Nevertheless, the point was raised by you, Mr. President, and by other speakers, that something should be done to provide more money for the fund, and that there should be a national disaster fund. I think it would be a very good idea if the Government changed its policy towards the State Government Insurance Office. In order to establish a disaster fund the Government might allow the State Government Insurance Office to enter the private insurance field.

Such a fund could be further improved by the State Government Insurance Office entering into the business of life assurance. If this were done the Government could be certain it would have adequate funds upon which to draw when such emergencies arose.

Debate adjourned, on motion by The Hon. V. J. Ferry.

House adjourned at 3.52 p.m.

Legislative Assembly

Thursday, the 24th april, 1969

The SPEAKER (Mr. Guthrie) took the Chair at 11 a.m., and read prayers.

BILLS (2): INTRODUCTION AND FIRST READING

1. Stock Diseases (Regulations) Act Amendment Bill.

   Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.

2. Northern Developments Pty. Limited Agreement Bill.

   Bill introduced, on motion by Mr. Bovell (Minister for Lands), and read a first time.

CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT BILL

Leave to Introduce

MR. CRAIG (Toodyay—Chief Secretary) [11.5 a.m.]: I move—

> That leave be given to introduce a Bill for an Act to amend the Co-operative and Provident Societies Act 1903-1947.

Mr. Tonkin: How many more Bills are we going to get?

Mr. CRAIG: This will only be a five-minute job.

Mr. Tonkin: I would like to know what is going on.

Mr. CRAIG: As the Leader of the Opposition will see, this deals with co-operation and I feel sure we can expect this from him.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. Craig (Chief Secretary), and read a first time.

LAKE LEFROY (COOLGARDIE-ESPERANCE WHARF) RAILWAY BILL

Leave to Introduce

MR. O'CONNOR (Mt. Lawley—Minister for Railways) [11.6 a.m.]: I move—

> That leave be given to introduce a Bill for an Act to authorise the construction of a railway to connect the Coolgardie-Esperance railway to the Esperance land backed wharf and the construction of a spur line to Lake Lefroy.

Mr. Tonkin: This is really over the fence; it is too much.

Mr. O'CONNOR: If the Leader of the Opposition will be patient he will see the Bill is necessary in view of the previous legislation which has been introduced.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by Mr. O'Connor (Minister for Railways), and read a first time.

ACTS AMENDMENT (SUPERANNUATION) BILL

Second Reading

Debate resumed from the 22nd April.

MR. TONKIN (Melville—Leader of the Opposition) [11.7 a.m.]: This is a long-awaited Bill which has eventually found its way to this Chamber. In the meantime there are many people who have had their pensions eroded by increases in the cost of living and who, as a result, have suffered real hardship.

I can fully appreciate the difficulties confronting the Government. I know these matters take time and it is obvious that considerable investigation has taken place in connection with the proposal now before us which, I say without any hesitation, is quite a reasonable one. Perhaps I could point out a few places where the Bill might have been improved, but it is, nevertheless, a reasonable proposal and, I think, shows the amount of thought and time which has been given to its preparation.

That, however, is not much satisfaction to those who have been suffering in the meantime. The Government, from time to time, gave promises of early attention to the matter, but it was not able to fulfil those promises. However, the Bill is here at last.

The Joint Superannuation Committee has given consideration to the Government's proposals and has adopted the following motion:—

> That the Leader of the Opposition be informed that the Joint Superannuation Committee considers the

> Government Bill? to be a distinct and considerable improvement on the present situation, albeit a very belated one.

I think it could be quite fairly said that this represents a substantial improvement in most grades for pensioners who have subscribed to superannuation and also to those few 1871 pensioners who are still alive and drawing pension.

Following a lot of consideration of the question given by the Commonwealth and Victorian Governments, I had previously come to the conclusion that the best way to deal with the inequitable situation which had developed was by introducing an updating system.

I listened carefully to the remarks of the Premier, and subsequently I read the *Hansard* report of his second reading speech. I believe that he has found a better and a more equitable system. There are certain weaknesses which would be apparent if we adopted an updating system, and those weaknesses are inherent in the existing Superannuation Fund; therefore I think the Government is deserving of some credit for having gone thoroughly into this matter and for deciding not to adopt the updating scheme, but to put forward the one we are now considering.

The big weakness in the updating scheme is that it imposes a very heavy and an almost intolerable burden upon people who have not much time left to work in the Government service, but who would be called upon to make good the additional contributions required under the updating system in the very short time left to them to do so. In some cases the period left is just a year or two; and to call upon them to find substantial sums to put into this fund in that time would, in many cases, impose an intolerable burden. That is the weakness in the updating scheme. The Government, in adopting the scheme which it has put forward, has found a happy solution.

As the Premier pointed out, there are two major deficiencies in the existing superannuation scheme. Firstly, the present scale is grossly inadequate for salaries which exceed $2,860 per annum; or, to put it in simpler words, the people who are trying to exist on pensions which are payable on salaries over $2,860 per annum are in many cases unable to live reasonably. The other deficiency is that the pensions to former employees have, in no way, kept pace with the continued rise in the cost of living; and that has resulted in substantial erosion of those pensions, so that very real hardship has been experienced.

For a very considerable period I have received a regular supply of letters from people in various parts of the State—from retired Government servants—pointing out to me the serious hardship which they are suffering, and requesting that some action be taken to provide for early remedial legislation. Only yesterday, a few hours before the Premier introduced the Bill, I received a letter from the widow of a pensioner setting out in five or six pages of closely written script the difficulty she was experiencing, and telling how difficult it was for her under the existing scale. She will be one of those who will benefit from the Government's proposals.

Under the present scheme, successive Governments have endeavoured to remedy the deficiencies by making some additions from time to time to the payments to pensioners who had taken out under 20 units. That, of course, has created a situation which increases the difficulty in trying to apply an improved scheme to all pensions. The basic principle which the Government seems to have adopted in connection with its new scheme is to provide that in no case shall the State's share of the pension be less than 50 per cent. Previously in a number of categories the State's share was substantially below 50 per cent., so I think this new principle is a good one. Surely pensioners should be able to look to the State to pay at least half the pension which they are entitled to draw. That will be the situation under the new proposals.

As the Premier explained, the Commonwealth Government and the Government of Victoria allow one unit of entitlement for every $130 of salary, right up to a total salary of $5,200. This means that in the Commonwealth and in Victoria a Government servant receiving up to $5,200 per annum in salary may contribute for as many as 40 units; whereas under the existing State legislation his maximum is 30 units, and this results in his being given a reduced pension in comparison with what applies in the Commonwealth Government and the Government of Victoria.

Recently the Commonwealth has come up with what I think is a very bright idea: instead of adopting a complete updating scheme it has adopted a system of providing non-contributory units. By way of explanation to members who are not completely familiar with the provisions of the Act, let me say that at present a pensioner only draws a pension in accordance with the number of units for which he has contributed, and the pension which he derives as a result is one made up of a certain amount from the fund and a varying share which comes from Government funds. The Government proposes to ensure that in no case will its contribution be less than 50 per cent. of the pension to be paid.

The idea of a non-contributory unit is that in the case of a pensioner who has contributed for less than 20 units, if he elects to take out one additional unit giving him, say, 21 units then the State will also let him qualify for a non-contributory unit; or to put it in another

way he contributes for 21 units, but he will be entitled to 22 units. So the number of units will increase in stages. If he contributes for 22 units he will qualify for 24 units; and if he contributes for 23 units he will qualify for 26 units, until he reaches the maximum entitlement under that scale of receiving an additional 10 non-contributory units. This means, of course, that he will draw $65 on each unit without making a contribution towards that unit. This will give him an appreciable increase in pension

Mr. Gayfer: Does that apply to farmers also?

Mr. TONKIN: The honourable member is a supporter of the Government which has brought this Bill to Parliament. The time for him to have made such a representation was before the Bill reached this place, and not afterwards. Seeing his party keeps the Government in office, he certainly had a strong lever if his desire was sufficient to urge him to pull it

The increases in pensions will be from $65 for pensioners who hold 21 units up to $650, when a total of 30 units is held. In excess of 30 units, the entitlement will taper off for the number of non-contributory units to be given by the Government. Up to 30 units it is a regular amount of a contributory unit for every $130 of salary, but beyond the maximum of 30 units, the entitlement to this non-contributory unit will gradually taper off. I have no objection to that as I think it is reasonable in the circumstances.

If anybody has given this question of entitlement study at all, he must agree that the present scale of entitlement is completely out of date. Therefore it was apparently necessary—inescapable—that in any scheme to be introduced into Parliament, this aspect should receive consideration. I am pleased to say that under the Government's scheme, it has received consideration.

The Bill lifts the maximum number of unit entitlements from 50 at a salary of $10,400 to 70 at a salary of $15,600. It does this by extending the scale in steps of $260 instead of the earlier steps of $130, which are taken as being the entitlement to each unit of pension to be obtained.

The scheme is designed—and I think quite rightly so—to provide that the State's share of the pension is a reasonable percentage where a person has elected to take out his full entitlement. It is very necessary to keep that in mind, because what I have said does not apply—I am not saying it ought to at this stage—where persons have failed to take out their full entitlement; or, to put it another way, where they have taken out a lesser number of units than they could have taken out on the salary they were receiving. But if they have been provident and have been able to take out the maximum number of units to which they were entitled, then under these circumstances the Bill provides the State's share of the pension will be a reasonable one.

In the scheme I think we would endeavour to aim to give the relatively largest pension increase to those who have been on the pension the longest. Taking the broad view, I think that would be the attitude of most members. Some of the pensioners, of course, go back many years, during which time the cost of living has risen quite steeply. Pensions have been increased at irregular intervals and not to anything like the same extent.

Tasmania has shown the way to deal with this situation by introducing a new idea of applying a cost-of-living adjustment. If this is faithfully applied, then the relative value of the pension will be maintained, despite any increases in the cost of living. I do not think there could be much argument against that, if funds were available to meet the cost. But Tasmania has adopted this principle—it has shown the way—and in this legislation the Government has followed that lead. So it is proposed, in a number of categories, to apply this cost-of-living adjustment. It will not go through to all pensions; it will cut out at a certain figure; and I will explain this a little later. However, the principle is adopted and it is a good one.

From time to time the pension paid will be adjusted in accordance with the consumer index. As the Premier explained, this will necessitate the introduction of further legislation next session; and I think that the explanation given by the Premier as to why it is not being provided now is a reasonable one, inasmuch as the Government has not yet been able to arrive at a firm conclusion as to the best way of providing for this increase. The matter is still under study. I much prefer this Bill to come here now and the other legislation to be introduced later on, than that the introduction of this measure be delayed until such time as the Government's studies on the other aspect have been concluded.

If we are to take any notice of what has occurred in the last two or three years we might have had to wait for an inordinate length of time before we had any improvement in the pensions at all. So I much prefer what is being done now, understanding that nobody will suffer so long as the Government is able to bring in this additional legislation at the time it says it will do so.

If that legislation is delayed, it could be that this cost-of-living principle which is now being introduced will have to be held in abeyance for the period until the additional legislation is passed by Parliament. I hope the Government will not allow that

to happen, and that its studies will be completed in sufficient time to enable the preparation of this additional legislation to be concluded.

It is proposed to make this cost-of-living adjustment back to 1953. The reason—and I think it is a sound one—it is not being made further back than 1953 is that prior to that time, additions or alterations were made to pensions, having regard to the pensioners of that day; and those additions and alterations have necessarily to be taken into consideration in any decision to improve the payment of pensions generally.

The consumer index figure shows a rise as between 1953 and 1968 of 41.72 per cent. Therefore, applying this cost-of-living adjustment to pensions back to 1953—and that will be the maximum cost-of-living adjustment—these pensioners will receive an increase in pension, because of this component, of 41.72 per cent. I would have liked the Government to be in a position, not only to increase its share of the pension to those pensioners by 41.72 per cent., but to increase payments from the fund, as I think it could quite easily have stood the same increase for those pensioners.

I have been watching, from time to time, the amount of money which the Superannuation Board is able to invest. They are substantial sums, and they are increasing. I know the view that actuaries take, and I have yet to see a report by an actuary stating that any superannuation fund was perfectly sound. They all take the view that all the contributors will die on the same day and become beneficiaries under the fund. They say that is the liability, and provision has to be made for that contingency. If one presses the matter the actuaries will agree that it probably will not happen, but they say it could happen and it is on that basis that they refuse to give certificates stating that funds are actuarially sound.

I can remember when the members of Parliament fund was first established. One member said to me that one cannot take out of a pint pot more than one puts into it, which is true enough. However, that member overlooked the fact that if the tap of the cask is left running one can put in more than one is taking out. That seems to be happening in regard to a lot of pension funds. The rate at which the contributions to the fund increases is in excess of the rate at which the funds are withdrawn from the fund to meet the requirements of pensions.

I am firmly of the opinion that it would have been possible for the fund itself to bear the same additional cost with regard to the cost-of-living adjustment as the Government is prepared to bear for these particular pensions. If that were done, then those people who did not elect to take out their full entitlement would benefit, and they are the ones who really need the benefit at this stage. Imagine a person on a pension of four units, for example, with present-day costs. I think he will get a pension of about $13 a week, when he is fortunate if he can rent a house for $15 a week.

I think an extra effort should have been made to try to find a little more money for those pensioners, and in my view it could have been found by the fund itself instead of calling on the Government to do more than it is prepared to do. I think the Government has done a reasonable thing in its contributions. It will cost about $1,000,000 a year, and that is a substantial additional cost. However, I do feel that there was room for a little extra improvement which would have made this a better scheme without costing the Government any more, if the fund had been called upon to make this percentage increase in the cost-of-living adjustment. That would have meant that in the cases of pensioners back to 1953 the fund would have been called upon to make the 41.72 per cent. increase. The State itself is making a 41.72 per cent. increase, and if both increases were applied the result would be much more attractive than what the pensioners are going to get.

A beneficiary on four units who retired before 1954 will receive an increase of $164 in pension because of the increase in share. That will give him a total pension of $671 or, I think, roughly about $13 a week.

I am pleased to see that the 1871 pensioners have not been overlooked and that they will participate to the same extent as the other pensioners. They will enjoy the cost-of-living adjustment as well as the increase in the State's share of the pension which is applied to pensioners generally.

There is one aspect of this which I think has been overlooked. The existing Act provides, of course, that where a pensioner dies, then a proportion of his pension is paid to his widow, and there is an allowance which is paid to each of the children. At the age of 16 this allowance is readjusted. The Government seems to have overlooked the position of orphan children who have to be looked after by a guardian. These children will be relatively worse off than the children whose mother is still alive but whose father is dead.

I feel sure that is an oversight, and I think it ought to be adjusted. I cannot see that we could satisfactorily argue that in relation to the pensioner who has contributed for a pension—which will be an amount of money to look after himself, his wife, and his children—in the event of the children losing both their father and mother, then those children should be in a relatively worse position than the children of a pensioner whose

widow is still alive. The Government might very well have another look at this.

At the present time I think there is a payment of $4 for each child who is looked after by a guardian. That could very well be raised in order to make the contribution for the maintenance of those children, during their years of infancy and early teens, such that it would put them in no less a position than that of the children of a deceased pensioner whose widow was still alive. This should apply in so far as money values are concerned.

I commend the Bill to the House, Mr. Acting Speaker (Mr. Williams) with those suggestions which I have made, and which I think would tend towards improving what is relatively a good proposal. Although I think the Government has been somewhat tardy in bringing the measure here, now that it is here it must be conceded that it is not altogether a bad effort. It reflects very sound study on the part of those whose responsibility it was to find a solution to quite a complex problem.

The solutions adopted elsewhere have not been complete solutions and they have involved hardship for certain categories of pensioners. I believe the Government has achieved an improvement by a combination of several matters. It has achieved a scheme which is a vast improvement on the existing one and which will go a long way towards meting out justice to those pensioners who have served the State well but who find—or whose widows find—considerable hardship in trying to live on the amount of pension available.

Of course there is a limit to what can be done. Whilst I think we would all like to see very substantial increases given, that is not always possible, and the ultimate objective must sometimes be one achieved by progressive steps. I think that all in all quite a good job has been done and I would hope the Government, even at this late hour, might find it possible to incorporate in the scheme the suggestions I have made.

MR. DAVIES (Victoria Park) [11.41 a.m.]: There is not a great deal left to say on this measure that has not already been said by our leader. However, I think I, too, should join in tendering congratulations to the Government on the outcome of its deliberations. On other occasions we have waited with bated breath for legislation of this sort to come down, and when it has arrived it has generally been more than a disappointment.

But on this occasion, as the Leader of the Opposition has expressed, it seems that a very genuine, serious, and successful attempt has been made to overcome many of the anomalies associated with superannuation of the Government services. I am sure, as the Premier said—I think it was at the conclusion of his second reading speech—that we may yet find some anomalies; we may yet find that some of the measures which are included in the Bill will not work as successfully as we anticipate. However, the Premier also indicated that the next session is not far away, and amending legislation can be introduced if necessary.

The only point with which I would like to deal, and which does not appear to be covered in the Bill, is in regard to those Government employees who have elected to retire at 60 and who, when they reach that age, find they are able to continue in employment until they reach the age of 65. In proposed new section 60B there is provision that a person who has reached the age of 65 and who is able to continue in his position will be allowed to elect to receive the contributor's portion of the pension for which he has paid, and there is further provision to enable him to receive the whole of the pension if he retires when he reaches the age of 66, or before he reaches that age.

Of course, there is a further provision in proposed section 80 which provides that a man who leaves his employment—perhaps he retires today and recommences work with a Government department tomorrow—will receive a pension, provided the total amount of the pension and his salary is not greater than his salary would have been at the time of retirement. I believe those are the measures which are proposed to be added to the principal Act by clause 12 of the Bill, which will become new section 80.

I think the concessions are admirable, although I do have some misgivings about the proposed new section 80. However, we will have to wait and see how it works out. To get back to the point I wish to make, it is in regard to employees who elect to retire at the age of 60, but who continue to work until they are 65. The present position as I understand it is that contributions by both sides cease at the elected retiring age, and the pension is held over until such time as the person retires.

I am sure the Premier knows that there are various associated bodies—one is the Council of Salaried Officers, which incorporates Government salaried employees, railway officers, teachers, and so forth; and there is also the Joint Superannuation Committee which comprises representatives of all Government employees—which have had this point under consideration for some considerable time. Those bodies, of course, would like to see provision made for a full pension to be paid to an employee who elects to retire at 60 and then goes on working.

I see the Minister for Labour smiling; that seems to him to be a good racket to get into. Of course, if a fellow so desires he can retire from Government employment and go into private enterprise, and he would then receive his superannuation

as well as a salary from his private employment. However, a good many employees would be lost to the Government if people elected to do that.

So, in some respects it is certainly not unreasonable to suggest that if employees have paid for a pension, and have reached the age at which they chose to retire, and if the rates have been assessed for early retirement, then those employees should receive the pension at the age of 60.

However, if the Government is not favourably disposed towards that suggestion, there is an alternative, which is that the pension that should be paid could be considered as contributions to further units which would increase the eventual payment of the pension at the age of 65, or whenever the contributor retires. I think this is also a reasonable suggestion. I do not know whether it has been considered by the authorities who have brought this measure before us.

Another alternative—and I do not think the Government could have any objections to this—is that the contributor's share of the pension could be paid to a person who had reached his elected retiring age and who continued in employment. He would have contributed out of his own pocket for a pension. Certainly the Government would have contributed also, but we could ignore the Government's contribution and pay only the contributor's share. Surely this is not unreasonable. We all know the difficult position in which the Government finds itself in practically every sphere of its activity in regard to employment. The State Electricity Commission, the railways, and I think, just about any Government office that one might care to name are experiencing difficulties with regard to employment.

There are many people who are capable of effectively holding down a job when they reach the age of 60. I am sure a few of the Ministers on the front bench will indeed agree with me that they are certainly not finished at 60. If we want to retain the services of people over the age of 60, we should offer them an incentive such as I have mentioned, and I think it is certainly not unreasonable to suggest that the contributors' share of the pension should be paid to them if they do not retire at 60, but go on until 65.

I believe that this superannuation proposal was discussed between the Government and union officials some time ago, and the officials were informally told of the proposals. I would like to congratulate the Government on the discussions which were arranged so that the unions would know something about the matter. I have said in this House on many occasions that the probable outcome of much legislation would be easier for all concerned if the Government first took into its confidence the people mostly affected. On this occasion it would appear that this has been successful.

That is all I wish to say. I make a plea on behalf of those people who have contributed for a pension on the basis of retiring at 60, and who continue working until they reach the age of 65. As far as the rest of the provisions in the measure are concerned, they are interesting in more ways than one—as has been stated by my leader—and are confusing to me in more ways than one. I cannot fully understand the measure; I did obtain a pull of the Premier's speech, but I have not read it completely. Fortunately my leader has gone into the matter fairly well and so have several other members on this side of the House.

The legislation has been reviewed by some of the leaders of the unions most concerned, and there seems to be agreement with its provisions. Those people are pleased about it, and it is a measure for which the Government deserves congratulations.

MR. HARMAN (Maylands) [11.49 a.m.]: Some six or eight months ago I was rather concerned whether the legislation which is now before us would ever reach this House, because at the time the people responsible for the Superannuation Fund and the Treasury were having some difficulty in arriving at a suitable updating scheme. I must congratulate the officers concerned on being able to achieve their objective in a highly desirable manner.

The points I intended making in my contribution to this debate have been very ably made and, as a result, whittled away by both our leader and the member for Victoria Park. I support the statements and the suggestions they have made. This leaves me with one small suggestion to make and I will be brief in making it.

If from now on it is proposed that cost-of-living adjustments will be made in accordance with the index then, I suggest, some thought might be given to having the cost-of-living adjustment built into the legislation so that rather than have amending Bills come before Parliament each year the index changes, we might arrive at some arrangement whereby those changes can be made without the necessity to pass legislation.

I have not given a great deal of thought to this suggestion, but on the surface it would appear that it would make for better administration. It would certainly give the pensioners some comfort each year, because they would not have to wait for legislation to be passed before their pensions were increased in line with the index. With those few remarks I commend the Bill to the House.

MR. BRAND (Greenough—Premier) [11.52 a.m.]: I wish to express our appreciation of the reception given to this legislation. Oppositions can be critical if they

wish, whether the Bill being dealt with is a good one or a bad one, and this has been the practice over many years, irrespective of the party occupying the Opposition benches.

It is, however, gratifying and pleasing to know that a real and genuine effort on the part of those responsible for the preparation of this legislation has been recognised. A certain amount of play was made regarding the delay in bringing the measure down. For my part, I know there have been genuine delays and I also know that from time to time I have received reports that we have the answer, and even after having secured Cabinet approval for certain schemes it has been necessary for us to retrace our steps, because the extension to the individual case proved that anomalies did exist.

Belated as it might appear to be, it seems that it is a good thing that we have been able to wait and finally sort out a scheme which is acceptable and perhaps an improvement on existing schemes.

It must be admitted that whenever we alter a pension scheme, or whenever we move to improve working conditions and salaries and wages, we find there is always someone who has suffered in the past as a result of existing anomalies, because evidently the particular scheme of pensions or salaries and wages has not been at an equitable level sufficient to meet the cost of living at that time. There has always been someone behind scratch before the move has been made.

Like the Leader of the Opposition, I have received many letters which, in the main, have been genuine and sincere appeals from our older brethren who have retired and who, in all good faith, did not take out sufficient units. But that, of course, is their business. Now, however, as a result of changed circumstances, increased costs, and improved standards, they really find themselves in a difficult situation, and I certainly feel sorry for them. I hope the attempt made now will give some immediate easement, and if they receive something over and above what they expected it is all to the good.

With reference to the suggestions made by the Leader of the Opposition, I would like to say that some thought has already been given in a broad sense to those suggestions and also to the suggestions made by the member for Victoria Park.

It was felt that the vital and important thing was to get a basic piece of legislation on which we could build and improve. Had the Government decided that the officers working on this Bill should move out in other directions in order to try to secure a perfect piece of legislation, it certainly would not have been here today; because it is recognised—and I am sure the Leader of the Opposition with his long experience would know—that it is one thing to make a decision on what appears to be a clear cut case, and quite another to have it working without anomalies developing in some direction; anomalies which are often impossible to foresee when there is no precedent.

I certainly assure the House that the suggestions put forward appear to be fairly obvious amendments which, perhaps, we could implement in the next session. I do not, however, wish to make any commitments in this direction and I do not want to rush into a major piece of legislation like this without being sure of it and without knowing how it affects not only the pensioner or the contributor, but the scheme as a whole.

I heartily agree with what the Leader of the Opposition has said about actuaries. Actuaries might think of us as humble laymen, and they certainly have a job to do in their profession. It is perhaps all very well for a layman like myself to suggest it does not matter and that the scheme is a viable one—and indeed this has often been said about our parliamentary superannuation scheme; that it is viable—but I wonder whether the attitude expressed here by the Leader of the Opposition is not indeed a practical one.

Nobody wishes to move to a dangerous point. The Superannuation Fund with which we are dealing today is in very good condition and the time will come, as I think it did in Victoria, when that State found itself in a position which enabled it to pay out certain benefits and extras from the fund itself, when our fund will be able to do something similar.

I am not able to say at this stage, nor have I been advised, as to the point the fund must reach before added benefits can be handed out to the contributors and pensioners. I am sure, however, that it will be reached.

The query has also been raised as to how far the trustees would invest money to a point where it would bring in a greater income to the general benefit and security of the pensioners. It is possible that by waiting another year or two and investing the profits—if we could refer to them as such—in good sound investments, the scheme could become more and more attractive.

I think it is a nicety of judgment in this matter. The Commonwealth Superannuation Fund does not lend its money very lightly. It requires all the security it can get and, indeed, it looks for its share of the interest rate. I do not know whether we can argue against that as it is all for the benefit of the contributor and the people who own the fund. So when the fund can stand the additional burden of extra money to the contributor and to the pensioner, I am sure the board members will be only too pleased to make this decision.

I think the suggestion in regard to orphan children surely calls for some decision. I cannot say it has been overlooked, but I will certainly have the proposition investigated. The member for Victoria Park, in the general case he put forward, wants extra benefits or improved conditions, earlier dates at which pensions are available, and the contributor's share of the pension, or his contribution to the fund, to be given to him earlier, say, at the age of 60. This is all very well, but again, before a decision is made, I think we should be very careful to see that we can afford to do so. Having made this important decision of such marked improvement, we should go along for a little while before we add further to the improved conditions which could be available.

Nevertheless, I think we can look forward in anticipation to improved conditions. We can look forward optimistically to this fund being more and more a real security and benefit to the contributors and the pensioners.

There are one or two points which I have asked that the officers investigate. I am wondering whether women pensioners may not be given the right to retire a little earlier, say, at 55 as against 60. We could closely examine the possibility of following the Victorian example where, I believe, a certain percentage of the pension is taken in a lump as an option sum, as this could be very helpful to people retiring. It would give them the opportunity to invest, buy a house, or put down a deposit on a house. This could prove to be a real benefit. However, for the reason—and only for this reason—that time has been the factor, this consideration was not given. If it were given, there has been no implementation of that decision in this legislation.

I thank the House, very much indeed, for accepting what is a very good piece of legislation. The member for Victoria Park admitted he was a little confused. I must say that I am, too; and I think one must have a retentive memory and an analytical mind to grasp the whole significance of some of the changes and to follow the whole system as it works.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Brand (Premier) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 60B repealed and reenacted—

Mr. TONKIN: Unfortunately I overlooked one point I proposed to deal with when I was speaking on the second reading. It touches on the matter raised by the member for Victoria Park. There is one aspect which I think might, in practice, bring about a contrary result to that which we would anticipate.

If an employee of the Government on a top salary reaches retiring age and retires, the Government is obliged to pay its share of his pension and then replace him with another employee at the same salary. The Government's proposal will mean a cash saving to the Government, inasmuch as if it does not retire that employee and he continues in office, the only change that takes place is that the Government does not pay its share of his pension. That could be an inducement to the Government to retain in service men who would otherwise retire; and, to that extent, it frustrates the men lower down in the service who are looking for promotion.

Take the case of a tradesman in the Government service. Under these new proposals he will not give a second thought to remaining, because he can retire, receive his full pension, and obtain employment in private industry at his full wage. So he will not stay and the Government will not have a chance of having his services under the new arrangement. He would be a fool to stay. So I say that in every case he will retire, draw a full pension, plus the Government's share, and then obtain a job as a carpenter, a bricklayer, or as some other tradesman in private industry at award rates, plus; whereas the top civil servant, under the new arrangement, if he continues in his job, will get the same salary throughout, with the difference that there will be a saving to the Government in retaining him.

That seems to me to be an added inducement for top civil servants to stay in Government service beyond normal retiring age, and it will give force and impetus to the pressure being applied by the unions for the imposition of a compulsory retiring age.

I think it will inevitably lead to top men staying longer in the Government service than they would otherwise; and it does not work in the same way as it does with tradesmen. I think it is desirable there should be complete equality. I raise the matter because I know it will exercise the minds of the civil servants, who will feel they have retrogressed somewhat in their endeavours to have a compulsory retiring age.

I do not know that it is of tremendous importance, because there would not be a great number of officers who would remain; but the principle is there, and it gives ground for friction.

Mr. BRAND: This problem has not been overlooked. It has been the subject of a very thorough investigation and a lot of controversy. As the Leader of the Opposition says, there are pros and cons. I think it is desirable that senior officers

retire when they wish and that they be not forced to stay on for the sake of the extra money. They are not able to go out and obtain a comparable job under similar conditions to the one which they have had in the Government.

On the face of it, it is true there appear to be anomalies. In any case, there appear to be anomalies in our own parliamentary superannuation scheme under which we can retire, draw a full pension, and go out into private industry and draw whatever salary private industry is prepared to pay. However, if we come back into Parliament, then the pension ceases.

As a result of the discussions surrounding this point and in relation to the introduction of the Bill, I think further action is called for. The principle of paying the State's share of the pension and, at the same time, a full salary, is one which I think is still exercising the minds of some of the senior people responsible for superannuation, and Treasury officers.

I take this opportunity to refer to a point raised by the member for Maylands, when he suggested there be automatic cost-of-living adjustments in respect of the pension. Again, on the surface, this seems to be a desirable amendment in due course. Offhand, I cannot give any reason why it should not be implemented forthwith, but it would seem that if an adjustment is to be made every two or three years, then the introduction of a Bill in this Chamber is not such a demandng exercise. Nevertheless, that suggestion is worthy of some examination.

Clause put and passed.

Clauses 11 to 15 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Brand (Premier), and transmitted to the Council.

LAND AGENTS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Brand (Premier), read a first time.

TRAFFIC ACT AMENDMENT BILL, 1969

Second Reading

Debate resumed from the 22nd April.

MR. GRAHAM (Balcatta — Deputy Leader of the Opposition) [12.15 p.m.]: My first comment on the Bill is that in my view it should be before us as Traffic Act Amendment Bill (No. 3), being the third traffic Bill with which we have dealt this session. Because it is not so titled, I suggest there could be some confusion in future years, particularly to somebody seeking to check what was said in respect of certain points.

Mr. Craig: This was done to save a reprint of the Bill, and because of the amendments made by means of the other Traffic Act Amendment Bill (No. 2) introduced by the Minister for Works.

Mr. GRAHAM: I do not quite follow the reasoning of the Minister, because we already have the Traffic Act Amendment Bill, and the Traffic Act Amendment Bill (No. 2) and we are now repeating ourselves with this Traffic Act Amendment Bill, which ought to be No. 3, but is not.

The Bill deals with three principal points: that relating to a proposal for the testing of vehicles; another being the clarification of machinery provisions relating to the points-demerit system; and the third, being the matter of overcoming the necessity for motorists to report to the police when minimal damage has occurred, such as a scratch or a small dent of virtually no significance.

I agree with the Minister that the last-mentioned process, apart from being irksome to motorists, would impose a great deal of strain on the Police Department and occupy a good deal of time, because reports are written out, tabulated, and so on. Therefore, the third point I have mentioned is definitely a step in the right direction to ensure, as far as possible, that the traffic authorities spend the largest possible percentage of their time working on the job instead of being cluttered up with paperwork, reports, and the rest of it.

Overall, I have no objection to the last two points I have mentioned. The second last, of course, relates to the points system. One of my colleagues intends to go into that sphere and I will, therefore, leave it to him.

I approach the matter of the compulsory testing of vehicles without a great deal of enthusiasm. My first observation is that it is yet another straw on the camel's back or, perhaps more correctly, on the car owner's back. A charge is to be made for this testing, and whilst the Minister nominates the sum of $1, I am as certain as I stand here that this is the thin end of the wedge and that experience will show that the cost will be considerably greater. However, in order to initiate the scheme, this comparatively insignificant figure is mentioned, but in due course there will be instalments of increases.

Mr. Craig: The amount could be controlled by the Act, if it is desired.

Mr. GRAHAM: If it is to be a proposition, as the Minister has said, that this scheme will not impose a burden on the Crown, then the only difference would be that Parliament, instead of the Minister or the Government of the day, would have to make the increases from time to time.

However, the effect on the motorist would be identical, I venture to suggest, because it is very rarely that any money Bills—or Bills containing elements of finance—are disturbed by the Parliament.

In my view the Minister did not make out a case—and neither did he attempt to make out a case—as to why this proposed new system should be introduced. He was unable to quote any figures to suggest that this would be, if implemented, a worthwhile contribution in the matter of reducing the accident toll in Western Australia. Indeed, from the figures that he supplied—so far as they can be translated into reality—it appears there were 3,607 casualty accidents last year, and only 137 of the vehicles involved were inspected. In other words, about one in 30.

I find this figure persists because in the symposium in respect of traffic hazards and the community, held at the University of Western Australia in October, 1967, it was found that the total number of accidents reported in Western Australia was 18,202 of which number only 591 were attributable to vehicle defects. In other words, once again, something less than one in 30.

Incidentally, these were the latest figures that I was able to obtain, because they are not presented in the statistician's return in the form they were presented up to a couple of years ago. Apparently *The West Australian* newspaper has been able to obtain access to some figures, and that paper quotes that of 23,068 road accidents in Western Australia last year, only 623, or less than 3 per cent., were held to be mainly attributable to defective vehicles—again, one in 30, or thereabouts. I shall have more to say with regard to that in a moment.

The point is, of course, that of the one in 30, of which I have spoken, there would no doubt be quite a number of vehicles that were recently tested, or which had recently been serviced, or which had recently been overhauled. However, it is possible, as every member would know, for something untoward to occur without any warning whatsoever. So the test, in very many cases—and I am unable to hazard a guess at the number—would merely demonstrate that the vehicle was mechanically sound on that day, and would not necessarily give any indication of the state of the vehicle on the day before the test, or its possible state on the day following the test.

If the tests are to be carried out at lengthy intervals, as from a practical point of view would be inevitable, then one can see that no theoretical benefit from the testing would be achieved. My vehicle could be examined today and found to be completely roadworthy, but in three months' time, owing to metal fatigue, or wear, or some other circumstance, the vehicle could fail and an accident occur because something had gone radically wrong.

These situations will, of course, continue even after this new scheme has application. I do not think the Minister can be very proud of the effort he made in introducing the legislation, because he told us virtually nothing, as I will indicate in a moment, and the Bill, as will be seen, also tells us nothing. The Bill merely provides for the Government or the Minister to make regulations. I will guarantee, unless there have been some facts given in the party room, that no member of this Chamber would have any conception as to how this scheme should operate. So I ask the Minister to inform us what the aim of the Bill is, and whether there will be a regular test, or whether the test will be at irregular intervals. Is it proposed that there shall be an annual test; or will it be every two years or every five years?

The motoring public is entitled to know whether vehicles will be tested in regular rotation; or will it be a matter of the police directing certain vehicles—which they might feel are in need of some attention—to report to the inspection stations for a detailed examination to be carried out? We are entitled to some information as to the period of notice that will be given to motorists.

If you, Mr. Speaker, or I were on the eve of an extensive trip into the country, and were suddenly informed that we must report this afternoon or tomorrow morning, or in default a certain penalty would be imposed, then I would suggest that would be a little unfair. What is the proposal; that one days' notice or five days' notice will be given? I asked a question whether the notices would be synchronised with the renewal of the registration of the vehicles. Frankly, I think it would be a common-sense way of operating, if it be the intention that the inspection should be made annually.

Is it the intention of the Government that if there is to be a regular test it should be the responsibility of the motorist to attend to this matter? I understand that is the situation in West Germany, where I had talks with the traffic authorities some three years ago. I noticed in West Germany that a little disc was attached to the registration plates of the motor vehicles, and it was attached in such a manner that one could see immediately what month and what year the last test had taken place in respect of those license plates.

I did not ask the question, but I assume that the obligation was on the motorist to ensure that his vehicle was tested in the time set out under the legislation in that country. Incidentally, the inspection was annually for cars and every two years for trucks. I was told that this scheme had been in operation in West Germany since 1960 and, in the words of the people

there, "It has proved worth while." It was not recounted to me that there had been any spectacular improvement in the accident pattern, but apparently the authorities were satisfied that there was some merit in such a system.

Surely the Minister has an obligation to tell us what is involved. Also, I would like some further information on the machinery clauses. If a vehicle is found to be faulty in certain respects, what period of time will be allowed to the motorist in order to have attention given to the matter?

Does it mean that if he goes to the testing station and it is found that his vehicle is faulty in certain respects, he will not be permitted to drive it away because it is regarded as a menace to other motorists and pedestrians; or what precisely is the intention?

I ask further questions based on this point: Will there be degrees of safety? In other words, if there are comparatively minor matters will seven days be allowed; but if there is a major fault will the person be not permitted to drive his vehicle away from a testing station? I do not know. However, we are entitled to the information.

Then, of course, it suggests itself to me immediately that the motorist will be called upon for some further activity; namely, to advise the authority that the work has been done and, in addition, to ensure that it has been properly done. Is it sufficient for him, if he regards himself as an amateur mechanic, to attend to the foot brakes, the dazzling headlights, and other matters to which his attention has been drawn? Or will a certificate be required from a service station which is registered for the purpose?

The Bill containing this particular provision is vitally important, because today there are very few households where motor vehicles are not directly involved; some member or other of the household is the owner of a vehicle and, of course, in many instances there is more than one vehicle. This is apart altogether from the impact of commercial vehicles.

I shall now relate my remarks to the financial consideration. The amount to be charged initially will bring in very close to $500,000 a year, and, if my estimate is correct, the fee will have to be increased. The amount could then reach pretty considerable proportions, and I echo the question which was put by this morning's Press: Might it not be far more effective than the present proposal—and the sum involved—to put, say, an additional 50 patrolmen on the road, instead of involving the motorist in this cost for what could be a doubtful advantage?

There is no direct mention in the Bill, of what the penalty would be—and the Minister did not suggest anything—if a person either failed to report for the test with his vehicle, or failed to have work carried out, or satisfactorily carried out. It could be in very many cases that it would be a far cheaper proposition to pay the fine rather than have an extensive repair job carried out at a garage.

In connection with this, I think it is pertinent to raise a point as to the effect this will have upon garages. I think it is obvious that there will be motorists in greatly increased numbers visiting these mechanical workshops. I would venture the opinion that garages are pretty well engaged at the moment. Indeed, very often it is necessary to book in a considerable period ahead. Are the garages capable of handling the additional anticipated work; because it will be completely a seller's market? Would it then not have the effect of substantially increasing charges for the servicing of vehicles, not only arising from this legislation, but also from the attention which is normally given to vehicles at the instigation of owners who have some pride in their vehicles, or some sense of responsibility? In my view all of those questions require answers.

The Minister has told us that he will propably exempt vehicles in the more remote parts of the State. If there is merit in this proposition, I do not see that there is any necessity for that, because there are traffic authorities—unfortunately, in my view, far too many of them—right throughout the whole of Western Australia.

There are servicing points or garages at which vehicles are required to call at intervals for normal attention and, therefore, why should there not be an obligation on the owners of those vehicles—in the interest of safety, which is the underlying purpose of the Bill—to have their vehicles tested in the same way as do other motorists?

I am wondering what the position would be if those vehicles found their way to the larger towns or to the metropolitan area. Nobody is going to follow those owners around; but it is perfectly obvious that although they were exempted whilst they were in a remote area, they may spend some weeks in the metropolitan area on furlough, or they may have business to attend to here, and they will not have to carry the responsibility that other motorists do.

I was interested in the point made by the Minister in his speech that in the country districts, mechanical work would be left to a local authority or to private organisations. Obviously very few, if any, local authorities would have inspection stations such as are proposed by the Minister in the metropolitan area. It appears to me that this would virtually usher in a picnic for service stations in remote areas.

I know, being perfectly human, that if anybody was in business and his business was not quite as prosperous or thriving

as he would like, and vehicles were compelled to call at his establishment for a check, he would give attention to all sorts of minor points that normally would not require attention. He could issue an order through a local authority for that work to be done, and so he would enjoy a bonanza. He could virtually order a complete overhaul of the vehicle when perhaps only two or three comparatively minor items required attention in order to conform with the spirit of the legislation.

Mr. Craig: This will be laid down, of course. They will work to a schedule.

Mr. GRAHAM: Yes, they will work to a schedule of a number of items, but the unsuspecting motorist will not know to what degree his vehicle requires attention. However, he will be compelled to have the work done, otherwise he will be in trouble with the licensing authority.

Incidentally, in connection with this point, difficulties were experienced and, indeed, ramps were found—rackets—in certain countries in Europe where I had discussions with the authorities, as I mentioned earlier. It was found that the only way the system could operate was for the State itself to take charge. I do not want my remarks to be construed as casting a slur on those who operate garages, generally, but in any community there are a certain number of people who will take advantage of a situation and seek to make a quick buck.

In his address the Minister made particular reference to faulty headlamps. In this connection, I wonder whether requiring that this procedure should be gone through is not asking a little too much. There are patrolmen about day and night, not only in the metropolitan area, but in other centres as well. Surely it would be a saving in cost and manpower if a number of checking stations were established in the metropolitan area where motorists could check their own headlights.

It is in my own interests that I do not dazzle oncoming vehicles; it is in my interests that I am not apprehended by a policeman because the headlights on my vehicle are set too high or too much to one side; and I am certain that many motorists would take advantage of this facility if it were provided, without the necessity of having a properly qualified mechanic do a check, such as has been mentioned.

In connection with this matter, I should say time would be the essence of the contract, because every additional minute taken in the testing procedure will, of course, mean an additional impost to be passed onto the motorist in due course.

The only other point mentioned by the Minister was, more or less by implication, in regard to the position regarding badly worn or bald tyres. In this respect, surely it is not necessary to institute a station to check something which can be obviously gauged. Again, we have traffic authorities on the job every day of the week, and this condition can be checked in a few minutes by those authorities.

What I am seeking to do is to obviate long queues of people being called and having to wait to be tested. Because of the very nature of the type of employment in which certain people are engaged, it is not possible for them to attend at 2 p.m., others at 2.15 p.m., others at 2.30 p.m., and so on. Many motorists will be able to attend checking stations only in their leisure time, and I can envisage a great deal of overtime being worked at checking stations, and a considerable number of motorists waiting their turn.

It is true, as the Minister informed us, that this scheme has been tried in other countries, and those countries seem to be reasonably satisfied with it. It is interesting to note, for instance, that in Israel the authorities adopted this practice from the moment that country became a nation in its own right, and have continued it ever since.

Mr. T. D. Evans: How much do they charge for the test?

Mr. GRAHAM: I do not know, but in Germany the charge was—at the time I was there—from $2 to $2.50 in Australian money.

Mr. Lewis: How frequent were the inspections there?

Mr. GRAHAM: As I mentioned before, in Germany they were annual for cars, and every two years for trucks. I think there is an annual inspection in Israel. What impressed me in Israel was that they gave a far greater emphasis to something which the Minister informed me is not practicable in this State, and that is the retesting of drivers in respect of their licenses. Frankly, I think that is the answer to the problem.

Mr. Craig: We might be able to coordinate that with the vehicle inspection.

Mr. GRAHAM: I think it would be more worthwhile if this were done. I have suggested by way of a question that however good a driver one may have been 25 years ago, one could be completely hopeless at the moment. I am afraid, from watching the antics of some of our motorists, that this is so.

Mr. Craig: I hope you are not speaking personally.

Mr. GRAHAM: It could apply to me. I think most motorists feel that they are thoroughly competent, and it is always the other person. Indeed, one has only to listen to the conversation between drivers after two vehicles have touched one another to verify this.

Mr. Lewis: Do you think there is a widespread ignorance of the rules of the road?

Mr. GRAHAM: I do not think so. I have already expressed the thought that in my view the motorists in Western Australia are the worst in the world. They are completely irresponsible in their actions; they will not defer to the vehicle on their right; they will not keep to the extreme left of the road; and so forth, to a degree that I have not noticed anywhere else. Indeed, I think our accident pattern confirms my opinion.

Sitting suspended from 12.45 to 2.15 p.m.

Mr. GRAHAM: When you so thoughtfully suspended the sitting one and a half hours ago Mr. Speaker, I was concluding my remarks, and I was endeavouring to emphasise what I stated earlier; that is, that I am not over-enthusiastic with regard to the new proposition. However, it is perhaps necessary that we do not attack too violently any move which is designed to reduce the road toll, even though we have some doubts as to the degree we think it might assist. Nevertheless, if it does help I suppose there is some sort of obligation on us to support the move. Frankly, and I cannot resist emphasising this, in my view it is an air of irresponsibility on the part of the motorist—in other words, it is a personal problem—which lies at the base of most of the trouble from which we suffer in far greater proportion, it would appear, than those in other parts of the world.

That is why I indicated when we were debating the points system in the first period of this session that as there were points against an offending motorist, there should be a constructive side and credit given to those who have enjoyed a long period without any conviction or mishap. The other evening I indicated with regard to third party insurance premiums—perhaps attaching these to drivers' licenses—that if there were no claim against one's policy for a number of years—say, five years, 10 years, or whatever the period might be—there should be some credit; and, on the other hand, the motorist who was having claims made against him at intervals should be penalised to the tune of an additional premium, or, to make it more practical, an additional amount payable with his driver's license every year so that annually he would get a reminder of the fact that he had not been behaving himself on the road as he was expected to do.

If we did this sort of thing I think we might achieve something; and there is nothing new or novel about it because Germany and Israel to my knowledge have already a scheme along those lines. Most motorists are capable of handling their machines, but could not care less.

Mr. Brand: You said "a scheme along those lines." Was that in respect of insurance?

Mr. GRAHAM: In West Germany there is, I was informed, this system with regard to third party insurance. With regard to Israel, I was thinking more in terms of the re-examination of persons—not a check of their vehicles, because from figures it does not appear the state of the vehicle contributes very largely to accidents. However, there is no question about the fact that the behaviour of the motorist is a major factor and therefore a constant reminder is necessary to those who act irresponsibly, and people do.

I mentioned the failure to give way. I have seen, as would have every other member, motorists who look to neither right nor left but proceed straight across an intersection even when it involves a road classified by the motorist as a major road. This also occurs at the ordinary intersections in the suburbs. On the law of averages it is possible to do that several hundred times, but eventually the day arrives when a motorist is approaching at right angles, and has the right of way and expects the first motorist to comply with the law and there is the inevitable collision. This is happening hundreds—indeed, thousands—of times every day in the suburbs of Perth.

The motorists know the rules, but it is so much easier to go straight ahead than to check slightly and be prepared. In the same way motorists offend by hugging the middle of the road instead of keeping to the extreme left as one is required to do. That rule is well known to motorists, but I am astounded at the number of people who travel within a few feet of the white line, irrespective of the width of the road. This is causing all sorts of frustration and aggravation to other motorists who become hot-tempered or annoyed, and that is not good for anyone at the wheel.

I have mentioned the cutting of corners, which is given additional glamour by some of our younger generation who find even more satisfaction by reducing the pressure in their tyres. All sorts of screaming notes emanate from vehicles cutting round corners, not sufficiently rapidly perhaps to make those dreadful noises, but fast enough because of the lack of air in the tyres.

These fundamental things, forgetting the last one I mentioned, are known, I should say, to every motorist and yet for some irresponsible reason so many choose to ignore them. That of course comes back to the point that this imposition will approach $500,000 per annum at this stage, but will rapidly assume much larger proportions; but if the money, as well as penalties, were used to provide additional patrolmen or other incentives for people to behave themselves, I think the investment would be far more successful.

I sincerely hope that the Minister—and through him the Government—will give some further thought to this matter. We should not only seek to impose penalties. The breach of the law has occurred and, after the event, the naughty child is slapped; in other words, the erring motorist is fined or his license is suspended. But, let us have a look simultaneously at the other side of the balance and give some encouragement, inducement, or advantage to a person who takes a pride in his driving, with the idea of encouraging other people to follow suit.

As I have already indicated, the measure is an attempt on the part of the Government to do something in connection with the present shocking state of affairs. It has been tried in other countries. I am unaware of any legislation which has been introduced in any other country being subsequently repealed. Therefore, it must have some merit. Personally I have very grave doubts as to the extent of the merit. However, I suppose that if it makes a contribution and does not become too irksome to motorists—

Mr. Brand: That is a very important point.

Mr. GRAHAM: —then it is a Bill we should support. I want to emphasise that point, because the people who take a pride in their vehicles and who have a complete sense of responsibility when at the steering wheel will be called upon to pay these fees. Equally, they will be required to report and will be subjected to whatever might subsequently transpire.

As one of my colleagues stated to me only a few moments ago, the Government will have to be exceedingly careful in the remote areas where, of necessity, the operation of this provision will be in the hands of private operators. It might be far easier, say, for a garage proprietor to give a clean certificate to one of his friends for a small consideration rather than call upon that friend to effect certain essential modifications or improvements to his vehicle to conform with what should be the standard. In other words, there are all sorts of pitfalls and all sorts of possibilities whereby something contrary to what is envisaged could occur.

I hope that the scheme—if it becomes law—will work successfully and that there will be a minimum of costs to motorists, particularly to those who have a full sense of responsibility.

Mr. Ross Hutchinson: A statesmanlike speech.

MR. LAPHAM (Karrinyup) [2.25 p.m.]: I approach this Bill with a great deal of reluctance, because of the fact that in every session of Parliament amendments are brought forward to the Traffic Act. This happens not only every session, but now every divided session, too. Three amendments to the Traffic Act have been brought forward in the second period.

The Act has become quite a volume and is, as a matter of fact, a most difficult Statute to follow. Parliament continually amends amendments to the Traffic Act. At this stage I think that perhaps I should object to the fact that I have had only two days in which to review this measure—together with all the other legislation which has to be reviewed at this time.

As is the case with most amendments to the Traffic Act, the Bill is really a schedule of amendments. As a consequence of this, the motorist is placed in an onerous position in that he is supposed to know what is in the Traffic Act itself and what is in the Road Traffic Code. Candidly I do not know the provisions of either of them, and I would be prepared to wager that not one member of the House, including the Minister, would know them. Nevertheless youngsters go on the road with a traffic license and they are the ones who are supposed to know everything that is in the code.

The situation has been brought about because Western Australia has never had a decent public transport system operating anywhere, with the result that the public have to use motor vehicles to go from place A to place B. At one time a motor vehicle was rated as a luxury but it is now a necessity. In fact, we must accept that the motor vehicle is the normal and proper means of transport. As I have said, this is a consequence of the fact that the State has never had a decent system of public transport.

The result is that clauses are added, one after another, to the traffic code and they all finish up with punitive provisions. I consider it is high time that we looked at the question of trying to do something for the motorist, and of trying to think of modification to some degree.

Are all these things necessary? Could we not get back to a modified code in regard to traffic? Could we not get back to something that is really practicable? I do not think this is a problem which only concerns the State; it is a problem for Australia to tackle as a whole.

The question of roadworthiness of vehicles has been introduced into this Bill and I think the Commonwealth could well have a look at its attitude, especially as it imposes a fairly heavy sales tax on repairs to parts of vehicles, which perhaps have to be repaired for the purpose of safety. Surely the Commonwealth could remove the sales tax, or at least part of it.

The first provision I would like to mention in connection with the Bill is the one which deals with vehicle testing. To some degree, vehicle testing is warranted. It is simply not feasible to have dangerous vehicles on the road. Therefore there must be some form of vehicle testing. However, I am not in favour of the police traffic authorities delegating authority to

other people to carry out the testing of vehicles. It is the responsibility of the Police Traffic Department, which should do its work. I do not think it is necessary, advisable, or wise to call vehicles in periodically for testing. My brakes might be perfect today but tomorrow they might be imperfect.

As a matter of fact, if I have a bald tyre on my vehicle today and I am obliged to have the vehicle tested immediately, I have a friend or two who could lend me a good tyre so that my vehicle could pass the test. So I do not think there is anything worth while in providing that a vehicle shall be tested on a stipulated date. The present method that is used today to test vehicles on the road to ascertain if they are roadworthy is quite satisfactory. I am of the opinion that if it appears a vehicle warrants a test it should be tested on the road, and if it is found to be unroadworthy, put off the road. I do not think there is any need to extend that requirement, which has worked quite well up to the present time.

Another clause in the Bill provides that accidents do not have to be reported if it is considered that the damage to any vehicle is less than $100 and that no person has suffered a severe injury. This is a matter of progress. I can recall many years ago when it was not necessary to report minor accidents. Arrangements were made between the two parties concerned and that was the end of it. However, the Traffic Department introduced regulations at a later stage requiring all accidents to be reported, so if we are to revert to what used to be the practice, we are definitely making progress. However, the reversion is being made in a different way.

The Bill now seeks to provide that where the damage to any vehicle does not exceed $100 in the aggregate, the accident need not be reported. I can visualise a rainy night in July when grandmother, whilst driving her vehicle along the road, collides with another vehicle at 1 a.m. Rain would be teeming down and both drivers would probably look at one another and finally get out of their vehicles to inspect the damage, whereupon grandmother would say to the other driver, "I am completely at sea as to what panelbeaters charge today, so do you think you could estimate the damage to my vehicle?", and the other party would probably say, "About $99, so there is no need for us to report the accident." Such a provision is ridiculous, because I consider that the average driver would have no idea of assessing the damage to any vehicle.

I have a fair knowledge of vehicles and when mine was damaged on one occasion I made an assessment of what I considered the damage would be, and I came to the conclusion that it would not be very great. However, when I took the vehicle to the panelbeaters I discovered that the damage was of a major nature. Therefore, I do not think we should put into law something that members of the public do not understand, because, as I say, the average motorist would not be able to assess the extent of the damage to his vehicle.

Mr. O'Connor: You think the amount should be unlimited?

Mr. LAPHAM: No; we could probably use the words, "of a minor nature."

Mr. Bertram: Could we make it "forthwith?"

Mr. LAPHAM: The parties to the accident would have to be required to report the accident forthwith if the damage to any vehicle were over $100. If the damage were under $100 the accident would not require to be reported; but we might reach the stage where one panelbeater could estimate the damage at $100.50, which would make the accident reportable, but another panelbeater could assess the damage at $99, and therefore there would be no need to report the accident.

Mr. Bertram: Both drivers would have to make up their minds on the spot.

Mr. LAPHAM: Yes, that is so.

Mr. O'Connor: Would it not be difficult to define "major" and "minor" in such circumstances?

Mr. LAPHAM: Yes, it would be. I do not think anyone in this House could assess the amount of damage to his vehicle if it were involved in an accident. Therefore, if we are unable to assess the amount of damage, why ask women or teenagers to assess the extent of damage to their vehicles if they are involved in an accident?

I am also not very keen about the demerit system which is included in the Bill. It is provided that, by regulation, there shall be a varying number of demerit points for the one offence. I would like the Minister to explain the relevant clause more fully. I cannot understand why, if a person commits one offence, he earns a demerit of two points, but if he commits the same offence in another instance, he earns a demerit of three points.

I would like the Minister to explain how this system will be administered. I would rather have such a provision laid down properly so that if one commits an offence at any time one knows exactly what number of points one will lose. There is another clause in the Bill which I consider to be most unfair and, in fact, I cannot understand how it was ever included. I therefore suggest to the Minister that he should have another look at it. The clause relates to the question of a driver who has his license suspended. Within 30 days after receiving notice of such suspension he may apply to a court of petty sessions, by way of complaint or order, to have the suspension order set aside.

At first sight the clause seems to be quite reasonable, but when we reach the qualifying clause it states that if the court is satisfied that the suspension has been occasioned by an error in the compilation of the number of demerits recorded against the applicant—which means that if a driver has lost his license because of an error made by an officer in the Police Traffic Branch—the driver can apply to the court of petty sessions to have his license returned to him or the suspension cancelled.

What sort of an arrangement is that? If a member of the Police Traffic Branch makes an error, the driver, at his own cost, can approach a court of petty sessions to have his license returned to him. Surely, if a member of the Police Department makes an error, the department should be obliged to rectify it without the driver having to apply to any court or magistrate. I suggest the Minister should take a good look at this clause, which is clause 9.

I think the provision is also unfair by limiting a person to take action within 30 days of the service of the suspension. The person concerned may be ill, or may have had a heart attack, and if this is so he would not be able to take action within 30 days.

Mr. O'Neil: He would not want his license to drive during that period, either.

Mr. LAPHAM: That is quite true, but he may want to take steps to ensure he was not disqualified from holding a license. I think that under those circumstances he should have every right to take such steps.

I suggest to the Minister that he insert a provision so that instead of 30 days being stipulated, a reasonable time but not less than 30 days be stipulated. This would give the individual concerned an opportunity to apply within a reasonable time. The mere fact that he has been in a hospital bed for 30 days suffering from a heart attack would be a reasonable ground to put to the magistrate; and I am sure the magistrate would give this person the right to apply after the 30-day period.

These are some of the aspects which are necessary to be covered in the Bill. Candidly, I am not very happy with it, and I feel it is purely a punitive measure. We are approaching this subject in the wrong way. Most motorists are really decent people who do their best on the road. How often do we, as motorists, find that we are assisted in driving on the road? On many occasions it was indicated I should go through at intersections; the other motorist giving me the right of way. Because we have an element among us which is completely irresponsible, the rest of the motorists should not be penalised in all these little ways.

It is high time we took stock of ourselves, and found some modified code which would not encroach on the rights of the people so much. That would make it a little easier for the average motorist to understand what he has to do on the road; he should not be asked to try to assimilate all that is contained in this book—the Traffic Act—and in that book —the Road Traffic Code. If we read the Act we find references to the Criminal Code, and we find one section referring to the provisions of another section. It is a most difficult Statute to read and digest, but we are supposed to know everything in it.

I realise the Minister has a difficult situation to overcome. I do not know whether I would like to do his job in trying to straighten out the tangle. The minor amendments he has introduced in the Bill are all right, but I am not very keen on the ones which I have mentioned, and the Minister should give further thought to modifying them in some way or other.

The amendment in the Bill dealing with the testing of motor vehicles—I take it they are tested at certain times—I cannot agree with at all. I would prefer the present method under which examinations are made of vehicles on the road by the traffic authority with the use of proper equipment. The police officers doing this job can order a motor vehicle off the road if it is not roadworthy. That is as far as we need go in that regard at this particular point of time.

MR. T. D. EVANS (Kalgoorlie) [2.43 p.m.]: I listened with a great deal of interest to the remarks of the Minister when he introduced this measure; to the Deputy Leader of the Opposition, who was able to speak with a great wealth of experience on the subject; and to the member for Karrinyup, who I am sure has given the Minister and his department some material for their mature consideration.

It is my impression that the powers to be given to implement the system of vehicle inspection are drawn in such a way that—I am confident enough to believe this—the Police Department in giving effect to them will be able to draw upon the advice that has been tendered this afternoon in this debate. I do not wish to dwell on that aspect at all; I only wish to address myself briefly to three clauses in the Bill, namely clauses 6, 7, and 8.

The member for Karrinyup has spoken on clauses 6 and 8; and it is to clause 6 that I focus my attention. This relates to an amendment to section 30 of the Act. At present that section requires that, where arising from the use of any motor vehicle, damage to property is caused, the driver or the person in charge of the vehicle shall —subject to his being physically able to do so—forthwith report the accident. I am sure this provision has caused a great deal

of unnecessary inconvenience to the drivers of motor vehicles, to the Police Department, and to the traffic authorities in many cases where the details of the accident revealed that such accidents were of a very trivial nature indeed.

I commend the spirit of the legislation to provide that the reporting of accidents shall take place only when there has been damage of a substantial nature involved. However much we applaud the spirit of the legislation, I feel that the machinery used to express this legislative intent is such that the new provision bristles with a great many difficulties.

On examining the measure, I find I have a great deal of sympathy for the draftsman, and I do not intend that anything I say on this point shall be taken as criticism of him, because I feel he has had a difficult task confronting him in giving effect to what is to be the legislative intent.

If we interpolate the proposed amendment into section 30, and then for the purpose of brevity paraphrase the section, we will find that the intended law provides: where in the course of the use of any vehicle on the road an accident occurs in which the damage apparently exceeding in the aggregate, an amount of $100 to any property, the driver or person in charge of such a vehicle shall report the accident forthwith.

I think it is fair to say that the provision relating to the extent of the damage is a conditioned precedent which the driver or the person in charge must consider when determining at the time of the accident whether he has to report it or not. The word "forthwith" must mean "as soon as is reasonably possible after the accident." So I would say that the word "forthwith" qualifies when the decision is made on whether or not to report the accident; in other words, the decision to report the accident should be made as soon as is reasonably possible after the accident. This takes us back to the actual words which govern the position: where an accident, apparently resulting in damage exceeding $100, in the opinion of the driver in charge of the vehicle, is a reportable accident. Here the significant word is "apparently."

If we look at the *Concise Oxford Dictionary*, which is universally accepted, we find that "apparent" means "manifest, palpable; seeming." These words themselves may not help us very much so I have taken the opportunity to refer to volume 1 of *Words and Phrases Judicially Defined*. This book is used a lot by the judiciary and is one with which you, Sir, will be very familiar. There is a reference in it to "apparent signs," which expression has been judicially examined. In the case of Pyer and Carter determined in 1857, to be found in volume 1 of what are termed *H. and N. Reports* on page 916 —a case heard over 100 years ago—the judge said—

> By "apparent signs" must be understood not only those which must necessarily be seen, but those which may be seen or known on a careful inspection by a person ordinarily conversant with the subject.

I am sure that with this amendment to section 30, volume 1 of *Words and Phrases Judicially Defined* will find itself in the hands of members of the legal profession and those interested in possible prosecutions under this provision. Further on in this same volume the word "apparently" has been judicially defined. In it an example is drawn from the Licensing Act of New Zealand—but this Act is not unique —which uses the word "apparently" when describing the age of a person being supplied with liquor. It states that it is an offence to supply intoxicating liquor in certain circumstances to a person apparently under the age of 21. The word "apparently" was judicially examined by the Supreme Court of New Zealand in 1916 when it was said that the dictionary definition of "apparently" is—

> (1) as judged by appearance, without passing on its reality as far as can be told; seemingly—

or, simply, what seems to be. The second meaning is—

> (2) as clearly evident by the senses; clearly, plainly.

The judge went on to say—

> It involves a direct appeal to the senses.

I do not know whether so far this has helped us at all, but it certainly has. I would trust, given members the opportunity to consider the difficulty which may be faced as time passes.

I do not expect to suggest any amendments at this late stage of the session, and I would not expect the Minister to accept them if I did. However, I would ask that consideration be given to the matter between this session and the next one to discover whether an objective test could be introduced. It is obviously a subjective test now in the proposed legislation. It is not a question of whether a reasonable man would judge the damage to be over or under $100; but whether, in fact, the person concerned at the time of the accident did consider it so.

There is one other difficulty to which I would like to draw the Minister's attention, and it is related to whether the damage is under or over a specified sum. Attention should be drawn to section 72 of the Justices Act, which is the one prescribing the procedure governing offences in a court of petty sessions. It is in that court that offences under the Traffic Act are ventilated and determined, so the provisions of the Justices Act are highly

relevant to matters concerning prosecutions under the Traffic Act. Section 72 of the Justices Act reads—

> If the complaint in any case of a simple offence or other matter negatives any exemption, exception, proviso, or condition contained in the Act on which the same is framed, it shall not be necessary for the complainant to prove such negative, but the defendant shall be called upon to prove the affirmative thereof in his defence.

I can sense the member for Swan getting upset about this particular provision in the Justices Act because it casts the burden of proof on the defendant; but it has been there for many years. I would like to emphasise to the Minister that it would be possible, in my view, if a person has caused damage by the use of a motor vehicle and believes the damage is such that the accident is not reportable and so does not report it, and subsequently receives a summons, that the summons could be worded in such a way that this condition—whether the driver concerned was of the opinion that the damage was over or under $100—could be negatived in the actual complaint, and this would immediately cast a burden upon the defendant to prove that at the time of the accident he was of the opinion that the damage was such that it was under $100.

This in itself could be an enormous burden upon him, bearing in mind that the test written into the new provision is a subjective one and not an objective one, whereby we could have recourse to the reasonable man test.

I would like to pass from clause 6 to clause 7 with which I shall deal very briefly. I merely want to explain that clause 7 relates to an amendment to section 33A of the Traffic Act and this section is a highly important and, I would say, an extremely popular provision in the Traffic Act. It is the section which enables a person whose driver's license has been suspended, or who has been disqualified from holding a license, to appeal, under certain circumstances, to a court of petty sessions, and if he is able to satisfy that court as to certain specified circumstances, the court may make an order directing the Commissioner of Police to grant that person a license, whether subject to conditions or otherwise, and the commissioner is obliged to follow the direction of the court.

With the implementation of the points system which will have the result of automatic suspensions or disqualifications, as the case may be, it is abundantly clear that where a person has had his driver's license automatically suspended or he has been automatically disqualified from holding such a license—which will be the position under the points system—if no amendment were made to section 33A of the Traffic Act, he would, in those circumstances, be precluded from bringing the matter before a court in an attempt to satisfy the court that he should be given a license, subject to conditions or otherwise.

Having said that much, I tell the Minister that I support the measure because I feel it is highly desirable. In fact, I commend whoever was responsible for the preparation of the legislation. It often happens that Parliament does one thing and, at the time, is not conscious of the consequences of the action, with the result that the legislation has to be brought back at a later stage in an effort to tidy it up. This will not happen in this instance, because careful attention has been taken to allow the right of appeal following an automatic suspension or disqualification.

Finally, I would like to touch upon clause 9 of the Bill which proposes to add three new subsections to section 75 of the parent Act. Section 75 is the one which has been amended—and I am not speaking of this particular amendment—to give effect to implementing the points system, which brings about the automatic suspensions and disqualifications. It is proposed that three new subsections (6), (7), and (8) will be added to section 75. I thought the member for Karrinyup spoke with a great deal of common sense on the provision to add the proposed new subsections. It is provided—

> (6) A person who is aggrieved by the suspension of his driver's license and his disqualification from holding or obtaining a driver's license, by operation of this section, may, within thirty days after the service on him of the notice of suspension and disqualification, apply to a Court of Petty Sessions, by way of complaint against the Commissioner of Police, for an order setting aside the suspension and disqualification.

Members should note that the right of appeal is only in terms of the matters which are specifically stated in the proposed new subsection (7) which reads—

> (7) The court hearing an application made under subsection (6) of this section shall comprise a stipendiary magistrate and, if, after giving the parties an opportunity of being heard—

I interpolate here to say that the court must be satisfied on these matters. To continue—

> —the court is satisfied that the suspension and disqualification has been occasioned by an error in the number of points, or in the computation of the number of points, recorded against the applicant, it shall grant the application, otherwise it shall dismiss the application.

Consequently we find that the right of appeal is limited to those cases where an error has occurred in computing or recording the points accrued against a driver.

I agree with the member for Karrinyup, who said that if a person has been deprived of his license or has been disqualified from holding a license through an error of administration, when no blame is attachable to him whatsoever, he should not be subjected to the inconvenience of having to issue a complaint after a summons is served. In addition, he has to wait some 14 days because the Commissioner of Police seems to want about 14 days when summonses are served. Consequently, under section 33A of the Traffic Act he would be inconvenienced for at least 14 days before he could have the matter rectified.

Again, I would not expect the Minister to accept an amendment at this late stage in the session and I do not intend to move one. However, I do ask him to look at the matter. I feel it should be provided that where an error has been made and the police accept that it is an error, the defect should be taken care of administratively. However, where a person alleges an error and his allegation is denied by the police, then he should have the right of appeal.

The member for Karrinyup drew attention to the appeal within 30 days. It is true that the period of 30 days does appear in other sections in the Traffic Act. However, I agree with him that in certain circumstances 30 days may not be sufficient, and I would see no harm in providing that where a person has been suspended or disqualified because of an error made administratively, he should be able to appeal within a reasonable time, which could be stipulated as being not less than 30 days.

I would now like to pass to proposed new subsection (8), which still deals with the same subject. Following an appeal, members of Parliament are asked to approve the following:—

> (8) The costs of an application made under subsection (6) of this section shall be in the discretion of the court . . .

The proposed new subsection goes on to explain what the court shall do in the case of an appeal being successful. I am not going to concern myself with that, because it is obviously what a court would be expected to do.

I would like to address myself briefly to the question of costs. Once more, I suggest that the Minister should consider the matter. I think he is a reasonable man and I am sure he will consider it.

Mr. Craig: Thank you.

Mr. T. D. EVANS: The position is that a person is inconvenienced in respect of having to go to a court simply to say that an error has been made by somebody else. He has already been inconvenienced for at least a fortnight as a result of the suspension or disqualification of his license. In those circumstances I consider it would only be reasonable to provide that where an appeal is successful, costs should be awarded in favour of the applicant, but in all other cases the costs could be in the discretion of the court.

Mr. Craig: I said that in my second reading speech; namely, that the costs could be awarded against the police.

Mr. T. D. EVANS: But it is not provided for in the Bill.

Mr. Craig: I know it is not.

Mr. T. D. EVANS: I hope this suggestion will be examined and included in the legislation at a later date. The amendment could be to the effect that the costs of a successful application made under subsection (6) of this section shall be awarded in favour of the applicant and, otherwise, in the discretion of the court.

Any such amendment could then state what the court shall do in the event of such an application being successful. With those few remarks, I indicate my support for the measure.

MR. BERTRAM (Mt. Hawthorn) [3.9 p.m.]: My particular concern in respect of this Bill is in connection with clause 6. I would be much more impressed with the measure if the Minister had given us certain facts. As a matter of fact in order to obtain certain statistics I have put to him a question, a little belatedly, perhaps, but I understand it is now in his hands. The question is—

> (1) In the metropolitan area what is the daily average of reportable road accidents?
>
> (2) Of the said daily average, how many are in respect of accidents, the aggregate damage involved in which does not exceed $100.

I do not know whether these statistics are available, but if they are we should certainly be told about them, because without them we do not know what we are legislating about. We are just wandering around in the dark, which is not an uncommon situation I find when dealing with Bills that have recently been introduced.

I understand that the purpose of the clause is to save time and expense so far as police officers are concerned. If this amounts to a substantial sum—and we do not know whether it does—there may be some merit in clause 6. However, at what cost is all this to be achieved? On the one side it is maintained that the clause will effect a saving of expenditure in regard to the administration of the Police Force, but what will be the cost on the other side?

From time to time Acts of Parliament have been made which are designed for certain purposes, but which in due time, and sometimes almost from the inception, operate in a different direction. One example is the Trade Discriptions and False Advertisements Act which was clearly designed to protect the public

against the ravages of fraud, but currently is being used as the very vehicle of fraud in respect of wool.

Although we assume the main purpose of clause 6 is good, what will be the side effects of it? The side effects may well be felt by every member of this House. I am concerned with the common law situation which affects the public. In many cases, as members will know, the driver of a vehicle is not covered for the full amount of damage to his vehicle. In many instances he has to bear the first $100. I am told by someone who should know, that this franchise arrangement operates with respect to vehicles which are subject to hire-purchase agreements; to vehicles that are driven by probationary drivers; to vehicles driven by persons under a certain age; to vehicles driven by persons who have a certain history of negligence, or a number of claims behind them.

When all these classes of drivers are added up one will find that the total will represent quite a large number, and if those drivers have to bear the first $100 when a vehicle becomes involved in an accident, clearly they become their own insurers. They have to pay for repairs to the property themselves. They have no claim for reimbursement against any insurance company.

With that in mind, let us take this case: A driver, quite properly, and doing everything legally correct, parks his vehicle in a parking bay right off the street. Whilst he is absent someone runs into his vehicle and damages it to the extent of $99. In this case the person who has committed the offence does not have to report the accident. When the man who has parked his car in the parking bay returns he finds that his car has been nicely smashed up, but he has no clue whatsoever as to who has done it, and the person who has caused the damage has no legal obligation to report that he has caused the damage.

Mention has been made of the saving that will be effected in the administration of the Police Traffic Branch, but what about the additional cost to the public if this clause is agreed to? If we multiply the sum of $99 with the number of drivers in the categories I have outlined, members can clearly realise what this clause in the Bill will do. In short, it will mean additional cost on only a certain segment of society and it will amount to a good deal. It will put every one of that legion of people who are their own insurers $100 behind scratch.

When the damages amount to over $100, the position I have described does not apply. When the insurance company comes into the picture it is protected after the first $100 is concerned, because the driver must report the accident. This means that the conventional insurance company is protected because it can identify the driver. He has made, to the police, a report which usually incriminates him, and so far as the insurance company is concerned, everything in the garden is lovely. The driver who has reported the accident, however, has placed himself in a very disadvantageous position. That is, if this provision is agreed to.

Perhaps we could also be told why the Bill does not seek to amend section 30A of the Traffic Act, which reads—

> Where, in the course of the use of any vehicle on a road, an accident occurs whereby bodily injury is caused to any person the driver or person in charge of such vehicle shall (unless disabled by personal injury himself) report the accident . . .

Even if the driver has only a small cut on his finger, he still has to report the accident. So there we have a clear inconsistency. Not only is there this section which, in effect, contradicts the provision proposed in the Bill, but there is also a section in the Motor Vehicle (Third Party Insurance) Act which provides that a driver has to report an accident. So this means that contradictory provisions are being placed in two separate watertight compartments, but for what reason we do not know. However, this is not uncommon.

Another point I make is that I noticed, during the course of the debate, members seem to think that property damage means damage to a motor vehicle only. It does not mean that all; because watches, jewellery, or any other property inside the vehicle could also be subject to damage.

As I have said, I am extremely concerned about those people who are their own insurers, because, if the Bill is passed, they will be so far behind should they be involved in an accident and their vehicles become damaged. In many instances, as I have also pointed out, they will not be able to identify the person who has caused the damage. It must also be borne in mind that when a person reports an accident invariably he has a great deal more to say than to report the bare facts; he tells the whole story. Under the Bill a driver will no longer be required to report an accident if the damages are less than $100.

If a driver has his vehicle damaged to the extent of $99 he will have to meet the cost himself in many instances, and this will apply literally to thousands of people. I think the cost of administering the Police Force should be borne by the populace and not by only a segment of it.

Debate adjourned, on motion by Mr. Rushton.

AGENT GENERAL ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

QUESTIONS (50): ON NOTICE

CANNINGTON HIGH SCHOOL

Gymnasium

1. Mr. BATEMAN asked the Minister for Education:

   In view of the fact that the Cannington High School has now been upgraded to a fourth year and "A"-grade school, will he give top priority to the completion of the gymnasium in the 1969-70 Budget so that this very necessary amenity will be completed before the heavy intake of students in 1970?

   Mr. LEWIS replied:

   The provision of a hall at the Cannington High School has been given a high priority, but its completion for the beginning of the 1970 school year cannot be guaranteed.

2. *This question was postponed.*

POLICE PATROLMEN

Walkie-talkie Sets: Provision

3. Mr. DAVIES asked the Minister for Police:

   What progress has been made in regard to equipping police patrolmen with "walkie-talkie" sets?

   Mr. CRAIG replied:

   Personal transceivers and the base station have been ordered from England. It is expected this equipment will be received before the end of June next.

SCHOOL CHILDREN

Transport Details

4. Mr. RUSHTON asked the Minister for Education:

   Relative to the transport of school children by school buses and the Metropolitan Transport Trust, what is—

   (a) the number of children transported by each authority;

   (b) number of miles travelled;

   (c) number of contractors involved;

   (d) cost of the services?

   Mr. LEWIS replied:

   The figures are for school buses only. Figures for Metropolitan Transport Trust buses are not known.

   (a) 23,805.

   (b) 46,169.

   (c) 650 approximately.

   (d) $2,678,830 per annum.

RAILWAY ROAD BUS SERVICES

Destination Fares

5. Mr. SEWELL asked the Minister for Railways:

   (1) Are destination fares on the Railway road bus services computed on the basis of a road bus mile rate?

   (2) If so, what is the rate between—

   (a) Perth and Geraldton;

   (b) Perth and Albany?

   Mr. O'CONNOR replied:

   (1) Road bus fares are changed in accordance with a published mileage table based on route miles. The fares are shown in five-mile groups and as they incorporate a taper in their structure they therefore are not computed on an exact rate per mile.

   (2) (a) Perth-Geraldton, actual fare $11.05.

   (b) Perth-Albany *via* Konjonup $9.55.

GERALDTON WHARF

Survey Work

6. Mr. SEWELL asked the Minister for Works:

   Has there been recent survey work completed on land adjacent to the Geraldton wharf; if so, for what purpose were the surveys made?

   Mr. ROSS HUTCHINSON replied:

   The only recent surveys of which I have knowledge were check hydrographic surveys involving a limited amount of baseline work on shore.

   In addition to that I have been advised that the only survey work being carried out by the Main Roads Department in the Geraldton town is that connected with the widening of Rowe Street as part of the Geraldton ring road. However, this survey is some distance from the Geraldton wharf. In answer to the final part of the question, I do not know what the honourable member is getting at. There might have been some private survey work done of which I know very little.

RAILWAY ROAD PASSENGER BUSES

Air-conditioning Units

7. Mr. SEWELL asked the Minister for Railways:

   (1) When were the air-conditioning units removed from the Railway road passenger buses operating between Perth and Geraldton?

(2) What is the reason for removing these units?

Mr. O'CONNOR replied:

(1) November-December 1968.

(2) The units were removed due to the frequency of failures and high cost of replacement.

A forced draught ventilation system has been provided in lieu.

8. *This question was postponed.*

MOTOR VEHICLE ACCIDENTS

Mechanical Defects

9. Mr. T. D. EVANS asked the Minister for Traffic:

What percentage of all traffic prosecutions and recorded accidents have mechanical or other defects of the vehicles concerned as elements?

Mr. CRAIG replied:

Road traffic accident statistics for the year ended the 31st December, 1968, show 2.8 per cent. of total State accidents were attributed to vehicle defects.

Traffic prosecutions do not segregate offences for which vehicle defects form an element.

Mechanical inspections were also made of 37 vehicles that were not involved in any fatal or serious accidents to motorists, but the condition of the vehicles would not allow the police inspecting staff to state whether they did have a mechanical defect or not.

AMPHOMETER UNITS

Examination

10. Mr. T. D. EVANS asked the Minister for Police:

(1) How frequently after initial use are amphometer units examined for the purpose of checking on the units' maintenance of accuracy—

(a) in the case of police units;

(b) those belonging to local authorities?

(2) By whom and where is the examination made?

Mr. CRAIG replied:

(1) (a) On each occasion the amphometer is set down in a location for the purpose of checking speeding vehicles, the instrument is checked by driving a police patrol car through the tapes at a given speed. This test is carried out both before and after each occasion the meter is used.

(b) This is not known.

(2) Whenever the checks by police officers indicate that an instrument is not accurate, it is examined by a qualified officer of the Main Roads Department.

BREATHALYSER UNITS

Examination

11. Mr. T. D. EVANS asked the Minister for Police:

(1) How frequently after initial installation are breathalyser machines recalled for checking at the Government Chemical Laboratories as to the maintenance of the machines' accuracy?

(2) Has the breathalyser unit at Kalgoorlie been so checked since it first operated at that centre?

(3) If not, when is this unit due for such checking?

Mr. CRAIG replied:

(1) The accuracy of a breathalyser unit is checked after use as required by regulation 9 of the breath analysis regulations, 1968. Each operator is qualified in maintenence techniques. Machines are not checked at Government Chemical Laboratories.

(2) The unit at Kalgoorlie would have been checked each time it was used.

(3) Answered by (2).
I have a copy of regulation No. 9 should the honourable member desire to see it.

PRIMARY SCHOOL LIBRARIES

Financial Assistance

12. Mr. RUSHTON asked the Minister for Education:

(1) What assistance is the department giving primary schools in establishing libraries?

(2) Is the interest and assistance by the departmental library services directed towards the continuance of established libraries?

(3) If material help of tables, chairs, shelves, etc., to primary school libraries has been discontinued, will the reintroduction of this help be considered?

(4) Is it intended to increase from time to time the departmental contribution towards establishing primary school libraries?

Mr. LEWIS replied:

(1) Primary schools receive annual issues of library books and subsidiaries are provided to assist in the purchase of further books. If the school establishes a central library, furniture, cataloguing, and advisory services are provided.

(2) Yes.

(3) Due to shortage of loan funds, it was not possible to supply all primary school libraries with furniture during the current financial year, but the department will endeavour to meet all demands during 1969-70.

(4) Yes. The matter is kept under constant review.

TAXI LICENSES

Rockingham Area

13. Mr. RUSHTON asked the Minister for Transport:

With the passing of legislation to allow the issue of restricted taxi licences—

(1) How many such licences are to be issued to operate in the Shire of Rockingham?

(2) What area is to be covered by these taxi operators?

(3) When are these licences expected to be issued and an adequate taxi service made available?

Mr. O'CONNOR replied:

(1) Two.

(2) Shire of Rockingham.

(3) Applications closing on the 9th May will be invited by advertisement in the Press on Saturday next and will be considered on the 15th May.

NAVAL BASE, ROCKINGHAM

Feasibility Study

14. Mr. RUSHTON asked the Premier:

(1) Are the results of the feasibility study on the proposed naval base at Rockingham known and encouraging for the establishment of the base?

(2) Is it considered the establishment of the base should be the full responsibility of the Commonwealth Government?

Mr. BRAND replied:

(1) Result not known.

(2) Yes.

It may not be a naval base that is to be established there; it may be a depot. As a depot or a base is related to the Navy, it is only right that the Commonwealth should bear the whole cost.

15. *This question was postponed.*

FRIENDLY SOCIETIES PHARMACIES

Discontinuance

16. Mr. SEWELL asked the Minister representing the Minister for Health:

During 1964, the Government decided that no further friendly societies' pharmacy shops were to be opened in Western Australia, making this State the only one in the Commonwealth to take such action. Will he say why this action was taken and what section of the community benefited by such action?

Mr. ROSS HUTCHINSON replied:

The subject matter to which the honourable member refers was fully debated in 1964 when Parliament passed the appropriate legislation. I would refer the honourable member to page 1825 of the 1964 *Hansard* wherein I, in all due modesty, made a notable contribution!

MAIN ROADS ACT

Designation of Roads: Definition

17. Mr. NORTON asked the Minister for Works:

In the amendments to the Main Roads Act, roads are designated by numbers. As these designations are not defined in either the Act or the amendments, will he advise the House to which type of road each refers?

Mr. ROSS HUTCHINSON replied:

The answer to this question is contained in a statement which I ask to be tabled.

The paper was tabled.

LICENSING ACT

Application to Honey Mead

18. Mr. HALL asked the Minister representing the Minister for Justice:

As the description of an Australian wine license under section 33 of the Licensing Act states that any wine made in a State of the Commonwealth produced from fruit grown in the Commonwealth, can be sold for consumption or otherwise, does this permit the holder of an Australian wine license to sell the product known as honey mead, made from fruit and honey, both products of Western Australia?

Mr. COURT replied:

This matter has been considered and an amendment to the Licensing Act to permit the sale of honey mead will be submitted when further amendments to the Act are contemplated.

19. *This question was postponed.*

MOTOR VEHICLE (THIRD PARTY) INSURANCE

Rebate of Fees

20. Mr. T. D. EVANS asked the Minister representing the Minister for Local Government:

(1) Has the Government given consideration to a scheme whereby a person required to pay motor vehicle (third party) insurance premiums would be entitled to a rebate of fees in cases where during a given period of time no claim has been successfully made against the trust or other insured person arising out of the use of the vehicle owned by the first referred to person in a similar manner whereby a person is able to qualify for a no claim bonus entitlement under motor vehicle indemnity insurance?

(2) If not, will such consideration be given?

Mr. NALDER replied:

(1) Yes, the Government has given consideration to the suggestion of a bonus for accident-free drivers. The suggestion has been made over and over again and is considered impracticable, both economically and administratively.
Briefly, only 3-5 per cent. of vehicle drivers are involved in accidents involving injury to others which would mean payment of the bonus to 95-97 per cent. of owners. This would reduce the annual amount required by the trust for payment of claims, and it is therefore obvious the premiums would have to be first increased considerably to enable these 95 per cent of motorists to receive a bonus and still leave the trust the amount required.
Secondly, many vehicles involved in accidents are not driven by the owners who would be penalised if the bonus was refused.
Thirdly, liability and thus eligibility for a no claim bonus in many cases cannot be determined for sometimes years.
It is not difficult to imagine the increased administrative work which would be placed on the trust and approximately 125 licensing authorities throughout the State, whilst the cost of same would offset any advantage of the suggested bonus.

(2) Not applicable.

MEDICAL PRACTITIONERS

Reciprocity with Foreign Countries

21. Mr. T. D. EVANS asked the Minister representing the Minister for Health:

(1) Having regard to the serious shortage of medical practitioners in certain country areas, will early consideration be given to modifying or deleting the provisions of section 11 of the Medical Act relating to reciprocity affecting persons qualified in foreign countries in instances where otherwise no question is raised by the board as to the standard of the qualifications of such persons?

(2) If not, why not?

(3) Is it known whether a person with a medical qualification obtained in a foreign country, and so ineligible to practise in this State, would be entitled to practise in any other Australian State?

(4) If so, in what State or States?

(5) If the answer to (3) is "Yes," what justification exists for retaining reciprocity provisions in the W.A. Medical Act which prevent a person otherwise qualified from practising in this State when such a person would be legally entitled to practise elsewhere in Australia?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Consideration is being given to registration qualifications of foreign graduates.

(3) and (4) There is various differences in registration requirements between the States so that a person could be registrable in one State and not in another.

(5) A reduction of restrictions for the registration of foreign graduates would not necessarily improve the situation in country areas.
The system in Western Australia of regional registration allows for the registration of suitable foreign graduates and at the same time requires them to practise in areas where there is inadequate medical service.
Regional registration gives to Western Australia the opportunity of accepting a wider range of foreign graduates than would be the case in most other States.

KALGOORLIE REGIONAL HOSPITAL

Replacement of Buildings

22. Mr. T. D. EVANS asked the Minister representing the Minister for Health:

(1) Re his answer to my question of the 22nd April on the replacement of certain buildings at the Kalgoorlie Regional Hospital, is it considered that any such work referred to is now appropriate in terms of time?

(2) If not, why not?

Mr. ROSS HUTCHINSON replied:

(1) Yes, but as mentioned previously, as and when necessary funds are available.

(2) Answered by (1).

CONTAINER SHIPS

Names, and Compensation Agreement

23. Mr. HALL asked the Minister for Transport:

(1) What was the name of the first container ship to operate between the Eastern States and Fremantle?

(2) What was the name of the first ship to carry containerised cargoes from the Eastern States to Fremantle?

(3) Did the Fremantle Port Authority succeed in making an agreement with the employers that work carried out on containerised cargoes would be allocated to the Waterside Workers Union?

(4) Was an agreement drawn up between the parties concerned handling containerised cargoes stating that the Fremantle Port Authority would be compensated by way of payment for loss of cargoes carried by containers?

(5) If (3) is "Yes," does he agree that the Fremantle Port Authority should compensate the Albany Port Authority for all cargoes previously handled through that port?

Mr. O'CONNOR replied:

(1) *Kooringa*, in 1964.

(2) *Kanimbla*—trip 103—the 27th January, 1959.

(3) No.

(4) No.

(5) Answered by (4).

24 and 25. *These questions were postponed.*

RENTAL AND PURCHASE HOMES

Waiting Period

26. Mr. GRAHAM asked the Minister for Housing:

(1) In the Perth metropolitan area what was the period (in months) between the date of lodging an application for a rental house and the date on which the turn of such application was reached as at the 31st March for each of the last five years respectively to the 31st March, 1969?

(2) What are the corresponding figures respecting purchase houses?

Mr. O'NEIL replied:

(1)

	2 Sleeping Units Months	3 Sleeping Units Months
31st March, 1965	29	25
31st March, 1966	26	23
31st March, 1967	37	29
31st March, 1968	41	38
31st March, 1969	43	46

These periods did not apply to applicants assisted within the emergent criteria.

(2) 31st March, 1965—10 months.
31st March, 1966—19 months.
31st March, 1967—27 months.
31st March, 1968—37 months.
31st March, 1969—45 months.

PERTH SHIRE COUNCIL

Change of Name to "Stirling"

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

(1) In view of the frequency with which the name "Stirling" appears throughout the State in respect of localities, features, etc., but not at all in the Perth Shire Council area, except for a Federal electorate, the boundaries of which are constantly changing, does he approve of the proposal to alter the name of that shire council to "Stirling"?

(2) Owing to the likely resultant confusion in the event of the change being made, is there any way in which residents can express a view and enforce a decision?

Mr. NALDER replied:

(1) As no petition as required by section 12 of the Local Government Act has been presented, the question of approval or disapproval of the name "Stirling" has not arisen.

(2) In the event of such a petition being presented by a council, all representations made to the Minister on the subject would be carefully considered before a decision would be made.

TEACHER TRANSFERS

Mr. R. Robinson: Removal Costs

28. Mr. TONKIN asked the Minister for Education:

(1) What was the total cost involved for the removal of furniture and effects of Mr. R. Robinson consequent upon his promotion from Pinjarra Senior High School to Mirrabooka Senior High School at the end of 1968?

(2) What is the estimate of cost which would have been involved had the removal been done by door-to-door road transport?

(3) Was Mr. Robinson allowed a choice of the type of transport to be used for the removal of his furniture and effects?

(4) What is the general policy of the department in connection with the removal of the furniture and effects of teachers who are transferred?

Mr. LEWIS replied:

(1) $161.98.

(2) The Railways Department estimates a minimum cost of $120 if the removal had been done by door-to-door road transport.

(3) Yes; but the department would meet the cost only if the removal was done by rail. If Mr. Robinson chose other means of transport it would be at his own expense.

(4) The department is bound by Government policy, which provides that the removal of furniture and effects of teachers who are transferred must be by rail when practicable if the department is to meet the cost involved.

EARTHQUAKE DISASTER

Relief Payments

29. Mr. McIVER asked the Premier:

(1) Will he indicate if any financial assistance has been granted from the Lord Mayor's Relief Fund to persons involved in the earthquake disaster without receiving definite claims from these individuals?

(2) If so, will he advise particulars of payments made and persons concerned?

Mr. BRAND replied:

(1) I have been informed that there are no such cases.

(2) Answered by (1). However, there is some information in respect of claims made by the C.W.A. of Cunderdin and York. Both made claims without disclosing the insurance cover. The claim on Cunderdin was $500, the assessment $450, and the amount paid $225. In the case of York, $500 was claimed, $365 was assessed, and the amount paid was $185. In the case of damage, grants were assessed on the basis of 50 per cent. of the cost of repairs less insurance proceeds.

PEDESTRIAN CROSSINGS

Sodium Lighting

30. Mr. DAVIES asked the Minister for Works:

(1) What progress has been made towards the provision of sodium lighting for pedestrian crossings in the metropolitan area?

(2) If any local authorities are disinclined to take part in any such project, is it intended to proceed without such authorities?

Mr. ROSS HUTCHINSON replied:

(1) Provision of sodium vapour floodlighting of pedestrian crossings in the metropolitan area is in two phases—

(a) crossings to be provided on declared main roads;

(b) crossings to be provided on roads under the control of the local authority.

In respect of the installations on main roads, the luminaires are to hand, the supply of poles is nearly complete, and the contract for the erection of these facilities is expected to be finalised shortly. With the completion of the work on the declared main roads, action will be pursued on roads under the control of the local authority.

(2) The installation of sodium vapour floodlighting on roads under the control of local authorities will only be carried out where agreement has been reached with the local authority regarding apportionment of costs.

NATIVES

Child Mortality

31. Mr. BRADY asked the Minister representing the Minister for Health:

(1) Has his attention been drawn to an article in *The West Australian* of the 22nd April, showing that death rate among aboriginal children up to five years in Western Australia was higher than in any other State?

(2) What is the explanation for the present situation among aboriginal children?

(3) Is he aware that many native women are concerned about the present situation?

(4) Is the infection accounting for 90 per cent. of deaths due to any of the following—

(a) bad housing;

(b) lack of hygiene;

(c) lack of sanitation; or

(d) bad water?

(5) Will he confer with Native Welfare Department and Canberra authorities with a view to arranging an immediate crash programme to overcome the present shocking and deplorable position?

(6) What area is mainly responsible for the alarming position reported in the Press?

(7) Is the death rate uniform between full bloods and part-natives?

Mr. ROSS HUTCHINSON replied:

(1) This statement is not correct.

(2) See answer to (4).

(3) All mothers are concerned at infant mortality and the department is aware of, and shares, this concern.

(4) The historic mode of existence of the aborigine, some facets of which still continue, including bad housing, poor standard of hygiene and sanitation, has contributed, and continues to contribute, to a higher rate of infection in aboriginal children. This is constantly being improved.

(5) This is being done.

(6) See (1).

(7) Yes—approximately.

32. *This question was postponed.*

MOTOR VEHICLES

Compulsory Inspection

33. Mr. MOIR asked the Minister for Police:

(1) When the compulsory inspection of vehicles comes into operation—

(a) will the vehicles to be examined be selected at random;

(b) will they be selected by road patrolmen on the roads;

(c) will they be selected according to the year of manufacture;

(d) will it be possible for an owner who desires to have a car tested to make arrangements for the test to be done voluntarily?

(2) When a vehicle owner has had a car tested and found it to be roadworthy, will he be issued with a certificate to this effect?

(3) If not, what is the reason?

Mr. CRAIG replied:

(1) (a) No.

(b) The present system of road checks will be maintained. Any vehicle found to be faulty will be required to undergo inspection.

(c) Yes, in the initial stages.

(d) This is not proposed.

(2) Yes.

(3) Answered by (2).

PASTORAL LEASE 395/1014

Allocation and Use

34. Mr. TOMS asked the Minister for Lands:

(1) Since the appeal against the cancellation of pastoral lease 395/1014 was dismissed by the Governor in Executive Council, on the 13th September, 1967, has this lease been allocated to any person or persons; if so, to whom?

(2) If not, is the area of lease 395/1014 still held as a pastoral lease or is any section of it being used for another purpose, and if so, what?

Mr. BOVELL replied:

(1) No.

(2) The land in former lease 395/1014 is vacant, and, with other lands, is being investigated for release for pastoral leasing.

PERTH RAILWAY STATION: LOWERING

Open Space

35. Mr. BURKE asked the Minister for Railways:

(1) In a recent letter to a newspaper did he indicate that there would be 13½ acres of the railways land available for parks, gardens, and open space, in the plans for lowering the Perth Central Railway Station?

(2) In view of his reply to my question on Wednesday, the 16th April, in which he indicated that the 13½ acres referred to provided for roadways as well as parks, gardens, and open space, would the Minister indicate if—

(a) he was misquoted; or

(b) that there will be less than 13½ acres for recreation (parks, gardens, and open space)?

(3) Does he agree that the area available for recreation (open space, parks, and gardens) is likely to be in the region of six to eight acres after provision for roadways (construction and widening thereof)?

Mr. O'CONNOR replied:

(1) to (3) The relevant part of my letter of the 14th April reads as follows:—

> In the area under consideration for the sinking project there are 37½ acres. The company is basing its planning on 24 acres of this—leaving 13½ acres for parks, gardens and open space.
>
> This is an accurate report of my letter to the newspaper.
>
> The road widening provision was intended to be included in the 13½ acres.
>
> However, this is all based on a project rejected by the Government, and I do not feel I should give the honourable member figures on a plan which we have not yet received and when we do not know whether the Government will accept or reject it.

INDUSTRIAL AREA

Establishment North of City

36. Mr. BURKE asked the Minister representing the Minister for Town Planning:

(1) Has the Government any proposal for the establishment of an industrial area north of the city, within the metropolitan area?

(2) Would he give the location and area of any land at present the subject of any proposal for the possible provision of industrial land north of the city?

Mr. LEWIS replied:

(1) No.

(2) As in the case of proposals for possible provision of residential development, it would be improper to disclose prematurely the locations or areas of any such proposals.

METROPOLITAN TRANSPORT TRUST

Northern Suburbs: Trips per Week

37. Mr. BURKE asked the Minister for Transport:

What number of trips were made per week to the city from the northern suburbs by the M.T.T.—

(a) before the introduction of the new timetable; and

(b) after the introduction of the new timetable?

Mr. O'CONNOR replied:

(a) 1,312.

(b) 1,101.

This has been brought about by the fact that the buses operating these services are now based at the Morley depot instead of the city depot following the withdrawal of trolley buses.

RAILWAY DEVELOPMENT

North of City

38. Mr. BURKE asked the Minister for Railways:

(1) Would he outline the course of future railway development to the north of the city?

(2) Will the line be narrow or standard gauge?

(3) In view of the fact that the area immediately north of the central railway is thickly populated, will he reassure the public that future railway development to the north will not affect established residential areas?

(4) Which of the branch lines will be used to provide commuters from areas on the proposed northern leg of the railway with a link to the city?

(5) When is the proposed railway project likely to be started?

Mr. O'CONNOR replied:

(1) and (2) We have no proposals for immediate additional suburban development. From the work we have already done it is reasonable that some north-south rail access will be required sometime after the region has reached 1,000,000 people.

If the honourable member has any bright ideas on how we can economically operate a system such as this without interfering with any residential area, I would like to have the information.

(3) No; it would be quite unreasonable to give such an assurance at this time.

(4) The Perth-Fremantle branch could be utilised as a component of a north-south system.

(5) Not until the benefits flowing from it in travel time and convenience roughly equate the total cost of operating it. A reasonable estimate at this stage might be 15 years.

39 and 40. *These questions were postponed.*

SCHOOLS

Enrolments

41. Mr. JAMIESON asked the Minister for Education:

(1) Is the Paynes Find School still operating?

(2) If so, what is the total present enrolment?

(3) Which are the 10 schools with the smallest enrolment in the State and what are the present respective enrolments?

Mr. LEWIS replied:

(1) Yes.

(2) As at February, 1969—6.

(3) As at February, 1969—

Paynes Find—6.
Marvel Loch—8.
Hopelands—9.
Zanthus—9.
Kweda—10.
No. 7 Pumping Station—10.
Benger—11.
Camballin—11.
Dale West—11.
Doodarding—11.
Duranillin—11.
Ravensthorpe North—11.

HOSPITALS

Public Ward: Daily Cost

42. Mr. BURKE asked the Premier:

(1) What was the actual daily cost of maintaining a patient in the public ward of a hospital in Western Australia for each of the last 10 years?

(2) What was the subsidy paid by the State Government in each of these years?

Mr. BRAND replied:

(1) and (2) The Medical Department's annual reports give details of costs of operating all public hospitals in Western Australia and of subsidies paid by the State Government.

Such detail, however, does not differentiate between wards in the various hospitals.

JUSTICES OF THE PEACE

Recommendation Procedure

43. Mr. JAMIESON asked the Premier:

(1) What is the usual procedure expected by the Premier's Department when a person is being recommended as a justice of the peace?

(2) Are persons usually recommended by the Legislative Assembly member for the district where the nominee resides?

(3) Are not nominations from other sources referred to the Legislative Assembly member for the district of the nominee's residence for comments, approval, or reasons for not supporting such a nomination?

(4) From where, other than the Legislative Assembly district members, are such recommendations accepted?

Mr. BRAND replied:

(1) Nominations are only accepted from—

(a) the member of the Legislative Assembly for the district in which the nominee resides;

(b) if nomination for business purposes, a member of State Parliament for the area in which the business is situated;

(c) a member of the Legislative Council, a magistrate, a clerk of courts, a local authority.

Nominations under (b) and (c) above are referred, for his views, to the member of the Legislative Assembly for the district in which the nominee resides.

(2) to (4) Answered by (1).

May I say that, over and above any of these conditions, the Government has always claimed the right to make such nominations and decisions on any recommendations it might receive.

CHLORINE

Effect on Human Body

44. Mr. JAMIESON asked the Minister representing the Minister for Health:

(1) What effect or side effect has the ingestion of chlorine in various dosages on the human body metabolism?

(2) What is considered to be a safe dosage when applied to domestic water services?

Mr. ROSS HUTCHINSON replied:

(1) and (2) The technicalities involved are so complex that it is not possible to provide satisfactory answers within the framework of the questions asked; but chlorine is a gas and as such would not normally be ingested. The gas has an irritant effect on the eyes and air passages in concentrations exceeding three parts per 1,000,000 in the air. The appropriate dosage for water chlorination would vary according to the quality of the water concerned. An average dosage for clear water would be in the vicinity of one part per 1,000,000. The gas is very volatile and any excess disperses so quickly that the term "safe dosage" is inapplicable.

Might I add that within my own knowledge in parts of Europe and other parts of the world, the chlorine dose to water is tenfold and twentyfold more than the dosage in Western Australia.

BRENTWOOD SCHOOL

Attendance by Bateman Estate Children

45. Mr. TAYLOR asked the Minister for Education:

(1) How many children at present resident at the Immigration Department Centre at Bateman Estate attend the Brentwood School?

(2) How far is the centre from the school?

(3) What proportion of this distance is covered by a normal M.T.T. service?

(4) What proportion of the cost of this service is borne by—

(a) the Education Department;

(b) any other State instrumentality;

(c) any Commonwealth department?

Mr. LEWIS replied:

(1) 56.

(2) Approximately one-quarter of a mile.

(3) The whole distance.

(4) (a) to (c) None.

EFFLUENT DISPOSAL

Kwinana Nickel Refinery

46. Mr. TAYLOR asked the Minister for Industrial Development:

(1) What area of land is being made available to Western Mining Corporation for effluent disposal from their Kwinana nickel refinery?

(2) What is the anticipated surface area of the deposits when filling is complete?

(3) Will water used as a vehicle to carry waste to the area be cycled for reuse?

(4) What is the expected chemical composition of the waste?

Mr. COURT replied:

(1) 393 acres.

(2) There are two main depressions, the first of which, when filled, is anticipated to have a surface area of 50 acres. The level of filling of the second depression has not been decided as yet; therefore the surface area is unknown.

(3) Yes.

(4) The effluent will contain solid residues from the extraction process which will be conveyed as a slurry in water which will contain small quantities of ammonia, ammonium sulphate, and traces of nickel and copper. The quantity of these dissolved constituents will depend on plant design which has not been finally decided.

RAILWAYS

Stock Trucks: Attachment to Kalgoorlie Express

47. Mr. MOIR asked the Minister for Railways:

(1) Is he aware that several trucks of stock were attached to the Kalgoorlie express ex Kalgoorlie last Monday night?

(2) Will he take action to prevent a recurrence of this undesirable practice?

(3) If not, why not?

Mr. O'CONNOR replied:

(1) Three bogie vans of sheep were attached to the Kalgoorlie express on the 21st April in order to provide a 34½ hour transit ex Shark Lake to Midland as against 60 hours by goods train.

(2) This cannot be agreed to.

(3) The department wishes to retain this traffic to rail.

EDWARD WILLIAM STAFFORD

Date of Disappearance, and Police Search

48. Mr. BERTRAM asked the Minister for Police:

In respect of Edward William Stafford who was lost in the East Esperance area recently and was dead when found—

(1) When did Stafford become lost?

(2) When was it officially known that Stafford was lost?

(3) What steps were taken to find Stafford and, in chronological order, at what precise times were such steps taken from the time that it became officially known that Stafford was lost until his body was found?

Mr. CRAIG replied:

(1) 11 a.m. Sunday, the 30th March, 1969.

(2) 8.45 p.m. Tuesday, the 1st April, 1969.

(3) With regard to this part of the question, I have a telex message which I seek your permission, Mr. Speaker, to table. It gives the details in respect of the search which were requested by the member for Mt. Hawthorn. I must apologise for not having had copies made of the telex message, and I would like the document returned to me in due course.

The paper was tabled for one week.

UNIVERSITY OF WESTERN AUSTRALIA

Students, and Teaching Staff

49. Mr. MAY asked the Premier:

(1) What are the numbers of—

(a) students currently enrolled; and

(b) teaching staff;

at the University of Western Australia?

(2) What was the number of resignations of non-teaching staff, for the years 1967, 1968, and 1969 as at the 31st March?

Mr. BRAND replied:

(1) (a) 7,129.

(b) 426.

(2) 1967—206.
1968—212.
1969—60.
(1st quarter.)

The figures for resignations include temporary and research staff.

WOOROLOO HOSPITAL

Alternative Accommodation for Patients

50. Mr. McIVER asked the Minister representing the Minister for Health:

(1) Will he advise the purpose in requesting information from patients of Wooroloo Hospital as to the alternative hospital to which they desire to be transferred?

(2) In view of the intention to close Wooroloo Hospital, will he indicate particulars of suitable hospitals wherein these patients could be accommodated?

Mr. ROSS HUTCHINSON replied:

(1) Information is being requested regarding the medical condition of patients in order that suitable transfers can be arranged.

(2) Any State hospital and the Home of Peace, depending on the medical assessment.

QUESTIONS (5): WITHOUT NOTICE

HIGH SCHOOL

Armadale-Cannington Area

1. Mr. RUSHTON asked the Minister for Education:

Because of continuing large increases in population between Armadale and Cannington, and including these districts, and the parents' and residents' natural concern at the provision of satisfactory school accommodation, will the Minister advise the House how the department intends to house the expected increase in secondary school children enrolments for these areas in 1970 and 1971.

Mr. LEWIS replied:

In reply to the honourable member's question without notice I want to tell the House that immediately upon receipt of the petition presented by the member for Canning—which is related to the same question—I inquired of the department the need for new high schools in the metropolitan area within the next two years and have been supplied with the following information—

An assessment of enrolments in secondary schools in the metropolitan area indicates that we will need to begin construction of three new high schools within the next two years. These will be required at Balga, Thornlie, and Morley.

In order that this may be done within the finance available it has been decided to have one high school ready for first years in 1970 and to commence work on the other two schools as part of the 1969-70 programme, but to ensure that they are completed in the 1970-71 programme to be ready for school opening in 1971.

Of the three schools above it is considered that Balga is the most urgent and this is planned for opening in 1970. Thornlie and Morley will be prepared for the intake of their first students in 1971. The planning for Thornlie was also influenced by the doubt on the availability of services at the Ovens Road site by 1970.

This planning means that enrolments at Armadale and Cannington high schools will increase in 1970 by about 100 students in each case. Later in the year a more positive estimate of the enrolments for 1970 will be made by the research branch.

By the beginning of next year accommodation at Armadale will be increased by the erection of a library complex, which will provide places for 160 students, and two science laboratories. Armadale will thus be able to accommodate the extra students for 1970.

At Cannington a school hall is scheduled for erection and additional temporary accommodation will be provided to cater for the increased enrolments expected in 1970.

Enrolments at both schools will begin to decrease in 1971 with the opening of Thornlie and the temporary accommodation at these schools will then be removed.

The department is aware of the possible enrolments and accomdation needed in the Armadale and Cannington areas. Children who will attend these high schools in 1970 can be assured of accommodation.

The member for Canning, on last night's 'To-day To-night' T.V. programme inferred that there was a political motive in deferring Thornlie high school until 1971—election year.

I would draw attention to the proposed construction of Balga high school in 1970. This in the electorate of the Deputy Leader of the Opposition.

Political considerations have no part at all in the provision of schools.

ROBE RIVER PROJECT

Press Statement

2. Mr. TONKIN asked the Minister for Industrial Development:

Last Sunday the Minister announced that the Robe River iron ore negotiations had reached the stage of being almost completed, which suggested that there were no further problems to be overcome.

In the country issue of *The West Australian* on the Monday, there was an article, "Puzzle Over the Robe Deal," in which it was reported that a spokesman of the Yawata Steel Company had said that the steel industry was not prepared to make a formal announcement and that "we can only assume that Mr. Court's statement was made for domestic political reasons."

On the radio, subsequently, a much stronger statement was made in which it was said that negotiations were far from complete and that a considerable time would elapse before a contract could be signed. In the circumstances, is the Minister prepared to make an explanation to clarify the position?

Mr. COURT replied:

I want to say that the origin of this statement casting some doubt about the statement I made on Sunday is not known to me in spite of inquiries I have made since that date in Tokyo, even as late as last night; because a report was brought to my notice firstly by some Press people and secondly by the A.B.C.

I must admit I was surprised that the A.B.C. used the statement on the 2 o'clock news without exercising the courtesy of checking its authenticity or background. This refers to the source of information being Mr. Langdon Parsons who is Consul for Japan in Adelaide. However, even since then I have not been able to locate the source of this statement in Japan, nor can we locate any newspaper that has featured such comments in Japan. The main inference from the report yesterday was that this had been the subject of Press comment in Japan.

I can assure the House, however, that when I made my statement on Sunday about the stage of negotiations of the Robe River project, it was based on authentic information from official channels with whom we have conducted all our deals and protracted negotiations over the Robe River project. I said no more nor no less than I had been officially advised by the steel industry.

The discussions and negotiations that have taken place since Sunday give me no reason to change my view that what we said is authentic and that it is the fact today. The clear indication was that they expected to complete the formal agreement—having announced that they had completed all matters on pellets and fines—either at the end of this week or the middle of next week. I am advised that position is still unchanged.

DILLINGHAM CORPORATION PTY. LTD.

Construction of Dry Dock: Publication of Feasibility Study

3. Mr. TONKIN asked the Premier:

For some time the Government has had in its hands a report from the Dillingham Corporation concerning its feasibility study for the establishment of a dock in the Rockingham area. Is it the Government's intention to make the contents of this report public, or to make any statement regarding the recommendation?

Mr. BRAND replied:

The Government will make a decision about publishing the report, or any part of it, when it has made a decision on the report. We have been very busy, and that is the only assurance I can give the Leader of the Opposition at this stage.

MOTOR VEHICLE ACCIDENTS

Mechanical Defects

4. Mr. DUNN asked the Minister for Police:

(1) Further to the leading article in this morning's issue of *The West Australian*, is he aware that shires which keep strict records of the cause of accidents are showing figures as high as 11 per cent. being due to mechanical defects?

(2) Is it a fact that other States and countries in the world have been conducting motor vehicle examinations for some years past?

(3) What does spot checking by police indicate?

(4) Could arrangements be made for the newspaper to get more realistic figures and detail than those which they quote?

Mr. CRAIG replied:

(1) Yes.

(2) Yes.

(3) Spot checks for the six-monthly period to the 31st March, 1969, were carried out by two vans engaged full time, and a further van from the 1st February, 1969. There was a crew of two men to each van. The total spot checks carried out numbered 2,071. The vehicles ordered off the road numbered 109, and 1,926 work orders for mechanical defects were issued. Only 36 vehicles on which spot checks were made had no work order issued.

(4) I think we will leave that for *The West Australian* to answer.

BILLS

Number to be Introduced

5. Mr. TONKIN asked the Premier:

Is it the Government's intention to give notice of further Bills next week and, if so, approximately how many?

Mr. BRAND replied:

This is a fair enough question, because Bills can come up at the last minute. Having discussed the matter with the Minister for Justice, I would point out that there are two or three Bills which are to come down from the Upper House. These are Bills of which notice has already been given plus one which the Minister for Industrial Development, on behalf of the Minister for Justice, would like to think he could deal with today. I appreciate the reason for the question and we will do our best not to have any further legislation introduced, with a view to adhering to our arrangement in connection with business already on the notice paper. We could introduce two Bills now, and I hope there would be no division called; and although I have given some undertaking to finish at 4 o'clock, I wonder whether the House would permit us another quarter of an hour.

DISALLOWANCE OF FURTHER QUESTIONS

THE SPEAKER: There will be no further questions without notice today.

NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [4.1 p.m.]: I move—

That the Bill be now read a second time.

The State has entered into a new agreement to replace the Northern Developments Pty. Limited agreement ratified by Act No. 65 of 1957, which dealt with the disposal of certain Crown lands pursuant to the provisions of section 89D of the Land Act.

The 1957 agreement was executed on behalf of the State by The Hon. A. R. G. Hawke, Premier and Treasurer, and by Northern Developments Pty. Limited, which was desirous of acquiring land in the State for the purpose of cultivating and processing thereon rice and other agricultural crops necessitated by the rotational cultivation of rice.

The subject land was about 20,000 acres, being portion of pastoral lease 396/493 held by the Kimberley Pastoral Company Limited, and was bisected roughly from north to south by the Snake River.

The company, by virtue of the agreement, became entitled to apply for license areas of about 5,000 acres and these parcels progressively on performance of the special conditions imposed could be converted to freehold. The essence of these conditions was that the whole cultivable area of each parcel was required to have been planted to rice and that it was to be demonstrated that rice could be successfully and economically grown. A yearly rental of $200 was charged in respect of each license granted.

The State installed a barrage in the bed of the Fitzroy River and charged the company $,6000 per year for the supply of water up to 30,000 acre-feet, plus a charge for water delivered in excess of this quantity at 50c per acre-foot. The State also recovered an annual charge of 5½ per cent. of the cost of irrigation channels it installed within a parcel under license.

In addition, the State constructed a weir across Uralla (Snake) Creek; two main irrigation channels; maintained the weir, barrage, and off-take works; constructed a road from Derby and roads within the Camballin townsite and the subject area; improved the Uralla (Snake) Creek bridge and its approaches; and erected and let houses to the company.

Freehold purchase price of the subject lands was fixed at $2 per acre for parcels 1 and 2; not more than $10 per acre for parcel 3; and not more than $20 per acre for parcel 4. The form of Crown grant specified that not less than one-fifth of the area of a parcel should be planted annually with rice, subject to water supplies being available.

The 20,000 acres of land, the subject of the agreement, was surrendered to the Crown on the 12th November, 1957, by the Kimberley Pastoral Company Limited from pastoral lease 396/493.

After the Northern Developments Pty. Limited Agreement Bill had been assented to on the 6th December, 1957, Northern Developments Pty. Limited was notified on the 24th December, 1957, that it was entitled to apply for the first parcel, being Fitzroy Location 30 with a surveyed area of 6,577 acres and 10 perches. Subsequently license 389D/4 was approved on the 13th January, 1958, for a term of five years commencing on the 1st January, 1958.

On the 29th January, 1963, the Under-Secretary for Works advised that the company had complied with all the terms and conditions under the agreement, and on the 17th April, 1963, formal application for Crown grant of Fitzroy Location 30 was lodged, together with the purchase money £6,577 1s. 3d. The Crown grant duly issued on the 4th October, 1963.

Meanwhile, on the 30th January, 1963, the company was offered, and accepted, Fitzroy Location 39 of 4,820 acres 2 roods 39 perches and this was approved as parcel No. 2, the subject of permit No. 389D/12 for a term of five years commencing from the 1st April, 1963.

On the 25th June, 1968, the company requested that license 389D/12 which expired on the 31st March, 1968, be extended for a further three years. In support of this application it stated—

(a) that during the entire period of the license the company had suffered a series of critical setbacks;

(b) during both 1967 and 1968 in the wet season the land was completely flooded, to the effect that in 1967, 1,500 acres of rice plantings were destroyed, and in 1968 no plantings could be made;

(c) the company was seriously short of finance;

(d) the company was hampered by the non-availability of a suitable strain of rice to grow on the area which would give an economic return.

The company, at this stage, had lost its right under the provisions of the agreement to apply for the Crown grant of parcel No. 2. It was also considered that any extension to the term of license 389D/12 would require the approval of Parliament.

During the period under review the State duly proceeded with the construction of the Fitzroy River barrage, the 17 mile dam (weir) on the Uralla (Snake) Creek, off-take works and two irrigation channels, roads, and housing.

Because of the proposed sale of the shares in Northern Developments Pty. Limited to other interests it has become desirable and necessary that the existing agreement of 1957 be cancelled and replaced by a new agreement to be called the Lands (Camballin Area) Agreement.

This provides for a progressive take-up of land parcels of about 5,000 acres each, the first being that issued as the second parcel under the 1957 agreement. The first parcel was freeholded under the terms of the original agreement. In this instance the term of the license is for three years but subsequent licenses issued will be for a term of five years. The Minister, who is the Minister to whom the administration of the Act is responsible for the time being, may extend the term of any license.

The company may apply for a license in respect of the second parcel when the term of the first parcel has expired and the area has been planted with rice or other approved crop. It may apply for the third parcel when the whole cultivable area of the second parcel has been planted.

Application for subsequent parcels will be limited to the extent of lands capable of being irrigated from the available irrigation system at Camballin and to no more than an aggregate of parcels amounting to 50,000 acres. It will also be contingent upon the construction by the company of a levee between the Fitzroy River and the irrigable lands. It is the Minister's prerogative to designate land as a parcel.

The State will issue a license for each parcel at the appropriate time and the company will be obliged to continuously develop the area to rice or other approved crop over the whole cultivable area in four seasons, to erect within five years a cattle-proof fence on the boundaries and within one year provide equipment for water supplies for the crop. The State will receive an annual rental of $200 for each license.

The State will maintain the existing 17 mile dam, the Fitzroy River barrage, off-take works, irrigation channels outside permit parcels, and the road between Derby and Camballin. It will also continue to let existing houses erected.

The company shall pay $6,000 annually in half-yearly instalments for water from the weir for up to 2,000 acre-feet plus $3 per acre-foot for water in excess of this figure. These rates are to be reviewed every 10 years.

The supply of water will be measured by gauging equipment installed by the State and the company will indemnify the State against claims in connection with the construction or maintenance of the weir, barrage, off-take works, or other works.

The company shall have the right to subdivide and sell up to one-half of the land it acquires under license, but any purchaser shall not acquire title until the Crown grant issues to the company in respect of its license. The price fixed for the land within the initial Crown grant will be $2 per acre and at the Minister's prerogative for subsequent parcels, but not exceeding $10 per acre for the second parcel, and $20 for succeeding parcels. Those, I might say are the same amounts that were in the original agreement. The Minister may condition his consent to a subdivision on adequate provision for roads, irrigation channels, and other communal facilities.

The form of Crown grant issued to the company shall include a provision that not less than one-fifth of the area shall be planted annually to rice, or other crop, or crops approved by the Minister.

Upon the sale of land by the company to a purchaser, whether under agreement or by transfer of title, the Governor may constitute an irrigation board for the Camballin area. This will consist of a representative of the Minister for Water Supplies, who will be the chairman, and a nominee of the company and purchasers respectively and will operate with perpetual succession as a body corporate. With the Governor's approval, the board may make, alter, and repeal by-laws relating to the supply and protection of and charges for water and other matters.

The company may not, without the consent of the State, assign its benefit under the agreement. An assignee may be required to execute a deed of covenant. This agreement will continue in force until the 31st December, 2007. The object of this proposal is the closer settlement of an area at present utilised chiefly for grazing and pastoral leasing.

In commending the Bill to the House and seeking the support of members, I would stress that the State has, in good faith, expended considerable funds in this area. The original project was not successful, but we have been able to negotiate a new agreement which is substantially on the lines of the previous agreement, although there are one or two amendments. I refer to the fact that the area has been increased from 20,000 to 50,000 acres and the proprietors may sell up to one-half of the area. Furthermore, another important principle in the new agreement is that in addition to rice, other proved crops, which have no relation to the growing of rice, may be grown.

This agreement was only concluded yesterday and I apologise to the House for its late introduction. However, if we do not get this measure passed this session we will lose a whole year of operation, so I think the House will understand that it is desirable that the measure be dealt with, not only in the interests of the new proprietors, but in the interests of the State.

Mr. Tonkin: A pretty good reason for a second session!

Mr. BOVELL: I do not know that it is. Perhaps for the reason I stated the second session has proved to be an advantage. However, I am not here to talk about sessions of Parliament; and the Leader of the Opposition nearly put me off an important statement I want to make.

It is this: I want to express my appreciation in this House to the Parliamentary Draftsman (Mr. Walsh), the Government Printer (Mr. Davies) and his staff, and my own Under-Secretary (Mr. Gibson) and his staff, for their co-operation. It was only yesterday afternoon that this measure was completed so that it could be presented to Parliament; and the preparation of the details had to be finalised within 24 hours. I repeat that in my opinion and in the opinion of the Government it is vital that this measure be approved by Parliament now to enable the agreement to proceed immediately and therefore save one year's operations.

Debate adjourned, on motion by Mr. Norton.

SOLICITOR-GENERAL BILL

Introduction and First Reading

Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [4.20 p.m.]: I move—

> That the Bill be now read a second time.

This Bill proposes to create the statutory office of Solicitor-General and to prescribe the functions of the office and the terms and conditions applicable to a person appointed.

Mr. S. H. Good, Q.C., who retired from the position of Solicitor-General on the 29th January, 1969, was appointed under the provisions of the Public Service Act. He occupied the position for a period of 23 years, during which time the professional staff of the department increased from four to 40. The growth of the State and the department has meant that his time has been taken up with administrative and other functions which prevented his appearance as principal counsel for the State. However, it must be emphasised that the State has received excellent service from Mr. Good in many ways not least in regard to the negotiation of the large industrial agreements entered into during recent years.

It is sound policy to review the duties of any position which has been occupied by any one person for a long period. The Minister for Justice decided to undertake such a review and, with this purpose in view, sought information from the Attorney-General of the Commonwealth and each of the States as to the duties, and terms and conditions, of appointment to the office of Solicitor-General in their jurisdictions. It was known that Solicitors-General in other places generally appeared as counsel in all major matters affecting their respective States. There is a body of opinion which felt Western Australia had suffered in some respects through the Solicitor-General being unavailable to carry out this duty.

The general view was that the policy of providing for the office of a Solicitor-General independently of the Public Service was to be highly commended and that it should be filled by the best available person, whether he was a public servant or not. The appointment of a Solicitor-General under a separate Statute is more acceptable to the legal profession.

The policy adopted elsewhere has been for the Solicitor-General to appear in any matter in the superior courts and most certainly in the High Court and Privy Council when constitutional matters were the subject of litigation. The Commonwealth Attorney-General in his reply stated, *inter alia*—

> One of the special merits of our system (that of the Solicitor-General appearing as counsel) is that the High Court in particular may explore in a case peripheral or related matters which it is difficult to foresee and on which it is difficult to brief outside counsel adequately.

The same argument applies with equal force to the position of the States.

Attorneys-General are agreed on the advantages of having the Solicitor-General representing the State as counsel. In the Privy Council, the High Court, and the Supreme Court, the Solicitor-General is accorded the respect and consideration appropriate to his office and considerable attention is paid to his submissions. His standing is considered to be enhanced by his appointment independent of the public service.

Constitutional matters in dispute are of considerable importance to the State and the need for the best representation is apparent if State rights are to be protected.

Recently the State has been called upon to defend certain aspects of the Stamp Act. Whilst this State was ably represented by our Crown Counsel (Mr. R. D. Wilson, Q.C.), other States which intervened in the matter in support of this State were represented by their Solicitors-General. In this respect it was felt Western Australia was at a disadvantage because of the status of Solicitor-General in relation to Crown Counsel.

There should be no cause for concern about the proposal to remove the position from the provisions of the Public Service Act. This decision will ensure that all the time of the Solicitor-General will be utilised in undertaking work commensurate with his position. Apart from appearing as counsel on behalf of the State, he will be available to give opinions and advice on such matters as may be referred to him. He will continue to be the second law officer after an Attorney-General and will undertake any duties as directed by the latter. However, he will not be required to carry out administrative functions.

The legislation now submitted for consideration is not novel. It follows the pattern established by the Commonwealth and Victoria, and under consideration by New South Wales and South Australia. The Act does not restrict any Government in the appointment, as the most suitable person from without or within the Public Service may be selected.

The Bill, which is a simple one, proposes conditions of appointment similar to those enjoyed by Solicitors-General in other places. The salary has been related to that of a puisne judge of the Supreme Court. Provision is made for the period of service as Solicitor-General to be regarded as period of service as a judge for the purpose of a judge's pension should an occupant of the office be subsequently appointed as judge of the Supreme Court. This qualifying period is important as the office will attract men who otherwise would be likely to be appointed to the Supreme Court Bench and who might be elevated to the court after a period of office as Solicitor-General.

It is proposed that Mr. R. D. Wilson, Q.C., will be appointed Solicitor-General under the provisions of the new Act. He is known to members and well regarded by the judiciary of all courts before which he has appeared. His appointment as

Solicitor-General will enhance his status before the courts and ensure the State is represented in the best possible manner.

Might I in conclusion pay my own personal tribute to the work of Mr. S. H. Good, Q.C. Very few know how much work he has put into his office. He was in an extraordinary position, having been with the Crown Law Department when it was a small organisation of about four until it contained some 40 professional officers. Perhaps my judgment in respect of Mr. Good is coloured a little because when he was an articled clerk I was an office boy in the firm in which he served his articles. I do not know whether that was of benefit to him or me!

However, he has always been conscientious, honourable, and highly regarded in the community. I had the great privilege of working very closely with him when some of our earlier major agreements were negotiated. Although he did not have to negotiate matters of principle, which are essentially the preserve of the Government, on matters of law he was of tremendous value and showed great realism in his attitude to the drafting and general concept of those agreements, the framework of which has stood us in extremely good stead.

I know all members would wish him well in his appointment and express appreciation of the foundation he has laid in this very important department. I commend the Bill to the House.

Debate adjourned, on motion by Mr. Bertram.

House adjourned at 4.27 p.m.

Legislative Council

Tuesday, the 29th April, 1969

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

QUESTIONS (3): ON NOTICE

BALLET WORKSHOP

Subsidy

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

Further to my question of the 23rd April, 1969—

(a) what other conditions would the Ballet Workshop have to fulfil before being considered for a Government grant;

(b) is this the same set of conditions with which any cultural body would have to comply in order to be considered for Government assistance; and

(c) if not, what other conditions may be set?

The Hon. A. F. GRIFFITH replied:

(a) It would have to demonstrate a high standard of performance and the need for the Government to assist a second ballet group in this State.

(b) In general terms, yes.

(c) There could be other conditions depending on the circumstances of each individual application for assistance.

2. *This question was postponed.*

TEACHERS

Native Schools

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

(1) How many teachers employed by the Education Department are attached to the special native schools?

(2) Of these teachers, would the Minister indicate their years of service as follows:—

(a) newly appointed 1969, from—
(i) teachers' college;
(ii) other sources;
(b) one year;
(c) two years;
(d) three years; and
(e) more than three years?

The Hon. A. F. GRIFFITH replied:

These schools are in no sense segregated schools as enrolment is not racially restricted, but because of the problems staff is specially selected.

(1) 49.

(2) (a) (i) 6
(ii) Nil.
(b) 4
(c) 7
(d) 3
(e) 29

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CHIROPRACTORS ACT

Disallowance of Rules: Motion

Debate resumed, from the 24th April, on the following motion by The Hon. C. E. Griffiths:—

That Rules 10A, 10B and 10C made by the Chiropractors Registration Board under Section 18 of the Chiropractors Act, 1964, published in the *Government Gazette* on 12th November, 1968, and laid on the Table of the House on 25th March, 1969, be and are hereby disallowed.