred this afternoon to the question of strata titles. I well remember the story of this legislation. The Minister in charge of the House introduced the Bill here, after which it was allowed to lie for 12 months. We all obtained copies of the legislation which was sent out to local authorities and other interested people to study and give their views.

Twelve months later the legislation was brought before us again, and after a pretty extensive debate it was finally passed. Those who took part in the debate were Dr. Hislop, Mr. Wise, the Minister, of course, and other members. They all carried out extensive research into the matter, and this was particularly so in the case of Mr. Wise. After a delay of 12 months, and after a protracted debate, we eventually decided that the legislation was desirable. It was passed on the 19th October, 1966.

The Hon. A. F. Griffith: What sort of response did you get to your circulation of the copies of the Bill?

The Hon. J. DOLAN: That is a good question. To be quite frank the answers I received amounted to three-fifths of five-eights of nothing. There was not a great deal of interest shown. As Mr. Medcalf indicated, it was a wonderful thing for such legislation to be introduced to give people a title to the premises in which they lived, whether they were on the fifth, sixth, or tenth floor of a block.

The Hon. A. F. Griffith: They were responsible people who examined it closely.

The Hon. J. DOLAN: I am not being critical of it; I am merely drawing attention to it. We spend a lot of time debating such Bills; we give them a great deal of thought, and in this case the measure was not proclaimed until November, 1967, which is about eight or nine months ago. New South Wales passed similar legislation many years ago, and we heard Mr. Wise say that he was quoting figures given to him by The Hon. John Mannix who, Mr. Wise assured us, was a very fine and able gentleman; one who knew what he was talking about. In a letter to Mr. Wise, Mr. Mannix said—

> Overall, it can be said that our legislation has been highly successful. The conveyancing section of the legislation has been readily adopted by the legal profession and as far as the public are concerned, to them there is no difference whatsoever in the signing up of all the documents involved as between Strata Titles and the normal Real Property procedure with the purchase of land.

The PRESIDENT: Order! Could the honourable member kindly give the reference from which he is quoting? This would assist *Hansard*.

The Hon. J. DOLAN: I am quoting from *Hansard* dated the 23rd November, 1965, at page 2708. As a matter of fact, I had the reference here for *Hansard*. Mr. Mannix said—

> As a matter of interest, there have been 1,700 plans registered since our Strata Title Act became law. As you know, there is a plan for each building. The actual number of individual Strata Titles issued now number approximately 25,000.

That was in November 1965, nearly three years ago. I made a few inquiries as to the situation in this State because our legislation has been in operation now for nine months. So far, one building covered by strata titles has been erected in Mt. Lawley, and another one is at present being constructed. This second one is called Golf View Gardens. Those concerned advertise all the advantages.

The Hon. V. J. Ferry: It is near the golf course.

The Hon. J. DOLAN: I would think so. At least it would be possible to see the fellows playing. I am sure the honourable member thought long over those words "Golf View" before he made his interjection. As I have said, only one block of strata title home units has been completed and another proposed. Having seen the many blocks of flats which have been erected and those in the course of erection. I was very worried. I wondered what the catch was.

The other day I asked a question of the Minister concerned in regard to what was paid in connection with company ownership. On a basis of $10,000 as the original purchase price, I wanted to know what stamp duty the original purchaser paid on a company home unit, and also what he paid if he sold it to someone else and there were subsequent sales at the same price. I used the amount of $10,000 for easy calculations. I asked the same questions with regard to strata titles.

The answer was that if a person bought a company home unit by buying shares in a company, he paid no stamp duty on the original purchase, and on a subsequent transfer he would pay $40. With regard to strata titles, on the original purchase he would pay $125, and on any subsequent transfer another $125 would be paid. Therefore in regard to the company home unit involving one purchase and one transfer, the revenue coming into the State would be $40, while with one purchase and one transfer in connection with a strata title, the revenue would be $250.

Anyone mathematically inclined could work out the loss of revenue in stamp duty alone on one of these big company blocks. It would be colossal. It worries me why these strata title blocks of home units are being erected in New South Wales and not here. There must be some other factors involved. The people in New South Wales have gone for them in a big way. Last Monday I inspected the Saturday edition of *The Sydney Morning Herald, the* edition which contains most of the advertisements concerning real estate and home units, and I found that strata title home units were available in all the well-known suburbs around the harbour. These include Rose Bay—which I suppose is one of the best suburbs on Sydney Harbour for flats —Cronulla, Edgecliff, Alexandria, Balgowlah, McMahon's Point, and so on. There were hundreds of them. Even three years ago Mr. Mannix said there were 25,000. Yet, here we have only one completed and one contemplated—and no others. I could not find them.

There must be something wrong with our legislation. I make no other comment. There must be something in it which does not make strata title home units attractive to purchasers or companies erecting these blocks.

The Hon. A. F. Griffith: If there is anything wrong with the legislation, let us find out what it is and put it right.

The Hon. J. DOLAN: That is why I have raised the matter—so that we can all have a good look at it, see where the trouble is, and ascertain whether it can be rectified. One of the biggest advantages was to the young people, and ex-servicemen in particular. Previously they could not obtain money to invest in a home unit because they could not be issued with a separate title. The Repatriation Department and others who supply money to the ex-servicemen would not regard the ordinary company home units as a safe investment or a sufficient protection for their money.

The Hon. A. F. Griffith: The R.S.L. was a prime mover in representations to me for strata titles.

The Hon. J. DOLAN: I would agree, because the R.S.L. would be working in the interests of these young people. Now, of course, the difficulty concerning the title has been overcome, but these young people face another problem. They can now obtain the loan money for the strata title units, but they cannot find the units in which to invest the money.

I have a couple more items on which I wish to speak. I shall make a brief reference to one and shall spend the rest of the time on a matter about which I feel very deeply. I shall refer firstly to the proposed installation of sodium fluorescent lighting on crosswalks in the metropolitan area. I originally raised this matter in the House about three years ago—it might be longer—because I was always impressed, particularly on a rainy night when it is hard to see crosswalks, with the lights on

Stirling Highway. As soon as a motorist becomes accustomed to the fact that the sodium lighting indicates that a crosswalk is being approached, he exercises care.

I think I mentioned before when talking of safety devices in cars that one of the important aspects of the safety belts in a car is that of psychology. If I get in my car and have forgotten to fasten my seat belt—and this is very rarely—I do not go more than 20 yards before I pull up. I feel something is missing in regard to my safety. Whether these belts are really a help I do not know because I have not had the opportunity to test them. In the 45 years I have been driving I have never been involved in an accident.

The Hon. L. A. Logan: I hadn't either until the other day, when someone hit me.

The Hon. J. DOLAN: I know it need not necessarily be the fault of the particular driver involved; it is often the other fellow's fault. I now return to the question of sodium lighting at crosswalks. I was pleased a week ago to receive an answer from the Minister for Traffic to the effect that the department expects the first new lighting to be installed about November this year. That was very welcome news, and I was particularly happy to learn that the first installation is to be at the corner of Canning Highway and Point Walter Road. That was where a member from another place was very seriously hurt one night some years ago, as the result of which he had to relinquish his parliamentary career. The installation of this lighting may prevent another serious accident at the same spot.

The final matter I wish to raise concerns a Mr. Rowson of Thomas Street, Queen's Park. His story, which I investigated, touched me, because I feel he is a man who has always tried to do something for himself, but has got absolutely nowhere. I have been out to see his place on a number of occasions. I will tell the story very quickly.

About 16 years ago Mr. Rowson bought land in Thomas Street, Queen's Park, and at that time no facilities were available. There was no water supply or power, and he was quite a distance from the nearest made road. The area was surrounded by trees of various kinds. A few of them were paperbarks. I am always suspicious of those trees because they always suggest to me the possibility of swamps, on which they seem to thrive.

Anyhow, this fellow did not feel this way and he bought the land. He then built his home. He was faced at first with the problem of water, so he put down a bore to a depth of 25 feet in order to get some water. That suggested to me, as it would to all members, that he would not have any water table problem.

He built his house and everything went along quite smoothly for some years, and then the State Housing Commission moved in and built in an area called Maniana. This suburb is in my province and is at the back of Mr. Rowson's property.

The Hon. A. F. Griffith: That's a beauty that one!

The Hon. J. DOLAN: The Housing Commission bought the land in Maniana. As the commission was expected to extend its operations into Maniana, it meant that Mr. Rowson's block was a valuable piece of land.

This is one of the good points of the matter. Members can see the plan I have in my hand, which shows the Maniana State Housing Commission project. Mr. Rowson built in Thomas Street and he is next door to Lot 14, which is shown on the map as being reserved for a drainage sump. The Housing Commission left the block alongside of Mr. Rowson's block for a water sump. Mr. Rowson thought he was pretty safe because any excess drainage from Maniana would be directed into that sump.

Unfortunately, the story does not have a happy ending. The State Housing Commission eventually decided it would knock down the timber in the area and clear the land, which it did. In the meantime, Mr. Rowson had obtained electricity poles so that he could get power. He had installed a septic system, and things seemed to be going all right, The Canning Shire built a road, and he was quite happy.

However, when the State Housing Commission knocked over all the timber—as members of this House would know, particularly the farmers—the water table rose. The State Housing Commission, realising that the area might become a swamp, started to bank it up a foot or two with sand and other soil. As soon as the commission did this an engineer from the Canning Shire warned the commission that it would have to be careful, otherwise Mr. Rowson would be flooded out. The commission made no mention of the fact that a sump had been proposed, but covered up the sump site. There is a sump in the area now, just where Mr. Rowson lives—from front to back—and every winter he is flooded out.

When the matter was raised with the State Housing Commission it examined all kinds of proposals and tried to fix the blame on the Canning Shire. The Canning Shire passed the buck back, and the only one who suffered was Mr. Rowson, whose place was under water from front to back, during the winter. I examined the place many times.

Eventually I wrote to the Minister for Housing and told him the story I have related tonight. The State Housing Commission said it would discuss the matter

with the Canning Shire, and so on. After an investigation, a statement was presented to the effect that the commission had a legal opinion that it was not responsible for Mr. Rowson's problems. Provided the commission developed the land naturally, there was no legal obligation on it to accept responsibilty for this poor fellow's flooding. One can imagine what chance Mr. Rowson would have in law if he tangled with that authority. He is only a working man and has a family to keep, and would not have much chance. I could not advise him to fight the case in a court, because he would probably get nowhere. Probably, the legal position is quite correct.

When I wrote to the Minister for Housing I expressed the view that although the commission might have no legal obligation, at least it had a moral responsibility to this man. He had no problems whatsoever until the Housing Commission moved in and built up the land. When the commission did not proceed with the sump, I think the responsibility was theirs morally. The Canning Shire, probably in order to meet the wishes of the commission, raised the surface of the road and brought it up to the level of the adjoining land. This aggravated the problem. One would expect that with the building up of the land and the building of the road a housing settlement would be situated there today. However, not one house has been built on the land. All that the work has done is provide drainage of the area on to Mr. Rowson's land.

The Hon. A. F. Griffith: I think I remember this particular case.

The Hon. J. DOLAN: Mr. Rowson examines the foundations of his house repeatedly and they look as though they are starting to rot. All his fruit trees have gone. He used to have fowls but they have gone, otherwise they would have drowned. Mr. Rowson has a problem and his is only one that I raise.

The Hon. H. C. Strickland: What does the Government intend to do?

The Hon. J. DOLAN: The State Housing Commission is the authority. Perhaps the Minister can find some solution. I think the problem has reached the stage where the commission and the Minister should do something to help.

The Hon. A. F. Griffith: As a matter of interest, if he had to go down 25 feet to reach water, that meant the water table had risen 25 feet.

The Hon. J. DOLAN: No, I did not imply that at all. I said that when one has to go 25 feet for water there is certainly not a high water table. However, the water table has risen since, and evidently the water soaks through to the surface.

The Hon. A. F. Griffith: The water is not running on the surface?

The Hon. J. DOLAN: No, I did not imply that. I could go on writing letters to the Canning Shire and its engineers, and to the State Housing Commission, and I would get absolutely nowhere. I understand that in order to get some relief from the flooding, drainage, at a cost of $3,000, will be necessary.

The Hon. A. F. Griffith: This incident occurred about 1956, when Maniana was built?

The Hon. J. DOLAN: That is right. That was the first time the problem made itself apparent.

The Hon. A. F. Griffith: It was 1956 when he first went to the area?

The Hon. J. DOLAN: That is right.

The Hon. A. F. Griffith: When did it start?

The Hon. J. DOLAN: The flooding started only about three years ago. He had nothing to do with it. It has only been this action that has caused it.

The Hon. A. F. Griffith: The reason I remember is that I represented that portion of the country in those times.

The Hon. J. DOLAN: I wish the Minister had solved the problem so that there would be no need for me to raise it in the House.

While Dr. Hislop was speaking he referred to a case which occurred at the conference of Australian presiding officers. He referred to a question which was asked by Mr. Whitlam. Points of Order were raised by the late Mr. Harold Holt, who was then the Prime Minister, and Mr. Snedden, a Queen's Counsellor, also bought into the argument. The question related to the Royal Commission inquiring into the statement made by Lieutenant-Commander Cabban. I am sure members recall the incident. Mr. Whitlam started to ask a question and the late Mr. Holt rose to ask whether it was not *sub judice*. Mr. Whitlam said that of course it was not *sub judice* and that he had already asked two questions on the same problem; that is, on the same statements that had been made, and so on. Permission had been given to answer those questions and, as permission had been given for two, he felt a third question was in order. Mr. Snedden took a Point of Order, but it is interesting to note that the Speaker ruled Mr. Whitlam was quite entitled to ask the question.

I have not raised that matter to give the impression that Mr. Whitlam was pretty smart with his queries, and so on, but to show that presiding officers, irrespective of party, at all times have been beyond reproach and always give decisions in accordance with what they think is right and just. I know, Mr. President, you

will always carry out that principle; it will redound to your credit, of course, and to the dignity of the House.

I will conclude with a little prayer that in the time I remain in the House the Lord may grant me grace to accept things which I cannot change; that He will grant me the courage to change things which I can change; and that He will give me wisdom to know the difference.

I support the motion, but before I resume my seat I would again pay tribute to the officers of the House, and to the many public servants with whom I have had to deal. I have always been received with the utmost courtesy and have been given the greatest consideration. I extend those remarks also to the Ministers on the other side of the House. Of course, Ministers say "No" to a lot of requests which I make, but they say it in such a polite way I do not feel like going back and telling them what I really think of them.

Debate adjourned, on motion by The Hon. N. McNeill.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [8.52 p.m.]: I move—

That the House at its rising adjourn until Tuesday, the 13th August.

Question put and passed.

House adjourned at 8.53 p.m.

Legislative Assembly

Wednesday, the 7th August, 1968

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

QUESTIONS (38): ON NOTICE

MOOCHALABRA CREEK

Damming

1. Mr. RIDGE asked the Minister for Water Supplies:

   (1) In consideration of an anticipated upsurge in the development in the Wyndham area as a result of the proposal to proceed with the main dam on the Ord, will he advise if his department has investigated the possibility of improving the town water supply by damming Moochalabra Creek?

   (2) If "Yes," when does he anticipate that work on the project will commence?

   Mr. ROSS HUTCHINSON replied:

   (1) Yes.

   (2) A commencement on the scheme is under consideration for the 1968-69 works programme which, as yet, has not been finalised.

GAOLS

Wyndham and Derby: New Buildings

2. Mr. RIDGE asked the Chief Secretary:

   (1) Is it intended to build new gaols at—

   (a) Wyndham;

   (b) Derby?

   (2) If "Yes," when could the work be commenced?

   (3) If "No," will he authorise an appropriate authority to report on the structural, health, and security aspects of the existing buildings?

   Mr. O'CONNOR (for Mr. Craig) replied:

   (1) (a) and (b) No.

   (2) Answered by (1).

   (3) A regional prison is programmed for Port Hedland. It is intended that probably within six months the police gaol at Derby will be closed and prisoners will be transferred to Broome. The buildings were inspected 12 months ago by the Comptroller of Prisons and every endeavour is made to have them inspected once yearly by an official of the Prisons Department.

POLICE VEHICLES

Refuelling Services

3. Mr. HARMAN asked the Minister for Police:

   (1) At what centres in the metropolitan area are police vehicles able to obtain fuel after 5 p.m. and before 6 a.m. on week days?

   (2) At what centres are refuelling sevices available on weekends and holidays?

   Mr. O'CONNOR (for Mr. Craig) replied:

   (1) (a) The Transport Section, Maylands; Fremantle Police Station; and Midland Police Station.

   (b) Stations at Cannington, Cottesloe, and Gosnells hold small supplies for their own uses, but these are available if required.

   (c) Roe Street, Perth, from 10 a.m. to 6 p.m. Monday to Friday.

   (2) The Transport Section, Maylands; Fremantle Police Station; and Midland Police Station.