

# Legislative Council

Wednesday, the 25th September, 1963

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

## QUESTIONS ON NOTICE

1. *This question was postponed.*

### LOAN RAISING

#### *Applications and Approvals*

2. The Hon. N. E. BAXTER asked the Minister for Mines:
  - (1) What was the total amount of loan approvals by the Treasurer for—
    - (a) local government authorities; and

(b) all other semi-Government authorities including State Electricity Commission, Fremantle Harbour Trust, boards, etc.,

for—

- (i) the financial year ended the 30th June, 1963; and
  - (ii) up to the present date this financial year?
- (2) What is the total amount of loan applications at present not yet approved?

The Hon. A. F. GRIFFITH replied:

- (1) (a) 1962-63, £3,327,250.  
1963-64 (to date), £640,430.
  - (b) 1962-63, £2,963,500.  
1963-64 (to date), £2,049,460.
- (2) Loan applications totalling £305,000 are at present awaiting Loan Council approval.

### PRAWNS

#### *Investigation into Spawning Habits*

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

In view of the growing importance of the prawning industry to the economy of Western Australia—

- (a) Has an investigation into the spawning habits of prawns in Western Australian waters been carried out?
- (b) If the answer to (a) is "No", will the Government give urgent consideration to having such an investigation carried out with the possible necessity for having a closed season as in the crayfishing industry and for the same reasons?

The Hon. A. F. GRIFFITH replied:

- (a) and (b) General investigations have shown that the fishery operates on a pre-spawning population. This is the normal practice in prawn fisheries. In contrast to crayfish, prawns die after their first and only spawning and therefore management methods aimed at obtaining the best yield in each fishery must differ. Further investigation into the location of spawning areas is programmed within the next 12 months.

### GOOMALLING WATER SUPPLY

#### *Increase in Size of Mains*

4. The Hon. J. HEITMAN asked the Minister for Mines:
  - (1) Is it anticipated in the comprehensive water scheme to increase the size of the mains to Goomalling?

- (2) If the answer to No. (1) is "Yes", what is the nature of the increase and when will this work commence?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.  
 (2) A 15-inch diameter main from the goldfields water supply main conduit to Goomalling and northwards is planned. Commencement date is dependent on the decision of the Commonwealth Government re financial assistance to the State.

### DENTAL GRADUATES

#### *Forfeiture of Bonds*

5. The Hon. N. E. BAXTER asked the Minister for Mines:

How many dental graduates bonded to the State under bur-saries bought themselves out during the financial years ended—

- (a) the 30th June, 1962; and  
 (b) the 30th June, 1963?

The Hon. A. F. GRIFFITH replied:

- (a) Three.  
 (b) Three.

6. *This question was postponed.*

### BORES WEST OF ARRINO

#### *Number and Progress*

7. The Hon. J. HEITMAN asked the Minister for Mines:

- (1) What is the latest report on the bores west of Arrino?  
 (2) How many bores are to be sunk to prove this area?

#### *Reticulation to Morawa and Perenjori Districts*

- (3) What progress has been made in the plans to reticulate this water to the Morawa and Perenjori districts?

The Hon. A. F. GRIFFITH replied:

- (1) Two bore holes have been completed at Arrowsmith River. No. 1 disclosed the existence of very good quality water in potentially large supply at that particular site from coarse sandy aquifers. No. 2 proved a thick aquifer to a depth of 325 feet in the upper and middle part of which good water occurs, the quality deteriorating to 1,000 p.p.m. at the bottom. 1,000 p.p.m. is at the upper limit of acceptable salinity, and the supply is expected to be large.  
 (2) and (3) As these two bores are in themselves not sufficient to tell whether the aquifers are extensive enough to warrant development

by the Public Works Department for the Morawa townsite water supply project, two further boring sites have been selected, and tenders called for the work.  
 A tender will be accepted almost immediately.

### METROPOLITAN REGION PLAN

#### *Restoration of Maps: Statement by President*

**THE PRESIDENT** (The Hon. L. C. Diver) [4.40 p.m.]: I wish to announce that this morning a senior officer of the Metropolitan Region Planning Authority visited the House and restored the plans to the original form. The following letter was received by the Clerk:—

Dear Sir,

Metropolitan Region Planning Scheme.

In order to effect deletion of the unauthorised alterations made to the tabled scheme maps, I forward herewith maps numbered 13, 23, 25 and 27. These are for identification endorsed by me in the bottom right-hand corner.

These have been restored to the form in which they were laid before Parliament on 13th August, 1963.

Will you please therefore substitute these sheets for the sheets of corresponding number in the tabled document.

Upon this being done I certify that the Scheme Map is the map forming part of the Scheme approved by the Governor on 7th August, 1963, and so notified in the *Gazette* on 9th August, 1963, and tabled in the House on 13th August, 1963.

Yours faithfully,

M. E. Hamer,  
 Chairman.

### SUPREME COURT RULES

#### *Disallowance of Amendments: Motion*

Debate resumed, from the 24th September, on the following motion by The Hon. H. K. Watson:—

That the rule No. 29A inserted in order LXV of the Rules of the Supreme Court and the amendments to appendix N of the Rules of the Supreme Court as published in the *Government Gazette* of the 7th February, 1963, and laid upon the Table of the House on the 6th August, 1963, be and are hereby disallowed.

**THE HON. G. C. MacKINNON** (South-West) [4.43 p.m.]: I desire to support Mr. Watson's request in connection with this matter. There is no argument concerning the rights of justices to set fees and to do

those things which they have been authorised to do under the various Acts of Parliament.

I believe the Minister for Mines is opposed to this disallowance on grounds of personal conviction, because, of course, the Supreme Court in no way constitutes a department for which any Minister would feel himself responsible; and I respect the views of the Minister for Justice concerning those rules.

The point on which I support Mr. Watson is that the court is expected to operate within the framework of the various Acts passed by this Parliament, which govern the actions of the court. This Parliament has seen fit to classify all legal practitioners as such, and has not indicated that there should, at any time, be any differentiation between barristers and solicitors. I am convinced that these rules do, in fact, tend to aid the establishment of a separate bar. I draw members' attention to paragraph 20 of the Minister's notes in which the Minister said last night—

However, even if the amendments should have the effect of benefiting the separate bar, that result may not be a bad thing. The success of the British system of justice depends largely upon a strong and independent bar.

It is quite clear in the minds of justices that this does have the effect of aiding a separate bar, and I am not prepared to argue whether this is a good thing or a bad thing. However, I can state quite unequivocally that it has never been sanctioned by this Parliament.

The Hon. F. J. S. Wise: You think that the formation of a second bar should be a matter for Parliament?

The Hon. G. C. MacKINNON: It should be a matter for agreement within the profession as a whole; and in Victoria that is the way it has been done. I think it is a matter for Parliament, because Parliament has stated definitely that a legal practitioner is a legal practitioner. It should be a matter of freedom of choice whether or not a person wishes to operate in a court.

The Hon. A. F. Griffith: Is not that the case where a separate bar is established? Hasn't he still a choice?

The Hon. G. C. MacKINNON: One makes the choice before one embarks upon a career. That is quite clear and distinct. This Parliament has never seen fit to establish a separate bar, and neither has the profession as a whole seen fit to agree to the establishment of a separate bar, such as has been done in Victoria.

The Hon. F. J. S. Wise: You contend that it is the intention of Parliament, under the Supreme Court Act, that there should be one bar for both barristers and solicitors?

The Hon. G. C. MacKINNON: That is the situation. There is no mention in our Acts that they should be separate. They are referred to as legal practitioners and they are issued with their licenses as legal practitioners.

I would like to make some general comments on the answer which was given during yesterday's sitting. I mean no disrespect to the Minister when I say that even a close study of the Minister's notes does not make them easy to follow. They are extremely difficult notes; and that is usually the situation when lawyers have anything to do with preparing notes for general dissemination.

The Hon. F. J. S. Wise: Are they not from the Chief Justice?

The Hon. G. C. MacKINNON: No, they are not from the Chief Justice. They are difficult to follow. There is another criticism with which I would like to deal at some length. Paragraph 11 states that appendix N has been agreed to by the Law Society. I would ask members to pay very close attention to this, because it is very involved and it is a somewhat difficult matter to follow. The actual quotation, which will appear in *Hansard*, is as follows:—

Extra counsel shall not be certified for as a matter of course.

I propose to read out the punctuation marks. To continue—

The certificate shall not be granted for either the instructing solicitor or his partner, or his firm's associate or employee, or partner, associate or employee of the leading counsel or his firm, or a practitioner who is, in the opinion of the Judge, acting more in the role of an instructing solicitor than in the role of extra counsel.

After we have analysed this we can only reach the conclusion that the certificate should not be granted to an instructing solicitor or his partner, or his firm's associate or employee, or a partner, associate, or employee of the leading counsel or his firm, or a practitioner who is, in the opinion of the judge, acting more in the role of an instructing solicitor than in the role of extra counsel.

The Hon. F. J. S. Wise: Surely that would act fairly!

The Hon. G. C. MacKINNON: Wait a minute. May I read the rule as it is printed? It reads—

Extra counsel shall not be certified for as a matter of course. The certificate shall not be granted for either the instructing solicitor or his partner or his firm's associate or employee or a partner associate or employee of the leading counsel or his firm or a practitioner who is in the opinion of the judge . . .

Without the commas it is quite clear, and I think all members will realise that all of them—not just the practitioner, but all of them—are governed by the words following “who is.” It then reads in regard to each of those people “who is, in the opinion of the judge, acting more in the role of an instructing solicitor than in the role of extra counsel,” and it gives a completely different connotation.

When I listened to the Minister last night, and subsequently was able to examine the notes, I felt somewhat alarmed, and indeed extremely confused, because a number of gentlemen have approached me in regard to the matter; yet on the face of these notes my whole case crumbled, and what I had been told seemed to have no foundation in fact. However, what I had been told and the study I had been able to make previously made me doubt that the idea built up in my mind was as flimsy as it would appear to be from the Minister's notes. I must take the Minister's assurance, and I am quite prepared to believe him, but it is alarming how a misquotation by way of commas can change an entire context and bring considerable doubt to one's mind.

The Hon. F. J. S. Wise: Who wrote that?

The Hon. G. C. MacKINNON: I am quite sure the Minister would advise the honourable member if he were prepared to ask him at a subsequent date. It is not my place to tell the honourable member.

The Hon. F. J. S. Wise: Then I ask the Minister. Who wrote it?

The Hon. W. F. Willesee: This is the biggest secret of all time.

The Hon. G. C. MacKINNON: As the Minister was kind enough to allow me access to his notes I do not think it is my place to say who wrote them.

The Hon. A. F. Griffith interjected.

The Hon. W. F. Willesee: You are pretty good at interjections when it suits you.

The Hon. A. F. Griffith: I am just being picked on in regard to this matter.

The Hon. G. C. MacKINNON: The Minister can advise the honourable member later on, but he can read the full notes in *Hansard*.

The Hon. A. F. Griffith: Apparently I am under suspicion on this. On technical matters of this nature I naturally get advice.

The Hon. G. C. MacKINNON: I am fully aware of that, as all members are fully aware of it, and it is a difficult matter to understand.

The Hon. N. E. Baxter: You qualified that when you started to speak.

The Hon. G. C. MacKINNON: I did, and I was very careful to qualify it, because, in all fairness, I think the Minister would

concede that I have never doubted his word, for the simple reason that I have never had occasion to do so.

The Hon. F. J. S. Wise: You would concede that a lot depends on whose point of view it is.

The Hon. G. C. MacKINNON: Agreed. I think the Minister will probably take some firm action with regard to the matter because the commas are quite definitely not in the right place. My interpretation may be wrong, but I am entitled to make an interpretation on what is printed and what is the actual rule.

I think it is most unfortunate that the Minister should be placed in that position because the commas are quite definitely out of place, and, to my way of thinking, they do alter the whole context and that, of course, makes me have a doubt in my mind. I then add to that doubt what is set out in paragraph 20 where it says—

However, even if the amendments should have the effect of benefiting the separate bar, that result may not be a bad thing.

That is for us to say because we set the law, and quite rightly so. This is an argument a thousand years old, which was settled 200 years ago when the judiciary was separated under its own Act, and neither one of us interferes with the other provided each operates within the framework of the Act. That is just as it should be, and none of us who has made a study of history or politics would ever want to change that, or would ever dream of changing it.

The Hon. H. K. Watson: Jersey is one of the few places where the president of the judiciary is also the Chief Justice.

The Hon. G. C. MacKINNON: Now we have learned a little additional history thanks to Mr. Watson; and these matters are quite interesting.

I would like to refer members to one other matter which causes me some concern, and again I find it not adequately explained in my consideration of the principle involved, and it is the principle in which I am interested. The argument with regard to what this cost or that cost does not basically interest me; what does interest me is the principle involved. I would point out that the addendum to appendix N provides that it shall operate between the 1st March, 1963, and the 1st March, 1964, and during that period the original note completely disappears.

It is rather difficult to follow, but if it is a good thing why the limitation of a year? If it is such a clear-cut argument why should the rule be applied for one year? To my mind it is revolutionary, and as it has been applied for only one year it indicates to me that I am not the only one who thinks it is revolutionary.

The Hon. A. F. Griffith: You said you thought it was the duty of Parliament to lay down the law for this sort of thing.

The Hon. G. C. MacKINNON: We have already done that.

The Hon. A. F. Griffith: With the medical fraternity does Parliament lay down that there shall or shall not be specialists of medicine?

The Hon. G. C. MacKINNON: I do not know; I have not studied the Act involved.

The Hon. A. F. Griffith: Well, you should.

The Hon. G. C. MacKINNON: Why?

The Hon. A. F. Griffith: Because it is analagous, is it not?

The Hon. G. C. MacKINNON: I do not think so.

The Hon. A. F. Griffith: If it does not—

The Hon. G. C. MacKINNON: The Minister has referred to an Act which I have had no particular occasion to study.

The Hon. A. F. Griffith: Neither have I, but I just asked you the question.

The Hon. G. C. MacKINNON: The Minister asks me a question out of the blue about something that probably he does not know, and then he tells me it is analagous. We have to study the two to see if they are analagous, and I somehow have my doubts that they are.

However, let me get back to the question I was discussing a moment ago. Surely if those who have had anything to do with the establishment of these court rules are sure of their ground, there would really be no sound reason for the limitation of one year! One gets these doubts because of the limitation, and as one goes through the case presented one finds that one's doubts are confirmed.

This rule, which establishes the fact that two partners considering a case cannot both have costs awarded, is revolutionary, and does encourage the use of a separate bar. By securing the services of a barrister, however, costs are automatically awarded to both.

On the question of costs I think it should be remembered, and emphasised, that in nine cases out of 10 costs are awarded in favour of the successful litigant. They are not automatically awarded to the successful lawyer in question; and they are not necessarily the actual remuneration paid to a particular solicitor, or firm of solicitors.

The Hon. A. F. Griffith: Who pays them?

The Hon. G. C. MacKINNON: The unsuccessful litigant. They are awarded to the successful litigant, but they are not necessarily the remuneration of the successful lawyer on the case. A number

of matters have been brought into this question, one of which is that of a junior counsel wishing to gain experience.

The Minister informed us he should obtain his experience in the lower court. Let us be fair about that. Surely there must come a time when a legal practitioner wants to move from the lower court to the Supreme Court, but he cannot gain his experience in the Supreme Court except by acting in the Supreme Court; yet the only way to get this experience and have costs awarded is by going in as counsel.

The Hon. H. K. Watson: Not quite.

The Hon. G. C. MacKINNON: I know it is not quite so. He is limited. I think the Minister elaborated on this last night. I fully appreciate that not only is this argument involved, but I contend that the answer given yesterday has further confounded a certain amount of confusion. However, after giving the matter a great deal of consideration I am still firmly of the opinion that Parliament would be following its rightful course in disallowing this Supreme Court rule.

In asking the Chamber to do that I would request members to realise that in my own case—and I am quite sure in the case of Mr. Watson; though he is quite capable of speaking for himself and no doubt will do so—there is the utmost respect for the institution of the Supreme Court. But, as members of Parliament, it is our duty to examine these matters to the best of our ability, and that I have done. For the reasons I have endeavoured to expound, and for various others which have convinced me that this is necessary, I would ask members to support Mr. Watson in his move to have this Supreme Court rule disallowed.

Debate adjourned, on motion by The Hon. E. M. Heenan.

## SALE OF HUMAN BLOOD BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

## STAMP ACT AMENDMENT BILL

### *Third Reading*

Bill read a third time, on motion by The Hon. A. F. Griffith (Minister for Mines), and passed.

## BUSH FIRES ACT AMENDMENT BILL

### *Second Reading*

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [5.7 p.m.]: I move—

That the Bill be now read a second time.

Members will recall that towards the close of last session, when a conference of managers did not agree on amendments proposed to the bushfires legislation, the amending Bill of that year lapsed.

Seasonal conditions have been such this year that there are indications of extremely dangerous fire hazards coming about during the approaching summer months. Special precautions are likely to be necessary and the passing of this measure should provide additional fire prevention and protection facilities throughout affected areas.

This Bill contains most of the features apparent in last year's Bill. The measure proposes an increase in the membership of the Bush Fires Board from 10 to 13. The three additional members will represent the Commissioner of Police, the Associated Sawmillers and Timber Merchants of W.A., and the Country Shire Councils Association, respectively. This increase in membership was recommended by the Royal Commission on bushfires.

Bushfire control officers and members of the Police Force are not at present authorised to enter land to inquire into fires which may have occurred. There is an appropriate amendment in this Bill to authorise such officers to carry out that function.

Local authorities are permitted under the Act to postpone for a period of up to 14 days the final date of the prohibited burning times declared for their districts. It happens quite frequently that, by the time the declared final date has been reached, weather conditions are favourable for burning, yet within two or three days severe weather conditions recur. The purpose of an appropriate amendment dealing with this contingency is to allow a local authority to reimpose the prohibited burning times after the expiration of the declared prohibited burning times.

The 1st September is considered the most suitable date for the lodging of applications for burning, for developing or for clearing land. Landowners would know of their need to burn by that date and, as the Royal Commission's recommendation is along those lines, a suitable amendment is included in this Bill to cover such protective burning and other protective measures to be planned and carried out by adjoining owners or the Forests Department.

In the event of a fire escaping, it is intended that the person responsible for lighting it will also be responsible for some of the cost incurred by the bushfire brigade in controlling it. The Bill ensures that such a person shall be liable to pay to the local authority, at the request of its bushfire brigade, a recoup of such expense or such part of it as appears to be reasonable, and such moneys may be recoverable in any court of competent jurisdiction.

There is no specific penalty against setting fire to the bush during the bushfire emergency period. The Bill provides such penalty to meet this serious offence. Under this measure, an occupier of land containing virgin country adjoining a railway reserve may set fire to the bush on his land for the purpose of reducing or abating a fire hazard, with a view to protecting pasture or crop.

The only manner of ascertaining whether a person, who had set fire to the bush, possessed a valid permit for doing so, is by personal interrogation by control officers. Persons so doing will, in future, be required under compulsion to produce a permit to an authorised officer.

It is an offence under the Act for a person to set fire to the bush on a day when the fire hazard forecast is dangerous. The Bill extends this provision so as to encompass the activities of persons desiring to light cooking or camping fires in the open. The Bill provides that a fire for such purpose shall not be lit in the open on any day on which a dangerous fire hazard forecast has been issued by the Bureau of Meteorology unless the written approval of the local authority has been first obtained.

The Bill extends the provisions now applicable to the burning of charcoal to include fires lit in lime kilns during restricted burning times. Similarly, the conditions covering the burning of sawdust at a timber mill are to be applied to brick kiln fires. The purpose of this amendment is to obviate a repetition of severe dangers which have occurred in the past because of such fires.

Provision is made in the Bill for the exemption by a local authority of the vertical exhaust requirements in respect of tractors operating in orchards. There are times when it is particularly difficult to arrange vertical exhaust systems, but there appears to be no reason why spark arrestors cannot be fitted to tractors operating in orchards or when passing through areas of severe fire hazard. It is considered desirable that the local authority should have some discretion in these matters.

A fire lit for the purpose of destroying an animal carcass may be lit at any time of the day during the restricted burning times or during the prohibited burning times without any notification to any person. There is nothing in the Act to prevent that happening. It would be more desirable that such fires could be lit only between the hours of 6 o'clock and 11 o'clock in the evening and, further, that notice of intention to burn should be given to neighbours prior to the event. There is an appropriate amendment in the Bill to cover these provisions.

The Bill contains restrictive amendments dealing with incinerators. These can be quite a hazard when situated in an area

surrounded by dead grass or other inflammable material, or positioned close to wooden buildings and such like. The new provisions require that incinerators may not be lit within six feet of any fence or building, and there is a further provision that that space must be kept cleared of all inflammable material. Again the local authority may, in its discretion, approve in writing of a lesser distance than six feet when quite satisfied as to the safety factors.

Section 34 (1) (a) makes reference to the "owner or occupier of land which abuts upon Crown land." This section of the Act is obviously not intended to apply to such land as roads or land previously set apart as roads but now closed. An appropriate amendment accordingly excludes such land from the term "Crown land."

There is a further amendment which has been inserted to clarify the position of the occupier of land adjoining a reserve or vacant Crown land. The Act does not correctly express the intention that such occupier may construct a firebreak on such land not more than 10 chains from his boundary and may also protectively burn the bush between his boundary and the firebreak.

Recompense to brigades and to private owners of vehicles, the tyres of which have been damaged through fire fighting activities, is covered by this measure. Costs for such damage can be quite heavy, and it is considered reasonable that the local authority should be authorised to expend portion of its ordinary revenue and recompense owners of vehicles for this type of damage.

Local authorities are now required to determine the seniority of control officers, the most senior of whom has been regarded as the chief fire control officer. As it seems preferable that the positions of chief fire control officer and his deputy be defined in the Act, an appropriate amendment has been included in this Bill to give effect to that contention. The Bill furthermore removes the mandatory requirement prescribing the seniority of the remaining control officers.

Prevention and protection measures are regarded as being equally important as fire fighting efficiency of brigades. Efficiency is a basic necessity for the declaration of a district as an "approved area." This Bill contains an amendment establishing the importance of prevention and protection measures as related to efficiency.

The Bill also includes a redraft of that section which extends certain immunities to various officers carrying out their duties under the Act. This amendment is considered necessary because there are some doubts now as to whether the intended full immunity is extended to the officers concerned.

It is also desirable that local authorities be included in the provision relating to certain documents being accepted to cover cases of prosecutions taken by local authorities.

Another amendment proposes that published notice of registration of the appointment of a fire control officer in the *Government Gazette* be accepted as proof of the appointment. The production of the *Government Gazette* will then be a simple means of establishing proof of appointment.

The Bill proposes that production in court of the rate book showing ownership of land be deemed to be sufficient evidence as to the ownership of that land. That will bring the Bush Fires Act into line with other Acts administered by local authorities.

Courts have required that evidence must be supplied in person by a member of the staff of the Bureau of Meteorology. This is costly and most inconvenient when prosecutions are heard in country centres, and the production in court of a certificate issued by the Bureau of Meteorology as to the fire-hazard rating on a certain day should be deemed to be sufficient evidence. The Bill proposes such an amendment.

To give effect to recommendation 15 of the Royal Commission, bushfires advisory committees have been set up in many districts to assist the local authority; and to give a greater backing to their establishment, it was thought desirable to include a provision in the Bill regarding such committees.

As indicated earlier, the Bill is based on the recommendations of the Royal Commission. The Government has given careful consideration to all aspects of the Bill which did not succeed last year.

Local authorities are co-operating in carrying out their responsibilities relating to bushfires. There would appear to be no occasion for the Government to pursue its earlier thoughts with respect to remedies for breaches of the Act by local authorities.

Under the Local Government Act, the penalty against local authorities which, in the opinion of the Governor, are not carrying out their local government responsibilities, is dismissal under section 156 (1) (a) and (b), which reads—

156. (1) Where, in the opinion of the Governor, a council is not properly carrying out—

- (a) local government in the district of the municipality; or
- (b) the powers conferred and duties imposed upon it by an Act;

the Governor may by Order dismiss the council.

It will be noted that under paragraph (b) the powers of dismissal extend to the powers conferred and duties imposed by

an Act. This means that action under section 156 of the Local Government Act could be taken against a local authority which failed to carry out the powers conferred and duties imposed under the Bush Fires Act.

It is highly desirable that the amendments contained in this measure become part of our legislation as early as possible, and one of the most important reasons in support of this urgency is, as previously indicated, the likelihood of severe fire hazard confronting us when the summer months arrive.

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

## COMPANIES ACT AMENDMENT BILL

### *Further Report*

Further report of Committee adopted.

## BUNBURY HARBOUR BOARD ACT AMENDMENT BILL

### *In Committee*

Resumed from the 24th September. The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

### Clause 5: Sections 54A-54J added—

The CHAIRMAN: Progress was reported on the clause to which The Hon. W. F. Willesee had moved the following amendment:—

Page 8, lines 8 to 10—Delete all words after the word "Act" down to and including the word "Account."

The Hon. L. A. LOGAN: Last evening Dr. Hislop raised a point in regard to the attitude of the Treasurer on this matter and I promised to obtain some advice. I also tried to ascertain from the two boards concerned their attitude to this amendment. I found that the Albany Harbour Board wants the Bill to remain as printed; and we should consider what these people themselves think. That being so, members should not support the amendment.

The Hon. W. F. Willesee: What about Bunbury?

The Hon. L. A. LOGAN: I have not been able to contact Bunbury, but I do have some information regarding its financial position. I am sure that when I read these figures members will agree it is reasonable to allow the Treasurer to have some control as to whether or not the profits should go back.

It is appreciated that in the past the Government has always carried the losses of these boards, and the position of the Bunbury Harbour Board as at the 30th

June, 1962, was that it was indebted to the Treasurer for the amount of £1,460,519, made up as follows:—

	£
Interest on capital .....	1,122,242
Capitalised interest on works under construction	198,277
Dredging maintenance charged to the Consoli- dated Revenue Fund .....	140,000

Under the Bill it is not mandatory for the Government to take these profits back, but it may under certain circumstances. In view of the figures I have just presented and the information I have received in regard to Albany, I hope the Committee will not agree to the amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## ALBANY HARBOUR BOARD ACT AMENDMENT BILL

### *In Committee, etc.*

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

## BEE INDUSTRY COMPENSATION ACT AMENDMENT BILL

### *In Committee, etc.*

Resumed from the 24th September. The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

### Clause 5: Section 11 amended—

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

The Hon. N. E. BAXTER: I requested that the Minister report progress last evening in order that inquiries might be made in regard to the limitation placed on this fund which, under section 11 of the parent Act, is £1,000.

Under section 7, any sum required by this committee when it is short of funds shall, at the discretion of the Treasurer, be paid out of Consolidated Revenue, but shall be regarded as an advance to the fund in the first place; secondly, it shall be a charge on the fund; and, thirdly, it must be repaid to the Treasurer from the fund forthwith when moneys are available to make such repayment.

As I explained last night, the fund will shortly be in a very bad state and an appeal will have to be made to the Treasurer. That is not a good thing. From inquiries I have made today I find that the industry and the committees are quite agreeable

and pleased with this move to increase the maximum amount that the committee will have in the fund. I move an amendment—

Page 2, lines 20 to 23—Delete all words in the clause and substitute the following:—

Section eleven of the principal Act is amended—

- (a) by substituting for the words "one thousand pounds" in line 5 of subsection (1) the words "three thousand pounds".
- (b) by substituting for the words "per hive" in line 3 of subsection (2) the words "for each colony of bees".

The Hon. S. T. J. THOMPSON: I would like Mr. Baxter to inform the House what the difference is between a colony of bees and a hive of bees.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Would Mr. Baxter please inform the House.

The Hon. N. E. BAXTER: The definition can be found in the Bill and is as follows:—

"colony of bees" means a nest of bees whether in a full-sized or a nucleus hive, but does not include bees in nuclei maintained solely for the purpose of mating queens.

I hope that will answer the honourable member's question.

The Hon. L. A. LOGAN: I have a definition here which might assist Mr. Baxter. It reads as follows:—

A hive is a man-made or artificial nesting place for bees and may consist of one or many boxes as the bee-keeper may require, and it is considered that the term "colony of bees" is more appropriate.

Regarding the amendment moved by Mr. Baxter, I have referred it to the department, and the senior apiculturist is quite happy to allow the amendment. The Minister for Agriculture is also willing to have it placed in the Bill and I therefore accept it.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 6 to 9 put and passed.**

**Title put and passed.**

**Bill reported with an amendment.**

## **PIG INDUSTRY COMPENSATION ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed, from the 19th September, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

**THE HON. A. L. LOTON (South) [5.35 p.m.]**: This is only a small Bill and sets out to fulfil the wishes of stud breeders and commercial breeders. It is desired that they shall receive full value for pigs that are killed when suspected of suffering from disease. In the past, when a pig was killed and found not to be suffering from disease, only three-quarters of the value was paid in compensation, subject to the prescribed deductions. It is now proposed that if a pig is suspect and killed, and then found not to have any infection, the full market value will be paid. If the pig is diseased then the full market value will still be paid, and with that I agree. There has been some difference of opinion on this point. I have distributed a typewritten copy of an amendment—it is not on the notice paper as I have only sorted this matter out today. In the parent Act section 7 states—

Provided that in no case shall the market value of any pig for the purpose of this Act be deemed to be more than twenty-four pounds.

That figure has been altered from time to time. To overcome the difficulty the Minister, in his wisdom, thought it would be easier to substitute for subsection (2) of section 7 a new subsection as follows:—

(2) Notwithstanding anything contained in this Act, no amount of compensation that is in excess of an amount recommended at least once annually by the Minister and approved by the Governor, shall be payable under this Act in respect of the destruction or death of any pig.

If this method is used it will enable the Minister to recommend to the Governor that such and such a figure be the amount of compensation payable for a pig, and that would have the application of law. It would not have been referred to Parliament but simply gazetted.

That is where I thought the Bill was wrong, and I think it should be amended so that the amount written into the Act can be brought to Parliament for sanction or otherwise. At different times I have heard opinions as to whether these things should be fixed by regulation; because if done by regulation the amount could be fixed in January and gazetted, and could remain in force until such time as Parliament met and the papers were tabled and a motion brought forward for disallowance or otherwise.

If the case is good it should be presented to Parliament for approval, and for that reason I intend to move this amendment. I thought I would explain the reason for asking the Minister to have the Bill placed further down the notice paper yesterday. I think I have done so to the satisfaction of everyone, and I think the Minister will

agree with me. I have talked to Mr. Watson and the Minister and they agree most heartily with what I have done.

**Question put and passed.**

**Bill read a second time.**

*In Committee, etc.*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3: Section 7 amended—**

The Hon. A. L. LOTON: I move an amendment—

Page 2, lines 25 to 32—Delete all words from and including the word "Notwithstanding" down to and including the word "pig", and substitute the following words:—

"Provided that in no case shall the market value of any pig for the purpose of this Act be deemed to be more than forty pounds."

This meets the requirements of the stud pig breeders as well as the commercial pig breeders. The Minister, when he was making his introductory speech, said that the stud pig breeders made a greater contribution to the fund and therefore were entitled to greater compensation when such was required. They do make a greater contribution to the fund, but only to the degree that they can pay the maximum of 5s. that is laid down in the Act.

I would draw members' attention to a list of prices which I took haphazardly out of one of the agricultural weekly journals. On the 29th August, choppers brought from £33 to £39; baconers, £16 10s. to £18; and porkers £11 15s. to £12 10s. The following week choppers brought from £29 to £33; they dropped back. Baconers brought from £17 to £18 10s., a rise of 10s.; and porkers brought from £12 10s. to £13 15s. Then on the 28th August a sale of stud pigs showed the top price for a sow was 190 guineas and the second top price was 150 guineas. The top price for a boar was 150 guineas and the second top price was 97½ guineas. Sows averaged 38 guineas, and for the 127 pigs sold, 42 guineas was the average price.

That is why, after consultation with the Minister, I have decided that the sum of £40 should be a fair average price for stud pigs. Other pigs, of course, are governed by their commercial value at the time of sale.

The Hon. L. A. LOGAN: Mr. Loton discussed this amendment with the Minister for Agriculture and myself. Early I wondered to just what extent the stud breeder was paying into the fund, and whether he was entitled to get more than the ordinary pig farmer. However, I have ascertained that the limit of 5s. applies, and therefore the difference he is paying is not very

great. I believe the amount mentioned by Mr. Loton will cover most of the problems that the stud breeder faces. Therefore, I have no objection to the amendment.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title put and passed.**

**Bill reported with an amendment.**

## MOTOR VEHICLE DRIVERS INSTRUCTORS BILL

### *Second Reading*

Debate resumed, from the 24th September, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

**THE HON. R. THOMPSON (West)** [5.48 p.m.]: The Bill is desirable legislation so far as I can see. However, there are several points I would like to make in respect of it. If we trace back the National Safety Council, its code of driving, and the instruction that is given, we find that it all originated from Hendon College, England. The National Safety Council has been established in Western Australia for some years now and it has done a marvellous job in its field of work. The most valuable work it has done up to date has been the teaching of 153 student teachers from the Graylands and Claremont teachers' colleges, and those student teachers will conduct a form of leadership course at the schools to which they will be posted. Eventually this course will, I believe, become part of the curriculum of the high schools, and as a result the students will be taught to drive. I make that point for a reason.

The Bill provides in clause 7 (5) (a) that a person who has attained the age of 21 years can become an instructor. That is about the only provision in the Bill with which I disagree; because not all our youth are irresponsible. There are plenty of them who could avail themselves of this course— young people who have quite sound vehicles and who are competent drivers. Many of our youth are more competent drivers than people of my age and those in older age brackets, because they make more of a study of the subject.

Any youth who likes to go to the trouble of passing this test at 19 years of age would be competent to be an instructor. I would like the Minister to give some consideration to that aspect. I am trying to be helpful in regard to the Bill, but I do criticise that point.

The Hon. A. F. Griffith: You could say the same thing, of course, of a boy who was 16; that is, that he cannot get a license until he is 17 but that he could quite easily be a competent driver.

The Hon. R. THOMPSON: That is a different thing. It is laid down in a Statute now that a person must be 17 years of age before he can obtain a driver's license. The National Safety Council does not admit anyone to its advanced course unless he has had 12 months' driving experience. If a person can qualify and get a license to drive at 17 years of age, he must have had at least 12 months' experience; so he would take this course when he was 18 to 18½ years of age and pass it when he was 19 years of age. The course extends over a fortnight, and it is done in two weekly periods of training, each period being separated by several months. A person of 19 years of age who passes the course is competent and qualified to drive.

I would like consideration to be given to that point, because that is another way of getting people to take an interest in driving and giving them, perhaps, an opportunity to set themselves up in a business of their own. If we have a look at what has happened in driving schools in the past, we find that anybody at all could virtually walk into such a school and get a job. I can mention many people, some of whom were on long service leave and others who were temporarily out of work, who took a job as an instructor at a driving school for a few weeks; and they were no more competent to drive than I am.

The Hon. A. F. Griffith: What does that mean?

The Hon. R. THOMPSON: I have tried to teach my wife to drive; I think that answers the question. People do not get a certificate from the National Safety Council for nothing; they must know how to drive. So, if a youth receives a certificate of competency he should be entitled to seek employment as a motor driving instructor.

The Hon. F. J. S. Wise: Do you think there is any substitute for experience?

The Hon. R. THOMPSON: Do you mean in regard to driving a motorcar?

The Hon. F. J. S. Wise: Yes; and many other things, too.

The Hon. R. THOMPSON: If a person can pass the National Safety Council advanced training course, he is experienced.

The Hon. F. J. S. Wise: I would not say that; he would be competent for the time being.

The Hon. R. THOMPSON: I would say that when a person passes out of the course he would be competent.

The Hon. G. C. MacKinnon: He would be competent to teach on a high school course, which is different from teaching on the open road.

The Hon. R. THOMPSON: There have not been many complaints voiced in this House, or in the State, against the actions

of people who, while being under the age of 21 years, have been teaching for considerable periods.

The Hon. G. C. MacKinnon: Yes, there have been, as witness the Bill.

The Hon. R. THOMPSON: Representations have been made, but that does not say there have been complaints; and the Minister did not mention any specific complaints.

The Hon. A. F. Griffith: We do not always wait until someone complains before we initiate legislation.

The Hon. R. THOMPSON: I am in favour of the Bill. I said at the beginning that I considered it was desirable legislation; but I am criticising several points in it, because I think there are several provisions that should definitely be included in the regulations.

The Hon. A. F. Griffith: That are not in the Bill, do you mean?

The Hon. R. THOMPSON: That is so; they are not in the Bill. At present it is a race between the driving schools to see which can put up the biggest and best signs on the cars. Any experienced driver knows what happens when there is a luggage rack on top of the car; or, in the case that we, perhaps, know more about, when there is an election sign on the car, which would be comparable to the type of sign envisaged in the Bill. When such a sign is carried on a car, the wind, when the car passes an intersection, seems to move the vehicle several feet.

The Hon. F. J. S. Wise: It alters the centre of gravity.

The Hon. R. THOMPSON: Yes, it alters it completely. I think advertisements on the tops of cars should be banned, because they give the learners, particularly, the jitters if they run into such conditions as I have described. If these people wish to advertise, they should have a uniform sign for the purpose. There is one monstrosity running round Perth at present. It is painted at least 15 colours and it distracts any motorist who sees it, because he wonders what is passing him.

The Hon. F. D. Willmott: You think it is a zebra.

The Hon. R. THOMPSON: It has a shocking looking sign. It is put there to advertise and not to teach people how to drive. Something uniform should be provided for to be placed on the front, rear, or sides of the car if so desired.

The Hon. F. J. S. Wise: Advertising on vessels on the river has been stopped.

The Hon. R. THOMPSON: Yes; and the Traffic Act prohibits taxi drivers from advertising or carrying advertisements on taxis; and, as Mr. Wise has just said,

the Western Australian Marine Act prohibits powerboats from displaying any advertising material. So I think advertisements should also be prohibited from being placed on the top of learner-driver cars.

Another essential item that should be put into the regulations is an alphabet of driving—what the instructor shall teach and when he shall teach it. From inquiries I have made into this matter, I find that an instructor attached to one driving school in Perth went on several occasions to take a lady out to teach her to drive. She had 26 lessons, and she did not even know how to steer the car correctly. She had not been taught to steer the car correctly. She was not being taught properly to drive by this particular school, because whenever there was some spare time an instructor would be told, "Go out and pick up Miss So-and-so and teach her to drive." She is a spinster, by the way, and very old.

The Hon. A. F. Griffith: Do you want these points you are raising placed in the regulations, or in the Act?

The Hon. R. THOMPSON: In the regulations. I would suggest that an alphabet of what an instructor shall teach a learner-driver should be placed in the regulations. The driving instructors of these various firms are changed from time to time, and the person being taught is not always in the hands of the one instructor throughout the course. For example, an instructor on one day might teach a learner-driver how to use the clutch, and that learner-driver may become quite proficient in the use of the clutch, but on the following day the learner-driver could be in the hands of another instructor who again would commence to teach the use of the clutch.

The Hon. F. J. S. Wise: Do you think the age of the learner-driver would make any difference?

The Hon. R. THOMPSON: I think the automatic gear changes prevent any techniques from being practised. I am trying to be serious. In this alphabet, in order of priority, hand signals should be No. 1; steering No. 2; use of the clutch No. 3, and gear changing No. 4. Then the general principles of driving and safety measures should be No. 5. A manual on driving has been prepared and adapted to meet Western Australian conditions, and I believe that manual is the basis of the test that is given to instructor-drivers.

Therefore, I think some competent officer could draft this alphabet of driving in suitable form for it to be embodied in the regulations to ensure that learner-drivers are, literally, not taken for a ride when they are paying for driving instruction. In passing I would point out that such instruction is not cheap because, in most cases, the fee is 25s. an hour.

The Hon. F. J. S. Wise: Do they guarantee your driving license?

The Hon. R. THOMPSON: No, they do not guarantee a driving license. That is an interesting point. To instructors it should be emphasised that people should be taught to drive rather than taught to drive expertly enough to obtain a license. The practice that is followed by many driving instructors is that as soon as a learner-driver can, in his opinion, qualify for a driving license he is rushed to the traffic office to obtain it. In a great many instances the learner-driver is then rejected which, of course, means that he has to pay for another five or six hours of driving instruction.

The Hon. H. R. Robinson: But sometimes that is not the fault of the instructor.

The Hon. R. THOMPSON: Quite so; that is true. However, it has been brought to my notice that this is a situation which occurs quite frequently.

The Hon. H. R. Robinson: But you cannot blame the instructor for that.

The Hon. R. THOMPSON: In many instances the instructor can be blamed because I have heard police officers say to instructors on occasions, "You should not have brought this person to the traffic office for a license because he is not even half ready to obtain it." That is a ruse that can be used by some of these firms quite successfully to obtain more revenue.

The States of New South Wales and South Australia have legislation practically identical with this Bill, and I believe Victoria intends to introduce similar legislation during this session.

I trust the Minister will give consideration to the points I have raised in regard to regulations. Especially I would like re-examined the question of the age of a person who is seeking a certificate for a driving instructor, otherwise I feel the Bill would require amending. I would be pleased if the Minister would confer with the officers, or the Minister who is controlling this legislation, to ascertain whether a person aged 19 or 20 years who has been successful in passing the test prescribed by the National Safety Council for driving instructors should not be granted a certificate.

The Hon. A. F. Griffith: Which is it to be—19 or 20?

The Hon. R. THOMPSON: It could be either 19 or 20 because any candidate for a driving instructor's certificate must pass through a qualifying period. In explanation, a person is not able to obtain a driver's license until he reaches the age of 17 years and this must be followed by a qualifying period of 12 months. If a youth obtained his driver's license at 17, at 19 years of age he would be eligible to become a driving instructor.

The Hon. A. F. Griffith: If we apply your suggestion he would have to be 19 years of age in order that he might fulfil the other condition.

The Hon. R. THOMPSON: Yes, he would have to be 19 years of age. I support the Bill.

*Sitting suspended from 6.7 to 7.30 p.m.*

**THE HON. E. M. HEENAN** (North-East) [7.30 p.m.]: The proposals contained in this Bill are worth while and timely, and I therefore propose voting for the second reading. Nowadays to a large extent our way of life is dominated by the motorcar. The ownership of a car is no longer restricted to a privileged few, and a vehicle is well within the reach of the average person. In fact, the ownership of a motorcar has become almost a necessity to a large section of the community, and is likely to become more so as the years go by.

A motor vehicle is potentially very dangerous. Almost every day we have examples on all sides in support of this proposition. More and more vehicles are coming on to the roads, and, of course, more people are driving these potentially dangerous machines. The risk of accident and danger to life becomes increasingly great, in spite of all the efforts which the community undertakes to minimise the risk and danger.

I consider, therefore, that the time is long overdue for the implementation of proposals such as are contained in this Bill. I feel we have to take more positive steps than we took in the past to ensure that all drivers are properly trained, and are impressed with the fact that a driver's license carries with it a great responsibility.

In the past these licenses have been granted too easily, and have been taken as a matter of course. A higher standard is now demanded, and the proposal to insist on the obtaining of a special license by those who undertake to teach prospective drivers is, in my opinion, a good one. If we insist on a good standard for instructors it should follow that those who are taught will receive better tuition. In this way the general standard of drivers should be improved and the risk of accidents lessened.

A good driver rarely causes an accident; it is the inefficient and careless driver who invariably is to blame. This Bill will not stop people from being taught to drive by their parents or friends—as is done up to the present; but in time to come we will have to insist that a person shall not be issued with a license unless he has been instructed by a professional.

The Hon. G. C. MacKinnon: This will present difficulties in many country centres.

The Hon. E. M. HEENAN: There might be difficulties, but if we made a start by adopting that proposal in the more populous areas a good deal of success could be achieved.

Another matter on which I would like to comment is the actual granting of the license. Nowadays a person just goes along to a police station, pays the fee, and is issued with a license. Away he goes and drives a car.

The Hon. R. Thompson: Apparently you have not been to a police station to get a license for a long time.

The Hon. E. M. HEENAN: I am aware that before that stage is reached, tests have to be undertaken; but I am now referring to the actual issue of the license. The occasion when a person is granted his first driver's license is a very important one—important to the individual as well as to the community. We should insist that the importance of the occasion be stressed in some appropriate way. My idea is for licenses to be granted on a formal occasion, when the recipients are addressed by a magistrate or some such person who will point out various matters affecting these new drivers, and that will leave a lasting impression.

The Hon. G. C. MacKinnon: They are now tested by the police before they are issued with licenses.

The Hon. E. M. HEENAN: I realise that an applicant for a license has to undergo a driving test with a constable, who does his best to advise the applicant; but my idea is to make the issue of a license a more formal occasion.

In years gone by when people became naturalised the certificates were just sent to them through the post, but nowadays these certificates are handed over to the recipients on a formal occasion. The recipients are addressed, and various matters are pointed out to them. I am sure in the majority of cases that leaves a lasting impression on them. I suggest that something along those lines should be done in the case of people who are granted their first drivers' licenses. They should be addressed by someone in authority, and they should have impressed on them the importance of a driver's license and the responsibility it carries. They should be told that a driver's license is a very precious document, and carries with it a great responsibility, and that holders of licenses frequently have the power of life and death in their hands.

No-one can say that enough is being done to minimise the dreadful holocaust that is occurring on our roads. One can drive along the streets at any time on any day, and one will be confronted by careless and inefficient drivers. Frequently one becomes amazed that the accident toll is not far heavier than it is.

I do not suggest that this Bill is a complete answer to the problem in any shape or form, but my dominant theme is that the community has the right to insist on a higher standard from people who drive motor vehicles day in and day out. The proposals along the lines I have suggested might in some way assist towards that aim; at any rate, I put them up sincerely believing that they will assist.

**THE HON. G. BENNETTS** (South-East) [7.41 p.m.]: I support the Bill, because I do not consider that a person under the age of 21 years should be allowed to teach people to drive motorcars. If an accident should occur in the course of the driving tuition, it is questionable whether one could claim against an instructor who was under 21 years of age.

During the recent racing carnival and the bowls carnival in Kalgoorlie I saw some bad driving by people from other parts of the State. On one occasion I saw a motor vehicle, with a Perth registration, going along Maritana Street with a full load of people. The driver passed me on my left hand side as I was turning into Hannan Street.

**The Hon. G. C. MacKinnon**: Did you make a right turn or a left turn?

**The Hon. G. BENNETTS**: A left turn.

**The Hon. G. C. MacKinnon**: That is very bad driving.

**The Hon. G. BENNETTS**: In Kalgoorlie drivers make a left turn when proceeding from Maritana Street into Hannan Street. Drivers of vehicles registered in other parts of the State have done the same thing on a dozen or more occasions in the last fortnight to three weeks. Those drivers were careless, and they did not slow down when travelling over crosswalks. One does not see that very often with Kalgoorlie drivers; generally they stop at the crosswalks.

The metropolitan drivers, who have the advantage of advice and tuition from the National Safety Council and various driving schools, seemed to be the worst offenders during the carnivals on the goldfields. They might have thought they were efficient drivers because they came from the metropolitan area, and that drivers on the goldfields were a lot of mugs.

Nowadays the motorcar is a high-powered vehicle. Most people possess cars, and as time passes there will be more vehicles on the roads; for that reason we should keep the standard of driving very high.

I put forward this proposal: A school should be set up to instruct applicants for drivers' licenses, and one of the requirements should be that applicants must attend a stipulated number of classes before they are issued with licenses. As Mr. Heenan said, it is only necessary at the

present time to go to a traffic office and undertake a test with a constable before one is issued with a license.

**The Hon. H. R. Robinson**: That is not so in the city. A severe test is given.

**The Hon. G. BENNETTS**: That is the position in country areas. In some cases, female applicants who are good looking seem to be able to obtain their drivers' licenses pretty easily, but some of them are awful drivers. Up to two years ago in South Australia the method of issuing drivers' licenses was this: A small booklet containing a certain number of questions was issued to each applicant, and he had to answer correctly 10 or 11 of those questions. If one could answer those questions, he got his license. I know of an engine driver on the Commonwealth railways who took his car from Cooke to Port Augusta. That man got his license by answering questions, yet when he got his license he could not even drive his car out of the yard.

**The Hon. R. Thompson**: Where did he get his license?

**The Hon. G. BENNETTS**: In Port Augusta, South Australia. He got it by answering those 10 or 11 questions.

**The Hon. R. Thompson**: But there is a driving test in South Australia.

**The Hon. G. BENNETTS**: At the time, this man did not have to drive a car. But during the last two years the system has changed and there is now uniformity between the South Australian system and that which applies in other States. The fact that he answered questions did not prove that he could drive a vehicle. At one time I had a man under me in the Commonwealth railways who could answer any question connected with the operation of trains. But put that man on practical work and he was a danger to other people.

Practical knowledge is what we require; and the harder it is to get a license the better it will be for people. Many people have been killed lately, mainly due to bad driving. No-one under the age of 21 should be allowed to teach any person to drive. I support the Bill.

**THE HON. F. R. H. LAVERY** (West) [7.47 p.m.]: In speaking to the Bill I could mention a number of things we might do in connection with this matter. The purpose of the Bill is to register tutor drivers. I wish to make two points. The first is that there are firms in the city which have a very good reputation for teaching people to drive. I have in mind one firm in particular. However, there are some very poor types of driving instructors. I know of one instructor who was teaching a lady to drive. After about 17 lessons he said that she needed another lesson or that she was doing something or other which was not correct. Because she was not satisfied that she needed more

lessons, the lady in question took the bull by the horns, so to speak, and drove out of the city with her husband and her children on her way to Brisbane. She did not have a license and she took a risk in getting out of the city. When she reached Kalgoorlie she got the wind-up and drove on further until she found herself in Brisbane, still unlicensed. She did not have an accident. That was eight years ago. She got the license in Brisbane and is still driving.

My point is that the driving instructor in her case would be receiving 25s. for each lesson. If we propose to license these people, there must be some control. There should be a system of price fixing. There should be either a fixed fee or a maximum fee. If a person is not able to obtain a license according to the instructing person within a certain period he should have the right to appeal to the Police Traffic Department for a test. Some instructors have been charging people £6, £7, and up to £10 more than they should.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [7.50 p.m.]: I need only be brief in my reply. The Bill has obviously received support. However, there are one or two comments I should make. Mr. Ron Thompson referred to the size of the sign used by some people who set themselves up as driving instructors. He also referred to some sort of code which should be laid down. The points suggested by the honourable member will receive close consideration by the Minister for Police.

Concerning the question of age the Minister is of the opinion that it would be better if the House were to keep the age at 21 years.

The Hon. G. Bennetts: I think so, too.

The Hon. A. F. GRIFFITH: I do not suggest that anybody aged 19 years of age is any more or any less responsible than a person who is aged 20, but a person of 21 years of age who has obtained his license at 17 years of age will have had a certain amount of driving experience and is likely to be more competent to teach driving than at an earlier age. I think it is worth giving the legislation a try on those lines.

Mr. Lavery mentioned a very important point. The purpose of this legislation is to have driving instructors who are best qualified to do this type of work. I repeat that the Bill has obviously received support. It is necessary that we should have people qualified in this particular calling, and the Bill sets out the fundamental principles which are to be applied. Regarding the regulations, the Minister will bear in mind the points raised by members when the regulations are being framed.

**Question put and passed.**

**Bill read a second time.**

### *In Committee*

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clauses 1 to 6 put and passed.**

**Clause 7: Application for license—**

The Hon. F. R. H. LAVERY: There were 25,000 new licenses issued last year, of which 14,000 were issued in the metropolitan area. Sixty per cent. of the 14,000 people in the metropolitan area who obtained licenses received driving instruction through driving schools; but 16,000 people did not receive driving instruction through driving schools; they received their training from friends and relatives.

Has any consideration been given to limiting the number of people to be registered during a period of, say, 12 months? A number of taxi drivers are having difficulty in making a living and we may find that a greater number of them will apply to become driving instructors.

The Hon. A. F. GRIFFITH: The honourable member is inquiring whether consideration has been given to restricting the number of people who may be licensed. I think that would be undesirable. What right have we to say, "You shall not follow this course because there are too many already registered"? If the person is sufficiently competent to pass the tests which are required, then he should be able to pursue this occupation if he wishes.

The Hon. F. R. H. LAVERY: I am concerned with the fact that last year there were 16,000 licensed drivers who did not attend driving schools. The situation might arise where there could be more people teaching driving than the department anticipates.

The Hon. F. J. S. Wise: It will find its own level.

The Hon. F. R. H. LAVERY: I anticipate that a large number of taxi drivers will want to take on this job.

The Hon. A. F. GRIFFITH: I doubt whether the existence of this legislation will make the position worse than it is at present. It must surely make it better. By process of examination, and by reason of qualifications, the police department will be able to sort out the sheep from the goats; those people who are more qualified than others to teach driving. It is not the intention of this legislation to deprive a person from teaching another person if the lessons are given without payment of a fee.

**Clause put and passed.**

**Clauses 8 to 14 put and passed.**

**Title put and passed.**

*Report*

**Bill reported, without amendment, and the report adopted.**

*House adjourned at 8.2 p.m.*