The PRESIDENT (The Hon. L. C. Diver): The voting being equal I will have to declare my vote in favour of the Noes for the following reason: That to support the amendment would defeat the Bill whereas if the amendment were defeated a further decision could be taken on the Bill when all members were present.

Amendment thus negatived.

Debate adjourned, on motion by The Hon. S. T. J. Thompson.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

In Committee, etc.

Resumed from the 10th October. The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

Clause 2: Section 6 repealed and re-enacted with amendments—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

The Hon. H. K. WATSON: I desire to move an amendment in terms somewhat different from my amendment on the notice paper. I wish to leave out paragraph (a) in the amendment I have on the notice paper. I move an amendment—

Page 2—Insert after subsection (2) in lines 8 to 24 the following new subsection:—

(3) If a person entitled to receive or in receipt of a pension under this Act—

(a) holds any judicial or other office or commission under the Crown, whether in Western Australia or elsewhere, for which he is remunerated out of the moneys of the Crown; or

(b) is in receipt of a pension received by him by reason of having held such office;

then the pension otherwise receivable under this Act by the said person shall be reduced by the amount of the salary remuneration or pension received by the said person as mentioned in paragraphs (a) or (b) of this subsection.

It is unnecessary to further explain the point, because I dealt with it in my second reading speech, and the amendment is self-explanatory.

The Hon. A. F. GRIFFITH: The amendment is acceptable to me. I am glad Mr. Watson omitted the reference to a member of Parliament. I think it is unlikely in the circumstances, as I said in my reply to the second reading debate, that the paragraph he has omitted from his amendment would have had an effect.

In the question of a pension to the widow, raised by Dr. Hislop, I would say that the Government, while not overlooking the matter, does not propose to take any action this session, but will consider the point next year.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 3 put and passed.

Title put and passed.

Bill reported with an amendment.

House adjourned at 10.39 p.m.

Legislative Assembly

Tuesday, the 24th October, 1961

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CONTENTS—*continued*

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

BILLS (6): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Bank Holidays Act Amendment Bill.
2. Totalisator Agency Board Betting Act Amendment Bill.
3. Betting Control Act Amendment Bill.
4. Churches of Christ, Scientist, Incorporation Bill.
5. Church of England (Northern Diocese) Bill.
6. Coal Miners' Welfare Act Amend- Bill.

QUESTIONS ON NOTICE

MAIN ROADS DEPARTMENT

Total Funds Allocated

1. Mr. NORTON asked the Minister for Works:

(1) What were the total funds allocated to the Main Roads Department for the years—

1956-57;
1957-58;
1958-59;
1959-60;
1960-61;
1961-62?

North-West Branch: Amount Allocated

(2) What amount was allocated to the north-west branch of the Main Roads Department for the same years?

(3) By what method were the north-west allocations arrived at?

Mr. WILD replied:

		£
(1)	1956-57	6,154,000
	1957-58	6,725,000
	1958-59	7,225,000
	1959-60	7,600,000
	1960-61	8,250,000
	1961-62	9,640,000
(2)	1956-57	818,580
	1957-58	841,870
	1958-59	931,560
	1959-60	1,310,350
	1960-61	1,629,740
	1961-62	2,532,150

The 1961-62 allocation for north-west roads represents 26.26 per cent. of the total allocation for that year.

(3) The allocations are made by assessing with all the information available the relative road needs in the various parts of the State. Such an assessment has to have regard for existing traffic conditions and future potentials in the various areas.

GOVERNMENT PRINTING OFFICE EMPLOYEES

Use of Railway Land for Parking

2. Mr. FLETCHER asked the Minister for Railways:

(1) Is the land south of the Government Printing Office involved in the standard gauge railway scheme?

(2) If so, what will the land be actually used for?

(3) When will work be commenced on such land?

(4) Would he indicate why this land should not be utilised in providing parking facilities for Government Printing Office employees?

Mr. COURT replied:

(1) The standard gauge railway will entail a rearrangement in Subiaco yard and may involve this area.
(2) Answered by No. (1).
(3) Within four or five years.
(4) Answered by No. (1).

PORTS AND HARBOURS

Financial Results of Operations

3. Mr. HALL asked the Minister for Works:

In view of the answers given to question No. 8 on the notice paper, on Thursday, the 19th October, will he endeavour to provide the information of the expenditure on all ports in this State, and the interest, if possible?

Mr. WILD replied:

Apart from the ports of Fremantle, Bunbury and Albany, interest on capital and sinking fund contributions are not assessed. Allowing for only income and expenditure, the position with respect to these other ports is:—

	1955/56	1956/57	1957/58	1958/59	1959/60	1960/61
	£	£	£	£	£	£
1. *Loss*	116,319	121,304	53,727	89,882	46,876	50,983
2. *Profit*—						
Geraldton	26,888	20,021	42,967	30,973	28,740	69,245
Esperance	5,359	5,665	18,287	16,332	29,658	30,511
Pt. Hedland	....	1,173	4,976	22,604	32,435	15,319
Wyndham	....	....	....	....	2,830	....
3. *Loss*—						
Carnarvon	26,020	24,305	19,472	17,204	28,511	33,639
Onslow	18,538	10,993	12,673	35,183	26,798	25,770
Point Samson	19,302	51,918	20,301	22,049	22,632	22,926
Port Hedland	15,369	....	....	....	....	....
Broome	20,507	14,216	17,275	27,185	25,575	27,342
Derby	16,666	19,782	15,414	16,058	28,738	39,237
Wyndham	27,909	23,359	30,803	27,786	....	10,317
Busselton	4,255	2,880	3,734	13,738	7,821	6,391
Shark Bay	....	710	285	588	464	436

4. *This question was postponed.*

PERTH GIRLS' HIGH SCHOOL

Tennis Courts

5. Mr. GRAHAM asked the Minister for Education:

Respecting tennis courts at Perth Girls' High School—

(1) Is it intended to carry out the work necessary in order that they might be used?
(2) If so, when?
(3) If not, why not?

Mr. WATTS replied:

(1) to (3) It is intended to convert this school into a women's arts college when consideration will be given as to what facilities will be required.

SCARBOROUGH BEACH

Motor-Vehicle Park on Beach

6. Mr. HAWKE asked the Premier:

(1) Is he aware that very strong objections are being voiced by many local people to that part of the proposed Scarborough Beach improvement plan which would set aside a substantial width of beach sands in front of the Esplanade at Scarborough as a motor-vehicle parking area?
(2) Is the Government making a financial contribution to assist in carrying out the plan?
(3) Is the Government aware of the views of Dr. Silvester of the University of Western Australia?
(4) Has the Government obtained any expert views from its own appropriate officers regarding the proposed use of the beach in question as a parking area and the possibility of erosion developing as a result of such use?
(5) If not, will the Government urgently ask the Chairman of Commissioners of the Fremantle Harbour Trust (Mr. Tydeman) or some other expert officer to investigate and report?

Mr. BRAND replied:

(1) The only official objection received has come from the Scarborough Surf Life Saving Club and the W.A. State Centre of the Surf Life Saving Association of Australia, the views of which were placed before the chairman and director of the Tourist Development Authority by way of deputation on the 2nd October, 1961, following a letter written to me by the club, dated the 22nd August, 1961.

(2) Yes. On the recommendation of the Tourist Development Authority, the Government has agreed to find one-half of the interest and sinking fund payments on the shire council loan.

(3) As a result of the deputation mentioned in No. (1), the Scarborough Surf Life Saving Club was asked if it would approach Dr. Silvester with the object of seeing whether he would be willing to submit his views in writing. These have now been received and are being considered by technical officers of the Public Works Department.

(4) Yes. Officers of the Public Works Department who examined the scheme reported that erosion of the beach was unlikely to result from stages one to three; some aspects of stage four, which is not planned for the present financial year, might require further consideration.

(5) Answered by No. (4).

RAILWAY COUNTRY PASSENGER TERMINAL

Transfer to East Perth

7A. Mr. DAVIES asked the Minister for Railways:

Is it possible to advise when the country passenger terminal will be transferred to East Perth?

Mr. COURT replied:

In 1966 (approximately).

RAILWAY LOCOMOTIVE DEPOTS

Reorganisation

7B. Mr. DAVIES asked the Minister for Railways:

(1) Is it proposed to transfer the East Perth Loco. Depot to Kewdale?

(2) If the answer to No. (1) is "Yes," when is it proposed the transfer will take place?

(3) For what purpose is the site on which the Fremantle loco. depot is now situated, required?

(4) How many employees is it anticipated will be transferred from Fremantle to other depots following the removal of the loco. depot to Leighton?

(5) From which depot(s) is it intended to operate the main line services at present being worked from the Fremantle depot?

(6) What action is being taken to provide accommodation for the large number of employees required to transfer as the result of the removal of these depots to other localities?

Mr. COURT replied:

(1) and (2) Proposals in regard to East Perth locomotive depot have not yet been finalised.

(3) Yard alterations and rail approaches to the new Fremantle railway bridge.

(4) and (5) Until planning is further developed this information is not available.

(6) In normal circumstances it is not the function of the Railways Department to assume responsibility for housing in the metropolitan area, but consideration will be given in due course to housing requirements contingent upon these alterations.

QUESTION WITHOUT NOTICE

RAILWAY EMPLOYEES

Petition for Three Weeks' Annual Leave

Mr. HAWKE: I would like your guidance, Mr. Speaker. Last week, representatives of a very large number of railway employees handed to me a largely-signed petition which requests the granting to all railway employees of a minimum annual leave of three weeks. They desire this petition to be presented to Parliament. However, it is not addressed to Parliament, but to one of the individual Ministers of the Crown. I ask you whether, in the circumstances, the petition could be presented to this House.

The SPEAKER (Mr. Hearman): There is a proper form laid down under which petitions must be presented. I think if the Leader of the Opposition examines it in conjunction with the Clerk of the Assembly, he will tell the honourable member whether it is in order or not. I cannot advise without seeing it.

GOVERNMENT BUSINESS

Precedence

MR. BRAND (Greenough—Premier) [4.41 p.m.]: I move—

That on and after Wednesday, the 25th October, Government business shall take precedence of all motions and Orders of the Day on Wednesdays as on all other days.

That is the usual motion brought down at or about this time of the year in order that we might expedite Government business through the House. It is a motion that has been moved every year for many years.

I am prepared to give the usual undertaking that private business on the notice paper today will be dealt with and the

members concerned will be given a reasonable opportunity of having their motions or legislation discussed.

Mr. Graham: Would you extend that to include tomorrow?

Mr. BRAND: No.

Mr. Graham: You will not?

Mr. BRAND: No. What is the use of moving the motion today if I extend it to tomorrow?

Mr. Graham: I asked the question to see whether you would allow business put on the notice paper tomorrow to be determined some time before the end of the session.

Mr. BRAND: No; I will not give that undertaking. It is no use my moving this motion today if I include tomorrow.

Mr. Tonkin: What good would the undertaking be?

Mr. BRAND: The honourable member had better keep quiet for a little while. I would be prepared to give some favourable consideration to any worth-while legislation or motions put forward by private members, but I will not give an undertaking in this regard.

Mr. May: They are all worth while.

Mr. BRAND: I understand from the Attorney-General there are approximately a further seven Bills, including the Road Closure and Reserves Bills, to be introduced, notice of a number having been given today. I do not think there is anything else I can add to my remarks on this motion.

MR. HAWKE (Northam—Leader of the Opposition) [4.43 p.m.]: The Opposition has no wish to oppose this motion. However, I am not quite sure whether the Premier understood correctly the question which was asked him by way of interjection by the member for East Perth. We are not asking that the putting of this motion to the House, or the carrying of it by the House, should be delayed. We would be quite prepared to allow that to take place this afternoon without any opposition from us. However, the member for East Perth did ask whether the undertaking which the Premier gave during his speech in regard to private members' business already on the notice paper could be extended to private members' business, of which notice would be given tomorrow.

Mr. Brand: I understood that.

Mr. HAWKE: I think the Premier's attitude is not reasonable, and if he sticks to it we will have no option but to oppose this motion—and we do not want to do that.

Mr. Brand: You can oppose it if you want to.

Mr. HAWKE: The circumstances surrounding the move proposed to be made by the member for East Perth are briefly that he tried last Friday, yesterday, and also today to contact a member of the Premier's own party in another place, but without success. He wanted to contact that member of the Premier's own party to see whether that member in the Legislative Council would sponsor a motion the same in wording as the one the member for East Perth proposes to sponsor.

He was not able to make the contact, and will have to make it later today. From what I have said the Premier and his colleagues will readily realise there is nothing party-political in the matter which the member for East Perth proposes to bring forward. It is a matter of, I understand, a City of Perth regulation or something of the kind; and it is a matter of some considerable importance to the individuals concerned. They are not many in number, but that should not affect the attitude of the Government. They are people who are entitled to receive consideration from Parliament as long as Parliament remains in session and as long as their situation can, in the time remaining before the end of the session, be given reasonable consideration.

I cannot see any reason at all why the Premier should refuse, as he has done today, to include in his undertaking private members' business which would go upon the notice paper today or tomorrow, with the proviso—and I would agree with him in this—that no such new business to be given notice of by a private member today, tomorrow, or the next day, should be party-political in nature in any way at all.

I think the Premier might, on reconsideration, agree to extend the undertaking to that degree. All we ask is that any such business brought forward of a non-party character by a private member this week should be given an opportunity of being discussed. If the Premier, on reconsideration, is able to see his way clear to go that short way with us, we would support this motion and have it carried now. If not, we will have to oppose it.

MR. BRAND (Greenough—Premier) [4.48 p.m.]: The purpose of the motion in the first place is to ensure that after notice is given, private members in the House do not fill up the notice paper, because there would be nothing to stop them from doing so.

Had this business of the member for East Perth been explained to me before we sat, then some consideration could have been given to it. I did not know it concerned an arrangement with a member of our party in the Upper House; but where no arrangements have been made, if it is fair enough to give the member for East Perth some undertaking about including motions moved tomorrow, then it is fair enough to give that undertaking to other members in the House.

Mr. Graham: I do not think any other member has any intention along that line.

Mr. BRAND: That is beside the point. Although the Leader of the Opposition has threatened to oppose this motion, now that he has explained the position, I am prepared to go so far as saying I would favourably consider giving the same consideration to the motion to be moved by the member for East Perth as I would to the private members' business already listed.

Mr. Graham: That will do.

Question put and passed.

CLOSING DAYS OF SESSION

Standing Orders Suspension

MR. BRAND (Greenough—Premier) [4.49 p.m.]: I move—

> That until otherwise ordered, the Standing Orders be suspended so far as is necessary to enable Bills to be introduced without notice and to be passed through all their remaining stages on the same day, all messages from the Legislative Council to be taken into consideration on the same day they are received, and to enable resolutions from the Committees of Supply and of Ways and Means to be reported and adopted on the same day on which they shall have passed those Committees.

This motion is self-explanatory. It is one which is moved at the same time of the session each year. It is simply a motion which allows the expedition of legislation through this House and through the Upper House; and will hasten the time when we can finish our session which, I hope, will be the middle of November, or a week earlier, if that is possible.

MR. HAWKE (Northam—Leader of the Opposition) [4.51 p.m.]: It is true, as the Premier has told the House, that this motion comes forward about this time each year in the progress of a session of Parliament. The Premier has given us a target date upon which he and his colleagues hope to see the business of this session concluded. We have had experience of target dates in the past. However, the Premier may be a little optimistic in setting as his target the end of the second week in November, or he may be able to achieve that objective.

Looking over today's notice paper, I find there are not many subjects listed which are controversial, and certainly there are very few which are extra controversial. I think we can take it for granted that any important measures which the Government might still have to introduce would remain with us for a reasonable amount of time to enable all members to have a reasonable opportunity of studying such Bills and of being able to come to understand clearly what they really aim to achieve. In the circumstances, the Opposition does not offer any objection to this motion.

Question put and passed.

BILLS (2): THIRD READING

1. Painters' Registration Bill.

   Bill read a third time, on motion by Mr. Graham, and transmitted to the Council.

2. Mining Act Amendment Bill.

   Bill read a third time, on motion by Mr. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

NATIVES (CITIZENSHIP RIGHTS) ACT AMENDMENT BILL

Report

MR. BRAND (Greenough—Premier) [4.53 p.m.]: On behalf of the Minister for Native Welfare, I move—

> That the report be adopted.

MR. HAWKE (Northam—Leader of the Opposition) [4.54 p.m.]: Members on this side of the House, during the second reading stage and also during the Committee stage of this Bill, made very clear their attitude towards the Government's proposal as set down in this Bill. That proposal is that all native children born after the 1st day of January, 1955, shall automatically grow up as citizens of Western Australia, and on reaching the appropriate age or ages they shall automatically take on all rights and responsibilities which attach to citizenship in this State.

The main point of criticism voiced by members of the Opposition against the proposal is that the passing of such a proposal into law will, in the first place, have no practical results for a considerable number of years; and, in the second place, when it does begin to take practical effect, it will create an unfortunate situation among natives in Western Australia and particularly among natives in the same family.

We would have the absurd situation of children of the same native family growing up in the same home or on the same reservation, and going to the same schools; where those born since the 1st January, 1955, would be growing up, as it were, as citizens, with the certainty that they would, when they reached the appropriate age, automatically become citizens of the State. The other children—very little older, some of them; perhaps a week, a month or a year older—would be growing up in a different category altogether. They would be growing up as non-citizens—as penalised children—and that situation is one which I think cannot be too strongly condemned.

I think the situation would create disunity within families, particularly as the children reached the later years of school-going age and more particularly when they reached the later age of the teen-age period; because we would have one set of children with the certainty that they would take on all citizenship rights and responsibilities automatically on reaching the correct age,and the other set of children with the certainty that they would not be so privileged or so advantaged. I do not think that is the right way to treat human beings and certainly not the right way to treat children in the same family. It could create nasty situations and regrettable divisions within the same family.

It has been argued that the older children, on reaching the appropriate age, could apply to a tribunal for a citizenship certificate; that they could appear before the tribunal; could put up such evidence as they might be able to gather together, and thereby try to convince the members of the tribunal that they should be granted a citizenship certificate.

We already know that many of the best natives in Western Australia refuse to have anything to do with the making of applications to the appropriate tribunals for certificates of citizenship. They consider the idea of making such application is humiliating and an insult to them, and therefore they refuse to make the application. I think the number who would so refuse in the future will grow; and consequently we will, in a number of years, when this proposed law really becomes operative —if it ever does—have a situation where there will be two very distinct and divided classes in the native population of Western Australia.

We would have one group—the favoured group—which automatically would obtain citizenship, and the other group forced, if it were prepared to be so forced, to make application to these tribunals, and to go before the tribunals and beg, as it were, to be allowed to become citizens of this State, and in this State of Western Australia. We also know that unless two members of a tribunal are unanimous in favouring the granting of a certificate no certificate can be granted, which, of course, is another barrier in the road of any native who does reach a stage where he makes an application for a citizenship certificate.

So from whatever angle this proposal is looked at, it is one which deserves very strong condemnation. It has been argued in favour of the proposal in the Bill that it is a start in the right direction. It may be a start in the right direction, but it is a very dangerous sort of start. We know that it will not become operative, in the practical sense, for another 15 years or so, which means that in the meantime it will just be a dead letter upon the statute book, achieving nothing except creating a most undesirable division within native families; because some of the children will be growing up in the expectation and certainty of automatically obtaining citizenship when they reach 21 years of age. The other children in the same family—and there will be dozens of native families like this —will be growing up feeling that they are outcasts, as it were, and placed in a separate class inferior to their brothers and sisters who might be a month, a year, or even five years younger.

As I see it there is not much merit in the argument that this is a start in the right direction; and even at this late stage I appeal to members of the Government to give very serious consideration to the proposal in the Bill; because the Opposition has supported this proposal as far as it is prepared to support it. We supported the second reading because we were anxious that the proposal in the Bill should be further considered in the Committee stages; and we did that in the hope that during those stages we would be able to persuade and convince members of the Government that this proposal needs very great and drastic alteration.

Members on this side of this House made attempts to amend the Bill very substantially during the Committee stages. Unfortunately for their attempts members on the Government side of the House were solid and united, and voted together to defeat every worth-while move made by the Opposition to amend the Bill along what we consider to be suitable lines. Therefore I very earnestly appeal to members of the Government to reconsider the matter.

I hope, especially in view of the report and recommendations of the all-party Federal committee in this matter, they can see their way clear to have the Bill very drastically altered. We would not go so far as to ask that the Bill be drastically altered before it leaves this Chamber; but we would ask the Government to try to see its way clear to give us an assurance, before the third reading of the Bill is moved tomorrow, that the proposal in the Bill will be altered very considerably to meet the objections which have been voiced on a widespread basis, and by many organisations, in this State.

In the hope that the Government will, on reconsideration, be able to see its way clear to give us an assurance along those lines at the third reading stage, we do not propose today to oppose the adoption of the Committee's report.

Question put and passed.

Report of Committee adopted.

INDUSTRY (ADVANCES) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th October.

MR. HAWKE (Northam—Leader of the Opposition) [5.7 p.m.]: The Minister for Industrial Development, when explaining this Bill to members last Thursday, while I was away in the Northam district, said that in the view of the Crown Law Department of this State there was no real legal necessity for the Act to be amended to cover the move which the Government proposes to make to guarantee the Midland Railway Company in this State regarding the substantial additional moneys which the company proposes to raise for the purpose of modernising its diesel locomotive fleet and also, I understand, for the purpose of purchasing more up-to-date railway wagons.

The Minister also told the House that in 1956 the previous Government had guaranteed this company for an amount up to a maximum of £600,000 to enable it then to purchase diesel locomotives in order that the company's railway system through the Midland areas of our State might be brought reasonably up to date.

I think we all know something about the history of this private railway company, and consequently we know that financially the company has been having a very hard struggle for a considerable number of years. As I remember it, the shareholders have received very little, if anything, by way of dividends for at least 20 years. Even shareholders who were guaranteed minimum financial returns had either to forgo those returns or to exercise an option—a very drastic one—which, had they exercised it, would undoubtedly have brought about the closing down of the system—or at least I think that would have been the effect.

When the representatives of the company approached the representatives of the Government in 1956, or it might have been late in 1955, it was obvious that the company was in very considerable difficulties with its locomotives, and also in regard to the condition of most of its permanent way. The company's representatives did not have much difficulty in demonstrating to the Government that unless drastic action was taken by the company to strengthen the permanent way, and subsequently to purchase an adequate number of diesel engines, the financial situation of the company would become so difficult as to make it almost impossible for the company to carry on and give the type of service which would be essential if people were to continue to patronise its railway services in sufficient numbers.

The real reason this Bill is now before us, as I understand it, is the nature of the advice given to the company by its own lawyers.

Mr. Watts: Just the same as the position was with Canterbury Court—the advice given to the lender.

Mr. HAWKE: Yes. I am very grateful to the Attorney-General for mentioning that instance. The Minister for Railways, when introducing the Bill, also referred to it. Presumably when the directors of a company receive certain legal advice from their lawyers there is at least an implied duty upon the directors to act upon the advice which they receive from their own solicitors.

Therefore one cannot complain about the action of the directors of this company in approaching the Government and asking it to have action taken in the Parliament to amend the appropriate Act; so that from every point of view which the company has to consider, and especially from the point of view of acting upon the advice of their own solicitors, the directors have done everything which, as directors, they feel they should have done.

So I am quite prepared to accept that situation. I think it is fair enough, and the directors of the company, rather than receive criticism for any action they might have taken along those lines, should perhaps be complimented upon the spirit of abundant caution in which they have approached the situation.

The amount guaranteed by the previous Government to this company was £600,000. In his speech the Minister told us the guaranteed advance had since been reduced to £500,000 by way of half-yearly repayments of £20,000. We might wonder why it is necessary, so soon after 1956 or 1957, for the company to be in a position where it feels it must purchase an additional number of diesel engines.

I think we could take it for granted that traffic on this company's railway system has increased substantially. The fleet of diesels which it purchased in 1956 or 1957 was a small one, and no doubt those diesels have had plenty of work to do; and that is a good thing. I have no doubt, either, that the company, looking into the future, sees increasing traffic forthcoming and wishes to meet all the demands on the system in the prompt and efficient way which is necessary if a railway system is to function; and not only function efficiently, but also with satisfaction to the users of the system.

The Minister also told us that the company had made use of rolling-stock from the pool of the Government's own railway system. To the extent to which the company would continue to make good use of such rolling-stock, the Government's own system would, at times, find itself in difficulty in relation to meeting promptly all the demands for traffic made upon the Government system. So, from that point of view, too, it appears reasonable that this proposed amendment to the Act should be made to ensure that the directors of the company will, as soon as possible, purchase more diesel engines and

other rolling-stock, and become more self-contained and more self-sufficient along that line than they are at present.

I understand the company is in a position almost immediately to obtain £200,000 of its total proposed expenditure, and such moneys will be available to the company as soon as the Bill now before us receives final approval from Parliament, and such other formal approval as will be necessary after that stage has been reached. Therefore, I have no objection to offer to the amendment which this Bill proposes to make to the parent Act, and I support the second reading.

MR. SEWELL (Geraldton) [5.18 p.m.]: I listened with interest to the Leader of the Opposition when he was speaking to the second reading of this Bill. The second clause of this Bill is the only worthwhile clause in the measure; and anyone not acquainted with the Industry (Advances) Act would wonder at the purpose of that clause, which seeks to amend the parent Act. It is to allow the Government to do certain things for the Midland Railway Company. At this stage it seems rather ironical that a private company, after having a complete monopoly of both a railway system and also a road transport system for a great number of years, is appealing to the Government for assistance.

However, like the Leader of the Opposition, I agree with the purpose of the Bill and consider it necessary, because it is known that during the war years, and also in the post-war years, this company's rolling-stock and permanent way was left in a bad state. The diesel engines referred to by the Leader of the Opposition have given the best of service. They were locomotives designed for the work and, undoubtedly, have given excellent service. To quite a degree they are different from and better than the locomotives purchased by the McLarty-Watts Government for the W.A.G.R. system.

Attention should be given—as no doubt it will be—to enabling the company to obtain more rolling-stock to shift the produce of the farmers along that line; because, as the Leader of the Opposition has said, the whole of that area is expanding rapidly year by year; and, as the Minister for Railways knows, the port of Geraldton is served by that railway and far too often complaints have been received of the Government's rolling-stock being used by the company to transport that produce to the port of Geraldton.

Therefore, any assistance the Government can give to the company to enable it to purchase more diesel engines of the type it now has; to continue with the reballasting of the permanent way; and to purchase additional rolling-stock to carry that produce, will be a step in the right direction. I have much pleasure in supporting the second reading.

MR. JAMIESON (Beeloo) [5.21 p.m.]: The only comment I wish to make on the Bill will be much the same as that expressed by the member for Geraldton. One wonders for how much longer the Midland Railway Company—which, incidently, has a sorry record in the past—

Mr. Bovell: It has a good record of service.

Mr. JAMIESON: It may have a good record of service; but if the Minister will only wait for a little while he will hear what I have to say.

Mr. Bovell: I lived in the area for ten years, and I know what the company has done in the past.

Mr. JAMIESON: I would not care if the Minister had lived in the area for 50 years, he is not going to interfere with what I am going to say.

Mr. Bovell: I am not trying to interfere with what you are about to say.

Mr. JAMIESON: This company has had a doubtful record right from its inception; and if the records were studied, one would wonder why the Midland Railway Company is in the position it is today when the people of this State do not own the line. However, that is history; and it is not the fault of members of the present Government or members of past Governments. Possibly it is something of a legacy that has been left to the people of this State due to the activities of Governments a long time ago. Of recent years, since the company has secured a fleet of diesel locomotives, I understand it has been able to show a running profit again, which should help somewhat considerably in the future.

I am led to believe that the amount of assistance now proposed to be granted is principally for the purpose of enabling the company to purchase several more diesel locomotives of a horse-power approximately 50 per cent. greater than the locomotives it is using at present. By securing these additional locomotives the company will be able to increase its payload and, in return, will be able to give an even more efficient service on its own line than is the case at present.

As I suggested at the outset, that does not overcome the problem that I raised; namely, as to how far a Government will be required to stand as guarantor for a company such as this in the future. I consider that there should be a limit to such assistance, because other firms have come and gone. Of course, those other firms have not always been costly public utility firms, such as the Midland Railway Company. Nevertheless, a Government should make sure that the project on which it is spending its money is assured of a good return.

It is of interest to mention also, that to my knowledge the rolling-stock of the Midland Railway Company has always been

built by the company itself even although it is a much smaller organisation than the W.A.G.R. That, of course, is a feature of the company which should be lauded, in that it concentrates on employment of a set number of people and is able to manufacture its rolling-stock economically, despite the fact that the Minister has told us from time to time that, due to the fluctuating programme that necessarily has to be followed with a railway system, it is not possible for the system to manufacture its own rolling-stock. We have had many debates on similar issues in this House.

Apparently this company has found it convenient, and no doubt economical, to manufacture its own rolling-stock; otherwise it would not have carried on the system it has followed in the past. With those remarks I support the second reading of this Bill, but I hope that companies such as this will be able to stand on their own feet in the future so that other companies of more recent vintage in this State can be assisted by way of guarantee in preference to these old-established companies which have been operating in Western Australia for a great number of years.

MR. BRADY (Guildford-Midland) [5.26 p.m.]: As the name of Midland has been derived from the Midland Railway Company, and as I am the member representing the electorate of Guildford-Midland, I consider I should say a few words on this Bill. It would appear that this railway is probably the second to have been built in this State. I think the first was built from Northampton to Geraldton with the object of transporting galena—or, in other words, lead—to the port for export overseas.

Following the construction of that railway, on the inducement of being granted certain areas of land after it had constructed so many miles of railway line, and for the purpose of inducing people from the Old Country to migrate to this State, the Midland Railway Company was given a franchise over the land through which this line travelled, and was ultimately granted further large tracks of land adjacent to the railway in order to ensure the future of the railway system.

It would seem that, over the years, the Midland Railway Company has had a struggle; and, as mentioned by the member for Beeloo, it had a colourful early history. There were times when many public men, including members of the Commonwealth Parliament, felt that the rightful owners of this railway should have been the State of Western Australia because of the assistance which the State had granted, from time to time, to keep it operating. What I am mindful of now is that a private company operates this railway, which is probably the only private line operated in Australia today. There may be another running somewhere between South Australian and Broken Hill.

Mr. Craig: Between Broken Hill and Silverton.

Mr. BRADY: The member for Toodyay has mentioned that the railway runs between Broken Hill and Silverton.

Mr. Cornell: It is a tramway.

Mr. BRADY: I am now told by another honourable member that it is a tramway. I have not seen the line, so I am not in a position to argue the point one way or another. I believe that this private line, operated by the Midland Railway Company in Western Australia, in recent years, is showing far better returns than it did some years ago. In its recent annual reports the figures show that it is now making a profit.

If the late Mr. J. J. Poynton, who was for many years the general manager of this company, were alive today, he might say it is the only railway in Australia making a profit. That might be of some concern to the Minister for Railways in that the State railways are making a loss of £3,000,000 or £4,000,000 a year, and if he entered into consultations with the representatives of this company it might be possible for him to arrange for the State Government Railways to make a profit in the future.

When the Annual Estimates are discussed, I may have occasion to show the Minister for Railways that he is not accomplishing with the W.A.G.R. what the Midland Railway Company is achieving with its line. However, I will not dwell on that aspect at the moment. I am pleased to know that this company is carrying on its operations reasonably successfully over a spur of railway which runs through a fairly rich tract of land in Western Australia between Midland Junction and Geraldton.

Years ago the late Mr. Poynton used to conduct private tours along the Midland Railway line, stopping at places like Three Springs and Mingenew, to show potential land purchasers the value of the land along the line. He was instrumental in inducing a number of Eastern States people to acquire land property along this route, and it is well known that at the moment a number of Eastern States buyers are interested in securing rural properties in that area.

I was surprised at some of the high prices which were paid in the last twelve months for wheatgrowing and sheep-raising properties situated along that line. That is the trend of the times and indicates the great interest taken in properties on that route and shows the foresight of those people who first became interested in the Midland Railway Company—the early directors and shareholders. I doubt if any of those original shareholders are living today.

Many of those who bought into the company in the years subsequent to 1910 to 1915 did so at a fairly reasonable figure. It may transpire that within the next decade they will receive substantial returns for their investments.

I am pleased to see that the Midland Railway Company has, in the course of its operations, adopted the industrial award and conditions of employment adopted by the W.A.G.R. As a result, great harmony has existed between this private railway company and the W.A.G.R. in regard to industrial matters and trade union affairs.

One point uppermost in the thoughts of the settlers along that railway line is that greater consideration should be given to the fixing of freights for the cartage of their produce. Primary producers established along the Government railway line, at a distance of 300 or 400 miles from Perth, have the advantage of a through-freight in the transport of their products. However, the Midland Railway Company reserves the right to determine its own freight, and it does not provide a through-freight charge in respect of primary products.

Many of the property owners along the Midland Railway line consider that they have lost by establishing alongside a private railway line instead of a Government line. This raises the question as to whether the Midland Railway Company should not be taken over by the Government and so bring the two railway services under one head. The Government railways could handle all the freight offering. The rolling-stock could travel through to Geraldton, then *via* Mullewa down the Wongan Hills line to Midland Junction.

In these days, when overhead costs are playing a great part in the industrial as well as primary-producing activities of this State, the Government should give thought to the taking over of this private railway line. In recent years the Midland Railway Company has developed a very important road transport service, as part of its operations.

The SPEAKER (Mr. Hearman): The honourable member has gone a long way off the Bill.

Mr. BRADY: If that is your ruling, Mr. Speaker, I shall have to pay regard to it and get back to the immediate objective of the Bill, which is to allay the fears of the financial concerns which are to advance the money to the company. They want to be assured that if they do advance the money, no legal difficulties will be raised as to the manner in which this transaction has been conducted.

While the Midland Railway Company is doing what it believes to be the right thing for the community and for its employees, I am prepared to support the Bill, in the hope that it will be able to obtain the £200,000, because the State can well do with this amount for development purposes.

I have raised the point that this asset in the State was built up by a private company, but it should have been built up for the benefit of the people of Western Australia. I hope that the Government in future, irrespective of its political tag, will see its way clear to take over this private line and make it an integral part of the railway system of Western Australia.

MR. COURT (Nedlands—Minister for Railways) [5.37 p.m.]: I thank members for their contribution to this debate—particularly the Leader of the Opposition, who summed up very factually and fairly the history of this company, and its financial position over the last few years.

It is only fair that I should tell the House, as a result of some research we have done, that this company over the past 70 years has paid a dividend on only nine occasions. It can hardly be said that it has bled the taxpayers or the public of Western Australia.

Mr. Jamieson: Did you inquire how many bills the Government has had to pay?

Mr. COURT: It has averaged a dividend of less than 1½ per cent. per annum, if the dividends were spread over the past 70 years. Whichever way we look at the picture, we cannot say that the company has been hungry. It has saved this State a tremendous amount of money, and I shall deal with that aspect shortly.

That the second debenture holders are prepared to waive their accumulated interest, which is about 12½ years in arrears, and to waive future claims to interest, is indicative of the fact that these English debenture holders are anxious to do the right thing by the State and by the company. We can have no quarrel with what they are seeking to do. The Leader of the Opposition made that point very clear. The company has played the game, so far as the financial aspects are concerned.

The member for Geraldton expressed some surprise that the company should be seeking assistance. One does not have to look very far to find the reason why a company of this type should be seeking Government assistance; because, if one were to look at the performance of the W.A.G.R. over the last 20 to 30 years—particularly over the last 15 years—it would be very obvious why a company of the type of the Midland Railway Company would need to have some help from the Government.

It should be realised that the company is tied to the Government railway freight rates. It cannot charge what it considers to be the economic freight, or the freight which the settlers in that area can stand. It has to wait for Government pronouncements in respect of freight charges; therefore, it is logical to assume that if the

W.A.G.R. were running into deficits of £5,000,000 a year until recently, when the deficit was brought down progressively to £3,000,000 a year, the Midland Railway Company would be suffering in the same proportion, because its industrial conditions are approximately the same as those which apply to the W.A.G.R., and it is operating over a rural area in respect of its 277 miles of line. It would meet the same problems as are met by the W.A.G.R. Therein lies the answer.

The fact that this company has not been on the Government's back for much assistance, and is now only seeking a guarantee—not an advance or a subsidy, and previously in 1956 it similarly sought only a guarantee—means that it has saved the Treasury a tremendous amount of money on account of the fact that it was not part of the Government system.

One must also realise that this company loses freight as a result of Government direction. Formerly it was bringing a lot of Carnarvon freight down from Geraldton, but during the term of the previous Government the decision was made that road transport would be allowed to operate right through to Perth and Fremantle. Naturally that was freight that had been transhipped at Geraldton to the Midland Railway line, and thus was lost to that company.

It had no say in this direction of freight, and it was not consulted by the Government. It was a matter of Government direction, because the Government had the responsibility of making a decision, where it was in the interests of the Carnarvon banana and bean growers to transport their produce right through to the metropolitan area. My own view is that the decision made by the Government was correct.

I mention this, because a large volume of good freight was taken away from the company by the decision of the Government. It did not receive any recompense, and it did not have any say as to whether or not it should retain such freight.

It should also be borne in mind that the company is committed over the next ten years to a programme of rehabilitation, the cost of which is to be met from its own internal resources, amounting to a total of £1,250,000. That is no mean programme for the rehabilitation of the permanent way and the system as a whole, in addition to locomotives and rolling-stock now proposed.

The member for Geraldton asked whether the rehabilitation included the provision of extra rolling-stock. Perhaps I did not make myself clear in my introductory speech. Part of the £340,000 will provide for additional diesel locomotives and rolling-stock. This acknowledges two factors: firstly, some of the rolling-stock of this system is getting aged; and, secondly, the volume of traffic on that line is growing.

Most of the points raised have been answered. The member for Beeloo was critical of the performance of this company. Perhaps I can cover the situation briefly by pointing out that on a *pro rata* proportion of railway line, if the Midland Railway Company had the same performance as the State railway system when it sustained a deficit of £5,000,000 a year, the deficit to the State would have been increased by £370,000 a year. Even if we cut that deficit by half it is still nearly £200,000 a year. That was roughly the estimate we arrived at by which the W.A.G.R. deficit would increase if we had to operate the Midland Railway service as part of the W.A.G.R. system. In point of fact, the State is saving handsomely by enabling this company to continue its operations on its 277 miles of line.

Mr. Jamieson: You are making a comparison of the operations on this line with the operations on the W.A.G.R. You would be more in line if you compared the service on this line with the service on a spur line, or with a similar set-up.

Mr. COURT: If the honourable member will reflect for a moment he will realise that I have reduced the estimated *pro rata* proportion of the deficit by half, in proportion to the mileage of line operated by the company. That is fair enough. The deficit would still involve about £200,000 a year, at a time when the W.A.G.R. was running at a deficit of £5,000,000 per annum. If we were to bring the W.A.G.R. deficit down to £3,000,000 the State would still escape the responsibility for meeting a very large sum of money I think that is a fair test.

The member for Guildford-Midland advocated the Government taking over this system. I do not think any Government —Labor or Liberal-Country Party—is going to rush to take over this system. I know Treasurers of all ilks well enough to know that they would do their best to keep this company functioning successfully rather than have it as an additional part of the Government's system, because once it was added to the Government's system it would bring certain operational and other difficulties which are not inherent in the system whilst it is operating as a private concern.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Industrial Development), and transmitted to the Council.

BILLS (3): RETURNED

1. Bulk Handling Act Amendment Bill.
2. Entertainments Tax and Assessment Acts Repeal Bill.
3. Iron Ore (Scott River) Agreement Bill.

Bills returned from the Council without amendment.

EDUCATION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 19th October.

MR. W. HEGNEY (Mt. Hawthorn) [5.50 p.m.]: This Bill to amend the Education Act, introduced by the Minister for Education last week, is a very simple one. It seeks to correct an anomaly which has occurred as a result of the amending Act of last year.

The Promotions Appeal Board Act provides grounds of appeal by teachers and other members of the Government service against promotions. One of these grounds is superior efficiency; and another, equal efficiency and seniority; and those were the two main grounds of appeal included in the amending Bill of last year.

The provision was incomplete in the Education Act, as reference was made only to seniority I understand from reading the Minister's speech—and can appreciate the fact—that the tribunal was a little concerned as to the lack of clarity in the provision, and presumably representations were made to the Minister through the Director-General for a correction to be effected.

There is nothing contentious in the Bill. It simply seeks to write into the Education Act the provisions of the Promotions Appeal Board Act, dealing with teachers. I have pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Watts (Minister for Education), and transmitted to the Council.

EXPLOSIVES AND DANGEROUS GOODS BILL

In Committee

Resumed from the 19th October. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Ross Hutchinson (Chief Secretary) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 2 had been agreed to.

Clauses 3 to 33 put and passed.

Clause 34: Use of explosives restricted—

Mr. MOIR: I was unavoidably absent last week when the second reading stage of this Bill was dealt with and therefore did not have an opportunity of speaking on that occasion. I hasten to assure members that I do not intend making a second reading speech now. However, there are one or two matters on which I would like to comment.

The Minister mentioned quite a number of people who had been contacted and asked to express their opinion on the Bill; but I believe there was a very important omission. This particular clause lays down various conditions and requires certain matters to be complied with, and I think the Government should have sought the opinion of the people who use quite a lot of explosives in the course of their work. I am referring to the prospectors.

I would like the Minister to explain why they were not contacted, because they have to comply with the provisions of the Bill and they work under circumstances which are different from those under which ordinary people work. Explosives are used by prospectors in a different manner from that in which they are used by people engaged in mining or quarrying operations. A prospector may be a long way from where people reside, and he may not easily be able to comply with all the conditions in this legislation.

Mr. ROSS HUTCHINSON: The member for Merredin-Yilgarn raised this point during the second reading debate. I repeat that the Opposition was acquainted with the terms of the Bill 12 months ago, and it was part of the Opposition's responsibility to ensure that the Bill was given as wide a coverage as possible.

Because the Bill was given to the Opposition at that time, it became a type of co-operative or joint venture. It is a non-political measure. We hoped that in the 12 months which would elapse before the measure was discussed here, the various points and problems arising under it would be considered by the people concerned.

I can give the honourable member no explanation other than that as to why the Minister for Mines did not—if in fact he did not—give this Bill to the Prospectors' Association. But it was certainly within the province and responsibility of the Opposition to give it to that association. Any blame that is attachable to the Government in this respect is equally attachable to the Opposition.

Mr. MOIR: I am certainly not going to allow the Minister to get away with that one. It is true that 12 months ago a similar Bill was given to the Leader of the Opposition, but it was given to him

confidentially—it is no good the Minister shaking his head—to see whether there was anything objectionable in it, and whether the Leader of the Opposition could make any suggestions in regard to it.

The Bill was handed to me by my leader, and I went through it, as did the member for Merredin-Yilgarn; but we were simply looking at the provisions of the Bill. It was not our province to consult anybody. I think it would have been a serious breach of confidence had we discussed the Bill with anybody outside Parliament House. Had we done so, I could well imagine we would never have had another Bill placed before us in the same way. I have not known that course to be followed at any other time during the period of 10 years or more that I have been in Parliament.

I wish to make it quite clear that the Bill given to us to peruse was not this measure. We had no knowledge of this Bill, or its provisions, until it was introduced here. I have not a copy of the previous Bill to compare it with this one but the measure before us does follow the general trend of the previous Bill. Some quite extensive alterations have been made.

It is the Government's responsibility to consult the people to whom I have referred. If the Government saw fit to consult the Chamber of Mines, the Police Department, and the other people he mentioned when he replied to the second reading debate, it should also have seen fit to consult the Prospectors' Association, the members of which are users of explosives.

I do not for a moment accept the Minister's explanation; nor do I accept his attempt to place the responsibility in this matter on the members of the Opposition.

Clause put and passed.

Clause 35 put and passed.

Clause 36: Application of this Division—

Mr. MOIR: This is a rather remarkable clause. Division 6 lays down certain things that have to be done. People have to hold a permit, and so on; but we find that the Government departments are to be excluded. I think it is highly necessary that the Government departments should be covered, and I would like to hear the Minister on that point.

Mr. ROSS HUTCHINSON: I cannot understand the point the honourable member is making in this regard.

Mr. Moir: I can understand that.

Mr. ROSS HUTCHINSON: The honourable member mentioned earlier that the Bill was given to the Leader of the Opposition in confidence. But, of course, it was not. It was given so that the Opposition might examine it and so that any queries could be raised and eliminated in order that the legislation, which is non-controversial in a political sense, could go through.

It was felt that nothing in division 6 should apply so as to prevent or restrict the use of explosives by any person employed by any department of works or similar department of the Commonwealth or State. The point is that people who are regarded as being competent are to supervise the use of explosives under the Act. At present any person can purchase explosives and proceed to do blasting work. He commits no offence until damage or injury is done. That is a fault in the Act which is being remedied here. It is felt that because this work will be done under competent supervision, nothing in this particular division shall apply to any department of works.

Mr. MOIR: The Minister's answer is unsatisfactory. He has not advanced one reason to show why Government departments should be exempt. The main provisions of the Bill are highly necessary; they are long overdue, in fact. To lay down conditions for the safety of people using explosives and for the safety of people who may be nearby, is highly desirable; but why the Minister should require industry and private people to comply with all the conditions included here, and at the same time exempt Government departments, just passes my comprehension.

Should the Minister wish to say that the people who are employed by Government departments are infallible, let me tell him I have seen blasting operations carried out by Government departments; and, as a man who worked for many years with explosives, I was horrified. I have seen them use explosives in areas where the explosives could be very dangerous to the people in the vicinity.

People are not required to have knowledge of explosives in order to use them, but naturally an employer carrying out work requiring the use of explosives, would put a man in charge of that work who had some knowledge of the use of explosives. I am sorry to say, however, that I have seen Government jobs carried out, and the people in charge of the explosives did not know very much about their use. At other times the Government departments have been more fortunate because they employed ex-miners, who were well used to handling explosives.

I cannot see what harm would be done if we made these provisions applicable to everybody who uses explosives and not just to a certain section. Can the Minister tell me why the Government should be exempt?

Mr. ROSS HUTCHINSON: The honourable member is just trying to quibble over this.

Mr. Moir: It is no quibble at all.

Mr. ROSS HUTCHINSON: He seems to be taking this clause out of its context in the division. I refer the honourable member to clause 34 (1) (a). The permit mentioned there would be issued by the department mentioned in clause 36. I also refer the honourable member to clause 34 (1) (b), and to the restrictive clause that is under consideration. The honourable member can also refer to paragraphs (c) and (d) of clause 34. There is enough information in those paragraphs to indicate that it is unnecessary to include a Commonwealth or State department.

Mr. MOIR: The Minister's explanation and his attempt to ridicule my argument on this matter are very weak. I am aware that normally the provisions of the preceding two clauses would apply. I object to the provision in this clause. If for some reason there is no person who is a holder of a blasting permit, or if he could not comply with the other provisions, then the work would be restricted if the conditions of this division applied.

This clause says that notwithstanding the fact that one is able to comply with the previous clauses in this division one can go ahead with the work as long as there is a competent person present. But it does not say who is to determine who might be a competent person. It may be a competent person from among his immediate superiors, but not under the Act. The Act lays down right through who should be a competent person to handle explosives, but this clause eliminates that aspect and would prevent or restrict the use of explosives if the division were not complied with.

Mr. Ross Hutchinson: But the department issues the permit; and instead of issuing a permit to one of its men it puts a competent man in charge.

Mr. MOIR: It does not say that.

Mr. Ross Hutchinson: It refers to competent supervision, and surely it places a responsibility on the department.

Mr. MOIR: I would ask the Minister to read subclause (1) of clause 34, division 6, in conjunction with clause 36.

Mr. Ross Hutchinson: You want the issuing authority to issue a permit to itself.

Mr. MOIR: This is not the issuing authority. The issuing authority is the Inspector of Explosives.

Mr. Ross Hutchinson: That is so.

Mr. MOIR: Would he be an employee of the Public Works Department? It goes further and includes a Commonwealth department. It does not say that the competent person has to be okayed by the person charged with carrying out the provisions of the Act.

Clause put and passed.

Clauses 37 to 40 put and passed.

Clause 41: Explosives to be packed and marked—

Mr. MOIR: This provision is quite unnecessary, and I can see complications arising from it, particularly as it relates to a prospector who may be working miles out of town and who gives an order to a mailman to bring out some explosives for him. Had the Government consulted the Prospectors' Association some suggestion could probably have been made for the safe carrying of these goods.

Contrary to uninformed opinion, it is quite safe to carry explosives; it all depends whether the person carrying them has a sufficient realisation of what should be done to ensure the necessary safeguards. Most people in mining areas have a fair knowledge of explosives and of their safe carriage. They would know that they should not be carried in close proximity to the detonators, because this might cause them to explode.

I would like the Minister to get the department to have another look at this, because I have seen no provision in the Bill for the carrying of small amounts of explosives in the manner in which they have been carried for years in the mining areas. Most explosives are clearly marked, and that should be accepted as being sufficient safeguard. The people charged with the handling of explosives at the moment do a very good job as is evidenced by the small number of accidents that have occurred in relation to their storage and carriage.

Mr. ROSS HUTCHINSON: There could be a number of people for whom this provision would be unnecessary, but there are others who need protection; and this provision is a safety precaution for those who are unfamiliar with the handling of explosives. The honourable member appreciates that explosives must be properly marked and packed to ensure safety.

Clause put and passed.

Clause 42 put and passed.

Clause 43: Restriction as to storage and use of dangerous goods—

Mr. MOIR: Again I refer to the prospector who probably handles only small quantities of explosives, and who only has reason to keep small quantities on hand. I hope it will not be necessary for him to set up an elaborate place to store these explosives. I know that in areas of large population it is necessary for secure places to be built for the storage of explosives; because we have had the experience of quarries, etc. storing explosives and detonators in tin sheds to which children have easy access with, possibly, tragic results to themselves. But conditions which apply in heavily populated areas would surely not apply to a prospector who might be 50 or 60 miles out in the bush; and I trust the Minister will consider this angle.

Mr. ROSS HUTCHINSON: I feel sure the department would not unnecessarily impose restrictions on a prospector who kept a small amount of explosives in a store. I was endeavouring to find the quantity that may be kept in regard to this restriction, but I have been unable to do so. However, I repeat that I feel sure the departmental officers will not unnecessarily restrict prospectors in the course of their work.

Clause put and passed.

Clauses 44 to 52 put and passed.

Clause 53: Search warrant—

Mr. MOIR: I think it is very commendable that the Government has made the execution of a search warrant provisional on the inspector being accompanied by a police constable. However, I cannot understand why a period of 14 days should be allowed in which to execute the warrant. If a breach of this Act is contemplated or is known to have taken place, why cannot the warrant be executed immediately? Why should a period of 14 days be allowed? We are dealing with goods that are dangerous, and they are not just dangerous at a particular time; they are dangerous all the time. Under these circumstances, if a warrant is obtained, the execution should be forthwith. I would like to hear the Minister's comments.

Mr. ROSS HUTCHINSON: I presume it would be the aim of the inspector to make the inspection to search a dwelling-house or place as quickly as possible. However, there could be some unforeseen circumstances which would preclude an early inspection. Because of this a limitation has been used; and I do not see any necessity for holding up the clause because of this.

There could be outstanding circumstances of which we know nothing at this time which might preclude action being taken immediately. However, I agree with the honourable member that the best thing would be to search immediately if there were reasonable grounds for suspecting a breach of the Act was taking place in certain dwellings. If the honourable member wishes to pursue the point, I will ask the Minister for Mines why this period of 14 days has been included.

Clause put and passed.

Clauses 54 to 59 put and passed.

Clause 60: Protection of officers—

Mr. MOIR: This clause gives an extraordinary privilege.

Mr. Ross Hutchinson: No.

Mr. MOIR: In the ordinary course of his duties, a police officer is not allowed to take action if it means doing something that exceeds his authority. If he wrongly arrests a person, or if he wrongly searches a person's house, he is subject to the process of law. The aggrieved person has the right to take him to law; and it appears to me this clause will entirely remove any responsibility from the officers concerned.

Mr. ROSS HUTCHINSON: This clause does not depart from the principle that has been included in a number of Acts on our statute book—that is, to protect officers in the course of their duty. The key words would be "in good faith." It is not an extraordinary clause in this respect; it merely fits into the pattern of similar legislation where officers in the course of their duty must be protected.

Mr. MOIR: I am not satisfied with that explanation at all, because we have had evidence before this Chamber where police officers had done certain things; and no doubt, in their opinion, they were acting in good faith. We know that wrongful arrests have been made; and we know also that those people have taken action and have been successful in obtaining damages. We have had several instances over past years where that has happened.

I take it that a police officer, or any other person having the authority of a statute behind him, would act in good faith. I think that in some of the instances that we know of, we can say the police officers probably acted in good faith, but that should not be a successful defence to put forward. A person has to exercise a lot of discretion; and if he makes a mistake and subjects someone to indignity and humiliation, that person should have redress, as is provided in our other laws. There should be no exception made in a Bill of this nature.

Mr. EVANS: I would like to support the member for Boulder in his contentions and apprehensions regarding the operation of this clause. It is true, as the Minister has told us, that the principle of extending an immunity to officers in the course of their duty has been established in several Acts of Parliament in this State as well as in the Acts of other countries of the British Commonwealth of Nations. The Police Act offers certain evidence of that, as well as the Criminal Code; but I feel an extension of this practice is one that has to be handled very carefully.

The circumstances are such that one should be very guarded in making this extension. There was an English case in the past based on the words "in good faith", but based on the surmise that an officer—in this case it was a Minister—could act on reasonable and probable cause. The case was Anderson v. Liversidge and it was decided in England in 1941. The case went to the House of Lords. The actual Act passed by the English Parliament gave the Minister power to have a person arrested and placed in legal custody without a court order if the Minister believed on reasonable and probable ground

that such action was necessary in the course of the defence needs of the country at the time.

The aggrieved person sought to have the Minister show that at the time the arrest was made the Minister did have reasonable and proper cause. Finally, the House of Lords decided—and it was respectfully suggested it was a most unfortunate decision—that the Minister was not to be called upon to show he had reasonable and proper cause. It was contended that when words in the Act were used, "the Minister should have" they meant, "he should have and that he thinks he should have". In other words, it is sufficient if the Minister thinks he has reasonable and probable cause for an action to be justified in law.

If this interpretation is to be applied to this form of immunity for police officers and other officers, it can be seen it would be dangerous to the principle of civilian liberty. It is dangerous for a police officer or any other officer, so long as he thinks he is acting in good faith, to act accordingly. In other words, subsequent events may show the police officer or other officer did not act in good faith, although at the time he thought he was acting in good faith.

In the Anderson v. Liversidge case one of the most well-known peers, Lord Atkin, stated, after various well-known law lords had quoted eminent cases that the only authority he could find for a situation such as this was Lewis Carroll's *Alice in Wonderland* in which appeared the statement—

> Words mean what I want them to mean—nothing more, nothing less.

And then Alice interjected—

> The question is: Who is the master?; and Humpty Dumpty replied again: Words mean what I want them to mean —nothing more and nothing less.

Do not let us adopt that attitude of Humpty Dumpty in *Alice in Wonderland.* If we want to extend this principle let us be sure that the police officer did act in good faith and not that he thought he acted in good faith. This is a principle that should be extended only in very grave cases, and I cannot see that these circumstances exist in the measure before us.

Mr. ROSS HUTCHINSON: I do not wish to prolong the discussion unnecessarily, but I feel we should have a look at the application of this particular clause and its position in the Bill. I think the Committee should remember that the safety factor is involved here, not only in respect of people handling explosives in the immediate surroundings, but in respect of people roundabout. Public safety is involved; and because of that it is necessary there should be search warrants, and perhaps, at times, the necessity to break and enter. No-one likes the latter, but there must be this power.

I realise that the member for Boulder feels that at times this power can be exercised in a manner which might lead to indignities being suffered by certain people, and perhaps humiliation. But that, of course, would be a very rare occurrence. I feel sure that the officers of the department and the police officers involved would act with all the discretion possible, and would endeavour to achieve their ends without having to go to the breaking and entering stage.

I do not know whether it is necessary for me to give an assurance on behalf of the officers of the Police Department; but it is essential that these provisions be in the Bill. I feel that in 99.9 per cent of cases these provisions will be used with all discretion. I trust the Committee will approve the clause.

Mr. MOIR: I do not subscribe to the belief that when we clothe somebody with authority under an Act of Parliament the person concerned becomes infallible. We have had it proved beyond dispute in this Chamber—and indeed in the law courts of this State—that people have acted without using due discretion. It is proved by the very fact that our judges have awarded damages against members of the Police Force for doing something which they should not do in regard to infringement of the civil liberties of the public.

I think that too much of this sort of thing goes on. We have seen a good deal of legislation pass through this Chamber which took away all rights from ordinary persons in the community. People who are charged with doing a duty should be responsible people, and they should carry out that duty in a responsible manner. In the main those duties are carried out in a responsible manner; but occasionally we encounter the individual who oversteps the mark. No indemnity should be given such persons under this Act which would allow them to escape the consequences of any irresponsible action they may take; and I shall continue to oppose this clause.

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

Ayes—21.

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Noes—20.

Mr. Bickerton	Mr. Jamieson
Mr. Brady	Mr. Kelly
Mr. Curran	Mr. Moir
Mr. Davies	Mr. Nulsen
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Rowberry
Mr. Graham	Mr. Sewell
Mr. Hall	Mr. Toms
Mr. Hawke	Mr. Tonkin
Mr. Heal	Mr. May
	(Teller.)

Pairs.

Ayes.	Noes.
Mr. Mann	Mr. J. Hegney
Mr. Burt	Mr. W. Hegney
Mr. Perkins	Mr. Norton
Mr. Guthrie	Mr. Oldfield

Majority for—1.

Clause thus passed.

Clauses 61 to 63 put and passed.

First to third schedules 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. Ross Hutchinson (Chief Secretary), and transmitted to the Council.

COMPANIES BILL

In Committee

Resumed from the 17th October. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 100 had been agreed to. In view of the number of clauses in this Bill, it is my intention to call out just the clause numbers.

Clauses 101 to 134 put and passed.

Mr. TONKIN: I wish to protest against this method of dealing with this Bill. I would ask under what standing order, Mr. Chairman, you are able to go through a Bill in this way? I am endeavouring to follow carefully what is going on, and you are taking this Bill at such a pace that it is impossible for me to follow it. I feel I might miss something for which I am looking in this Bill, and I will have no opportunity of dealing with it. I would suggest, Mr. Chairman, that if you are going to proceed in this manner you will have to space the clause numbers differently. I have no objection to your saving your voice, but you are reading far too quickly for me to comprehend what is going forward, and I must protest against it.

The CHAIRMAN (Mr. Roberts): I thought I had the concurrence of the Chamber. However, I will read more slowly to conform with the requirements of the Deputy Leader of the Opposition.

Clauses 135 to 150 put and passed.

Clause 151: Register and index of members—

Mr. BRADY: I wish to raise the matter which was brought forward by the member for Subiaco on the second reading regarding the keeping of a register and the fact that a company situated within three miles of the Companies Office need not comply with the provisions in respect of the keeping of records by the registrar.

The member for Subiaco quite rightly pointed out the difficulties some shareholders might have in conducting a search of a company's register. It could put them in an embarrassing position because, when they went to the company's office, everybody in the company would know that they were after a list of the shareholders. Some shareholders might have a legitimate grievance but would be likely to be browbeaten because the register was kept at the office of the company in the instances I quoted. I was wondering whether the Attorney-General, who has been attending the interstate conferences, could give us some information on the point raised by the member for Subiaco.

Mr. WATTS: I think the honourable member's remarks would have been better directed to clause 160, because that is the one that makes provision for the non-keeping of a list at the Companies Office, when the company in question is within three miles of the office of the Registrar of Companies. The provisions referred to by the honourable member are not to be found in clause 151, and if he will transfer his remarks to clause 160 I shall deal with them at that stage.

Clause put and passed.

Clauses 152 to 159 put and passed.

Clause 160: Exemption of certain companies—

Mr. BRADY: The remarks I made in regard to the earlier clause apparently apply to this clause. It seems to me to be wrong in principle that shareholders, or even people who want to protect the interests of shareholders, should have to go to a company, if it is situated within three miles of the office of the registrar, to conduct a search of the register of that particular company. It would let everybody in the office know that they were interested in the matter and would forewarn the company of any possible future activity.

As everybody knows, in the past if one wanted a list of shareholders one could go to the Companies Office, pay a search fee, and then take out a list of what information was required. I did it on a number of occasions when I was a union secretary. The last time I did it was in connection with the *Worker* newspaper. I was interested to find out who were the shareholders of the People's Printing and Publishing Company; because at the time I thought the directors might be intending to do something which was not in the best interests of the shareholders. I went to the Companies Office and took out a list of shareholders.

It does not need much imagination to realise how difficult it would be for a person who wanted to conduct a similar sort of search if it had to be done in the office of the company concerned, when all and

sundry could see what was being done. I am sure the Minister in charge of the Bill will appreciate the point that has been raised.

Mr. WATTS: I can appreciate the point of view which the honourable member has expressed, as I said on the second reading when a similar matter was raised by the member for Subiaco. I said then, and I can repeat it now, that I had some reservations about this provision when it was proposed for insertion in the measure. But as it was agreed to by the conferences, which have given so much care and attention to the preparation of the Bill, and as the circumstances that might lead members—and that includes myself—to have some reservations in regard to it are likely to arise extremely rarely, if at all, it seemed to me that the proper course to pursue, in the interests of uniformity, was to have the clause included in the Bill.

I also said on the second reading that there are one or two matters, quite extraneous to these representations that have been made by outside bodies, which will have to be considered by the next conference; and from my point of view one of them could be some change in the principle involved in this clause. However, I do not feel inclined to make any change in it tonight for an obvious reason that I have already sufficiently expressed, I think; and if the honourable member will leave it at that I shall be grateful.

Mr. JAMIESON: At present one can examine a share register by paying a search fee at the Companies Office. Is it the intention under this clause for a fee to be paid to the company when a search is made of the company's register?

Mr. WATTS: The company has to provide reasonable accommodation and facilities for persons wishing to inspect and take copies to do so. There is no mention of any fees.

Clause put and passed.

Clauses 161 to 166 put and passed.

Clause 167: Powers and duties of auditors as to reports on accounts—

Mr. TONKIN: I am not opposed to the clause, and I rise merely to direct the attention of the Minister for Railways and the member for Subiaco to its provisions. Earlier this session, when we were dealing with the agreement with Hawker Siddeley, and I quoted a statement from the Auditor-General regarding the valuation of assets, both the Minister for Railways—who should have known better—and the member for Subiaco—who also possibly should have known better—endeavoured to show that the Auditor-General's certificate did not amount to very much because it was restricted by the use of the words "according to the books and accounts as submitted".

I endeavoured to point out at the time that that was always the form in which an auditor gave his certificate, but that there was an obligation on him to ensure that the books were properly kept and were in effect showing the true position of the business. If one reads these provisions one will see that I was completely vindicated in the statements I made, and that we were entitled to rely absolutely on the certificate of the Auditor-General.

I propose to read the clause to have it on record in *Hansard* what an auditor's duties are under the Companies Act. The clause reads—

> (1) Every auditor of a company shall report to the members as to the accounting and other records (including registers) examined by him and as to every balance-sheet and profit and loss account laid before the company in general meeting during his tenure of office and shall state in the report whether in his opinion the records, registers, balance-sheet and profit and loss account are properly drawn up or kept in accordance with the provisions of this Act so as to give a true and fair view of the state of the company's affairs.
>
> (2) Every auditor shall state in his report—
>
> (a) if he has not obtained all the information and explanations that he required;
>
> (b) if, in his opinion, proper accounting and other records (including registers) have not been kept by the company.
>
> (c) if, in his opinion, the returns submitted from branches not visited by the auditor are inadequate;
>
> (d) if, in his opinion, according to the best of his information and the explanations given to him and as shown by the accounting and other records of the company—
>
> (i) the profit and loss account is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the results of the business of the company for the period of accounting; and
>
> (ii) the balance-sheet is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the state

of the company's affairs as at the end of the period of accounting; and

(e) if, in his opinion, according to the best of his information and the explanations given to him, the accounting and other records (including registers) the balance-sheet and the profit and loss account do not give the information required by this Act—

and shall give particulars of any failure or shortcoming in respect of any of the matters referred to in this subsection.

Members will see from that clause that the use of the limiting words "in accordance with the books and accounts as presented to him" in no way detracts from the value of the certificate which the auditor gives in regard to the true and fair view of the state of affairs; and so at the time I raised this question of the Auditor-General's certificate with regard to the valuation of assets belonging to the State Building Supplies there was not the slightest doubt that we were entitled to rely upon the statement of the Auditor-General in regard to the matter.

Mr. Court: Within the limits of his report.

Mr. TONKIN: Yes; but what are the limits?

Mr. Court: You have just read them out.

Mr. TONKIN: There are no limits there at all.

Mr. Court: You only emphasise the arguments used by the member for Subiaco and myself.

Mr. TONKIN: That is only quibbling.

Mr. Court: Nothing of the sort. You read it all again!

Mr. TONKIN: I will not; but I will read the relevant two or three lines.

Mr. Court: You will convince yourself if you read that again.

Mr. TONKIN: The clause reads—

(ii) The balance sheet is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the state of the company's affairs as at the end of the period of accounting.

So if the accounts, as presented, do not give a true and fair view the auditor is entitled to say so.

Mr. Court: He is still not a valuer.

Mr. TONKIN: The accounts, as presented and certified by the auditor are certified by him to give a true and fair view of the affairs of the company at the time, and it is implied that he has sought all the information he has wanted and it has not been withheld from him—

Mr. Court: That is fair enough.

Mr. TONKIN: —and he has examined the figures and is satisfied that they are properly kept and drawn up; but he does not give any guarantee with regard to the information that has been withheld or with regard to the falsification that has taken place.

Mr. Court: Nor does he certify on values, because he is not a valuer.

Mr. TONKIN: No-one has said that he is.

Mr. Court: You are implying that he is.

Mr. TONKIN: But where he does, his valuation is accepted.

Mr. Court: No; he does not value assets.

Mr. TONKIN: If he, in his certificate, makes a statement that the valuation of assets is in accordance with the amounts which have been regularly written off as depreciation, and he is satisfied that the assets are properly valued, his certificate is to be taken on its full face value and the limiting words in no way detract from the position.

Mr. Court: But you are reading words into the report form that are not set out.

Mr. TONKIN: All I did was to read the provisions in the Bill. The Minister for Railways is shifting and quibbling because he is now on a spot in regard to this matter.

Mr. Court: Not at all! You are just assuming.

Mr. TONKIN: Of course the Minister is!

Mr. Court: Nothing of the sort! I think I will lend the honourable member a textbook on the rights and duties of an auditor.

Mr. TONKIN: I may know more about the subject than the Minister.

Mr. Court: But you know more than the Q.C's. and judges and everyone else. That has been borne out so many times when you imply many things that are not so written.

Mr. TONKIN: I claim to have as good a qualification as an accountant as the Minister.

Mr. Court: I have not seen your name among those listed in the Institute of Chartered Accountants, but perhaps your name has been added in the last few weeks.

The CHAIRMAN (Mr. Roberts): I will not allow this discussion across the Table to continue any longer. The honourable member will keep to the clause under discussion.

Mr. TONKIN: I have not introduced any personalities in regard to this matter. I think the Minister was the first to start along those lines.

Mr. Court: You were the one who started it off.

Mr. TONKIN: Did not the Minister say that he was questioning my ability to deal with the matter on this occasion?

Mr. Court: I did, very much.

Mr. TONKIN: Of course the Minister did; and that started it.

Mr. Court: I still do.

Mr. TONKIN: You do?

Mr. Court: Yes, the honourable member should go back and read that stuff again.

The CHAIRMAN (Mr. Roberts): I must ask the honourable members to maintain order.

Mr. TONKIN: Of course, the Minister is on the spot in connection with the matter.

Mr. Court: What is this "on the spot" business?

Mr. TONKIN: Of course the Minister is on the spot.

Mr. Court: I am not going to waste my time on you in regard to this matter. You are just reading words from the Bill to suit yourself. You are trying to make out that an auditor is a valuer.

The CHAIRMAN (Mr. Roberts): I must insist on order being maintained.

Mr. TONKIN: Having asked the Minister to maintain order, I insist that you insist on his doing it.

Mr. Court: You have been very helpful!

Mr. TONKIN: These are the important words in the Bill—

> (d) If, in his opinion, according to the best of his information and the explanations given to him and as shown by the accounting and other records of the company—
>
> (ii) the balance-sheet is not in agreement with the company's accounting and other records or is not properly drawn up so as to give a true and fair view of the state of the company's affairs as at the end of the period of accounting; . . .

If the assets are wrongly valued, I ask you, Mr. Chairman, how on earth the accounts, as drawn up, can give a true and fair view of the company's state of affairs.

Mr. Court: The auditor would not know the real estate values.

Mr. TONKIN: How can the accounts give a true and fair view of the state of the company's affairs if they are false? So the question answers itself, Mr. Chairman; and it is obvious that the point I took in connection with the State Building Supplies was well taken; and, as a matter of fact, if the Minister wants any further clarification, let him have a look at the Auditor-General's report where it is stated that the assets were sold for £1,000,000.

Clause put and passed.

Clauses 168 to 291 put and passed.

Clause 292: Priorities—

Mr. TONKIN: Representations have been made to me that this clause has not been brought into line with the provision which applies generally in the Commonwealth in regard to claims for wages and salaries. There is no objection to the order of priority, but only in respect of the amount which can be claimed. Paragraph (b) limits the claim to £300 or four months' wages.

I am informed that the general provision is that wages shall be claimed for a period of up to six months, and not four months as in this clause; and that the amount of £300 is not adequate in respect of a claim by a person who depends on payment from his employer for his livelihood, and for meeting his debts to tradespeople. If they remain working in the belief that they will be paid, but subsequently are not paid, they will find themselves in extremely difficult circumstances.

Mr. Watts: You are not referring to wages earned after the winding up?

Mr. TONKIN: No; that is altogether different. I am told that the provision in Victoria covers the period of six months, but I have not had an opportunity to check that information. I am also informed that in some recent declarations by the wages board or the Arbitration Court, the period of six months has been substituted for the period of four months.

It seems to me that a person who is working in good faith for his employer, and who is not in a position to know that the employer is insolvent, should be given greater protection in respect of his debt than in respect of debts for goods supplied to the employer. Business people have greater opportunity to find out the financial standing of those with whom they are dealing.

While it would be unusual for a person to continue in employment, agreeing to the accumulation of wages for six months, such occurrences have taken place. It would not create an injustice to anybody to provide in this clause that claims for wages should be covered for a period of six months before the commencement of the winding up.

Mr. WATTS: The situation seems to be reasonably well covered although I was not aware, nor is the Deputy Leader of the Opposition certain that his proposal has been in the law in Victoria. It has been my understanding that four months was considered reasonable. I am not aware how the amount of £300 came into the provision, unless it has been taken from the existing law.

I can hardly see the application of the difficulty raised by the honourable member in regard to actual wages, as distinct from salaries and commissions. Unless I am greatly mistaken there are provisions in other laws prescribing that it is an offence not to pay wages at recognised periods of, I think, at least once a month. There would be few cases in which wages, as distinct from salaries and commission, were outstanding for four months. In the absence of any actual evidence that the provision in this clause is out of step with that in operation elsewhere, I do not feel inclined to suggest that it be altered in any way.

Mr. TONKIN: The practice has grown in recent times for men to be engaged on piecework on a subcontract basis, particularly in the building industry. They cannot obtain employment except on that basis. I am referring to bricklayers and carpenters engaged under subcontract. They do not receive wages, but only progress payments when certain stages of the work are completed.

They go from job to job. A bricklayer might start on a job in January and be engaged there for three or four weeks, but might not receive any payment before he left the job. He might be sent out to another job. It is quite possible that under those circumstances there would be due to him an amount more than the accumulated wages for six months. To limit the claim to a maximum of four months or £300 seems to be unreasonable, because the Legislature already recognised that claims for wages are listed in priority after the expenses involved in liquidating a company.

Having regard to the great depreciation in monetary values, this provision to limit the claim to £300 is not fair. Even though payment for piecework might not be two months in arrears, the person involved might have a claim for more than £300.

Mr. Watts: That is the position.

Mr. TONKIN: That is quite unfair, because a subcontractor under such circumstances might have men working for him. It is conceivable that he has paid wages to those men in the belief that later on he will receive payment for the amount of work done. If these claims are limited to £300, then in view of the depreciation in money values we are entirely out of step with the maximum amount that was intended to apply in previous years when the value of money was greater. In my view the provision should be altered to six months or £500.

I am not in a position to supply precise information, but I am informed that the period of six months or the amount of £500 has been recognised elsewhere and alteration is to be made to the law. To limit the provision to £300, especially in the case of a pieceworker or subcontractor, is unduly restrictive and does not allow for fair recompense to the person concerned.

A claim for piecework very often includes the cost of materials supplied. I take it the amount of £300 provided in this clause is taken to cover not only the labour supplied, but also the materials. It seems to me to be unfair that such a pieceworker should rank *pari passu* with other creditors of a lower priority. I do not want to press the point. I hope the Minister will do what he can to examine the situation; and that, if there is anything in the point I have submitted, he will undertake to have it taken up in another place.

Mr. WATTS: I will have the position examined; and although I will not say that some action will be taken in another place, when I ascertain the position I will discuss it with the honourable member.

Clause put and passed.

Clauses 293 to 384 put and passed.

First to tenth schedules 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. Watts (Attorney-General), and transmitted to the Council.

SPEARWOOD-COCKBURN CEMENT PTY. LIMITED RAILWAY BILL

Second Reading

Debate resumed from the 12th October.

MR. CURRAN (South Fremantle) [9.10 p.m.]: There is nothing in this Bill to which I can take exception, but there is one matter about which I am somewhat confused. The Minister, in his introductory speech, said the following:—

> The conditions under which this spur line is to be constructed are that the railway to the company's boundary will be at the cost of the Government, and the sidings within the company's works will be provided at the cost of the company.
>
> The company will also guarantee to the State sufficient revenue to meet actual costs of maintenance, operations, interest, and depreciation until such time as the traffic to and from the works over the line exceeds 50,000 tons per annum in the aggregate, and from the time that aggregate is reached the company is to pay the normal freight charges for this traffic.

What I cannot grasp is what the company will pay for freight until such time as the aggregate tonnage reaches 50,000 tons. There is nothing in the Bill which explains this point, and I would like the Minister to give an explanation because it is a matter of importance.

MR. COURT (Nedlands—Minister for Railways) [9.12 p.m.]: The point raised by the honourable member is a very simple one. This is a method whereby the railways are protected until such time as the tonnage on this line builds up to what is considered to be an economic volume, so that the line will be self-supporting by ordinary railway standards.

The object of this provision for the servicing of the funds involved prior to the tonnage reaching 50,000 tons, is to see that the railways are not out of pocket by having the funds invested in this railway and by having to operate the line. The servicing of the funds will include such things as interest charges and the depreciation assessed for the line and the actual costs of maintaining and operating the line.

It is merely a provision to make sure that until the tonnage reaches what has been agreed as the economic level—namely, 50,000 tons—the railways are not out of pocket by having the funds invested in this particular railway.

Expressed another way: If the company did not use the line at all until the freight had built up to 50,000 tons a year, the railways would not be out of pocket. That is the object of the provision. It is purely to protect the railways against an uneconomic venture.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mr. Court (Minister for Railways) and transmitted to the Council.

KWINANA-MUNDIJONG-JARRAHDALE RAILWAY BILL

Second Reading

MR. COURT (Nedlands—Minister for Railways) [9.18 p.m.]: I move—

That the Bill be now read a second time.

The Bill is consequential on the passing of the Alumina Refinery Agreement Act of 1961, and the appropriate clauses in the agreement are clause 10, which refers to railways; and clause 11, which refers to the crushing plant. It will be noticed that the Bill will come into effect on proclamation, and that there is particular reference to two divisions of this line. There is the part from Kwinana to Mundijong and the part from Mundijong to Jarrahdale. I want to express briefly the reason for this distinction because it will be of interest to members when they consider the Bill.

When the Alumina Refinery Agreement was being drawn up, it was thought that the crushing plant would be in the vicinity of Mundijong. However, subsequently it was felt that it would be better, in the interests of the railways and of transport generally, to place the crushing plant closer to the main deposit to be worked initially. This meant taking the crushing plant into the Jarrahdale area. This will mean, of course, extra revenue to the railways. The per ton mile rate will be the same, unless it is negotiated between the railways and the company at a different figure.

Clause 2 refers specifically to the proclamation; and the part of the line from Kwinana to Mundijong. This will traverse the type of country that was in the mind of the commissioner when he first made the estimates for the per ton mile rate for the line; and also that was the approximate distance.

It will be appreciated by members that normally if we have a longer distance over which to haul freight and we get the same rate per ton mile, a benefit accrues to the transportation agency. However, the terrain between Mundijong and Jarrahdale is different from the terrain over which the line will go between Kwinana and Mundijong. The commissioner wants to complete his surveys and possibly negotiate with the company, if need be, for an adjustment of the freight rates between Mundijong and Jarrahdale.

As to whether these rates will be spread over the whole line has yet to be discussed. It might be that the company and the commissioner will agree on a modified rate per ton mile for the whole distance from Jarrahdale right down to Kwinana. However, to enable these negotiations to take place and so as not to hold up the authority for the railway, it was decided to separate these two parts in this authorising legislation—that is, the Kwinana-Mundijong sector, and the Jarrahdale-Mundijong sector.

The first part—the Kwinana-Mundijong sector—will come into effect on the issue of a proclamation after the Government has satisfied itself that the company has conformed with the requirements under the agreement. It will be noticed on reading the agreement that the company has to satisfy the State it is able to proceed with the agreement, and the State will not be required to perform or to commence to perform any of its obligations under the agreement, or parts of the agreement, until the company has satisfied it that it is in a position to proceed with the agreement.

Normally it would have been proposed to introduce this authorising legislation for the railway next session. But in view of the speed with which the company wants to press on with the establishment of the refinery, it has been requested that parliamentary approval for the line be obtained

this session on the basis of the issuing of a proclamation when the Government is satisfied that the company has fulfilled its requirements under the agreement.

So far as the second part is concerned—that is, from Mundijong to Jarrahdale—Parliament, if it passes the Bill in its present form, will have authorised that construction when the State has completed its negotiations with the company.

It may be, of course, no change per ton mile will be decided upon, in which case the rates set out in the original agreement will prevail. My own view at the moment is that that will probably be the final solution arrived at. However, it was felt that the commissioner should have the opportunity to thoroughly examine this piece of country and negotiate under the terms of clause 28 of the agreement if he felt it desirable to do so.

This line is one which is defined in clause 2 of the original agreement as the "direct railway." That clause states that the direct railway means the railway referred to in subclause (1) of clause 10 of the agreement. This direct railway is the one that will go from Kwinana to Mundijong and to Jarrahdale, and not the existing line that goes to Kwinana *via* Armadale. This sounds complicated; but members will realise, from a study of the agreement, that there was provision for the use of the alternative existing line until such time as the direct line was authorised and in operation.

Under the original agreement the Government had two years in which to construct this line after it received notice. But in view of the urgency of getting on with the project—that is, the alumina refinery—and in view of the desirability of the railways having the benefit of this traffic right from the start, it was felt desirable to bring the Bill to Parliament and obtain authorisation for the construction of the line in accordance with the agreement already ratified, and to provide for proclamation in accordance with clause 2 of this authorising measure.

Mr. Jamieson: Will this line follow any of the old Rockingham-Jarrahdale railway formation?

Mr. COURT: I cannot answer that. I do not know whether any of the old timber lines will be used. I have asked the commissioner about this, but he said he would rather not commit himself at this stage because in carrying out the surveys they will want to select the very best grades they can get; and if they get the best grades it will do wonders for the economics of the transport of this bauxite.

The line from Mundijong to Kwinana will follow approximately the line that was envisaged in the Stephenson Plan for this line. That plan provides for a line from Mundijong to Kwinana; and no doubt the route that was in mind when that report was drawn up will be taken into account by those who are surveying this line; but I cannot be specific as to whether any of the old formations will be used.

When members have access to the plan that I have to table under the Public Works Act, they will see that it could be that many of the old formations will be ignored in the interests of getting a more direct route and the best possible grades. It would be foolish to install a line of this nature without getting the best possible grades and curves.

Once the company elects to have this line built, and the State agrees to build it, the company is committed to use it for 30 years. It cannot use any other form of transport for the bauxite except in the event of breakdowns on the part of the railways. For all practical purposes, the company is committed to use the railway for 30 years. For that reason, if for no other, the commissioner will want to make certain that he gets the best possible route, grades, and curves for the line in order that the economics of it will be as satisfactory as possible. He is satisfied that the rates per ton mile quoted in the agreement are economic and will give him an adequate return on the investment involved.

Mr. Jamieson: In view of railway developments, would it not better to have this carried out in standard gauge, from the outset?

Mr. COURT: That point has been taken into account, but at the moment it would appear sensible to do it in the 3 ft. 6 in. gauge, because it will come off the 3 ft. 6 in. Bunbury line; and there is no foreseeable programme to standardise the Bunbury-Perth line.

It should be appreciated that this line could have uses other than for the mere movement of bauxite from Jarrahdale to Mundijong and Kwinana. It may be a very useful line in respect of freight coming up from Bunbury, in which case we would want to keep it at the same gauge as that line.

More directly, the answer to the honourable member's question is that it is proposed to make this a 3 ft. 6 in. gauge line at the moment, although the agreement does provide that it can be a wider gauge if so desired. For the moment, however, and for the foreseeable future, I cannot imagine the line being built in standard gauge.

Mr. Jamieson: It would require similar rolling-stock to the standard gauge rolling-stock for iron ore.

Mr. COURT: Yes; we will have rolling-stock similar to the type to be used for the iron ore at Tallering Peak. It will have to be a specialised type of rolling-stock; otherwise we will lose much of the economic advantage that will accrue from the large tonnages that will be carried on this

line. The alumina agreement does provide for rolling-stock of a specialised type. If we use the existing line under the agreement—that is, the Armadale line—and take the longer route to Kwinana as a temporary measure, then the commissioner can use other types of rolling-stock not of a specialised nature; but it has to be rolling-stock of a nature suitable for this particular type of freight.

In moving the second reading of the Bill I ask permission to table Plan 51871 which is the plan referred to in the authorising Bill.

Debate adjourned, on motion by Mr. Tonkin (Deputy Leader of the Opposition).

Message: Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 12th October.

MR. GRAHAM (East Perth) [9.32 p.m.]: This Bill deals with three principles, one of which I do not intend to touch upon, since it has relation to the distribution of traffic fees in the metropolitan area; and I think, apart from passing mention in this Bill, which may be made by the Deputy Leader of the Opposition, it is better handled under the Bill to amend the Main Roads Act which we have before us and which, no doubt, we will be considering shortly.

The other two matters pertain in the first place to the placing and erection of signs, lights, and so on; and in the words of the Minister, "to seek to avoid cluttering up the traffic regulations" by relying upon the physical existence of street markings and signs, shall I say, to become the law of the land, instead of requiring so many pages of verbiage by way of regulation. I commend this thought, but I must say quite candidly that my reading of the existing Traffic Act impels me to believe that the situation is already in existence under which it is possible to do these things without effecting an amendment.

When we are in the Committee stage it will be possible to give closer attention to this point; but notwithstanding several readings that I have made, I have been unable to find the essential difference between what is proposed and what is current in the Act.

The other matter relates to the question of taxis. True to his form, the Minister for Transport sought once again to indulge in his little by-play for which he is now famous, of ascribing all of the traffic ills in the metropolitan area to what he termed an irresponsible action on the part of the previous Government—or more particularly myself as Minister for Transport—in issuing taxi plates at a greater rate than was the case previously.

I intimated on another measure that if the Minister cared to engage in a little research he would discover, no doubt with some surprise, that during the term of the McLarty-Watts Liberal Party Government there was a greater increase in the taxi plates issued than during the period of the Hawke Labor Government. I have not the exact figures, but the remarks I made in 1958 were based on official figures which the Minister could obtain for himself, no doubt at a minute's notice from his office. At page 2118 of *Hansard* for that year I said—

> During the term of the McLarty-Watts Liberal-Country Party Government the number of taxi plates issued in the metropolitan area increased by 66 per cent.; and during the period of the present Government the number of taxi plates has been increased by 50 per cent. Therefore, if there is any feeling on the part of any honourable member opposite that this Government—

Then the Hawke Government—

> . . . has gone to excess in issuing plates, let him realise that when honourable members opposite were in Government themselves they sinned to an even greater degree.

So it would be a matter, surely, of the pot calling the kettle black. I think it is time the Minister appreciated that if there is traffic congestion at points in the metropolitan area it is caused by quite a numbers of factors; and, indeed, as I have averred on a number of occasions, and I now repeat, the flow of traffic in the heart of the city of Perth is more free and speedy today than it was when the number of taxi licenses was several hundreds less than at this moment. I wonder why it is that the Minister, apart from that political rub I have mentioned, has this apparent set and hate against the taxi people.

Mr. Perkins: Don't be silly!

Mr. Brand: Cut that out!

Mr. GRAHAM: Well, the Minister has imposed impossible restrictions upon this form of transport in the heart of the city; and the majority of the capitals and cities of Australia have given no thought and attention to this form of control which, as I have indicated on a number of occasions, is not appreciated by anybody except, perhaps, those whom the Minister is pleased to term his advisers.

I have said, and I say again, that the present situation is not relished by the taxi operators; by the Perth City Council, in whose area the restrictions apply; by the retail traders; or by the general public. I ask the Minister to look fairly and

squarely at the problem which he apparently feels is confronting him. I find from a study of the most recent statistics available that in the metropolitan area there are approximately 130,000 motor vehicles for which licenses have been issued.

Of that number, approximately 560 are buses and approximately 750 are taxis. Apparently in the mind of the Minister 130,000 motor vehicles do not constitute a problem; but some, and only some, of the taxis which move in the city of Perth are the cause of all the troubles; of all the traffic hold-ups; of all the congestion; and of all the breaches of the traffic regulations.

The assertion along those lines is completely unreal and untrue. I think it is because of this outlook of the Minister that we have had an experiment imposed upon the city of Perth—an experiment which has had to be modified in at least a dozen different directions since the time it was introduced; and on every occasion there has been some relaxation or easement of the original decision. In other words, we have almost reached the point where the Minister has admitted he was wrong. There would be no fault, and he could not be condemned if he did that very thing; but he still chooses to hold on to this principle, notwithstanding that most of the props have gone.

Even most of the amendments in this Bill are designed to enable the continuation of this watering-down process. The Minister proposes to alter the definition of taxi. At the present moment the Act says that a "taxi car" means a motor vehicle plying for hire or reward, and so on. The Minister proposes that that shall be altered to make it read, "taxi car" means a motor vehicle licensed to ply for hire or reward.

I am aware that this amendment emanates from a court decision at which the Government sought to establish that a taxi driver was breaching the law because of certain activities of his in the way of movement of his vehicle when leaving the prescribed area, which is the heart of the city of Perth. I remember quite distinctly how that section of the regulation operated; and taxi drivers came to me, and no doubt to other members, in their distress.

I remember quite vividly one case of a taxi operator whose home was in my own electorate, and who sought, during the time he was not plying for business, to go into the heart of the city of Perth to a certain leading emporium for the purpose of making some purchases for himself and his sick wife. He pulled into the kerb like a law-abiding citizen, placed his sixpence in the parking meter, and proceeded to do his business, which occupied only a few minutes. He then returned to his car and was informed by an officer of the law, a policeman, that he was infringing the prescribed area regulation, because, unless he had proceeded through the area under this progressive rank scheme, or was in the area in response to a previously-arranged engagement, he had no business to be there.

This taxi operator took the precaution to take the number of the constable. He immediately went to the Traffic Branch; and the person behind the counter told him, "No; the policeman has made a mistake." He then had second thoughts; and, after reporting inside, returned and said, "I am sorry; it was my error. You have committed a breach of the regulations". What subsequently transpired I do not know. It is possible that no action was taken against him.

The amendment is designed in part to meet that situation following the court interpretation; but more particularly to allow those taxis which drop a passenger in the prescribed area instead of having to leave the city area by the shortest practicable route to, in future, be permitted to pick up a passenger at a taxi stand. This in in my view a commendable move, but it arises and becomes a necessity only because of this stupid arrangement which applies virtually to two streets only in the whole of the State of Western Australia; and only to a very small proportion of those two streets—namely, Hay Street and Murray Street.

However, if the Minister does what he is proposing, he will be creating another problem because all the restrictions imposed on these people in the prescribed area will now, with the full backing of the law, apply to everyone of those taxis on all occasions. In other words, a vehicle which is licensed to ply, will be subject to the restrictions that apply, like the taxi operator whose case I outlined earlier; and another one who sought to take his wife to a theatre in the city of Perth, and who was told by the police when he sought information prior to so doing, "You will have to park your car outside the area and get a taxi to come in." In other words, unless a taxi driver proceeds *via* this progressive rank system, he has no business in the heart of the city of Perth. That person will still be culpable in the eyes of the law if this amendment which the Minister seeks to make is written into the law.

Mr. Perkins: It applies only within restricted hours.

Mr. GRAHAM: Precisely; but taxi men and their families have occasion to be in the city during the day on private business or entertainment perhaps equally with the night. It could be that there would be a greater tendency for the taxi operator to take his wife to the theatre during the day time, because, by and large, immediately prior to theatre time—that is, when the shows commence—and later on in the evening when hotels disgorge their numbers shortly after 10 p.m.; and later still when the

theatre shows are finished, and supper parties, cabarets, and the rest of it, have concluded, that is his busy time. Therefore, it will be more likely that the taxi man who, at the same time is a family man, would give his wife some relaxation during the day. I think, therefore, that in an endeavour to ease the situation in one way, the Minister is imposing a hardship by way of law, which is far more difficult to amend than if there were some anomaly in a regulation. I would ask him to give particular attention to that point.

Mr. Perkins: You do not suggest he is going to park his taxi in the city during that period, do you?

Mr. GRAHAM: Not in the heart of the city. I am not so concerned at this stage with the theatre aspect as with the shopping aspect. I ask the Minister to look at it; and I am as certain as I stand here that the new definition of "taxi" will have the effect I have outlined.

Let us get back to the proposition which the Minister wishes to achieve; namely, enabling a taxi which has brought a passenger into the prescribed area to pick up another waiting passenger, provided such intending passenger is waiting at an approved taxi stand.

This progressive arrangement is a matter of following a zig-zag course up Hay Street and down Murray Street with the difficulty of seeing a vacant spot ahead on some occasions, and particularly under certain circumstances. When a passenger is waiting at a vacated taxi stand; and one of those vehicles which has already brought a passenger into the prescribed area is, as is indicated, allowed to pick up the passenger it could be, and no doubt it would be the case on many occasions that those who are proceeding under the progressive rank system would seek to park their vehicles on the taxi stand at the same time as one of these interlopers—if I may use that term—is there picking up a passenger.

So the Minister will have created a situation where the taxi stand is occupied by one of those taxis which came in from outside to pick up a passenger; and the other taxi which is proceeding ever so slowly and progressively up the street would not only lose a passenger that he might have picked up a few seconds later, but he is required to double-park and wait until such time as the intruding taxi has picked up the passenger and received instructions as to where the passenger desires to go.

Mr. Perkins: The taxi men do not see any trouble in this; and it has been discussed in great detail.

Mr. GRAHAM: That is because it means an easing of the existing, and—in my opinion—unnecessary restrictions. The Minister will no doubt agree with me that with another eight or nine months such as we have had immediately behind us, there will be none of his prescribed area arrangement left, because portions of it are disappearing every few weeks. The boundaries have been compressed considerably; the days on which it operates have been reduced; the hours during which it has effect have been drastically reduced; additional stands have been provided; and now it is proposed that this new arrangement shall take place.

I suggest that presently there will be very little of the original conception, but there will still be that friction—that unnecessary feeling of restriction imposed by authority upon persons who are seeking to achieve a livelihood for themselves; and who, I repeat, taking in the whole of the metropolitan area, constitute 750 vehicles out of 130,000.

Mr. Perkins: There must have been something wrong when 25 per cent. of the traffic was taxis.

Mr. GRAHAM: It could be at any stage of the game. But if this 25 per cent. happened to be taxis at one precious memorable moment in the calendar of the Minister, and if there had been an equal number of vehicles, the whole lot of them private cars, what difference would that have made, particularly if the practice which is far more prevalent than the Minister is prepared to admit is allowed to continue; namely, of persons dropping friends and picking up friends, members of the family, and so on. That is taking place at every point in every street in the city of Perth. Double-parking is the term that is used, but it is double-standing.

Mr. Perkins: It is called double-parking.

Mr. GRAHAM: The Minister knows as well as I do—perhaps in more accurate terms—the difference between double-parking and double-standing. To momentarily pause in a vehicle surely does not constitute parking! Otherwise, every single one of us would be guilty at some time or other because we have given somebody a lift down town and allowed that person to step out of the car at the appropriate spot, which is outside the door of the building he desires to enter.

Mr. Perkins: I think you are greatly exaggerating the prevalence of the practice.

Mr. GRAHAM: I know I am an offender —I will not pool anybody else—and a reasonably frequent one, too. I venture to suggest that if I were going down to the city and the Minister in his customary generous mood were giving me a ride to a certain building in St. George's Terrace or Murray Street, he would drop me at the appointed place and not pull into the kerb.

The Minister went into a few excesses and flights of fancy when he spoke of underground escalators operating somewhere from the Esplanade up to St. George's Terrace and to various parts in

the heart of the city taking people backwards and forwards to overcome the pedestrian congestion in the heart of the city. At this stage, I suggest that is only a dream. It is not within the bounds of practical politics whilst we are discussing this measure.

Mr. Perkins: Traffic congestion, not pedestrian congestion.

Mr. GRAHAM: Is the Minister seriously suggesting there shall be escalators to bring taxis and other vehicles from the Esplanade to the heart of the city?

Mr. Perkins: The problem is traffic congestion.

Mr. GRAHAM: I am suggesting to the Minister that because he has given insufficient attention to pedestrian-caused congestion, a lot of the troubles from which we suffer are with us. I think he might well give some attention to pedestrian-operated lights in several points in Hay Street, between William Street and Barrack Street, and similarly in Murray Street.

Mr. J. Hegney: St. George's Terrace, too.

Mr. Perkins: The authorities who made a great study of this said that they could make conditions worse unless the lights were timed.

Mr. GRAHAM: I am of the opinion that there is no substance in that outlook. At the present moment, pedestrians cross not only at the marked crosswalks, but anywhere that suits them. At the pedestrian crosswalks a motorist will stop to enable a few pedestrians to pass; and just as the way appears to be clear somebody will hurry across, and then a dear old lady will move in the opposite direction; and then another person crosses. This sort of thing can go on interminably.

My suggestion is that we have pedestrian lights that would be red to the motorist and green to the pedestrian to enable the latter to cross; and then red to the pedestrian to give the traffic an opportunity to get through. It is theoretically possible to be delayed for 10 to 15 minutes under the existing arrangements. Pedestrians on the crosswalks have the right of way; and if there is just a slight trickle in either direction it is impossible for the traffic to move.

I have seen these pedestrian-actuated lights in operation in Sydney; and, in my view, they operate quite effectively. The Minister might give some attention to this, because I can tell him now that, if we are in opposite places, in 12 months' time there will be pedestrian lights in the heart of the City of Perth.

Mr. Perkins: They have to be timed.

Mr. GRAHAM: Not necessarily, because the breaks are made now by the traffic or when fortuitously there is nobody at a given moment going across. What I am suggesting is that there shall be periods of 35 seconds or something of that nature when the motorist will be able to get through. At the present moment he can be there for an unlimited time because of a handful of people; and the moment they are almost clear, lo and behold! someone else steps on to the crosswalk.

If the Minister continues in that position much longer, he might also give some attention to the installation of traffic lights at the junction of Forrest Place and Wellington Street. I may be wrong in this, but I have an idea those lights were ordered during the time I was Minister.

Mr. Perkins: They would have been in long ago if the Perth City Council had been more co-operative; but I was not able to put them in because I could not get the approval of the council.

Mr. GRAHAM: Has the Minister no overriding power?

Mr. Perkins: No; no overriding power.

Mr. GRAHAM: I might suggest to the Minister the inclusion of half a dozen words in this Bill to enable him to have authority in such a case; an authority which, I venture to suggest, any Minister would hesitate to use, and would use exceedingly sparingly.

Mr. Perkins: I agree it should be used only in an emergency. But it is a necessary one. That job was held up because we could not get permission to put the lights in.

Mr. GRAHAM: I understand—and I am not reflecting on anyone—to a very great extent this stems from the fact that local authorities are closer to ratepayers than are Parliaments, because they are limited in their area; and the ability to pay apparently measures the amount of influence one has. The two well-known establishments—Boans on the one side of Forrest Place, and Bairds on the other—are afraid that if traffic lights are installed they may affect the parking bays which serve their customers at the present time. There may cease to be parking bays, and their businesses might suffer. I think that is the motive behind it.

Mr. Perkins: It will require an amendment to the City of Perth parking regulations.

Mr. GRAHAM: I would give the Minister the assurance that I would not stand in the way of giving such an amendment speedy passage, safe in the knowledge that no Minister on either side of the House would use the steamroller against a local authority if there were some other way around the problem, and if the Minister felt the local authority was being reasonable.

The only other observation I wish to make is with regard to the control of taxis generally. The Minister informed us that the Transport Advisory Board—that is the term employed at the moment—might have a look at the taxi problem and advise the Minister. As I think I interjected: What would the man from the Murchison know about taxi problems in the heart of the City of Perth? He is neither equipped nor qualified. He would not have direct association with the problem; yet these two persons, representing rural interests, could conceivably carry the day. The taxi industry is an important one in very many respects, in that it affects the public. It is also an important industry in which well over £1,000,000 has been invested.

There are authorities which exercise some control at the moment; but none of them has had any experience in the conduct of business in the taxi industry, and I do not think it would be unreasonable for there to be established a taxi control board, as is the case in several of the other States, and that the taxi operators and taxi owners should be given some representation upon it.

I say it is fantastic in conception to allow this inflated-in-numbers board attached to the transport department to become involved in this matter. The taxi people feel it is wrong that the policing authority should be the one to determine the policy or to make recommendations in connection with it. I think it would make for a happier relationship between taxi men and the policing authority generally if a board upon which taxi men were represented were set up to investigate various matters.

In 1958 it was written into the legislation that no taxi plates should be issued in excess of one for every 600 of the population. There were taxi plates for a lesser number, but by and large they were frozen until that situation had been reached; and it was decided that this figure of one for every 600 of the population of the metropolitan area should be the procedure thereafter.

Notwithstanding that figure of 600 emanated from a Select Committee which was dominated by those who were of the political persuasion of the Government, it was enthusiastically grasped by supporters in this House; yet before we have reached the 600 figure the Minister seeks to introduce an amendment to one to 700 of the population. I wonder on what grounds. The Minister has told us that there are certain figures applying in the other capital cities. But we are not to be bound, surely, by the procedure in other States before we make a move or make a decision!

I propose to quote from a speech I made in this House in November, 1958. On page 2123 of *Hansard* of 1958, I made the following statement:—

> It might be of interest to him—

that is, to the member for Cottesloe who had just interjected—

> and to all honourable members for me to say that the habits of the public generally have undergone a great change in regard to the use of taxis. From figures obtained from New South Wales, it is established that, pre-war, there was an average of 12 taxi journeys a year made for every member of the population but, post-war, this has grown to 65 journeys.

It will therefore be seen that whatever the ratio of taxis to population was pre-war, it would require five times as many taxis to do the same amount of business today. I think it is perfectly true to say of the City of Perth, that although some years back—in a period which many of us can recall—it was a rarity for a person to engage a taxi, today it is recognised as commonplace.

Mr. J. Hegney: Young people today are taxi-minded.

Mr. GRAHAM: That is so. Convenience and parking difficulties play a large part; and this being the day of speed, we are not prepared to wait for the bus to get from point A to point B. We want instant service; and therefore we hail a taxi which drops us outside the door which we desire to enter—notwithstanding the Minister's dislike of that procedure.

I think it is wrong that at this stage we should write in an arbitrary figure of 700. It is true there was written in, in 1958, and as the Minister for Transport I accepted, the figure as being one to every 600 of the population as it was obviously the wish of the majority of this Parliament that there should be some sort of formula. Before that it was wide open.

Some Ministers felt it should be frozen at a certain figure and others—like myself—felt it was wrong that persons who sought to engage in a livelihood in a particular direction should be called upon to pay £500, £600, or £700 for plates which are issued by the police for 6s. or 8s. Parliament accepted a certain limitation, and that became the law.

Whatever is the situation today, there will be more people per taxi all the time we are reaching this 600; and before we have attained that, the Minister seeks to reduce the ratio by making the taxis one to 700 of the population. I feel this is wrong, and it will impose difficulties on a Government some time in the future—a Government irrespective of political considerations. I think this is the function of a taxi control board which, I venture to suggest, will be set up under legislation in the course of time.

I think I would be right in saying that if we on this side become the Government next year, action along those lines will be taken. But even if the political fortunes do not come our way, I am certain that, in view of the logic of the case and the improvements that can be effected with some independent authority, upon which taxi men are themselves represented, it is inappropriate to lay down what the ratio of population to taxi cars should be; but whatever ratio is determined should be flexible, because of the changing habits of people and of circumstances generally.

Those are my views on this Bill. I have no rigid objections to the provisions; but in my humble opinion an approach is being made from the wrong angle, and the Minister could have given a little more thought to this matter, in which case I am certain we would have had a better Bill.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [10.11 p.m.]: Supplementary to the remarks of my colleague, the member for East Perth, I desire to deal with one provision in this Bill in connection with the distribution of metropolitan traffic fees.

The Government has got itself into a sorry mess in connection with these fees, and the amendment to the Main Roads Act will not put the position right. It will still leave a breach of the law in existence, but it will regularise the payments henceforth. I am not satisfied with that. I believe that if Parliament passes a statute, Government departments should be obliged to observe that statute, and not do what they like, irrespective of what the statute provides.

That is the situation in which the Government finds itself in regard to these payments. The Minister, when introducing this traffic Bill, had this to say—and I quote from page 1614 of this year's *Hansard*:

> Another amendment in the Bill concerns the distribution of metropolitan traffic fees. There is, according to the Auditor-General, a flaw in the present statute which was agreed upon only two years ago.

What does the Minister mean by "according to the Auditor-General"? Is there a flaw in the law, or is there not? That is what we want to know. When the Minister says, "according to the Auditor-General", he conveys to my mind that there is some doubt about this. But the Auditor-General thinks there is a flaw; hence the Bill.

There is no flaw. The Minister should not run away with the idea that there is a flaw in the law. It is a distinct contravention of the statute, and it concerns the Main Roads Contribution Trust Account. Section 34 of the Main Roads Act provides that there shall be established at the Treasury an account to be called the Main Roads Contribution Trust Account, into which shall be paid the moneys to be appropriated by the Treasurer as provided for in subsection (2) of section 34. The section continues—

> (2) The Treasurer shall appropriate each month and pay into the Main Roads Contribution Trust Account twenty-two and one-half per cent. of the net balance referred to in paragraph (b) of sub-section two of section thirteen of the Traffic Act, 1919-1931, to the purposes of this Act; and the balance remaining after such appropriation shall be taken to be the net balance for the purpose of the provisions of that section.
>
> (3) The moneys paid into the Main Roads Contribution Trust Account prior to the first day of July, one thousand nine hundred and thirty-two shall, as to so much thereof as was so paid in prior to the first day of July, one thousand nine hundred and thirty-one, be used and applied in accordance with the provisions of this Act as they existed prior to the commencement of this section. The balance of the said moneys and the moneys paid into the Main Roads Contribution Trust Account under this section shall be used and applied in such manner and proportions as the Governor on the recommendation of the Commissioner shall from time to time determine, in and for the purpose of defraying the cost of and incidental to the improvement by the Commissioner of roads and bridges mentioned in paragraph (b) of sub-section two of section thirteen of the Traffic Act, 1919-1931, and the cost of and incidental to the provision, construction, reconstruction, improvement, maintenance, and supervision by the Commissioner of any other road or bridge within the metropolitan area as constituted and defined under the said Traffic Act, 1919-1931, and the regulations made thereunder.

That is the provision in the statute. It says that 22½ per cent. of what is left after the cost of collection has been deducted shall be placed into the Main Roads Contribution Trust Account and the balance may be distributed, half between the Main Roads Department and half between the local authority. It further provides that no expenditure can take place from that Main Roads Contribution Trust Account without the authority of the Governor on the recommendation of the commissioner. Let us see what has happened.

In his report for 1960, the Auditor-General said this—

> It is considered the amount of £71,604 received under section 34 (2) of the Main Roads Act should have

been £167,307. (See comments under Metropolitan Traffic Trust Account). As a result, only £173,622 was available from which to meet the authorised expenditure of £215,714,—

I interpolate here, by way of illustration, that because of the failure of the department to observe the requirements of the statute, there was insufficient money in the fund to pay the expenditure which had been authorised. Continuing—

—the balance being met from the Main Roads Trust Account. After meeting the full authorisation there should have been a balance at 30th June, 1960, of £53,611.

The Government did nothing about that and just let it go. At page 79 of the 1960 report, the Auditor-General had this to say—

Metropolitan Traffic Trust Account

It is considered the amount paid to the Main Roads Contribution Trust Account, in accordance with the provisions of section 34 (2) of the Main Roads Act, as modified by section 5 of the Main Roads (Funds Appropriation) Act, should have been £167,307 and not £71,604 as shown above. Consequently, the Main Roads Contribution Trust Account has been short credited by £95,703 and the Main Roads Trust Account by £13,860 resulting in an over-payment to Local Authorities of £109,563.

That is, payment to them contrary to the law. The Government did nothing about that. The local authorities have the money contrary to the provisions of the statute and so the position remains.

I now come to the 1961 report of the Auditor-General, and I quote from pages 84 and 85, as follows:—

In addition to the £70,000 received from Commonwealth Aid Roads moneys, and contrary to the provisions of the abovementioned statute, the Commissioner of Main Roads paid all moneys (£486,948) received from the Metropolitan Traffic Trust Account for the year 1960-61 into this Trust Account, instead of the Main Roads Trust Account.

The first trust account mentioned in the second last line, is the main Roads Contribution Trust Account. Continuing—

Out of these moneys, £305,854 was transferred to the Main Roads Trust Account, and £28,787 to the Metropolitan Area Railway Crossing Fund Account. The sum of £130,550 only was authorised by the Governor in accordance with section 34 (3) of the Main Roads Act. This account has not been used in the manner contemplated by the relevant Act.

All the Minister said about that is that, according to the Auditor-General, there is a flaw in the Act. The Main Roads Act definitely provides that there shall be no expenditure from the Main Roads Contribution Trust Account without the authority of the Governor. Yet, out of that amount there was paid £303,854, plus £28,787, making, in round figures, a sum of £330,000, of which less than half—only £130,000—was authorised by the Governor in accordance with the statute, and the Government could not care less.

The Government now brings a Bill here to provide that in future, when this sort of thing is done, it will be legal; but as for what has been done illegally, it does not matter. That is characteristic of this Government's attitude to other statutes. It will ignore them and disregard them so long as it is allowed to get away with it and nobody takes any exception to what it has done. If it were not tragic, the situation would be laughable, because when the Minister introduced his 1959 amendment he had this to say, which appears on page 2174 of the 1959 *Parliamentary Debates*—

The Bill also endeavours to simplify the distribution of moneys from the metropolitan traffic trust account.

Then, further over, this very important announcement appears—

I think I have covered the provisions of the Bill. I have consulted very closely with the Parliamentary Draftsman in the preparation of this Bill, and I hope it achieves exactly what is desired.

So apparently this was not any slipshod drafting. The Minister had consulted very closely with the Crown Law officers, and we get the situation where the amendment which is made does not enable the Government legally to do what it intended to do.

Either the Minister was not clear in his own mind as to what he wanted and did not convey his intentions to the draftsman in proper fashion, or the draftsman is very weak. It is a simple amendment to provide that, instead of taking 10 per cent. from the metropolitan traffic trust fund fees as the cost of collection, £120,000, as a set figure, should be deducted and, then, what remains should be divided equally between the local authorities and the Main Roads Department. According to the Minister, that was the Government's intention. But the amendment which was brought here did not effect that at all and left the situation in that state where there was a statutory obligation on the department to deduct 22½ per cent. of what remained after the £120,000 had been taken out, and to pay that 22½ per cent. into the Main Roads Contribution Trust Account, out of which no amount of expenditure could be made unless authorised by the Governor.

However, that has been completely ignored. The 22½ per cent. was not paid in, but half of what remained after the

£120,000 was deducted was paid in, and then some £330,000 paid out without any authority. What is the Government going to do about it? Does it intend to do nothing?

Mr. Perkins: Do you think the Government has been too generous?

Mr. TONKIN: I say it is an obligation upon the Government to observe the law.

Mr. Toms: It has not done it yet, so it will not start now.

Mr. TONKIN: It is not a question of the Government being too generous. It cannot be generous with money that belongs to someone else.

Mr. Perkins: It does not belong to someone else.

Mr. TONKIN: Oh yes it does!

Mr. Perkins: All you are suggesting is that we gave too much of the Treasury funds to the local authorities.

Mr. TONKIN: What I am suggesting is that there is a law on the statute book which requires obedience until it is amended; but apparently that means nothing to the Minister. The Minister talks about being generous to local authorities, but what has that to do with the point I have raised?

Mr. Perkins: No-one has been injured by the action of the Government, and the position will be corrected for the future.

Mr. TONKIN: The position has not been corrected, because this question goes far deeper than the Minister appreciates. There is an agreement with the Commonwealth Government which requires that State legislation shall conform to the basic agreement, which has been altered several times. This basic agreement sets out how the money can be expended; and the expenditure is accepted only upon the certificate of the Auditor-General that the money has been so expended. The Auditor-General finds himself in the position of having to say that this account has not been used in the manner contemplated by the relevant Act.

Mr. Perkins: You are well off the beam. You are confusing two different issues.

Mr. TONKIN: It is all right for the Minister to say that! I am not confusing the issues. There is the Main Roads Trust Account and there is the Main Roads Contribution Trust Account. The money which was paid into the Contribution Trust Account should not have been paid into it; it should have been paid into the Main Roads Trust Account. What should have been paid into the Main Roads Contribution Trust Account was not paid in at all, and expenditure was made from this account without the authority of the Government. Why was this provision specially placed in the Act, if it was not meant to be observed?

If a statute provides that out of a certain account expenditure shall be made only when authorised by the Governor, can it be contemplated that such a provision can be completely ignored and that the money can be spent without reference to the Governor?

Mr. Perkins: The position will be corrected for the future.

Mr. TONKIN: What about the past?

Mr. Perkins: Who is to question the past action?

Mr. TONKIN: That is typical of the attitude of the Government: Break the law; do not observe the statute, because no-one will question the action! The Government simply drives its coach through the statute, so long as nobody questions its action.

Mr. Perkins: That is only your interpretation.

Mr. TONKIN: That is what the Minister is saying.

Mr. Perkins: It is not.

Mr. TONKIN: It is. He is not only saying that, but his whole attitude supports my view.

Mr. Perkins: Tell us what you think ought to be done.

Mr. TONKIN: A validating Act to validate the payments which have been made without authority should be passed, in order to regularise the payments which have been made to the local authorities contrary to the statute. It should provide that in future payments will be made in accordance with the statute. That is what the law requires to be done. Apparently that is a feature which does not worry the Minister or the Government one iota.

Mr. Perkins: I am asking you what you think ought to be done. If you tell us we will see whether there is any substance in your contention.

Mr. TONKIN: I have already told the Minister. He is talking about my contention; but have we not had two reports from the Auditor-General! On the first occasion the Government did not take any notice of him and went on with its action. The Minister is blameworthy in that regard. The Government could be excused in the first year, in which an error might have been committed in ignorance, by relying upon the advice of the Crown Law Department that the amendment did what the Government requested to be done. When it was pointed out to the Government that that was not so and the requirements of the statute were not being observed, the Government should not have waited another year and then repeated the dose. That is what it did.

Now instead of correcting what has been done illegally and contrary to the law, all that the amending Bill before us seeks to

do is to attempt to provide—I am not certain it will achieve even that purpose—that from now onwards if this procedure is followed everything will be all right. Surely that does not meet the position!

The action of the Government reminds me of the situation in which a thief found himself. Week after week he kept dipping into the till until he had relieved his employer of £1,000. Then when he was discovered he asked to be left alone and promised not to do the same thing any more. He expected to retain the £1,000 and to go on his merry way.

That is precisely what is being done by the Government in this matter. It has overpaid the local authorities from these funds by almost £200,000, contrary to the provisions in the law. Now the Government says that is all right; but the Auditor-General has drawn attention to the irregularity for the second time, so the Government says it does not propose to do the same thing again. It now seeks to alter the law, but it is not concerned with what has happened previously.

That is a strange attitude for the Government to take. It is not an attitude which would be expected of the general public. The attitude of the public to the law is that it should be observed. The public expects the Government to observe the law, in the same way as the people have to observe it. If the Government disregards the law, because to observe it would be inconvenient, it is a very bad example to set the public. Apart from that, such action shows that the Government has not a very high regard for the law.

Mr. Perkins: You are building a case on nothing. I have not said that we will ignore the law. I am saying we will have this matter examined to see whether your contention is correct.

Mr. TONKIN: The Minister is saying that I am building a case on nothing.

Mr. Perkins: You are saying that the Government has not observed the law.

Mr. TONKIN: I am pointing out that the Auditor-General has said that; and I say the same thing.

Mr. Perkins: As soon as we had that, we attempted to correct the position.

Mr. TONKIN: The Government did not attempt to correct the position at all, because the Auditor-General drew attention to the irregularity in the 1960 report, but the Government did nothing. Then in 1961 he again drew attention to it, but the Government did absolutely nothing. What is more, it has no apparent intention of doing anything.

Mr. Perkins: Let us have a look at the position.

Mr. TONKIN: What has the Minister been doing for two years?

Mr. Perkins: Now that you have drawn attention to the matter in very great detail and in a very forcible manner, we will carefully examine the position.

Mr. TONKIN: Apparently I am getting through to the Minister.

Mr. Perkins: But I am not accepting at this stage the correctness of your contention.

Mr. TONKIN: Surely the Minister will accept the contention of the Auditor-General!

Mr. Perkins: We will examine the position to see where we stand.

Mr. TONKIN: The Minister has some reservations. Apparently my interpretation of the remark made by the Minister was correct when he said that according to the Auditor-General there was a flaw. I suppose according to the Minister there is none.

Mr. Perkins: I have not expressed an opinion on that point yet.

Mr. TONKIN: I regard the non-observance of the law by the Government, particularly in connection with the accounts and as to how money should be appropriated, as being a matter of the greatest importance; otherwise, when we give consideration to the details in a statute we will be wasting our time. If during the Committee stages of the Bill we consider the verbiage of the provisions, we will be wasting our time if the Government does not intend to observe the legislation when it is passed.

Mr. Perkins: You have told us that about 25 times already. We never said we were ignoring it.

Mr. TONKIN: I can give the Minister a number of examples where the laws are not observed. There was the small matter of the Electoral Districts Act, for example, in connection with which we had to tell the Government over a period of two years, and the Leader of the Opposition finally had to write to the Attorney-General and say that in his opinion the only way in which the Government could be made to observe the law would be through the courts. Of course, it proved to be right.

Mr. Perkins: I do not think that has anything to do with this.

Mr. TONKIN: It has a lot to do with whether the Government observes the law or not; and how long one has to tell the Government it is not observing the law before the Government decides to do something. That is what it has to do with it.

Mr. Perkins: Can't you say this in Committee and let us make some progress?

Mr. TONKIN: I am saying it when it suits me; and Standing Orders permit me to say it.

Mr. Perkins: I do not think they permit you to say it 150 times.

Mr. TONKIN: I do not think I have said it anything like that number yet.

Mr. Perkins: Perhaps 75 times; I will meet you half way and make it 75.

Mr. Norton: It still does not sink in.

Mr. TONKIN: I can understand how unpalatable this is to the Minister. I would not want to have it said once to me, let alone three or four times. So I can understand the Minister's great desire to get off this subject—away from this topic.

Of course, unfortunately for him, he cannot in reply say the T.A.B. will not allow him to give the answer. He cannot fall back on that excuse and say, "I cannot answer this criticism because it is against the public interest for the information to be disclosed." That will not serve in these circumstances.

Mr. Perkins: I assure you you are not doing much good by talking along those lines. It is not registering with me. I said I am going to have the matter examined; and you are wasting the time of the House by saying it over and over again—about 75 times already.

Mr. TONKIN: Apparently I have made some headway, because that is the first announcement from the Government side that it intends to have this examined. Previously, I was asked what I would suggest ought to be done.

Mr. Perkins: That could be helpful, too.

Mr. TONKIN: I am prepared to see what the Government will do in connection with this matter without making any promises to the Minister; but I will give an indication that he will hear more about it if nothing is done, whether it be 75 or 76 times. It took a lot more times than that to get something done about the Electoral Districts Act.

It is not a joking matter; and there is a responsibility on the Government to do something, not just think about it. It is one of the important provisions in this Bill; and of course it comes up under the amendment to the Main Roads Act, which is on the notice paper at the present time.

MR. PERKINS (Roe—Minister for Transport) [10.45 p.m.]: In dealing with the particular matter raised by the Deputy Leader of the Opposition, I wish to state that I accepted the opinion of the Parliamentary Draftsman that the position was adequately covered by the provisions contained in this Bill and in the Main Roads Act. However, now the Deputy Leader of the Opposition has raised the question, naturally I will have it examined. If the House passes the second reading of the Bill there is no need to go on with the Committee stage until I obtain that information.

As far as I am aware, due regard was taken of the comments of the Auditor-General by the officers of the Treasury Department, the Main Roads Department, and the Crown Law Department; and, for that reason, I think I was entitled to assume with that expert examination that the position was adequately covered in this legislation. If it has not been, obviously it will be desirable to make some amendment.

I do not wish to reply in detail to the points raised by the member for East Perth as they were particular matters that can be more adequately dealt with in Committee. However, there are one or two points to which I should reply, the first being the alteration of the definition of "taxi car" and the need for progressive taxi ranks. The member for East Perth stated—or at least implied—that this was just taken out of the hat and was given no serious consideration at all.

As I have emphasised on previous occasions, both the traffic engineers and the traffic police were very concerned with the amount of congestion taking place in the centre of the City of Perth; and after very careful examination of the position it was clear that some corrective action would have to be taken. The outstanding factor was that, because of the number of taxis competing for business, and the double-parking that was taking place, serious congestion was created by these taxi cars.

Action had already been taken by the member for East Perth, when he was Minister, to stop other commercial vehicles from double-parking; and also to control the backing in and out of lanes. That did effect a considerable improvement. As other commercial vehicles were not permitted to hold up traffic, obviously it seemed undesirable that another section of commercial vehicles should be a reason for traffic congestion.

Mr. Graham: You do not seem to appreciate the difference between parking for, say, half an hour to unload and load goods and a few seconds taken to load and unload persons.

Mr. PERKINS: Taxi cars are not permitted to hold up the traffic in any of the other capital cities of Australia. Despite what the member for East Perth has said on this and on previous occasions, as late as this morning I was in Melbourne, and I took the opportunity of having a careful check made on what the position was in that city. I made a very careful check, too, of the provision for taxi ranks.

First of all, I would emphasise that since we have had these progressive taxi ranks in a small portion of the City of Perth I have been observing the position very carefully in the other cities of Australia. It is unusual to find taxi cars picking up away from the kerb and causing traffic congestion in the process. Admittedly that does happen sometimes. It occurs elsewhere around the metropolitan area; but

provided traffic congestion does not arise, a certain amount of that type of double-parking can be tolerated.

I have mentioned that in Melbourne there are great lengths of kerb reserved for the use of taxis. As late as this morning I observed the rank in front of the post office in Bourke Street, Melbourne. There is another rank on the other side of the same street nearer to Swanston Street. In each case the cars move progressively along those ranks, the public using the front car and the others moving in behind. Apparently there is very careful policing of that orderly movement of the pick-up of taxis in those particular streets.

Another very good example I can quote is the rank in Flinders Street approaching the Flinders Street station. There is a very long rank there, and on careful questioning of the appropriate authorities in Melbourne I ascertained that the back rank at busy times will extend 100 yards or more on to another standing area. The result is that a considerable reserve of taxis is available to cope with any sudden rush of business.

Again, as one gets into even more congested areas of the city one finds that very considerable lengths of kerb are reserved for these taxi ranks, and while in some other cases there is no reserve space they can be filled up by taxis moving into them. If there is no room on the ranks it is necessary for the taxis to move on and attempt to pick up another rank further on.

But in all my observations I did not find taxi cars double-parking and picking up away from the kerbside. The difficulty in Perth, to which I have referred, is that under the City of Perth Parking Facilities Act the Minister has no overriding power. I have noticed what the member for East Perth said and I think that probably it is necessary to make some small amendment in order to obtain much quicker action than can be obtained now. The only way action can be obtained now is by lengthy negotiations with the Perth City Council, and I agree with the member for East Perth that some small amendment to the Act would not create any danger to the City Council, because I imagine no Minister in charge of traffic would be irresponsible in the use of his power.

However, there was a reluctance on the part of the previous Minister, I think, and I certainly have a reluctance to take out more parking meters than necessary, because obviously in the early stages of development of the parking scheme for the city of Perth it is desirable to have as much revenue as possible to put into the fund provided for the development of the parking facilities around the city of Perth. The City Council was reluctant to give any more parking space for taxis, and so the taxi men complained rather bitterly to me that with insufficient taxi stands it was not possible for them to do their business without the double-parking to which I have referred.

Mr. Graham: You got rid of 25 parking stalls and made taxi stands out of them.

Mr. PERKINS: I was going to make that point next. There has been a considerable improvement for the taxi men in that there are a great many more taxi ranks scattered throughout the city and even if they did not have the system of progressive ranks which they have at present I think it would enable much more business to be done from the kerbside than was the case previously. But the point I want to emphasise is that this is not a system I suddenly thought up. It was something that developed after consultation with the traffic authorities and representatives of the taxi industry.

Mr. Graham: The taxi owners, you mean.

Mr. PERKINS: A great many were drivers, and I cannot see how the interests of the owners are going to be different from those of the drivers.

Mr. Graham: Oh yes!

Mr. PERKINS: At any rate, we have arrived at the point where the member for East Perth apparently accepts the fact that it is not some particular idea of mine at all but something suggested by the representatives of the taxi operators. In bringing in any change of regulations it is necessary to be as comprehensive as possible in the early stages and make relaxations as seem to be necessary. That is exactly what has been done in this particular instance, and now we have arrived at the point where the representatives of the taxi operators inform me that with these amendments, which are their suggestion, the system would be reasonably satisfactory.

It could be that some adjustments will be necessary to ranks. It would be highly desirable in my judgment to have the ranks longer in order that they might hold more cars, and to have them on one side of the street if possible; but that is something which I think needs discussion with the Perth City Council because I have no wish to cause more embarrassment to the local authority than is absolutely necessary. As the member for East Perth knows, the representatives of the Perth City Council attach considerable importance to the maintenance of as many of the parking meters as possible.

I think the other point raised by the member for East Perth was that of the appointment of a taxi board. He rather ridiculed the appointment of an advisory board proposed under another Bill as being an expert authority to advise. I am sorry if I caused confusion in regard to the advisory board, rather than the commissioner of transport and the Transport

Board, being the supervisory and advising authority. I think it will be the permanent officers of the transport department who will play the vital part in considering, observing, and advising on all these matters which relate to the better organisation of our public transport system in the City of Perth.

Obviously, in the days when the Transport Co-ordination Act was first passed there were a great many private bus operators. The passenger transport system in the City of Perth was on a very different basis from that on which it is today. But that does not alter the fact that with the changes that have been made—the creation of the Metropolitan Transport Trust, as well as the licensing of a great many more taxi cars—there is a need for very careful consideration of just how best to serve the public of the metropolitan area.

Again, at the meeting of the Australian Transport Advisory Council which I have just attended in Canberra, I questioned other State Ministers and found that in both Queensland and New South Wales the transport department does handle the organisation of taxis; but, of course, in each case it is necessary for the police, as the final traffic control authority, to play a part. I would envisage that the representatives of taxi operators would have a committee; that if necessary it could be given some statutory recognition at a later stage; and the committee should work in co-operation with the transport department and do much the same kind of work which the member for East Perth referred to, and the same kind of work which the member for East Perth envisaged might be done by a taxi board.

In those circumstances, I think we might well give the system a trial and see how it works; and then if there is a need for a special taxi board at a later stage, that matter could be considered by Parliament. However, at this stage I think we should not rush in and create another board unless there is an absolute need for it.

The other provision in the Bill, to which the member for East Perth paid particular attention, was the raising of the ratio of taxis per number of population in the metropolitan area. I do not know whether the figure of 700 is the correct one. There is a provision of one to 600 in the statute at the moment. From my reading of the debates, the figure of one to 600 was arrived at in rather a sketchy fashion at the time. It was done after the Bill was introduced to the House.

In this particular instance I am accepting the point which the taxi operators have made to me; namely, that at the present time there are obviously too many taxis licensed in the City of Perth in relation to the present size of the metropolitan population. They point out that the present figure of one to 584 is not very far short of one to 600; and they request that they be given some safeguard for the future.

I do not wish to enter into any argument with the member for East Perth as to what some previous Government has done. I am advised that the figure of one to 600 is too low; and I have assured taxi operators that while this Government is in power we will not issue additional licenses on a wholesale scale when the figure does reach the figure of one to 600.

Mr. Graham: But you won't decide that. Parliament determined that in 1958.

Mr. PERKINS: The one to 600?

Mr. Graham: Yes.

Mr. PERKINS: I am saying that taxi operators have now requested some greater safeguard. Apparently they fear that at some time in the future—I think they are hoping it will be a long time in the future—there may be some other Minister for Transport who may have some different ideas; and they are asking to be safeguarded against that possibility.

Mr. Graham: If the 600 can be defeated, then the 700 can be defeated equally as well.

Mr. PERKINS: The request has come from the taxi operators. If the House decides that some other figure than one to 700 should be included, I cannot do anything about it. I have fulfilled my promise to the taxi operators that I would do my best to alter the figure from one to 600 to one to 700. However, many of these questions can best be debated in the Committee stage.

Question put and passed.

Bill read a second time.

NORTH-WEST: COMMONWEALTH AID FOR DEVELOPMENT

Resolution: Council's Concurrence

Message from the Council received and read notifying that it had concurred in the Assembly's resolution.

LICENSING ACT AMENDMENT BILL

Second Reading.

Debate resumed from the 19th October.

MR. OLDFIELD (Mt. Lawley) [11.8 p.m.] This Bill has been introduced by the Attorney-General on a non-party basis, which is in accordance with the practice respecting all licensing Bills. Of course, there are matters contained in the Bill which could be regarded as either contentious or non-contentious according to the point of view of the person discussing the Bill, or ultimately voting upon it.

I am in favour of the measure and propose to support the second reading. The main provision, as outlined by the Attorney-General when introducing the measure, is to provide for an additional 30 minutes of trading in hotels

which have a restaurant license and premises which are subject to a restaurant license other than normal licensed premises; and the provision deals with the extension of the evening period. Furthermore, the measure provides half an hour grace to those diners who may have a partly consumed bottle of wine or bottle of beer while they are having their late supper.

I think that one of the provisions which should have been put into the Act some two years ago, and was no doubt overlooked, was a provision to provide licensed restaurants with the privilege of serving liquor with meals between noon and 2 p.m. I referred to the fact that this may possibly have been overlooked. It may not have been. In his wisdom, the Minister in charge of the Bill at the time may have felt it preferable to leave out the provision until the system, which was somewhat of an experiment, had been given time to prove itself.

Another provision which I think will find favour with everybody is the one designed to curtail—not merely curtail, but virtually put a stop to—under-age drinking in public premises which are not subject to a liquor license. I refer to the type of coffee palace or semi-night club which has grown up around Perth, and which is frequented by teen-agers provided they have the permission of the owner or occupier of the premises to enter such coffee lounges, place their liquor in the charge of the proprietor, and have it served either with or without a meal at a table or across the bar for a fee which, I understand, is referred to as "corkage." Also it means that somebody over 21 years of age, who can lawfully purchase liquor, can supply it to these young teen-agers at this party they may be having.

The Bill will outlaw that. It provides that no person under the age of 21 years is permitted to consume liquor at any time in any public place; and also it will be unlawful for any person to supply same. I think that is something that probably should have been included in the Act a couple of years ago when the member for Narrogin attempted to outlaw these coffee palaces as they existed at that time, and still do exist. It was in regard not only to teen-agers, but also to adults.

There are several other amendments which are consequential to amendments made some two years ago, and which were also overlooked. I feel that it was probably not before time they were introduced.

One other matter that may cause some discussion in the Committee stage is the final provision in the Bill relative to allowing the employment of females on a Sunday on licensed premises. I went back through the debates in *Hansard* over some years, and endeavoured to find out when it was originally decided it was not suitable for female labour to be employed on Sundays.

Unfortunately I could not find out exactly how it came to pass; but from the debates that took place in 1922 it appeared that from the experience of members at that time, and the conditions that existed in 1922, when there were no set hours and no awards, it was evidently the practice of certain shady licensees to employ rather attractive females. Because there was no set award these people would work the girls for hours far in excess of 48 per week. There was no closing time, and they were kept working until two, three, and even four o'clock in the morning, no doubt as a bait to keep the boys imbibing long after the time when they should have been home.

In 1922 the Parliament of the day deemed it judicious to set midnight as the latest hour at which females could be employed, and they were to work no longer than 48 hours in any one week; and not at all on Sundays. Of course, Parliament has now agreed to Sunday drinking throughout the country districts, and I understand that licensees throughout the country have experienced great difficulty in working their rosters; because if they do employ female staff throughout the week they are compelled to look elsewhere for casual staff on Sundays.

However, it is an accepted principle in the Labor Party—and in fact it is part of the policy and platform of the party—to have equality of sexes, and therefore the female section of the work force is entitled to the same opportunities of working the same hours and for the same rate of pay as the male section. That is where the matter stands, and I support the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Watts (Attorney-General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 44 amended—

Mr. GRAHAM: I would like a little guidance in respect of how I should proceed, and also I would like some idea of the Minister's reaction to the proposition I am about to outline. Provision is made in the Bill for the period during which liquor may be served, and beyond that it allows a period of 30 minutes in which liquor may be consumed but may not be served.

There is a proposal in the next clause to allow the holders of restaurant licenses to sell liquor with meals between 12 midday and 2 p.m. It occurs to me that it might be reasonable to allow the time during

which liquor may be consumed to be extended for 30 minutes. I am not seeking to extend the period during which it might be served. I think I would be right in saying that the majority of people have their lunch between 1 and 2 p.m., and there are many occasions when luncheons of a semi-social character, or for the purpose of discussing business, are held. By the time the parties have arrived at the restaurant, have placed their order, and have been served it is probably getting close to 2 o'clock; and unless one is going along for the purpose of drinking—which is most unlikely, as such a person would go to a hotel—it is rather difficult because drinking the proper wines, and in limited quantities, is a process that takes time. Then of course, there are certain drinks that are taken after meals.

I appreciate the fact that the Government is making a move which I think is in the right direction, but to make the time of closing 2 o'clock is a little too sharp and not realistic. I was wondering whether it would be possible to insert somewhere around lines 20 to 25 on page 3 words similar to those appearing in lines 13 and 14 of the clause we are now considering. I am experiencing a little difficulty in this regard, and I would like the Attorney-General's reaction to the comments I have made about the period of 30 minutes' grace in which to consume liquor already served; that is, for the midday meal; and, consequently, if he is reasonably disposed towards the idea, where action might appropriately be taken to effect such a desire.

Mr. WATTS: The genesis of this proposal to allow restaurants to serve liquor during the luncheon period was a deputation from the Chamber of Commerce which I understand has, for one of its sections, persons who are engaged in the management of restaurants; and it was that section which formed the whole of the deputation, with the exception of one person.

Its request was for permission to be granted to have the same right to dispose of liquor between 12 noon and 2 p.m. as those people now have between 6 p.m. and midnight. In consequence, that request, after a lapse of some months, was incorporated in this Bill. Personally, I am not favourably disposed to any extension of the hours. I regard the situation of the luncheon adjournment as being somewhat different from that which exists in the evening. A large proportion of the people who would be partaking of luncheon would be those who have to return to their offices or elsewhere from those places which would require to cease the sale of liquor until the evening. In consequence, I thought that was the reason why it was suggested that the hours should be from 12 noon to 2 p.m.

Mr. Graham: But the observance of the 1 o'clock time is going to be rather late, according to your theory now.

Mr. WATTS: That may be so. But one cannot provide for every eventuality. One can only provide for a reasonable limitation; and, in all the circumstances, I think 2 p.m. is late enough. If the member for East Perth wishes to move an amendment to insert a provision in the Bill to carry out his desire, I am afraid, at short notice, I cannot tell him where to put it.

Clause put and passed.

Clauses 3 to 7 put and passed.

Clause 8: Section 149A added—

Mr. HALL: On the 5th October, 1961, being consistent in my approach to this subject I raised with the Minister for Police this question of under-age drinking, and he told me that this came under the jurisdiction of the Attorney-General. I now congratulate the Attorney-General upon taking some action to curb the under-age drinking which is taking place in coffee lounges in country towns and in the metropolitan area.

Mr. WATTS: I move an amendment—

> Page 7, line 18—Insert after the word "public" the words "and is under the control, direction and supervision of a person of at least twenty-one years of age."

It will be noted that it is provided in this clause that the prohibition contained in it shall not apply where premises are being used solely for a function or entertainment which is private and not open to the public. On mature consideration it was perfectly clear that the whole purpose of the clause could be evaded by a group of teen-agers conducting a private party in unlicensed premises. In order to prevent that possibility this amendment is moved.

Mr. Graham: If there were a group of 20 young people and there was one who was over 21 who was nominally in charge, they would still get away with it.

Mr. WATTS: That would have to be. One cannot provide for every possible eventuality. One can only provide for a normal set of circumstances; and this is the proposal to so provide.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 9: Section 162 amended—

Mr. BRADY: I am not clear as to what is intended by this clause.

Mr. Watts: This is to enable barmaids to serve liquor on Sunday.

Mr. BRADY: I intend to vote against this clause because for some years the union was not happy about its employees working on Sunday, and as this rule which does not require barmaids to work on Sundays, has been in operation for so many years, I consider that at this late stage in our history the provision is not necessary.

Clause put and passed.

Clause 10 put and passed.

Title put and passed.

Report

Bill reported with an amendment, and the report adopted.

House adjourned at 11.30 p.m.

Legislative Council

Wednesday, the 25th October, 1961

CONTENTS

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

QUESTIONS ON NOTICE

JETTIES FOR DERBY AND BROOME

Government's Intentions

1. The Hon. H. C. STRICKLAND asked the Minister for Mines:

As the Government has abandoned its election policy to provide one deep-water port in West Kimberley, when can the public expect to be enlightened as to the Government's intention regarding deep-water jetties at Derby and Broome?

The Hon. A. F. GRIFFITH replied:

The Government has not abandoned its decision to provide a deep-water port in West Kimberley. The matter has been and still is, under active consideration, and it is hoped shortly to make a statement in regard to the priorities of improved harbour facilities in Western Australia.

FREMANTLE PASSENGER TERMINAL

Overway Connection with Beach Street

2. The Hon. E. M. DAVIES asked the Minister for Local Government:

(1) Have plans for the pedestrian overway connecting the Fremantle passenger terminal to Beach Street been prepared?

(2) Will the City of Fremantle be consulted respecting the siting of the overway and its location in relation to Beach Street?

The Hon. L. A. LOGAN replied:

(1) No.

(2) Yes.

JETTY FOR NAPIER BROOME BAY

Government's Intentions

3. The Hon. H. C. STRICKLAND asked the Minister for Mines:

As twelve months have passed since a hydrographic survey of Napier Broome Bay was completed, is the Government yet able to advise whether it will provide jetty facilities in the bay to serve the North Kimberley district?

The Hon. A. F. GRIFFITH replied:

The matter is still under consideration and a decision must be deferred until the necessary finance can be made available.

CLOSING DAYS OF SESSION

Standing Orders Suspension

THE HON. A. F. GRIFFITH (Suburban —Minister for Mines) [4.34 p.m.]: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary