

tion of fertilisers—will also be produced in Western Australia. I hope that in the not too distant future further agreements will be reached to enable Western Australia to become self-sufficient in these items.

I expect that development of the known deposits is proceeding as quickly as possible. I hope that some prospect exists for us to find a more worth-while copper deposit than the existing one, and to find other minerals which are required for mixing with superphosphate. In this State there is a very large usage of copper, and development of new deposits should be given greater attention.

These agreements, coming one after another, make us realise—if we need to be reminded—the terrific pace of development being undertaken in Western Australia. I congratulate the Minister, in particular, for the great part he has played in negotiating agreements for the development of our State; and in having the required investigations made. With those comments I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [5.7 p.m.]: Briefly I would like to say that I appreciate very much the remarks made by Mr. Heenan and by Mr. Abbey in support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

House adjourned at 5.9 p.m.

Legislative Assembly

Thursday, the 14th September, 1967

The **SPEAKER** (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS (14): ON NOTICE

POLICE FORCE

Natives Employed

1. Mr. W. A. MANNING asked the Minister for Police:
 - (1) How many men who could be classified as natives are employed in the Police Force?
 - (2) Are many applications for appointment as constables received from natives?
 - (3) Am I right in assuming that no differentiation is made between applicants provided the usual requirements are met?

Mr. CRAIG replied:

- (1) None.
- (2) Within the past two years, one only.
- (3) Yes.

THIRD PARTY INSURANCE

Tribunal: Appointment

2. Mr. GUTHRIE asked the Minister representing the Minister for Local Government:
 - (1) What parts of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1966, have in fact been proclaimed?
 - (2) Has the Third Party Claims Tribunal to be established by section 18 of the Motor Vehicle (Third Party Insurance) Act, 1943-1966, been in fact established?
 - (3) If the answer to (2) is "Yes," are claims being dealt with by the tribunal?
 - (4) If the answer to (2) is "No,"—
 - (a) when is it anticipated that the tribunal will commence dealing with claims;
 - (b) what is the reason for the delay?

Mr. NALDER replied:

- (1) Sections 1, 2, 6, 7, 8, 9, 19, and 21 were proclaimed to come into operation as from the 1st July, 1967, in the *Government Gazette* No. 39 of the 5th May, 1967.
- (2) Yes.
- (3) No.
- (4) (a) As soon as practicable after the rules and regulations are made in terms of section 20 of the Motor Vehicle (Third Party Insurance) Act Amendment Act, 1966, and the accommodation for the tribunal is completed.
- (b) The making of the rules and regulations and the completion of the accommodation for the tribunal, as stated in (a) above.

DRUNKEN DRIVING

Stationing of Police Officers outside Hotels

3. Mr. FLETCHER asked the Minister for Police:

As my question of the 12th September, 1967, suggested policing with a mobile breathalyser not all metropolitan but unspecified hotels at closing time—

 - (a) was his negative reply influenced by knowledge of a shortage of police to cope with my suggestion; or
 - (b) what other reason motivated the negative reply?

Mr. CRAIG replied:

(a) No.

(b) The practice as suggested is not deemed to be efficient and satisfactory police administration.

In explanation, I mention that the answer to his query is "No"; because I am sure he will realise the number of men involved would be rather considerable if this work were carried out in the manner that he requests at all hotels and clubs in the metropolitan area.

4. *This question was postponed.*

ELECTRICITY SUPPLIES

Northcliffe: Wiring and Connection

5. Mr. ROWBERRY asked the Minister for Electricity:

- (1) When does he anticipate that the wiring of Northcliffe for electrical power will be finished?
- (2) Has there been any undue delay in connection with this wiring?
- (3) If so, what was the cause of the delay?
- (4) Has a date been fixed for the turning on of the power at Northcliffe?

Mr. NALDER replied:

- (1) Early November, 1967.
- (2) Some delay has occurred in the construction of the main line from Yornup to Quinninup.
- (3) Boggy conditions due to the wet winter.
- (4) Mid-November, 1967, provided sufficient consumers in the towns are wired.

OVERWAY AND ROAD

Swan Street, Guildford: Construction

6. Mr. BRADY asked the Minister for Works:

- (1) Is it intended to build a new bridge and road via Swan Street at Guildford?
- (2) Are further resumptions of property to be made?
- (3) How many properties have been resumed in anticipation of the new road and bridge?
- (4) Has consideration been given to the urgency of the work in view of the pending closure of the Market Street rail crossing to vehicles and pedestrians?

Mr. ROSS HUTCHINSON replied:

- (1) This bridge proposal is embodied in the Metropolitan Region Scheme, but reconsideration is

necessary having regard to the changing traffic pattern affecting the overall road system of the Midland-Guildford area.

(2) Answered by (1).

(3) As a condition of subdivision, some land was obtained from property just east of Meares Street.

(4) No. It is not considered that the closure of the Market Street rail crossing alone would justify the construction of a new river bridge on this site.

HOUSING

Bunbury: Withers Housing Development

7. Mr. WILLIAMS asked the Minister for Housing:

(1) What number of homes or units in the Withers State Housing Commission area are—

(a) purchase;

(b) rental;

(c) Government Employees' Housing Authority and for what departments?

(2) Are any lots available for private purchase; if so, how many, and have any been sold?

(3) Is it proposed to sell the proposed hotel and shopping sites in the south-west corner of the area; if so, when?

Mr. O'NEIL replied:

(1) The Withers estate consists of two halves; that situated on the northern side of Hudson Road containing 75 acres has been subdivided into 230 residential units, practically all of which have now been constructed.

The area south of Hudson Road contains 136 acres and this has been designed as a residential complex of single, duplex, and terrace houses, walk-up and cottage flats, and, if required in the future, high-rise flats. Development will be planned to occur over four or five phases.

It is proposed that the first phase will commence as early in 1968 as clearing, road construction, and installation of water and sewers will permit.

It is intended to develop 75 sites for single houses, and 33 sites for 66 units of duplex and cottage flats, in the first phase.

The detailed distribution to provide rental, Government Employees' Housing Authority, War Service, and other departmental housing has not yet been attempted.

ted. This will be done when the land is ready for the calling of tenders.

The allocations will be related to the then recorded demand. Generally, a policy of selling individual houses and renting duplex and terrace housing and flats will be followed.

Future timetabling of development of the estate and the construction of accommodation will be related to demand, availability of funds, and the turnover of the then existing housing stock at Bunbury.

- (2) Sites for single houses to be erected by individuals with their own funds, or as project developers, will be available when subdivisional development has advanced to the stage where title can be given. The numbers have not yet been determined, but will be related to the demand existing at that time.
- (3) Yes. The previous design has been revised and is now before the Town Planning Board as a preliminary to requesting the local authority to zone as sites for hotel, service station, and shops. As soon as these formalities are completed, the commission will invite development propositions—the goal being to advertise the availability before the end of the year with a view to having the facilities available as early as possible in 1968.

BUNBURY BY-PASS ROAD

Completion

8. Mr. WILLIAMS asked the Minister for Works:
 - (1) When will the Bunbury by-pass road be completed and ready for use?
 - (2) What will be the classification of this road?
 - (3) Could he advise on the junction treatment at each end?
 - (4) Will flashing lights be installed at the railway crossing?

Mr. ROSS HUTCHINSON: replied:

- (1) The road will be ready for use by the end of October, 1967.
- (2) It will be proclaimed a controlled access road.
- (3) Junction with Bunbury-Busselton-Yallingup Road—a simple "T" junction.
Junction with Bunbury-Collie-Wagin Road—a "T" junction with some channelisation.
- (4) Yes.

TIMBER LEASES

Holders, Royalties, and Permissible Intake

9. Mr. ROWBERRY asked the Minister for Forests:
 - (1) How many private firms, other than Hawker Siddeley Building Supplies, hold leases of forest land in the State?
 - (2) What are the names of these firms and the extent of the leases held by each?
 - (3) What royalty per load does each of these private firms pay?
 - (4) What percentage of permissible intake does each of the above firms cut on each of their respective leases?
 - (5) To what particular timber does the firms' rights in the leases extend?

Mr. BOVELL replied:

Mr. Speaker, I request that this question be postponed *sine die* so that I may, with your permission, discuss it with you. The question involves practically the whole of the operations of the Forests Department and the numerous mills established throughout the State, and the preparation necessary to answer this question is fraught with many difficulties.

FREMANTLE TRAFFIC OFFICE

Inadequate Accommodation

10. Mr. FLETCHER asked the Minister for Police:
 - (1) Is he aware of inadequate office space causing overcrowding in the Fremantle Traffic Office?
 - (2) Is it the intention of the department to relieve this congestion by some temporary means as the shifting of the Fremantle Traffic Office to an alternative site would appear to be a long term and expensive project?
 - (3) Is he aware that the present situation causes difficulty to the staff and public alike?

Mr. CRAIG replied:

- (1) Yes.
- (2) Some action has been taken to relieve the position, and the matter of the replacement of police buildings at Fremantle is presently under consideration by the Government.
- (3) Yes; but the difficulties have been minimised as much as possible.

SEWERAGE

Metropolitan Area: Percentage of Homes Served

11. Mr. DAVIES asked the Minister for Water Supplies:

- (1) What percentage of homes in the metropolitan area—taking such area to be within a 20-mile radius of Perth—are connected to a deep sewerage system?
- (2) What percentage of remaining homes are programmed to be connected to a deep sewerage scheme within each of the next five years?

Mr. ROSS HUTCHINSON replied:

- (1) The information asked for is not available, but it may be of use to quote the percentage of properties connected to the sewer in relation to properties supplied with water. This is 42.5 per cent.

Not all properties for which sewer facilities are available are connected. The number of properties not connected represents about 4.5 per cent.

Other properties have septic tank installations where soil is suitable for their use.

- (2) This information is not available. Whether the percentage stated in (1) can be maintained or improved depends on whether sufficient loan funds are made available.

BASIC WAGE

Redundancy of Definition

12. Mr. W. HEGNEY asked the Minister for Labour:

- (1) In view of the fact that recent legislation introduced by the Government has been responsible for the removal of the power of the arbitration court to declare a basic wage and any variation thereof, does he agree that subsection (5) of section 4 and the definition of "Basic Wage" in section 5 are redundant?
- (2) If the answer to (1) is "Yes," what action, if any, does the Government propose to take to restore the *status quo*?

Mr. O'NEIL replied:

- (1) and (2) Amendments made to the Industrial Arbitration Act in 1966 define an "existing basic wage." Provision was made for the variation of this wage by notification in the *Gazette* in certain circumstances related to declarations by the Commonwealth Industrial and Arbitration Commission. The most recent determination by that com-

mission to declare a total wage in lieu of a basic wage and margin could be said to have nullified the power to notify variations to the "existing basic wage." However, the State Industrial Commission still has power to make appropriate adjustments to wages. It is understood that the determination of the Commonwealth Commission, to which I have referred, is subject to contest at law and the State Government is keeping the matter under observation.

STATE SHIPS

Trade with Timor

13. Mr. ELLIOTT asked the Minister for Transport:

- (1) Has he given consideration to the suggestion that the State Shipping Service investigates cargo and trade possibilities with Portuguese and Indonesian Timor?
- (2) If so, has he taken any action?
- (3) Is he aware that the Governor of Portuguese Timor has offered to meet transport costs from Darwin and accommodation costs in Portuguese Timor for any Western Australian delegation which might go there?

Mr. O'CONNOR replied:

- (1) Yes; and it is considered that further investigations should be made.
- (2) I have taken this matter up with the Minister for Industrial Development on the basis of a representative of that department visiting Timor to examine the position.
- (3) No official notification has been received, although I believe some verbal discussions have taken place.

WOODBIDGE NURSING HOME

Conversion to High School Annexe

14. Mr. FLETCHER asked the Minister for Education:

What was the total cost involved in the conversion of the Woodbridge Nursing Home to portion of Governor Stirling High School?

Mr. LEWIS replied:

Departmental records show that a total of \$550.60 has been spent on the Woodbridge Nursing Home since it was vacated by the Public Health Department on the 12th March, 1964.

QUESTIONS (4): WITHOUT NOTICE MIDLAND

Rapid Transit Terminal: Installation

1. Mr. DUNN asked the Minister for Railways:
 - (1) Have tenders been called for installation of the Midland rapid transit terminal?
 - (2) If so, when do tenders close?
 - (3) When is building completion expected?
 - (4) When will proposed timetables be available?
 - (5) What are the areas expected to be serviced?
 - (6) Has any thought been given to transporting passengers from the Kalamunda area through the terminal?

Development of Land

- (7) Has any recent approach been made to develop the land previously held by the Midland Railway Co. in central Midland?
- (8) If so, can plans and details be tabled?
- (9) Does this give consideration to Midland Council requirements?

Mr. O'CONNOR replied:

- (1) Yes.
- (2) The 23rd October, 1967.
- (3) Approximately October, 1968.
- (4) Tentative schedules were drawn up in 1964, but, due to the effluxion of time, revision will be necessary in collaboration with the Metropolitan Transport Trust. This will be arranged in ample time for introduction of the services.
- (5) Upper Swan—Bullsbrook.
Wexcombe—Baskerville.
Swan View.
Parkerville—Chidlow.
Mundaring—Sawyers Valley.
Darlington—Glen Forrest.
Bellevue—Koongamia.
Helena Valley—Boya.
Midvale.
- (6) No.
- (7) Yes. Both the Midland Town Council and private developers have expressed interest in the area. In addition, the State Housing Commission is currently undertaking a study for development in conjunction with the Metropolitan Region Planning Authority.
- (8) Not at this stage.
- (9) Yes.

LAND GROUP

Deputation to Premier

2. Mr. TOMS asked the Premier:
 - (1) Has his attention been drawn to an article on page four of the East Suburban Section of today's *The West Australian* under the heading, "Land Group seeks Meeting with the Premier on Planning"?
 - (2) If the answer to the above is "Yes," is he prepared to receive the deputation mentioned to discuss the position?
- Mr. BRAND replied:
- (1) Yes.
 - (2) This is obviously a matter for the Minister for Local Government and Town Planning, but I am prepared to discuss it with the Minister to ascertain the reasons for his decision.

PERTH CITY COUNCIL

Pamphlet: Dismissal of Mr. Ritter

3. Mr. W. HEGNEY asked the Premier:
 - (1) Has he seen, or has his attention been drawn to, an unsigned and scurrilous pamphlet which has been circulated in Perth? The pamphlet is headed, "Reds Support Ritter." It goes on to state as follows:—

Bloodless Revolution

Support your democratically elected councillors and resist the elements who would dislocate the function of City Government.

- (2) In view of the contents of the pamphlet, and in the public interest, will the Premier give serious consideration to ensuring that an inquiry into all the ramifications of the controversy and into the activities of the Perth City Council be made by an impartial body as soon as possible?

Mr. BRAND replied:

- (1) I have not seen the pamphlet.
 - (2) If the answer has not already been given by the Minister for Local Government, who has been considering a petition, it will be given in due course.
4. Mr. TONKIN asked the Premier:

Further to the question just asked by the member for Mt. Hawthorn will the Premier have inquiries made, and inform the House as to who was responsible for the issuing of this pamphlet? I received a complaint early this morning from a very worthy citizen of this city who said that he objected to being dubbed a

Red simply because he signed a petition in accordance with what he thought was his democratic right. In view of the fact that this pamphlet has caused considerable concern to a number of people, it is desirable that the information be made public.

Mr. BRAND replied:

Many pamphlets of this nature, which are unsigned, are circulated. It will be a rather difficult matter for anyone to make the proposed inquiries. I do not think it is the responsibility of the Government to institute an inquiry, unless we have positive information that the pamphlet refers directly to certain people. Without committing myself, I shall discuss this matter with the appropriate Minister. If we feel there is action we can take we will follow up by making an inquiry, but only in connection with the pamphlet.

DENTISTS ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr. Ross Hutchinson (Minister for Works), read a first time.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 29th August.

MR. GRAHAM (Balgatta—Deputy Leader of the Opposition) [2.35 p.m.]: In my view this Bill is somewhat akin to the curate's egg, being good in parts and not so good in other parts.

Mr. Brand: Many measures of that description have been before the House.

Mr. GRAHAM: It deals with a number of unrelated matters, and, for this reason, perhaps, most of the debate will take place during the Committee stage. I shall make reference to the points in which I am interested, and as they appear in the Bill. I commence by referring to clause 3 which seeks to alter the basis on which representatives of the taxi-car owners' association shall be elected to the Taxi Control Board.

At the present time there is a board of seven members, one of whom shall be nominated by the W.A. Taxi Operators' Association; and two shall be elected by the taxi owners and operators, other than those who are members of the association. It will be seen that the organisation has a direct representative. Those who are not members of the association shall have the right to elect two members. In the past this course has been followed: the election has been conducted by the Electoral Department.

The Minister proposes that not only shall the taxi owners' association nominate its representative, but that the members of the association shall also have a vote in respect of the other two representatives. Surely it will be evident to members that such a proposal is grossly unfair—that certain taxi owners shall have three persons to represent them, and shall be entitled to play a part in their selection. The taxi operators, who are equally worthy, will have a say in the appointment of only two of those representatives.

The Minister did not give any reason for the proposed change which, in my view, would be for the bad. In addition to that, the Bill proposes that after the election has been held to appoint the representatives to the board, if either of the two elected members is unable to attend to his duties or responsibilities—on account of a long trip abroad or through some unfortunate illness—then, instead of the taxi operators electing a deputy or proxy, the Minister shall make the selection.

This could result in the Minister, who might have the best intentions in the world, appointing someone who was totally unacceptable to the taxi operators. I do not think that is fair. I do not know what caused the Minister to develop this idea, because in some Statutes with which we are familiar—such as the Public Service Appeal Board Act and the Government Employees (Promotions Appeal Board) Act—provision is made for the persons concerned not only to elect their representatives, but, at the same time, to elect others to act as deputies. These deputies serve from time to time, on occasions when the full or the direct representatives are unable to be present.

If we concede the right of the taxi operators to elect their own representatives, then surely they should be the ones to decide who shall be the deputies in the case of the absence of one or the other, or both, of their elected representatives. Therefore, in order to dispense even-handed justice and make it in accordance with something that has already been laid down by Parliament, I have had placed on the notice paper an amendment which, in due course, I desire to submit for the pleasure of members.

The next provision about which I desire to make some comment is the principle embodied in clause 7. Perhaps the Minister can give some information and enlightenment. This proposes that where a person desires to purchase a taxi which is already licensed, he can enter into certain arrangements by notifying the Taxi Control Board, and if the board is assured that all of the moneys in respect of the transaction will be met, etc., then notification will be given to the effect that any application for transfer of the vehicle will be granted.

For the life of me, I cannot understand why the Minister is buying into this matter. If a person owns a taxi which he desires to sell to someone else, then surely it is a matter entirely of a personal arrangement between the first person and the second person. It is possible to enter into a financial arrangement by way of legal document, setting out the amount and the other considerations, subject to the approval of the transfer by the board. There is nothing new or novel about that, because I have with me such an agreement in which a person says he has already paid to another person the sum of \$4,600, the total purchase price of taxi plates, two-way radio, taxi meter, taxi-for-hire lights, and the taxi sign. Incidentally, there is something interesting about that with which I will deal later. This is a business proposition—an agreement between two people under which a certain sum will be paid conditionally on the transfer being approved.

Why, in the name of all that is reasonable, should this have to be referred to the Taxi Control Board and then the board have to satisfy itself that the whole of the moneys, if any, advanced to the person concerned has been, or will be, used for the purpose of fully discharging any obligation?

Is the Government entering into the lists here to become an alder and abettor to moneylenders, or what? The Minister gave us no reasons whatever for this proposed change. I do not think it is necessary. I think the less we have the Taxi Control Board meddling in the affairs of the taxi owners and operators, the better.

The board was set up at the request of the taxi operators, who wanted some form of organisation and who wanted to be separated from the direct administration of the Police Department because they felt—and all political parties agreed with this—that these were people who were, in addition to being concerned with police traffic matters, conducting businesses, and it was hardly proper and fitting that the Police Traffic Branch should be playing a part in determining the course of business propositions.

So this Taxi Control Board came into operation; but I am afraid that boards of one sort and another, like so many other creations of Government and Parliament, tend to become laws unto themselves, until in the final analysis, in most cases, they bring about their own destruction. If I may digress, that is exactly the position regarding the Onion Marketing Board. Because of the foolishness, excesses, and unreasonableness of that board, the growers revolted and voted overwhelmingly for its abolition.

Mr. Nalder: What is the tip that they will be applying soon to have the board reconstituted?

Mr. GRAHAM: I guarantee that there is no prospect of that in the lifetime of the Minister.

Mr. Nalder: Already a hint of that has reached my ears.

The SPEAKER: Order! There is certainly no reference to this in the Bill.

Mr. GRAHAM: The Minister is completely removed from the facts—completely and utterly—in the same way as he was last evening concerning the public reaction regarding electricity. But let us get back to this Bill, which concerns taxis.

Mr. O'Connor: Let no-one do his onion on this Bill!

Mr. GRAHAM: No, because it would bring tears to our eyes! Here let me say it is interesting to see what has happened with regard to taxi plates. I mentioned a figure just now of \$4,600 which was contained in an agreement between two persons—one the owner of a licensed taxi vehicle, and the other the party anxious to purchase. From inquiries I have made, I find that the cost of a set of taxi plates, if an additional vehicle is to be licensed tomorrow, is \$2.50, but the current market price of taxi plates is \$4,800, which includes the meter and the two-way radio. If those items were being purchased on a second-hand basis, they would represent somewhere around \$300. Therefore one can say that plates costing \$2.50 cost any person seeking to buy, the sum of \$4,500, approximately.

I do not know whether it is the intention of the Taxi Control Board to interfere in this matter, but, in all conscience, I suggest to the Minister that he re-examine the question as to whether there is any necessity for the Taxi Control Board to interfere, have any say, or seek details and particulars when an existing taxi-car operator desires to sell to another person who is quite willing to purchase under certain conditions acceptable to both parties.

It might be appropriate here for me to give concrete evidence of this tendency of boards—and in particular, of course, the Taxi Control Board—to start playing a role which was never intended by Parliament when the legislation was passed. I quote the case of a certain person, and the Minister for Transport is familiar with it. Before I go on any further, let me say that I want to thank the Minister for the logical and common sense viewpoint he took, followed by appropriate action.

The person, the subject of this exercise, happens to have served in the Royal Australian Air Force for a period of almost nine years. After the war in 1947 he drove a taxi for about a year, and later, in 1957, he was approved by the police as suitable to be a taxi owner. For many years he held, and still holds, a motor driver's license in respect of all vehicles.

If members care to consult their own driver's license they will see there are certain restrictions.

This person holds a driver's license which, I repeat, entitles him to drive all vehicles. He has been conducting a driving school for quite a number of years. He holds a professional driving instructor's license issued by the Police Department. In 1964 he completed a full course and he holds the certificate of proficiency of the advanced driving teachers' competency classes.

In September of last year he applied for, and was issued with, a conductor's license by the Police Department; that is, he received a permit which entitled him to drive a taxi. For personal and private reasons, he returned the license, the badge, and the rest of it, in March of this year. In April of this year he saw an opportunity of purchasing a taxi and consequently he applied for taxi plates, or for the transfer of the vehicle, over which he had an option to purchase. This application was refused by the board in May of this year.

In June he once again applied to the Police Department for a conductor's license; that is, a permit to drive a taxi, and it was granted to him by the Police Department without any hesitation or demur whatsoever. Again he applied to the Taxi Control Board for approval to purchase and operate his own taxi, but the application was again rejected by the board. Very shortly afterwards the Minister to whom I have referred overrode the decision of the board and authorised approval of the application to purchase.

Members will realise that over the last 12 months this person has been approved twice by the Police Department as someone who is qualified to drive a vehicle and as someone whose personal behaviour and habits are sufficient for him to be entrusted with the responsible task of taking passengers, male and female, young and old, at all hours of the day and night.

Apparently in the eyes of the board this person was all right, and could be trusted to drive somebody else's vehicle, as long as he was paying \$50 per week tribute to hire a vehicle from somebody. Yet the board would not give him a license in his own name. Why? Surely in the name of all that is reasonable, a person is more likely to both drive and look after his own vehicle better than he would somebody else's vehicle. Nevertheless, the decision of the board meant that this person—apparently for ever and a day—would have been compelled to pay a heavy weekly tribute, and would have been denied the right to own and operate his own taxi.

I asked for the papers to be laid on the Table of the House and they were. There was in the papers no reference whatsoever to the grounds on which the refusal was

made. I can only assume that the Minister went to the trouble of informing himself by whatever means were available to him in order to ascertain all the facts. Apparently he was satisfied that justice had not been done. Anyhow, thanks to him the matter has now been attended to in a satisfactory manner.

It is because of this sort of thing that I am somewhat reluctant in the matter of giving additional powers, responsibilities, or the right to delve into matters, to this particular board. I do not know whether it can be verified, or whether it is true, but there is an allegation from one of the taxi drivers who sought to purchase a vehicle. His wife has signed as certifying with him, and his allegation is that a certain person was visited by one of the representatives of the board and the party was informed that it did not matter how often he applied for a license in his own name, it would never be granted by the board. This allegation is in black and white, and it also appears in the files of the Taxi Control Board.

If this kind of thing is going on, then there is something radically wrong; and surely it lends weight to my argument that the taxi operators, in respect of their deputies as well as the original representatives, should be elected by the taxi operators themselves. If this were done, the taxi operators would have some say, and on the next occasion when something untoward happened they would have the right to dismiss a representative if any behaviour or action was taken which was detrimental to the best interests of those whom the representative had been called upon to serve.

There is one other clause about which I want to speak and that is clause 12. The Minister indicated there are provisions somewhat akin to this in other legislation; that is, it is proposed that the Taxi Control Board shall be given the power to make regulations, to prescribe offences, to prescribe penalties, to lay down the method of notifying persons, and to set out how the offences shall be dealt with. The only saving grace is that the maximum penalty that can be inflicted is \$10, and the person against whom a complaint is made shall have the right, if he cares to exercise it, to have his case taken to court instead of its being dealt with by the board.

It may be true that there are other cases where something similar to this is enacted and, of course, agreed to by Parliament. Nevertheless, I consider it is a procedure which should be avoided as far as possible. We have set up quite an involved system of courts of law, and the normal process should be for cases to go to those courts; except, of course, a person, through signing at the bottom of a sheet, can plead guilty to certain offences and thus save the time and expense attached to the actual hearing before a court of

law. However, when complaints are made about a board as I have made them—and, indeed, there are many others—we should think more than twice before agreeing to remove from the ambit of the ordinary processes of the law certain matters and allow them to be determined by the Taxi Control Board itself, and then enable it to proceed as a court of law.

In saying some of these things, I am aware that unfortunately, perhaps, there is some clash and division in the ranks of the taxi operators; although, generally speaking, I think I am right in saying that there is perhaps less of it today than was the case a few years ago. I hope and trust that relationships will continue to improve.

It is basic, of course, that these people shall be adequately represented on the board and, for that reason, I have criticised earlier provisions. However, it is my intention—and, indeed, the intention of the Opposition—to support the Bill at its second reading stage, but to seek further enlightenment and, in certain cases, amendment when the Bill reaches Committee; if, indeed, that be the wish of the House.

MR. MITCHELL (Stirling) [2.59 p.m.]: I would like to say a few words on the measure to support it, because I believe it is in the interests of improving the taxi services of the city. At the same time, I want to make some criticism of the people in charge of the taxi service, because in my opinion they have not done their job as they should have. I hope the passing of this measure will ensure a tightening up of the position and enable an improvement in the service. I consider the best method of relieving the congestion of traffic in the city area is the provision of first-class taxi and bus services. I am afraid I cannot congratulate anybody on either of these services, and especially the taxi service.

By and large, I think the great majority of taxi drivers are disturbed about the way in which the taxi service operates. It is apparent that there is no examination for taxi drivers to ensure that they know their way around the city, or to find out what knowledge they have of the city.

I would like to cite my own case in point. Three times in the past 12 months I have engaged taxis and have asked the drivers to bring me to Parliament House. On each occasion the taxi driver did not know where Parliament House was! Members may laugh at this, but that was the position.

Mr. Graham: That is another reason why we should have demolished the archway.

Mr. MITCHELL: It is a positive fact. On three occasions I engaged taxis in the Terrace and when I asked the drivers to

take me to Parliament House they did not know where it was; I had to tell them.

Mr. Rowberry: Couldn't he "speak a da English?"

Mr. MITCHELL: Many taxi drivers agree with me that this is a deplorable state of affairs, and people such as I have described should not be granted a license.

Also, I visit my daughter who lives in one of the suburbs and on every occasion when I have been to see her, the taxi driver has taken me by a different route. The charges range from \$1 to \$1.30, and it is apparent that the drivers I have engaged do not know much about the city or the suburbs. This sort of thing should not be allowed by the control board. Taxi drivers should not be granted licenses unless they know something about the area in which they are operating.

If one goes to a city such as Sydney, even though one may not know where a place is, the taxi drivers do and one is immediately driven to one's destination. To me the instances I have quoted are glaring, and they show a complete lack of control by the board.

Something else which is becoming common practice in the city is for drivers to leave their cabs unattended at a rank. I have seen a cab unattended for up to 20 minutes, and because of the vehicle being parked at the rank no other vehicle could come in to pick up a fare; this despite the fact that the car on the rank was unattended. Some of the drivers park their cabs at a rank and then go and do their shopping. On one occasion I had to wait for some considerable time, and when the driver came back and I told him I wanted to go to Parliament House he brought me here and did not want to charge me. This was because he knew he was breaking the law.

That is another instance of bad management on the part of the Taxi Control Board. The Deputy Leader of the Opposition also mentioned the price being paid for taxi plates. If people have to wait as long as I have had to wait on many occasions to get service, it is no wonder plates are so expensive. I have waited outside the House for up to three-quarters of an hour, despite the fact that the taxi company was advised on several occasions that a fare was waiting. On one occasion, when I had to wait three-quarters of an hour, I had to cancel an appointment I had made in the city.

Many people have complained to me that they have phoned for a taxi and although the company has taken their order they have had to wait, on many occasions, for up to three-quarters of an hour—despite the fact that further phone calls had been made requesting service. If taxi operators cannot provide a better service than that, more plates should be issued.

As far as I am concerned, all these instances point to a lack of control by the board and I hope that when the amendments in the Bill are agreed to, the Minister will take the opportunity to impress upon the board that if taxi drivers will not provide a decent service around the city something should be done about it.

MR. ROWBERRY (Warren) [3.4 p.m.]: The member for Stirling has raised a most important point because taxis play a big part in our transport system and, in the future, will play an even more important part as a link for conveying people from the centre of the city to the perimeter.

The honourable member raised two points that are already covered by the Act. One was in connection with going the long way around in travelling from one point to another. I can assure the honourable member that according to the Act he need pay only the price which would be charged for travelling the shortest distance between the two points.

Mr. Nalder: How would you know that?

Mr. ROWBERRY: If he knows the distance he will know how much it should be.

The other point the honourable member raised was in regard to taxi drivers not being in attendance at their vehicles. That, too, is a breach of the Act. By the provisions of his license a taxi driver is required always to be in attendance at his vehicle. However, I support the Bill because anything that can be done, administratively or in any other way, to improve the efficiency of the taxi service of the city would have my support. I am convinced, as I am sure other members who have been overseas are convinced after having seen the public transport systems of other cities, that eventually we will have to rely more and more upon public transport in the shape of taxis, buses, railways, and other means of conveyance.

Those of us who have seen the taxis, buses, tube railways, and other forms of transport in London, could not help but be impressed, and could not fail to have noticed the almost complete absence of private cars in the city streets. The people of London have voluntarily overcome the difficulty that we boggle at from time to time when we talk of highways, ring roads, and the like.

It may be said that to hire taxis costs money and that the ordinary person has not the wherewithal to engage this form of transport. However, I would point out that if we reach the goal that is shown to us in the orbital dreams of the Minister for Industrial Development, everybody in this State will have ample money to hire taxis—that is, provided people keep their jobs. It has been said, and I think there is some truth in it, that it would be cheaper to provide public transport, in

the way of taxis and buses, from the perimeter of the city to the centre—

The **SPEAKER:** To which part of the Bill are you referring now?

Mr. ROWBERRY: I am dealing with taxis, Mr. Speaker, and I am giving my reasons for supporting the Bill, which deals with taxis and which has for its purpose an improvement to the service—a better taxi service for the city.

The **SPEAKER:** I think you should relate your remarks to the Bill.

Mr. Graham: I think the appointments to the board would cover anything, would they not?

The **SPEAKER:** Not anything.

Mr. Graham: Anything relating to taxis.

Mr. O'Connor: It does not cover onions.

Mr. ROWBERRY: If one intends to support something, Mr. Speaker, I think one should give one's reasons for so doing. As a matter of fact, I made extensive notes in regard to my speech on this Bill, but at the time I wondered whether the Speaker would allow me to refer to these points.

Mr. Jamieson: After he allowed the member for Stirling in, you thought you could do the same.

Mr. ROWBERRY: While I was in the old country I visited the House of Commons and I was surprised to find the Speaker of that House allowed the member speaking to go anywhere he liked during the course of his speech.

The **SPEAKER:** Order! I hope you are not reflecting on the Speaker now.

Mr. Graham: Gently admonishing.

Mr. ROWBERRY: I am not saying such a speaker went by public transport! I found that in London the easiest way to get from point to point was by taxi. However, to get back to our own taxis, I would suggest to the control board that it insist upon taxi drivers being properly dressed when in charge of vehicles.

I am not a high falutin sort of person, and I am certainly not fastidious about my dress, but I do think that taxi drivers, and people who serve the public generally, should be easily recognisable by their dress, by their uniform, or whatever the case may be.

Mr. Davies: They must wear a badge.

Mr. ROWBERRY: There are occasions when a badge is not too easily visible. Some of the taxi drivers who pick up fares in Perth are dressed in shirts with open collars; and the shirts are none too clean. Some of them have their sleeves rolled up to the elbows.

This may all be very good Australian-colonial style, but I do not think it goes down too well with visitors to our State. I hope members do not think I am being

too severe on taxi drivers by making this suggestion; but I am convinced there should be some tightening up and some discipline introduced, and that this would be in the best interests of everybody.

I now mean to deal with the Bill to which you are so anxious to get back, Mr. Speaker! I support the Deputy Leader of the Opposition in his criticism, and in the amendment he has proposed to clause 3, which seeks to amend section 5 of the Act. If it is right and proper that a certain section of the taxi drivers and taxi operators should be represented on the board, and if the two members appointed are to be elected from a certain body, then it is equally fair and proper that the deputies should also be elected from the same source. I am sure no fair-minded person would quarrel with that suggestion.

The only adverse criticism I have to make is of the language in which the amendment is couched. Any idea or notion that can be expressed in words should be expressed in the simplest words possible. We should have less of this gobbledygook which is introduced into legislation that is brought before us.

I do not blame the Deputy Leader of the Opposition for the language contained in his proposed amendment; I blame the parliamentary draftsman. Surely the easiest way in which to understand a problem is to reduce it to its simplest terms. I feel it would be a good idea if it were necessary for some of our parliamentary draftsmen to pass at least the Leaving standard in mathematics and algebra, to enable them to express their thoughts and ideas clearly and concisely, so that there would be no ambiguity as a result of a reference being made to subsection (2) of section 5, or words to that effect.

With the type of legislation which is now being placed on the Statute book, I believe it will be necessary in the future to feed all the information contained in our Statutes into a computer and accept the answer given by the computer as being the correct version of the law. I know that the legal practitioners in the House will probably shrink with horror at the suggestion, because it will mean a considerable loss of income to them.

But in your case and mine, Mr. Speaker—we who are plain-thinking people—it will mean a considerable saving of time and money; and, apart from that, the thoughts in the legislation brought down would be expressed in clear and simple language, as they were 60 or 70 years ago.

The amendment to which I have referred simply means that two members of the W.A. Taxi Operators' Association shall be deputies elected by the same process and at the same time as the members themselves; and that they shall have all the rights, privileges, and responsibilities

of the aforesaid members. I do not think much of the word "aforesaid." I do agree with the Deputy Leader of the Opposition, however, in his opposition to the amendment contained in the Bill, and I support him in the amendment he foreshadowed.

I cannot quite follow the Deputy Leader of the Opposition in the path he traversed in connection with the transfer of taxi licenses. Under the parent Act the board has power to adjudicate on the transfer of licenses. The amendment indicates that the board is merely satisfying itself that the person who is seeking to transfer the license and the person who wishes to have the license transferred to him, are fit and proper people and eligible in every way. Proposed new section 18A in clause 7 provides—

The Board may . . . endorse the license of that vehicle issued under this Act to the effect that the board will not, subject to subsection (2) of this section, refuse any application for the transfer of that license that is made by that person with the consent of the other parties to the transaction.

Proposed new subsection (2) deals with the question of whether a person who is taking out a license is of good repute and is a fit and proper person to have a license transferred to him. It also ensures that he does not already hold two or more taxi licenses.

These things must be investigated, and I wonder who would investigate them if the board did not. What I am saying follows along the thought I expressed at the beginning of my speech; namely, that anything which is likely to make taxi operations in this State more efficient should receive our concurrence. We should make transfers easier, and the board could satisfy itself as to the *bona fides* of the parties to the transactions.

I am sorry, but I cannot follow the objections the Deputy Leader of the Opposition has to this clause. He may have a better insight in regard to the law and intricacies of legal enactments and the draftsmanship of Bills that come before this House, than I have, because I find the clause quite difficult to follow. No doubt other members have the utmost difficulty in following what is intended in some of the Bills that come before the House. I may be the only one brave enough to admit I am too stupid to follow exactly what is intended. But if that is the case, what about the ordinary persons in the community? What chance have they of understanding this sort of gobbledygook if we, who have had experience over the years in tracing Bills back to the original enactments, have difficulty in finding out what a Bill is all about. Maybe in time the computer I talked about will be used and the whole of the information fed into it in order to obtain the proper answer.

In regard to the alteration to section 29, which the Deputy Leader of the Opposition criticised and slightly objected to, I would just make this comment: When minor offences are prescribed under regulations, it makes it more convenient for the person indicted to quit himself of the charge, especially so in the case of a taxi driver who cannot afford to leave his taxi and attend court. This is a very convenient method of allowing him to meet his liabilities under the law.

We have minor offences under the Traffic Act, and if one is satisfied that one is guilty or has no chance of getting out of the charge, one can send in the necessary fee. It saves one quite a lot of time and money. There is also a provision in this measure that if a person charged with a minor offence is satisfied he is not guilty of the charge or is satisfied that he has quite a favourable chance of getting out of the charge, he may attend the court and defend the charge. While I support the Bill, in my opinion it does not go far enough. However, it is a step in the right direction.

MR. FLETCHER (Fremantle) [3.24 p.m.]: I wish to make a few brief comments, but not in the form of criticism. I do not want to traverse the area, generally, of taxis; I just want some clarification on various points. The clause which amends section 5 of the principal Act causes me some concern, as it does the Deputy Leader of the Opposition. This relates to the appointment of representatives and it reads like this—

... two shall, in respect of appointments made after the coming into operation of the Taxi-cars (Coordination and Control) Act Amendment Act, 1967, be persons who are taxi-car owners or operators and who are elected by taxi-car owners and operators.

I have no objection to that. The next paragraph says—

The Minister may, in respect of any member of the Board appointed under paragraph (c) of subsection (3) of this section, appoint a person to be the deputy of that member to represent the same interests as that member.

I do not doubt the impartiality of the Minister, his integrity, or intentions in regard to any appointment in respect of this measure. Many other Acts make it possible for the Minister administering to make appointments; but since the operators and owners of taxis elect their representatives, why do they not at the same time appoint their deputies as it seems the democratic thing to do? As the measure stands, it could cause concern among owners and operators if the Minister appointed somebody who caused them dissatisfaction. The Minister would not

be in the position of being able to say, "You elected him; he is your choice, and as a consequence until such time as the majority of you apply for somebody else, he remains your choice." I think the Minister has left himself open to subsequent argument in respect of this clause by making it possible for himself to appoint a deputy.

Another clause adds a new section 17A with the marginal note, "Substitution of vehicle for taxi-car under repair." In this, I see the prospect of further argument in relation to the use of a certain word. Proposed new section 17A(1) reads as follows:—

Where a vehicle licensed under this Act is under repair and cannot be operated as a taxi-car, the Chairman may, by permit in writing under his hand, authorise the owner of that vehicle to operate another vehicle in substitution for that firstmentioned vehicle, and the provisions of this Act apply in relation to the operation of any vehicle pursuant to this section as if the vehicle were licensed under this Act.

Members will notice that the words "that vehicle" are used and are subsequently followed by the words "any vehicle." My concern is that the word "that" has not been used on the second occasion. I submit this could cause a subsequent argument in relation to whether or not one or more vehicles are involved. The word "any" implies a multiplicity of vehicles, but the word "that" specifically means "that vehicle." I would like clarification on that point.

On page 4 of the Bill it is proposed to add a further new section in connection with the endorsements on certain licenses. I noticed the Deputy Leader of the Opposition also made reference to this. He, like myself, understands it to mean that a hire-purchase vehicle can be repaired and another vehicle substituted. I assume this alludes to, say a vehicle under hire purchase that may have met with an accident or needs mechanical repairs or has, in some other respect, mechanical defects. I will admit that this is of considerable convenience to the hire-purchase companies which make the finance available to persons purchasing taxis.

If I might digress, I hope this does not open the door for a person to acquire a secondhand taxi in unsound mechanical order on a hire-purchase basis merely for the purpose of acquiring the taxi plates which are attached to the vehicle. I have related to this House previously—I do not remember the year—the case of taxis, which were condemned by the police, being for sale in dealers' yards. I know of at least one case where the price asked was £1,000. The vehicle was not fit to go on the road, but the plates were fit to be transferred to another taxi.

Mr. O'Connor: About how long ago did this take place?

Mr. FLETCHER: When this measure was previously before the House.

Mr. O'Connor: Over three years ago?

Mr. FLETCHER: Yes, approximately. As I said, I hope this does not open the back door for any such behaviour as I have outlined.

I object to the regulations relating to minor offences. It is provided that a person alleged to have committed a minor offence may decline to have the offence dealt with under the regulations. If he declines, to whom does he appeal? I do not think the Minister mentioned this point in his introductory speech. Perhaps I should have ascertained this fact from *Hansard*, but it is something which I have only noticed since the Deputy Leader of the Opposition made reference to it today. The Deputy Leader of the Opposition said the person committing the offence could have his case heard in a court, but there is nothing in this amendment which provides for that situation. Of course, provision may be in the principal Act, and reference may have been made to this matter by the Minister when he introduced the Bill.

I may have something further to say during the Committee stage, but, subject to what I have said, I support the Bill at this stage.

MR. DAVIES (Victoria Park) [3.33 p.m.]: One feature of this measure which I strongly oppose is the provision to extend the right of the board to impose penalties and inflict fines. Only recently the Minister for Police quite justly, in my opinion, refused to grant to the Perth City Council regulations to provide, in effect, for instant fines for parking offences. I think this Bill only does what the Minister for Police refused to do in the case of the Perth City Council. I am strongly opposed to any board being given power to inflict fines under any conditions. Far too many boards exist today. There is the Railways Punishment Board, the Civil Service Board, and a whole host of others, which can inflict penalties. They are doing the work of the Police Force.

Mr. O'Connor: This is the view of the drivers and the board.

Mr. DAVIES: I will come to that in a moment. If the Police Force is unable to cope with the work, and there is too long a delay or too much expense involved in going to the police court, the remedy is not in giving the work to some other board. If the court cannot cope with the work, then additional magistrates should be appointed so that there is no delay. If it is a case of the costs being too great, the remedy, again, is in the Government's hands. Court fees have been increased substantially over past years, and the Government could decrease these fees to

lessen the cost. The Minister for Transport interjected and said that this Bill was the wish of the board. No doubt it is the wish of the board. Any board would love to have this power. However, I would not give any board this power.

Mr. O'Connor: I did not say that.

Mr. DAVIES: When introducing the Bill, the Minister said the following:—

Instances have come forward whereby a taxi operator has committed an offence and the board has been loth to take action because it is a minor offence. Previously, when the board has taken action, the cost involved in court proceedings has been substantial in comparison to the type of offence committed. The board therefore wishes to prescribe penalties for minor offences, and the offender may pay the monetary or other penalty, or he can elect to go to court in the normal way if he so desires.

This is precisely what the Minister for Police refused to accept with regard to the Perth City Council. The offender could pay his instant fine or elect to go to court. In this case the offending taxi driver can pay the fine as proposed—and we do not know what the offence will be and we also do not know what the minor penalties will be—or he can elect to go to court.

I am strongly opposed to the board being given this power. If the courts cannot handle the work which comes before them, they should be increased. It is solely on that one paragraph that we are expected to give this wide power to the board. No doubt the board consists of responsible persons—I am not denying that for a moment—but this is not the type of power which a board, outside of the Police Force, should have. I cannot agree to it under any circumstances.

If the Minister feels it is something which is desired by the taxi drivers, he should have said so. However, he said the board wishes this to be done. As I have said, no doubt the board would be delighted with this power. We need to know the nature of the offences and what the penalties are likely to be. Can the Minister give us one, two, three, four, or a dozen instances of minor offences where the board has been loth to take action? We are expected to permit this additional power to be given to the board and, as far as I am concerned, this is not good enough. I render my strongest possible objection in that regard.

There are two other minor points I wish to deal with. They have already been mentioned by the Deputy Leader of the Opposition, but I am afraid I do not understand the conditions under which the plates appear to be mortgaged. As a matter of fact, I am not too clear on the point now. I did not understand it

when the Bill was introduced and I would like the Minister to explain this feature. No doubt he will explain it when he answers the queries raised by the Deputy Leader of the Opposition. I spoke to the Deputy Leader of the Opposition regarding this clause, but he was unable, at that time, to let me know what the position was.

Towards the end of his speech, the Minister said the Bill makes it an offence for a person knowingly to cause a licensed taxi-car to operate in a manner contrary to the Act or regulations. I do not know of any situation where a person could force a taxi driver to break the law. Apparently there have been some cases; but, here again, it seems strange to me that additional penalties are being imposed upon the drivers. As a member of the public, I know that if I try to get a taxi driver to do something I find him to be very independent.

The member for Stirling said that he has had to wait up to three-quarters of an hour for a taxi. He must realise we will never reach the position where there will be sufficient taxis on the road to have one on call at all times, and he surely must appreciate that Perth is a little larger than Mt. Barker. He must also appreciate that, particularly during peak periods, there are many other people requiring taxis apart from himself, and if taxi drivers are to make a reasonable living there must be, on occasions, some delay. If the honourable member has ever on a New Year's eve endeavoured to call a taxi instead of driving his own car, he will realise that sometimes one has to wait about two hours before a taxi arrives.

I cannot understand why it has suddenly become necessary to impose a penalty on a person who knowingly causes a taxi driver to commit an act that is unlawful. When he is replying, I would appreciate the Minister's telling us the circumstances that would warrant such a penalty being imposed.

I also noticed that the Deputy Leader of the Opposition mentioned the election of representatives to the board. Only this morning I spoke to an independent taxi driver about the method of electing representatives to the board, and I mentioned that it was to be altered. Using the great Australian adjective he said, "Its about — time; the last — time was a rort." That was his idea of the manner of electing representatives to the board. I think he also said that 212 votes were supposed to be cast for one candidate, but he was credited with only 183.

Mr. O'Connor: That happens in parliamentary elections, too.

Mr. DAVIES: I can only say: Thank the Lord for a secret vote! I am opposed to

giving the board any power to impose penalties and fines, and I was delighted when the Minister refused permission to the Perth City Council to make alterations to the regulations governing the parking areas so as to impose penalties. I do not think we have the right to grant the board power in such circumstances. Regulations will be framed and will be laid on the Table of the House, and we will know what the minor offences are likely to be. No doubt we will also know what the penalties are likely to be.

Nevertheless, irrespective of what the offences or the penalties are likely to be, I am of the opinion that the only person who should be granted authority to inflict fines on those who commit offences should be a properly trained magistrate sitting in a court of law.

The board has power to take action against taxi drivers for various offences, but this action must be taken through the police courts. If power to punish was given to the board, it could be used capriciously or for intimidation. It could make drivers fearful of committing any sort of breach if they knew that a recalcitrant driver was likely to be brought before the board and have a penalty inflicted on him.

The next point does not affect the Bill in any way, but I would be delighted if the Minister for Transport would introduce a regulation to prevent taxis doing U turns in our main city streets. I have heard many complaints about this practice but it still continues. Even at peak periods taxis can be seen, pulling out from the kerb in St. George's Terrace, making a U turn in front of oncoming motorists. This is a definite danger. On many occasions I have had to brake hard to avoid a collision because a taxi has made a U turn in front of me. In these days we must acknowledge it is not possible for any motorist, including taxi drivers, to make a U turn in the city block. Generally, I support the Bill, but I strongly oppose the provisions I have mentioned.

Sitting suspended from 3.45 to 4.5 p.m.

MR. O'CONNOR (Mt. Lawley—Minister for Transport) [4.5 p.m.]: I thank members for the remarks they made in the debate. Apart from some minor points, they appeared generally to accept the Bill.

I shall deal with the points which have been raised. Firstly, the Deputy Leader of the Opposition raised some objection to two or three provisions contained in the Bill. The first is in relation to the proposal to alter the election set-up. The same point was also raised by the member for Victoria Park and the member for Fremantle. The problem was outlined by the member for Victoria Park when he told us that while he was a passenger in a taxi, the driver told him that in the past the method of election of members

to the board was not very satisfactory. I realise that from the point of view of the board and the industry, the existing set-up is not satisfactory. I say this because there is one member to represent the association, and two members to represent the industry.

In practice it was found that a member of the association would be elected, then a couple of other members would resign from the association to become eligible for election as representatives of the industry. When they were elected they would reapply to become members of the association. That resulted in two or three members of the board representing the association.

At the time of the last election the organisation had between 160 and 170 members out of the 723 engaged in the taxi industry. Circulars were sent out by the board. I should point out that the seven members of the board comprise a representative of the Police Department, a representative of the Metropolitan Transport Trust, a representative of the Transport Department, three representatives of the industry, and a representative of local government. There is a fairly wide representation on the board.

Most of the amendments contained in the Bill have been put forward at the request of the board, but initially they came from the industry itself. In many cases the amendments were submitted by the representatives of the industry. Regarding the last election, circulars were sent out to members of the association requesting advice as to whether or not they desired a change in the method of election. Of the 136 replies received, 97 indicated they wanted the method as proposed in the Bill.

The Deputy Leader of the Opposition commented on the election of a deputy to replace a representative of the industry who might be abroad on a trip or who might be ill. I can see some merit in his recommendation, but I suggest the method proposed in the Bill is the most satisfactory answer. I say this, because some difficulties will arise if the proposal of the Deputy Leader of the Opposition is adopted. What method will be used to select the deputy? I presume that two or three deputies would be selected at the normal election time, but this could present some difficulty.

Another point I make is that from the point of view of the industry and the board, it is necessary to have representatives who are readily available. At the time of election it might appear that a particular member would be available as a deputy, but at a later stage he might resign from the industry, sell his cab, or pass away. In that event the deputy would not be available, and another would have to be selected. How would the replacement be selected?

During my term as Minister for Transport there has been one instance of a representative being absent from board meetings through ill-health. He had a heart attack and was incapacitated for seven or eight months. I requested the industry to submit the name of another representative to take the place of the member who was ill. The replacement attended board meetings, but he was not able to vote because the Act did not permit him to do so. He was a useful member and did work to the advantage of the board. That replacement was selected at the discretion of the Minister, but the request for replacement was made by the industry. I am sure that any Minister would appoint a deputy who was acceptable to the group he represented. Irrespective of what Government is in office, the Minister would adopt this procedure.

The question of local government representation on the board was raised. It is quite difficult to elect a deputy for the representative of local government. If one was elected, a local government election could be held subsequently and he might not nominate for his seat, or he might be defeated. In these circumstances it would be desirable to allow the local authorities to submit their representative.

Mr. Graham: No-one proposes to interfere with any of the nominated representatives.

Mr. O'CONNOR: I thought the honourable member suggested that.

Mr. Graham: Only the elected representatives.

Mr. O'CONNOR: I have covered this point fairly well, and I hope to the satisfaction of the Deputy Leader of the Opposition.

Another point brought forward was the endorsement of a license, and clarification was sought by several members. Because of the endorsement on a license, it was thought by some that the board had control of the amount of money that could be lent to the operator concerned, or that the board had some knowledge of his position. The board will have control only to a very limited extent; it will not have control over the amount of money that will be lent to a person engaged in the industry to acquire a taxi. The representatives of the industry requested the board to find means to obtain further funds to enable loans to be made for the acquisition of taxis.

As members are aware, a taxi is used very extensively, and it deteriorates in value very quickly, mainly through the high mileage and the amount of heavy work that is performed on many occasions. Because of this fact, hire-purchase companies or other people who lend money are wary of loans for the purchase of taxis. For this reason a restriction is placed on people to obtain the better type of taxi.

As the industry is represented on the board, the restriction on licenses will bring about two benefits. Firstly, some safeguard to purchasers of taxis will be provided. If a person wishes to purchase a cab and informs the board accordingly, the board will be able to tell the person whether the vehicle is under hire purchase or whether a loan has been advanced for its purchase. By this means some safeguard will be given to people who desire to enter the industry. I do not say that some operators in the industry will not take advantage of this situation.

This is of some benefit to a person wishing to purchase a cab, and gives some security in this regard. It also gives the person lending the money some security, because he knows that if he lends money on a cab it can be transferred to another individual providing that individual is satisfactory to the board and meets the necessary requirements.

Mr. Davies: Does this mean the person who lends the money automatically gets the plates if the borrower defaults?

Mr. O'CONNOR: We would not transfer the plates to a hire-purchase company, but we would permit the transfer to a suitable person. In other words, if a person already owns a number of cabs, or is felt to be a suitable person, the plates would go to him. This gives security to both parties.

Mr. Davies: It must be within the scope of the Act.

Mr. O'CONNOR: Yes; but this would not permit the plates to be transferred to a hire-purchase company. I think that answers the question of the honourable member.

While all these amendments have been introduced at the request of the board, they have also been introduced at the request of the industry because, as I have already pointed out, most members of the board are members of the industry.

The member for Balcatta stated that a member of the board had visited a certain individual's home and told him that under no circumstances would a plate be issued to him. If the honourable member cares to give me the details, I will have the matter investigated. I cannot see how any member of the board could tell an individual that under no circumstances would he be issued with a permit; because, as he knows, although the board has knocked back permission for plates to be transferred to a certain person, following a request to me this decision has been overridden.

Mr. Graham: Have a look at file 438/67.

Mr. O'CONNOR: I thank the honourable member for the information. I shall certainly look at it.

The other point raised was in relation to prescribed penalties. No ulterior motive

was behind this provision, which will, again, be for the benefit of the industry generally. Members of the industry have been concerned because on a number of occasions members have been taken to court for minor offences, and when the costs, etc., have been taken into account, the amounts they have had to pay have been quite in excess of the amounts that would be expected for the types of offences committed. Because of this, the board has been loth to take action as it has felt that when costs have been added to the amount of the fine, the amount to be paid has been far in excess of the amount which should have been paid for the offence committed. It is for this reason the board has recommended that for minor offences \$2 or \$5 be payable.

However, if a member who has been accused of such an offence does not wish to pay this amount, he is at liberty to take normal proceedings and go to court. These offences could include such things as a cab being in an unclean condition, or a driver having an argument and using abusive language. This latter has occurred from time to time, and will continue to occur when we have an industry as large as the taxi industry, which involves different types of individuals who are inclined to become hot-headed under certain circumstances.

The member for Stirling raised a point in connection with an unoccupied cab being parked for a long time at a taxi rank. It is in regard to offences like this that it is anticipated the board will be at liberty to prescribe, by regulation, certain amounts to be paid by way of penalty. However, the individual concerned need not accept the amount which is prescribed. If he so desires he may take normal legal proceedings.

The member for Stirling also said that some taxi drivers do not know where Parliament House is, and he considers some are unfit in certain other ways. I would like to point out that in this regard the licenses are not issued by the Transport Board, but by the Police Department, which does the interviewing first. However I will take the matter up with the Minister for Police and submit the points raised by the honourable member. He also referred to overcharging and waiting time. I believe that he, or any other member of Parliament, or any member of the community, who is faced with such a situation should take the opportunity of submitting the matter to the board, or to me as Minister, so that it can be investigated and the necessary action taken.

I know that on many occasions it is very difficult for the board or me to obtain information as to what the public does require in connection with the industry, generally. A discussion ensued some months ago as to whether part-time drivers should be employed or extra plates

issued in the industry. Through the Press I made some comments and requested interested individuals to submit their thoughts on the matter. I received four letters, two each way, and two of them were from individuals in the industry. That was the sum total of the correspondence I received in answer to a decent-sized article in the Press. This indicates that either the industry is in a very good state—and I believe it is—or people are not particularly interested in submitting their views on it.

Mr. Davies: Are any new licenses to be issued?

Mr. O'CONNOR: Not at this stage. The member for Warren also referred to the London cabs. I have driven in them and they are very good. However, there is one procedure in London with which I do not agree very much, and that is tipping. As the honourable member knows, if a passenger gets into a cab in London and does not tip, he is likely to be tipped out. I hope that tipping to that extent will never be introduced into the industry in Western Australia. I believe that tipping, whether in cabs or in connection with any other service, should be left to a person's discretion and not be expected.

Mr. Rowberry: I rode in the cabs in London on many occasions and I was never expected to tip.

Mr. O'CONNOR: I also drove in cabs in London on many occasions and a tip was always expected.

Mr. Rowberry: They may have recognised my accent.

Mr. O'CONNOR: That could have some bearing on the matter. I believe that since the board has been operating, a great improvement has been made in regard to the appearance of drivers and the conduct of cabs. The inspectors keep a fairly close watch on these matters, and while at times a cab may not be as clean as it should be and a driver not as well presented as is desirable, we must remember the situation of a few years ago. Not only were the cabs then, in many cases, in an untidy condition, but many drivers wore shorts and scuffs and were untidy and unclean themselves. This position has improved tremendously; and the fact that the board now has some control over the matter and will, with the help of minor penalties, be able to demand that the driver keep himself neat and clean, will further improve the situation.

Mr. Brady: Do many women have a taxi driver's license?

Mr. O'CONNOR: Two or three, but I have no complaints in this regard.

The member for Fremantle asked whether, if a damaged cab was put off the road, and the driver concerned was able to transfer his plates to another vehicle, an unroadworthy vehicle could be used.

The only reason for the provisions in this regard is to allow a driver with a damaged cab to transfer his plates to another vehicle in order that he might be in a position to continue earning money. However, it is also necessary that the other vehicle meet the usual police requirements. Therefore the second vehicle would have to be in a satisfactory condition.

The member for Victoria Park also asked a question in connection with U turns. The law in regard to this matter applies to all vehicles on the road and no vehicle is permitted to make these turns in certain places at certain times.

Mr. Davies: I think taxis have an exemption.

Mr. O'CONNOR: Not as far as I know. I think they must comply with the normal police requirements. However, I will inquire from the Minister and let the honourable member know.

The honourable member also desired to know what offences would involve minor penalties. These would include such things as overcharging, unclean cabs, and arguments between owners; and sometimes the owners have come to blows, which is not desirable for the industry. Other offences would include illegal parking on a stand and not having proper identification. All these offences will be covered by regulations which will be submitted to Parliament.

The only other point to which I have to reply is the one raised by the member for Fremantle. He said that if a person is convicted of an offence he has no choice other than to pay the penalty. However I would point out to the honourable member that under proposed new section 30 (2), a person may decline to have an offence dealt with under regulations and may take the matter to court in the normal way.

Mr. Davies: What about the provision which states it is an offence for a person to knowingly cause a taxi driver to break the law? What is the background of that?

Mr. O'CONNOR: I will answer that during the Committee stage. I thank members for their general acceptance of the Bill, but at this stage I feel I could not accept the amendments proposed by the member for Balcatta.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair: Mr. O'Connor (Minister for Transport) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 5 amended—

Mr. GRAHAM: I think it is obvious the Minister's mind was made up to oppose my

proposal on account of the fact that he misunderstood its intent, feeling that local government authorities, the police, and everyone else would have to submit a deputy at the commencement of the appointing period.

If the Minister has had time to peruse the amendment since he first spoke, he will see that it is intended to have effect in respect of paragraph (c), which relates to the two members to be elected by taxi-car owners and operators. I have already indicated that under the Public Service Appeal Board Act and the Government Employees (Promotions Appeal Board) Act provision is made—and it has been in existence since the inception of those two Statutes—for those for whom the boards operate to have the right to elect the permanent representatives and, at the same time, to elect deputies. If there is any merit in people having the right to elect a representative, surely if such a person who is elected is unable to attend to his duty for any reason whatsoever, there should be somebody else who is the choice of the people immediately ready to take his place. That system has operated for very many years in the two cases I have mentioned, and I believe the Public Service Appeal Board Act has operated since 1920. Therefore there is nothing wrong with it in principle.

However, there is something very definitely wrong with what the Minister proposes. For instance, he told us there were approximately 160 members of the association. He is going to allow those 160 people in future to have a representative of their own.

Mr. O'Connor: I would just like to interrupt to say that that was the number at the time of the last election; I believe the number is now 250.

Mr. GRAHAM: Yes, there are 250 members of the association; but, I suppose, there would be at least 750 taxi drivers altogether.

Mr. O'Connor: Seven hundred and twenty-three.

Mr. GRAHAM: Let us be careful; that is probably the number of licensed taxis.

Mr. O'Connor: We could assume the number to be approximately 750.

Mr. GRAHAM: If we use those figures, the 250 people will have the right to select a representative of their own. Having done that, they will then be permitted to play a part in selecting the other two representatives. In recent years the Chamber agreed that everybody should have a vote. It also decided that multiple voting is something that should not be in operation; yet it is here proposed that some of the taxi operators shall have two bites to the cherry. Their organisation will nominate somebody and then they will have a vote, together with all those who are not members of the association. That is grossly unfair. In fact, the Minister pointed

out that certain members of the association could adopt what might be termed doubtful devices. I do not mean that any unlawful action has been involved, and this is not to be construed from what I have said.

In some cases, members of the association have, through the simple device of resigning from the association, made themselves eligible to be elected by those who were not members of the association. Admittedly there is a degree of unfairness in that action. However, now the Minister has gone the whole way to make it possible for any and every member of the association, who has his own direct representative, either to nominate as a representative or—what is in my view far worse—to have the right to vote as well. Anything that was wrong in the original election is proposed to appear now in an exaggerated form. The Minister is not curing anything; he is aggravating the situation.

It is my intention, therefore, to test the feeling of the Committee in respect of this plural voting idea by seeking to preserve the situation which exists at the present moment. I experience some difficulty at this point. If the Minister is not prepared to agree with me, then I think in all fairness if there are to be three taxi operators on the board, the three of them should be elected by the whole of the taxi operators. Because of these comments, I would prefer to hear the Minister's reaction to what I have suggested, now that he has, I trust, had a second look and has assured himself that the idea of a member and a deputy member being elected applies only to paragraph (c) of section 5 of the Act and therefore will not present the difficulties which he envisaged when he spoke. I await the Minister.

Mr. O'CONNOR: Previously I went into some detail in connection with this point and I made certain remarks as far as members of the industry are concerned. Any member of the industry can be a member of the association and is encouraged to become one. The association is quite an active organisation and comprises many members who take an interest in the industry and who endeavour to see that the best interests of all are maintained.

The point which has been brought forward is one that I mentioned; namely, one representative is to be elected from the association and the other two from the industry, with everyone having a vote. This suggestion has been put out in a circular and is acceptable to the industry. It has been agreed to by the majority, and approximately three out of four who replied to the circular were in favour of it. I see nothing wrong with the circular in its present form.

Mr. Graham: How many replied to the circular?

Mr. O'CONNOR: There were 136.

Mr. Graham: You mean 136 out of 750?

Mr. O'CONNOR: Yes.

Mr. Graham: What was the majority?

Mr. O'CONNOR: The majority was 97. Approximately three out of four requested the amendment as it is before the Chamber. As I have said, I see nothing wrong with the present position and I believe the measure should remain as it is.

Mr. GRAHAM: The Minister seems to be insisting that I should endeavour to obtain the agreement of the Committee that the taxi owners and operators shall be entitled to three representatives and that all of them shall vote for all three. I am opposed—as I would have thought every member of the Committee would be—to his introducing a system of plural voting. The situation is hypothetically that I, through my own organisation, which can choose its own system of nominating somebody, shall have somebody to represent me, and, having done that, I can then play a part in an election to vote for two other representatives.

Mr. O'Connor: This is available to all members.

Mr. GRAHAM: What is?

Mr. O'Connor: All members can do exactly the same if they wish.

Mr. GRAHAM: They can if they choose to belong to the association, but it is obvious that the majority of the taxi owners and operators, for their own reasons, do not care to belong to it. To those comparative few who have joined, this measure, in its present form, is giving them plural voting; that is, a double set of representation. A person is nominated and after that he can vote against the other 500 people. The Minister indicated some of the weaknesses that existed before, but this merely aggravates that situation. It is wrong in principle and therefore should not be allowed.

Mr. O'Connor: From the number of replies which were returned opposing the suggestion, you must agree there could not have been a terrific amount of feeling against it in the industry.

Mr. GRAHAM: I wonder how many of them went to the trouble to vote. After all, there are 750 taxi owners and operators and only 97 said they had no objection, or said that they were favourably disposed.

Mr. O'Connor: That leaves only 39 out of 750 who did oppose it.

Mr. GRAHAM: That is so, but it is an insignificant fraction who have declared themselves in favour. Who knows, in the same way as a certain piece of literature is being circulated in the city now, perhaps this was canvassed by someone in the association. We do not know. It is certainly not a representative viewpoint.

Apart from that point, it is the duty and responsibility of the Chamber to lay down certain principles. One man, one vote and equal representation surely is a basic prin-

ciple in any democracy. I am not seeking to deny these people their representation. There is no intention to deny the representation, but the method of arriving at who their representatives shall be is what is wrong. In order to give effect to what I intend, I move an amendment—

Page 2, line 13—Insert after the paragraph designation “(b)” the words “by deleting paragraph (b).”

The principal Act provides that of the persons to be appointed to the board—

... one shall be nominated by the body known as the W.A. Taxi Operators' Association.

This is what I am seeking to delete. Later on, I shall request that instead of two other members being elected by the Taxi Operators' Association the number shall be three who shall be elected by the taxi owners.

In other words, this would bring about the position I outlined earlier; that is, all of the taxi owners will have a say in the election of all of their representatives.

Amendment put and negated.

Mr. GRAHAM: I move an amendment—

Page 2, lines 23 to 34—Delete paragraph (c).

I do this for the purpose of moving for the insertion of the amendment which is placed on the notice paper. This paragraph seeks to undo what has been agreed to earlier; that is, Parliament has acknowledged that the taxi owners and operators have the right to elect their representative. We then would be following it up by saying that if, for any reason and for any length of time, the elected representative is unable to attend, then the taxi operators do not have a representative of their own, but, instead, have a person chosen by the Minister. It is obvious that the whole spirit, intention, fairness, and justice of the earlier proposition can be completely negated.

Mr. O'Connor: How would you appoint this deputy?

Mr. GRAHAM: In exactly the same way as has been done in connection with the Public Service Appeal Board. I draw the Minister's attention to section 3 of that Act which states—

(1) A board, to be known as “The Public Service Appeal Board,” shall be established.

(2) The Board shall be constituted as follows:—

... the Board shall consist of a judge of the Supreme Court, who shall be chairman ...

Then it goes on to say—

... one member to be appointed by the Governor, and one member to represent the division of the public service concerned, to be elected in the pre-

scribed manner by the members of the Civil Service Association of Western Australia.

Section 5 of the Act provides—

In the absence of any member of the Board other than the Chairman, or in case any such member is personally interested in an appeal or application, a deputy may sit in place of such member during his absence, or for the hearing of the appeal or application in which he is personally interested, and such deputy shall have all the powers and authority of a member of the Board.

The provisions of section three relating to the appointment and election of members of the Board shall extend and apply to the appointment or election of deputy members of the Board.

So it is a matter of the clerical division, the professional division, the administrative division, or the general division of the Public Service, every year, holding an election and a representative being elected by ballot from amongst the thousands of members of the association. In the same ballot a deputy is elected and, automatically, that deputy fills in when, for one reason or another, the regular representative is unable to attend.

It would be fantastic if the huge Civil Service Association membership were to elect a person to be its representative and when, owing to some inadvertence he was unable to take his place, the Government appointed somebody to be the representative of the association. This has worked quite satisfactorily with the Civil Service Association and its members are adamant that such a system should be maintained. As far as I know the Government has no intention of disturbing that arrangement. I want the same principle to apply in the measure before us.

The Government is continuing to allow the people in the taxi industry to elect their own representative, albeit on a somewhat unfair basis compared with the present, and exactly the same principle should apply in regard to the deputy as applies in the Civil Service. If, as I am sure he has, the Minister misunderstood me, in the interests of progress I would agree to leave the matter so that he can investigate it and have steps taken in the Legislative Council to cover the position. However, I hope he is in a position now to agree to my proposition following the explanation I have given.

Mr. O'CONNOR: At this stage I will agree to disagree with the honourable member's comments. I have gone into some detail in connection with this matter previously. The Deputy Leader of the Opposition used the Civil Service Association as an example but I think only one member of that organisation is

appointed, and I think he would be a member of many years' standing. I think in the taxi industry there would be a bigger turnover, employmentwise, than in the Civil Service.

The Deputy Leader of the Opposition said that the arrangement in the Civil Service Association had operated satisfactorily for many years, and there have been no complaints about it. I say quite frankly the position I put forward, where the Minister has an opportunity of seeing a satisfactory representative is elected, has applied; and it applied last year in the taxi industry, and proved quite satisfactory. I have had no complaints from within the industry in connection with it. These steps have not been taken without consideration or without requests from the industry in regard to representation. It would also be more difficult in the case of the taxi industry where there are three people to be elected to the board. Would the three deputies be the fourth, fifth, and sixth persons on the list?

Mr. Graham: No; there would be a separate ballot.

Mr. O'CONNOR: I am aware of all the facts in connection with the matter and I believe the set-up provided for would be more satisfactory. I propose to disagree with the amendment.

Mr. GRAHAM: The Minister has said rather emphatically he disagrees with the amendment; but he has given no substantial reasons for so doing. The process which applies in the Civil Service applies to a host of Government instrumentalities, and the procedure is provided for in the Act. This provision has been in operation for almost half a century, and separate elections are held. Nominations are called for the position of representative and deputy representative and elections for both positions are held at the same time. Either the Government believes that the taxi owners and operators, so far as two of their numbers on the board are concerned, should be elected, or it does not.

Mr. O'Connor: What would happen if the representative died? Would there be an election or would the deputy take over?

Mr. GRAHAM: I suppose the same thing would apply as applies in the Civil Service; because there is a provision that where a person is not nominated by the interests to be represented, the Minister can take action after a certain time to fill the vacancy. That was provided initially, of course, in case there was any boycotting of the set-up to make it impossible for the Taxi Control Board to operate. Where there is a representation of certain interests, those interests are invited to submit a panel of names from which one will be nominated, or to nominate a person directly, or to hold an election

for the purpose of determining who shall be the representative; but if that is not done within a certain time the Minister can make his own selection of the person to represent those interests.

Mr. O'Connor: I think you will agree there would be a bigger turnover of personnel in the taxi industry than there would be in the Civil Service, and that would affect a position such as this.

Mr. GRAHAM: I would be inclined to agree there would be a bigger turnover; but at the same time a terrific number of taxi drivers have been on the job for a countless number of years and, no doubt, intend to remain there as long as they are competent to operate their machines; unless, of course, the current figure of \$4,800 for a set of taxi plates costing \$2.50 is to increase still further.

It might be a good thing to buy a taxi, as one buys a block of land today, in the certain knowledge that before long one will be almost a millionaire.

I am disappointed at the Minister's attitude; because if Parliament decides a certain section shall have the right to elect that representative, and owing to some unfortunate circumstance that person is unable to fill the role, it could mean that for a period of three years the people whom Parliament has decided are entitled to representation by a person or persons of their own choosing will be denied such representation, and it will depend entirely on the choice of the Minister. The Minister, with the best intentions in the world, could pick the wrong man—somebody who was totally unacceptable to the 750-odd people concerned.

I think the Minister will agree that owing to a little strife several years ago there are factions within the industry, and certain personalities are more or less at daggers drawn. With an election I think most Australians accept the decision, however dissatisfied they may be, but if a personal choice is made of somebody who is completely hostile, and who may be regarded with a certain measure of suspicion, I think it is assisting in the direction of getting the industry into a state of turmoil again; and we do not want that. Taxi drivers are people who are in contact with visitors and the public generally, and we want them to have the highest possible standards and to render the best possible service. If they are dissatisfied, we certainly will not get those things.

I have already indicated there is some dissatisfaction with the operations of the board at present, even where the association nominates somebody and the other operators elect two representatives. However, if the rights of those who elect representatives are to be whittled away it will be a step in the direction of still further undermining the confidence of many operators in the worthiness of the board.

Surely the Minister can have another look at this, because he completely misunderstood my intentions.

Mr. O'Connor: Not at all. I explained all this before I mentioned the other matter and I based my statements on that.

Mr. GRAHAM: The Minister was of the opinion that the deputy representatives would be elected in a different way.

Mr. O'Connor: I did not misunderstand you.

Mr. GRAHAM: The amendment has been on the notice paper for more than a week and I hope it is not too late for the Minister to change his mind.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 6 put and passed.

Clause 7: Section 18A added—

Mr. GRAHAM: It is obvious the Minister has the numbers even if he does not have the arguments. I am still not satisfied with what this clause does. In my view it allows the Taxi Control Board—indeed it invites it—to interfere in what is and what should continue to be a purely private arrangement. If the Minister owns and operates a taxi and I desire to purchase it; and if the Minister informs me that he wants \$5,000 for it as a going concern and I agree to pay him that sum either in cash or over a period to be mutually determined, which arrangement is subject to the Taxi Control Board approving—

Mr. O'Connor: No. Endorsement is by the Taxi Control Board.

Mr. GRAHAM: I am talking of the present situation. In that case why should it be necessary fully to inform the Taxi Control Board of the details of our transaction? If it endorses the document to say it has no objection to the transfer, why should it nose into the rest of the business? We have already agreed to it, subject to the approval of the board—in other words, subject to the board's agreeing to the transfer of the vehicle with the plates; and the transfer of the plates is the most important aspect, because the vehicle is of secondary importance. The original concept was to help in the smoother and more efficient working of the taxi industry; and that the board should exist for this purpose. It should obtrude as little as possible into the business affairs of those engaged in, or who seek to enter, the industry. So there is no need for this provision, except, perhaps, to protect the moneylenders.

The member for Victoria Park interjected and asked whether in the event of the person falling down on the transaction—because there must be some assurance that the money is to go to the moneylender—the moneylender gets the plates? The Minister said, "No."

I do not think the Minister can be as emphatic as that, because if the money-

lender is an acceptable person, I take it the board would approve the transfer of the plates to him. In other words, this could be a moneylenders' benefit provision. Many taxi operators have come to me from time to time with their troubles, but I have never been approached in connection with this matter.

Somebody seems to be bluffing them, or misinforming them that they can be subjected to all sorts of penalties by entering into agreements one with the other, even though they may be mutually satisfactory, and may operate with the approval of the Taxi Control Board. I have a transaction which is duly stamped, and which will be put into effect subject to the Taxi Control Board agreeing to the proposition. I would be obliged if the Minister could tell me what need there is for this interference.

Mr. O'CONNOR: The clause is included for the benefit of the people in the industry. There probably will be some benefit to the moneylender in that he can have the vehicle in question transferred to another satisfactory purchaser. The vehicle owner has an asset on which he can borrow. The owners of cabs cannot borrow any more than the value of the taxi. Some owners want to provide better conditions for the public, and they should be given the opportunity to do so.

The taxi board will not delve into the details of the transaction; all it is required to do is to endorse the transaction, so that it will know there is a bill of sale over a particular cab, and the necessary investigations as to encumbrances can be made by a subsequent purchaser. The provision does not mean that the board will have the right to limit the amount to be borrowed. It is up to the individuals to carry out their transactions privately, and the amount that the moneylender wishes to lend and the owner wishes to borrow is between the individuals concerned. The board has no control over it whatever. The board will merely endorse the license stating that it can be transferred to a suitable person. The clause should be left as it is.

The member for Victoria Park asked whether the plates could be transferred to the hire-purchase company, and not to the moneylender, as mentioned by the Deputy Leader of the Opposition. Cabs are not transferred to hire-purchase companies, but to individuals; or to those who do not already own three, four, or five cabs. They must be transferred to someone suitable. I hope the Committee leaves the clause as it is.

Mr. DAVIES: This clause may be acceptable, but not for the reasons given by the Minister. He said the Taxi Control Board is not interested in the details of a hire-purchase agreement, or the amount owing. Of course the board is interested in all these details. This is made clear by regulation 63, on page 426 of the *Government*

Gazette dated the 10th February, 1966, which reads—

- (1) The Board is empowered to require of the owner of a taxi-car particulars of any agreement, whether oral or in writing, whereby any assignment, charge or encumbrance on, or affecting the enjoyment of, the licence of a taxi-car is given or received.
- (2) Every owner who refuses or fails to give to the Board particulars when required, pursuant to this regulation, or who gives any material particular that he knows to be false commits an offence.

So it will be seen that the Taxi Control Board wants to know all about the monetary arrangement, whether oral or in writing. This provision apparently gives greater security to the borrower by saying the license will be transferred in accordance with the Act in the event of default.

No new principle is being implemented, because the regulation has existed for 18 months, and it is merely stated on the license that the board, knowing all the details, will agree to the transfer in the event of default. As the Minister said, this will permit the taxi operator to borrow more than he could if he were only borrowing on the value of the taxi rather than on the value of the taxi and the plates. I regret I have only just discovered these regulations, but I feel the Bill should go forward with the amendment.

Mr. O'CONNOR: I have discussed the matter with the board and have indicated that I would not permit it to require all the details. These transactions should be between the individuals concerned, and the board need not know the amount borrowed.

Mr. GRAHAM: I was pleased with the intervention of the member for Victoria Park, because it emphasises that the Minister has not done his homework on this Bill. He has further put his foot in it by giving an assurance to the member for Victoria Park which he is not in a position to give.

The Minister proposes to write into the Act that in respect of transactions such as we have been discussing, the board may endorse the license if it is satisfied. "It has been fully informed of all the details of the transaction." So there is now an obligation on the board to fully inform itself of all the details of the transaction. The Bill further provides in paragraph (b) of proposed new section 18A—

... the whole of the moneys, if any, advanced to that person under that transaction has been or will be used for that purpose.

In other words the board is to assume the role of policeman to ensure that the moneylender gets everything the would-be purchaser seeks to offer. This is a most extraordinary role for the board. There is no impediment at the moment, and there is

nothing which will improve the ability of someone to buy or sell a taxi—that is the taxi together with the plates—because the whole transaction will be subject to the transfer being agreed to without the board necessarily knowing the details of the transaction.

The Minister now seeks to ensure that the board shall know all the details; and, in addition, it is to assume the role of policeman to see that the lender gets his pound of flesh, and that the money which was lent is not used for any other purpose than to pay the instalments. I do not know how the Minister can justify this. Somebody has obviously misinterpreted the requirements of the taxi operators. Surely they would not want the details of a financial transaction to be known by an authority which can impose on them restrictions and fines! The whole thing is preposterous.

No member on either side of the House has been able to convince me of the necessity to allow the Taxi Control Board to meddle in something which is not, and should not be, its business.

Clause put and passed.

Clauses 8 and 9 put and passed.

Clause 10: Section 23C added—

Mr. DAVIES: I spoke about this clause during the second reading debate and said I could not understand the circumstances under which a taxi driver would be influenced by another person to break the law. Before we pass legislation in this Parliament we should have some reasonable argument advanced for it. I think the Minister should give some explanation, and in greater detail than he did in his second reading speech, as to why it is necessary to include a clause of this nature.

Mr. O'CONNOR: Section 14 makes it an offence for a person to operate a taxi which is not licensed under the Act, but there is no provision to make it an offence if a person causes a taxi to be operated contrary to the provisions of the Act, or causes a vehicle to be operated as a taxi when it is not licensed.

Some taxi owners have instructed people who are operating their cabs in various ways to charge fares which are contrary to the regulation fares. At this stage, the driver can be charged with the offence, and it is felt that the person who gave the instruction should also be charged.

Clause put and passed.

Clause 11 put and passed.

Clause 12: Section 30 added—

Mr. DAVIES: I will continue to oppose this clause. I do not think the reply given by the Minister is sufficient justification for the board to set itself up as a little police court. This is, in effect, what it will be in regard to taxi drivers. The Minister said there are a number of minor offences such as dirty cabs, not wearing identification discs, using bad language, and taxi

drivers coming to blows. I think these are bad offences; and if the board feels a person is regularly breaking the law, that person should appear before a police court and be subject to the usual charges.

I imagine that in regard to a first offence an inspector—and every policeman is an inspector under the Act—could give the taxi driver a warning; and possibly this is what is done. However, I feel that if this greater power is extended to the board it will be made easier for the board to impose penalties. This is precisely the action we know will follow. The board could be quite capricious in applying penalties. Incidentally, I would not regard two taxi drivers coming to blows as a minor offence.

There are seven members of the board, one of whom is a policeman. I do not know whether the other members of the board will be properly qualified to interpret the law, but the policeman is one person who may have some knowledge of it. The remaining members of the board may not have the slightest regard for the processes of law.

If a person regularly commits minor offences, the only way to bring him into line is to take him to a police court. This may be expensive so far as a taxi driver is concerned, but if he continues to break the law after warnings, I have no sympathy for him. He has to obey the law just the same as each and every one of us; and these regulations are brought in to help the drivers and the industry as well as the public.

I applauded the Government before for not allowing certain powers in regard to fines to be given to the Perth City Council; and I certainly do not believe that the taxi board should be allowed to impose fines on its members. This is far too open and it is a principle I do not like, but it is becoming more and more the accepted practice. There is a place for the application of the law and that is the police courts; and I will not agree to any board being given the power to impose fines.

Mr. O'CONNOR: I have already explained this point in detail and intend to be brief at this stage. This is not to the detriment of the driver or the industry; and it was included at the request of members of the industry. It is something we believe will be of benefit to them. In certain instances a taxi driver commits an offence which is a minor offence. The board then feels that some action should be taken against him. However, on previous occasions when an offender has been taken to court, the final amount payable, after the costs have been added to the penalty imposed, has been out of proportion to the offence committed. It is for this reason the provision has been included. However, I again stress that if the offender still so desires he may go to

court instead. In those circumstances I believe the clause should remain as it is.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

LOTTERIES (CONTROL) ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 5.24 p.m.

Legislative Council

Tuesday, the 19th September, 1967

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

QUESTION ON NOTICE

MILK VENDORS

Names and Addresses

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

Further to the answer received on the 12th September, 1967, to my question relating to the milk vendors who operate under the authority of the Milk Board of Western Australia, is the Minister able to furnish me with a list of the names and addresses of these vendors outside the metropolitan area?

The Hon. A. F. GRIFFITH replied:

This question entails a reply which will consist of 14 pages of names and addresses of milk vendors outside the metropolitan area. The information has been compiled but it is doubtful whether it will be ready for presentation, at least until tomorrow. Therefore, I am obliged to ask that the question be postponed.

FAUNA PROTECTION ACT AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna), and read a first time.

MOSMAN PARK

Disallowance of Heights of Buildings By-law: Motion

Debate resumed, from the 14th September, on the following motion by The Hon. J. G. Hislop:—

That the by-law relating to heights of buildings (Saunders Street), made by the municipality of the Town of Mosman Park, under the Local Government Act, 1960-1966, published in the *Government Gazette* on Thursday, the 15th December, 1966, and laid on the Table of the House on Tuesday, the 1st August, 1967, be and is hereby, disallowed.

THE HON. J. HEITMAN (Upper West) [4.37 p.m.]: I secured the adjournment of the debate last Thursday because, at that time, there were bright prospects of satisfying all parties concerned by the adoption of a compromise suggested by Mr. Watson.

The idea which was developed during a discussion between Mr. Watson, myself, the Mayor of Mosman Park, and the ratepayers concerned, was for the House to disallow the by-law which is now before us, and then, with the concurrence of the Legislative Assembly, to substitute new by-laws along the lines suggested by Mr. Watson. I am confident such a move would have readily satisfied the town council and the ratepayers of Mosman Park.

Unfortunately, we have discovered that Parliament's power to promulgate a substitute by-law is confined to by-laws made by the Governor, and by-laws made by an authority within the Government. A local authority by-law may be disallowed by the House, but it appears we cannot substitute or make a by-law in lieu of that which we have disallowed.

The Mosman Park Town Council has held a meeting and given this matter considerable thought. The council has suggested that if it is given time it will withdraw the offending by-laws—the by-law promulgated earlier, affecting four properties, and the by-law made recently affecting the whole of the area—and it will promulgate a new by-law along the lines suggested by Mr. Watson, which would overcome the difficulty we thought we had overcome last Wednesday night.

Under those circumstances I do not intend to speak at length, because I think we can overcome the problem if the Mosman Park Town Council carries out the suggestion made to it, and withdraws the by-laws which have been made. The council will introduce a new by-law and I think an amicable settlement will be reached. For that reason I will not push the matter any further, and I hope the motion will be adjourned for two or three days to give the council a chance to proceed along the