

occasions that this Government had followed the Victorian example by not including certain restrictions. This Government made its decisions before it was aware of the contents of the Victorian legislation.

Mr. COURT: I have been trying not to introduce any contentious points; but, as the Minister has raised this one, I would merely like to say that this Bill is identical with the Victorian legislation, even including the printer's errors. I support the Bill.

On motion by the Hon. A. F. Watts, debate adjourned.

House adjourned at 11.30 p.m.

Legislative Council

Thursday, the 27th November, 1958.

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

QUESTIONS ON NOTICE.

RAILWAYS.

"X" and "XA" Class Diesels.

1. The Hon. G. BENNETTS asked the Minister for Railways:

(1) Will he advise the House whether the "X" and "XA" class diesel locomotives have been repaired and placed in a satisfactory condition, as required by the department?

(2) If not—

(a) what number are in service; and

(b) what number are undergoing repairs?

(3) Who is responsible for the cost of repairs?

The Hon. H. C. STRICKLAND replied:

(1) In conformity with the agreement between the Government and the contractors, modifications are being made which the contractors advise will remedy the defects.

(2) The average availability is approximately 66 per cent.

(3) The manufacturers are supplying the necessary material, and the Railway Department is carrying out the work.

BOULDER DENTAL CLINIC.

Use of Pensioners' Cottages.

2. The Hon. J. M. A. CUNNINGHAM asked the Minister for Railways:

(1) Is it a fact that one or more of the cottages erected for pensioners in Wittenoom-st., Boulder, is to be used to accommodate staff for the new dental clinic in Boulder?

(2) If the answer is "Yes", will this mean that any pensioners now in residence will have to be dispossessed?

(3) If so, in view of the fact that pensioners have had to outlay money for furniture and floor coverings suitable for these cottages, and not necessarily suitable for other premises, will any evictees be compensated for their outlay?

The Hon. H. C. STRICKLAND replied:

(1) This may occur on a temporary basis if not required by pensioners.

(2) No.

(3) Answered by No. (2).

WATER SUPPLIES.*Restrictions at Geraldton.*

3. The Hon. L. A. LOGAN asked the Minister for Railways:

(1) What is wrong with the Geraldton water supply that water restrictions have to be imposed on the first hot day of the summer?

(2) Is the trouble due to—

- (a) lack of water at Wicherina?
- (b) inadequate pumping facilities to pump from the dam to the summit tank?
- (c) inadequate piping from summit tank to Moonyoonooka tanks?
- (d) inadequate piping from Moonyoonooka tanks to town reservoirs?
- (e) insufficient storage capacity in town reservoirs?
- (f) any other causes?

(3) What is being done to rectify the problem?

The Hon. H. C. STRICKLAND replied:

(1) Restrictions on the use of water are not imposed until considered necessary in the interests of consumers generally. On the day in question, there was a record consumption of 1,365,000 gallons.

- (2) (a) No.
- (b) No.
- (c) Partly.
- (d) Partly.
- (e) Partly.
- (f) Lack of loan funds.

(3) Sinking of new bores, construction of bore mains, enlargement of the rising and gravity mains, town storage and reticulation must proceed concurrently. During the last five financial years approximately £225,000 has been spent on the scheme and the output to Geraldton increased from 4½ million to 7½ million gallons per week. Progressive development will continue. £14,500 has been allocated this financial year.

Cost of Boring on W. R. McPharlin's Property at Kalannie.

4. The Hon. L. A. LOGAN (for the Hon. A. R. Jones) asked the Minister for Railways:

In view of the unsatisfactory replies received to previous questions relating to this subject, I preface the following questions by stating that the information I require is to determine the total cost to the Government of locating sites, and boring for water on Mr. McPharlin's property at Kalannie—

- (1) What is the total cost to date for boring the 252 feet including wages, plant costs, fuel, etc.?

(2) What cost to the Government is calculated by the department as being applicable to the locating of boring sites by the geologist, including wages, travelling and any other costs?

(3) What will be the amount payable by Mr. McPharlin to the department excluding the cost of bore casing, but including the cost of placing the casing in successful bores?

(4) Has the plant moved from Mr. McPharlin's property without casing the successful bores?

(5) If the answer to No. (4) is "Yes," why were such bores not cased and cleaned out ready for equipping?

The Hon. H. C. STRICKLAND replied:

Strong exception is taken to the preface to these questions, as the fullest information available has been given in reply to the hon. member's previous questions on the subject.

The hon. member is now invited to visit the Department of Mines, where he can peruse and examine all figures, returns and reports relating to this drilling operation.

IRON ORE.*Drilling at Tallering Peak.*

5. The Hon. L. A. LOGAN asked the Minister for Railways:

Have any progress reports been received regarding the drilling of the iron ore deposits at Tallering Peak?

The Hon. H. C. STRICKLAND replied:

Yes. Copies of the reports are as follows:—

Progress Report on Tallering Range**Diamond Drilling.**

13th October, 1958.

Diamond Drill Hole No. 1, Site A, located towards the northern end of Tallering Peak iron ore lens, was commenced on 28th July, 1958, and by 10th October, had reached a depth of 552 feet.

2. The outcropping ore lens was intersected between 339 feet and 390 feet, borehole depth, and consisted of moderate grade magnetite, the un-oxidised equivalent of the hematite-limonite outcrop.

3. On the way in to this intersection, a small patch of detrital limonite iron ore was penetrated from the surface to 42 feet. A band of mixed limonite and hematite ore, lying above the main lens but which does not outcrop, was penetrated between 123 feet to 213 feet.

4. No assays are available yet for the main ore lens; the following results, supplied by the Government

Chemical Laboratories, are for the surface limonite ore and for the banded limonite-hematite ore.

Sample No.		Borehole Depth		Core Length	Acid soluble iron, Fe. Per cent. on dry basis	
		From	To			
Surface limonite ore....	T.R. 1	0'	9'	9'	51.8
		T.R. 2	9'	19'	10'	34.4
		T.R. 3	19'	28'	9'	41.8
		T.R. 4	28'	35'	7'	47.0
		T.R. 5	35'	42'	7'	47.6
Banded limonite and hematite ore	T.R. 6	123' 6"	125' 6"	2'	54.2
		T.R. 7	125' 6"	135'	9' 6"	53.0
		T.R. 8	135'	143' 6"	7' 6"	41.5
		T.R. 9	143' 6"	150' 6"	6' 6"	47.2
"True Width "	T.R. 10	150' 6"	153' 6"	3'	54.2
		T.R. 11	153' 6"	162'	8' 6"	65.3
72 ft.	T.R. 12	162'	170'	8'	53.9
		T.R. 13	170'	175'	5'	48.4

14th October, 1958.

Tallering Range Diamond Drilling.

Progress Report on diamond drill hole No. 1 herewith. This hole has now been completed at 562 feet without any further addition to iron ore reserves.

2. An interesting development of pyrite has occurred below the banded iron formation, but it is not anywhere near the concentration which we found at Koolyanobbing.

3. Hole No. 2 is in progress.

11th November, 1958.

Tallering Range Diamond Drilling.

Further to my minute of 14/10/58—L.B. 108 and paragraph 4 of the progress report on Tallering Range diamond drilling forwarded therewith, I supply the following details:—

Magnetite ore 339-390 feet on plan accompanying my report, five samples were taken here with the following results:—

Metallic iron	35.8%
	36.9%
	40.2%
	42.3%
	37.1%

2. These are representative of the magnetite ore in depth lying below the rich outcrop of limonite-hematite ore at the surface. The approximate depth to which high grade limonite-hematite ore could be expected to

continue would be approximately 320 feet, and it would be approximately 42-feet wide.

3. As previously stated, No. 2 hole is in progress for the purpose of intersecting this ore body at another point approximately 250 feet to the south of the first intersection, and was at a depth of 223 feet on 8/11/58.

4. The pyrite mentioned in paragraph 2 of my minute of 14/10/58 was extremely low-grade and of no commercial significance.

GERALDTON ABATTOIRS.

Rowlands' Report on Establishment.

6. The Hon. L. A. LOGAN asked the Minister for Railways:

When will Mr. Rowlands' report on the establishment of abattoirs at Geraldton be available?

The Hon. H. C. STRICKLAND replied:

Copies of the report will be available for the Geraldton Municipal Council, the Farmers' Union and the parliamentary representatives in a few days. It is not proposed to print the report for general distribution.

BILLS (2)—THIRD READING.

1. Licensing (Police Force Canteen).

Returned to the Assembly with an amendment and an amendment to the Title.

2. Land Act Amendment (No. 3).

Passed.

CHILD WELFARE ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. J. M. A. CUNNINGHAM (South-East) [2.25]: This Bill has as its intention the alteration of the present Act in two or three very minor instances; in particular the alteration of one or two aspects of the Act that will at least give relief to organisations which, for the very nature and reason of their existence, look after children who are neglected, who are in need of care, or who, in some way, have fallen on hard times through the neglect of their parents or guardians. The measure seeks to make a small change in the government of remedial institutions. With this we have no argument.

Another small amendment seeks to make it possible for the authorities to give consideration to the issue of licences, particularly to newsboys selling newspapers on the streets. In the past it has been a simple matter for a child to apply to the department for a licence and, provided he fulfils the requirement of age, generally speaking there is no restriction on his being granted a licence to sell papers, or to do any other job for a certain period. In many cases, however, youngsters who have been studying for the Junior certificate or the Leaving certificate in their own time, have found that the jobs they have taken on break in on their study time, and, as a result, the work they are doing proves detrimental to their studies, and to the chances of their obtaining the Junior certificate, in particular.

Now, one of the circumstances that must be taken into consideration is that the child's educational betterment must not in any way be damaged by his receiving a licence from the department to work for certain hours. There is a provision to permit the appointment of a member of the children's court to sit with the magistrate on certain cases. This is a good thing and is sought by the department. There is another small provision which aims to extend the term of female wards of the department—children, particularly girls, who are mentally deficient. The simple amendment is to delete the term "female" and this will make it general for all children. Again, I agree that this is worth while indeed.

One of the main provisions of the Bill is to provide for the control and care of children who are literally abandoned by their parents, and who are placed in institutions, most of which are run by one or other of the denominations. Having got the consent of the institution to accept their children, they promise the wide world in the way of care, but from then on they completely abandon the children.

There are cases on record where parents, or a parent, have prevailed on an institution to take one of their children, promising they will subscribe to the maintenance of the child, and then not paying so that ultimately their accounts for maintenance have accumulated to the extent of £500. They show no inclination whatever to try to meet their obligation with regard to the payment of the money.

I understand that at the present time there is no way for such a child to be placed directly in the care of the Child Welfare Department. This provision will now make it possible for a child so abandoned to be declared a ward of the department and it will, no doubt, relieve to a great extent the financial burden that is thrust upon institutions which care for such children. I think it will be agreed that that is most worth while. It will mean that institutions whose funds would otherwise be directed to the maintenance of abandoned children—and I use that term because I can think of none better—would now be able to use those funds for the betterment of their establishments.

A further aspect of the same problem is the case where a parent having so placed a child abandons it; and in other circumstances where an obligation is admitted for the maintenance of a child, the parent then quite happily is prepared to accept a court judgment and probably a sentence of gaol, and at the end of serving that term feels no obligation whatever to meet the commitment that stood against him or her feeling that the gaol term is in lieu of the debt.

That is obviously unjust. A most glaring example of it was brought to my notice in Geraldton. The man concerned had an account somewhere in the vicinity of £500. He was finally brought to book in court and received a sentence of seven days; and he considered his bill was wiped out. It is quite obvious this is an unreal and an unjust provision in the Act, and when it is removed, a sentence served will not be considered to wipe out or mitigate an offence for neglect or cost. The person concerned will still be subject to the meeting of reasonable charges standing against his name.

The Hon. G. Bennetts: Some would put their wives in if they could.

The Hon. J. M. A. CUNNINGHAM: Some would be entitled to. I commend the Bill to the House. It has the complete support of the department. In fact, I understand the department is the prime mover in seeking these amendments.

The Hon. E. M. Davies: It would be, because it is a Government Bill.

The Hon. J. M. A. CUNNINGHAM: I challenge that statement. We often see a Bill brought down which is not the child of the department concerned, but in this case it is the child of the department.

It wants these amendments and I think everybody will agree with them. As a result of information obtained from the Minister's second reading and from inquiries I have made, I support the Bill.

THE HON. G. C. MacKINNON (South-West) [2.32]: The hon. Mr. Cunningham has traversed the general effect of the Bill. The amendments contained therein will, in the main, meet with general approval. However, there is one extremely disappointing aspect in regard to this measure.

I draw the attention of hon. members to Clause 3 on page 2 of the Bill which is designed to amend Section 20B of the principal Act. It could be that this amendment may slightly improve a section which has, by no stretch of imagination, any right whatsoever to be in the parent Act. I think it must be a great disappointment to many people that the Government has not seen fit to bring in a much more worthwhile amendment to delete Section 20B or at least modify it to a great extent.

The Law Reform Committee, which has done a considerable amount of work on this particular subject, has made certain recommendations which have been completely disregarded. Of course, it does not need the Law Reform Committee to tell us that the basic fundamental of British justice is that if one commits a crime he has the right of trial in a court by a judge and jury. That right is the very basis of our justice and the basic fact underlying the high standard in the courts in all British speaking countries. It is basic that indictable offences should be tried by judge and jury.

We have all grown up to believe that that is, in fact, the case. There is some basis for the belief that certain offences, as distinct from crimes, should be handled by a special magistrate in a children's court, as that court is, in the main, designed to be therapeutic in its purpose. The whole object of a children's court is that it can try a case and take certain actions to prevent a child from growing up and developing in such a way that the child will, in adult years, become an habitual criminal. Therefore, the main feature of the children's court in handling offences is its therapeutic basis.

There are certainly some offences which should be tried by the children's court, provided they apply to children, and to children entirely. However, where an adult has committed a crime—and I believe I could go as far as saying that even where a child has committed a crime—the place to try that crime is in a court before a judge and jury. There is absolutely no commonsense basis to justify the trying of an adult by a special magistrate in a children's court, whether his offence has been committed against an adult or against a child.

Apparently, about the only reason that can be brought forward to justify the particular line adopted to date is the belief that the giving of evidence in an open court could have a psychological effect on a child. It is said that if a child were brought before a judge dressed in his robes, and had to experience the solemnity of a full court, it could have a very bad psychological effect upon that child. I would take leave to doubt whether that is a proven fact.

I am firmly convinced there would be a far better solution to the problem than transferring the whole of the case from a judge and jury to the children's court for trial in that court by a special magistrate. I am also firmly convinced that there are ways and means of overcoming any possible psychological effect that may bear upon the child.

Even if there should be a reasonable possibility of such psychological effect, I still maintain the case should be decided by a judge and jury, for it is not difficult to imagine circumstances where a man could be quite innocently involved—I think the term used in America is "framed." To offset the possible psychological effect on the child, there is a very definite effect on that man and his entire family. I firmly believe that the ends of justice would be far better served if adults who were charged with having committed offences against children were tried in the normal way before a judge and a jury.

The innovation is, of course, a comparatively recent one. The idea is that offences of this nature should be tried as they are today being tried. We must surely take some cognisance of the fact that, with few exceptions, the trained lawyers and legal men of the State are bitterly opposed to it. Their opposition is founded on our history of justice, jurisprudence and the common rights of man. Surely hon. members believe that the basic rights of man should be protected. Everyone should speak out when those rights are infringed in any way.

We constantly hear about juvenile delinquents and the terrible things that are done by some young people. I am convinced—I have often said this—that we give far more publicity to these people than is warranted; and we spend far more time speaking about such children than we should; and we spend far too little time speaking of the thousands of young people who are actively engaged in such organisations as the scouts, junior farmers' clubs, junior chambers of commerce, Apex clubs, and so on. The fact remains, however, that there are some children of tender years who are quite capable of engaging in reprehensible acts. Indeed, such an instance was reported in the Press last night and again this morning.

It is not beyond one's imagination to visualise the situation that could arise if a small group of such children decided to frame an adult; to falsely embroil an adult. Because of the way the law is framed, such an adult would have to face trial with all the cards stacked against him. His situation would be bad enough if he stood his trial in an ordinary court, but the method that we have evolved makes his position more difficult, because the present situation is in absolute contradiction of the basic principles of justice as we have been brought up to understand them.

Therefore, I am extremely disappointed to find that, despite all the work that has been done, the research that has been carried out and the recommendations that have been made to the Government with regard to this part of the law, the Government has not seen fit to bring down a much more worth-while amendment than the one which stands as Clause 3 of the Bill.

On motion by the Hon. R. F. Hutchison, debate adjourned.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 3).

Second Reading.

Debate resumed from the 25th November.

THE HON. A. F. GRIFFITH (Suburban) [2.45]: When the Minister introduced the Bill, he said it stemmed from a request by the Transport Workers' Union. He went on to explain that, because of unemployment, the Transport Workers' Union had become so concerned that it decided to ask the Government to introduce a Bill. The Minister said that the measure sought to do certain things. Great emphasis has been laid on the position of those people who are employed in the taxi industry. The Minister, from the remarks he made when introducing the measure, would have us think that the most important phase to be dealt with by this piece of legislation concerns the taxi industry, because, whilst he did give cursory consideration to another factor or another group of people, he did not lay much emphasis upon that other group. His remarks were largely confined to the situation of the taxi industry.

If we look at the Bill and read Clause 4, we see that not only does the person who is engaged, in some respects, in the taxi industry come under the scope of this clause, but, in fact, so does anyone who plies for hire.

The Hon. H. C. Strickland: I told you that.

The Hon. A. F. GRIFFITH: As I said a few moments ago, the Minister told us that his consideration of this aspect was

rather cursory, and he carried on with his argument that in the main the legislation would improve the lot of the taxi-drivers.

The Hon. H. C. Strickland: The taxi-drivers are the greatest number affected.

The Hon. A. F. GRIFFITH: The Minister's interjection indicates to me that his knowledge of the Bill is lamentable. If he stops for a moment to consider the people who are likely to come under the expression "ply for hire" he will realise that their numbers are greater than the numbers of those who are engaged in the taxi industry; that is if he takes into consideration the three types of industry in which these people can be employed.

The Hon. H. C. Strickland: Yes; but the taxi-drivers, not the carriers, work all night.

The Hon. A. F. GRIFFITH: They are not the only ones who ply for hire and work all night.

The Hon. H. C. Strickland: They do it more than do the people who transport goods.

The Hon. A. F. GRIFFITH: No. As long as the Minister continues in this strain, his knowledge of the legislation seems to become less and less.

The Hon. H. C. Strickland: Tell us yours, then.

The Hon. A. F. GRIFFITH: I shall, if the Minister will let me. People who ply for hire in connection with agricultural pursuits frequently work at night.

The Hon. H. C. Strickland: But not all the year round. Their work is only seasonal.

The Hon. A. F. GRIFFITH: That is true.

The Hon. H. C. Strickland: The others work for 365 days a year.

The Hon. A. F. GRIFFITH: I am terribly interested to learn of the sympathy which the Minister has for people employed in this industry. I, too, am very sympathetic towards them; and, bearing in mind what the Minister knows, I do not want my remarks to be construed in any way, shape or form as being other than arising from an interest in the people employed in the industry.

The Hon. H. C. Strickland: You are supporting the Bill, then?

The Hon. A. F. GRIFFITH: I am going to support the second reading, and if the Minister will stop interjecting I will get on with the argument and tell him why. In the same way as I heard the hon. Mr. Thomson once say, "If I could interject on the Minister and get on with my speech, I would be very pleased about it." I would be pleased to get on with my speech now.

The Hon. A. L. Loton: That was not original though.

The Hon. A. F. GRIFFITH: Not on my part. My interest in this problem has extended over a long period. In fact, a great many of the men employed in the taxi industry have, from time to time, approached me and pointed out the difficulties they are facing in their employment and they have also pointed out that time and again they have approached the Minister for Transport (the hon. Mr. Graham)—he has been the Minister in charge of this industry over the past five years—to ask him to try to improve their conditions.

Hon. members will recall that in June, 1957, I asked 21 questions in all concerning this industry. I do not propose to repeat them all, because they are in Vol. 2 of the 1957 Parliamentary Debates at page 2177. I put those questions to the Minister to ascertain the number of taxis that were in existence over a certain number of years; the flag-fall rate; the mileage rate; and the number of taxi plate issues that had been made over a period of years.

With the knowledge of the industry that I have and which apparently I share with the Minister for Railways—when he says that these men work such long hours—I put this question to the Minister—

Does the Minister for Transport appreciate that these long and tiring hours of work are having a detrimental effect upon the health of taxi-drivers obliged to work such hours, and as a result the safety of the public using taxis driven by tired and exhausted drivers is greatly impaired?

The previous question that I asked referred to the fact that some of these men were working, 14, 16, and 18 hours a day. However, instead of getting a direct answer to my question, the Minister for Railways, on behalf of the Minister for Transport, to use a cricket term, hit the answer straight down the crease back to me, because he avoided the question by saying—

It is not flag-fall rate which governs the fee, it is the mileage rate, which can be any amount up to 2s. per mile, although the majority are charging only 1s. 6d. a mile.

So that in 1957, while some people had regard for the long hours that these men were working, the Minister for Transport did not seem to think it was necessary to make any recognition of the questions I asked. The questions I put to the Minister at that time were made as a result of men approaching me to put their financial position to me and to point out the difficulties they were facing, and would be facing, if they wished to continue in the industry; and to say that they had approached the Minister for Transport to try to effect some relief for the men in the industry, but that their plea had fallen on deaf ears.

At that time the position in the industry had become desperate in the minds of a good many taxi-drivers, at any rate. We now have this Bill brought before the House, and we are told by the Minister for Railways on behalf of the Minister for Transport, that it is designed to protect taxi-men and has been approved by Cabinet. When introducing the Bill the Minister did not make even the slightest suggestion as to how this legislation would protect the taxi-men beyond saying that they would be brought within the scope of the Industrial Arbitration Act and could approach the court as workers. He laid great emphasis on that fact by saying, "Mind you" if the court decides they are workers."

The Hon. H. C. Strickland: It is left to the court.

The Hon. A. F. GRIFFITH: The Minister then said that those people who owned their own taxis and operated them as owner-drivers would not come under this legislation and therefore no application by them to the court would be made. I revert again to the fact that there are three types of men who drive taxis. There is the owner-driver; the commission-driver, and the lessee-driver.

It is difficult for me to ascertain exactly the number of people there are in each of the three categories. However, it seems obvious, from inquiries I have been able to make, that the preponderance of men employed in the industry are owner-drivers. Then there is the suggestion—for all I know quite rightly placed, although we have had little evidence of it—that there are others in the industry who lease taxis to men who become taxi-drivers for the payment of a large weekly fee in return for the use of the vehicle. These men are referred to as lessee drivers.

The Hon. G. Bennetts: That is the company that should be investigated by the Unfair Trading Commissioner.

The Hon. A. F. GRIFFITH: I suggest that the hon. member could get into deep water on this subject and unless he wants to make a speech on it it would be just as well if he kept out of it.

The circumstances surrounding this whole situation are most unsatisfactory. Over the past 12 months I have been driven by quite a number of taxi-drivers—as I am sure other hon. members have been—and I usually ask the driver, "How do you feel about the taxi industry?", and some of the replies I have received concerning the treatment they have had at the hands of the Minister for Transport, I can assure hon. members, are not couched in very temperate terms.

The Hon. H. C. Strickland: You were not too sympathetic towards them during the debate on the Long Service Leave Bill. You voted them out of that.

The Hon. A. F. GRIFFITH: Of course, it is a shrewd move, when one gets an opportunity, to drag a red herring across the trail of the subject under discussion, to do so.

The Hon. H. C. Strickland: That is not a red herring; that is a fact.

The Hon. A. F. GRIFFITH: I am talking of a particular phase of this industry, and I have no doubt that if the Minister thinks he can nail me on a point he will do so.

The Hon. H. C. Strickland: You are playing politics with the Minister for Transport.

The Hon. A. F. GRIFFITH: I am not playing politics at all! I am merely pointing out that the replies I have received from taxi-drivers to the questions I have put to them concerning the industry were not couched in temperate terms.

The Hon. F. D. Willmott: The Minister is anticipating what you are going to say.

The Hon. A. F. GRIFFITH: In the same way, I was accused yesterday of couching my questions, asked in this House, in intemperate language. This legislation cannot possibly do anything for the man who drives and owns his taxi. The Minister admits that. It seeks, however, to do something for the man who works long hours, on a commission basis or a lessee basis; it seeks to give him some protection and to award him—if the court thinks fit—a 40-hour week on award rates of pay.

Let us assume there is a section of the community exploiting some other section—I do not know whether there is any great evidence to that effect—and there is some person desirous of investing his capital in a taxi. He gets someone else to drive it, and in return he receives a certain amount while the lessee-driver gets the balance. If the court classifies that driver as a worker under the award in order that he may receive a certain rate of pay, what will be the ultimate result? I venture to suggest that whatever profit the owner is making he might find the investment no longer attractive financially. In that case he will say to the lessee-driver, "I cannot pay you the award rate. I will have to get rid of you and sell my vehicle."

If that is done in approximately 300 cases—and it suggested there are in the vicinity of that number of persons leasing cabs—can the Minister tell us how that will bring about a reduction in the number of taxi-plates issued? Will the owner sell his taxi and return the plates to the traffic department? The answer is obviously in the negative.

While it has been stated that up to £600 has in the past been paid as goodwill for taxi plates, according to the words of the Minister for Transport trading in taxi plates has been eliminated. If we accept that statement we have not been told how

the number will be in any way reduced. We will still have the same number of plates on issue. I am informed that the number is 751 at present. Even if all the drivers are discharged because the owners cannot afford to pay the award rate, the number of taxi plates will remain the same.

At some stage the owner of a taxi will find it necessary to sell the vehicle. If he cannot sell it at a certain figure, then according to the law of supply and demand the price will have to be reduced until it is sold. But the number of plates will be the same and the number of cabs on the road will be the same.

I am informed that at the present time the Traffic Department is issuing between five and seven new plates each month. In answer to questions asked last year we were told that in 1950 the number of taxi plates on issue was 397; by 1953 it had increased to 491; and by 1958 it had increased to 751. Apparently it has been the policy to issue plates progressively. The chief complaint of the taxi operators is that more taxi plates have been issued than are necessary to meet the demand. No doubt under the instructions of the Minister for Transport, the Traffic Department continues to issue them on the basis of five to seven per month.

Simply and plainly, the position is that the industry is becoming overloaded. I regard this industry as one which provides a service to the community. At some time or other most people find it necessary to use a taxi, and taxis are readily available. I am informed that this industry has a turnover of something in excess of £1,000,000 a year. It strikes me that an industry with such a large turnover should indeed be looked at closely. In the words of the Royal Commissioner inquiring into the egg industry, an industry with a turnover of £2,000,000 a year is indeed an important one. I appreciate that the egg industry is a productive industry while the taxi industry offers a service. It is, however, important to note that £1,000,000 is being spent each year by the people for the services given by taxis. That is the phase into which we should look.

I feel quite satisfied in my mind that if the Bill is passed in its present form it will not be of any use to the lessee-driver or to the taxi industry which the Government hopes to protect.

The Hon. H. C. Strickland: Do I understand that you will support the Bill?

The Hon. A. F. GRIFFITH: The Minister states that he understands I am going to support the second reading of the Bill. In a few moments I shall tell him something else and which by now he may have gleaned.

The Hon. H. C. Strickland: When will you tell us what the Bill contains?

The Hon. A. F. GRIFFITH: I have already done that. It is the duty of the Minister to tell us what it means, but up to date we have not had a very satisfactory explanation. I am satisfied this Bill will not help the taxi industry at all. In addition, Clause 4 of the Bill seeks to engulf into the Act the following section of the community:—

Any person who is engaged in plying for hire.

I repeat what I said earlier that there are many more people in that category than there are taxi drivers.

The Hon. H. C. Strickland: Do you not desire to cover them?

The Hon. A. F. GRIFFITH: I shall not be lead by a bait of that nature. I am anxious at this stage to do something to help the taxi industry which, as pointed out by the Minister during the second reading and by his interjections today, is an important industry.

The Hon. H. C. Strickland: This Bill does not deal with the arguments you are putting up.

The Hon. A. F. GRIFFITH: During the past two years, one has often picked up the daily newspaper and read various criticisms, inquiries and doubts concerning the taxi industry; these comments are subscribed by all sorts of people. I believe the statement of the Minister that the Bill was being introduced at the request of the Transport Drivers' Union, but by the same token we on this side have received information and numerous requests to oppose the Bill, for the reason that it does not fulfil what it intends to achieve. One person has suggested that ultimately the taxi industry will not be very grateful to the Government for what it seeks to do. The Bill will not help the industry at all.

On the point that other people have written in and made requests, a particular person came to see me at Parliament House not so long ago, and asked me to support the bill. I discussed the matter with him—this man incidentally was not an office bearer in the union nor was he a taximan's representative in any way; he was simply an ordinary owner-driver—and I said, "Why do you want this Bill?" He said, "Well, although I am quite satisfied it is not the answer, I think it is a start." And I also believe it may be a start.

I asked him whether he could explain how he thought the Bill was going to help him. He said, "It will not help me. I am an owner-driver and will not come under the terms of the measure." So I said, "How do you think it is going to help other people?" He replied, "According to Mr. Graham, it is going to have the effect of cutting down on the number of taxi plates issued, and that is what we

want." I asked him, "Can you tell me how this Bill will achieve that?", to which he replied, "No I cannot."

He could not tell me, and I have not been able to find out. Nobody has given an explanation as to how this measure is going to stabilise the industry or how it is going to have any effect upon those fellows who are working such long hours.

The Hon. H. C. Strickland: We claim to cover the worker, and you are opposed to it.

The Hon. A. F. GRIFFITH: I am not; it is not a bit of use the Minister trying to draw red herrings across the trail in that manner. I am no more opposed to looking after the worker than is the Minister; but that is beside the point. I feel that—

The Hon. F. J. S. Wise: You represent the other side.

The Hon. A. F. GRIFFITH: I do not! I resent that remark! I represent the people of Western Australia who reside in the province of which I am a representative. I do not inquire their political colour when they come to me seeking my help. I feel sure that other hon. members who have had a look at this particular set of circumstances will agree with me when I say that there is a great deal of doubt, worry and wonder about those people who are employed in the taxi industry. Many believe that this particular Bill is not the answer to the problem; and I think there should be an inquiry into the whole phase of the industry to see whether a better basis cannot be evolved and to see what improvements can be made and whether any legislation can be introduced to give general assistance to the present situation. The position is worrying not only the people engaged in the industry but those who patronise taxis.

The Hon. H. C. Strickland: This should be the subject of a motion. The Bill only deals with the worker.

The Hon. A. F. GRIFFITH: According to the Minister's speech, he well knows that the Bill is concerned with taxi drivers.

The Hon. H. C. Strickland: Yes; as workers!

The Hon. A. F. GRIFFITH: Surely not even by the greatest stretch of imagination does the Minister expect me to accept his argument on the matter.

The Hon. H. C. Strickland: The Bill refers to employees.

The Hon. A. F. GRIFFITH: Yes, and it has application to taxi-drivers.

The Hon. H. C. Strickland: Yes.

The Hon. A. F. GRIFFITH: Whether employees or not! It is upon that point we agree. If the House will agree—and I shall—to the second reading of this Bill; and if the Legislative Council will agree—

to a Select Committee which will give us an opportunity of inquiring into all phases of the industry, we might, perhaps find out how some improvement can be made.

I know it could be suggested that with only four or five days of this Parliament to go, it will be impossible for the Select Committee, which is appointed, to report to the House. I agree with that; but there is a precedent for a situation of this kind. I can remember that in this House—I think it was three years ago—the late Hon. Harry Hearn, at a stage similar to this, because he thought the matter was of great importance, moved for a Select Committee to inquire into the Town Planning Bill. Because Parliament rose and there was no opportunity to report to the House during the session, he wrote to the Premier and asked that the Select Committee be placed on the basis of an Honorary Royal Commission in order that it might make its inquiries and investigations and report to the Government. I feel that if the Government has—and I am sure it has—a conscientious objective to help the people in this industry, it will give us the opportunity of making a full-scale inquiry; and it will agree to the motion that I will move if the second reading of the Bill is agreed to. This motion will be along the lines I have suggested.

As a member of the committee, I would like to assure the Minister that I will do all that is within my power to join with the other two members in making the investigations into this matter as quickly as possible in order that the recommendations may go to the Government which, if it thinks fit, can put such recommendations into effect.

The Hon. H. C. Strickland: After the session has ended?

The Hon. A. F. GRIFFITH: Well, of course, I have covered that phase, and the Minister knows that too. But let us go over it again so that the Minister is sure. I realise that Parliament will close. I said there was a precedent to appoint an Honorary Royal Commission in these circumstances, because it would be quite impossible for a Select Committee to report back to the House. It is not impossible, however, for an Honorary Royal Commission to report to the Government and if—

The Hon. H. C. Strickland: But it ensures that the Bill will not pass.

The Hon. A. F. GRIFFITH: Perhaps it does ensure that the Bill will not pass in this particular form at this particular time, but I believe that is a good thing, and that out of the inquiry—

The Hon. H. C. Strickland: I knew that you were opposed to it!

The Hon. A. F. GRIFFITH:—I trust we will get some worth-while legislation.

The Hon. H. C. Strickland: It is merely a move to defeat this Bill.

The Hon. A. F. GRIFFITH: It is not! It is a conscientious move to see if something cannot be done to improve the existing state of affairs, and anyone who reads the debate—including the interjections of the Minister—on this particular question will believe that that is my sincere objective. Whether the Minister believes that or not I do not care a hoot. I assure hon. members that it is my sincere objective and I support the second reading on the understanding that I will move that a Select Committee be appointed.

THE HON. G. BENNETTS (South-West) [3.18]: I believe that all hon. members should support the Bill and that it should be passed by both Houses. If it is found that there has been little or no improvement following the passing of the measure, then the appointment of a Select Committee, as suggested by the hon. Mr. Griffith, could be moved at the next sitting of Parliament.

The Hon. A. F. Griffith: In nine months' time?

The Hon. G. BENNETTS: I have travelled in taxis a lot while staying in the city, and I do not think there has been one driver, with whom I have discussed the situation, who has been satisfied with the present conditions under which this industry is operating. They are all wanting to know whether the Bill will be passed and, if so, what the position will be.

The Hon. A. F. Griffith: They are not all wanting to know.

The Hon. G. BENNETTS: Those I have travelled with do. The taxi-driver with whom I came to the House this afternoon said he would be disappointed if the Bill were not passed. He has been in the game for three or four years and feels that he wasted his money when he put it into the taxi. I was a member of a local governing body for 18 years, and we stipulated that there should be only a certain number of taxi plates issued, in keeping with the amount of business offering, in order to allow the men concerned to make a living and pay for their cabs; but some of the members of that local authority were defeated and their successors decided to increase the number of taxi plates, until there were about 10 more than we had considered there should be in order to cope with the business. They kept that number and the men concerned had to work long hours on the rank in order to get only bread and dripping, as against a good living.

The Hon. J. M. A. Cunningham: Not all of them.

The Hon. G. BENNETTS: That is so. The owner-driver was not so badly off, but the man who had to pay for the hire of

his cab was in a bad way. If a man paid £600 to go into the taxi business 12 months ago and wanted to get out today, he would be lucky to get back £300.

Hon. A. F. Griffith: Why?

The Hon. G. BENNETTS: Because the money is simply not there for the taxis. It is about time a survey was made of the number of taxis on the road, in order to find out whether the issuing of plates is being overdone or underdone. Every taxi-driver I have spoken to in the metropolitan area says the issuing of plates is being overdone—

The Hon. A. F. Griffith: Don't you think an inquiry would be a good idea?

The Hon. G. BENNETTS: I think we should pass this measure and after it had operated until next session an inquiry could be held—

The Hon. A. F. Griffith: And leave these men in their present condition meanwhile?

The Hon. G. BENNETTS: I support the Bill.

THE HON. J. MURRAY (South-West) [3.24]: Having heard the interjections by the Minister for Railways during a previous speech, I believe that if the Government were genuine in its efforts to protect a certain section of the industry, it would realise that it was in the hands of the Minister for Transport immediately—and 12 months ago—to restrict the issuing of further taxi licence plates. I know this might be against the Government's views, and I think it might express the view that the restricting of plates would create a monopoly and put a false value on them; but if that is the view of the Government we must take it into consideration when dealing with the present legislation.

As a previous speaker said, the Bill will not help the overall picture as regards the present number of taxi plates issued. Let the Minister for Transport shoulder his own responsibilities and face up to the chaotic position which he has brought on himself.

The Hon. F. R. H. Lavery: Which the R.S.L. brought on!

The Hon. J. MURRAY: That is complete nonsense. The hon. member should not drag that in at this stage of the business. The only person responsible is the Minister for Transport; and unless this House can examine the Bill and its ramifications, by means of an Honorary Royal Commission, I think the best thing we can do is not to pass the measure. I oppose the Bill at present.

THE HON. H. L. ROCHE (South) [3.26]: At the outset I must concede that I am not primarily concerned with the

taxi-drivers. I am particularly concerned, however, from the point of view of the people who use the taxis. I believe there are features of the present operations of this industry that are not satisfactory and that react against the users of the taxis. To my mind the user is the first concern. I am surprised that some previous speakers have not given him much part in their debate on the subject.

Next to the user of the taxis, I think the owner-driver must be considered. While all these complaints are being made about the excessive number of taxi plates being issued, I can cast my mind back to a time—not so very long ago—when there were obviously not sufficient taxi plates available. I do not refer to the war period, but some of the years since the war, when the taxi user got scant consideration from many of those engaged in the industry.

The Hon. A. F. Griffith: He still does, of course.

The Hon. H. L. ROCHE: Today there is a good deal more competition, but whether it is on a basis which is to the good of all concerned, or not, is, I believe, open to question. The more we hear of this industry and the conditions which apply in it, the more I believe there is justification for the suggestion of the hon. Mr. Griffith that some inquiry is warranted before we pass this Bill. As he said, if the Government wishes to proceed—it would be most unlikely that a Select Committee could report in time for legislation to be prepared and brought down this session—I think an Honorary Royal Commission should be appointed. If it were, we would be in a much better position next session to speak with knowledge of what is going on in the industry.

The owner-driver is the man who has his money invested in the industry. Many of those who are driving on commission, or on a hire basis, have not the same concern with the business. What amazes me—from my experience—is that some of them, although admittedly not a great number, have been able to get what I think is known as a conductor's licence. It seems extraordinary to me that more care is not exercised in that regard. Even since the first real volume of complaints arose in the taxi industry as to the number of plates being issued, it has been possible for men to dispose of their plates for sums up to £500 or £600. I understand that even now a set of plates is worth about £200. I do not say that the amount of £200 is particularly material, but I have been told that a man can dispose of his plates and then, at a later period, go to the Traffic Department and get another set. If that is so, it looks as though the conditions are wide open for trafficking in plates; and I wonder why it is so.

The Hon. J. M. A. Cunningham: If that can be done it is disgraceful.

The Hon. H. L. ROCHE: I have been told that but of course, I do not know it of my own knowledge. It is a matter which should be looked into. I have also been informed that among others in Perth at present there is a doctor who has four taxis. By no stretch of the imagination could he be called an owner-driver; he is merely an investor in the industry and he has men driving for him. This Bill should eliminate that type of ownership; but how has it come about that he is able to get four taxis? That is what I do not understand. There is also a bookmaker who has three taxis, and an Eastern States partnership which has 28.

If that information is correct, and I have no reason to doubt it, I think we are amply justified in wanting to have a look-see to find out how such a state of affairs has come about. I think much more control and supervision of the taxi industry—and some of those in it—could, under the legislation already on the statute book, be exercised even now through the Traffic Department or the people responsible for administering the legislation—I take it they would be the traffic police.

There is not a great deal more I wish to say beyond emphasising the point that I hope hon. members will not lose sight of the need for bearing in mind that we should be primarily concerned with the users of taxis and the giving of an adequate and reasonable service to them. I am a believer in free enterprise, where we can have it, and if this industry is run by owner-drivers, the economics of it should control the number of plates and the number of people on the road. If it is profitable, more people will come into it; if it is not profitable and a man likes to put his money into something where he might lose, that is his concern. I do not think we should concern ourselves unduly with any question regarding the arbitrary limitation on the number of taxi plates that are issued.

THE HON. L. A. LOGAN (Midland) [3.35]: It has been obvious to me for some 12 months that all was not well within the taxi industry in the metropolitan area. Although I do not use the taxis to any great extent—apparently I am not as financial as the hon. Mr. Bennetts, because he uses them frequently, whereas when I go around the city I have to walk—

The Hon. G. C. MacKinnon: You have a few mates, too.

The Hon. L. A. LOGAN: However, I do use taxis occasionally, and it is obvious that the owner-drivers are most anxious that this Bill should become law. If this Bill would give them exactly what they wanted there would be some merit in it; but I am not satisfied that it does that. When we look at the Minister's second reading speech, I think we have to go

further back and find out exactly what is meant by the words he used, and what he intended to say, because he said—

The proposal in the Bill stems from a request from the Transport Workers' Union—

Do not let us forget that the taxi-drivers joined the Transport Workers' Union only in an endeavour to get something done for them. Not one of them would become a financial member of the organisation until something was accomplished for them. That is how the Transport Workers' Union came into it. The Minister went on—

—which expressed concern for the practice that has developed over a period.

What is this practice that has developed over a period? And why has it developed over a period? We have not been told that. Because of this practice that has developed over a period, apparently we have a certain set of conditions applying today. Now let us see what set of conditions applies, and we will have a better knowledge of what the Bill intends to do.

I have no objection to the owner-driver; I think, the same as the hon. Mr. Roche, that the owner-driver is the man who will pay the greatest attention to the industry, because he has his own vehicle. He will give a good service to the public, because he wants to build up his own reputation. I am not averse to a certain amount of control over the hours within the industry. As hon. members well know, I supported some control of hours within the service station industry, in order to give relief to service station operators so that they could have a little home life. I believe, too, that the taxi drivers are entitled to the same conditions. But might I ask why the words "who is engaged in plying for hire in the delivery of goods" are included in the Bill in the definition of "worker"? This measure is supposed to apply only to the taxi-driver. I understand that is the intention of the Bill. Where does the delivery of goods come into the operations of a taxi-driver?

The Hon. F. R. H. Lavery: Taxi-truck drivers.

The Hon. L. A. LOGAN: But it could mean a lot of other people as well. That is probably one of the red herrings in the Bill.

The Hon. H. C. Strickland: You do not object to covering any workers, do you?

The Hon. L. A. LOGAN: Not altogether, but there is a certain set of circumstances in the country areas today. We have 54,000,000 bushels of wheat to get into the ports and sidings and if we are to limit the hours to 40 per week, under the terms of an Arbitration Court award, the harvest will be there for three years.

The Hon. H. C. Strickland: The railways work a 40-hour week.

The Hon. F. R. H. Lavery: The court comes into this too.

The Hon. L. A. LOGAN: Transport operators in those areas are working more than nine hours a day; they have to do that to get the wheat into the sidings and ports. When the Government inserts those words into the legislation, in order to cover taxi-drivers within the city area, I think it is getting away from the original intention of the Bill which was to help taxi-drivers in the city.

Let me now get back to the reason mentioned by the Minister as to why this practice has developed over the years; and let us find out what this practice is. We must have some kind of inquiry to see who is to blame for it. If the statement made by the hon. Mr. Roche, that an Eastern States firm has 25 or 28 taxis, is correct, there is something wrong somewhere.

The Hon. F. R. H. Lavery: They purchase them.

The Hon. L. A. LOGAN: They must have a lot of money to purchase 28 plates.

The Hon. G. Bennetts: They get it back easily.

The Hon. L. A. LOGAN: The Minister made the statement that these owners are receiving £25 a week from the individual; and that needs some inquiry. If the Minister's statement is correct, it is a case that could quite easily have been referred to the Commissioner of Unfair Trading, because to me it seems that the owners are obtaining an unfair profit at the expense of the driver. But I have not seen any such case referred to the Unfair Trading Commissioner.

We must have a look at these things. A number of statements have been made—particularly over the past 12 months—since this Bill has been before the House, not only from the owner-drivers but from the other side as well. All this makes me perfectly certain that I will not support anything unless I have a full knowledge of what is going on.

Many aspersions have been cast on what is going on in industry today, and not all of them have been in the best interests of industry. I would like to see some kind of inquiry conducted into this matter. If the Bill goes through, and no inquiry is conducted, I will move to strike out the reference to the carrying of goods. The provision will then refer to drivers carrying passengers. I do feel, however, that we must have an inquiry.

THE HON. J. G. HISLOP (Metropolitan) [3.42]: Like the hon. Mr. Roche I know very little about the taxi business, except that I use taxis at fairly frequent intervals. I have spoken to the drivers of these taxis, and have found that some

of them are satisfied while others are dissatisfied. It is quite obvious, however, that there are those who feel that something better could be achieved than is the case at the moment. I must say that very often I do not admire the dress of the taxi-driver; it adds nothing to the dignity of his occupation, nor does it give any sense of security to the individual who is using the taxi cab, when he finds someone who is attired in a manner which at best is casually casual.

The Hon. J. M. A. Cunningham: Some of them cannot afford anything better.

The Hon. J. G. HISLOP: If the number of plates is increased there never seems to be any difficulty in finding someone to drive a taxi.

The Hon. F. R. H. Lavery: That is because there is so much unemployment.

The Hon. J. G. HISLOP: The hon. member can make his own speech later; it will be very interesting to hear. I rise only on one or two points and it is possible that I might be out of order for bringing them up. Earlier in the year I was interested to read the findings of the judge in a case in which a taxi-driver had been associated in a fatal accident. In that accident a woman had been killed in a car into which the taxi-driver had driven his cab. The taxi-driver was banned for life from holding a licence. I do not know exactly what were the findings of the court, but the findings that appeared in the newspaper were to the effect that the driver was banned for life.

It looked very much as though this penalty of a life ban had been imposed, because the driver concerned had been an epileptic, though he had not had fits for nine years. The judge castigated the person concerned for having had so little interest in the public as to apply for a licence in the full knowledge that he was an epileptic. If an inquiry is to be held in this regard it will be interesting to know whether the taxi-driver is submitted to a full medical examination, and whether it is necessary for him to provide his past history in relation to his medical condition or not.

It struck me as extraordinary that a judge could ban a taxi-driver for life, adding the rider that he had been severe enough with the man—or so it appeared to me from the newspaper article—because the man was an epileptic though he had not suffered an attack for nine years.

The Hon. F. R. H. Lavery: The drivers are examined by a police doctor.

The Hon. J. G. HISLOP: It would be interesting to know the extent of that examination. The point I am trying to make is that if we are to go so far as to say to a taxi-driver, "You cannot drive a taxi if you have a history of epilepsy," what is to be the position in regard to an epileptic who owns his own motor car?

Sitting suspended from 3.45 to 4.8 p.m.

The Hon. J. G. HISLOP: I was stating that my interest in this case had been raised, because I know of any number of persons who, unfortunately, suffer from epilepsy and who drive their cars in the wrong manner. It brings to my mind the question of whether this whole industry should be generally overhauled and, in fact, whether some of the licences which are now given not only to taxis but to ordinary car-drivers, should be reviewed. I think there must come a time in life when a man is too old to drive a taxi.

The Hon. F. D. Willmott: Don't look at me!

The Hon. J. G. HISLOP: I was only looking at the hon. member for an example. I do not know whether there is a retiring age in the taxi field, but I consider that there should be a retiring age even for civilians in the driving of cars, because I know of people who find it difficult to drive when they get older. How many are involved in accidents, it is hard to say. I do not know whether an epileptic has been involved in an accident on account of an epileptic attack. I do not think it happens.

I consider that we should look at this whole industry from the point of view of giving a real assurance to the public that everything is in order. The taxi-driver should set an example for driving within the city and, in fact, within the State. The London taxi-driver does set an example, but the taxi-driver here does not always do so. Therefore, I have no hesitation in saying that, rather than agree with the Bill, the whole matter should be thoroughly looked into by a Select Committee.

I know people whom I would not like to call my friends, who own motorcars and act as owners of taxis. The public should be assured that this form of transport is just as strictly controlled as is the public transport run by the Metropolitan Transport Trust, previously run by the bus companies.

In my opinion, it is necessary to lay down a considerable number of regulations to deal with the examination of the candidates; their history; their standing in relation to the laws of the country and their eyesight. Also we should make examinations in connection with the standards of the taxis they drive. I would not hesitate to include in any measure, a clause to provide that the traffic authorities should regularly inspect the taxis not only as to their mechanical condition, but in regard to cleanliness, etc.

The Hon. J. M. A. Cunningham: That is done now, I think.

The Hon. J. G. HISLOP: Well, I will leave the matter there.

The Hon. E. M. Heenan: I imagine the taxi-drivers would say that civilian drivers should pass the same tests.

The Hon. J. G. HISLOP: I quite agree. The whole problem is a difficult one, and with the increasing power of motorcars and the greater speeds at which they can be driven, it is becoming more difficult. But some people are completely employed driving taxis and the strictest control over them should be exercised. I do not think it would do the taxi-driver the slightest harm to be engaged in an industry that was so controlled.

On motion by the Hon. F. R. H. Lavery, debate adjourned.

SWAN RIVER CONSERVATION BILL.

Second Reading.

Debate resumed from the 25th November.

THE HON. J. G. HISLOP (Metropolitan) [4.13]: This is an interesting measure, and, in principle, we should support a Bill which has for its object, the conservation of the Swan River, because the river is certainly one of the greatest assets that the State possesses. First of all, we must look at a Bill of this sort to see whether it is necessary. It would be interesting, I think, to hear a little more from the Minister as to the necessity for a measure giving such severe powers; and also to hear from the Minister, criticism, if it is justified, of the failure of local authorities to preserve the river and its foreshores.

Some people in the city have told me—and others have written to me—that they fail to understand why such a measure is necessary. They ask: Why cannot this be done by the local authorities? Is not this just setting up another Government department? I, personally, have no complaint about the Bill in this regard, because I believe a board of this nature can do a lot for the preservation of the river. However, I trust that the board will not try to do too much or to do anything too quickly. Possibly some of the difficulties into which we have driven ourselves, as a people, in the last few years, have arisen because we have attempted to do too much too quickly.

Today, everyone wants to live in perfect surroundings, whereas the pioneers realised it would take a considerable time before the conditions under which they lived would be such that they could say, "What we attempted to do is completed. We have beautiful surroundings in which to live."

My real objection to the Bill—if I have any—is to the form of administration. The administration is based on two committees, one of which is to be known as a board and the other as the advisory committee.

As far as I can understand the Bill, the board will consist of some of the senior officers of Government departments, but not the actual heads of departments. In addition, there will be on the board, representatives of public and sporting bodies, etc. The advisory committee, to which the board will refer certain matters, will comprise the heads of departments. One notices, too, that both the board and the advisory committee will have the power to appoint inspectors. So, we could quite easily have inspectors of the board and inspectors of the advisory committee; and those who had to conform to the wishes of the board or the committee might not know exactly who was causing an inspection to be made. Personally, I feel there should be only one committee responsible for the administration. I believe this is a top heavy administration, or, shall I say, the weight is on the underneath part of the board and that it is topsy-turvy?

I dislike this type of organisation because I saw something of the same sort during the war. We had in Western Australia a general who did not like to submit to the Civil Defence Council. So, when the council would not do exactly what he required, he called together some of the junior officers from the departments, and set up his own committee of inquiry at Mt. Lawley. This committee formulated schemes in regard to what should happen. These junior officers were in a difficult position, because when their decisions were brought back to the Civil Defence Council, of which the senior officers were members, their recommendations were negatived. It was not very long, of course, before the committee went out of action.

I fear that the same sort of thing is likely to happen here. We have the board representing local authorities, sporting bodies and the Government, but the senior heads of the Government departments will not be members of that board. The result will be that their decisions must inevitably carry much less weight than those of the advisory committee which is a committee, strictly, of heads of departments, with the exception of the chairman and, perhaps, one other man. I want to preserve the Bill, and in an endeavour to do so I want to be helpful. Therefore I have put on the notice paper two amendments which I hope hon. members will study because they are designed to give the board full authority.

In the amendments, I seek to transfer from the board the less senior officers of the department so that their places may be filled by senior men. I seek to give the board power to form sub-committees to inquire into what is desired. I also wish to give the board power to invite individuals to attend board meetings so that they can submit evidence. I wish to give it authority to carry out research and to appoint persons to conduct such research, but I do not wish to give it

authority to lay down certain things such as standards which are laid down by the heads of departments. The lay people on this board would not be suitably qualified to set such standards.

I have, by the amendments, left the clause in the Bill, but seek to modify the clause to provide that the board shall refer to the advisory committee all questions on standards by making it necessary that they refer these questions to the proper heads of departments. The difficulty I can visualise concerning the advisory committee meetings is that the members of the committee will be heads of departments of varying interests, and when some particular standard is required by the board it will have to call this advisory committee together; and yet it is possible that half the advisory committee will not be able to advise on, or will not possess knowledge of, the particular standard required.

It would be much better to allow the board the authority to go wherever it thought wise, among the departmental heads, to obtain advice on standards. Previously we have seen advisory committees, to which matters should be referred, finding themselves in the position that possibly only one or two members of the committee were able to give the required information on the matter under consideration.

In 1957 I had some information sent to me from the Local Government Association of W.A. It was contained in a document that was circulated, I think, by members of the Swan River Conservation Committee. The document carried no signature, so, therefore, I would not like to incriminate that committee. The following are extracts from this document:—

We attach considerable importance to the above suggestions under this section. We consider the board should have the discretionary authority to determine the extent and personnel of a committee best suited to advise on any particular problem from the panel of those nominated for the advisory committee. For example, the technical qualifications of such persons as Director of Agriculture, Director of Industrial Development and the Commissioner of Main Roads would not be required for every technical matter referred to the advisory committee, but where their qualifications would be advantageous, they would probably be included in the panel chosen by the board to investigate that particular technical matter.

Surely that is a more commonsense method than having a fixed committee. All hon. members would be well advised to give attention to the administration suggested by this Bill and to consider giving authority to the board on which local authorities are well represented; and we

should make the board arrive at its decisions after it has received advice from the best avenues available to it. In that way, I think the Bill would work well. From past experience, I am convinced that if these two committees remain in existence, the major body will be the advisory committee on which the public is not adequately represented. Furthermore, the members of the board will find themselves in difficulty because the representatives from the various departments will not carry full authority.

I know full well from experience that if we had this same procedure followed by certain committees they could not possibly carry on. If the committee could not be certain that the head of a department would be present and able to say "Yes" or "No" to a particular proposal, and it had to be referred back to the department again, chaos would result. The same would happen with this set-up. We should put the heads of departments on the one board and give it full authority to investigate whatever is required to be investigated. If that is done we will have a measure that will prove beneficial to the people of Perth in regard to the conservation of the Swan River.

I do not intend to deal with all the details of the Bill concerning which I have placed amendments on the notice paper, but there are one or two to which I will refer only briefly. I am not at all certain what the word "adjacent" means, and quite a number of people have told me that they are not certain either, although this word was recommended by the Local Government Association. We speak of West Perth as being adjacent to Subiaco, so when it comes to distance it is very difficult to define the word "adjacent."

In my amendment I have suggested the words "within a reasonable distance" of the foreshore, but what is a "reasonable distance"? To me the question seems to be how to define where the authority of this board begins and ends. There are other words in the Bill which have to be looked at carefully. For instance, the words "formulate" and "promulgate" are used. "Promulgate," among these other definitions includes the word "proclaims." So, if the board can proclaim schemes, difficulty arises with the local body, because, as the Bill is drafted, this board takes no part in any scheme, but it can formulate and promulgate schemes without any expense to itself.

I have taken the view, by my amendment, that if the board formulates and promulgates schemes it is involved equally with any other local body. That is only fair. I have also suggested that the board's power should be advisory. If some body is not responsible for what another spends, its plans can be rather large and its ideas can be more comprehensive than can be afforded.

I have one final comment to make on the Bill and I am sure the Minister will assist in this matter. I do not quite know where to place in this Bill the right of appeal by either the local authority or the individual, against the decisions of the board. Not for one moment do I consider that a local authority or an individual should have the right to go on holding up this scheme—because the authority or the individual may be backed with wealth—by appealing as far as the Privy Council, but, nevertheless, I think there should be a right of appeal. But at what point we stop an appeal and how the appeal is made, are questions that have left me in doubt since I began studying this measure.

The Hon. F. J. S. Wise: Of course, if you do not specify courts, you stop appeals.

The Hon. J. G. HISLOP: There is no appeal at all.

The Hon. F. J. S. Wise: If the appeal is not made to a court, it can be made as under town planning.

The Hon. J. G. HISLOP: If the Minister will assist us by limiting the appeal, I will be quite happy. In all these matters the individual should have the right of appeal, and under town planning we have seen the need for such appeals. In regard to town planning the appeal to the Minister has been very salutary.

I do not know whether the matters over which this board will exercise its authority will be very many. That depends on the meaning of the word "adjacent"; if it is a question of the foreshore and its beautification, very likely no other than local authority will be involved. The difficulty of an appeal arises when an inspector under this legislation goes on to a factory or other construction, and instructs the owner to carry out certain work with a view to conserving the river. In that case some appeal may lie.

One difficulty arising out of this matter is that in the past permits have been issued by Government departments for the disposal of factory wastes. The Health Department has issued such permits. In my view these permits should stand. If we are to make a completely new approach to the permits issued by the departments, we may put some people to considerable expense, which may not be wholly justified but which, in the light of modern knowledge, is preferable to the present arrangement. If it is only preferable we should not adopt a new approach, but if it is necessary for the preservation of the river or for health reasons then we should do so. If the Bill is passed for a time at least we should allow the existing permits to stand.

Those are all the points I wish to raise. I have every intention of supporting the Bill with a view to having it placed on the statute book, but I would appeal to

the Minister to examine the administration of this legislation. I am sure that under the proposed method of an advisory committee, the result will not be satisfactory. I support the second reading.

THE HON. G. C. MacKINNON (South-West) [4.34]: The previous speaker has studied the Bill in some detail and has arrived at the conclusion that the best step is to support the second reading, and amend the clauses during Committee. Unfortunately, I have not been able to arrive at the same conclusion. I have some queries to put forward and I hope that answers can be given to help me make a decision on the matter.

We have not been told in what manner the local authorities have failed in their management of the Swan River. In my view there are several ways in which an area of foreshore can be administered. In the past the method adopted was to place various stretches of the foreshore under different local authorities, each administering its portion. If this method has failed, then we should be told in what manner it has failed. Steps should then be taken to improve the liaison between the respective local authorities so as to make it easier for them to administer their areas of foreshore. If this method fails, then an endeavour should be made to place legislation on the statute book to enable the local authorities to carry out the management of the river effectively.

Instead, we are faced with another form of governmental control. To my way of thinking the authority proposed in the Bill is not another semi-government instrumentality; it is another form of Government. Already there is local government and the State Government. The present Government which is introducing this Bill has consistently advocated the dissolution of the Legislative Council, yet it repeatedly advances measures for additional forms of governmental control. In this Bill we are, in effect, told that the local authorities cannot exercise effective control of the river; that the State Government will not do so; but another form of Government should be created to take over control.

It is proposed to establish another Government instrumentality to manage the Swan River. On page 14 of the Bill power is given to that body to raise loans, but I take it such loans will have to be repaid. I am pleased to see that it has not been given the power to impose taxes. Not content with having one police force, this body is to have some inspectors appointed under the board and others under the advisory committee. On page 17 the board is given power to appoint inspectors, and on page 19 the advisory board is given similar powers. On page 25 the committee is given the power to use the State Police

Force. So the controlling body is infinitely better off than we are, because it has in effect three police forces.

The Hon. F. J. S. Wise: Will you analyse what they are to police?

The Hon. G. C. MacKINNON: Their functions differ from the functions of the State police. In my opinion no case has been advanced to show that the establishment of this committee is the solution to the control of the river. I would like to be convinced that there is no other alternative but to establish the proposed authority. If it is established, then every local authority concerned will only be able to take action through it.

The time has come when a warning should be sounded. We should be sure that the constitution of this and similar authorities is absolutely necessary. Simplicity of control is still the ideal state. I agree with what the hon. Dr. Hislop has said in regard to supporting the second reading and improving the provisions during Committee. My query is whether the proposed board is necessary at all. Is establishment of the board the only way to achieve the result we all desire; that is, to conserve and beautify the Swan River?

It is about time that we examined carefully the various boards that are being established by statute. Before we give support to the Bill, we should be absolutely sure that under the existing framework the local authorities cannot achieve what we desire with regard to the Swan River. I trust the Minister will reply to the points I have raised.

On motion by the Hon. F. J. S. Wise (Minister for Industrial Development), debate adjourned.

INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND)

ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. H. K. WATSON (Metropolitan) [4.48]: This Bill seeks to enlarge upon and vary the provisions in the parent Act with regard to the acquisition of land for subsequent re-sale to private industry. In moving the second reading the Minister explained the motive behind the Bill, which is to facilitate the encouragement of industry to Western Australia. So far as this aspect is concerned, I feel that the object behind the measure will receive the support of every responsible citizen if by this means we can encourage industries to come to this State, particularly overseas industries. Thus, a dual purpose will be served; the State will be assisted by the introduction of capital from overseas but,

more important, these industries will provide employment in their own activities as well as in the activities of the ancillary and subsidiary undertakings.

The parent Act provides that the Minister may purchase or resume land for industrial purposes and then sell it to an applicant who has initiated the operations. In other words, the Act as it stands at the moment, stipulates that any manufacturer or person engaged in industry, who desires to acquire a particular parcel of land, must make an application in the form prescribed in the Act, following which his application will be considered by the committee comprising the Surveyor-General, the Director of Industrial Development, the Chairman of the Town Planning Board, a representative of the Chamber of Manufactures, a representative of the local authorities, and a medical officer from the Public Health Department. That committee conducts an investigation into the application and makes its recommendation to the Minister, and, subject to any appeal which may be made by the person whose property is being resumed, the land is then acquired by the Crown and subsequently sold to the industrialist, at a price representing its total cost of acquisition, including all expenses connected with such transaction.

I understand this Bill is designed to short circuit some of the more or less cumbersome practices in the Act, to enable the Government to buy land—as distinguished from compulsory resumption. That is to say, it can go into the market like any other buyer and either with or without the use of an agent, or working with or without a nominee, buy a particular piece of land on which an industrialist may have indicated to the Government his desire to carry on his business. It is not clear to me, under the Act as it now stands, as to what the price will be when this property is sold or handled over to the industrialist.

The Hon. F. J. S. Wise: That may vary with circumstances. It may be a gift.

The Hon. H. K. WATSON: Yes; I was just going to lead up to that. I understand from various announcements made recently—particularly in regard to manufacturers intending to come here—that one of the inducements that has been offered is that land—up to a certain acreage—may be given to them by the Government. That raises the question in my mind—and the interjection by the Minister has emphasised the query—as to whether it is intended that the provisions of this section shall apply only to—shall we say, for want of a better word—big industries, such as the one mentioned in the Press during the last week or two; or is it going to be available for an industry of any class belonging to any person? If the latter is the case, it seems to me that the Government will be buying into an awful lot

of bother if it is going to become a general agent for acquiring land on behalf of industry. If it is going to be confined to special industries, then I feel there is much to be said for the case which was submitted by the Minister when he pointed out the rather lengthy process which has to be followed at the moment. As I remarked, there is much to be said for short-circuiting the provisions.

At the same time, under the present Act, there is a safeguard in the fact that the application is submitted to a committee and that the whole proceedings are more or less governed by the findings of the committee and the Minister, and there is a check and counter check. The first of two possible objections to the Bill as it stands, is that at one extreme we have to see that a landowner, whose property the Government desires to buy in order to sell or give it to someone else, does not have the price of his land unduly depressed by the threat of resumption, if he does not sell. The other danger is that at the other extreme, if it is spread abroad that the Government is considering buying land for some industrialist, and it has its eye on some particular district or section, then it could well be—

The Hon. J. G. Hislop: The sky is the limit.

The Hon. H. K. WATSON: —it could very well be, as the hon. Dr. Hislop interjected, that the sky will be the limit. That is a danger which also has to be guarded against. I have been exercising my mind as to just how that can be done, and it seems to me that we could possibly achieve the Minister's desires and guard against the two possible dangers to which I have just referred, by incorporating a provision somewhere in the Bill that within 30 days after the transaction has taken place, or within 30 days after the meeting of Parliament, whichever shall first happen, all the files and papers in connection with the whole transaction shall be tabled in both Houses. Although the deal will then have been completed, all files and papers would be laid on the Table of both Houses within the shortest possible period after the completion of the transaction. If it were a deal about which, for any reason at all, there was likely to be criticism, then the opportunity for gathering information for that criticism would be readily available to the House.

Those are a few thoughts that suggest themselves to me, but it is not quite clear when the property is being sold, what events will follow, because at the moment the Bill provides that where the applicant is approved the provisions of paragraph (b) of Subsection (5) and Subsection (6) of Section 12 shall apply to the land, the subject of the application. Subsections (5) and (6) of the parent Act provide that if the Governor approves of the applicant he shall direct whether the land

applied for shall be sold as for an estate in fee simple to the applicant, or whether the applicant shall be granted a lease of such land.

Then Subsection (6) of Section 12 provides that where the Governor elects to transfer or convey the freehold estate in any dedicated land to an applicant therefor, the price to be paid and the conditions of sale shall be fixed and determined in accordance with regulations under the Act.

The Hon. F. J. S. Wise: There is an additional principle in the Bill, namely, that the land reverts to the conditions under the Land Act for this purpose. You will find that on page 2 of the Bill.

The Hon. H. K. WATSON: I would like the Minister to deal with the point I have raised, and the point he has just made, when replying to the debate. Subject to those remarks I support the second reading.

THE HON. F. J. S. WISE (Minister for Industrial Development—North—in reply) [4.59]: I appreciate very much the thoughtful contributions made in connection with this Bill. With regard to the arguments raised by the hon. Mr. Thomson, although he stated he was quite willing to support the Bill to expedite the purchase of land in the manner proposed by the Governor in Council, he nullified all of his support by his subsequent remarks and, indeed, by the amendments that he has placed on the notice paper. If he were able to convince the Committee to accept those amendments he would destroy the purpose of the Bill altogether. I am not sure whether the hon. Mr. Thomson is conscious that that would be the effect of his proposals. I cannot believe that would be his intention, unless he in any way desires to stifle development or to discourage manufactures or manufacturers. If that is not his desire I believe that, when dealing with his amendments, I will be able to convince him that they would be unwarranted and unjust.

The hon. Mr. Watson has stated, apparently without qualification, that he supports new industry and he, in my view, correctly outlined the principles contained in the existing Act. As he stated, this Bill is designed—for one of its purposes at least—to short-circuit certain practices demanded when the parent Act was brought into operation. The hon. Mr. Watson asked this question: Is this Bill, with its provisions, to be used for any class of industry or person who desires to organise or commence an industry in Western Australia? This measure is designed, in its amendment of the two principal operative provisions of the parent Act, to enable the purchase of land—in the interests of the person concerned or the future industrial development of the State

—for the purposes of the Act, and to assist in the acquisition of land more readily than the parent Act permits.

If hon. members will look at Subclause (1b) of Clause 2 of the Bill they will find that where it is considered desirable or necessary to overcome the strictures in the parent Act in regard to a ready acquisition of land, the Bill provides for the purchase of land available to the Government for sale by a willing seller; land available to be purchased by the Government without, as I mentioned when introducing the measure, interfering in any way with any zoning—either town planning, municipal or local government—in order readily to acquire land which is available, and which may be purchased without the long-circuit proposals which the Act now imposes.

The Hon. H. K. Watson: You say “without disturbing the town planning scheme”?

The Hon. F. J. S. WISE: Yes, definitely. There is no intention—the Premier gave that assurance in another place—of doing that. The Government will conform to the requirements in the availability of land, whether it is under Section 11 of the parent Act to which an amendment is proposed, not only providing for dedication of any Crown land for industrial purposes but also power to cancel such dedication to enable immediately the purposes of the person intending to establish the industry to be implemented, or to deal with the purchases of land by agreement with the owner, presumably at a market rate. I can give an illustration of that, later, without disclosing things which I should not disclose. There is provision, by agreement with the owner of the land, for purchase under such terms and conditions as the Governor may agree to; and the Governor is not, as the hon. Mr. Thomson impressed on this Chamber twice last evening, the Minister in control of the Act. The Governor is the Governor-in-Council, meaning all the Ministers of the Crown, plus the Governor in Executive Council. That is the situation.

Therefore, when land has been inspected—whether dedicated land or land acquired under the provisions of the existing law—and acquired, it may be parcelled out to an intending industrialist as a site upon which to develop his industry. At present this State has many enquiries from people abroad, for the establishment of industries near to Perth. In the city, at the moment, are two very important gentlemen from overseas, who have looked at many sites. They have selected a site as being the most suitable to their purpose of any land they have seen in the metropolitan area, and it is not Crown land—

The Hon. H. K. Watson: Is it in an industrial area?

The Hon. F. J. S. WISE: Yes. Those members who heard the early news this morning may have heard that these people

are satisfied to establish themselves in Western Australia and expend at least £250,000, initially, and to use Western Australian products, including minerals, provided they are able to get the site they have selected as the most suitable to their needs.

The Hon. H. K. Watson: And get it quickly.

The Hon. F. J. S. WISE: Yes. It is conceivable that, although the Crown has land set aside for industrial purposes, acquired under the Industrial Development (Resumption of Land) Act, all or any of that land need not be suited to many industries, and so the provisions of the Bill are designed to facilitate the acquisition from a willing seller, to the Crown as a willing buyer, of such land, to enable a person to be able to be told, while in Western Australia, "If that is the land you desire and it is on the market, we will readily acquire it for your purpose." Where it is that, for industrial development, land from time to time becomes available for purchase, the parent Act will be used, and I think that point was missed by the hon. Mr. Thomson.

It is important to be able to give the assurance sought by the hon. Mr. Watson and I make no qualification to this assurance. The hon. Mr. Watson, in his illustration of the two possible objections regarding a person being deprived of the true value of land by the threat that the Government would compulsorily acquire it unless he sold, and that of the person on the other end of the scale who, knowing the Government was in the market, would demand an exorbitant price, raised an important point. Before this measure goes into Committee—if the second reading is agreed to—I will have ready for tomorrow's sitting an amendment drawn to state that the Government will, within 30 days after the transaction or within 30 days of the sitting of Parliament, table in both Houses of Parliament the details of the transaction.

It is quite proper that such deals as this should be absolutely above suspicion, and that is the basis the Government would desire; and certainly the basis that worthy and substantial people, intending to invest their money in this country, would desire. I therefore hope the Bill will be passed in its present form, subject only to the amendment I have foreshadowed.

The Hon. H. K. Watson: Would the Minister develop the selling side; sale or gift, as the case might be?

The Hon. F. J. S. WISE: Yes. Under the present circumstances, with one group of industrialists being at present in this State and being assured of land as a gift to enable them to start their industry, the first answer is that that land, however acquired and whatever is paid for it reasonably as a market price, will be given to them. In

another case it may be that the operations of intending industrialists in this State would be of such magnitude that they might be asked to share the cost of the land, whether rededicated land, land acquired under the parent Act or land acquired under this measure when it becomes law. That has been examined and so, as I am given to understand in regard to the point which the hon. Mr. Watson properly raised, there is no stricture by the regulations under the present law in relation to the making of a gift of land, once it comes back under the Land Act as the Bill provides.

The Hon. H. K. Watson: Are you quite satisfied of that?

The Hon. F. J. S. WISE: I am advised that that is so and, if it is not so and the Bill passes the second reading today, I will have the matter investigated in the next 24 hours. There is nothing more that requires to be said in reply to the questions raised during the debate on this Bill.

Question put and passed.

Bill read a second time.

BILLS (4)—ASSENT.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

- 1, Inspection of Machinery Act Amendment.
- 2, Health Education Council.
- 3, City of Perth Parking Facilities Act Amendment.
- 4, Wheat Industry Stabilisation.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly received and read requesting concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 2, 14, 22, 28, 32, 36, 37, 45 and 47 laid on the Table of the Legislative Assembly by command of His Excellency the Lieut.-Governor and Administrator on the sixth day of November, 1958, be carried out.

UNFAIR TRADING AND PROFIT CONTROL ACT AMENDMENT BILL.

First Reading.

Received from the Assembly and, on motion by the Hon. F. J. S. Wise (Minister for Industrial Development), read a first time.

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL.

Second Reading.

Debate resumed from the previous day.

THE HON. F. J. S. WISE (Minister for Local Government—North) [5.16]: The Bill introduced by the hon. Mr. Thomson proposes to amend the Municipal Corporations Act, and more particularly Section 39 of that Act. I think it might have been an oversight, or an omission, but in any case it is a serious matter that the hon. member overlooked the fact that although there are 21 municipalities in the State of Western Australia, there are 126 road boards; and this Bill is designed to exonerate the actions of certain members of municipalities but entirely overlooks the needs and rights of members of other local governing bodies.

As the Bill is introduced to amend the Municipal Corporations Act, it would give to such municipalities as Carnarvon, which is not a very big one, York, or Busselton, certain separate and elastic powers which would not be conferred, for example, on members of the Perth Road Board, or any other road board not anything like as large. In recasting Section 39 of the parent Act to seek exemptions for councillors in certain respects, the Bill goes far beyond the needs of the moment. I know that the hon. member cited Albany, and certain happenings there, as the starting point for the need for this legislation.

Certain aspects of trading, although quite proper, could be regarded as improper under the section of the Act mentioned in this Bill, and certain councillors could be disqualified. I do not wish to weary the House by reading the section as it stands, but I think it will be found that the amendment will give even to officers of the council, and to councillors certain rights which, owing to their elasticity, could bring about severe results. I wish to say at this stage that although it has been the prerogative of the Local Government Department—and it has done so on some occasions—to point out to members of local authorities that they have prejudiced their position by being interested in some work connected with the council, and such members have subsequently resigned, there is no record existing, except in the case of the Goomalling Road Board, where action has been taken to oust the member concerned. That is the only case on record.

As I mentioned when speaking to the Local Government Bill before it left this Chamber recently, we all know that there are many occasions, because of the peculiar circumstances that exist in country areas, where trading is almost a necessity between the council and one or other of the councillors. But the question is never raised. Indeed, I suggest that it would almost need

the action of a common informer to upset things that according to the law are improper, but which are not improper so far as human or personal action is concerned.

The Hon. H. L. Roche: But you realise that something like that does obtain.

The Hon. F. J. S. WISE: Quite. This Bill seeks to relieve members of councils from the disqualification provision for selling goods or doing work for the municipality where such work is not the subject of a written contract. The hon. member is endeavouring to amend Section 39 (2) (b) to overcome that. But the effect of this could be—

The Hon. J. D. Teahan: To make it worse in certain instances.

The Hon. F. J. S. WISE: Yes, it could make it much worse. I will endeavour to give an illustration. An officer of the council, acting within his authority, could engage a councillor to carry out day labour work for the council and, although such councillor would be prohibited from taking part in any discussion, or voting on the matter, his seat would not be jeopardised if the Bill were agreed to. This Bill is not curative to the degree the hon. member thinks. It could be, too, that the councillor is in a position to dismiss the employee and in that event it is quite easy to imagine the sort of repercussions that could arise.

In connection with the sale of goods, it is not generally known that Section 4 of the Sale of Goods Act, 1895, provides in effect that—

A contract for the sale of goods of the value of £10 or upwards shall not be enforceable by action unless certain conditions are complied with to bind the contractor or the contract, or where the evidence be a memorandum in writing.

Therefore, any person selling goods to the council would obviously protect himself by evidence in writing, which in effect is a contract, and thereupon any councillor interested in the sale of goods would be debarred from taking part in any discussion or voting in the council on the matter.

The Hon. G. C. MacKinnon: He would have to give a docket in any case, and that would constitute evidence in writing.

The Hon. F. J. S. WISE: That is so; that would constitute a memorandum in writing. There are provisions in other States to overcome the difficulty which the hon. Mr. Thomson has presented to this House as being a real one, and one that affects councillors in certain districts because of the peculiar activity in which they are engaged. But there is one point in the hon. member's speech that I could not follow. He referred to "the contract or the employment being of such a nature

that the ratepayer is accepting it in the exercise of his rights and responsibilities as a ratepayer, or something that he may reasonably be expected to do." I do not know what that means, because I think the rights and responsibilities of a ratepayer are to pay his rates and attend ratepayers' meetings, cast his votes at elections or polls, and not to breach any by-laws or regulations. Therefore, I think there must be some other explanation of that point; I admit I did not readily understand it.

The Local Government Department strongly holds the view that as similar provisions are contained in the Road Districts Act, dealing with prohibitions where a member is interested, and making it a penalty for voting on any matter in which the member has a pecuniary interest, or indeed a direct or indirect interest, this Bill should not be agreed to. There are only two States in the Commonwealth—Western Australia and Queensland—which make any provision to give members of local authorities exemption in relation to the sale of goods, or for doing work under contract. As a fledgling Minister in this matter—

The Hon. G. C. MacKinnon: You only moulted, did you not?

The Hon. F. J. S. WISE: —and not having had a long experience in handling matters in respect to local government, but having had, from the outside, some experience of it, I recommend to the hon. member that the wisest course at this stage is not to proceed with the Bill. At this stage, as Minister for Local Government for the time being, I would prefer to give an undertaking that action will be taken to submit amendments to the relevant statute or statutes during the next session of Parliament in order that the position can be simplified and clarified, and to enable all local governing bodies to be put on the same footing. I think that is implicit in dealing with an amendment of this kind.

I would like to mention the Fire Brigades Act. Simply because a member of a road board accepts the responsibilities of a fire control officer, and may receive some benefit or protection by way of insurance, he could be said to have some office of profit. All these matters should be looked into for the purpose of rectifying what could be an injustice, and to obviate happenings that could be considered improper according to the law. In the meantime I do not think that members of local governing bodies would be running any more risk, certainly no more than they have been running for the past 15 years, in pursuing the same course as servants of a local governing body or as an ordinary citizen within a local governing body's area. I oppose the Bill.

THE HON. R. C. MATTISKE (Metropolitan) [5.30]: I do not wish to labour this point unduly, because the Minister, fledgling though he may be in local government matters, has certainly covered this matter most thoroughly. But I would like, at the outset, to commend the hon. Mr. Thomson for his action in drawing attention to what might be an omission from the Act and, at the same time, to express my regret that he did not take similar action so far as the Road Districts Act was concerned, because the provisions of the two statutes at the present time are very similar indeed regarding prohibition.

As the Minister has said, a far greater amount of local government work is done in Western Australia under the Road Districts Act than under the Municipal Corporations Act. The first point in connection with the Bill to which I would like to refer is that I cannot quite see the reason for the proposed amendment to Section 39 of the principal Act with the alteration of the position of the words "and not pursuant to any written contract." I cannot see how the alteration of those words is going to have any real effect at all, for the very reason given by the Minister, that a contract for the sale of goods greater than £10 in value must be evidenced in writing. I think it is proper that the Act should remain as it is at present.

The next point is that the proposed alteration to paragraph (b) of Subsection (2) of Section 39 of the principal Act, would, I think, make its application far too general, and would require some reconstruction for that purpose. If the Bill should be read a second time, I propose in the Committee stage to introduce an amendment to add after the word, "organisation" in line 13, page 2, of the Bill the words, "not carried on for the pecuniary profit of its members." By that means I feel there will be a definite restriction as to what is profit under the Bill.

Another point to which I wish to refer is the wording in the proposed new paragraph (d) of Subsection (2) which reads, "his having entered into such a contract or employment." To me that seems quite vague, and I would like the sponsor of the Bill to consider that aspect, and give it further consideration with a view to pinpointing exactly what contract, or employment, is referred to. With those few remarks I feel that the measure should be given a second reading, because obviously in the municipality of Albany there exists a set of conditions under which some individuals may have their seats in local government jeopardised.

Even though the conditions have existed for the last 15 years, and even though no one has thought fit to take action

against any of the members of local government, I feel that if the opening is there, the interests of those members should be protected. I would support the measure even though we may go only part of the way in dealing with municipalities. We may, however, need to have a further bite at the cherry later in the session, or in the next session, to provide similar legislation for those working under the Road Districts Act. I support the second reading of the Bill.

THE HON. G. C. MacKINNON (South-West) [5.36]: With some regret I feel I cannot support the second reading of this measure, for very much the same reasons as those put forward by the Minister. Twice previously this session, I have spoken on similar legislation, and there is therefore no point in my making a long speech.

The PRESIDENT: Has the hon. member spoken on this Bill before?

The Hon. G. C. MacKINNON: No, Mr. President, I said that twice before I had spoken on similar legislation. I have made it clear that I dislike this provision in the Municipal Corporations Act, and that in the Road Districts Act; and I also very much dislike Clause 34 of the Local Government Bill. I think I made this point very clear. I still feel that these matters are so complex and difficult that it is virtually impossible to amend them satisfactorily. There is such a wealth of case history abounding on this particular clause, and there are so many rulings in existence, that if we attempt to correct one aspect we run into difficulties with others.

There has been an amendment suggested in relation to the addition of the words "not carried on for the pecuniary profit of its members"; and this perhaps is a good example of the difficulties which confront us when trying to amend this Act. It deals with a club or sporting organisation, and the difficulty arises when we endeavour to define whether it is run for the pecuniary profits of its members or not. I am sure every hon. member would probably argue that no club is run for the pecuniary profit of its members.

But the judge asks to be shown the constitution of the club, and if it mentions the fact that in the case of the club being wound up the assets are to be distributed to some charity, then it is all right; but if that is not the case it is taken for granted that these assets would be distributed among the members and, accordingly, profits would accrue to the members. There is case history to support that.

Hon. H. K. Watson: No; you cannot make a profit by dealing with yourself.

The Hon. G. C. MacKINNON: The hon. member will find that an honorary member of a club has been held to have a

pecuniary benefit by being a member by virtue of the fact that the constitution of a particular club included honorary members in the distribution of its assets in the event of a wind up. It is not necessarily profit under this Bill, but it is an interest, however remote, however small and however problematical. That is the sort of thing that we run up against; no matter how we try to amend the provision we will always run up against the same problems. If we try to ease it a little, we find that we open it a little in connection with malpractice. I agree with the Minister for Industrial Development—and I think this should be noted on this rare occasion—that the only way to really handle this question—

The Hon. F. J. S. Wise: I am quite prepared to celebrate our agreement.

The Hon. G. C. MacKINNON: —is to re-write Clause 34 of the Local Government Bill which is related to these other Acts. A piecemeal approach to the problem will involve us in more trouble than enough. For those reasons I feel constrained to vote against the measure.

On motion by the Hon. H. L. Roche, debate adjourned.

HOUSING LOAN GUARANTEE ACT AMENDMENT BILL (No. 2).

Second Reading.

Debate resumed from the previous day.

THE HON. H. K. WATSON (Metropolitan) [5.40]: This Bill is designed to enlarge the scope of the principal Act that was passed last year. On that occasion we passed an Act which gave the Government power to guarantee lending institutions the repayment of moneys advanced by them to home builders, for the purpose of assisting the general public to secure homes. This Bill proposes to go a step further, and to permit the Government to guarantee the lender who lends, not to individuals, but to a lending institution. Basically, I have no objection to that principle, because I think it has much to commend it, particularly in the case cited by the Minister when moving the second reading of the Bill, when he explained that an overseas organisation was prepared to invest a commencing sum of up to £250,000 by way of loan to an institution in this State which would, in turn, retail that money.

In a word, the guarantee of which we approved last year was one for retail transactions. This Bill proposes to permit of a guarantee for wholesale transactions. I support the principle of the Bill, but with one very serious warning, because it does seem to me that the measure is capable of going much further than anyone reading it might reasonably assume. For example, it provides that a person who lends to institutions may be

guaranteed by the Government. When talking of institutions we should look particularly at Sections 4 and 5 of the principal Act, wherein it suggests as institutions a building society, a bank or savings bank, an insurance company, or a super-annuation board. Those are what the average person generally conceives to be institutions.

If we turn to the definition section of the existing Act, we find that "approved institution" includes "a person" who is an individual. Whilst one could applaud the proposition of one institution lending money to another institution and having the borrowing institution guaranteed, that is all right so long as the borrowing institution is a reputable, solid and sound one. Under the definition, an individual is an institution. The Bill will permit—I would like the Minister to listen to this particular point—of a loan being made and a guarantee being given to "any person." It could be to a "Gill" or to a "Russell's Transport," and I feel that is hardly the intention behind the Bill. However, on the wording of the measure, such a possibility is quite clear, and that being so, it seems to me that inasmuch as any failure or any default on behalf of the borrower has to be met by the Government, this is a matter to which the Government should give very serious consideration.

In brief, I submit that the Government should not entertain the idea of guaranteeing any person, any firm or any company unless it is a recognised and responsible lending institution—a building society, savings bank, superannuation fund or some such organisation.

In this State, we have half-a-dozen or so permanent building societies, which, for varying periods of from 40 to 50, or 96 years have been carrying on business in this State. These societies have one aim and object, and that is the encouragement of thrift and the promotion of homeownership. They exist to assist persons to obtain their own homes. They do not exist to promote any land-selling scheme or any building scheme.

The directors of the societies are independent and are not connected with land selling on the one hand, or with building on the other. But I do feel that that cannot be said of some of what are known as the terminating societies, and extreme caution will need to be exercised by the Government in dealing with these guarantees. If there is any institution which ostensibly is a lending institution, but which directly or indirectly has its directors associated with or interested in, in any manner whatsoever, the promotion of land sales or building contracting, then the utmost caution should be exercised in guaranteeing the loan to any such society,

because basically we find that an institution of that nature is concerned—not like the building societies with the lending of money to assist persons to buy their own homes on a sound financial basis—primarily with the selling of land at fancy prices. They are interested in financing home ownership as a secondary consideration, and their prime interest is in making a profit out of selling the land.

I should be very sorry to see the Government guaranteeing any institution of that kind, because, in my opinion, it would be taking a very serious risk. The Minister, when making his second reading speech on this matter, admitted that there is a slightly greater element of risk to the Government under this process. I seriously suggest to the Minister that there is a much greater element of risk if the guarantees are not confined to institutions which have no connection with land-jobbers or with building contractors. Subject to those remarks, I support the second reading of the Bill.

THE HON. H. C. STRICKLAND (Minister for Railways—North—in reply) [5.52]: I am sure hon. members will be grateful for the studied and considered opinion just expressed by the hon. Mr. Watson. While realising the element of risk is certainly much greater under the provisions of this Bill, I draw attention to the fact that, at all times, a borrower must be an "approved institution" or an "approved person" and there will always be ministerial control over the guaranteeing of loans. Therefore, it is a very remote possibility that any Government will deliberately leave itself open to dangerous risks or take chances that are not reasonable.

As I explained when I moved the second reading, the Bill seeks to extend the normal procedure with the object of stimulating home building which creates so much employment throughout the State. Everything connected with building these days is produced in the State and it creates direct and indirect employment.

I do not think there will be any occasion for concern in connection with this matter. While admitting that it is possible to be over-generous, I feel quite secure in the thought that whoever becomes the Minister to administer this Act will be cautious in that regard; and the Minister concerned will not guarantee loans without reference to the Treasurer who in turn will submit the matter to Cabinet for consideration.

The Hon. G. C. MacKinnon: You do not think it could be covered by an amendment?

The Hon. H. C. STRICKLAND: I do not think that is necessary. Governments come and Governments go; and the reputations of Governments depend a great deal on the actions the Ministers take. In this case, the Minister would refer the matter to the Treasurer, who in turn would bring it to Cabinet. Therefore, there is a safeguard, but I feel sure the Government will give careful consideration to the opinions expressed by the hon. Mr. Watson in regard to this matter.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

Bill read a third time and passed.

House adjourned at 5.59 p.m.

Legislative Assembly

Thursday, the 27th November, 1958.

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