of Police under the Traffic Act, and the Bill does not propose to disturb this authority in any way.

In an attempt to exercise some control over drivers of taxis, as well as control over taxi owners, the board has been provided with certain powers under the taxi-car regulations, 1964. These regulations are identical with the Traffic (Taxi-Cars) Regulations, 1964, which give the board and the Commissioner of Police respectively power to require the operator of a taxi to do all things necessary for the comfort and convenience of passengers, not to demand other than prescribed fares and charges, and to be clean and to wear clothing which is neat in appearance.

The board's regulations also require every driver of a taxi operating in its sphere of control, the metropolitan traffic area, to wear an identity disc. This is necessary, both in the interests of passengers and the board's inspectors, for the purpose of enabling identification of the driver.

To the extent that the taxi-cars Act, 1963, in its long title, only refers to the co-ordination and control of taxi-cars and makes no reference to taxi-car drivers, it is felt that any of the regulations as affecting drivers, as distinct from owners of taxis, and promulgated pursuant to the taxi-cars Act, 1963, could be challenged as being *ultra vires* the existing Statute.

The main purpose of this Bill is, therefore, to amend the long title of the Act and give the board specific power in respect of drivers of taxis as well as owners of taxi-cars.

Section 11 of the Act sets out the powers and duties of the Taxi Control Board and it is proposed to amend this section to enable the board to include the registration of taxi-car drivers.

This addition will enable the board to require all drivers of taxis to register and to renew such registration each year, and be issued with some form of identification. At present, considerable difficulty is being experienced as drivers, when changing their employment or changing their address, are failing to notify the board of such change.

The Bill makes provision for payment of a registration fee of 10s. or such other fee, not exceeding £2, as may be provided. It is not intended at the present juncture to vary the fee of 10s. per annum, most of which is absorbed in the issue of the identity disc, but it may be necessary to increase the fee in the future.

It has been the policy of the Government for some considerable time to restrict the issue of taxi licenses, as far as practicable, to owner-drivers and any transfers which are approved by the board are permitted only to persons who are genuinely engaged as taxi-operators and who have been driving a taxi continuously for a period of at least four months. The Bill contains a provision that the board shall not issue a license or permit a transfer to a person who holds two or more taxi licenses.

As the regulations stand at present, the board's inspectors, when they notice that a taxi, its meter, or its equipment is in an unserviceable condition, shall report that fact to the licensing or registering authority. This is not a very satisfactory method of ensuring that early action is taken by the owner or driver of the taxi to have necessary repairs effected. The proposed legislation gives an inspector the authority to require the owner to submit the taxi-car, within such time as he then specifies, to the authority by which it is licensed. It also gives an inspector, where he considers that a taxi-car, whilst being operated in a control area, is so unclean as to be likely to mark or damage the clothing or luggage of a passenger, the power to direct the driver of the taxi to have the taxi cleaned, within such time as he specifies.

The Government is mindful of the fact that the taxi industry, having well over £1,500,000 invested in vehicles and equipment, is an important part of the passenger service of the State and is, therefore, anxious that drivers and vehicles as presented to the public should maintain a standard that compares with the best in Australia.

Debate adjourned, on motion by Mr. Graham.

House adjourned at 10.33 p.m.

Legislative Council

Thursday, the 14th October, 1965

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The PRESIDENT (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTION WITHOUT NOTICE

HILLCREST MATERNITY HOSPITAL

Closure

The Hon. R. THOMPSON asked the Minister for Health:

(1) Is the Minister aware of the proposed closure of Hillcrest Maternity Hospital, North Fremantle?

(2) Would he negotiate with the owners of the hospital to see that it is not closed as a maternity hospital?

(3) Is he aware of the shortage of maternity beds in the Fremantle district?

(4) What provisions are to be made to increase this type of hospital accommodation?

The Hon. G. C. MacKINNON replied:

The honourable member was good enough to telephone me with regard to this query, the answer to which is as follows:—

(1) No. I am aware that the hospital is being closed to private maternity cases only. It is still continuing as a maternity hospital and also as a "C"-class hospital.

(2) The decision not to accept private maternity cases was made by the owners, who were good enough to convey this knowledge to the department. The Salvation Army's intention not to accommodate private maternity cases was then discussed and this co-operation on the part of the Salvation Army has enabled the department to proceed with planning for additional beds at the Woodside Maternity Hospital.

(3) and (4) This will be met by the planned additions as referred to in (2), and also by the availability of beds at the Devonleigh Maternity Hospital, Cottesloe.

QUESTIONS (3): ON NOTICE

SKIM MILK FROM TREATMENT PLANTS

Supply for Stock: Milk Board's Ban

1. The Hon. N. McNEILL asked the Minister for Health:

(1) Is the Minister aware that certain milk treatment plants have been supplying skim milk to milk producers to assist them in their calf-rearing programmes?

(2) Is he also aware that such milk is suitably coloured to prevent it being used for a purpose which would conflict with the requirements of the Milk Act and appropriate regulations?

(3) Does he agree that the availability of such skim milk is of material benefit to producers in enabling them to rear replacement and high-producing stock?

(4) Is he aware that the Milk Board of W.A. has issued instructions that the practice of supplying this skim milk is to cease as from the 1st December, 1965?

(5) Is it the opinion of the Minister that this practice is of sufficient prejudice to the Milk Act, and to the supply of whole milk, as to require the imposition of this ban?

(6) Is the Minister aware that the imposition of this ban may—

(a) reduce the number of stock being reared by producers; and

(b) require that producers purchase alternative proprietary calf foods to continue rearing programmes?

Inclusion in Proprietary Calf Foods

(7) Can he state whether skim milk from milk treatment plants is used in the manufacture of proprietary calf foods?

The Hon. G. C. MacKINNON replied:

(1) Yes.

(2) The board requires that skim milk being returned to licensed dairymen be coloured in accordance with an agreed concentration, and cases have occurred where colouring has been omitted or has been inadequate.

(3) It is known that this skim milk is used by some producers when available.

(4) Yes.

(5) Yes.

(6) (a) and (b) Information is not available on the number of calves reared on skim milk or proprietary calf foods.

(7) Yes.

NOXIOUS WEEDS: CHECK POINTS

Additions on Standard Gauge Railway Line

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

(1) When the standard gauge railway comes into operation, will additional check points be set up for the inspection of stock from the Eastern States to prevent the spread of noxious weeds into the agricultural areas of this State?

Port Pirie: Arrangement with South Australian Government

(2) What progress has been made with the South Australian Government to set up a check point at Port Pirie for this purpose?

The Hon. A. F. GRIFFITH replied:

(1) No, as it is intended to retain a rail check point at Kalgoorlie.

(2) This matter has been discussed with the South Australian Department of Agriculture and alterations to the present system of inspection in that State should be finalised shortly.

POLICE STATIONS

Flag Poles: Cost of Installing

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

Regarding the many flag poles that have been erected at police stations throughout the country, will the Minister advise the cost of—

(a) the flag poles;

(b) their installation; and

(c) the hiring of mobile cranes?

The Hon. A. F. GRIFFITH replied:

(a) and (b) Quotations are sought on the basis of supply and erect, and vary from district to district. Costs and installation vary from aproximately £95 to £120.

(c) The hire of mobile cranes would be the responsibility of the contractor, but I understand that they are not generally used for this purpose.

VERMIN ACT AMENDMENT BILL

Second Reading

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [2.38 p.m.]: I move—

That the Bill be now read a second time.

The Agricultural Protection Board is authorised by section 98 of the Vermin Act to publish notices specifying the vermin control measures to be carried out. Members may be aware that there have been instances of such measures having been applied in compliance with the Act, but in a quite ineffective manner with little positive result. With a view to strengthening the practical application of both sections 98 and 99, which were amended in 1962 with a view to overcoming legal complications, it is now proposed to further strengthen these sections.

The purpose of the appropriate amendment to section 98 is to enable the published notice to indicate that vermin will be destroyed, in addition to specifying the method to be used in their destruction. It is hoped by this means to achieve much more than the carrying out of the letter of the law.

Another amendment will enable individual notices to be served in addition to the publication of a district notice. It should be mentioned here that a district notice specifies a particular control measure—poisoning, for example—is to be used throughout an area, but the Act does not permit other control measures to be used at the same time. It has been found, however, that on some properties other methods of vermin eradication are necessary, such as warren ripping, and this amendment will permit of such additional control measures being taken, even though another method may be in course.

In other words, the notice may be served on an individual requiring him to take such necessary measures as are indicated during the period when a vermin eradication drive using a different category of control measure is being carried out. This will eliminate the present undesirable and inconvenient situation where notices to individuals have to be postponed until the completion of a district vermin destruction programme.

There is another amendment relating to the wording of the particular notice itself. The words "suppress or destroy" will be replaced by the words "suppress and destroy," for it is considered the word "or" in its present use limits unduly the scope of the direction, providing alternatives rather than additional directives.

There is another amendment extending the time in which vermin control work can be completed from seven to 14 days, or, if necessary, to a specified date. Accordingly, there will be provision for control work to be commenced by a date specified and completed by another stated date. This will enable seasonal conditions or other factors which could prevent work from being commenced immediately being taken into account.

Provision is made in an amendment to section 99 for a person who has been prosecuted for failing to commence vermin control work when required, to be prosecuted a second time if he still neglects to make a start within 28 days. The Act at present contains penalties for failure to continue control work, while the object of this proposed amendment is to see that persons commence control work after they have been prosecuted.

There is a further amendment to make the continuing penalty more in keeping with a continuing offence. Section 113 states that any person or employer of a person who drives stock along a government fence or holds them against such a fence commits an offence and is liable to a penalty not exceeding £1 for every head of cattle so driven.

It is proposed now to take this further and make it an offence for anyone to travel along a vermin fence or trespass on a government fence reserve without first obtaining a permit. The penalty provided, should a person be prosecuted and convicted of such an offence, will be a maximum fine of £100.

It might be pointed out that the circumstances which have led to the necessity for this amendment arise out of considerable damage being done to vermin fences

by persons such as hunters, shooters, and tourists trespassing on the fence reserve. As a consequence of these intrusions, costly fences sometimes become damaged and so lose their effectiveness with serious consequences to farmers, especially at times when large-scale movement of vermin is taking place.

Though the Act already contains provision for the prosecution of persons damaging vermin fences and installations, it is most difficult to apprehend offenders, and very often equally as difficult to procure evidence sufficient to uphold a prosecution. The purpose of the amendment is to assist the apprehension of trespassers before damage to the fence can occur. A penalty of a maximum of a £100 fine is provided to discourage such trespassers.

The amendments contained in this measure are considered to be essential for the assistance of those who are working to reduce the heavy toll being taken of primary production.

Debate adjourned, on motion by The Hon. A. R. Jones.

THE CITY CLUB (PRIVATE) BILL

Second Reading

THE HON. H. K. WATSON (Metropolitan) [2.44 p.m.]: I move—

That the Bill be now read a second time.

I entertain no doubt that you, Sir, and all members, take comfort in the fact that as I get older and older my speeches, mercifully, become shorter and shorter. I am sorely tempted today to render the classic of all short speeches by saying there is really nothing I can usefully add to what is set forth in the title and the preamble to this Bill. Those two portions of the Bill clearly, concisely, and comprehensively, describe the whole purpose of the measure.

However, members may be interested to recall that at the turn of the century, when quite a few social clubs were formed, they were generally formed under the Companies Act, really for want of any other convenient means of forming themselves into a corporate body and obtaining the benefits of limited liability.

Matters were allowed to go on in that way until the passing of the old Companies Act in 1943, and its proclamation in 1947. When that Act was proclaimed, with the prospect of more precise and particular administration in seeing that companies registered under the Act complied with all of its many requirements, it became pretty apparent that social clubs were wholly unsuited to the Act, and, indeed, were almost incapable of complying with its various provisions.

One of my earliest duties in this House was, in 1948, to introduce a Bill, in terms similar to this one, to convert the West Australian Club from a limited company into an association incorporated under the *Associations Incorporation Act*. I recall that that Bill was put through Parliament through my efforts in conjunction with the then member for Perth, the late Teddy Needham of happy memory. On this occasion the Bill was introduced in another place by the present member for Perth, Mr. P. D. Durack.

I am a little surprised that it has taken so long for a Bill of this nature, in respect of this particular club, to make its appearance; because, as I have said, the difficulties under which clubs have laboured have been very pronounced since 1947. You may recall, Sir, that last year Mr. Lavery, I think it was, introduced a Bill of which this, apart from the name, is a precise copy; because the operative clauses of this Bill are identical with those in the measure introduced by Mr. Lavery in connection with the Fremantle Buffalo Club.

In a word, the difficulties in which the City Club finds itself are that it has been in operation for 60 years and that although members have come and gone over that period, the club has merely been concerned with receiving their actual subscriptions each year, and when they ceased to be members, that was the end of things. But, technically, under the Companies Act every person who has been a member of the club since 1906, and who was, or ought to have been, allotted a share is still a member, but today is unknown, and the club has no records going back to 1906. It is therefore unable to lodge a list of all members since 1906 as required annually by the Companies Act.

It has been found necessary, as a result, by the use of the broad sword—in other words, by force of this legislation—to convert the organisation from a body registered under the Companies Act to a body registered under the Associations Incorporation Act. That is the sole purpose of the Bill, and I commend it to members.

Debate adjourned, on motion by The Hon. W. F. Willesee.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [2.50 p.m.]: I move—

That the Bill be now read a second time.

Many of the clauses in this Bill have been designed to strengthen the Traffic Act for the purpose of dealing more effectively with the persistent traffic offender and the incompetent driver. Stronger deterrents are necessary for those who will not conform to a reasonable pattern of road conduct and, if necessary, to deprive such persons of the privilege of driving a motor vehicle. The penalties for serious

offences have been increased substantially and this is in accordance with the Government's pre-election promises.

The road traffic code, in the preparation of which much time and effort have been expended, is now uniform almost entirely with those of other States and of the Commonwealth. It contains all the rules and regulations which road users are required to observe, and this Bill has provisions in it which are complementary to the code.

I shall now deal with some of the specific amendments which are contained in the measure. It is proposed to amend section 5 of the Act to allow licensed tow trucks to tow unlicensed vehicles. Provision is made for licensing tow trucks as a distinct class of vehicle. A permit fee of 6s. 8d. will be charged because operators will be saving the cost of the temporary fees for unlicensed vehicles which they have had to pay in the past.

A wider use of dealers' plates on journeys considered consistent with legitimate dealing business will be permitted under an amendment to section 19. Sections covering the issue of drivers' licenses are to be amended to provide greater control over their issue and to remove existing anomalies. Power is to be given to the commissioner and to the courts to place conditions on licenses when considered necessary. Under another amendment the commissioner will be authorised to retest persons whose driving capabilities are suspect and to revoke their licenses if they are unable to demonstrate their ability to control a motor vehicle.

Probationary licensees who commit a number of offences will be subject to the date of disqualification being operative from the last conviction instead of the initial conviction, this resulting in a cumulative suspension.

The evident intention is to introduce stiffer tests before drivers can obtain licenses, and some of the amendments in the Bill are complementary to other steps being taken to adopt the recommendations of the Driver Improvement Committee.

Section 31 contains three offences; namely, reckless, dangerous, and negligent driving. The Law Society has made representations in this regard and, with the concurrence and support of the Crown Law and Police Departments, a decision was made to provide three separate sections. These will appear in sequence in order of seriousness as established in law with appropriate penalties attached. Though there are varying degrees of seriousness in the charges which may be laid under section 31 at present, a similar penalty applies to each of the three classes.

It is proposed to reveal divisions 3 and 3A dealing with weights and widths of vehicles and insert any part which is not redundant into the regulations. Likewise, in the interests of a better arrangement of the traffic laws into a more concise form, it is proposed to eliminate section 48 and recast section 47 to encompass the required regulation-making powers.

Penalties for breaches of regulations have been raised from £25 for a first offence and £50 for any subsequent offence to £50 and £100 respectively. The increased penalties may then be applied to such offences as speeding and failing to give way should the courts so desire. At the present time a person may commit a speeding offence each week in the year and be fined no more than the amount of penalty provided for the initial offence.

In the section dealing with the illegal use of vehicles, the Bill separates from the existing penalties the offence as it is related to vehicles other than motor vehicles. The provision for the mandatory disqualification of the offender's driver's license is to be removed. The operation of the section as it stands has caused innumerable situations of persons reaching the age of 17 years being debarred from holding a driver's license for 10, 20, and up to 30 years or more. The only redress in these cases is to apply for an extraordinary license under section 33A of the Traffic Act, and this has no prospect of success unless hardship can be established. There is one case on record where a person, now a lad, will not be able to obtain a driver's license until he reaches the age of 111.

The Hon. J. Dolan: That is why he will probably reach the age of 111.

The Hon. A. F. GRIFFITH: I frequently have experience of the ridiculousness of this situation. The magistrate is deprived of the authority to exercise any discretion. At present it is mandatory for him to take away the driver's license of any offender in these circumstances, and it leads to a rather absurd result. Such action does not prove to be a deterrent; because a lad who finds himself in the position that he is unable to obtain a driver's license until he reaches the age of 111, or more, does not look upon this as a deterrent, but will continue to drive a motor vehicle and will invariably run into more serious trouble.

There is no doubt that the deprivation of a motor driver's license is a serious social handicap. A person having reformed and leading a respectable life is placed at an intolerable disadvantage in not being able to obtain a driver's license to take his family out or join in social activities. In effect, he carries an indelible stigma that in his youth he was irresponsible.

In support of the elimination of this mandatory disqualification it can be clearly asserted that the provision existing since 1956 has had no appreciable effect in diminishing this type of offence. In addition to removing the mandatory requirement, it is proposed that any disqualification incurred for the

offence should be at the discretion of the court, which would, no doubt, give due cognisance to all the circumstances apparent in each case. With the passing of this requirement, it would be only fair to provide for the lifting of current disqualifications created by the existing provisions. It is therefore submitted that any disqualification incurred by a person befor reaching the age of 18 years—namely, in the Children's Court—be automatically terminated.

It is not suggested, however, that disqualifications imposed in a police court be interfered with as such disqualifications would have been incurred when the offender was entitled to a driver's license, and would probably have been inflicted at the court's discretion in any event. Neither is it desired to alter the existing pecuniary and imprisonment penalties of the section. These are, for a first offence, a minimum fine of £50 or imprisonment for one month, and a maximum fine of £250 or imprisonment for 12 months; and for any subsequent offence, a minimum of three months' and a maximum of two years' imprisonment. These punishments are applicable at the time of conviction and are undoubtedly a deterrent.

There are other increased penalties proposed. The penalties for driving a vehicle under the influence of drink or drugs has been increased substantially in accordance with the Government's undertaking at the election. The number of deaths attributed in some degree to the effects of alcohol are alarming. Figures submitted by the District Medical Officer (Dr. A. Pearson) showing the presence of alcohol in a high percentage of fatal accidents were detailed together with a large range of statistics by the Minister for Police when introducing this measure in another place and are recorded in *Hansard* under date, the 7th October.

There is every indication that there is a steady increase in the number of persons offending more than once. It is quite obvious in the light of the present trend that further deterrents are needed if the incidence of drunken driving is to be curbed.

The existing penalty for this type of offence is a £50 fine for the first offence, and it is proposed to increase the figure to £100 with a maximum of £150. The existing maximum for the second offence is £100, and it is proposed to increase this to £200 minimum and £250 maximum. The existing maximum for the third offence is £200, and it is proposed to increase this figure to a minimum of £300 and a maximum of £350 for all offences subsequent to the second offence.

The terms of imprisonment are not to be altered. These are to remain as: maximum for first offence, three months; maximum for second offence, six months; and maximum for third and subsequent offences, 12 months. The existing disqualification is a minimum of three months for the first offence, and this will be increased to six months. The minimum for the second offence is 12 months, and this will be increased to two years. The minimum at present for the third offence is permanent, and this is to remain.

Other serious offences for which increased penalties have been provided are offences under the regulations which cover speeding, failing to give way and like offences, reckless driving, failing to report an accident, failing to supply information when as an owner an offence has been committed, misleading information, driving under suspension, using false plates or licenses, interfering with a vehicle, and so on.

There is provision in the Bill also for the extension, if desired, of the modified penalty system to country areas. This was raised at the instigation of the magistrates. The need for this is apparent when we take a recent case of a person in the country who was fined £10 for having no certificate of registration attached to the windscreen of his vehicle. In another case, a similar fine was inflicted for having an unserviceable horn on the vehicle. Both of these offences would, in the metropolitan area, attract a minor penalty of £1; and it is inequitable that country motorists should be under such a disadvantage as at present exists.

It is not the practice at present to inflict minor penalties on persons under the age of 18, and these persons are required in every case to attend the Children's Court. The Child Welfare Department does not consider this necessary; and, in any event, it is unfair that a young person of, say 17 to 18 years, should lose a day's wages possibly and incur court fees for a parking or other minor offence. A subsection has been added to make it clear that these persons may be dealt with in the same manner as adults. This is only in relation to minor offences, however.

It has been customary for many years past to issue free drivers' licenses to persons limited to drive motorised wheel chairs. There is doubt, however, as to the legality of the Act in this regard and a suitable amendment has accordingly been included in this Bill to remove any doubt in the matter.

As members, are aware, the Government is much concerned at the increasing risks of the road, and it is hoped that the provisions contained in this measure will assist, together with other measures which are contemplated, to bring about a reduction in our rising road toll.

Fears expressed in another place that the young hardened offender would obtain undeserved benefit from this Bill are groundless. Such a person would have to apply for a license, normally his first

license, which would be issued on probation. The commissioner has the power to refuse the license—subject to right of appeal—when it is considered that the character or the convictions the applicant had incurred would make it inadvisable to issue a license.

I hope this Bill will be accepted in the spirit in which it is put forward—in the desire that it will do something to reduce the ever-increasing toll of the road and curb the activities of a certain section of the community which seems to have complete disregard for the safety of others and which almost possesses an impelling desire to break the law. In addition to running the risk of injury to themselves, these people endanger the welfare of other people as a result of their activities.

Debate adjourned, on motion by The Hon. J. Dolan.

WILLS BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.7 p.m.]: I move—

That the Bill be now read a second time.

This Bill is being introduced to consolidate certain enactments relating to wills, and the introduction of this measure gives effect to the undertaking given by me in the Legislative Council last year. This undertaking was given because of the complexity of enactments dealing with wills. However, certain Acts, such as the Simultaneous Deaths Act, 1960, Acts 17 and 18 Victoria C.113, 34 Victoria No. 1, and 43 Victoria No. 11, which relate indirectly to wills, have not been included. This Bill does not effect any change in the law.

Members may be interested to know that at present the legislation relating to wills in the Australian Capital Territory and in all the States of Australia is, in effect, substantially uniform as it all stems from the Wills Act, 1837, of the United Kingdom.

Some members may recall that on the third reading of the Wills (Formal Validity) Bill on the 15th September, 1964, covering a point raised by Mr. Watson that "he was of opinion that we ought to have a Wills Act of our own," I stated in effect that in the next session I would bring down a Bill consolidating certain enactments relating to wills; and later in another place Mr. Court, on the 6th October last year, reiterated this undertaking on my behalf.

I would point out that this course of action has no relation to the long term overall law reform activities sponsored by me some few years ago, and I accordingly placed this task of consolidating laws relating to wills in the hands of the Chief Parliamentary Draftsman and this consolidation is the result of his endeavours. The introduction of this measure enables the repeal of the whole of the following Acts:—

7 Will. IV and 1 Vict., C.26—an Act for the amendment of the laws with respect to wills adopted in the State by Act No. 2 Vict. No. 1.;

18 Victoria No. 13—an ordinance for the amendment of the laws with respect to wills; and

20 of 1941—Wills (Soldiers, Sailors and Airmen) Act, 1941 and 24 of 1964—Wills (Formal Validity) Act, 1964.

These are being repealed because they are included in this Bill. Also sections 20 and 21 of Act No. 83 of 1962, the Law Reform (Property Perpetuities and Succession) Act, 1962, are repealed because they are included in this Bill.

The Chief Parliamentary Draftsman has included in this Bill the measures which, in his opinion, should be consolidated—thus the Acts relating directly to wills instead of being contained in some five Acts will now be in one. The Bill incorporates all the necessary provisions of the repealed Acts and sections. The Bill, apart from a change of language in some places, the excision of several sections that no longer have application in Western Australia, and a change in form and style of drafting so as to modernise the Bill, makes no change in the law. It is submitted that this measure brings about an important statutory revision and makes for much easier reading compared with the archaic form of the old Acts it consolidates.

I believe that this consolidated measure will be in much demand when it has been passed, and I wish to pay a special tribute to Mr. Walsh, who is our Chief Parliamentary Draftsman, for the attention he has given to the presentation of this modern conception of the legal complexities which comprise our wills laws.

The Chief Justice, who is Chairman of the Law Society, envisages the necessity of a later amendment to the Wills Act on a Commonwealth-wide basis with a view to ameliorating conditions at present brought about through wills being voided on account of vagueness of dispositions. The Law Reform Committee of the Law Society is examining this problem with the aforesaid purpose in mind.

It is my desire that the passage of this Bill should be in no way hurried. I will be quite satisfied to keep it on the notice paper in such a position that it need not necessarily be dealt with at the next sitting or in the immediate future. If members would give me some indication, after they have had an opportunity of examining the Bill, that they are ready to proceed, we will then carry on with it.

I repeat, there is no change in the law. It is purely a consolidation of the Acts I have mentioned, and this has been done, it can faithfully be said, on the suggestion made by Mr. Watson when discussing legislation last year.

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

STATUTE LAW REVISION BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.14 p.m.]: I move—

That the Bill be now read a second time.

This Bill is a further implementation of the plan to put the Statutes of Western Australia into a more convenient and up-to-date form, such plan having received the approval of the Legislature during the last session by the passage through both Houses of the Statute Law Revision Act, 1964, which provided for the repeal of 384 enactments passed during the period 1832-1900.

This Bill provides for the repeal of a further 719 enactments most of which were passed during the period 1900-1963, and all of which, for various reasons, are no longer effective and should, therefore, be excluded from the eventual reprint of the Statutes.

The form and procedure adopted in regard to the drafting and introduction into Parliament of the 1964 Bill have been followed in connection with the present measure. Firstly, it is based on the recommendations contained in a further progress report on Statute law revision dated the 31st March, 1965, which report, as in the case of the two earlier reports, has been considered by the Law Society of Western Australia, which has again supported the general recommendations contained therein.

Secondly, there has been circulated with the Bill an explanatory memorandum giving some details of each enactment and the reason why it is thought to be no longer effective. It is hoped that this memorandum will facilitate study of the Bill.

Thirdly, both the Bill and the memorandum are arranged in substantially the same way as those of 1964. However, whereas in the 1964 Bill, part IV of the first schedule comprises naturalisation Acts, in this Bill such part contains 93 enactments relating to roads and streets; and the second schedule containing enactments relating to railways has been divided into four parts which are referred to in more detail in the memorandum.

Fourthly, the procedure of first referring enactments proposed for repeal to those persons, departments, authorities, or organisations thought to be, or to have been once, affected by, or charged with, the administration of the same, before making any recommendation for their repeal, has been continued in those cases where such reference has been thought either necessary or desirable, even if only as a matter of courtesy; and, in at least one instance, appreciation of the opportunity to offer comments on the matter was expressed. Where such references have been made, the fact is referred to in the memorandum.

The provisions of the Interpretation Act, in particular sections 12 and 16 relating to repeals, must be borne in mind when considering the effect of the Bill. As was the case with the 1964 Bill, it has been thought necessary to include, in respect of certain Acts which provided for the construction of railways, a saving provision additional to those contained in the Interpretation Act. This is referred to on pages 2 and 3 of the memorandum.

The first three parts of the first schedule comprise supply, appropriation, loan, and other money Acts which are no longer effective. Part IV of the first schedule contains the enactments affecting roads, and streets previously referred to; while part V contains a large number of general enactments which, for the reasons given in the memorandum, are no longer effective.

The second schedule contains a number of enactments relating to railways and is divided into four parts. Parts I and II comprise construction Acts. The Public Works Act makes provision for the maintenance of a railway which has been constructed, but some doubt exists whether the provisions of the Interpretation Act are sufficiently wide to reserve the power to alter the line of the railway within the limits of deviation specified by the Act authorising its construction. Provision has therefore been made in the Bill to preserve expressly the limits of deviation authorised by the enactments comprising part 1 of the second schedule.

The third schedule contains two enactments, each of which was intended to be repealed but which was incorrectly described in the repealing Act.

The fourth schedule contains four enactments which ceased to have effect on the publication of a notice in the *Government Gazette* in 1913. The Bill provides a record of this date. The single enactment comprising the fifth schedule was passed by the Legislature and reserved for Royal Assent, which was never given, and therefore this enactment never became law.

It is sufficient if this Bill be passed by a simple majority in each House of the Legislature. However, there are six additional Acts which were passed between 1943 and 1947 as part of the programme of post-war reconstruction, and the terms of which require that they not be repealed without the concurrence of an absolute majority of each House. Accordingly, those six Acts are the subject of a separate Statute Law Revision Bill which will be introduced following this Bill.

I propose to follow the same course as I did last year in connection with the passage of this measure. It will be remembered that last year I introduced the Bill and, having done that, I made a copy of it and the memorandum available to the Leader of the Opposition in the Legislative Assembly so that he would have the information available; and I think it considerably assisted the passage of the measure through that House. I propose doing the same thing this year. I have already forwarded a copy of the report for this year, which was dated May, 1965, to the Leader of the Opposition in the Legislative Assembly and also to the Leader of the Opposition in this Chamber so that they have some prior knowledge—and they have had it for the months immediately past—of what is contained in the Bill. This was done to give the Opposition whatever notice was possible to make an advance study of the legislation.

Last year Mr. Wise, who took the adjournment of the debate, availed himself of the opportunity, by arrangement with me, to talk to Mr. G. D. Clarkson and Miss Shirley Offer, the two people employed on this work; and Mr. Wise subsequently told me that this gave him a good opportunity to talk to Mr. Clarkson and Miss Offer concerning the contents of the schedules and it enabled him to understand what was contained in the legislation quicker and more easily. That opportunity will be available on this occasion to any honourable member who would like to interest himself to that extent. Mr. Clarkson and Miss Offer will be only too pleased to explain anything in the Bill which members would like to have explained to them.

I should like to pay a tribute to Mr. Clarkson and to Miss Offer for the manner in which they have pursued this work. I was naturally very pleased last year when both Houses of Parliament accepted the principle of Statute law revision; and the passage of the Bill then gave us the green light—if I can use that expression, although it would be more appropriate with traffic Bills than with this one—to go ahead with this very important work.

I believe the acceptance of this Bill will assist considerably the work that has been and is being undertaken by Mr. Clarkson and Miss Offer. It is not easy work; it requires the exercise of a great deal of patience and diligence in examining with meticulous care all the Statutes involved to make sure that they no longer have any use and that they are in fact redundant and should be removed from the Statute book.

I am surprised that we have been able, or we will be able if this Bill is passed, to remove from the Statutes of Western Australia something in excess of 1,100 spent and unnecessary Acts; and rather than have the work go ahead at the pace at which it has been proceeding I am hopeful that when this Bill is passed we will be able to speed up the work in this section of the Crown Law Department; because there is no doubt the longer this job takes the more difficult and costly it becomes to the State. I pay a real tribute to the work being done by Mr. Clarkson and Miss Offer.

I propose also not to hurry the passage of this Bill. If the Leader of the Opposition will give me some indication, as soon as it is practicable, that members, at least on his side, are ready to go on with the debate, I will be happy to proceed with it, bearing in mind that it must also be passed by the Legislative Assembly. I commend the Bill to the House and trust it will be supported.

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

STATUTE LAW REVISION BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.27 p.m.]: I move—

That the Bill be now read a second time.

This is a very small Bill in comparison with the one previously introduced. It provides for the repeal of six Acts which were passed between 1943 and 1947—and which were referred to in the previous measure—whereby certain matters were referred by this Parliament to the Commonwealth to enable post-war reconstruction legislation to be passed by the Federal Parliament.

These Acts no longer have any force as the period for which the various matters were so referred has long since expired. Normally an expired Act may be removed from the Statute book by including it in a Statute Law Revision Bill providing for its repeal. However, this legislation contains provisions preventing its repeal except with the concurrence of an absolute majority of each House.

It might be said that such a provision applies only during the effective life of the legislation, and that once expired it may be repealed in the usual manner; but it has been thought preferable to avoid any doubt and to make such legislation the subject of a separate Bill, the second and third readings of which will require to be passed by an absolute majority of the whole number of the members of each House.

As with the previous measure, an explanatory memorandum has been circulated with the Bill. These six Acts were not included in the No. 1 Bill for an obvious reason, that being the constitutional requirement of an absolute majority of both Houses. It was thought far preferable to separate them into this Bill. I do not think

any further explanation of the repeal of these six enactments is necessary, and I commend the Bill to the House.

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

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.33 p.m.]: I move—

That the Bill be now read a second time.

This rather lengthy Bill of 44 clauses contains many amendments which are of a machinery character. I shall make some brief reference to these and shall speak at greater length on other amendments of greater importance.

Quite a number of the machinery amendments, which are brief in their application, introduce, nevertheless, an important principle of applying to limited hotel licensees obligations at present placed only on general licensees and wayside house licensees.

At the time when these obligations were first introduced, the limited hotel licensee was not in existence. This license is, however, now gaining in importance and it appears that applications for limited hotel licenses are likely to increase. There have been three in the past two years. It is quite likely, for instance, that additional accommodiation or renovation of the premises of such license may at some time be required. It is proposed, therefore, that a provisional certificate may be obtained for this type of license. There is an amendment affecting children's playgrounds under the control of the licensee, and it is considered unfair to prevent the licensee of a publican's general or wayside house license from having a children's playground if the licensee of a limited hotel license is to be unrestricted in the same area.

Section 58 of the Act contains certain restrictions in respect of females holding licenses. These are at present applied only in respect of publican's general licenses and wayside house licenses. It is proposed they shall in future be applied to limited hotel licenses.

Also, it is intended that limited hotel licensees set up their names on their buildings as other licensees are required to do. Similarly, outside lights will have to be shown at night, and provisions concerning change of name are to be applied to the limited hotel license.

The Act contains no general definition of "bar" or "bar room" but both terms are used. A wide definition is needed as there are now so many different types. While the Act by implication exempts dining rooms, it is thought that an express exception should be made so there is no doubt that children can be admitted to dining rooms at all times when meals are being taken, even though liquor is being served in such rooms at the tables.

Section 116 deals with cleaning and sanitation, and it is proposed to repeal existing provisions and re-enact them to empower an inspector of licensed premises to require minor repairs to be carried out. There will, however, be a right of appeal to the court in this regard. At present if the licensee is absent from his premises for 28 days in the aggregate, any further absence must be approved by the court. It is considered unreasonable that casual absences from licensed premises should be added together to make up for the period of absence.

It is thought that by following the method used in New South Wales, permission should be required only for continuous absence. On the other hand, a growing number of licensees go on overseas holidays for fairly long periods and, as the Act now stands, they are not required to appoint a suitable person to manage and superintend the business. It is considered the appointment of a manager for any period of absence longer than 21 days is necessary, and it is made clear that, during the absence of the licensee, such person is fully responsible.

The Bill proposes that the holders of canteen licenses may obtain an occasional license on Anzac Day, but only by individual application. The Bill also extends the time in which an owner can pay overdue license fees before the license in respect of premises owned by him is cancelled. Under the Act at present, the owner of premises, where the licensee fails to pay the license dues, may himself pay the fees within seven days and, if he does not, the Act provides for a mandatory cancellation of license.

It can happen that where a licensee who does not own the premises fails to pay his license dues, the owner of the premises may not become aware of this in time to avoid the cancellation of the license. The court therefore asks for power to extend the period for such time as it thinks fit. I think this is a reasonable proposition, because once the owner finds out that the licensee has not paid the dues, the time expires, the license has gone and there is nobody to exercise any power of discretion.

The business of the court has greatly increased and applicants are finding it difficult to lodge their applications in the prescribed time before the beginning of the quarterly sittings. It is proposed that the court and not the Minister may fix sitting days. It is my duty at the moment to fix sitting days. This I do on the advice of the court. I think it would be better for administration purposes if the court itself were in charge of this state of affairs.

There is also an amendment which will enable applications for canteen licenses to be expedited due to rapid development in isolated areas. It is proposed that these applications can be heard at such time as the chairman of the court may appoint.

It is intended to tidy up to some extent the provisions covering applications for temporary licenses. This decision arose out of the grant (by a country stipendiary magistrate) of a temporary license on school grounds to a parents and citizens' association for school sports.

Section 53 is to be repealed, because a temporary boarding or eating house license has never been granted under this section. In fact, there are no licenses for eating or boarding houses under the licensing Act. They lapsed years ago.

In future, when clubs are applying for renewal, it will not be necessary for them to supply the detailed list of the names of members and their addresses. The existing provision entails quite an unnecessary amount of detailed work and the court is agreeable to the lists in future containing the numbers and classes of members, and the numbers of unfinancial members.

Persons very often attend voluntarily as witnesses at hearings. Yet many of these object to answering questions, and the court has no power to demand an answer. The Bill accordingly contains a provision obligating a voluntary witness to respond to questions asked. There are amendments also contained in this measure with a view to confining the drinking of liquor to passengers on vessels, except north of the 26th parallel.

Important amendments covering underage drinking are proposed. An amendment to section 149, for instance, has been inserted with a view to preventing collusion between adults and juveniles. Cases have occurred of adults having liquor delivered to iceworks, later to be picked up by juveniles and consumed by them. It is considered necessary to tighten the control on liquor so that it will be unlawful for such persons to pick up liquor where it is for the time being stored: that is, well away from the licensed premises.

The chief inspector of licensed premises has submitted to the court a report on a number of premises in the metropolitan district which are unlicensed but which, as they purport to serve meals, are able, under the existing law, to allow customers to bring in their own liquor from outside and to consume it on the premises.

Arising from the disclosures contained in this report, it is considered that both the Licensing Court and the police should be given power to control these types of premises and the activities which are taking place largely in respect of juveniles.

Members will be interested to know that the report of which I am speaking was made on the 30th March last, and since that time a great deal of thought has been given to the means by which the abuses, which are occurring at many establishments throughout the metropolitan area, might be stopped.

Members will be concerned to know that a further report by the Liquor Inspection Branch, under date the 5th October last, indicates that there has been no change, or very little change at most, in the conduct of these premises, even though in some instances the premises have changed hands.

Therefore it has been decided to introduce into the Licensing Act several new sections to deal with the problem. In the first instance, it must be realised that cafes and other places where food can be obtained, including certain such places usually called night clubs, without any license of any kind under the Licensing Act, can under the existing law allow customers to bring in their own liquor and consume it on the premises without any restrictions as to hours. The fact that they do sell liquor when unlicensed is another matter, and this constitutes an offence under the Licensing Act. There have been a number of convictions in this regard. Usually these places make a charge to the customer for providing glasses and opening bottles—known as corkage. This charge appears to vary considerably from place to place.

The report of Sergeant Brown, already publicised, has illustrated the situations that have more recently arisen in such places, particularly in regard to the consumption of liquor by teenagers. The Bill proposes that the bringing into, and consumption, of liquor in such premises, which in the Bill are called "unlicensed premises", shall be unlawful unless a permit allowing liquor to be brought into and consumed in such premises is granted by the Licensing Court. This is quite apart from liquor sold illegally.

The Bill provides that these provisions shall not become law until three months after the coming into operation of the amended Act. During this period of three months, the proprietors of such unlicensed premises will be at liberty to apply for permits and, pending the decision of the court on such applications, will be able to carry on as now. This gap of time is necessary as it is expected a number will apply. If the court refuses the permit, then it will become unlawful for liquor to be brought into, or consumed on, the premises.

If the court grants the permit, the bringing in and consumption of liquor will be lawful, subject, firstly, to certain conditions laid down in the Bill and, secondly, to conditions, if any, made by the court. The conditions in the Bill are—

(1) No liquor to be consumed between 2 a.m. and 12 noon on any day.

(2) No liquor to be consumed, except by the permit holder and his family, on any Sunday, Good Friday, or before 1 p.m. on Anzac Day —not being Sunday.

(3) That the doors of the premises are kept unlocked.

(4) See clause 29. That no person under 21 years of age is allowed at any time to be supplied with or consume any liquor.

In the light of the conditions imposed by the Bill, it is anticipated that the conditions made by the court will mainly apply to the condition of the premises or will deal with some unexpected problem that may arise in the course of the application.

Clearly a number of cafes, etc., which do not now permit the bringing in or the consumption of liquor, having no desire to do so, will not apply for permits; and, so long as no liquor is brought in or consumed, will not require any permit.

A permit, if applied for and granted, may—to avoid annual renewal—be granted for up to five years. The maximum fee for a five-year permit will be £5. Permits may be renewed at the expiration of the original period. Permits will be transferable and can be passed on to executors, etc., by the same methods as licenses are now transferred in accordance with sections 56 and 57 of the Licensing Act. Permits cannot be granted to persons under 21 years of age, or persons not British subjects by birth or naturalisation.

Upon the application of an inspector of licensed premises, or of its own motion, the court may suspend or cancel any permit, but the permit holder must be given seven days' notice of the application or intention, and the case will be heard in open court so that the permit holder can be heard in his defence.

In order to enable permit holders on special occasions to be specified in the application, the court may issue an occasional permit for such a special occasion for hours other than those specified in the Bill, not, however, exceeding 4 a.m. Such an occasional permit may be granted also after 1 p.m. on Anzac Day. The fee for such occasional permit will be 10s. only, but otherwise the provision of section 52 of the Licensing Act, which deals with occasional licenses, will be applied.

The Bill further provides that any inspector of licensed premises may enter the premises of a permit holder to prevent or detect any breach of the law relating to permit holders' premises, or of the conditions imposed as previously mentioned. It will be an offence to refuse to admit such inspector or obstruct him.

It will be a defence to any charge of supplying an underage person with liquor, or allowing such a person to consume liquor on premises, the subject of a permit, to prove that the person charged had reasonable cause to believe that the person supplied was over 21 years of age. A similar defence will be available to other offenders who hold licenses under the Act and who are charged with supplying underage persons.

I desire to make special reference to clause 32. This amends section 149A of the principal Act. Without some amendment to section 149A, many of the provisions previously discussed would, as far as underage persons are concerned, be abortive. It must be made clear, however, that the amendment proposed has no application whatever to persons over 21 years of age, and no application whatever to private residences. The rights of persons over 21 years of age applying everywhere, and in their homes, remain exactly as they now are. The premises referred to in the clause amending section 149A cannot be private homes.

The results that have ensued, and the worse results that can ensue unless some brake is put upon the supply to, and consumption by, adolescents in dance halls and other places of entertainment, urgently require some remedial action.

The only offence contemplated by the amended section will be the supply to, or consumption by, underage persons of liquor in such premises, and the premises will only be those referred to in the amendment to which the public ordinarily from time to time have access whether on payment of a fee or not, thus excluding private premises from the section as the public does not have access to them.

The existing penalties have been increased so that the minimum penalty of one-fifth of the maximum as prescribed by section 6 of the Licensing Act will no longer be £4 but £10 for the first offence.

It may be of interest to members to know that a considerable number of teenagers having been fined £4 and 8s. costs—that is, 88s.—formed an association known by them as the 88 Club, which hires certain public premises and regularly conducts certain "functions"—for lack of a better word —at which the principal entertainment is drinking and coming under the influence of liquor. In the present state of the law, it seems no action can be taken against such practices, but this Bill will make them much more difficult and subject to police action.

The amended section 149A will not affect premises licensed under the principal Act nor the premises in respect of which permits have been granted under this Bill. Such permits will be covered by the existing provisions of the Act in regard to the new provisions re permits, which I have just described.

It should be pointed out that the amendment to section 149A of the Licensing Act does away with the provision

that the expression "public premises" does not include a party under "the control, direction or supervision of a person of at least 21 years of age," etc. There are many strong reasons for this. It has been found that the provision is far too easily evaded, and not in a *bona fide* way.

For example, a group of underage persons arrange with a friend just over 21 to preside over a party they have arranged at which large amounts of liquor are available. His presence, as he is just over 21, covers them and, in the premises as defined by subsection (3) of section 149A of the Act, they can drink to their hearts' content.

Unless this is amended, it will still be possible and therefore probable that "a coach and six horses" could be driven through the gap thus created.

Before I close I want to make one final comment, and so I would refer to the Bill as it amends section 149A in respect of proof. If my memory serves me correctly the section is worded to the effect that no person shall knowingly supply liquor to a person under the age of 21. It is very easy for the offender to say, "I did not do it knowingly", and therefore evade the intention of the provision.

I know it is a dangerous set of words to use, but the onus of proof is put now more on the person who supplies the liquor if the word "knowingly" is deleted. However it will be a defence for a person charged under this section if he can say that he had reason to believe that the person was, in fact, more than 21 years of age. It cuts out the "knowingly" and makes the application of the provision a little severer.

In a way these clauses of the Bill could be regarded in the same light as the Bill I introduced to amend the Traffic Act. There is a desire to do something to cut down the death toll on the road and to deal with the teenagers—not all of them, but a small percentage—who consider that instead of employing themselves in some healthy sport, it is far better to consume alcohol to a point where they become a risk to the general community.

The tightening up of the Licensing Act in this respect will make it more difficult for people who run the type of premises some members know something about. That information is contained in the police report which has been mentioned, and if members have not read it perhaps they ought to. It was made available in another place. I would ask members to accept the provisions in this Bill for that reason.

Debate adjourned, on motion by The Hon. W. F. Willesee.

Sitting suspended from 3.55 to 4.14 p.m.

SUPPLY BILL (No. 2), £23,000,000

Second Reading

Debate resumed, from the 13th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. G. HISLOP (Metropolitan) [4.14 p.m.]: Being one of those who foolishly missed the opportunity of speaking *ad lib.* earlier in the session, I think I will be forgiven if I open my remarks this afternoon by welcoming the new members. It might actually be better for me to welcome them at this moment, because had I spoken earlier I would not have known that we have brought into this House men of considerable calibre. I think the addresses they have made and the discussions in which they have taken part make it perfectly clear that these are men with a future.

There are one or two small items to which I would like to refer and, small though they may be, I think they are of great importance to the individual. Lately I have been greatly distressed by more than one case with which I have been involved of individuals who, believing they were sound in health and fully able to meet their commitments under hire-purchase agreements, found, when illness descended upon them, they were unable to maintain their payments. Inevitably, the articles of furniture which were the subject of the hire-purchase agreements were taken from their homes and they then were presented with large bills for the remainder of their commitments. Not only do those individuals suffer in health, but they also suffer a great deal of indignity, and a tremendous amount of worry; particularly when tables, chairs, and beds are taken from their homes because the payments have not been met.

I suggest to the House that no hire-purchase agreement should be made without there being insurance, because, speaking conversely now, I have seen individuals who have become ill but who have been insured against any default in hire-purchase payments and as a result they have been free of any care or anxiety as to whether the payments under the hire-purchse agreements have been made. It is possible, of course, that we still have not got beyond the problem of individuals pledging themselves under hire-purchase agreements for sums more than they can afford. The cases I have referred to were of people who felt they could meet their commitments for some time in the future. If they had been insured the problems which beset them would never have arisen, either for themselves or for their wives and children.

I think this is a matter we should investigate. It does not cost very much to take out an insurance policy against a

hire-purchase agreement. I think about £5 would cover most of the hire-purchase agreements that are entered into; and, spread over 12 months, that would not be prohibitive.

The Hon. L. A. Logan: How long would such an insurance policy last; only for the term of the hire-purchase agreement?

The Hon. J. G. HISLOP: Yes; whilst there is insurance the payments are guaranteed in the event of the individual concerned becoming sick.

The Hon. L. A. Logan: Should he take out an insurance policy on a hire-purchase agreement, would the premium automatically be reduced as the progressive payments were made?

The Hon. J. G. HISLOP: Yes, I would presume so; and the insurance company would keep up the payments under the hire-purchase agreement whilst the individual was sick. Another matter I wish to raise is the position in which the victim of a car accident is placed when a claim for damages is still awaiting settlement. Some of these cases have been known to go on for months and even years before the individual receives anything. I believe that some companies are making provisional weekly payments to their clients in order to avoid this possibility.

I have seen, under my own jurisdiction, as it were, individuals who follow their normal occupation being rendered unfit to follow such and receiving nothing in the way of compensation for a considerable period, except possibly sickness benefits, on which it was impossible for them and their families to live. Then, after a year has elapsed they become eligible for an invalid pension.

I would like to emphasise that there are a number of such cases. I can quote one individual who has been waiting for payment of compensation for five years but still does not seem able to get any action taken. At this point I take the opportunity of warning anyone not to get involved in a car accident outside this State, because if one does become so involved and he has to deal with a branch of an Eastern States insurance company, he may find himself waiting for compensation for quite a long time.

There should be some means evolved whereby such people would receive provisional payment amounting to the basic wage at least. They should certainly not have to struggle on sickness benefits for 12 months before becoming eligible for the invalid pension. There should be some method evolved by which these people could be compensated; and, in regard to those people who are injured in a car accident outside the State, the Minister for Justice should inquire as to whether some method could be introduced whereby the payment of compensation to them can be expedited.

When the Government appoints the committee to inquire into third party insurance, this is one of the features that could be investigated, because it seems that members of the legal fraternity—and they may be justly right in their action, if one can call it so, in delaying these claims—do not desire to make any claim for their clients until the injury has reached a stationary point, so that when a claim is made to the court the lawyer can definitely say that his client's injury has reached a stationary stage, or that the individual is not likely to recover. In any event, something positive is required by members of the legal profession before they will take action in such matters.

I do not know anything about the details of the reason for such an attitude, but it does nothing to assist the affected individual, and therefore this may be a fact which could be looked at from the point of view of granting relief to those citizens who are injured in car accidents. If such a victim has taken out a sickness and accident policy, in addition to being covered under third party insurance, he is better off, because he will receive his sickness and accident benefits irrespective of the claim that has to be decided under the Motor Vehicle (Third Party Insurance) Act.

The fourth matter I wish to bring before the House appears to be arising in the silicosis field. Until recently I was of the opinion that all cases of silicosis were handled by the State Government Insurance Office, but I have since learned that some of the large mining companies are prepared to handle their own mining insurance.

The Hon. L. A. Logan: You are talking about the goldmining companies?

The Hon. J. G. HISLOP: No, the iron ore and the asbestos mining companies. They may well decide to conduct their own insurance. A section in the Act provides that the company to which a miner would make his claim is the one concerned with his last place of employment where he would have been liable to contract the disease of silicosis.

When this insurance business was handled by only one company it was simply a matter of financial adjustment. However, in the future, a great deal of conflict will arise over the administration of the relevant section in the Act when an individual who has worked in a number of mines develops silicosis, and then works for one of the companies which has decided to carry its own insurance. To ensure that such miners are adequately protected the Government must look at this insurance question.

It is possible that a man with a ticket which shows he has early silicosis would be refused employment by any company that is self-insured, and it may be that such a company would strike difficulty in obtaining sufficient men to work its iron

ore deposits, especially if the silica is present with the iron ore and is the small fragmentary type. If it is to become a practice of these large iron ore companies to carry their own insurance, we may strike difficulty in deciding which company is liable for the payment of compensation to a man who has developed silicosis.

From now on I must apologise to members of the House for the simple reason that had I spoken earlier I would have been more mentally alert in dealing with what I want to bring to the attention of the House as a matter of interest; namely, a discussion on the Petch report and the Martin report on education. To me, the Petch report is one of great interest, and there are many paragraphs in it which will be found extremely interesting to those connected with education. I would like to refer to one or two paragraphs briefly, because I realise that at this time of the day interest begins to flag. From the Petch report, on page 4, paragraph 4, I quote these words—

> It could be argued that a Junior Certificate, if it is to be reasonably available to pupils who leave school after only three years of secondary education, must represent only a moderate scholastic achievement. But if the level of award is too low, some weaker pupils and their parents may become over-optimistic about success in fourth and fifth year work. The gap between Junior and Leaving is said to be wide, and the Junior is said to be a poor predictor of future progress towards the Leaving Certificate. (The Public Examination Board seems to have little statistical evidence to support or to refute this criticism of the Junior Examination.)

In a number of places the Junior Certificate is discussed; and in paragraph 6 is the following:—

> Do these criticisms amount to a general opinion that the Junior Examination should be abolished? On the contrary, there is a very widely held opinion that there must be an examination at what is for many the end of their secondary school course, that there should be a certificate which will indicate the extent of achievement in school if a pupil leaves at the age of fifteen. There seems to be no significant support for the view that such a certificate should be based upon internal assessment by the school and not on an external examination.

This is the part I really wish to stress—

> Pupils in country schools ask for a certificate which will be current throughout the State, particularly within the metropolitan area; employers wish to have a certificate which is authenticated by some authority external to the school; . . .

Amongst these younger children, we find quite often that when they apply for employment they are asked if they have acquired their Junior Certificate. However, we are told that there has been no questioning in regard to the subjects they have been able to pass in that examination. It is purely that the Junior examination is accepted as a basis of employment. There are some interesting comments in regard to that on page 9, paragraph 19, as follows:—

> For testing a candidate's ability to write and to understand English however, a distinction can be made, at least in the way of stress and emphasis, between what is written and the style in which it is written. It is probably true that for most pupils the best way to learn how to write is to be shown how to read.

Then, leaving out a considerable amount of the paragraph—

> While it can be disputed that all educated men should be students of English Literature, it cannot be disputed that participation in an Anglo-Saxon culture involves of necessity some degree of competence in the writing and understanding of English as the means of communication within that culture. It is true that visual and auditory communications play an ever increasing part in modern life. There still remains, perhaps there will always remain, a need for all citizens to be able to read what is put before them in print and to read it with critical understanding, and also a need at least on occasions to put into a written form what they wish to communicate to others or to record for their own use later.

Here is the portion which I would like to emphasise—

> Indeed, in spite of what has been said in paragraph 4, it could be argued that no one unable to reach at least Grade C in English Expression should be granted a Junior Certificate, however brilliant his performance in other subjects of the examination.

I have been hammering this for quite a long period as I do not believe we should give a certificate of competency of any degree to anyone unless that person can show competency within his or her own language. I stress this very clearly, because I believe we must do something more in this field than we are doing. As a result of my various occupations, I see a very large number of young people seeking employment and looking for superannuation, and I find that as a general rule the signature of these young people is never more than a little over one inch long; and the calligraphy is the smallest and most cramped that one could possibly devise in order to write a signature.

This now seems to be something that is general; because, if I could get back the certificates I have seen, I could show hundreds containing this tiny signature. I feel this must be due to a method of teaching, the purpose of which is purely to have a signature seen clearly, so that each letter may be defined and that later on in life a personal signature will take its place. I know quite well which of two candidates with equal qualifications I would employ. I would employ the individual who showed some personality in his writing.

I think members must agree with me that it would be a good idea to employ calligraphists in the schools. I was fortunate in school life, because in Victoria there was a family known as the "Edmonds family" who worked full time teaching writing in the public schools of that State. It is that family that most of us who went through those schools can thank for our writing being somewhat legible.

The same thing applies to speech. Not very long ago I was interested in listening to three students from government high schools. What they said was of great interest, but by some means or other at least two of the three had acquired what seems to be a common feature of our speaking today. I refer to the completion of every sentence by using the word "and", and starting the next sentence with the expression "Er." This detracts very considerably from what the individual is attempting to relate to his audience. One can hear this sort of thing on television; and one can hear it from men and women who probably ought to know considerably better and who have probably been trained. It is becoming almost an Australian characteristic of speech that a sentence should end with "and" and commence with "Er." When a young person comes before us at the rehabilitation centre, we notice it there just as anywhere else. My feeling is that there is a great deal still left to be done in the field of education.

I would like to refer to two copies of *The W.A. Teachers' Journal*. The first is for June, 1965, and the second for July, 1965. I was interested in the method of approach to the Petch report by Mr. Philip J. Smith, B.Ed., and Lecturer in Education, Claremont Teachers' College. He certainly attacked this Petch report with a feeling that it could be heavily criticised. I will not bother to read a great deal of this, but there is one paragraph to which I will refer. It is headed, "Leaving and Matriculation", and reads as follows:—

> To cavil at many of the suggestions made for improvement to the Leaving Examination would display ignorance of questions and answers which have been forthcoming for years past by interested and informed people in the field of education in this State. What does annoy, however, is the comment that:

This next portion is in quotes—

> ". . . . there will have to be in the State many more graduates qualified to supervise in the schools the more mature study which becomes possible . . . . if students stay at high school until the age of eighteen . . (pp. 11-12)."

That reference is to the Petch report. Then Mr. Smith goes on—

> There is no evidence yet to show that graduates are the best teachers—so the assumption is unnecessary. On the other hand, thought could suggest that for the supervision of independent study either for Leaving or Matriculation additional educational methods and techniques might be necessary. Adequate in-service training would satisfy that requirement.

Members can form their own opinion as to the final piece of the report to which I will refer. It is as follows:—

> This report is a joyless one. And it could not be described as containing the kind of thought likely to clarify, or to solve the problems of the public examination system in Western Australia. Its chief value may be one of annoying informed but previously silent critics. The Petch report may yet be known as the botch report.

Surely it was unnecessary for a man of the standing of Mr. Philip Smith to write in that vein about a man who did not come here of his own volition, but who came here after being invited to do so, and who, in the early part of his report, made the statement that he was not fully conversant with the whole of the educational requirements of Western Australia.

The article by Mr. T. Burnett, M.A., B.T., Senior Master English, Melville Senior High School, which appears in the July issue of *The W.A. Teachers' Journal* is written in a much more kindly and understanding manner than the other article to which I have referred. He does not say that the Petch report is offensive to the educational profession in Western Australia.

There is a good deal one could say about all of these matters, but it would take far too long to do so. However, I would like to refer to an article by Mr. W. F. Connell, M.A., M.Ed., and holding a degree of Philosophy, who is Professor of Education at the University of Sydney. This article was adapted from an address given to the National Education Conference, held in Canberra, and it reads as follows:—

> The pressure of the annual examination system, the fact that all our schools are understaffed, and the classes far too large for effective work, all tend to force the teacher to adopt methods which are to be condemned as mechanical, and even vicious from the point of view of true education.

> . . . our present methods of examination and inspection are stifling the life and stunting the growth of true education in our schools, and alteration is absolutely necessary.
>
> We have been content to stereotype the faults of past generations, with the result too often that the products of the system have been men who forget nothing and learn nothing.

Those remarks are at the heading of the article; and Professor Connell opens his address by stating as follows:—

> These are strong statements, and they are not complimentary. That they can still be thought by intelligent people, to be appropriate and pertinent, should make us reflect a little on the extent of our progress in education. They were made by Francis Anderson, the Professor of Philosophy of the University of Sydney, in his celebrated address to the Public School Teachers of New South Wales, in the Sydney Town Hall, on June 26, 1901. Certainly, we have done a considerable amount in this last half-century. We have built many fine schools, we have founded new universities, we have developed a whole system of secondary education, and we have designed complex machinery to run these things. But, perhaps, in some fundamental matters, we have not moved much.
>
> We are one of the most urbanised, and most industrialised of countries with one of the highest material standards of living in the world. When we are compared with other highly developed countries, the plain fact of the matter is that we are undereducated. One test of this is to look at the percentage of full-time students in the 15-19 year old group. In 1958, the United States enrolled 66 per cent. of this group, the U.S.S.R. 49 per cent., Canada 46 per cent., Sweden 32 per cent., and Australia 20 per cent.
>
> The extent to which a country is developing an educated, knowledgeable, and discriminating citizenry can be judged by the educational provision which it makes for the 15-19 years old group and by the use which they make of it.

Leaving that and sketchily going on to a short review of the statements he makes about the Martin report, there is a paragraph here which rather refutes the attack which Mr. Phillip Smith made on Dr. Petch when he criticised him for saying that graduates would be necessary in the future to maintain the standard of teaching. I will simply read his comment which is as follows:—

> In making these recommendations, the Committee was strongly of the opinion that "there is an obvious need to produce in the near future a greater number of teachers, and there is the more significant need to improve the quality and the preparation of all aspirants to the profession. It is the juxtaposition of these two problems which constitutes the greatest difficulty confronting educational authorities responsible for the training of teachers. Improvement in quality without regard for an adequate supply of teachers, or an increase in the supply without regard for quality, would fail to meet the situation."

All that I have done, is to try to emphasise the need for all of us to make our own study of this matter and see what we think. If we can in any way assist in raising the standard of education, then we should do so. The final statement which is made by Dr. Connell is in regard to the training of teachers. It is interesting that not all the suggestions made in the Martin report in regard to the training of teachers, were accepted by the Commonwealth Government. Dr. Connell's approach to the matter is this—

> This brings us to the fourth major weakness in Australian education, our teacher training. This is the pivot upon which the whole world of education swings. The work of a school is only as good as the work of the teachers in it; the height to which an educational system can rise is governed by the quantity and the quality of its teachers; the extent to which we can repair the weaknesses in Australian education will be determined by the kind of training that we are able to provide for our future teachers. The educational planning that has to be done, the social education that must be undertaken, the experimentation that should be put in hand will only be worthwhile if the quality of our teacher training is high.

He finally emphasised that in his opinion the training of teachers should be removed from the responsibility of the State departments of education. Further on he states as follows:—

> The clearest solution to this problem is for the Federal Government to assume complete financial responsibility for all tertiary level education as a unit distinct from primary and secondary education. At the moment the Federal Government contributes about 45 per cent. of the running and capital costs of universities; the States bear about 40 per cent. of university expenses, and the whole of the expenses for tertiary technical education and teacher training. If this money were put to the improvement of primary and secondary education it would be sufficient to enable all the reforms and improvements advocated by the combined Ministers

of Education in their statement of the needs of Australian education to be put into operation.

I hope I have not bored the House and I hope that members do not take objection to what I have contributed, and want to slay me. I do not mind so long as this matter of education becomes one of continued interest to the community and to members of our Parliament. I support the measure.

THE HON. J. DOLAN (South-East Metropolitan) [4.53 p.m.]: There are only two matters to which I shall refer, and I feel that both of them are of interest to all members. The first one relates to the fact that the Prime Minister (Sir Robert Menzies) has promised that he will investigate reports that the Decimal Currency Board asked for an increase in the price of 200 essential grocery items four months before the change to decimal currency.

I understand that within the last couple of weeks the wholesale grocers in the Eastern States have raised the price of no less than 200 everyday commodities and when they were approached, as to the reason, they said the prices had been increased on the suggestion of the Decimal Currency Board. Whether the increase was linked with the price which will rule when decimal currency comes into operation, I will not venture to guess, but the matter is of such importance that the Prime Minister is taking the question in hand and obtaining a report on the matter.

I feel it is something we could well keep an eye on, and if anything of a similar nature happens in this State, we should immediately investigate it to see if there is any necessity to inflict extra charges on the public four months before the changeover to decimal currency.

Early this year, the Australian Medical Association held a congress in Perth and one of the matters which was discussed had relation to the terrific road toll. I wish to spend a few minutes referring to the comments in the address of the member of the Western Australian branch, Dr. B. C. Cohen, and to some thoughts of the association, on this problem. When Dr. Cohen made his comments, he wanted it clearly understood that his association certainly did not advocate reckless speeding on our roads and it would not oppose any attempt whatsoever to bring road speeds under control. His comments were contained in a letter to the Editor of *The West Australian* and in that letter he referred, first of all, to the fact that *The West Australian* had stated that "speed is the major killer on our roads."

The doctor was concerned that this assumption was an easy way out and suggested a seemingly easy solution to this very great problem. He pointed out that the Swedes, after very careful investigation, came up with the amazing discovery that the majority of their serious road accidents, and those involving death, were caused by cars doing less than 30 miles per hour. The experience in Sweden has been that speed does not kill to the same extent as a lot of people would have us believe.

Dr. Cohen referred to the fact that every time there is an aircraft accident of any description, the first on the job always is an expert committee which investigates every aspect of the accident. The lessons learnt from the investigations always contribute to improved engineering so far as the planes are concerned, and to improved pilot training.

When something like that is done when an aeroplane is involved in an accident, and when it has been clearly established that the motocar is a far more dangerous form of transport than an aeroplane, the obvious answer is that it is absolutely necessary that an expert committee should investigate car accidents. I would say that such a committee should be Australia-wide, and it could co-ordinate every aspect of every accident so that having learnt the causes of the accidents, the information gathered could be used to tackle the problem on a scientific basis.

To stress the importance of getting down to this problem on a scientific basis, figures were given based on an actuarial table. During 1963, there were 2,611 fatalities on Australian roads, 1,894 of which were between the ages of 15 and 64 years. They represent a loss to the community of no less than 50,000 years of economic life. In one year, estimated on a cash basis, that would run into millions of pounds.

When this problem is of such magnitude, the wisdom of establishing an expert committee to investigate all these things should be perfectly obvious. There is more to the problem than just speed; and I will take for example a case where speed was established as the cause of an accident.

These are some of the questions which an expert committee would have to consider: Why was the person concerned speeding? Was it to get from one point to another in the quickest possible time? Was he showing off, as many young fellows are today? Was he drunk? Did he enjoy just the exhilaration of fast driving and to get a kick out of it? Did the long straight road on which he was driving give him a sense of security which was lost when there was a sudden turn in the road? Was the road sufficiently marked with ample warning of the approach of danger, perhaps at the place where the accident occurred? Were there mechanical faults associated with his car? Was his road vision obscured in any shape or form?

One afternoon, about half past three, a few weeks ago, I left the House and drove along Hay Street and under the Subiaco subway. It was a beautiful fine afternoon and I arrived at the corner of Selby Street about a minute after a fatal accident had occurred. A chap on a scooter had run straight into the side of a van in broad daylight and with open space on either side. When an accident of that nature occurs, unless there is a scientific investigation as to the cause, I believe we are not getting to the real heart of the problem.

The Hon. L. A. Logan: There was a lack of concentration in that one.

The Hon. J. DOLAN: When I have discussed this question with some people I have heard the view expressed that the shadows from the trees could be the trouble. There are some big trees in that area, near the Perry Lakes Stadium, and they could have contributed by throwing shadows across the road and causing the driver's attention to be distracted. We do not know whether that was so in this case, and that is why I say that all these accidents should be investigated to discover the cause.

The Hon. V. J. Ferry: Are you advocating the pulling up of all trees?

The Hon. J. DOLAN: Oh no! Let us keep the discussion on a high plane. The shadows may be a contributing factor in some cases, as the honourable member would well know, because in his district there are a few dangerous trees, and in some instances it would be a removal of a road danger to have them pulled down. However, to suggest that all trees should be destroyed because of that is going from the sublime to somewhere else.

The Hon. V. J. Ferry: We would have the Tree Society on to us.

The Hon. J. DOLAN: We must know the answers to all these questions before we can prescribe a remedy. If a doctor has a very difficult case he does not have one look at his patient and prescribe a cure. In the case of an accident the authorities take measurements to find out which car was at fault, or the speeds at which those concerned were travelling; but a doctor examines all possibilities as to his patient's condition. He looks back over his health in past years before he eventually reaches a conclusion as to what the man may be suffering from, and prescribes a possible remedy for his complaint. That is the sort of thing I would advocate in the case of every accident.

Probably a move along these lines has been made in all States, but I believe that they must all get together, no matter what it may cost, to form an expert committee which will produce results and which will be of benefit to the community, economically, socially, and in every other way.

Every time I look out of my office window I am confronted with the pylon on the R. & I. Bank which indicates whenever a fatal accident occurs. I doubt whether, after a while, it draws people's attention to the fact that tragedies are being enacted on our roads every day. I wonder whether it would not create a much greater desire in people to drive safely, and to eliminate some of the bad habits they have, if we could allow some drivers to know what faces people after they have met with an accident. If drivers could be made aware of the maiming that has occurred through accidents, and the condition of some people at our paraplegic centres because of road accidents. I am sure much good would result from it. If some of our speedsters were shown some of the results of accidents caused by speeding, I think they would be well on the road to becoming normal drivers.

I have a daughter who is a sister at the Royal Perth Hospital and she told me that the best cure for those who speed and drive recklessly would be to spend a Saturday night at the hospital when accident cases are being admitted. She said they would only have to witness these victims on one occasion and they would be quite satisfied to drive carefully.

Finally I would seriously suggest to the Government that it should follow up the suggestion I have made. It is nothing new; it has been made before, and I am not posing as somebody who has suddenly come to light with something new. However, I believe it should be taken up with every State, and with the National Safety Council, until eventually this committee is established. If it is established, it will be able to obtain all the details of every accident that occurs and from there we would be able to devise some remedy for the problem and apply it. At the moment we are still searching for an answer to the problem.

A Bill was introduced today which may contain one of the answers, but still it will not stop people from being killed on our roads. The number is increasing and it will continue to increase unless something along the lines suggested is done. I leave that thought with members; because if we know why accidents occur we will be able to apply a remedy. I support the measure.

THE HON. J. HEITMAN (Upper West) [5.7 p.m.]: I would like to carry on where Mr. Dolan more or less left off, because I had intended to speak at some length on the question of car accidents, the cost of deaths and injuries, crumpled vehicles, and so on in every country of the world. The cost must be fantastic because of the terrific number of accidents that occur.

In Perth in 1963 there were 9,957 accidents with 109 deaths, and in the country the number of deaths was the same from 3,680 accidents. In 1964 in Perth there

were 21,144 accidents with 103 deaths, and 5,218 accidents in the country with 124 deaths. But let us take New Zealand, a country where, in the main, the traffic is controlled by the local authorities and city councils. In 1963 in the City of Auckland, which is of comparable size to the City of Perth, and with almost the same number of vehicles, there were 846 accidents and 15 deaths. In 1964 there were 1,132 accidents with 16 deaths.

In Great Britain in 1964 there were 292,245 accidents with 7,820 deaths and of these 823 were children. There were 95,460 seriously injured people included in those figures and of these 13,644 were children. Of the balance who were slightly injured, there were 45,090 children out of 282,219. According to British statistics these accidents cost the country something like £257,000,000, without taking into account the loss of life.

One could go on at great length quoting statistics, but I believe that properly kept they would prove to be of great assistance in reducing the accident rate to a minimum. In Auckland the city council keeps statistics on every accident that occurs in its area; and, as I said, it is of a size comparable with the City of Perth. Its statistics cover every street or road, every pedestrian crossing, the time of the day the accident occurs, the type of weather at the time, and any other information that would be of value. It has been proved that with proper education the toll can be reduced.

If from their statistics the Auckland authorities find that there are more accidents on one road than others they look for the reason in an endeavour to make it as accident-free as possible. If a pedestrian crossing at a certain place has a bigger accident rate than others, the position is investigated and, if necessary, the site of the crossing is altered. I am sure we could learn quite a bit from the methods used in New Zealand. It has a system of education and keeping statistics, and it is the most accident-free country in the world.

A short time ago Mr. Dolan said something about accidents in Sweden and that it was proved that the majority of them occurred with cars travelling under 30 miles an hour. In the report of the Australian Road Safety Council there are big headlines to the effect that Sweden had proved that where the speed limit was reduced fewer accidents had resulted. The article goes on to say that where the speed limit had been reduced to 56 miles an hour the number of accidents had been reduced by 7.5 per day; and in other places there was a reduction of 14 per cent. That happened on the main highways where speed limits were imposed. So I believe that speed does have a great effect on the number of accidents, especially in the country, and if we lowered the speed limits in the country, the number of accidents would be reduced considerably.

I have a good deal of correspondence from New Zealand which I shall quote later on; but in Western Australia many articles have been written on the accident rate and some accuse country local authorities of not policing the traffic regulations properly. Possibly in some instances that is so, but I believe the traffic problem should be looked at from every angle. One article which took my eye was written by the police roundsman for the *Daily News*, Jack Coulter, and under the heading of "Those who know agree it is possible to stop this slaughter", the following appeared:—

> The roads of our State are littered daily with broken glass, crumpled vehicles and the inevitable result of the mess—broken and bleeding victims.
>
> The cause is something which is difficult to analyse as a cold traffic statistic.
>
> Best qualified to assess the trouble are those who are most intimately connected 24 hours a day with the slaughter on our streets—the ambulance men and the police accident inquiry men.
>
> Theirs is no theoretical or psychological approach to the problem; it is a realistic, on-the-spot analysis of what goes wrong.
>
> In the main, they all agree on the one basic cause of our wrongly-called "accidents."
>
> "Drivers are completely failing to do the job in hand," they say.
>
> "It can be inattention, carelessness, impatience, insobriety, discourtesy, inexperience, incomplete knowledge of the law . . .
>
> "Whichever of these factors is present, it all comes back to the same thing. An accident cannot happen if drivers do what they are supposed to do—concentrate completely on their driving ALL the time they are at the wheel."
>
> Last year, every 16 minutes, there was a smash somewhere in W.A.
>
> The total of reported accidents for the 12 months was 30,574, with a breakdown of 21,144 for the Perth area, 4,212 for Fremantle and 5,218 for the country.
>
> There were 227 people killed on the roads.
>
> Every driver has cursed the other chap in "near-misses" a dozen times a week if he has been on the roads regularly.
>
> How often, though, has HE really been to blame if it were possible for him to view the situation dispassionately?
>
> At least half the time, according to the experts.

A traffic man handling reports says: "At least 75 per cent. of the metropolitan area minor accidents are what we called 'end-for-enders,' where one vehicle has run into the back of another.

"The initial cause can be one of several—sudden braking, pulling out from the kerb sharply, reversing negligently.

"But the final result is the same. If BOTH drivers had been concentrating on driving properly, there could not have been a collision."

Side factors come into it, all building up to the whole of bad driving.

Says a traffic man: "Drink plays a big part. We can only accurately assess how much when the driver is killed, because we can then get a blood test. But our figures from fatals and our own assessment at accidents indicate that the rate of drunkenness, to some degree, is very high."

One of the ambulance officers is even more positive in his opinions.

"I am not suggesting that everyone on the road is drunk," he says, "but it is quite obvious that a high percentage of the smash victims we handle have been drinking.

"Many times I have brought in a driver who was rotten drunk, but because he was injured and taken to hospital with at least 'concussion' the traffic boys have had little chance of charging him.

"A smart lawyer can get most of these drivers off, so long as the drivers have a bit of a scratch to show."

What still surprises the emergency services is the number of otherwise good drivers who have a frightening lack of knowledge of basic road rules.

At a recent smash an injured man said he had been driving for 25 years without an accident.

When the ambulance man tactfully pointed out to him that he could not turn across an oncoming line of traffic with impunity he was genuinely amazed to find that he did not have the right-of-way.

"One of the biggest faults is not appreciating the pattern of traffic flow," says an ambulance man who runs up big mileages daily in heavy traffic.

"You can see drivers every day who never realise until the last second that something which has been obvious is happening to vehicles in front.

"When I learnt to drive 20 years ago, you could safely coast along with your gaze fixed about a quarter of a mile ahead.

"Today the traffic tempo is such that you must be concentrating only 100 yards ahead and at all points around you."

Failure to realise that vehicles behave differently on a wet road to a dry road, or on gravel instead of bitumen, continually traps the accident-prone driver.

In the country, traffic police agree, the normal city driver makes grave errors in judgment because he fails to adjust himself to speed.

Inexperience in cornering on the open road, road hypnosis and driving when tired traps the bad driver.

Impatience and arrogance behind the wheel cause trouble—quite often for the other party.

Even romance is an accident-maker.

The increasing tendency is for young drivers to have their girlfriend pressed close alongside them in the front seat.

The distractions are obvious, but even worse, her pretty young head makes the rear vision mirror completely useless.

The men who handle the results of these accident causes all agree that their work would be drastically reduced if all motorists made the business of driving a vehicle a serious job instead of an easy, nonchalant way of getting somewhere.

And the cure?

Again they agree.

They say: "If drivers won't watch it themselves there should be so many police patrols on the road—both in uniform and plainclothes—that motorists will be scared to drive carelessly."

The Hon. L. A. Logan: Provide bucket seats in all cars.

The Hon. J. HEITMAN: Everybody seems to have a different idea as to how traffic should be controlled, and what should be done to ensure that people drive safely. As I said earlier, there were many articles written—not as good as the one I have just read—pointing out that the country shires do not police their traffic problems. Most country shires do control their traffic problems. Their inspectors attend the same National Safety Council schools as do the police, and are taught the correct methods of handling traffic. There are very few accidents in country towns; and if we look at the statistics for the country towns in Western Australia we will find that is so. Fatal accidents are practically nil in those areas. But on the open road it is a different proposition.

The country traffic inspectors have very little authority on the open road, where there is no speed limit. The only offence

for which they can pick up a driver is negligent driving, or drunken or dangerous driving. It is pretty difficult for them to make the charge stick, particularly if there is more than one passenger in the car involved. The only other thing for which they can pick people up on the open road is the towing of a caravan over a certain speed. They can also pick up the drivers of heavy-haulage trucks.

So it can be seen that even if there were a policeman every 10 yards, he could not do very much unless speed limits were instituted. If speed limits were placed on the main roads, even though people did not stick to them, they would know that if they were caught exceeding those limits they would get into trouble. It might help people to drive more carefully on the country roads.

I mentioned that most shire councils do the right thing and employ traffic inspectors. There are a certain number, however, which do not. The country shire councils tried on several occasions to have the Minister either hand power over to them to make sure that every local authority played its part, or, alternatively, to invoke power—I think it is under section 22A under which the Minister for Police has power—to force every local authority to have uniformed traffic inspectors. Something should be done about this.

To my way of thinking if this power were taken out of the Traffic Act and put into the Local Government Act, it would at least be under one Minister and he would be handling local governing authorities all the time, year in and year out, and he could make sure that all local authorities played their part in traffic control. Here again I think all traffic inspectors in the country should have an appropriate uniform, because, as many people have said, a uniform frightens people into doing the right thing, whereas somebody dressed in ordinary clothes does not prevent them from doing the wrong thing.

I feel, therefore, that with the heavier fines that have been read out tonight, and the fact that regional control will be set up in the country areas and, for that matter, in every local authority throughout the State, traffic problems should be capable of control by one authority. With one authority controlling traffic problems, and with heavier fines and speed limits on the roads we could get somewhere with our policing of traffic on the roads.

I did mention that traffic control in New Zealand came under the town councils or local authorities, with the exception of one or two, which have asked the police to take over. Recently this year the police advised the local authorities in New Zealand that they would be prepared to take over their traffic enforcement services, and they wrote the following letter to the Auckland City Council:—

> Following the recent announcement by the Minister of Transport that the Government is to authorise the Transport Department to provide traffic enforcement free of charge to local authorities, I thought you might care to know a few more details.
>
> If it is the wish of your Council that the Transport Department undertake traffic enforcement in your area, the following services will be provided free of charge—
>
> (a) control and direction of moving traffic so as to ensure safety of the public and the maximum freedom of movement. This would include the control of cycle and pedestrian traffic as well as motor traffic;
>
> (b) supervision over the use of pedestrian crossings, taxi stands, bus stops and restricted parking areas and general control of parking (other than metered parking areas or parking buildings);
>
> (c) enforcement of all acts, regulations and by-laws (other than those dealing with metered parking areas or parking buildings) relating to traffic, all court work including professional legal services when necessary. This will include the supervision of the Heavy Motor Vehicle Regulations and checks on motor drivers' licenses to ensure that revenues due to the National Roads Board and your Council are received. The enforcement of offences against your Council's by-laws will at all times be carried out in accordance with the policy of your Council. Offences against the by-laws will be referred to the Town Clerk, either individually or for general directions as to the action to be taken, whichever policy your Council prefers;
>
> (d) testing of all new applicants for drivers' licenses and the furnishing of a testing officer's report in each case;
>
> (e) handling of extraordinary traffic induced by special events, race meetings, sports fixtures and the like;
>
> (f) all necessary services and equipment including uniforms, vehicles, radios, microwave detectors and officers'

equipment, accommodation, clerical services, records, public inquiries and other duties ancillary to efficient and effective traffic control;

(g) as far as is practicable within the limitations of the numbers of professional staff at present available, a traffic engineering advisory service. The Council will, of course, retain the services of its own Traffic Engineers or consultants to give it advice where it so desires.

In making this offer the Department will ensure that a high standard of service is provided in keeping with the traffic demand. The services will be to no less a standard, in all respects, than the present service in traffic control and enforcement in your area and every endeavour will be made to improve them.

The Department will render to your Council a monthly report on traffic control and enforcement in the area together with such other reports on specific matters relating to traffic control as may be requested.

The Department would also undertake, upon your Council's request the following additional services for which a charge would be made in each case—

(a) the enforcement of parking meters including those in off-street parking areas. A standard charge of £4, per metered space per annum will be made for this service. The installation, repair and maintenance of parking meters and the collection of money from the meters would remain the responsibility of your Council;

(b) the policing of parking buildings or non-metered parking areas for which a charge is made to motorists. The charge for this service would be a matter for negotiation with your Council;

(c) the issue of drivers' licenses on behalf of your Council including the collection of license fees and maintenance of records. The fee for this service is at the rate of 1s. 6d. per annual license fee received. (Note: The balance of 3s. 6d. per annual license fee would be refunded to your Council in a manner to be agreed upon);

(d) the issue of Heavy Traffic licenses. If the Department undertook this work it would retain the 4 per cent. commission paid by the National Roads Board.

The Transport Department will not undertake or meet the cost of the work entailed in the provision of traffic lights, roundabouts, and other traffic control devices or of street markings or traffic signs. These would continue to be provided by your Council. I should emphasise here that, while the Department will offer its advice, the location of traffic lights, pedestrian crossings, bus stops, street marking and traffic signs as well as the imposition of parking restrictions, the declaration of one-way streets and other matters relating to traffic management will remain the prerogative of your Council. The Transport Department will provide enforcement and supervisory services necessary to ensure the implementation of your Council's wishes in these matters.

Your Council will continue to receive full revenue from parking meters and other parking fees save for the charges for service outlined above. Fines following convictions against the Council's by-laws will continue to be paid to the Council but fines resulting from prosecutions taken under acts or regulations will be paid into the Government's Consolidated Revenue Account. No proceeds from any court action will accrue to the Transport Department.

Revenue from drivers' license annual fees will be retained by your Council in full if your Council continues the issue of drivers' licenses or less 1s. 6d. per annual fee if the Transport Department undertakes this work.

In outlining these matters I have not dealt with the arrangement for personnel who may transfer to the Department in the event of your Council wishing the Transport Department to undertake Traffic services. The Minister of Transport has told me that he has already outlined these in an earlier letter to you.

I realise that your Council may have many additional questions which it may wish to have answered. Please do not hesitate to ask. I shall be pleased to let you have any further information on request or, alternatively, make a Senior Departmental officer available to attend you or your Council for discussions.

The Hon. H. R. Robinson: Are you supporting the move for the police to take over the control of traffic in the country?

The Hon. J. HEITMAN: No. That was the offer by the police to take over traffic control in New Zealand, and it was a very

nice letter which I read out. I shall now read from the memorandum from the superintendent of Traffic to the Town Clerk of Auckland. It is as follows:—

1. ECONOMICS.

The Minister has made the offer of "Traffic Enforcement Services Free of Charge". It should be particularly noted that the Government will not undertake or meet the cost of the work entailed in the provisions of traffic lights, traffic islands and other traffic control devices, or of street markings, or traffic signs.

The enforcement of parking meters (on and off street), policing of Parking Buildings and the off street parking areas are not included in the free offer. The operation of the Transport Terminal and the Motor Vehicle Testing Station are also excluded as are the responsibilities of Dog Registration and action on straying animals, the issuing of Drivers' Licenses and Heavy Traffic Licenses.

Based on the 1965/66 Estimates (Attachment 'A'), the actual cost of the Traffic Department to the ratepayer will be .966d. in the pound on the rate, compared to .141d. should Council decide on Government control. It should be appreciated that these figures are subject to annual fluctuation, depending upon various factors including requirements of Capital Works.

The Estimates, under the Government proposal, have been prepared at very short notice. They do, however, present to the best possible degree the cost to Council but at the same time it is probable that the rate of .141d. in the pound could be increased under actual operational procedure.

2. ORGANISATION.

The recruitment and training of a really first class Traffic Enforcement Service as that provided in the City of Auckland today, calls for a large number of highly trained and dedicated men, men who consider themselves not only Traffic Officers, but also a part of the City Council's organisation, which is there to enhance the status of the City and serve its Citizens. In any large City of this kind the first impression received by visitors is based on the demeanour and conduct of its public officials. The standards enforced in Auckland are without doubt the highest in New Zealand, and respected as such wherever traffic is discussed. Whether the present atmosphere of enforcement, and climate of local associations could be retained under a remote Government control is open to doubt. With the best intentions it is difficult to run an organisation based on local conditions from an office four hundred miles away, particularly with conditions changing almost hourly.

I draw to attention of Council a letter appearing in the Auckland Star (26 May 65) from a responsible citizen and representative of the New Zealand School Committee's Federation, New Zealand Road Safety Council, wherein he refers to the frustration of awaiting decisions from Wellington on Auckland school matters.

Letter extract is as follows:—

> "It is frustrating for a school to wait weeks or even months on application for a crossing. The department's district officers are all capable men, familiar with their areas. Why not let them give a decision? When I have placed a school traffic problem before the Auckland City Traffic Superintendent it is settled within 48 hours."

The structure of the present Traffic Department in Auckland is not in line with that run elsewhere simply because conditions are different, and over the years other duties have been undertaken which are not strictly "Traffic" duties. When making any estimate of future costs which will have to be borne by the local residents these other services will need evaluation not on the charge proposed to be made, but on the full cost of staffing, supervising and running these duties at normal rates. And it must be taken into consideration that the present application of traffic supervision has many advantages and savings not readily discernable in estimate figures. Allowances have been made in the Estimate submitted to meet the continuance of services requiring attention. These would include the following:—

- Management and supervision of the Vehicle Testing Station.
- Management and supervision of the Transport Terminal.
- Management and supervision of the City Markets including adjacent parking areas.
- The Licensing and supervision of street stalls.
- The Licensing and supervision of street photographers.
- Inspecting and supervising theatres and other places of entertainment.
- Obstruction of footways and advertising thereon.
- The Licensing and supervision of hawkers, pedlars and mobile shops.

The memorandum goes on to set out the different jobs which the traffic inspector undertakes in the City of Auckland. The memorandum continues further on as follows:—

> Any comparison of costs with Government enforcement and that where Council retains full control of its Traffic Department and Officers must also be balanced satisfactorily with the existing linking of Departmental operations with other Council activities including the various Departments of Council. The existing organisation system should in my opinion be continued and various factors pertaining to that are outlined in this report.
>
> 3. STAFF.
>
> The authorised uniform staff of Traffic Officers is 86 plus 3 uniformed Cadets under training. The standards demanded from any would-be Traffic Officer are high, and few of the many candidates who present themselves are accepted. The insistence on a very high standard has encouraged applications from intelligent young men of school leaving age, and there is never a shortage of Cadets. Many applicants from other uniformed services who have applied for positions as Traffic Officers have failed to reach the required standards. At present, Traffic Department Officers are proud to be members of the Auckland City Council Staff, and the possibility of a change of control together with the risk of transfers to rural areas is viewed with apprehension.
>
> All officers regard accident prevention as a personal matter and take a keen interest in the accident record as related to the rest of New Zealand.
>
> Since the first Traffic Inspector was employed by the Auckland City Council seventy-one years ago, standards of impartiality and personal behaviour have been built up together with a sense of devotion to duty. Correspondence and telephone calls arrive in a steady flow thanking Officers for extra services beyond the call of their routine duty. Visiting dignitaries who are guests of the City receive outstanding courtesy and facilities which are all part of the treatment of guests and it would be regrettable if this personal touch were lost.
>
> The Traffic Department staff have a mutual respect for each other, knowing that they are doing a really worthwhile job under the direction of Council, to which they extend their loyalty.
>
> Council should take into consideration whether it would receive the same loyalty and direct cooperation from Officers not in Council employ.
>
> It is a most important aspect for retention of Local Control that Council has direct control over its own staff and can always ensure not only a proper coverage of the City but in case of any event arising such as misconduct, inefficiency, discourtesy or misuse of confidence placed in staff then it is soon brought to Council's notice and can be appropriately dealt with to the satisfaction of the complainant, whether citizen or visitor.

It goes on at great length detailing the training of personnel, but I shall not weary members by reading the whole of the memorandum.

The Hon. H. R. Robinson: That applies in New Zealand.

The Hon. J. HEITMAN: Yes. The local councils control all traffic in New Zealand, and this method has proved itself in the last 71 years. New Zealand has the lowest accident rate of any in the world, and Western Australia could well emulate the method adopted there.

I now turn to the subject of soil conservation. More finance and more engineers are required for this very important work. Far too much good topsoil is being washed away each year, and increased clearing of land aggravates the position. More planning of contours on a district or watershed basis is needed; but of course this will entail the engagement of more staff and engineers. I suggest a set-up along these lines:—

> (1) That a State Soil Conservation Authority of W.A. be set up under the control of a Hydrological Engineer. Its purpose would be to anticipate and deal with Soil Erosion both water and wind as well as Salt encroachment.
>
> (2) That the State be divided into Wards or Districts each with its own Hydrological Engineer and Soil Conservation Officers living within the area.
>
> (3) That each Ward or District have its own committee comprising two delegates from each Shire Council, who must have first hand experience of farming, and have shown some interest in Soil Conservation and Salt Encroachment. The District's Hydrological Engineer could be Chairman of the Committee.
>
> (4) That representatives from each Ward form a State Committee with the Chief Hydrological Engineer as Chairman to direct Policy on a Statewide basis.
>
> This Authority would do away with the present Soil Erosion Commission controlled by the Department of Agriculture. These officers have specialised knowledge, but co-ordinated

control is what is needed. The problem has not been looked at from a District angle and then later a State angle.

That is why a Hydrological or Agricultural Engineer should be the head of the Authority, advised and helped by people with local knowledge. Legislation to compel landholders to carry out work specified by the Authority would also be necessary. (Present legislation empowers the Soil Erosion Commission to compel landowners, under the Soil Conservation Act, to undertake conservation work if considered necessary. However, on the principle that widespread co-operation from farmers is essential, the Commission has never invoked these powers.)

At present there is provision in the Act to compel landholders to carry out work specified by the authorities, but as the co-operation of landholders is relied on to a great extent, that part of the Act has not been invoked. If the proposal is implemented on a watershed basis, the landholder at the top of the contour need only say that he is not prepared to join in, and the whole scheme will be spoiled. The only way to attack the problem of soil conservation is to adopt a scheme on a watershed basis under a district set-up.

I now wish to comment on the native welfare set-up in Western Australia. I know the Minister in charge of the portfolio has done a great deal of work to try to uplift the native population, but there is still plenty more to be done. I am sure the Minister agrees with this. From my point of view, the granting of citizenship rights has not arrested the problem in any shape or form. In many cases the natives work for a fortnight with only one object in mind; that is, to earn a fortnight's wages to enable them to have a beer-up at the end of that time. It is becoming more and more difficult to get natives, who are reliable enough, to work for periods longer than a fortnight.

The missions in the country are doing a terrific job educating the children. I just mentioned that when a native can save a couple of weeks' wages he spends it all on beer, and for that reason these missions miss out quite a bit because the parents are not paying for their children's education. I know the mission at Tardun has a terrific battle in this direction, and I feel that something should be done about it. Either the Government should subsidise more than it does at present or it should make it a bit harder for the parents to get away with the non-payment of their dues.

The Minister has done a very good job in erecting the various types of houses in the country area—the type 3 homes on reserves, type 5 adjacent to towns, and the conventional type in the towns. The main problem with these houses is hygiene.

The type 3 homes have no septic installations and therefore there is no chance of the natives learning about this all-important aspect of hygiene. It is no good erecting the type 3 homes on reserves and building an ablution block 150 yards away from the homes, because the natives would not avail themselves of their use at all times. I feel that if we started by providing the septic installations and bathing facilities in every building in the first place, it would make it a lot easier for the native to be educated in the correct method of hygiene.

I think I have had a pretty fair go, and I support the Bill.

Debate adjourned, on motion by The Hon. A. R. Jones.

House adjourned at 5.47 p.m.

Legislative Assembly

Thursday, the 14th October, 1965

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