Legislative Council

Friday, 29th November, 1957.

CONTENTS.

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

QUESTIONS.

EDUCATION.

(a) School Accommodation in Albany Area.

Hon. J. McI. THOMSON asked the Chief Secretary:

In view of the anticipated large number of first-year students commencing school in the Albany area at the beginning of the 1958 school year, and as the accommodation at the Albany infants' and primary schools will be unable to meet the anticipated need—

(1) Will the new Spencer Park school, which is at present under construction, be ready for occupation at the beginning of the school year?

(2) If the reply to No. (1) is "No"—

(a) What is the anticipated date that it will be completed?

(b) Where are the school children to be temporarily housed during the interim period?

(c) What is the estimated number of school children who will require the temporary accommodation?

The CHIEF SECRETARY replied:

(1) No.

(2) (a) It will be ready for second term.

(b) In existing schools plus "emergency" accommodation at the Forts.

(c) 60 to 80.

(b) Disposal of Night-Soil by Students, Glenorchy School.

Hon. J. McI. THOMSON asked the Chief Secretary:

Further to the article appearing in "The Week-end Mail" dated the 10th November, regarding the disposal of night-soil by the pupils at the Glenorchy school—

(1) Is this task still being carried out by the school children?

(2) What steps have been taken by the Government to relieve the children of this work?

(3) Will the Government give an undertaking that the responsibility of disposal of night-soil will be carried out by someone other than the school children?

The CHIEF SECRETARY replied:

Inquiries will be made, but it is understood that the local authority is to resume the sanitary service.

ELECTRICITY.

Supplies to Area South of Fremantle-Armadale Line.

Hon. F. R. H. LAVERY asked the Chief Secretary:

(1) As the Stephenson Plan proposes only agricultural development south of the Fremantle-Armadale railway, and as the Town Planning Department will not agree to less than 5-acre and 10-acre subdivisions of the Jandakot Agricultural Area, will the Government give consideration to the provision of electricity for power purposes under the rural electricity scheme to residents of this area?

(2) If the answer is "Yes", when would finance be available?

The CHIEF SECRETARY replied:

(1) Yes, if the residents use electricity to the same extent for farming purposes as farmers in the rural areas already supplied.

(2) When sufficient farmers to justify an extension are ready for supply.

BUILDERS' REGISTRATION.

Limitation of "B" Class Builders.

Hon. J. McI. THOMSON asked the Chief Secretary:

In interpreting the clause in the Builders Registration Act concerning the value of work that "B" class builders are permitted to do per annum—

(1) Is it intended that this class of builder can have a multiplication of contracts each valued up to £5,000 per annum; or

(2) Is it intended that the value of work he can perform per annum is not to exceed £5,000?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Answered by No. (1).

END OF SESSION.

Disposal of Items on Notice Paper.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Owing to the fact that there are 22 items on the notice paper and further legislation has yet to reach this House from another place, would he inform us whether it is the Government's intention to try to finish these items at the one sitting?

The CHIEF SECRETARY replied:

I had a discussion today with the Premier; and he informs me that, owing to commitments made by Ministers in the Assembly, it will be necessary to finish the session at this sitting. As for our notice paper, as the hon. member knows, quite a lot of items will not be proceeded with.

MOTION—DEATH OF MRS. M. J. WHITE.

Investigation of Circumstances.

HON. F. R. H. LAVERY (West) [2.21]: I move—

> That this House requests the Government to investigate the circumstances of the death of Mrs. Mavis Joan White (late of 35 Cardigan-st., Hamilton Hill), at St. Helen's Hospital, Moss-st., East Fremantle, on the morning of Tuesday, the 4th September, 1956—
>
> (1) To determine whether there was any negligence in the care and treatment of Mrs. White following her admission to hospital on the 29th August, 1956;
>
> (2) if so, by whom?

The information that I will give the House will, I think, show that the moving of this motion has been necessitated by the circumstances of the case. On behalf of Mr. White, the widower of the deceased lady, I wish to place before the House certain facts and I will commence by reading a letter dated the 24th September, 1957, to Dr. Henzell, Commissioner of Public Health. It is as follows:—

> Dear Sir,
>
> We, the undersigned, Mr. C. H. P. White, and Mrs. M. Blacker, do hereby wish to lay a complaint to you of neglect by the nursing staff of St. Helen's Hospital, Moses-st, East Fremantle, the period being from August 29th, 1956, when our wife and daughter, Mrs. Mavis Joan White, was admitted to the above hospital for removal of female organs, to September 4th when she passed away at 7.30 a.m. from a complication—paralysis of the bowels, our grounds for this complaint being that following her operation at 7.30 a.m., Thursday, August 30th, she continued to vomit frequently for four days, and nights to our knowledge, and in this condition her doctor did not see her for 48 hours, namely from mid-day on Saturday, September 1st, to 11.30 a.m., Monday, September 3rd.
>
> We attach no blame to Dr. Davies as he was available if needed over this week-end period. He assures us that he rang the hospital on Sunday, September 2nd, to ascertain the condition of his patients before going away from his home for a few hours' motoring, and was told that everything was alright. During the same afternoon, September 2nd, Mr. White and other relatives visited Mrs. White and it was very noticeable to them that her condition had deteriorated considerably.

She was still vomiting frequently—a dirty brown substance and even Mr. White's presence seemed to worry her and she was not interested in anything. When saying good-bye to her, Mr. White noticed how very cold her lips were and asked her if she was cold, but she said she was not. This same coldness was noticed also by her sister-in-law who remarked about it. We maintained that her condition was low then, but Doctor was not contacted, neither did the staff approach or notify Mr. White.

Being very worried, Mr. White again went on Sunday evening to see Mrs. White, whose condition was just the same, and still vomiting frequently.

When Mr. White rang the hospital on Monday, September 3rd, at 9.45 a.m., he was told that Mrs. White was "getting on fine"—"much better than she was yesterday" (which was Sunday). So they must have known she was bad but had done nothing about it. He again rang, at approximately 3.45 p.m. and was told she was quite good and that Dr. was with her then, giving her a serum transfusion. He went to the Doctor's surgery on his way home from work and waited till just after 5 p.m. for Doctor to come from the hospital to interview him. He told Dr. Davies he was so worried over Mrs. White's condition on the Sunday that he was nearly going to ring Dr. to which Dr. Davies replied "It's a pity you didn't." Dr. Davies then told Mr. White that the hospital had rung him that morning (Monday) just to see if he would be doing his round (but although Mrs. White's condition must have been bad then no mention of this fact was made to Dr.) and he got to the hospital at 11.30 a.m. and quite expected to see Mrs. White sitting up and doing well, but instead she was in a bad way—her pulse was very weak and temp. subnormal. He went on to say that one of the nursing staff said to him, "We were nearly going to contact you Dr." and his reply to her was, "It's a b—— pity you hadn't." He then said, "I can tell you, Mr. White, they caused me a couple of sticky hours there today." So evidently Dr. Davies thought they had failed in their duty then.

Mr. White told Dr. that he didn't think Mrs. White was sleeping at all, and he said he was of the same opinion, and that he was going out that night to give her something to make her sleep, although the hospital had told him she was sleeping. Yet Matron told us she wasn't sleeping because they couldn't make her sleep and she (Matron) tells Dr. she is sleeping.

Nothing was done about any nourishment for Mrs. White until Dr. Davies found her in such a bad state on the Monday morning and then they started to feed glucose into the veins. She had tea on the Wed. night —August 29th—and each time Mr. White asked if she had had anything to eat, she would reply only a glass of milk, and it came straight up, but the only thing she had when he visited her was ice cubes and iced water to drink. So from the time she had her tea on the Wed. night until Dr. gave her the glucose on the Monday midday or little later was five days. Matron told us she didn't put up much of a fight—hardly likely after five days' excessive vomiting and no nourishment.

On the late afternoon of September 3, Dr. Davies had to get the services of Mr. Price, specialist, of Mount-st. and treatment given by him and Dr. Davies had a temporary effect. Please note that for hours on the Monday doctors were fighting for her life. Still Mr. White was not notified and on both enquiries by phone on that day he was told she was doing fine. The only message received by Mr. White was on September 4th when a 'phone message rang through at approx. 8 a.m. was brought to him and it read: "Wife's condition slightly deteriorated; wish to give other treatment; would like to see you."

Mr. White went immediately to the hospital only to be told that Mrs. White had passed away at 7.30 a.m. just half-an-hour before that 'phone message was rung through. Please note that death had occurred half an hour before that message was sent.

With Mr. White I interviewed Dr. Davies and he explained that the complication from which she died could have been caused from excessive vomiting. Therefore there was neglect in not calling in the Dr. during that 48 hours from Saturday dinner-time to Monday 11.30 a.m. when treatment in the early stages may have saved her life.

We then interviewed Dr. Bean, Senr., who did the post-mortem and he again told us that the complication could have been the result of excessive vomiting.

We then interviewed Mr. Price and he told us the same, and when asked if earlier treatment such as he had given late on September 3rd would have saved her life he said he thought "the pattern was cut" hours before he saw her, so evidently she was in a bad way on the Sunday when Mr. White and other relatives were so

alarmed at her condition. Mr. Price said that the very hours that we queried—those 48 hours when Dr. Davies didn't see her—were the very hours he (Mr. Price) himself had queried when he was called in. He said all he had to go by was the chart and that showed her pulse and temperature normal right through that period. May I ask you, Sir, do you think it possible for her pulse and temperature to be normal with that toxic condition through her every organ? Was there neglect in the taking of the pulse and temperature, or did they bother to read it? Consider the continual vomiting (not anaesthetic vomit) after that brown substance was being vomited for a couple of days, no nourishment being administered for 5 days; her condition on the Sunday afternoon when her lips and face were so cold; so disinterested. Her pulse would have been weak then and temperature subnormal.

We then interviewed the Matron of St. Helen's. She also had been on her week-end rest from mid-day Saturday September 1st to 7.30 a.m. Monday September 3rd, but failed to contact Dr. Davies when she did return to duty and advise him of Mrs White's poor condition; neither did she see that Mr. White was notified. We asked for a private interview with her and she cleared the office of any staff, and after some very straight talk as to what our opinion of Mrs. White's treatment was, Matron said—"It was my black week-end. How I wish I had been on duty. I shall reprimand some of my staff severely. It will hurt and they won't like it and I won't be very popular." This statement of hers is an admission of neglect on the part of her staff on duty during that week-end. We thanked her and thought a little reprimanding may do a lot of good, but—I ask—who is going to reprimand the Matron for she failed miserably in her duty when she did come on duty.

There certainly is a lot of neglect at St. Helen's besides the actual nursing for when we went to collect Mrs. White's belongings we were handed some of her clothes with a piece of newspaper screwed around them and her purse crammed full of soap, face washer, powder, etc. absolutely impossible to close it. Mr. White explained that there was a case belonging to her with her good clothes in it and after some hunting it was located. Instead of the rings being put in an envelope and handed to Mr. White we found them dropped into her purse amongst powder, nail file, etc. No-one knew where they were until a Sister off duty was contacted and she said she had put them in the purse.

We have not put this complaint in earlier as it is only in the last day or so that the death certificate has been received by Mr. White. Please note the time between the onset of the disease and death was 20 hours. That just makes the time that the disease set in at 11.30 a.m. Monday when Dr. Davies called on his round and found her in such a bad way. Yet she was so bad on Sunday, and also Mr. Price thought that the pattern was cut hours before and queried the charts for those 48 hours when nothing was done for her.

I sincerely hope, Sir, that we have put our case plainly enough, and that it is in your power or the Chief Matron's power to do something to shake up the staff of St. Helen's. It won't bring back our loved one, but may save someone else. Neither she nor we were treated like human beings with feelings and love for our dear one.

We are,

Yours respectfully,

(sgd.) C. H. P. White,
Husband of the deceased.

(sgd.) Nellie Blacker,
Mother of the deceased.

The message that was received by the callboy and delivered to Mr. White was as follows:—

> Peter,—A message has just come through from the hospital saying there is a slight deterioration in your wife's condition and some special treatment is advisable and I think they would like to see you as soon as possible.
>
> J. A. Barclay.

According to the information that I have received, the message was received between 8 a.m. and 8.10 a.m. on the 4th September; and when Mr. White arrived at the hospital, he found that Mrs. White had passed away at 7.30 a.m. I mention that because in the letter that I will now read from Dr. Henzell, there is information which leaves the House no alternative course on this matter. Dr. Henzell's letter reads as follows:—

> Department of Public Health,
> 57 Murray Street, Perth,
> 19th November, 1956.
>
> Mr. C. H. P. White,
> 35 Cardigan Street,
> Hamilton Hill, W.A.
>
> Dear Sir,—
>
> I am writing in reply to your letter of the 24th October, in which you make complaints concerning the treatment

given to your wife, who, it is regretted, died in St. Helen's Hospital on September 4th last.

I would like to say at the outset how sorry I am that this occurred and would like to offer my sympathy to you and her mother, Mrs. Blacker.

I have received statements from Dr. Davies and from Matron Bunce and have also discussed the case with Mr. Price, the Consultant Surgeon, who saw your wife on Monday, September 3rd.

In my opinion, there is no evidence of any neglect on the part of either the doctor, the matron, or the hospital nursing staff. In fact, everything possible seems to have been done in your wife's interest, and this is also the opinion of Mr. Price who was, so he tells me, impressed by the high standard of the medical and nursing care given her.

The complication from which she died is one which does occur in a small percentage of cases after an abdominal operation. It cannot be foreseen and prevented and is frequently fatal in spite of the best medical treatment and nursing care.

It is not possible to reconcile some of the allegations made in your letter with the facts which have been presented by Dr. Davies, Mr. Price and the matron and the hospital records. For example, Dr. Davies did see your wife on the Sunday and efforts were made to contact you on the Monday, 3rd September. However, these were unsuccessful and recourse to the services of the police for this purpose was made. It is possible that the message which you ultimately received on the morning of September 4th originated from these efforts made by the hospital staff on the previous day.

It is not proposed to discuss any further details of complaints made in your letter. It can only be repeated that, in my opinion, there is no evidence of any negligence on the part of those responsible for the care of your wife.

I would like once more to offer you my sympathy for your loss.

Yours faithfully,

Linley Henzell,

Commissioner of Public Health.

That letter was sent on the 19th November, 1956; and on the 6th December, 1956, Mr. White wrote the following letter:—

6th December, 1956.

The Commissioner of Public Health,
Perth.

Dear Sir,

I received your reply to our letter of complaint to you re the treatment given to my wife during her time in St. Helen's hospital after operation on August 29th, and ended with her death on September 4th.

You apparently think that our complaints were groundless, but I still think differently. One complaint I would like to make a little more clear in your reply and that is the complaint re the hospital trying to contact me.

I took my wife to St. Helen's hospital on Wednesday, August 28th, at approximately 3 p.m. when my wife was admitted at which time one of the nursing staff took down all particulars and asked me if I could give a phone number so I could be contacted if need be. I gave the number of my place of work, W.A.G.R. Loco sheds, Fremantle, L.3901. This number can be contacted 24 hours a day and during the hours of 9 a.m. to 5 p.m. there are three people in the office and this number can be contacted without much trouble.

Apparently my wife had a very bad turn on the Monday morning, September 3rd, but I was not contacted. I rang the hospital at 9.45 a.m. and was told that my wife was quite alright. I rang again at approximately 4 p.m. and was told that my wife was quite alright and that the doctor was with her at that time. I then went out to the hospital at 7 p.m. and asked one of the nursing staff if I could see my wife, and she said yes, so I went in. That is three times I contacted the hospital on the Monday and at no time did they say that they had tried to contact me. If they had been trying to contact me at all on the Monday surely they would have told me and then even asked me if I could give them some other means of contacting me if necessary.

The only time that any phone call was made to the number I gave the hospital was 8 a.m. on Tuesday, September 4th just half-an-hour after the death of my wife. The message was that my wife's condition had deteriorated, and that other treatment would have to be used, and that the hospital would like to see me. That is the only message I have ever had from the hospital. What I would like to know is, why they couldn't ring the number I gave them, or why some mention wasn't made to me as to my wife's condition on the three occasions I contacted the hospital on the Monday, and why if they could contact my phone number on the Tuesday give me Monday's message half-an-hour after my wife had died, and still no mention of her death.

I regret that although that letter was written on the 6th December, 1956, and forwarded, right up until 2 p.m. today no reply has been received.

The following is a letter written on the 29th January, 1957, to the Commissioner of Public Health to which no reply has yet been received:—

Tambellup,
29th January, 1957.

Commissioner of Public Health,
Perth.

Dear Sir,

Yours of the 19th November, 1956, in reply to our complaints regarding treatment of my daughter, Mrs. White, prior to—and in our opinion contributing to the death of—Mrs. White on 4th September, at St. Helen's Hospital, Fremantle.

Firstly, I must state that we very much appreciate your expressions of sympathy contained in your letter. I am far from satisfied with the other contents of your letter and if Dr. Davies and Matron Bunce had not departed from the truth you would realise that our complaints were not groundless.

On the 30th November, while in Fremantle, both my son-in-law—Mr. White—and myself again visited Dr. Davies and I asked him why he had reversed his statements made by him to us after Mrs. White's death when making a statement to you regarding the case.

I also told him that in my opinion he was not only a brilliant young Dr. but also a brilliant young liar—far more concerned in shielding those he knew were guilty of neglect than he was in the loss of a patient through their neglect.

He did not deny these allegations, but again told us that he did not see Mrs. White from Saturday dinner time until the Monday at 11.30 a.m. and he said she was then low—desperately low and admitted that had he been contacted earlier that we would have had her with us today. He again admitted that he was never informed that vomiting had not stopped after the operation although it was so bad that on the Saturday night the hospital rang a neighbour of Mr. Whites for him to bring iced soda water out for her—which he did.

I also want to draw to your notice that we attach no blame on Dr. Davies as he was available during those 48 hours but was never contacted by the hospital. He also asked if we knew the name of the sister on duty over that period.

As for Matron Bunce's statement—well she herself knows it is not the truth and I'm hoping to have the pleasure of seeing her shortly and asking her the same as I asked Dr. Davies—why her statements were reversed? When I think of her saying "It was her black week-end. How she wished she had been on duty, etc." I wonder how when a life has been lost—a wife, mother and daughter snatched from us—they can cover up their laxity with lies.

Regarding Mr. Price being impressed by the high standard of nursing care given her. Well Dr. Davies says she was low at 11.30 a.m. and they then commenced fighting for her life and Mr. Price was not called in until late in the afternoon and if the standard of nursing was not high then, it never would be.

Finally, regarding notifying Mr. White. He rang the hospital twice on the 3rd September, and was in conversation with Dr. Davies in the afternoon and visited the hospital at night and never once was he informed that they were trying to contact him, nor did they (the hospital) discuss Mrs. White's condition with him. The only phone number they had was his work number which can be raised any time day and night and in fact he was at work from approximately 9 a.m. to 4 p.m. and no message was rung for him and at no time was he ever contacted by the police.

In closing, I must say that I am fully conversant with that medical code "We shall not let one another down no matter what mistake we have made or neglect we have been guilty of." So it seems almost impossible to have any one responsible reprimanded after the wicked lies that have been told to cover up the neglect.

I would welcome the opportunity to face them all and see if they could look us in the face and repeat the lies told to cover themselves.

Thanking you again for your message of sympathy I am

Yours respectfully,
N. Blacker.

I have checked up on the telephone call made to the neighbour mentioned in this letter. That neighbour lives a few doors away from Mr. White, and that message was forwarded to him. I have here the death certificate which gives the following particulars:—

Date of death—4th September, 1956.

Place of death—St. Helen's Hospital, 33 Moss-st., East Fremantle.

Clause of death—Paralytic Ileus (20 hours) following elective hysterectomy 6 days earlier.

I do not wish to weary the House any more except to deal with one or two items. As I said during my opening remarks, I have not contacted the hospital; I have not contacted the police; and I have not contacted the Medical Department. I am making these further submissions as

lines along which the Government should investigate if the House agrees to this motion. In view of the fact that Mrs. White was operated on by Dr. Davies on the 30th August, at approximately 7.30 a.m. —I am not quite sure of the date; it could have been the 29th August—

(1) Did Dr. Davies appreciate the low condition of Mrs. White on the following days, especially as he did not visit her from near midday on Saturday, September 1st, until 11.30 a.m. on Monday, Sept. 3rd?

(2) Is the report by Dr. Davies to Dr. Henzel that he, Dr. Davies, visited Mrs. White on Sunday, the 2nd September, 1956, borne out by fact?

(3) Was the hospital staff negligent during this same period by—

(a) Not carrying out the orders of Dr. Davies?

(b) Not advising Dr. Davies of the steady deterioration of Mrs. White over the critical weekend and until Mr. Davies arrived at the hospital at 11.30 a.m. on Monday, the 3rd September?

(c) Not advising Mr. Peter White of his wife's condition—

(i) when he phoned the hospital at 9.45 a.m. on Monday, the 3rd September.

(ii) when he phoned again at 3.45 p.m. the same day.

(iii) when he visited his wife on Sunday afternoon and evening, the 2nd, and on Monday evening?

(4) Why was Mr. White not contacted at his place of employment—the Fremantle loco. running sheds —where he is an engine-driver and where there is a "call boy" system working 24 hours per day during the period that the hospital staff found it necessary to approach the police for assistance to find Mr. White on Monday, the 3rd September?

(5) Were the police in fact asked to contact Mr. White on the said Monday, the 3rd September?

(6) Why was Mr. White's place of employment not contacted during the last critical hour when Mr. Price and Dr. Davies were fighting for Mrs. White's life?

(7) Why was a semi-false telephone message sent to Mr. White's place of employment 40 minutes after Mrs. White had passed on?

(8) Was the 'phone number (L3901), of the Fremantle loco. running sheds given to the hospital on the admission of Mrs. White to hospital on the 20th August?

(9) Why has the Commissioner for Health not replied to letters written by Mr. White on the 6th December, 1956, and by Mrs. Blacker on the 29th January, 1957?

(10) Was Mr. Price brought to the hospital by Dr. Davies for consultation or was Mr. Price present at the hospital on account of one of his own patients when he, Mr. Price, went to the assistance of Dr. Davies.?

I rest my case there; but I want to say that I do not think the story that the police were asked to contact Mr. White, can be borne out by fact, because every member will be aware that the Police Department not only has a system of keeping a record of every phone message in a matter like this, but has a duty to do so. I am informed, as a result of a visit—not by me —to the police, and an inquiry that was made, that the police were not at any time asked to find Mr. White.

Because the reply sent by Dr. Linley Henzell, Commissioner of Public Health, leaves a lot to be desired; and because the evidence that can be brought forward if an inquiry is held will prove that in all probability the thoughts of Mr. White and Mrs. Blacker that the nursing staff are to blame for this unfortunate situation are wrong, and that eventually the responsibility can be thrown back on to the shoulders of Dr. Davies who, apparently, has not hesitated to tell a series of falsehoods to cover up the situation, I hope the House will agree to the motion I have moved.

Question put and passed.

BILL—TOWN PLANNING AND DEVELOPMENT (METROPOLITAN REGION).

Second Reading.

Order of the Day read for the resumption of the debate from the previous day.

Question put and passed.

Bill read a second time.

In Committee.

Hon. E. M. Davies in the Chair; the Minister for Town Planning in charge of the Bill.

Clause 1—Short Title:

Hon. L. C. DIVER: Unfortunately I was out of the Chamber when the Bill went to the second reading. I trust the Committee will not agree to the short title, because we have not had sufficient time to study the measure. I think the Bill should repose with its sister measure, the Swan River Conservation Bill, until the 12th August,

1958; and the interim development order should be allowed to continue until we can give this measure the attention it requires.

Hon. J. MURRAY: I agree with Mr. Diver that the short title should not be agreed to. I take a very poor view of the Chief Secretary's action. I am the member who got the adjournment of the debate, but I was called to the telephone when the Bill was called on just now. The Chief Secretary jumped from Item No. 1 on the notice paper to Item No. 2. Unfortunately, this is something that has been happening frequently in the last four weeks.

I do not think the Chamber should stand for it at any time, particularly in view of what happened here last night. That clearly indicated to the Government that this House was prepared to accept Item No. 3 on the notice paper today but was not prepared, owing to the lateness of the hour that the legislation was brought on, to accept Item No. 2 on the notice paper today. I support Mr. Diver in his efforts in this regard.

Hon. A. F. GRIFFITH: I cannot help but support the two members who have spoken on this matter. I am the Whip of my party; and when the Minister in charge of the Chamber drops the first item on the notice paper and proceeds with the next item, and the member who has the adjournment is speaking on the telephone, I have no chance of getting outside and telling him about it. We have to look forward to another 12 hours; and if the Minister keeps his notice paper in some semblance of order, instead of bobbing up and down all the time, we will know where we stand. Mr. Lavery was speaking to his motion and when I looked at the notice paper I saw that this item was second, and there was another second reading preceding it. So I was not concerned where Mr. Murray was. But the Chief Secretary fools around with the notice paper, and it is impossible to chase members up.

Hon. N. E. BAXTER: I move an amendment—

> That after the figures "1957," line 9, page 1, the passage "and shall be considered on the 12th August, 1958" be added.

Hon. H. K. WATSON: I move—

> That the Chairman do now leave the Chair.

The CHAIRMAN: I already have an amendment before the Chair.

Hon. H. K. WATSON: I think I can move at any time that the Chairman do now leave the Chair.

The CHAIRMAN: My ruling is that that motion takes precedence over the amendment.

Question put and a division called for.

Remarks During Division.

The Minister for Town Planning: You won't even give me a chance to reply.

Hon. L. C. Diver: I did not have a chance to put my case.

Hon. J. Murray: Nobody had a chance to speak to this Bill because of your action. This is the worst thing you have done this session.

The Minister for Town Planning: Sir Charles Latham voted with me on the voices.

Hon. Sir Charles Latham: I am voting now.

The Minister for Town Planning: But you cannot change. You cannot vote one way on the voices and the other way on the division.

Hon. Sir Charles Latham: Who said I voted?

The Minister for Town Planning: I did.

Division Resumed.

The CHAIRMAN: Before tellers are appointed, I give my vote with the noes.

Division taken with the following result:—

Ayes	....	12
Noes	....	13
Majority against	....	1

Ayes.

Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. J. Cunningham	Hon. J. Murray
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. M. Thomson
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. D. Teahan
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. W. R. Hall
Hon. F. R. H. Lavery	*(Teller.)*

Pair.

Aye.	No.
Hon. A. F. Griffith	Hon. R. F. Hutchison

Motion thus negatived.

The MINISTER FOR TOWN PLANNING: I would like members to forget the incidents up to now and start afresh.

Hon. H. K. Watson: That is good at this stage!

The MINISTER FOR TOWN PLANNING: Let us forget all about these little upsets, because they do occur.

Hon. A. F. Griffith: Just say that you will not do it again.

The MINISTER FOR TOWN PLANNING: I ask members to forget it. But they did not even give me the right to reply to the accusations made against me; and that is not fair for any Parliament to do to any member, let alone a Minister. The

accusation was that I juggled around with the notice paper. I agree; I do that. But I do it because members come to me—all members in this Chamber—and ask me to postpone certain items or to bring on certain items at an earlier stage. Other members do not know that that has been done.

Hon. A. F. Griffith: Yes they do, because we tell them.

The MINISTER FOR TOWN PLANNING: I have never refused a request in that direction; and as a result, the paper is juggled about. Only the other night Dr. Hislop asked me to postpone these two town-planning items because he was called away on urgent business.

Hon. H. K. Watson: They only arrived yesterday.

The MINISTER FOR TOWN PLANNING: I agreed to Dr. Hislop's request; and that sort of thing is happening all the time. How did I know that Mr. Murray was called away to the telephone?

Hon. A. F. Griffith: He did not know himself until he was called away.

The MINISTER FOR TOWN PLANNING: The first item on the notice paper was the first of the child welfare Bills. There are two of them, and I am expecting a message at any moment to enable us to deal with them together. It would be silly to deal with the one subject on two different Bills. I do not check to see whether every member who has an adjournment of the debate is here. I did not know that Mr. Murray particularly wanted to speak to this item.

Hon. J. Murray: The House met at 2.15 and you say you are waiting for a message for an item which is No. 1 on the notice paper.

The MINISTER FOR TOWN PLANNING: But there is a motion before it. It is now 3 o'clock and we have only just reached the item.

Hon. J. G. Hislop: Suppose we accept your views and get on with the business.

The MINISTER FOR TOWN PLANNING: Dr. Hislop never objects to any member castigating me or the Government; but immediately I start to defend myself, he asks me to get on with the business. That has happened on two or three occasions recently. Let us forget all these little incidents that ruffle us and get on with the job.

Hon. H. K. WATSON: I find myself in precisely the same position as I was yesterday. I have not had adequate time even to read the Bill, much less consider it. There is no reason why the other Bill, which will hold the line, should not be passed, and I ask the Chief Secretary to report progress on this item.

The MINISTER FOR TOWN PLANNING: I do not want to report progress; because last year, when I brought in the interim development order for 12 months, I advised the department that I would not ask Parliament for a further extension of the interim development order unless I had the full legislation, because I did not consider that it was right—and I still do not consider that it would be right; otherwise people who will be affected by the regional planning scheme will be in a position of uncertainty.

Hon. N. E. Baxter: When did you advise the department in that direction?

The MINISTER FOR TOWN PLANNING: Last year. It would be easy for me to agree to report progress; but that means it will be another 12 months, and people will have the interim development order hanging over their heads without any activity taking place.

The Bill deals with two points. One is the formation of the committee, and the other concerns taxation. Surely they would not take long to consider! If the suggestion made were adopted, all the people within the regional plan would have to go a further 12 months without any activity taking place at all.

Hon. L. C. DIVER: The committee comprised members of the Government, members of the Opposition, and nominees from the local government. They considered the regional plan fully, and much time was spent in an endeavour to overcome the objectionable or difficult parts of the legislation. The Bill has taken into consideration the matter of taxation; but for the rest, the committee bogged down in coming to a conclusion, and it was left to be decided by Parliament.

There was no one more aware of the circumstances than Mr. Hepburn. The Chief Secretary has told us that Mr. Hepburn was informed concerning the information that was required by this Chamber. After all the discussion that took place at the meetings, and the months that have elapsed since, we are confronted with a Bill and asked to deal with it in 11 hours, when it took Mr. Hepburn and his officers 11 months. That is not reasonable.

I am mindful of the people to whom the Chief Secretary referred, and whom the development order will affect. But Parliament cannot be blamed for that. If this is to work, more co-operation must be forthcoming, because we want to see the plan operating smoothly. The Chief Secretary mentioned the taxing angle, but there are people who agree with Mr. Wise that the Federal Government should make some contribution. We are not asking much of the Government. Our request is reasonable. The legislation should be left until the early hours of next session.

Hon. A. F. GRIFFITH: This is an important Bill and I know the Minister wants it. Yesterday I received a communication from one of the road boards in my province on the question of representation on the committee.

The Minister for Town Planning: That is easily decided.

Hon. A. F. GRIFFITH: It may be. But the Bill was introduced yesterday. We left here at 2 a.m. after a 12-hour sitting, and there has been no chance to study this Bill in the time between then and now. The matter is important in view of the fate of the people who will be affected. I asked a question of the Chief Secretary about the conclusion of the session, and he said that because of the commitments that Ministers had it must finish today. We should not be kept here till 6 o'clock tomorrow morning, or till lunch time, to consider this measure. The House should adjourn and come back next week and deal with the matter properly.

The CHAIRMAN: The question before the Chair is an amendment to Clause 1.

Hon. A. F. GRIFFITH: I think I am keeping pretty close to it, Mr. Chairman. I am not prepared to accept the fact that because of the commitments that Ministers have the people should go hang.

The Minister for Railways: Nothing of the kind!

Hon. A. F. GRIFFITH: The Minister says he is worried about the people, but he is not prepared to come back next week to decide this matter.

The MINISTER FOR TOWN PLANNING: I implied by my remarks a short while ago that the Town Planning Commissioner was to blame for the delay. I would point out that this was caused by the shortage of staff. They have done a marvellous job, but it was not possible to bring the matter down earlier. I do not mind if the question is postponed for another 12 months, but it will leave these people in a state of inactivity. I want to protect those whom the interim development order will affect, during the next 12 months.

Hon. H. K. WATSON: There is not much substance in the reason give by the Chief Secretary. The people whom he mentioned have been subject to the interim development order for two years, and they will be subject to it for another year anyhow. All the Bill does in addition to extending the interim development order is to provide for the composition of the committee, which to my mind is open to serious objection. It also seeks to impose an extra tax. I have not had time to read the Bill. I do not see the urgency for dealing with this measure.

Hon. N. E. BAXTER: I think the Minister has told us why my amendment should be supported. He said that he would not come to Parliament with the interim development order unless he had the entire Bill to present. The Bill contains provisions that require serious consideration, and we will be falling down on our job if we do not give it that consideration. It is too much to ask us to consider and pass this measure in a few hours. My amendment will give us the time required.

The MINISTER FOR TOWN PLANNING: I take full responsibility and blame for this Bill. My actions were governed by my concern for these people and the period of inactivity in which they would be placed. If the Committee wants to hold the Bill over till next year it would suit the department, and I will not argue about it.

Hon. A. R. JONES: I agree with the remarks of other members. I have not been able to give the Bill any consideration, and I do not think it will be possible to do so within the next 24 hours. In view of what the Chief Secretary has said, it would seem that somebody deserves a rap over the knuckles. This Bill should have been here in time for due consideration.

The Minister for Town Planning: I explained why it was not.

Hon. A. R. JONES: The Minister said Mr. Hepburn was too busy and his department was understaffed. I cannot see why that department should be understaffed. However, if it is, I suggest there are plenty of men in the Public Service who could be transferred to that department. I suggest that Mr. Hepburn should get a rap over the knuckles.

The Minister for Town Planning: We have combed Australia and can't get staff. Deal with something you know something about!

Hon. A. R. JONES: To bring a Bill like this before the Committee at this stage is unreasonable. I feel that it could have been here a fortnight ago; and, with other members, I cannot discuss it at this stage.

Hon. J. G. HISLOP: I would like to dissociate myself from the remark that the Town Planning Commissioner should get a rap over the knuckles. After leaving this House, on many nights I have seen the lights on in the Town Planning Office, and the lateness of this Bill is more than likely due to the fact that these people have been working overtime.

When introducing the measure, the Minister said that the delay had been in part due to the fact that it was difficult to determine the composition of the board. As this is such a vital and important matter, it is more than likely that the composition of the board will have to be completely altered to satisfy local authorities and the man in the street as well as Government officials.

It is very likely that this Bill has come to us at the direction of the Minister without a unanimous decision as to how the board should be constituted. Therefore I suggest that we have added reasons for delaying it. It is more than likely that every word the Minister has said about the delay is perfectly true; and, to my own knowledge, the staff of the Town Planning Office has been working well over the ordinary working hours.

Hon. A. F. GRIFFITH: I will be on the side of the Minister in regard to this Bill if he will give us plenty of time to consider it. There are other important matters on the notice paper, and we should come back next week to give them consideration.

Hon. L. A. LOGAN: My sentiments are the same as those of Mr. Griffith. We have a notice paper of 11 pages, which is one of the largest for the year; yet we are told by the Minister that it is intended to finish tonight. I think the Council would cast a slur upon itself if it endeavoured to clean up this notice paper tonight. I am prepared to come back next week; and I have to travel further than anybody else in the course of my duties, with the exception of the Kalgoorlie members who, however, have sleepers.

Hon. H. K. WATSON: I would like some amplification of the words at the end of the amendment, "and shall be considered on the 12th August, 1958." By whom: the Government?

Hon. N. E. BAXTER: I think the amendment is self-explanatory. If it is before the House, it will be considered on that date.

Point of Order.

Hon. A. F. Griffith: I ask this question on a point of procedure. If we write these words into the Bill, Mr. Chairman, will we continue to consider the remaining clauses?

The Chairman: Yes; there is no reason why the remaining clauses cannot follow. This is not a ruling, but I do not think the amendment is in order, because the whole of the Bill cannot be considered with the amendment in its present form.

Hon. A. F. Griffith: Do you not think that if this amendment is carried it would be foolish and not achieve the object we desire to achieve? That is, to have further time to consider the Bill? I am obliged to ask for your ruling.

The Chairman: My ruling is that the amendment is not in order.

Debate Resumed.

Hon. R. C. MATTISKE: In view of your ruling, Mr. Chairman, and other statements which have been made, would it not be the sensible line of action for the Minister to report progress and ask leave to sit again, and then defer the matter until the 12th August next year?

Hon. Sir CHARLES LATHAM: I am anxious to help the Minister out. It will be necessary for him to question members in another place to see if the Government is prepared to come back next week. If the Minister will agree to do that, we are quite prepared to meet him.

Hon. G. C. MacKINNON: It seems obvious that the Committee desires to go on with this measure.

Hon. H. K. Watson: Where did you get that idea from?

Hon. G. C. MacKINNON: There was a move to vote this measure out and it did not succeed. I feel it is entirely impossible to intelligently deal with the Bill at the moment. It not only covers the metropolitan area, as one would be led to believe, but it extends to the end section of the South-West Province. I say it is obviously the wish of the Committee that we go on with the Bill.

Progress reported.

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR TOWN PLANNING (Hon. G. Fraser—West—in reply) [3.40]: I do not intend to say very much about this Bill because I think everything possible has been said. However, there are two main points. One is the question of the interim development order. It has been said that this interim development order has been in operation for two years. That is not a fact; it has been in operation for 15 months. It commenced in September last year and continued to December, when it was extended until December of this year. The other point in the Bill may appear to be important to members, but on examination they will find that this is not so.

Point of Order.

Hon. A. F. Griffith: I understand that Mr. Baxter took the adjournment of this measure. Is the Minister making another second reading speech?

The President: The Minister rose when order of the day No. 3 was read. Mr. Baxter did not rise; therefore the Minister is in order.

Hon. N. E. Baxter: When the Minister rose to speak I thought it would be as a result of what had happened in regard to the other Bill, and that he would defer this measure to a later stage of the sitting. However, I can deal with the matter during the Committee stage.

The President: The hon. member did not rise and I am quite in order in allowing the Minister to continue with the debate. The Minister may proceed.

Debate Resumed.

The MINISTER FOR TOWN PLANNING: I had no intention of preventing anyone from contributing to the debate. As no one rose to speak, it was my intention to close the debate. The matter of the interim development order was well and truly dealt with when we discussed the other Bill. This measure contains a clause which does away with the obligation of the Public Works Department in regard to resumed land, so far as town-planning schemes are concerned. The reason for this is that when a local authority applies for a town-planning scheme, it seeks preliminary approval and then certain action is followed.

Perhaps I could put it this way: In the Perth Road Board area there was a large section which had 33ft. frontage blocks. As the Perth Road Board desired to improve that section, it resumed the land for the purpose of redesigning. Before it was possible to do this, the Perth Road Board, in accordance with the Town Planning Act, had to apply for preliminary approval, which was granted. The proposals were advertised for three weeks; and three months elapsed for the lodging of objections to the proposal. That applies to all town-planning schemes.

Hon. N. E. Baxter: Under what legal authority?

The MINISTER FOR TOWN PLANNING: The Town Planning Act. That is the legal authority.

Hon. N. E. Baxter: This measure?

The MINISTER FOR TOWN PLANNING: The Act that is already in existence.

Hon. N. E. Baxter: What section?

The MINISTER FOR TOWN PLANNING: At the moment I could not say. But in respect of all town-planning schemes, the procedure adopted is for the application to be made. Then preliminary approval is granted; three months are allowed for the lodging of objections; and consideration is given to the matter by the local authority, by the Town Planning Board, and by the Minister. This is done before final approval is given and the scheme is gazetted. In addition to that, the provisions of the Public Works Act have to apply; and what the Bill seeks to do is to eliminate the procedure required under the Public Works Act. That is necessary to save time and expense involved in duplication.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Town Planning in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 13 amended:

Hon. N. E. BAXTER: I am not quite clear on the ultimate effect of this clause. It removes the reference from the Act to the application of the compulsory acquisition provisions in the Public Works Act. Even though the Minister has said that there is provision for advertising resumptions and allowing for appeals under by-laws made by the municipal authorities, I want to know what will happen in future in regard to town-planning matters. Will the same by-laws have application? The Bill does not say so. All that it does is to remove the application of the provisions of the Public Works Act in relation to resumptions.

The principal Act provides that with the consent of the Governor the responsible authority may take compulsorily, under and subject to the Public Works Act, any land comprised in a town-planning scheme. The Bill proposes to add a subsection providing that when any land is taken compulsorily the provisions of Section 17, Subsections (2) to (7) inclusive, and Section 17A of the Public Works Act shall not apply. Surely the matter could have been tidied up better than that! First of all it says that the Public Works Act shall apply; then later that it shall not apply. What happens is that only Section 17 of the Act will apply, and all the provisions that have been inserted in recent years dealing with resumptions are to be taken out of the measure. I would like a clear explanation of the matter.

The MINISTER FOR TOWN PLANNING: I do not know how much clearer an explanation I can make.

Hon. N. E. Baxter: What happens in the future?

The MINISTER FOR TOWN PLANNING: If it is a town-planning scheme, all the procedure regarding advertisements, objections and so on is gone through.

Hon. N. E. Baxter: Where is that provided for?

The MINISTER FOR TOWN PLANNING: In the Town Planning Act. That is the procedure that has been adopted for some years. All that is proposed is that when the scheme has been advertised and all the procedure has been gone through, it shall not be necessary for the same to be done under the Public Works Act. Time is a big factor in these schemes. A long time is required when land is to be taken for re-subdivision, resurveying, granting of titles, and so on, without our having to go through the procedure laid down under the Public Works Act, which might involve a period of many months.

Hon. N. E. BAXTER: I take it from the explanation given that it will be done under Section 31 of the Town Planning Act. From memory, I think that last year

we disallowed the first set of by-laws in respect of this legislation, and I do not think any others have been presented to Parliament since. The whole matter was got around by by-laws being framed and submitted to the Minister by arrangement between the Minister and the municipal authorities.

Hon. J. G. HISLOP: When speaking on this Bill at the second reading, I asked certain questions of the Chief Secretary; and I understood him to say that in the absence of the major Bill, the Public Works Act would still apply in regard to resumptions. Does that still hold?

The Minister for Town Planning: No.

Hon. J. G. HISLOP: If we do not have the major Bill, and this one goes through, will there still be a three-months' notification of desire to resume?

The Minister for Town Planning: Yes.

Hon. J. G. HISLOP: So long as there will be prior notice, I am quite happy.

The MINISTER FOR TOWN PLANNING: As a matter of fact, what operates regarding not so much resumption but zoning in local authority areas, is that a local authority can undertake such zoning without any notice of any description. It can be done by merely making application and obtaining the Minister's approval, followed by a gazettal. And nobody knows anything about it. But the procedure that is adopted is that when there is an application, I always insist on applying the provisions of the Town Planning Act relating to advertising, the lodging of objections, and so on. So protection is there for individuals in regard to matters of this description.

Hon. N. E. BAXTER: May I ask the Chief Secretary why, when the Bill was framed, it was not drawn up to provide for the amendment of Section 13 by deleting certain words in para (b) and inserting words to the effect that only Section 17, Subsection (1) of the Public Works Act should apply, instead of saying that this is subject to the Public Works Act and following that up by saying that it does not apply?

The MINISTER FOR TOWN PLANNING: I am not the draftsman, and I cannot say why the Bill was drafted in this way.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—CHILD WELFARE ACT AMENDMENT (No. 2).

Received from the Assembly and read a first time.

Sitting suspended from 4 to 4.15 p.m.

BILL—TOWN PLANNING AND DEVELOPMENT ACT. (No. 2).

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE MINISTER FOR TOWN PLANNING (Hon. G. Fraser—West) [4.16] in moving the second reading said: This is a very urgent measure, and I make no apologies for its late introduction because the need for it developed only in the last week and consequently there has been no opportunity previously to introduce this corrective legislation. A very serious problem could arise unless the loophole which has appeared in the Act is blocked.

In 1956, a certain individual at Quinn's Rock, in the Wanneroo Road Board district, made application to the Town Planning Board for the subdivision of his land into quarter-acre blocks. The Town Planning Board was prepared to approve of the subdivision subject to a water supply system and a septic tank system being installed. If this were not done, the land would have to be subdivided into half-acre lots.

Nothing further was heard until recently when it was discovered that some person or persons had purchased the land from the original owner and were advertising leases of lots of this particular tract of land for a period of five years with the option of a further five years. This move is being taken purely to circumvent the provisions of the Act, which requires that all leases over 10 years must be submitted for approval to the Town Planning Board.

Members will recall that last year we passed a somewhat similar amendment to the Act to prevent people using dummies for the sale of land at Yanchep. However, this is a new development; and unless some corrective action is taken immediately the position could become very serious indeed. I did have a pro forma copy of the lease that is being issued by these people, but apparently I have mislaid it.

However, the method that is being adopted by them is to induce potential buyers to make application for a lease of a lot for a rental of £10, plus solicitor's costs of three guineas, plus half the purchase price of the land as a deposit. If the sale is not finally effective as a result of the Town

Planning Board not approving of the subdivision that deposit will be returned to the purchaser of the lot.

The price of each lot ranges from £240 to £400. It is rather surprising that people have been purchasing a lease of this land for a period of five years at this price and under these conditions. They have to pay half the purchase price as a deposit plus a rental of £10 and, in addition, they must also pay the solicitor's fees.

Hon. H. K. Watson: Is that £10 per year or £10 for the five years?

The MINISTER FOR TOWN PLANNING: It does not say. Mention was made only of a rental of £10. An endeavour was made to obtain a copy of the lease contract, but as yet we have not been able to do so. We do know, however, that many blocks have been sold under these conditions. The danger is that each block of land is merely a portion of a lot, because there has been no subdivision approved of this large area.

Hon. J. G. Hislop: This is somewhat similar to a situation that occurred at Yanchep last year.

The MINISTER FOR TOWN PLANNING: Yes; but the method of selling this land is rather shrewd in this instance.

Hon. E. M. Heenan: This position would be all right if the subdivision were approved, would it not?

The MINISTER FOR TOWN PLANNING: Yes; but approval would not be given for the subdivision of the land into quarter-acre lots unless a water supply and a pan system were installed.

Hon. J. G. Hislop: Wouldn't the owners be liable for the payment of rates then?

The MINISTER FOR TOWN PLANNING: Yes. By the present method the person or persons are not liable for any subdivision expenses of any description. What could happen is that the people who take out a lease for a portion of this land will erect some sort of structure on it. I believe that—under the provisions of the Town Planning and Development Act, which stipulates that no lot can contain more than one structure without the approval of the Town Planning Board—it would be possible to prevent the erection of a building after the first one had been put up. However, once the first shack had been erected, what a difficult position would be created if the Town Planning Board then refused to allow anyone else to build on his portion of that lot!

Hon. H. K. Watson: The price of a block ranges from £240 to £400?

The MINISTER FOR TOWN PLANNING: Yes. The deposit in most cases, therefore, could be £200.

Hon. J. G. Hislop: You definitely know that these lots are being offered for sale?

The MINISTER FOR TOWN PLANNING: Yes. Advertisements, setting out the particulars of sale, have been appearing in the Press. Those are the circumstances, and it has been only during this week that steps have been taken to prevent this situation developing any further.

Hon. E. M. Heenan: The idea is to sell the land ultimately, I suppose?

The MINISTER FOR TOWN PLANNING: One can quite easily realise how members of the public could be taken in. But all the same, I cannot understand any person paying £200 or half the purchase price of the land as a deposit to obtain the lease of a lot for five years with the option of obtaining a lease for a further five years.

Hon. E. M. Heenan: The contract, no doubt, would set out the conditions of purchase?

The MINISTER FOR TOWN PLANNING: Yes, no doubt. As I have already said, this is a very short Bill which is introduced at this late stage only because of the situation that has arisen in the Wanneroo Road Board area in the last two weeks. The Government feels that this present development is quite contrary to the intentions of the subdivisional provisions of the Town Planning and Development Act and reveals a possible weakness in Section 20 of that Act. If the weakness is not remedied at this stage, no remedy will be possible until the next session of Parliament, which means that during the next six months similar situations could arise elsewhere which would cut right across the present subdivisional control, enable subdividers to avoid their responsibilities and have most unfortunate effects as far as local authorities and the general public are concerned.

At present, under Section 20 of the Act, approval of the Town Planning Board is required before a person can lay out, grant or convey a street, road or way, or subdivide land or lease it for a term exceeding 10 years. No person may sell land except as approved lots. It may be recalled that, last session, Parliament agreed to an amendment to this section to prevent the sale of unidentified parcels of land in the Yanchep area, and it was thought at the time that all possible avenues of circumvention had been closed. This was apparently not the case, and the situation which has caused the introduction of this Bill concerns a large parcel of land in the Wanneroo area near the coast.

The Town Planning Board has indicated that it would approve of a subdivision of this land subject to certain conditions, and to the normal subdivisional requirements as to roads, drainage, etc.; but no subdivision has yet been submitted for approval. In the meantime the land has apparently changed hands; a subdivision design which does not conform to the board's requirements has been pegged on the ground; and

so-called "lots" are being offered on five-year leases with option of renewal for a further five years and a right to purchase freehold—subject to prior approval of subdivision. Rents asked for are low—£10 per annum—but security in the form of a deposit of half the purchase price has to be paid, which is refundable in the event of the right of purchase not being exercised.

It is easy to see what can happen. Within five years most of the so-called "lots" could have dwellings erected on them; and when that stage was reached, the subdivision would be virtually a fait accompli. During this period there would be no obligation on the owner to construct any roads or provide any access; nor does it appear that the lots would be ratable by the local authority. In other words, it could create a most unsatisfactory position; and that could occur elsewhere in more closely settled areas, possibly on land which would never be suitable for subdivision, although in the summer months it might appear quite dry.

The matter is being taken up with the owners by the Town Planning Board and the outcome is not yet known; but in view of the possible weakness in the Act, the amendments proposed, which are quite simple, are as follows:—

> All leases—not only those over 10 years in extent—are made subject to the approval of the Town Planning Board unless the land being leased consists of the whole of one or more lots, or consists of the whole of one or more lots, or consists of a part only of any house, building or structure.

This, it is considered, would prevent the recurrence of another situation as outlined earlier, but would exclude from the necessity for approval the vast majority of short-term leases, with which the board is not concerned. The following types of leases, for example, would not require approval:—

> Leases of offices or flats as part of a building.
>
> Leases of houses on and forming part of the whole of a lot or lots—the normal suburban lot.
>
> Leases of shops forming part of a larger building.

Crown leases would not require approval.

Therefore, it is dealing only with a lease which refers to a part of a lot. The position has been examined very thoroughly by officers of the Crown Law Department and consultation has been made with the Commissioner of Titles and it is considered that this is the most effective way to prevent the public from being misled. I move—

> That the Bill be now read a second time.

On motion by Hon. R. C. Mattiske, debate adjourned till a later stage of the sitting.

(Continued on page 3886.)

BILL—MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [4.28]: This is not a very big Bill; and, in the main, is acceptable to most members of this House. I propose, however, to move an amendment to Clause 7 when the Bill goes into Committee. The suggested amendments to the Act as set out in the Bill have, in the main, been proposed by the Motor Vehicle Insurance Trust which, over the years, has found that it is advisable for these amendments, relating to the discharge of the responsibilities which rest upon it, to be introduced.

Clause 3, the first operative clause, seeks to amend Section 3 of the Act. It sets out that trust claims against the insurer are not extinguished by the lapse of time. As most members are aware, under common law the Statute of Limitations can be brought into being affecting claims that are made six years or over. In this case where the body of insurers start off with a set income, and with a possible liability of expenditure, it has been found in actual practice that the income more than satisfies the need for expenditure, although the possibility of claims may represent a later call for some contribution by the different companies which make up the trust. The idea is that if there is need to draw on the contributing companies after six years, then the claim shall still be valid.

Clause 4 affects Section 4 of the Act and relates to owners and drivers of vehicles which do not require to be licensed, but in regard to which claims for accident may arise—for instance the vehicles belonging to local authorities, tractors and the like.

Clause 5 seeks to amend Section 7, and that applies to victims of hit-run accidents. It sets out the details, and there is no time limit for the lodgment of claims. It is proposed to insert a provision into the Act—namely, "as soon as practicable."

Clause 6 seeks to amend Section 21. This applies where the owner has not renewed a licence. In this State there is a period of 15 days' grace allowed to the person whose licence may have expired. The Bill tightens up the position and excludes claims by such an individual if the licence has not been renewed within the 15-days period. At the same time, the protection under third party risks still operates. That means if the driver of an unlicensed vehicle—where the licence has expired—is involved in an accident causing injury to a third party, the trust will still accept responsibility for the injury to the third party.

An amendment on the notice paper affects Clause 7 which seeks to amend Section 29. The Bill sets out that the claim must be presented to the court within six months, and thereafter the claimant will have 42 days more, making a total of 7½ months in which to commence proceedings. Under the existing legislation the claimant has virtually unlimited time in which to establish his right to claim. This, of course, is the contentious provision in respect of which the amendments on the notice paper seek to amend the Bill.

If the claimant does not proceed within the time prescribed by the Bill, the trust will be able to apply to the court to have all the rights of the claimant forever barred and extinguished. Obviously there are reasons why the trust desires the protection of that provision. There are also many valid reasons why a claimant can put up a very good case for the extension of the period during which to lodge a claim.

Briefly, the trust contends that six months is a reasonable period within which to commence, or to give notice of action. On the face of it that appears to be a reasonable assumption. In the vast majority of cases where claims are made, that actually occurs. Secondly, the trust contends that difficulties will be experienced if a claim is unduly delayed because of the necessity to secure witnesses and evidence. If the trust did secure witnesses after a prolonged period, it is quite possible that the witnesses would not be able to remember clearly the events which happened at that time. That is a very good reason to support the attitude taken by the trust as to why the time for the lodgment of claims should not be lengthened.

We know that the trust has a reputation for fair dealing. I do not think it is anxious to jeopardise its reputation in that respect by insisting on the letter of the law in every case. In most instances it would be a matter for the court to decide. It can be said—and this point is in favour of the claimant—that the actual proportion of claimants who would not take action within six months would be very small.

Referring to the claimants' angle, it is only right—and this House should take the view—that equitable protection should be given to them. They should receive full consideration, having regard to the merits of each case. I know of a case where a lady was involved in a train accident. Although that is not quite the same thing but is a parallel case. Owing to some defect in the running of the train she was thrown from the top berth to the floor.

After a period of months, the company made a proposition. and she was induced to accept it. Some time later she discovered, and medical advice seemed to establish the possibility, that she had suffered further injuries which were not immediately apparent. Although it cost her some hundreds of pounds for medical expenses, she had surrendered her rights, and the company was not prepared to consider the case further.

In many cases it might be difficult for the claimant to establish a claim until he had obtained some intimation of the nature and extent of the injuries. The amendment in my name on the notice paper is designed to meet such a situation. To put the matter clearly, I shall read a letter which was sent from the Law Society to the Minister for Justice setting out the pros and cons of this phase of the operations of the trust.

The PRESIDENT: I was wondering whether the hon. member could postpone the reading of that letter until dealing with the particular clause at the Committee stage.

Hon. C. H. SIMPSON: I think it would take too long at the Committee stage.

The PRESIDENT: You may read it so long as you do not repeat it during the Committee stage.

Hon. H. K. Watson: Did you contemplate the Bill going to the Committee stage?

Hon. C. H. SIMPSON: I think the Bill can be amended in Committee. It is rather important to establish the opinion of the Law Society, having regard to all the issues involved. This letter, dated the 28th November, 1957, reads as follows:—

> Dear Sir,
>
> Motor Vehicle (Third Party) Insurance Act, 1943-1954—Proposed amendment, 1957.
>
> My Council desires to make certain representations to you with respect to Sections 7 and 29 of the Bill now before the House to amend the above Act, on which it would comment as follows:—
>
> Section 7, Subsection 3: This subsection deals with claims against the trust in respect to injuries or death caused by "hit and run" motorists. The proposed amendment is to the effect that as soon as possible after the accident the claimant must make due search and enquiry and as soon as possible after the accident must give written notice and a short statement of the grounds of claim.
>
> The main effect of the suggested amendment is that the notice and grounds of claim must be given as soon as possible after the claimant knew the identity of the vehicle could not be ascertained as is the position under the present law.
>
> It is quite reasonable to suggest that time should run from an event such as the accident rather than from the

creation of a state of mind but it is suggested that the requirement "as soon as possible" may well be too severe in some cases, as for example, persons seriously injured, or persons as yet unfamiliar with our law.

It will be noted that the test applied in Section 29 is "as soon as practicable" and it is suggested this would be a reasonable test to apply in this subsection.

Section 29. This section at present requires a person proposing to claim damages in respect to death or bodily injury resulting in the use of a motor vehicle—

(a) to give notice of intention to claim to either the trust or the insured person as soon as practicable after the accident, and

(b) to make the claim for damages within 12 months of the accident, or within 12 months of the death, as the case may be.

It will be noted that it is only necessary to make the claim for damages and not to institute proceedings. The section also provides that failure to give notice or to make the claim as above, shall not be a bar to the action, if it is shown either that the defendant would not be prejudiced or that the failure was occasioned by mistake, absence from the State, or other reasonable cause.

The proposed amendment leaves untouched the requirements as to the notice of intention to claim but in place of the provisions requiring a claim to be made within 12 months, except in the cases specified, it provides that if notice has been given and proceedings not commenced within six months from the accident, the trust may require proceedings to be instituted within 42 days. If proceedings are not commenced within 42 days any right against the insured person and the trust, is barred unless a judge otherwise orders.

Apart from the special provisions of this Act, the general law regarding limitation of this type of action, is briefly as follows:—

An action for negligence can be commenced at any time within six years and in certain cases (e.g. insanity or infancy) the time is extended. Actions under Lord Campbell's Act must be commenced within 12 months and there is no provision for the extension of the time.

If the proposed defendant is a public authority, notice must be given as soon as practicable, and the action commenced within 12 months but the court can extend the 12 months to as much as six years, if failure to bring the action was caused by mistake or other reasonable cause, or if the defendant is not materially prejudiced.

Conceivably there may be circumstances in which, as a matter of policy, e.g., to prevent collusion between the plaintiff and the nominal defendant, it is desirable to restrict possible rights against the trust: Such circumstances do not appear to be present with respect to the present proposed amendment, which in any event restricts rights not only against the trust but against the insured person. This has several undesirable results:—

(a) Hardship or expense can be caused to claimants, for instance—

(i) An injured person may be confined to hospital for seven months and then given the requisite notice. The trust can immediately require action to be commenced within the 42 days. The claimant may still be in hospital. If he is rushed into the preparation of presenting of his case he may be prejudiced. The alternative is that he is put to the expense of applying to the court for an order that his claim be not barred.

(ii) The widow and children of a man killed in circumstances giving them a claim for damages under Lord Campbell's Act and ignorant of their rights can have all claims barred within 7½ months of the deceased's death.

(b) The defendant in a running down action when personal injury is caused and the trust as his insurer, is in a more favourable position than other persons who cause damage by negligence and their insurers.

In any other action for negligence a defendant must be ready to meet a claim made within six weeks or if the defendant is a public authority, within 12 months. It is difficult to see why the negligent car driver should be released from liability considerably earlier than any other negligent defendant, merely because he has an insurance policy with the trust.

(c) The proposal gives rise to anomalies—

(i) A claimant suffers substantial damage to property and personal injuries in a traffic accident. The defendant is insured with the trust against liability in respect of the injuries and insured with an insurance company against liability in respect to the property damage. The defendant's liability (and the trust's) in respect to personal injury can be extinguished in 7½ months but his liability for the property damage caused by the same negligence, is not extinguished for six years, or in the case of a public authority, 12 months.

(ii) A passenger in a motor car is injured by the negligence of the driver. The driver is only indemnified by the Trust to the extent of the first £2,000 of any damage to which the claimant is entitled. Any amount in excess of the £2,000 must, under the present law, be found by the negligent driver. The effect of the present proposal is not only that the Trust can, after 7½ months, be relieved from its liability in respect of the £2,000, but the negligent driver can be released from liability in respect to the balance of the claim, in which the Trust was at no time financially interested.

The following general comments are also offered:—

(a) Except in a few limited cases, (e.g: hit and run cases, or those in which the driver of a vehicle cannot be traced), the cause of action is initially against the negligent driver of the motor vehicle, not against the Trust. If it is desired to give the Trust some benefits which other insurers do not enjoy, it could be done quite easily by restricting the Trust's liability to indemnify but without affecting the injured party's claim against the negligent driver personally.

(b) A negligent push cyclist or occupier of premises, or operator of machinery can be liable in negligence for personal injuries and may have an insurer liable to indemnify him. There seems to be no logical reason for placing a negligent driver and his insurer in a better position than those negligent persons referred to above and their insurers.

(c) Claims for personal injury usually take much longer to crystallise than claims for property damage. Logically, a greater time should be allowed in which to bring the former claims.

(d) The proposal gives no indication to the Judge or the claimant, of the basis on which the Judge should determine whether the claim should be barred at the expiration of the 42 days' notice given by the Trust. Apart from the apprehension caused to injured parties who would be uncertain of their rights, this would result in more applications being contested than would otherwise be the case, if the principles on which the Court is to act, were clearly stated.

It is suggested that if the present proposals are to be retained, they should, at least be amended along the following lines:—

(a) If it is desired to restrict a claimant's rights against the Trust, this should be done without restricting his rights against the negligent driver, so as to put that person in a different position from other tort feasors.

(b) The period after which the trust can require the plaintiff to bring action should be at least twelve months, not six.

(c) The trust should be obliged to pay the costs of any application which is made necessary by a notice given by the trust if such application is granted.

(d) The Act should specify for the guidance of the court and claimants the principles to be applied in dealing with applications (e.g. that it should be granted if made within the period otherwise specified by the appropriate statutory limitation), unless it is shown that proceedings are being delayed with intent to prejudice the trust, or prospective defendant.

By way of conclusion, the council finds it difficult to see any justification for the proposed amendments. Third party insurance was made compulsory to ensure that persons injured on the road received compensation for their

injuries and the trust from whose operations only insurers can derive a profit was set up if not for the benefit of the insurers, at least to simplify administration of this branch of insurance. To give this monopoly advantages not enjoyed by other insurers and defendants seems completely unjustifiable in principle. It is appreciated that the length of time personal injuries claims take to crystallise may make it difficult for the trust to ascertain the financial result of insurances effected during any given period.. But this problem must have been faced by other insurers for many years and has presumably been successfully met.

No similar amendment has been requested for the protection of insurers granting cover against liability for workers' compensation, as to which the Limitation Act has no application although claims must be made within twelve months, subject to exceptions similar to those at present contained in the Third Party Insurance Act.

It may be that the accounting provisions contained in the Act prevent the trust doing as other insurers do, but if so, these should be amended. As it is, the amendments give the impression that although the Act was originally designed (with the provisions for compulsory insurance contained in the Traffic Act) to ensure compensation to injured persons, the aim is now to reduce materially the benefits conferred by the present Act.

The above suggestions are respectfully submitted for your consideration.

Yours faithfully,

(Signed) A. W. B. Gleadell,
Secretary.

I regard that submission as so important and pertinent to the question that I have read it in full. I suggest that the Minister take this submission seriously and be content to accept the amendments I have placed on the notice paper, which we believe will substantially remedy the position.

HON. E. M. HEENAN (North-East) [4.55]: This is an important measure, and the letter from the Law Society that Mr. Simpson read clearly sets forth the position. The Bill proposes to place a limitation on the time in which a person injured in a motor accident can make a claim against the Motor Vehicle Trust. The claim is nominally against the driver of the vehicle, but actually the Motor Vehicle Trust handles it. We have to be careful in applying limitations in cases such as this. As the letter from the Law Society points out, the Bill proposes to do something with respect to motor-vehicles claims which does not apply to any other claims for damages.

In other spheres where a person suffers damage, he can make his claim within six years, although the law hates delays. Anything that can reasonably ensure that people bring their claims forward within a reasonable time, should be encouraged. I have often wondered why some provision like this was not included in the Act, because motor-vehicle claims amount to a great number throughout the year; and, unfortunately the number is increasing and will continue to increase.

What happens in a common case is this: A young man riding his motor-bike, gets knocked over and is seriously injured. He possibly has a leg broken and has to remain in hospital for many months. Cases have come to my notice of people being in hospital for 12 months, and longer; and such cases are not uncommon. The injured individual has to receive treatment for a further long period, and time goes on while the slow process of recovery takes place.

The best of doctors and authorities sometimes find it difficult to assess what the ultimate state of affairs will be. Time has to play its part. The bones of the leg have to be given time to knit. The doctors are conservative, and rightly so, in estimating whether any permanent disability will accrue. So members can realise that some of these claims go on for a long time before finality is reached.

However, there is a good deal of merit in the proposal that the legal proceedings should be commenced within a reasonable time, so that the question of liability can be determined. I think that, from the point of view of both sides, this is desirable because witnesses to the accident and to the circumstances of the accident are apt to disappear or die. The person who has a claim should, in his own interest, institute proceedings as soon as possible. Although the courts, possibly within six or 12 months, might not be able to determine the amount of liability, they would be in a position to determine the responsibility for the actual happening; and once that had been determined the quantum of damages could be estimated at a later stage. As it is at present, I think the majority of solicitors let the claims run on until the individual has more or less made a complete recovery, and the doctors are able to say with some certainty what the ultimate condition of the patient will be.

Hon. C. H. Simpson: I am assured that the great majority are lodged within six months.

Hon. E. M. HEENAN: Claims are lodged.

Hon. C. H. Simpson: Yes.

Hon. E. M. HEENAN: But legal proceedings are not taken in serious cases within six months; because, in the average serious case, the person who has suffered broken limbs is in hospital for a period round about 12 months.

Hon. C. H. Simpson: There could be a practical limit to that.

Hon. E. M. HEENAN: Yes.

Hon. C. H. Simpson: If the trust knows that it is involved, naturally it will want to gather evidence before witnesses become not available.

Hon. E. M. HEENAN: The trust is in a good position. It has special investigators and ample funds at its disposal. It has specialists who can go out and draw plans, accumulate evidence, measure the road and take statements from witnesses; but the poor unfortunate person who has been injured is in hospital, probably for months, before he is able to consider his position. Time has run against him, and so the trust has an advantage in that way.

I am not going to oppose the Bill. I shall vote for the second reading and support the amendments which are on the notice paper; because I think it is a good thing for people to be able to take their proceedings at an early date, and have the vital question of liability determined. I think that will give advantages to the injured person as well as to the trust, because time runs against both of them in that respect. People forget what happened; they go away, and witnesses not infrequently die.

So it is a good thing for the question of liability to be cleared up within a reasonable time, even though the other matter may be left over for a further 12 months. The injured person can go back to the court in 12 months, or when the doctors consider he should go; and it is then only a matter for the court to assess how much he is to be recompensed for what he has suffered, and what he has had to pay out to doctors and hospitals.

I think the amendments on the notice paper give ample protection to the injured person, and judges are sensible in these things. If the trust calls upon an injured person to take proceedings within seven months, and it can be proved that the injured person is still immobile in hospital, and is likely to be there for another six months, the matter will undoubtedly be adjourned, and his rights safeguarded. I approve of the measure, and I support the Bill and the amendments on the notice paper.

Question put and passed.

Bill read a second time.

[138]

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Section 7 amended:

Hon. J. G. HISLOP: Can I be assured by legal advice that the proviso means that due search can be made by someone on behalf of the injured person?

The CHIEF SECRETARY: The intention is for the search to be made, but not necessarily by the individual concerned.

Hon. E. M. HEENAN: If the person is immobile in hospital, and is too ill to consult a solicitor, or do anything about the matter, it would not be practicable for him to make any inquiries.

Hon. J. G. Hislop: Does it mean that the person would have to take action himself?

Hon. E. M. HEENAN: No; he can employ an agent. The words "he made due search" mean that he caused a search to be made by someone on his behalf.

Hon. A. R. JONES: It would be possible for a person to be so injured in an accident that he would not know what he was doing, or what actions he had to take. Does this clause cover that person? A person might lose his faculties and not be able to take any action.

The CHIEF SECRETARY: I do not know what the hon. member is driving at; but Mr. Heenan has explained the position. If a person lost his faculties, as Mr. Jones suggested, he would not make a search; but someone would do so on his behalf. Very few people would be left high and dry like a shag on a rock. Someone would look after their interests.

Clause put and passed.

Clause 6—agreed to.

Clause 7—Section 29 repealed and re-enacted with amendments:

Hon. C. H. SIMPSON: I move an amendment—

> That all words after the word "Order" in line 24, down to and including the word "extinguished" in line 27, page 5, be struck out, and the words "under Subsection (5) hereof" inserted in lieu.

I have fully explained this matter by quoting a letter from the Law Society.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. It is not possible to deal with the amendments piecemeal, but they should be dealt with as a whole, so that if the first amendment is agreed to the remainder will be passed. There is not a great deal of difference between the amendments and what is already in the Bill. There is no violent objection to them; but the trust,

which is handling this business all the time, considers that the Bill as printed is preferable to the Bill with the amendments included. This is the comment I have received from the trust in regard to the amendments—

> Under Section 29 (3) as originally set out in the amending Bill the trust had the right to apply to a judge and obtain an order that the claim of a claimant be forever barred and extinguished. Section 29, Subsection (5), as set out in the amending Bill, sets out the type of order that can be made by a judge on the hearing of an application. Section 29, Subsection (5) of Mr. Simpson's amendment sets out the orders that he desires a court to have power to make. In brief, his amendment provides that on the application by the trust a court cannot there and then make an order that the claimant be barred, but the judge can order that the claimant commence legal proceedings within such time as the judge may nominate, or a judge may adjourn the application or make such further order as he thinks fit. If the judge does make an order under Mr. Simpson's amended paragraph, Section 29 (5) (a) and no further extension of time is granted then on the expiration of the time limit by the judge the claim is barred.

The only difference between what is in the Bill, and what is in Mr. Simpson's amendment, is that after 42 days the trust makes an application to the court which can straight away make an order. Under Mr. Simpson's amendment the application is made to the court, and the judge can then fix the period, even if it is only seven days. For those reasons I do not think it is worth while altering the Bill. The trust's comments further state—

> In brief, Mr. Simpson's amendment means that a further period of time is interposed between the application by the trust and the barring of the claim of a claimant. His other amendments merely set out in detail the powers a judge can exercise on the hearing of an application by the trust.

Hon. C. H. SIMPSON: I cannot agree with the Chief Secretary. Having heard the pros and cons, I thought he would have appreciated the fact that from the point of view of humanity the case of the claimant must be considered. Section 29 deals primarily with anyone who has suffered death or bodily injury as a result of a vehicle used by another person. The trust is essentially a body of good reputation and has available to it the best advice possible; while, on the other side, the injured man might have no knowledge of law, and his dependants might be counting on such compensation.

These people are the victims of circumstances, and I think we can assume that they are not au fait with the intricacies of law. The injured party may be alive in hospital and some time should be given knowing the extent of his injuries. The wording of the amendment ties up all that is necessary.

Hon. E. M. HEENAN: I agree with Mr. Simpson. It must be remembered we are limiting the rights of the injured person by saying that he must proceed within a certain period or abide by the direction of the judge. That is treating the victims of motorcar accidents in a manner that does not apply to other people who may claim damages. The motor-vehicle trust has a skilled body of assistants, while the person lying unconscious in hospital might not be able to exploit his rights and would thus be at a disadvantage. We must be careful not to take too much away from him.

The CHIEF SECRETARY: Unless the Act is tightened up, cases can drag on for longer than necessary as they have done in the past, when eventually no claim could be made; and had the board not recognised it was not the fault of the injured person and made an ex gratia payment, he would have suffered a great loss. The trust is most sympathetic towards the claims of these people, but feels that things should be tightened up to prevent cases dragging on. It is in the interests of both the trust and the person concerned. The trust feels that no injustice will be done if the Bill, as printed, is agreed to.

Hon. C. H. SIMPSON: I agree with the Chief Secretary that normally the hearing of a claim as early as possible is of advantage not only to the insurer but to the people otherwise concerned; because not only does it establish the fact of liability, and possibly determine its extent, but it can also help the people injured, or their dependants.

But under workers' compensation it is still not necessary to make a claim only in 12 months. It is conceivable that an individual may have very good reason to require a longer time in some cases, because I am assured by the trust that it is in only a small proportion of cases where an extension of time arises. Most claims are lodged within six months. The liability of the trust would be small and our prime consideration should be for the person injured.

Amendment put and passed.

Hon. C. H. SIMPSON: I move an amendment—

> That all words after the word "Order" in line 37, page 5, down to and including the word "claim" in line 17, page 6, be struck out and the following inserted in lieu:—
>
> (a) that the claimant commence legal proceedings for the purpose set out in subsection (2)

of this Section within such time as the Judge may nominate, if the Judge is of the opinion that no good reason exists why the claimant should not commence such proceedings within such time, or

(b) adjourn such application for such period or indefinitely (with liberty to the Trust to apply) and on such terms and conditions as the Judge may deem necessary, or

(c) make such other or further Order as he deems just or proper in the circumstances.

(6) On the hearing of any adjourned application the Judge shall have the same powers in regard thereto as are conferred on him under the previous subsection on an original application.

(7) Any Judge of the Supreme Court shall have power to extend the period fixed for the commencement of proceedings in any Order made under the previous subsection at any time so long as an application for such extension is filed in the Supreme Court prior to the expiration of such period.

(8) On an Order being made under paragraph (a) of subsection (5) hereof, and proceedings not being commenced within the time specified in any such Order or any extension of such time granted under subsection (7) hereof then the claim of the claimant and any rights he may have in respect thereto against any insured person and against the Trust shall be forever barred and extinguished.

Amendment put and passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

CHILD WELFARE ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.27] in moving the second reading said: Children's Courts in Western Australia are established under Section 19 of the Child Welfare Act, which empowers the Governor in Council to:—

(1) Establish special courts to be called children's courts.

(2) Appoint a special magistrate thereto.

(3) determine the area of jurisdiction of those courts.

(4) appoint such persons as he thinks fit to act as members of a children's court.

(5) empower not less than two members to exercise competent jurisdiction as a children's court.

The decision of the High Court of Australia in Behsman v Ansell indicates that the constitution of children's courts in Western Australia has been defective in two respects:—

(1) Magistrates appointed as special magistrates have been appointed in a blanket order in Executive Council published in May, 1943.

(2) The areas of jurisdiction of children's courts have not been properly and fully delimited in Orders on Executive Council.

The purposes of the present Bill are:—

(1) To widen the scope and flexibility of the power of the Governor in Executive Council to establish children's courts, to appoint magistrates and members thereto and to delimit the areas of jurisdiction of those courts.

(2) To validate the past decisions made by magistrates and members of children's courts.

Those are the intentions of the measure, and I move—

That the Bill be now read a second time.

On motion by Hon. G. C. MacKinnon, debate adjourned till a later stage of the sitting.

(Continued on page 3860.)

BILL—CHILD WELFARE ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.31] in moving the second reading said: The main purpose of this Bill is to alter the Child Welfare Act somewhat in regard to the exclusive jurisdiction which the court has under the present law in relation to offences committed by adults against children.

It will be remembered that in 1955, Parliament agreed to amend the Act to give to the court the power to deal with offences committed against children by adults as well as—as was the case previously—to deal with offences committed by children. Prior to that time the right of trial by jury was available in the more serious types of offences committed against children.

Before proceeding to deal in some detail with the contents of the Bill, I think I should, for the benefit of members, explain to them another part—a really vital part—of the decision made by the High Court in the appeal in the Behsman case. Behsman was actually charged with and

convicted in this State of having committed incest. Under our Child Welfare Act as amended in 1955 that was considered without any shadow of doubt as an offence against a child.

However, in the appeal taken by Behsman's solicitor to the High Court, that court held that the offence committed was not an offence against the child but an offence with the child. It is not for me, without any legal training whatsoever, to enter into any extensive dissection of that decision by the High Court. Maybe if one could follow the tortuous line of legal approach to the subject, one could convince one's mind that the offence of incest was not an offence committed against a child; but those of us who rely largely upon commonsense in viewing this situation would, I think, say that it was an offence against a child.

However, the High Court held that the conviction should be set aside because in the opinion of the judges Behsman had not legally committed an offence against the child but with the child. I leave members to ponder that one. I think it can be said that the decision was the decision of a superior court and therefore has to be accepted without complaint. But one might add, as an afterthought, that it was indeed a very superior decision.

This Bill proposes to restore the right of trial by jury in connection with certain offences committed against children. These serious offences are set out on page 5 of the Bill. I do not propose to read them, because time now is an important consideration in the affairs of this Parliament; and having indicated where they are to be found in the Bill, I think it is unnecessary to read them one by one.

Under the Bill, where an adult is charged with any of these offences, he comes before a special magistrate of the Children's Court; and there is an obligation upon the magistrate to explain to him that he has the right of choice of trial by jury. Therefore, if the accused person considers that he would prefer to have a trial by jury, as against being tried by the special magistrate, he can then ask for a trial by jury and the magistrate then allows the choice which has been sought.

Where an accused person chooses to be tried by the special magistrate he can, if found guilty, be sentenced to a maximum term of imprisonment with hard labour of 18 months; but at the discretion of the magistrate, he may be sentenced to a lesser term. Where the magistrate himself tries the case as a result of the choice by the accused person and feels that the case is so serious as to warrant sending it on to a higher court, he may do so.

Where he tries a case at the request of the accused person and finds him guilty and considers the maximum sentence which he could impose would not be adequate to fit the offence, he may refer the question of sentence to a superior court, which court is given legal authority in this Bill to decide the sentence.

Broadly, that is the set-up proposed to be established under the Bill. When Parliament agreed in 1955 to give exclusive jurisdiction to a special magistrate of the Children's Court the aim was to safeguard children as much as possible from the atmosphere of legal courts as apart from a Children's Court, and to protect children to the greatest extent possible in that regard. However, it is now considered that Parliament went too far in one direction with the result that persons accused of very serious offences have been deprived of the right of trial by jury, which has been an important element in the system of British justice; and as a decision of guilt against an adult in connection with offences of this kind is tremendously vital to the accused person, something in excess of a Children's Court judgment and decision is warranted; in other words, that serious cases of the kind we have been discussing should, where the accused person desires the matter to go before a judge and jury, be heard and tried in those circumstances.

The only other provision in the Bill aims to alter that part of the Act which provides for the savings of wards of the Child Welfare Department to be placed in the Commonwealth Bank in trust for the children concerned. The Bill aims to delete the necessity for savings to go into the Commonwealth Bank and proposes to allow them to be placed in a savings bank. I should quite frankly say that the main purpose of the amendment is to allow the savings of the children concerned to be placed in the savings bank section of the Rural and Industries Bank of Western Australia. I move—

> That the Bill be now read a second time.

HON. G. C. MacKINNON (South-West) [5.35]: We have just listened to the explanations of two Bills to amend the Child Welfare Act, and it is my intention to speak to the second measure.

A little bit of good comes from everything. Whilst I agree with the Chief Secretary that we could perhaps debate the points of the High Court decision for the next three or four days, it has resulted in an amendment coming forward along lines which I and other members have, on more than one occasion, requested in this House; that is, that cases of this nature should be heard before a jury.

While the Chief Secretary pointed out that a case such as the one mentioned in his speech has a very serious effect on the history and general regard in which a person who has been accused of such a crime is held, it is only reasonable that he should have the opportunity of being tried before a superior court.

I have been through the Bill as carefully as possible in the time at my disposal and cannot find anything to which I would object, although other members may have been able to pick up a point.

Hon. L. A. Logan: I have one.

Hon. G. C. MacKINNON: The Bill gives the person charged an opportunity of being tried summarily if he wishes, or of being tried by a senior court. A magistrate is limited in the penalties he can inflict, and I hope that if other members have amendments to submit to this measure they will be of a minor nature and not affect this principle. I support the measure.

HON. L. A. LOGAN (Midland) [5.38]: I desire to speak in regard to only one point; that is, the provision referring to the proclaimed day. Where an offence has been committed, or is supposed to have been committed and the case has not been heard, according to this Bill that case will still be heard by the Children's Court as it is today. Surely, when we are trying to overcome this problem, it would be better to take that subclause out of the measure so that cases to be heard in the future, even though committed prior to the commencement of this Act, will be tried in accordance with the measure.

If the Chief Secretary reads Subclause (3) of Clause 4 on page 3 he will find that it says—

> Where prior to the proclaimed day a Children's Court in exercise of jurisdiction conferred by the amendment has commenced any proceedings but has not finalised the proceedings by the proclaimed day, the Children's Court is authorised to continue the proceedings to finality in all respects as if the amendment had not ceased to operate on the proclaimed day but had continued to operate until the time when the proceedings are finalised.

I think it would be better if that provision were deleted from the Bill, and it is my intention to deal with it in Committee.

HON. E. M. HEENAN (North-East) [5.40] I support this Bill. As the Chief Secretary pointed out, it looks as though we went too far in 1955 when we amended Section 20 of the Child Welfare Act to read as follows:—

> A Children's Court—
>
> shall exercise exclusive jurisdiction in respect of all offences alleged to have been committed by or against children, provided that, in respect of any alleged offence of committing or attempting to commit wilful murder, murder, manslaughter, or treason, a Children's Court shall exercise only the jurisdiction and powers possessed by resident magistrates in respect of that alleged offence.

By the amendment made in 1955 we took away the right of trial by jury in regard to serious offences against children; offences for which the Criminal Code sets forth far-reaching penalties.

As stated by the Chief Secretary, the amendment was effected largely to give more protection to children and also to save them from the embarrassment of appearing in higher courts to give evidence. It is undoubtedly embarrassing for children of tender years to have to appear in court, particularly the higher courts. However, we went too far by depriving individuals of a right which had existed for many years—the right of trial by jury.

I have heard magistrates say that the responsibility of deciding these serious issues where a man's reputation is at stake and where a long term of imprisonment is involved, is one which should not have been thrown on their shoulders. A man likely to suffer such serious consequences should have the inherent right of trial by jury. I think that is a proposition with which we can all agree. I have known of cases where individuals have been charged with most serious offences against children and the whole issue was dealt with by a magistrate in a children's court. No doubt the magistrate was a man of the greatest integrity. But his qualifications would be limited; and under no circumstances could he be expected to possess the combined wisdom of a jury, comprising 12 men of the world.

The magistrate in that children's court has convicted or acquitted individuals in circumstances which I and most others think should not have been reposed in him. The Bill reverts largely to the position which existed before 1955, although it still gives the children's court jurisdiction to deal with these offences unless the person concerned elects to have a trial in a higher court. I therefore support the second reading.

HON. SIR CHARLES LATHAM (Central) [5.46]: I agree with the view expressed that a person should have a right to be tried before a higher court, which means before a more learned person than a magistrate. I would like to know, however, whether the passing of this Bill would mean that Mr. Behsman will be brought before the court again after the case having been set aside by the High Court.

The Chief Secretary: No.

Hon. Sir CHARLES LATHAM: I think it would be difficult if that were to occur, because it would appear as though the legislation had been amended to provide for the punishment of a man who

has already suffered a great deal in dignity. He may or may not have been guilty, but he has had a trial and was convicted in the lower court. The judge did not say that he was not guilty, but simply that the magistrate was not qualified. I am glad to have had the Minister's assurance.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.47]: In order to set members' minds at rest—and particularly that of Mr. Logan—I would point out that an agreement was made in another place between the Minister and the Leader of the Country Party for the deletion of Subsection (3) of proposed new Section 20A and also portion of Subsection (2). I have amendments here and will move them in Committee.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Sections 20A and 20B added:

The CHIEF SECRETARY: I move an amendment—

> That the words "Except to the extent mentioned in Subsection (3) of this section" in lines 32 and 33, page 2, be struck out.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

> That Subsection (3) of proposed new Section 20A, lines 1 to 11, page 3, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 5, Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—CHILD WELFARE ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from an earlier stage of the sitting.

HON. G. C. MacKINNON (South-West) [5.54]: So far as possible, I have checked this Bill. As the Chief Secretary said, it arose from an appeal, and it would appear that the machinery for the setting up of courts has had to be tidied up and the amendments made have been written with that in mind.

The Bill expressly validates the actions of courts in the past in case the comments of the judge should give rise to a whole host of appeals against decisions made. So far as I can see, there is nothing in the Bill to which to take exception, although someone with sharper eyes than mine might have picked up something. I hope the House will support the measure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—LAND TAX ASSESSMENT ACT AMENDMENT.

Assembly's Message.

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

No. 1.

Clause 4, page 2, line 13—Add after the word "amended" the following paragraph:—

> (a) by inserting before Subsection (2) the following subsection:—
>
> > (1) Every owner of improved land (being improved land on which the value of improvements thereon or thereto amounts to not less than the unimproved value of the land) shall, in respect of such land, be entitled to a rebate of one-quarter of the tax levied on the unimproved value thereof as assessed under the provisions of this Act.

The CHAIRMAN: The Assembly's reason for disagreeing to the Council's amendments Nos. 1 and 2 is—

> The acceptance of these amendments would mean a loss of revenue of approximately £300,000 a year and would increase the estimated deficit in the Consolidated Revenue Fund during the current financial year to approximately £3,000,000.

The CHIEF SECRETARY: I move—

> That the amendment be not insisted on.

In view of the reason of another place for disagreeing with this amendment, I ask members here to adopt a responsible attitude towards it. Members have already

made their protests about various matters; and I ask them, having done that, to be content. I appeal to the Committee in regard to this amendment and impress on members that this is a matter that should receive their gravest consideration.

Hon. A. F. GRIFFITH: As long as I can remember, a 50 per cent. reduction was given to the taxpayers under this law, right up until the amendment of last year. Surely it is reasonable that a 25 per cent. reduction should be allowed in the present circumstances, bearing in mind that many members feel that the whole of this tax should be removed. On the information I received from the Taxation Department, I calculated the figure as being nearer £280,000 than the £300,000 mentioned by the Chief Secretary.

Hon. H. K. Watson: I think it would be nearer £250,000.

Hon. A. F. GRIFFITH: It is difficult to calculate an accurate figure as the information received from the Taxation Department might not have been quite accurate.

Hon. Sir CHARLES LATHAM: Last year the land-owners received a rebate, but this year that is to be taken away and further taxation imposed. The Treasurer seems to be one of those unsatisfied people who are always wanting more, and I think we should insist that he economise a little. We see money being given away by the Treasury in quite considerable donations here and there, and yet we are asked not to insist on this amendment. I think we should say to the Treasurer, "We might agree to your request if the impost were spread more generally over the people and not just placed on one section." Complaints have been made about the Commonwealth Government—

The Minister for Railways: Are you satisfied with its treatment of this State?

Hon. Sir CHARLES LATHAM: The Government would be much worse off if it got its taxing rights back from the Commonwealth.

The Minister for Railways: Together with excise and customs?

Hon. Sir CHARLES LATHAM: The people have demonstrated that they will not agree to that. I think the Committee should insist on the amendment.

Hon. A. R. JONES: I am always opposed to a land tax; but if one is to be imposed, I think we should insist on this 25 per cent. reduction. Most land-owners have no chance of passing on taxation; whereas nearly all business people can do so. The present season has not been a good one, and the incomes of many farmers will be curtailed this year; yet irrespective of whether or not they make a profit, they have to pay this tax. The Committee should insist on the amendment.

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

Ayes	9
Noes	13
Majority against	4

Ayes.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E M. Heenan	Hon. F. R. H. Lavery
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. L. C. Diver	Hon. J. Murray
Hon. A. F. Griffith	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. A. R. Jones	Hon. J. M. Thomson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. R. C. Mattiske	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. F. Hutchison	Hon. G. MacKinnon
Hon. G. Bennetts	Hon. J. Cunningham
Hon. J. D. Teahan	Hon. N. E. Baxter

Question thus negatived; the Council's amendment insisted on.

Sitting suspended from 6.15 to 7.30 p.m.

No. 2.

Clause 4, page 2, line 29—Add after the word "tax" a new subclause as follows:—

> (2) The amendments made by Subsection (1) of this section apply to assessments in respect to the year of assessment ending on the thirtieth day of June, one thousand nine hundred and fifty-eight and in respect of all subsequent years.

The CHIEF SECRETARY: I move—

> That the amendment be not insisted on.

I am hoping that the Committee will not only not insist on amendment No. 2, but also that it will find some ways and means of reversing its decision on the previous amendment. It is amazing to me that this Council should take upon itself the responsibility of denying to the Government as large a sum of money as £300,000. In no way has this Chamber direct responsibility to the electors, as has the Government. This is not a tax Bill but an assessment Bill; nevertheless it is most essential that it be passed, because without the assessment no tax can be collected. It is no use members saying that this does not represent any interference with the tax programme of the Government. By doing something which the Constitution stipulates should not be done, this Chamber is taking upon itself the grave responsibility of denying the Government this large sum of money.

This step, on the part of members of this Chamber, is all the more surprising after one has heard the requests made by many members here for better facilities and added amenities in their various provinces. Mr. Thomson, for one, wants

school bus routes extended. But how does he expect the Government to accede to such a request if he is in favour of taking away from the Government this large sum of money? Mr. Simpson is also desirous of denying this money to the Government. Therefore, how does he expect the Government to increase superannuation benefits?

Hon. C. H. Simpson: The two cases are not comparable.

The CHIEF SECRETARY: Of course they are! There is tremendous expenditure on education from revenue and not from loan, and yet the members here, who have no direct responsibility to the electors, intend to take away from the Government the moneys that have been budgeted for. This is an attitude of "Might is right."

Hon. H. K. Watson: Mr. Chairman, may I inquire what is the question before the Chair?

The CHAIRMAN: Yes; the question before the Chair is amendment No. 2 made by the Council.

The CHIEF SECRETARY: I am quite in order, Mr. Chairman, because I am dealing with the revenue of the Government and the amendment will bring this expenditure into the current year. I am merely endeavouring to impress upon members that there is a Government which has been elected to administer the State. I was just about to state that I have often heard it said that Labour has never been in power in this State; and I might add that that has never been more truly emphasised than it has been tonight. Labour is in office, but it can only do what this Chamber will permit it to do.

Hon. Sir Charles Latham: It is just as well that we have this Chamber.

The CHIEF SECRETARY: Of course, Sir Charles Latham believes in the rule that the minority shall override the majority. That is what he is advocating, because the Government of the day has been elected by a majority of the electors. This Chamber, on the other hand, is elected on a restricted franchise; and yet members impose on the Government a restriction such as this.

Hon. Sir Charles Latham: What is the duty of this Chamber?

The CHIEF SECRETARY: Not to interfere in the Government's financial programme.

Hon. Sir Charles Latham: That is an extravagant statement. We constitute a House of review, and the Chief Secretary knows it.

The CHIEF SECRETARY: There is no question of there being a review when members say to the Government, "We intend to take that £300,000 away from you."

The Minister for Railways: It is more a House of preview.

Hon. L. C. Diver: How did you get the money originally?

The CHIEF SECRETARY: By the will of this Chamber. But that does not make the position any better.

Hon. H. L. Roche: You must have had some friends.

The CHIEF SECRETARY: The Government of the day is at the mercy of this Chamber, which represents only a minority of electors. Therefore, even at this late stage, members should think seriously over the step they have taken. Mr. Jones said, "Save the money on the railways." If his Government had done that instead of leaving about £8,000,000 worth of debts as a legacy, the Government would have been in a better financial position than it is today; and perhaps would not have been required to introduce these taxing measures. However, I am pleased to say that all those debts have been met by the Government. Although it has been placed in this position, it is proud of its record in that regard. Therefore, can I appeal to the members of this Chamber to permit the Government of the day to carry on with its financial programme?

Hon. Sir CHARLES LATHAM: With his years of experience, I would have thought that the Chief Secretary would have adopted a more conciliatory approach than he has tonight. The best legislation in Australia has emanated from this State and this Chamber has been in existence ever since self-Government was granted to Western Australia. It has been proved to be very wise in the past to curb the extravagant moves of Labour Governments. The Chief Secretary should keep in mind some of the past happenings. There has been a gradual increase of expenditure in this State far beyond its chances of meeting it.

I can remember the State expenditure being £8,000,000 a year, but now it is over £50,000,000. Our population has not increased to such an extent that we are in a position to carry that burden of debt. Therefore, it is up to us to remind the Government that industry represents the determining factor. Unfortunately, this year we are not going to have the same revenue as we did last year, because of weather conditions.

The Chief Secretary: You and your Government spent all of it; and, in fact, a lot more, which we had to meet.

Hon. Sir CHARLES LATHAM: At no stage have I known our State trust funds to be in such an exhausted condition as they are today. I would suggest that there are very few trust funds on hand at the moment. The Chief Secretary will get all the money that we can afford to let him have. There is no check on him. Year after year we are increasing this taxation.

Although the Commonwealth withdrew from the entertainment tax field, the State immediately stepped in and taxed the patrons of all picture shows; and the same has applied with the reimposition of land tax.

These taxes gave the State a great deal more money, and it is still not satisfied. If it considers that this additional money is so necessary, the burden of tax should be shouldered by everyone and not just land-owners. I would remind the Chief Secretary that the farmers of this State have less money with which to meet these taxes than they have had in the past. If the Chief Secretary had shown a little more reason and meted out more justice, I would not have had so much to say, and I probably would have agreed to give him a little more help than I intend to give him now.

The MINISTER FOR RAILWAYS: I was most interested to hear the previous speaker's remarks about extravagances on the part of Governments. One need only look at the third interim report of the Royal Commissioner inquiring into the railways to find proof of extravagance by past Governments of this State. It was the McLarty-Watts Government which was so extravagant in expanding the railways, and the present Government has had to pay off the £8,000,000 carry over of railway expenditure.

It appears that the previous Government was not even aware of its overspending on the railways. Whatever amounts and whatever requirements the Railways Commission needed, the Minister of that Government agreed to supply. There was not even approval from Cabinet. There was reference to the Government's handling of the trust funds. It is just as well that the people decided to change the last Government; otherwise the State would be bankrupt by now.

Hon. C. H. SIMPSON: On a point of order, the hon. member said there was a great deal of expenditure incurred by the Railway Department without the approval of Cabinet.

The MINISTER FOR RAILWAYS: I do not think that I am out of order in replying to the remarks of the last speaker who accused the present Government of being extravagant. I can show concrete proof to the contrary. Let me refer to the people in the country—the pastoralists and the farmers. No section of the community in Australia enjoys more taxation concessions than the men on the land. I am not contending that they should not have those concessions. I am given to understand that many do not begrudge paying their way; but they are privileged in regard to the payment of taxation, because they have been able to accumulate capital at the expense of taxation. No other section of the community enjoys the same privilege. We have seen an example of crocodile tears being shed on behalf of people who have to pay another £6, £15 or £20 a year to help run the State.

I would remind members that the deficit of this State last year was equal to the total railway loss. Let us see who gets the benefit out of the railways. The metropolitan area benefits to the extent of £500,000; but the country people benefit to the tune of a few million pounds. We should be reasonable about these matters and agree to spread the burden of taxation over the whole community.

Hon. H. K. WATSON: I would point out to the Chief Secretary that paragraphs (a) and (b) of Clause 4 which is under discussion seek to increase the revenue from land tax. The amendment which I moved to clarify the position applies the assessments to the year ending the 30th June, 1958. The Chief Secretary is opposed to that date. I am not wedded to my amendment, because it was inserted merely for clarification. If that date is to be deleted, I would like the Chief Secretary to tell me to what year of assessment the first amendment will apply.

The CHIEF SECRETARY: I cannot say what year. That will be determined by proclamation. I might point out there is also the other amendment which is the bugbear; that is, the amendment to reduce the tax by 25 per cent.

Question put and passed; the Council's amendment not insisted on.

No. 3.

Clause 5, page 3, line 22—Delete the word "four" and substitute the word "three."

The CHAIRMAN: The Assembly's reason for disagreeing is—

> A degree of taxation stability is necessary during these difficult financial years.

The CHIEF SECRETARY: I move—

> That the amendment be not insisted on.

Hon. A. R. JONES: This amendment should be insisted on. The Government has had many months to consider this legislation; and if a continuance of the taxation was desired it should have given us greater opportunity to discuss the matter. Statements have been made by Ministers and ex-Ministers tonight to the effect that past Governments have been wasteful and extravagant. It is therefore as well that Parliament is on hand to check on the actions of this Government; otherwise the present deficit of £7,000,000 might be £10,000,000.

Already the people living in the country have made a contribution towards the deficit in that 842 miles of railway services to country areas have been suspended.

According to the Minister for Railways, the saving from that source will be £275,000, which is equal to the amount that is anticipated to be collected from the additional tax on land. We have to accept the facts as we find them. It is proposed that the assessments are to be made up to the end of the next financial year after which the concessions will apply. At that time the budget will take into account the saving that will be effected by the railways.

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

Ayes	9
Noes	12
Majority against	3

Ayes.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. F. R. H. Lavery
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. A. F. Griffith
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. R. F. Hutchison	Hon. G. MacKinnon
Hon. G. Bennetts	Hon. J. Cunningham
Hon. J. D. Teahan	Hon. N. E. Baxter

Question thus negatived; the Council's amendment insisted on.

Resolutions reported, the report adopted and a message accordingly returned to the Assembly.

BILL—COMPANIES ACT AMENDMENT.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 1 to 5, and 7 to 14 made by the Council, had disagreed to Nos. 6 and 16, and had agreed to No. 15 subject to a further amendment now considered.

In Committee.

Hon. W. R. Hall in the Chair; Hon. W. F. Willesee in charge of the Bill.

No. 6.

Clause 5, page 3—Delete paragraph (e).

The CHAIRMAN: The Assembly's reason for disagreeing is—

> It is considered that the principle of a preferential treatment for holiday pay in a winding up should be written into the Act, and that £150 is a reasonable amount.

Hon. W. F. WILLESEE: I move—

> That the amendment be not insisted on.

I ask members not to insist on this amendment, for the reasons outlined by the Assembly.

Hon. H. K. WATSON: I hope the Council will insist on the amendment. Although we agreed to extend the preferential claim for wages from £50 to £150, we disagree with the proposition that holiday pay should be included as a preferential claim to the extent of £150. Whilst wages and salaries are a definite liability, holiday pay is more in the nature of a gratuity and is not due until the end of the year. If a company goes bankrupt, almost invariably someone has to go short. Small outside creditors should not be debarred from making a claim, because the company's funds are absorbed by the preferential claims—not only for wages and salaries but for holiday pay—of the employees.

Hon. W. F. WILLESEE: It is the view of the Government that holiday pay should be included.

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

Ayes	9
Noes	12
Majority against	3

Ayes.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. F. R. H. Lavery
Hon. G. E. Jeffery	*(Teller*

Noes.

Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. A. F. Griffith
	(Teller.

Pairs.

Ayes.	Noes.
Hon. R. F. Hutchison	Hon. G. MacKinnon
Hon. G. Bennetts	Hon. J. Cunningham
Hon. J. D. Teahan	Hon. N. E. Baxter

Question thus negatived; the Council amendment insisted on.

No. 16.

New clause—Insert after new Clause a new clause to stand as Clause 5, as follows:—

> 5. Section sixty-one of the principal Act is amended by adding at the end thereof a new subsection as follows:—
>
> (4) Notwithstanding anything contained in this section, the sanction by the Court to the issue by a company of its shares at a discount shall not be necessary in cases where, in pursuance of section sixty of this Act, the whole of the discount allowed on the issue of the shares is, within fourteen days after the date on which the shares are issued, written off against any capital redemption reserve fund.

The CHAIRMAN: The Assembly's reason for disagreeing is—

It is considered that this is a new principle that it is not necessary to write into our company law.

It is thought that very few companies need this machinery, and it could produce a position where some shareholders could not find the money to take advantage of an issue of shares, issued at a discount of less than twenty shillings in the pound.

Hon. W. F. WILLESEE: For the reasons outlined by the Assembly, I move—

That the amendment be not insisted on.

Hon. H. K. WATSON: This amendment is really consequential on amendment No. 15. At the moment the capital redemption fund can be used in issuing fully paid up bonus shares. The suggestion is that the fund should also be available for issuing shares which are not issued as fully paid up but at a discount. In other words, a bonus share is simply a share issued at a discount of 20s. in the £. My proposition is that if it is good enough to be used to issue such a share, it is good enough to be used to write off the balance of a share paid up to 10s. in the £.

I think there is no real substance in the Assembly's objection that some shareholders could not find the money to take advantage of the issue of shares at a discount of less than 20s. in the £. In any case, the position stated there applies today with respect to practically every share in existence. I ask the Committee to insist on its amendment, because the next one deals with Section 60, which badly wanted redrafting. The Assembly has accepted 99 per cent. of the redrafting I made; and I can assure members that even the point which has been disagreed with is, in the interests of companies and their shareholders, just as desirable.

Question put and negatived; the Council's amendment insisted on.

No. 15.

New clause—Insert after new clause 3 a new clause to stand as clause 4, as follows:—

4. Section sixty of the principal Act is amended—

(a) by substituting for the words "amount applied in redeeming the shares" in subsection (4) the words "nominal amount of the shares redeemed";

(b) by repealing subsection (5) and substituting therefor the following subsection:—

(5) The premium, if any, payable on redemption, must have been provided for out of the profits of the company or out of the company's share premium account before the shares are redeemed.;

(c) by substituting for the words "date on or before which those shares are, or are liable, to be redeemed" in paragraph (a) of subsection (6) the words "earliest date on which the company has power to redeem the shares";

(d) by repealing subsection (9) and substituting therefor the following subsections:—

(9) The capital redemption reserve fund may, notwithstanding anything in this section, be applied by the company in paying up unissued shares of the company to be issued to members of the company as fully paid bonus shares or in writing off any discount in respect of any shares issued to members of the company at a discount pursuant to the provisions of the Act.

(10) The redemption of preference shares under this section by a company shall not be taken as reducing the amount of the company's authorised capital.

The CHAIRMAN: The Assembly agrees to the new clause inserted by the Council, subject to the Council's making the following amendment:—

In paragraph (d) which substitutes a new subsection (9), delete the words, "or in writing off any discount in respect of any shares issued to members of the company at a discount pursuant to the provisions of this Act."

Hon. W. F. WILLESEE: I move—

That the Assembly's amendment be agreed to.

Hon. H. K. WATSON: This amendment is really inseparable from the previous one; and to be consistent, I ask the Committee not to agree to the Assembly's further amendment for reasons which I have already given.

Question put and negatived; the Assembly's amendment to the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of Hon. H. K. Watson, Hon. L. A. Logan and Hon. W. F. Willesee drew up reasons for disagreeing to the further amendment made by the Assembly to the Council's amendment No. 15.

Reasons adopted and a message accordingly returned to the Assembly.

BILL—TRAFFIC ACT AMENDMENT (No. 4).

Second Reading.

Debate resumed from the 27th November.

HON. L. A. LOGAN (Midland) [8.39]: This Bill, which contains 38 amendments, is rather difficult to handle at this stage of the session, particularly as it proposes to introduce, in my opinion, three new subjects into the Act. For what I consider to be minor offences, the present Act provides a penalty of £20 for the first offence, while the measure proposes to make it a penalty of not less than £20 for the first offence; and for the second or subsequent offence a penalty of £50 or 50 days' imprisonment. To my knowledge this is the first time that such a provision has been mooted for inclusion in the Traffic Act, for what I consider to be minor offences.

I was not too happy about this, but on further consideration I appreciate the fact that anybody who did not pay his fine could, of course, be imprisoned. So, in the circumstances, I suppose that if a man were fined and did not pay he would have to be imprisoned. It is a little different, however, in the case of the second offence where even though the man is quite prepared to pay his fine the magistrate can still order imprisonment without option. There are 20 amendments in this measure dealing with the very same thing. It is possible that that would be justified on one or two occasions, but I do not think it would be so on all of them.

There is another new principle contained in this measure which relates to the registering of second-hand car dealers, and to my way of thinking that should not have been included in this Bill at all; a separate Bill should have been prepared for the registration of car dealers. It should be kept separate because it is dealing with something which has no bearing on traffic. If we continue in this strain we will soon have a Bill to amend the Dog Act including a provision to register ice-cream vendors.

I appreciate the fact that time is running out, and I also know that the original draft of this portion of the Bill has been streamlined in order to make it more acceptable than it was previously. I will not deal any further with that aspect, because it is possible that Mr. MacKinnon will take it up in further detail.

I would now like to refer to a further provision which deals with the testing for the alcoholic content in the blood to establish drunken-driving charges. At first I was inclined to disagree with this provision; but, on second thoughts, I felt it might be worth an experiment. The Minister said the other night that science was the only true knowledge. I am afraid I cannot accept that without some reservations; because today we cannot take too much notice of what the scientists say.

A glance at the newspapers over the last six weeks or so will show that almost every day some scientist or other has predicted what would happen to the rocket casing which launched Sputnik No. 1. We were told that it would disintegrate, and that it would be drawn closer to the earth, and so on. Up to date none of them has been correct; and if they are incorrect in a matter of that kind, it is not likely that they will be correct when it comes to relating the alcoholic content in a person's blood to a charge of drunken driving. It cannot be a true science, and I think the scientists have a long way to go before they can be definite in this regard.

I am quite prepared, however, to place this provision on the statute book and give it a trial, although it may be wrong to do it that way. It is possible that trial and error may lead us to some better method than is used at present. At the moment a person charged with drunken driving has to suffer all sorts of indignities. He is made to walk a chalk line or stand on one leg and pick up a pin—indeed it would seem that the officer in charge at the police station can apply whatever tests he likes. I dare say he could ask one to stand on one's head; and if one failed to do so, a charge of being under the influence of liquor could be laid.

This matter of blood testing would be on a voluntary basis, and the person charged would volunteer to have his blood tested. Here, however, if we took the reaction of 30 members of this House after they had had three schooners of beer, I am certain that we would obtain a different reaction from each. This would also be the case if they were given three glasses of sherry—each of them would have a different reaction.

Hon. G. E. Jeffery: They would also get a different reaction from their wives.

Hon. L. A. LOGAN: To continue with this line of thought, I would point out that each of them would produce a different reaction with three glasses of whisky. The problem is a difficult one. I was inclined to think it might be better to increase the percentage of .05 in the portion of the Bill where it says that any person with less that .05 per cent. in the blood would be automatically not guilty of drunken driving. The difficulty I find is between .05 per cent. and .15 per cent. where the Bill says there is no argument about it. I thought of trying to raise the first figure from .05 per cent. to .075 per cent.

If members read the article in "The West Australian" this morning they would see that up to .1 per cent. is mentioned. So it would be quite practicable for a person with even .1 per cent. of alcohol in the blood to be perfectly capable of driving a motor-vehicle. Therefore, I am a bit worried; because in some cases if a

person were charged with drunken driving, he might elect to have a blood test, and if the result is .06 per cent. it would count against him, although he might be quite capable of driving a car without any ill effects. It is not easy to work out.

Hon. Sir Charles Latham: The hon. member won't be the person it is tested on.

Hon. L. A. LOGAN: I hope I am not

Hon. Sir Charles Latham: You won't be.

Hon. L. A. LOGAN: As I said, earlier, these tests are on a voluntary basis. I think they could be the means of saving some people from being incorrectly charged; because I believe that some people have been charged with drunken driving when they have not been drunk at all. If there is a means of helping these people, we should take that risk and pass the Bill.

There are quite a lot of other amendments—38 altogether—and one deals with trailers in the Third Schedule. This amendment is warranted because it does define the difference in the weight of the trailer and we have the effect of dividing the weights into sections. There is a provision in the Bill to include something which this House rejected last year. As a matter of fact, there are two provisions.

The first deals with a learner on a motor-bike having the instructor sit behind him on the pillion. This House disagreed with that provision last year—if my memory is correct—for the reason that we thought an instructor sitting on the pillion would probably be more a hindrance than a help to the learner. It is quite likely that if an emergency arose, the instructor would want to take remedial action himself, with disastrous results. It is the natural instinct of anybody to try to recover the situation if something goes wrong. I think this matter should be given more thought, because most members will agree that it is hard enough for a person to learn to ride a bike, without having somebody sit on the pillion.

The other amendment was in regard to the issuing of a three-monthly licence. Last year this House, for some reason or other, allowed the country to be saddled with a period of six months and 12 months to keep the metropolitan area down to three months.

Hon. F. R. H. Lavery: It should have been the other way round.

Hon. L. A. LOGAN: No; it should have been three months, six months, nine months or 12 months all over the State. That was the intention. For some reason or other it slipped through. The Minister will probably tell us that the worker has never been better off than he is today and is capable of paying a half-yearly licence. However, what is going to happen if he needs a battery and a tyre at the same time? The licence fee plus third party insurance on a Holden is over £12 today; and if the person I refer to has to find that £6 in December, he will be in difficulties. We must remember that every type of worker, from those on the basic wage upwards, is running a motorcar today. The Minister said the ratio was 1 in 4.

The Minister for Railways: Increase the wages and you will get over that difficulty.

Hon. L. A. LOGAN: I think we should give some consideration to these fellows and not make them pay their licence in one issue. I have some regard for the workers on the modest incomes. Very often they do not want to use their cars for six months—they want them only for three months. For the other period they put them on blocks, because they cannot afford to run them all the time.

However, over the Christmas holidays they would like to take out a licence for three months in order to benefit their families. When we realise that something like 50,000 cars are licensed in the metropolitan area on a three-monthly basis, it shows there is a public demand for it, and one which I think they are entitled to.

I know there is a provision in the Bill to allow a local authority in its discretion either to grant or refuse a vehicle licence for a period of three months. All we are doing is giving a local authority power to say, "All right, John Jones, you can have a licence for three months, but Bill Smith must have one for six months." That is not the way to legislate. If it is to be applicable to one it must be applicable to all; and I hope the Committee will give some consideration to that aspect.

Another amendment to which careful consideration will have to be given is the repealing of Subsection (2) of Section 11. That section deals with excess loads. I understand this is connected with a new traffic regulation which has been laid on the Table of the House, and a motion has been moved for its disallowance. We have to be careful that we do not take this provision out of the Act and disallow the regulation, because then we will not have either. The Minister will have to watch that one very carefully.

The last amendment is, in my opinion, something similar to the three-monthly power given to local authorities, and one which I would call "airy-fairy." It deals with giving the Minister power as follows:—

> The Minister may, in such cases as he thinks proper, by a notice published in the Gazette, reduce any fee referred to in subparagraph (1) of

this paragraph, and the fee as so reduced shall be payable in accordance with that notice.

This deals with the double tax in regard to trucks and omnibuses which use diesel fuel on which they are paying 1s. tax. Members will recall that I introduced a Bill to amend the Traffic Act which, in effect, wiped out the section dealing with the double payment. It passed through this House to another place but was not accepted there. The reason given by the Minister for Transport was that as yet the Federal Government has not passed the necessary legislation; and until it did so, it would be wrong to incorporate that in an Act in this State.

To a certain extent, we can agree with that principle. But cognisance should be taken of the fact that this diesel tax has been payable since the 4th September, 1957; and I see no possible hope of its ever being taken away. There is no doubt about it that the legislation will be passed by the Federal Parliament. However, I understand the Minister for Transport has given the Minister for Railways a definite undertaking that as soon as the Bill is passed by the Federal Government, he will apply this portion of the measure now before us to those people who are affected by this tax.

The Minister for Railways: That is right.

Hon. L. A. LOGAN: That being the case, all I can do is to accept the Minister's word. There is another amendment which deals with bus operators who, because one bus goes out of order, take another out on the road. Under this Bill, they are granted a licence for the changeover, but they are required to pay a fee of 10s. for each of these particular licences. Whilst I admit that some bus companies may have put a small bus off the road and taken over the licence of a bigger vehicle, now that the formation of a trust has been agreed to, that situation will cease to exist, for the simple reason that the trust will not pay any of these fees. The only people to whom it could apply would be one or two small companies, and the amount of revenue collected in a year would amount to only £20 or £30. Therefore, I do not think it is worth while.

Hon. F. R. H. Lavery: It is not worth the paper it is written on.

Hon. L. A. LOGAN: No. This Bill was printed before the formation of the trust had been agreed to; but now I think the provision should be taken out of the Bill. The remaining amendment is only minor, yet it, too, is a charge upon somebody; it is a fee of £1 for every new applicant for a driver's licence. Admittedly, renewals will only cost 10s.; but every person going for a new licence will have to pay £1. It is just a little bit extra that somebody has to pay. I do not want to see the Bill lost because of a small thing like that. But it is an imposition on the people who drive motorcars.

The Minister for Railways: It is not £1 for all licences.

Hon. L. A. LOGAN: No, it is £1 for the first licence.

Hon. F. R. H. Lavery: It is an administration charge.

Hon. L. A. LOGAN: It is another imposition on those who are applying for a new driver's licence. The other matters in the Bill are mostly of a minor nature. They can be dealt with mainly in Committee. With regard to the provisions concerning imprisonment, they can be taken separately in Committee. If we think that it is necessary to leave in the penalty of imprisonment, we can do so; if we think that it is too harsh, we can delete it.

HON. F. R. H. LAVERY (West) [9.1]: I wish to discuss Clause 21. I have spoken on this matter previously. In my opinion medical science is not in a position to decide when a person is drunk. For once in my life I favour a compulsory provision. I refer to the blood tests. There are many men charged with being drunk who, if when they had been first apprehended, they had used tact, would probably merely have had a lecture from the policeman and allowed to go home; but who, because they were hostile, were charged with drunkenness. Such men, I believe, were not sufficiently drunk to be charged and fined a big sum of money.

On the other hand, there are hundreds of drivers who leave social functions every night of the week in a state of drunkenness and get away with it because they are not stopped by the police. I have heard of sectional legislation, and I believe this provision comes under that category. Not that I do not believe that a man who causes death through drunken driving should not receive punishment. But I believe that blood tests should be compulsory. A lot of men would refuse to undergo such tests because they would declare they were not drunk. Consequently we would not know whether they were or not; whereas others would be charged with being drunk, when perhaps they were not.

The Minister for Railways: They can ask for a blood test.

Hon. F. R. H. LAVERY: I want it to be made compulsory for everybody because then doubt would be removed. The second point I am concerned about relates to fines for drunken driving. I spoke on this matter two years ago, when the late Mr. Harry Hearn and I got into holts on the subject. My view is that there are some who would suffer considerable hardship by being fined a large amount; whereas to others it would be a mere bagatelle.

My opinion is that the best way to deal with this matter is to deprive such people of their licences for an extended period. I am aware of a recent case in which a young man had his licence taken from him, not for drunken driving but for speeding; and this meant that he was deprived of his means of livelihood for a month. I know of no better way of punishing a man convicted of drunken driving than to take away his licence for a period. There could be no greater deterrent than to tell a man, "Don't do it again, or you will lose your licence."

I did not want to record a silent vote. This is perhaps the last time I will speak during my present period in Parliament; because at the end of the session I will have completed six years here.

Hon. Sir Charles Latham: Aren't you coming back, Fred?

Hon. F. R. H. LAVERY: I am not making a political speech, but am thinking of the position of men charged with drunken driving; and I consider that I have said enough to indicate what I really believe. The Swan Brewery is telling us that there is no alcoholic content in its beer! They must be drinking something else. But that is another story.

I believe that the charging of a fee of 10s. for an application for a learner's licence is quite fair. The number of men that the Police Department has to employ to test drivers involves a considerable cost to the department, and the payment of a fee of 10s. would not hurt the man applying for his first licence but it would help to balance the department's budget.

HON. G. C. MacKINNON (South-West) [9.6]: This is a very complex Bill. Many of the amendments are quite desirable and have been asked for by members of this House at different times. Quite a number of the penalties have been altered. The chief alteration is that heavier penalties have been provided for second offences. Thus where the parent Act provides for a fine of £20, the amendment in the Bill sets the penalty for a first offence at £20 and for a second offence a fine not exceeding £50 or imprisonment not exceeding 50 days.

It is fair enough that there should be heavier penalties for subsequent offences, although there is one portion of the Bill in which that could be altered. I refer to Clause 12 dealing with Section 21, which has reference to obscure registration signs, which signs, as we all know, can wash off very easily.

Hon. Sir Charles Latham: They are fading very quickly this year with the brown stuff that is being used.

Hon. G. C. MacKINNON: According to the paper, the printer admitted the other day that he had had bad luck with the ink. I think we can give consideration to that matter in Committee. Reverting to the penalty of £50 or imprisonment for 50 days, at first glance that may appear to be undesirable. But under the Justices Act when a magistrate imposes a fine, if the offender cannot meet it, he is automatically liable for imprisonment, and the period is three days for each £1 of the fine. As the Act reads, in Section 21 there is a penalty of £20, so the imprisonment would be 60 days. The amending Bill brings that back to one day per £1. In effect, that is the principle.

Hon. L. A. Logan: Under the Act he could not be imprisoned.

Hon. G. C. MacKINNON: He cannot be imprisoned unless he cannot pay the amount; I realise that. The amendment provides for imprisonment not exceeding 50 days if a fine is not paid.

The main contentious provision in the Bill is that relating to used-car dealers. We might well have expected this provision to be brought down as a separate Bill. On examining it, I see no reason why it should not be accepted, bearing in mind that the Chamber of Automotive Industries asked for it. But it would have been eminently desirable for this organisation and the second-hand car dealers to put their own house in order without recourse to legislation; because once legislation of this kind is placed on the statute book, there is always the possibility that, through overenthusiasm, it will be extended until it restricts and hampers every movement.

As against that, these people have stated that they have experienced difficulty in regulating the industry, and this Bill will give them the means to produce order in the industry. But if their members do not abide by the spirit of the legislation, and they are faced with a considerable number of court cases, I have no doubt that they will find themselves confronted with amendments and extensions to the legislation. I would like to offer that warning to them, in spite of the fact that they have agreed to the principle of the amendment in the Bill, which seems perfectly reasonable in its present form. I have an amendment on the notice paper which clears up a small anomaly.

I was rather surprised with Mr. Lavery's comment in regard to blood tests. In effect, what the measure says is that if one has .05 per cent. of alcohol in the blood, one is definitely sober. If the content is over .15, one is definitely under the influence. It is almost the same as saying that if one is sober, one is very very sober; and if one is a little drunk, one is quite definitely drunk. I think it is a pity that the term "drunken driver" has been used to the extent that it has.

With one thing that Mr. Lavery said, I agree wholeheartedly. There are dangerous drivers. Some of them are dangerous through physical difficulties over which they have no control. Then, of course, one can reach a stage when, because of

emotional stress, one can become a dangerous driver. That is something over which one has no control. On the other hand, one can be a dangerous driver because one has drunk too much alcohol; and over that, one has control. The value of this provision and the wide amendments mentioned by Mr. Logan is that at least we will be able to accumulate some valuable statistical evidence. I support the second reading.

HON. E. M. HEENAN (North-East) [9.16]: This Bill contains some interesting amendments and it highlights the prominent part that the motorcar plays, these days, in the life of the community, when almost everyone owns a motor-vehicle of some kind, and our legislation in regard to the use of them is becoming ever more complex.

I am pleased to see in the Bill that provision which seeks to amend Section 11, which provides that fees shall be paid to local authorities for licences or renewals of licences in accordance with the scale in the Third Schedule, provided that the licensing authority shall, in respect of one vehicle owned by any person, and may in its discretion in respect of any additional vehicle owned by that person, charge only one-half of the fee payable according to the scale in the Third Schedule, where it is proved to the satisfaction of the licensing authority that the licence is required for a motor-vehicle which is owned by a bona fide prospector and will be used by such person, during the currency of the licence, solely or mainly in connection with his occupation of prospecting.

There is similar provision in respect of sandalwood pullers, kangaroo hunters and certain others, although I am mainly concerned with the prospectors. Some local authorities have given a narrow interpretation to the provision in relation to prospectors, on what was intended to be a generous provision. Some of them said a man was not a prospector if he owned a mining lease but only if he was solely looking for gold or minerals in the bush.

The average prospector searches the country and perhaps takes up a prospecting area. If that proves successful, he can convert it into a goldmining lease; but that does not mean he is no longer a prospector, although some local authorities held that it did and that he should then pay the full fee for his vehicle.

There are part-time prospectors who use their vehicles largely in connection with prospecting, but perhaps also in some allied business. Some local authorities have been harsh in those circumstances and say that such people should not come under the Third Schedule and Section 11. This Bill will make it clear to the local authorities that a person, other than a company as defined in the Companies Act, 1943, who searches for or produces metals or minerals from land in which he holds an interest, will be entitled to the concession; and I applaud the Government for including that provision.

I am interested also in the provision for a blood alcohol test, as it might prove to be a good thing. Although such a test may not be positive proof of inability to drive a vehicle safely, it will contribute towards a solution of that vexed question. In the course of an inquiry in which I am at present engaged, evidence has been given that alcohol affects various people to different extents; and I think that is true.

Apparently the statistics in that regard are not helpful; and whether a person is incapable of driving a motor-vehicle safely is largely a matter of opinion. The opinion varies as between the people called upon to form it. A person who abhors drink may feel that if anyone has a couple of glasses of beer he is under the influence of liquor, while a person who drinks in moderation may take a more liberal view.

I am glad the test is to be a voluntary one, and if a man asks for it the police must provide every facility to have the test taken; although, if the driver does not want the test, that will not prejudice his case. It will be interesting to see how the provision works out, as this test has been adopted in various parts of the world, and I think we should fall into line. I support the Bill.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [9.26]: The observations of those who have contributed to the debate have been encouraging. We are here to straighten out and improve legislation as far as we are able to. This is really a Committee Bill; and if it is agreed to this session, there will be plenty of time next session to remedy any defects that may be discovered in it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; The Minister for Railways in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 5 amended:

Hon. L. A. LOGAN: This relates to the alteration in the penalty. and I do not think that even for a second offence a magistrate should have power to imprison anybody. If a person commits a second offence he could be subject to 50 days' imprisonment. I think we should ensure that we do not start imprisoning people for minor offences.

Hon. Sir Charles Latham: Especially when they are not of a criminal nature.

Hon. L. A. LOGAN: Yes; that is so. To test the feelings of the Committee, I move an amendment—

> That the words "or imprisonment not exceeding fifty days" in lines 14 and 15, page 3, be struck out.

This would still allow the magistrate to impose a £50 fine for a second offence if he considered it was warranted. In my opinion such a penalty would be a fairly steep one in the circumstances. If it were a penalty to be imposed on a hit-and-run driver it would be a different matter, because in such a case there could be some criminal intent.

Hon. G. C. MacKINNON: Mr. Logan will not achieve his objective with this amendment; because if those words are struck out, the provision becomes subject to the Justices Act. If that occurred, it would read, in effect, "A fine not exceeding £50 or imprisonment not exceeding 150 days." The only way the hon. member could achieve his objective would be to provide for a £50 fine; and should the offender be unable to pay the fine make him liable to imprisonment for 50 days.

A motorist, for example, may be fined £30. The principle is clearly laid down that if an offender cannot pay the fine he is liable to imprisonment for one day for every £1 of the fine. Therefore, if those words are not left in the Bill a man who could not pay the fine would serve 90 days in gaol. Again, in all fairness, for a technical offence, for which a man is fined £10 or £12, we should provide that he should serve imprisonment for only 10 or 12 days. I am loth to see the advantage of this provision being lost and its being subject to the provisions of the Justices Act.

Hon. Sir Charles Latham: But it would not be; it would come under this legislation.

Hon. L. A. Logan: It would be brought under the Justices Act only if the offender did not pay the fine.

Hon. G. C. MacKINNON: That is quite right.

Hon Sir Charles Latham: If he owned a car, surely he would be able to pay the fine!

Hon. G. E. JEFFERY: I support the clause as printed, because Section 19 of the Act provides a fine not exceeding £20 for a first offence. If a man cannot take cognisance of the law after having been given one opportunity then, in my opinion, the penalty for the second offence is not too great. If a vehicle has not been licensed because it is not in a roadworthy condition and yet it is driven on the road, it is a source of great danger. I can recall a man who was killed by a vehicle which was in no condition to be driven; therefore such vehicles, in my opinion, are a menace on our highways. There is nothing wrong with the penalty provided for the second offence, because the magistrate would be the best judge of the circumstances in any particular case.

The MINISTER FOR RAILWAYS: I hope the amendment will not be agreed to. There is already in the Act a provision which states that the maximum penalty shall be £20 for any number of offences. As Mr. Jeffery pointed out, there are offences which deserve a heavier penalty. After all is said and done, it will be left to the magistrate to decide what penalty shall be imposed. There will be a maximum of £20 for the first offence, but the maximum for the second offence must not exceed £50. There could be two or three offences, the fine for which could be under £20. It would all depend on the decision of the magistrate. An habitual offender, however, will be caught up with eventually, because he will be gaoled for 50 days if he persists in breaking the law. As the clause stands now, it will mean that the court will decide which will be the maximum penalties. Therefore, I hope the penalties will be left as they are.

Hon. A. F. GRIFFITH: In any legislation where a penalty is provided for a first offence, and a subsequent penalty for a second offence, I think it is implied that the punishment for the second offence shall be more than the maximum for the first. If that is not the case, there is no purpose in wording the legislation to provide for a second offence.

Hon. G. C. MacKINNON: That is not quite correct, because it is generally regarded that the minimum for a second offence shall be one-fifth of the maximum fine. In this case the maximum penalty is to be a fine not exceednig £50; and therefore the minimum penalty would, in most cases, be £10. Of course, the minimum penalty for the first offence could be only £4.

The Minister for Railways: It could be a caution.

Hon. G. C. MacKINNON: Yes.

Hon. A. F. Griffith: It could depend, to a large extent, on the way the magistrate interpreted the provision.

Hon. G. C. MacKINNON: That is so; but we cannot legislate with a view to providing for what might be in the magistrate's mind. It is a principle that has been followed in the past, and it should be followed in this instance.

The Minister for Railways: A person may have offended a dozen times.

Hon. Sir CHARLES LATHAM: To impose a term of imprisonment for a second offence with respect to an unlicensed vehicle is too severe. Persons living in the country are likely to forget to license their vehicles in time; and if such an oversight occurs on a second or subsequent occasion they become liable to imprisonment.

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

Ayes	13
Noes	7
Majority for	6

Ayes.

Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. R. C. Mattiske
Hon. J. Murray	*(Teller.)*

Noes.

Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
Hon. H. C. Strickland	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. G. MacKinnon	Hon. R. F. Hutchison
Hon. J. Cunningham	Hon. G. Bennetts
Hon. N. E. Baxter	Hon. J. D. Teahan

Amendment thus passed; the clause, as amended, agreed to.

Clause 5—Section 6 amended:

Hon. L. A. LOGAN: This clause comes under the same category as the last, in that it also contains a penalty of imprisonment for a second offence. If the Minister were to agree to a term of imprisonment for the third and subsequent offences, after the coming into operation of this provision, the Committee might agree to the clause. I therefore move an amendment—

> That the words "or imprisonment not exceeding fifty days" in lines 27 and 28, page 3, be struck out.

The MINISTER FOR RAILWAYS: The Committee should take a realistic view of this clause. It covers passenger vehicles, school buses and taxis. If on more than one occasion a person drives such a vehicle without its being licensed, surely he should be subject to severe punishment. In the first place the vehicle should be licensed; and if it had been taken in to be licensed, it would have had to pass the test for roadworthiness. This is not merely the case of a person driving a vehicle that is unlicensed; it is a case of driving a passenger vehicle which is unlicensed, and which can be in an unsafe condition.

The penalties prescribed in this clause will deter people from committing such an offence. They are the maximum, and it is left to the discretion of the magistrate to impose a penalty up to the maximum. The penalty is not exceeding £20 for a first offence; but a person could be convicted twice, and still not be fined £20. A first penalty might be a caution in the case of an oversight where the vehicle licence was not renewed. The magistrate surely would not impose a term of imprisonment under those circumstances. Where a person is plying for hire and uses an unsafe and an unlicensed vehicle, he should be penalised more severely.

Hon. Sir CHARLES LATHAM: I agree that a person using an unsafe vehicle should be imprisoned for the second offence. We must remember that although vehicles may be licensed they can be unsafe. After a vehicle is licensed, faults may develop and render it unsafe. However, if a person knew that a passenger vehicle or school bus was unsafe, and it was unlicensed, that would be a different matter. I agree that in that case he should be fined heavily or imprisoned.

Hon. L. A. LOGAN: In view of the Minister's remarks that this provision applies to vehicles plying for hire, I agree that a term of imprisonment should be retained in the penalties. However, when there are extenuating circumstances, as in the case of a person who had been found guilty of a first offence many years ago, he should not be subject to a penalty of imprisonment. I am agreeable to this provision if the Minister will amend it by adding the words "after the coming into operation of this Act." That would mean that for a second offence after the coming into operation of this Act, a term of imprisonment could be imposed.

The MINISTER FOR RAILWAYS: I have discussed this matter with the Minister for Transport and he is prepared to delete the retrospective effect of the provision. I shall have this clause recommitted at a later stage when a suitable amendment can be worked out.

Hon. L. A. LOGAN: In view of those remarks, I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clause 6—Section 7 amended:

On motion by the Minister for Railways, clause postponed.

Clause 7—Section 10 amended:

Hon. L. A. LOGAN: This clause takes away the right to license a car for three months. If the owner of a car wants to license it for only three months, he should have the option to do so. It should not be left to the whim of the local authority to say whether he can.

The MINISTER FOR RAILWAYS: The idea behind the clause is to reduce the administrative work.

Clause put and negatived.

Clause 7A—Section 10A added:

Hon. L. A. LOGAN: As Clause 7 has been deleted, I do not think we need leave this one in.

Clause put and negatived.

Clause 8—Section 11 amended:

Hon. L. A. LOGAN: Paragraph (c) deals with the regulation concerning overloading. We moved for the disallowance of this regulation.

The MINISTER FOR RAILWAYS: The hon. member is wrong. This deals with computing the load for assessing the license. It is not the axle load of the vehicle.

Clause put and passed.

Clause 9—Section 11A amended:

Hon. L. A. LOGAN: Provided the Minister takes out the retrospectivity provision I think this will be all right. It deals with the question of the person who issues a bad cheque.

The MINISTER FOR RAILWAYS: I move an amendment—

That all words after the word "offence" in line 32, page 4, down to and including the figures "1957" in line 36 be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 10—agreed to.

Clause 11—Section 16 amended:

Hon. L. A. LOGAN: This clause deals with the position that arises when an owner sells a vehicle and the traffic authority is not notified of the transfer. Both the retrospective and penal provisions should come out. I move an amendment—

That all words after the word "offence" in line 38, page 6, down to and including the figures "1957" in line 5, page 7, be struck out.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That the words "or imprisonment not exceeding fifty days" in lines 6 and 7, page 7, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 12—Section 21 amended:

Hon. L. A. LOGAN: This is another clause in which I think the penal section plus the retrospectivity, should come out. It deals with certificates. A vehicle may be licensed; but, through becoming damaged, the certificate may not be properly affixed. It is a very minor offence and does not warrant the severity proposed. I move an amendment—

That all words after the word "offence" in line 12, page 7, down to and including the figures "1957" in line 17, page 7, be struck out.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That the words "or imprisonment not exceeding fifty days" in lines 17 and 18, page 7, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 13—New Part IIIA and ss. 22AA-22AF added:

Hon. G. C. MacKINNON: This is the section dealing with used-car dealers, and to leave the words "solely or mainly" in line 29, page 7, in the Bill will completely cut out those people who sell new cars as their main line of business, but still do a big trade in second-hand vehicles. I move an amendment—

That the words "solely or mainly" in line 29, page 7, be struck out.

The MINISTER FOR RAILWAYS: I agree to the amendment.

Amendment put and passed.

Hon. G. C. MacKINNON: I have an amendment on the notice paper which will add after the word "otherwise" in line 34, page 7, the words "in excess of 25 motor-vehicles in any one year." However, on thinking the matter over, I think I should make it five vehicles in any one year, because it is the small man who is inclined to be more troublesome. A company which is firmly established with a turnover of, say, 20 cars a week, has a desire to stay in business, and does so as long as it establishes a good name. There is also no desire to stop the fellow who overhauls one car a year and sells it. Probably the greatest nuisance is the person who overhauls a car every couple of months.

The Minister for Railways: I think the number is a little too low. A person who sold only five cars a year could hardly be called a dealer.

Hon. Sir Charles Latham: He would not make much difference at all.

The Minister for Railways: No. I thought the hon. member had discussed it with the Minister, who was prepared to accept the figure of 25.

Hon. G. C. MacKINNON: I did. But I think we should compromise, because I have not had a chance to discuss it any further.

The Minister for Railways: Make it 20.

Hon. G. C. MacKINNON: I think you should compromise and make it 15.

The Minister for Railways: Very well.

Hon. G. C. MacKINNON: I move an amendment—

That after the word "otherwise" in line 34, page 7, the words "in excess of fifteen motor vehicles in any one year" be added.

Amendment put and passed.

Hon. R. C. MATTISKE: I understand that at present used-car dealers come within the scope of the Second-hand Dealers Act; and prior to their being licensed under that Act they are investigated by the C.I.B., and certain other formalities have to be complied with. Can the Minister tell us what is the necessity for bringing these dealers under the Traffic Act?

The MINISTER FOR RAILWAYS: I understand that it is at the request of the trade that dealers be licensed; but why they are brought under this Act, I am not able to say. I think it was because of amendments being made to the Traffic Act that the Minister decided it would be better to bring them under this Act. During the second reading other members have raised the same question, but I think they have had a talk with the Minister and are satisfied. It is interesting to know that they are licensed in other States—in Victoria and Queensland, for example. If they auctioned their vehicles then they would be required to have an auctioneer's licence. This was considered the best Act in which to place that provision.

Hon. R. C. MATTISKE: I realise there should be control, but I also realise that a separate authority will be set up which will entail a certain amount of expense for administration. Am I to understand that after considering all possibilities the Minister decides the Traffic Act is the best for the purpose?

The Minister for Railways: Yes.

Clause, as amended, put and passed.

Clauses 14 to 16—agreed to.

Clause 17—Section 26 amended:

Hon. L. A. LOGAN: I move an amendment—

> That all words after the word "offence" in line 22 down to and including the figures "1957" in line 27, page 14, be struck out.

We should take out the retrospectivity provision, although I think we could allow that dealing with the penal aspect to remain.

The MINISTER FOR RAILWAYS: The Government has no objection to this amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clause 18—Section 27 amended:

Hon. L. A. LOGAN: I do not think that the penal clause is necessary, although it could be in certain circumstances. I dare say, as it applies to number plates which have not been attached or are obscured or obliterated, the intention is to control car thieves. That would be a criminal offence. But we should remove the retrospectivity provision. I move an amendment—

> That all words after the word "offence" in line 34, page 14, down to and including the figures "1957" in line 1, page 15, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 19—Section 28 amended:

Hon. L. A. LOGAN: I move an amendment—

> That all the words after the word "offence" in line 8, page 15, down to and including the figures "1957" in line 13, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 20—Section 30 amended:

Hon. G. C. MacKINNON: In order that members may understand the full significance of this clause, I would refer them to Section 30 of the Act. I have discussed this with the Minister, and he agrees that the section should be divided into Section 30 and Section 30A.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clause 21—Section 32A added:

Hon. J. G. HISLOP: This is the result of a conference on a similar Bill last year. I suggested certain amendments concerning the taking of blood tests to find the alcohol content and its relation to drunken driving. It was then thought it should operate on an Australia-wide basis. I would not have said very much about it except that I saw a letter by Professor Wright in this morning's paper in which he said that he disliked compulsory tests. The tests under this provision will be voluntary.

But it is also interesting to note that while Professor Wright points out that the insertion of a needle into the vein for the purpose of taking blood is, as a rule, without risk, he poses the question as to the position of the defendant in any action against the Crown in the event of death caused by infective hepatitis—commonly known as jaundice.

In many of the States of the United States of America, it is a fairly common hazard to acquire infection from the introduction of a needle into the vein. Probably one of the most serious cases we have had in Western Australia was of a nurse of the United States nursing force at Hollywood who was given an injection of American vaccine. I doubt if we in this State have ever had a case of infectious hepatitis following the insertion of a needle into a vein. It is a problem in some places where it seems to be impossible to cleanse the syringes sufficiently to kill the

virus and it has been somewhat of a hazard. In this State it is certainly not a great hazard as elsewhere.

I do not know whether any actual research has been carried out in this State on the cases that have occurred to ascertain whether there has been an association with the taking of blood. If it proves to be such, we may have to review this question of taking blood tests and revert to the motion picture test.

One of the difficulties I see about blood tests for drunken driving is that when the individual at a police station calls for a medical man, there is always a reluctance on the part of the medical man to attend, because afterwards the police call the doctor to give oral evidence as to the man's capability of driving. Most doctors try to avoid answering the call if at all possible.

I have looked at the Bill with Mr. Heenan and the position is covered in a clause on page 17, and only a certificate will be required. There is the use of a word in the clause with which I disagree and that word is "opinion." I think the word "estimate" or "finding" would be much better. Most of the tests are simply the result of a clinical analysis which gives a figure. The analyst does not give an opinion; he submits a certificate. I move an amendment—

> That the word "opinion" in line 35, page 16, be struck out and the word "finding" inserted in lieu.

The MINISTER FOR RAILWAYS: The certificate will be the result of a scientific finding, and therefore it seems to me it would be advisable to accept the amendment.

Amendment put and passed.

On motions by Hon. J. G. Hislop, clause further amended by—

- Striking out the word "estimate" in line 15, page 17, and inserting in lieu the word "finding";
- striking out the words "and opinion" in lines 32 and 33;
- striking out the word "opinion" in line 37, page 17, and inserting in lieu the word "finding";
- striking out the word "opinion" in line 41, page 17, and inserting in lieu the word "finding";
- striking out the word "opinion" in line 4, page 18, and inserting in lieu the word "finding";
- striking out the word "opinion" in line 9, page 18, and inserting in lieu the word "finding";
- striking out the word "opinion" in line 17, page 18, and inserting in lieu the word "finding";
- striking out the word "opinion" in line 21, page 18, and inserting in lieu the word "finding."

Hon. J. G. HISLOP: Would the definition of "properly qualified analyst" in Subclause (5) preclude members of the medical profession, who at present work as biochemists, from doing this work? Would they be considered as being qualified for associateship of the Royal Australian Chemical Institute?

The MINISTER FOR RAILWAYS: I imagine that the Government Analyst would certainly approve of any person in that category. Should there be any difficulty in that regard it will be rectified next session.

Hon. J. G. HISLOP: I think that in future the charge against a person in these circumstances should be that of driving under the influence of intoxicating liquor to the degree of being incapable of driving a motorcar, because the individual would still be under the influence, on the present wording, if he had .14 per cent. of alcohol in his blood, although it would not be prima facie evidence.

I congratulate the Minister in bringing this measure forward and am glad that there is no compulsion attached to the blood alcohol test. However, unless a member of the medical profession is appointed, close to each of the central police stations, and is willing to take samples of blood and be equipped for that work, I think the system might break down.

Hon. F. R. H. LAVERY: In the "Weekend Mail" of Saturday the 23rd November, Sir Stanton Hicks, of the Adelaide University, is reported as having said,—"Whatever action we decide on, let us tread with care." There is a sharp warning from a world authority on medicine, according to that journal. What does Dr. Hislop think of that man's qualifications to speak?

Hon. J. G. HISLOP: Sir Stanton Hicks, one of my closest friends, is a man of tremendous intelligence, and is at times very forthright. He often feels that overemphasis will bring the truth to light. As I have said, so long as the charge is that the man is under the influence of alcohol to such a degree that he is incapable of driving a car, I have no objection to the proposed test; but if he is simply charged with being under the influence of alcohol, it is a different story.

An individual used to taking a certain amount of alcohol will not respond to its toxicity as will a person who is not accustomed to it. It depends largely also on the rate at which the alcohol is taken. Taken rapidly on an empty stomach alcohol enters the bloodstream very quickly; but after a normal meal, it is absorbed more slowly. That must be taken into consideration in deciding this question.

Hon. L. A. Logan: Who is to precribe the fees mentioned in Subclause (7)?

The MINISTER FOR RAILWAYS: My only information is what is contained in the subclause. Power for prescribing the fees may come under the regulations.

Clause, as amended, put and passed.

Clause 22—Section 34 amended:

Hon. L. A. LOGAN: I move an amendment—

That all words after the word "offence" in line 6, page 20, down to and including the figures "1957" in line 10, be struck out.

Amendment put and passed.

Hon. L. A. LOGAN: I believe that this is another clause where the penalty is not needed. Therefore, I move an amendment—

That after the word "pounds" in line 11, page 20, the words "or imprisonment not exceeding twenty-five days" be struck out.

The MINISTER FOR RAILWAYS: This clause is to amend Section 34 of the Act which covers identification. It is hardly likely that a person would be unfortunate enough to be involved in a number of accidents whereby he would have to identify the driver of the other car on every occasion. Therefore, I raise no objection to the amendment.

Amendment put and passed; the clause, as amended, agreed to.

Clause 23—agreed to.

Clause 24—Section 43 amended:

On motions by Hon. L. A. Logan, clause amended by—

Striking out the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957", in lines 24 to 29, page 20;

striking out the words "or imprisonment not exceeding fifty days" in lines 30 and 31, page 20;

striking out the words "or imprisonment not exceeding fifty days" in lines 17 and 18, page 22.

Clause, as amended, agreed to.

Clause 25—agreed to.

Clause 26—Section 45 amended:

On motions by Hon. L. A. Logan, clause amended by—

striking out the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957", in lines 5 to 9, page 24;

striking out the words "or imprisonment not exceeding twenty-five days" in lines 11 and 12, page 24.

Clause, as amended, agreed to.

Clause 27—Section 46 amended:

On motions by Hon. L. A. Logan, clause amended by—

striking out the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957," in lines 26 to 31, page 24;

striking out the words "or imprisonment not exceeding twenty-five days" in lines 32 and 33, page 24.

Clause, as amended, agreed to.

Clause 28—agreed to.

Clause 29—Section 51 amended:

The MINISTER FOR RAILWAYS: This clause deals with permits for transfers of omnibuses. At present Section 51 provides that permits may be given to use an unlicensed omnibus to replace another omnibus whilst a licensed omnibus is under repair. The same provision applies to passenger vehicles or goods vehicles. It is desired to include a provision that in respect of each licence or permit to replace a vehicle, a charge of 10s. be made.

Hon. L. A. Logan: Now that a metropolitan transport trust is to be created that provision will not apply.

The MINISTER FOR RAILWAYS: It will, because the provision applies not only to passenger vehicles but also to goods vehicles.

Clause put and passed.

Clause 30—Section 52 amended:

Hon. L. A. LOGAN: I wish the retrospectivity effect of this provision to be deleted. Where motor-cycle or motorcar club members take the law into their own hands and disregard the by-laws of local authorities, and they commit an offence a second time, they should be subject to a penalty of imprisonment. I therefore move an amendment—

That the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957," in lines 26 to 31, page 26, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 31—Section 56 amended.

Hon. L. A. LOGAN: This provision relates to the person who causes damage to roads which could result in great losses to local authorities. I consider that if such a person commits the same offence twice he should be subject to a penalty of imprisonment. I move an amendment—

That the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the

Traffic Act Amendment Act (No. 4), 1957," in lines 5 to 9, page 27, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 32—agreed to.

Clause 33—Section 59 amended:

Hon. L. A. LOGAN: This provision covers the case of a person advertising for passengers when going on a journey by car. I do not consider that such an offence should be subject to a term of imprisonment and I shall therefore move the two amendments in this clause. I move an amendment—

That the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957," in lines 29 to 33, page 27, be struck out.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That the words "or imprisonment not exceeding fifty days" in lines 34 and 35, page 27, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 34—agreed to.

Clause 35—Section 64 amended:

Hon. L. A. LOGAN: This applies to where the Minister has declared a road to be unsafe for public use, and a person commits an offence by using it and causing serious damage to the road. I consider that the penalty of imprisonment should be retained. I move an amendment—

That the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957," in lines 14 to 18, page 28, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 36—Section 68 amended:

Hon. L. A. LOGAN: In my view this is another case where the penalty of imprisonment should stand. It relates to a person forging or fraudulently altering the number-plate. I move an amendment—

That the words "whether the conviction for any prior offence under this subsection was entered before or after the coming into operation of the Traffic Act Amendment Act (No. 4), 1957," in lines 26 to 30, page 28, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clauses 36A-38—agreed to.

Postponed Clause 5—Section 6 amended:

The MINISTER FOR RAILWAYS: I move an amendment—

That after the word "offence" in line 22, page 3, all words down to and including the figures "1957" in line 26 be struck out.

Amendment put and passed; the clause as amended, agreed to.

Postponed Clause 6—Section 7 amended:

Hon. L. A. LOGAN: I move an amendment—

That after the word "offence" in line 33, page 3, all words down to and including the figures "1957" in line 37 be struck out.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That the words "or imprisonment not exceeding twenty-five days" in lines 38 and 39, page 3, be struck out

Amendment put and passed; the clause as amended, agreed to.

Hon. A. R. JONES: Before Clause 7 is dealt with—

The CHAIRMAN: Order! Clause 7 has been struck out.

Hon. A. R. JONES: If I cannot deal with Clauses 7 and 7A now, I shall ask that the Bill be recommitted.

Postponed Clause 20—Section 30 amended:

Hon. G. C. MacKINNON: I move an amendment—

That after the word "amended" in line 15, page 15, all words down to and including the word "days" in line 24 be struck out, and the words "by deleting the passage 'bodily injury is caused to any person or' in lines 2 and 3" inserted in lieu.

In the Act the one section deals with bodily injury and damage to property. There is a marked difference between the two types of accidents. The penalty for damage to property should not be as severe as that for bodily injury.

Amendment put and passed; the clause, as amended, agreed to.

New clause:

Hon. G. C. MacKINNON: I move—

That the following be inserted to stand as Clause 20A:—

20A. The principal Act is amended by adding after section thirty a section as follows—

30A. Where, in the course of the use of any vehicle on a road, an accident occurs whereby bodily injury is caused to any person the driver or person in charge of such vehicle shall (unless disabled

by personal injury himself) report the accident forthwith to the officer in charge of the nearest police station or traffic inspector of the district of the nearest local authority:

Provided that it shall be a sufficient compliance with this section if a police officer or such traffic inspector attends at the scene of the accident and takes the necessary particulars of the accident.

Penalty—For a first offence, a fine not exceeding twenty-five pounds; for any subsequent offence a fine not exceeding fifty pounds.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. A. R. Jones, Bill recommitted for the further consideration of Clauses 4, 7 and 7A.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clause 4—Section 5 amended:

The MINISTER FOR RAILWAYS: I move an amendment—

That all words after the word "offence" in line 8, down to and including the figures "1957" in line 13, page 3, be struck out.

Amendment put and passed; the clause, as amended, agreed to.

Clause 7—Section 10 amended:

Hon. A. R. JONES: When we were in Committee we struck out Clauses 7 and 7A. Amendments were made inadvertently last year and areas outside the metropolitan area were excluded from the doubtful privilege of being able to grant a three-months' licence, whereas the metropolitan area was included. It is proposed, under this Bill, to be given to both the metropolitan and country areas, at the discretion of the local authority. I raised the point last year of a person, such as a dealer, or someone else, who might want to licence a car for only three months. The person might be buying a new car in three months' time, and would like to license the old one for that period only. Consequently I think we should reinstate both Clause 7 and 7A. I move—

That Clause 7, struck out by a previous Committee, be reinserted.

Hon. G. C. MacKINNON: As has been pointed out previously, there are many farmers with seasonal crops who apply for a three-months' licence while they are using those vehicles. As these clauses will give the local authority discretion to grant such licences, I support the motion.

Hon. L. A. LOGAN: As one who thought that the clause should be deleted in the first place, I admit it is still against my principles; but rather than cause any delay in the passage of the Bill I am willing to withdraw my opposition to the clause.

The MINISTER FOR RAILWAYS: I am glad that most members have apparently made up their minds about this clause. It was put in to benefit country people. But I know that whatever the Government does in this Chamber, it is no use putting up a battle unless members opposite agree to it; and that is why I did not raise any objection when they struck it out.

Question put and passed.

Clause 7A—Section 10A added:

Hon. A. R. JONES: I move—

That Clause 7A, struck out by a previous Committee, be reinserted.

Question put and passed.

Bill again reported with further amendments and the reports adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—TRAFFIC ACT AMENDMENT (No. 3).

Assembly's Amendment.

Amendment made by the Assembly now considered.

In Committee.

Hon. W. R. Hall in the Chair; Hon. L. A. Logan in charge of the Bill.

The CHAIRMAN: The Assembly's amendment is as follows:—

Clause 2—Delete paragraphs (b) and (c) in lines 9 to 14.

Hon. L. A. LOGAN: When the Assembly sought to take out paragraph (b) it thought that paragraphs (b) and (c) were linked together, but it was wrong, because paragraph (b) was tied up with paragraph (a), and paragraph (a) deals with the licensing of motor-cycles, while paragraph (b) deals with the licensing of motor-cycles with sidecars attached. Paragraph (c) deals with the licensing of diesel coaches. I would like to amend the Assembly's amendment because it is essential that paragraph (b) be retained in the Bill. I would like your advice, Mr. Chairman, as to how I should proceed.

The CHAIRMAN: I think it would be as well for the hon. member to prepare his amendment and have copies made. I will leave the Chair till the ringing of the bells.

Sitting suspended from 12.18 to 12.33 a.m.

Hon. L. A. LOGAN: I move—

That the amendment be amended by deleting paragraph designation "(b)".

Question put and passed; the Assembly's amendment, as amended, agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—LONG SERVICE LEAVE.

Assembly's Message.

Message from the Assembly notifying that it had agreed to amendments Nos. 5, 11 to 18, 23, 25 to 39 made by the Council, and had disagreed to Nos. 1 to 4, 6 to 10, 19 to 22, 24 now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

The CHAIRMAN: The Council's amendments to which the Assembly has disagreed are as follows:—

No. 1.

Clause 4, pages 2 and 3—Delete the interpretation "award."

No. 2.

Clause 4, page 4, lines 14, 15 and 16—Delete all words in subparagraph (v).

No. 3.

Clause 4, page 5, lines 25-34—Delete the interpretation "industrial agreement."

No. 4.

Clause 4, page 5, line 38—Delete the word "his" and substitute the word "the."

No. 6.

Clause 4, pages 6 and 7—Delete subclause (2).

No. 7.

Clause 4, page 7, lines 7 and 8—Delete the words "for an employee's work under the conditions of his employment" and substitute the words "for the type of work upon which the employee is engaged."

No. 8.

Clause 4, page 8, line 6—Delete the word "his" and substitute the word "the."

No. 9.

Clause 4, page 8, line 8—Delete the word "his" and substitute the word "the."

No. 10.

Clause 4, page 8, line 15—Insert after the word "bonuses" the word "allowances."

No. 19.

Clause 6, page 9, line 26—Add the following subclause to stand as subclause (2), as follows:—

(2) This Act shall apply in respect to any employee entitled to long service leave under any industrial award or agreement made or registered under the Industrial Arbitration Act, 1912, notwithstanding the provisions of any such award or agreement and the Court of Arbitration shall on the application of any person interested cancel any provisions in any such award or agreement relating to long service leave.

No. 20.

Clause 8, page 12, line 17—Delete the words "of subsection (3)."

No. 21.

Clause 8, page 12, line 22—Delete all words in the clause after the word "Act" and substitute the following:—

continuous employment to the extent to which it is in excess of twenty years shall be disregarded.

No. 22.

Clause 9, page 13—To delete subclauses (2), (3) and (4) and substitute the following:—

(2) (a) On the completion by an employee of at least twenty years' continuous employment with his employer, the employee shall be entitled to thirteen (13) weeks' long service leave in respect of the first twenty years' employment, and thereafter an additional six and one-half weeks' long service leave on the completion of each additional ten (10) years of continuous employment with that employer.

(b) (i) where an employee has completed at least ten years but less than fifteen years of continuous employment with one and the same employer and his employment is terminated by the employer for any cause other than serious misconduct, or by death during his employment, or by the employee on account of personal sickness or injury or domestic or any other pressing necessity where such personal sickness, injury or necessity is of such nature as to justify such termination, the employee shall be entitled (or in the case of death, his personal representative shall be entitled) to such payment as equals a proportionate amount of leave in respect of the period of completed years of such employment on the basis of thirteen weeks for twenty years' employment.

(ii) where an employee has completed at least fifteen years' continuous employment with one and the same employer and his employment is terminated for any reason other than by the employer for serious misconduct he shall be entitled (or in the case of death, his personal representative shall be entitled) to such payment as equals a proportionate amount of leave in respect of the period of completed

years of such employment since the commencement of his continuous employment, or since the last accrual of entitlement to leave on the basis of thirteen weeks for twenty years' employment.

(3) Any leave in the nature of long service leave or payment (whether by lump sum or by annual bonus) in lieu thereof granted whether before or after the commencement of this Act to an employee by his employer in respect of any period of employment with the employer shall be taken into account and shall in the case of leave with pay to the extent of the period of such leave, and in the case of payment in lieu thereof to the extent of a period of leave, with pay equivalent to the amount of the payment be deemed to have been leave taken and granted under the provisions of this Act and to be satisfaction to the extent thereof of the entitlement of the employee under this Act.

(4) An employer shall be entitled to offset against any payment by him into any long service leave scheme, superannuation scheme, pension scheme, retiring allowance scheme, provident fund or the like, or under any combination thereof operative at the coming into operation of this Act, any liability for payment in respect of leave under this Act; and the conditions of any such scheme or fund are hereby varied and modified accordingly.

(5) The entitlement to long service leave hereunder shall be in substitution and satisfaction of any long service leave to which the employee may be entitled in respect of the employment of the employee by the employer.

No. 24.

Clause 11, page 16—To delete subclauses (1), (2) and (3) and substitute the following:—

(1) Long service leave shall be granted and taken as soon as reasonably practicable after the right thereto accrues due or at such time or times as may be agreed between the employer and employee.

(2) Except where the time for taking leave is agreed to the employer shall give to an employee at least one month's notice of the date from which his leave is to be taken.

The CHAIRMAN: The Assembly's reasons for disagreeing are—

Nos. 1 and 3.

These definitions are required to clarify position with respect to both Federal and State awards made under the respective Arbitration Acts.

No. 2.

The retention of this subparagraph is necessary to ensure that certain persons referred to in subclause (2) are included in the provisions of the measure.

Nos. 4, 8 and 9.

It is considered that the word "his" more clearly defines each individual employee's remuneration.

No. 6.

It is considered such persons referred to in the subclause should be regarded as employees.

No. 7.

The clause adopted by the Assembly more clearly defines the actual terms of employment of each individual employee, and is substantially the same as the clause in the Acts of New South Wales, Victoria and Tasmania.

No. 10.

The acceptance of this amendment would prevent employees in the gold mining industry from receiving the industry allowance, and employees residing in districts where a district allowance is paid, if they resided in the district during the period of leave.

No. 19.

The effect of the proposed amendment would be to nullify a decision already made by the Court and industrial agreements providing for long-service leave registered at the Court.

As an example, the Court has delivered an award for Yampi Sound workers providing for three months' leave after 10 years of continuous service.

It would also prevent the Court from making any further determination respecting applications for long-service leave.

Nos. 20 and 21.

The retention of the words are necessary to preserve a vital principle of the Bill.

No. 22.

(1) The acceptance of the amendment would destroy the main provision of the Bill, which follows the general standard established in Western Australia, viz., three months' leave on pay after 10 years of continuous service.

(2) The amendment would prevent any employee who is dismissed within six months of the passing of the Act from having the right of appeal.

(3) The amendment further provides that the employer may offset payments into superannuation; and pension schemes against his liability for long-service leave payments under

the Bill. It is considered that this would be a distinct departure from the principle of the Bill.

No. 24.

The amendment is not considered to be as equitable as the clause passed by the Assembly.

The MINISTER FOR RAILWAYS: I move—

That the amendments be not insisted on.

The Assembly's reasons are clearly set out, and I have no wish to reiterate them. I would draw attention to the fact that the Government had a mandate to introduce long-service leave for workers, on the best conditions practicable.

Hon. J. Murray: But this proposal is not practicable.

The MINISTER FOR RAILWAYS: We are each entitled to his opinion. The position here is similar to that which the Prime Minister complains of in Canberra, where the Government is frustrated to some extent by a House of Review, which does not have to face up to its responsibilities to the people.

Hon. Sir Charles Latham: He would not have it abolished.

The MINISTER FOR RAILWAYS: Of course not!

Hon. Sir Charles Latham: And you agree with him in that?

The MINISTER FOR RAILWAYS: I would raise no objection if we were elected to this House in the same way as the senators are elected. Under the amendments made to the Bill in this Chamber the percentage of workers who would enjoy long-service leave would be greatly reduced. On the 10-year basis, the percentage that would become eligible is less than 30 per cent., and on the 20-year basis it would be reduced to below 20 per cent. I appeal to the Committee not to insist on the amendments.

Hon. J. MURRAY: I took no part in the debate on this major question, but I must draw attention to certain illustrations given by the Minister during the debate, as they were at variance with the facts. In order to show that industry could afford to pay for long-service leave, the Minister gave several illustrations, one of which was that the local authorities are already providing for long-service leave. I would point out that they are not industries, but bodies which, if they are in the red, can increase their rates to the limits permissible under the law.

The other illustration given was that in the Civil Service and all Government instrumentalities, employees had been granted this privilege for many years. But, as I said, by interjection, during the debate, not a single State trading concern which grants this privilege to its employees shows a reasonable profit on the capital invested in it; and so that illustration was useless, because it proved conclusively that industry could not afford to meet this imposition.

The provision for a 10-year period would mean that in 1961 a very large number of employees would become eligible for long-service leave. I know one industry, where the employment is highly skilled, and in which 90 per cent. of the employees would, under this provision be eligible for long-service leave in 1961, and would have to take it within 12 months unless they could persuade certain people—

The Minister for Railways: What industry is that?

Hon. J. MURRAY: One of those on which the State depends most; and I refer to the auctioneers in the stock trade in Western Australia.

The Minister for Railways: They are practically on leave for half their lives.

Hon. J. MURRAY: The Minister can have it that way if he likes. Take another industry, where a large percentage of the employees are highly skilled.

The Minister for Railways: What do the coalminers work on?

Hon. J. MURRAY: The Minister should not say that they are highly skilled. I am talking about highly skilled workers upon whom industry depends for its continued production.

The Minister for Railways: The auctioneer!

Hon. J. MURRAY: I am talking about a case in point where men have to be replaced and in which industry the workers are highly skilled. The Minister should not try to tell me that because the State Saw Mills can draw from the public purse to provide long-service leave to its employees all private sawmillers should fall into line and be placed in the difficult position of having approximately one-third of their employees becoming entitled to long-service leave in 1961. The fact remains that whilst these men are on leave somebody must be employed to take their place; and as the nature of the work is highly skilled, much difficulty will be experienced by the industries concerned in obtaining suitable men. If they are unsuccessful in this regard, it will mean a dislocation of industry. That is the position that must be faced.

I probably would not have been at variance with the Government if it had provided for an employee to serve 10 years from 1957 before becoming eligible for long-service leave; because, in that event, some reorganisation in industry could have been effected. However, when the Government introduces this legislation, which is completely out of step with that in other parts of Australia, I consider that

it is an unfair burden to place on private industry. Also, there is no doubt that it will place the employers of skilled personnel in an impossible situation. Therefore, I hope the Committee will insist on its amendments.

Question put and negatived; the Council's amendments insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—EDUCATION ACT AMENDMENT.

In Committee.

Resumed from the 21st November. Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 16—Section 20 amended (partly considered):

The CHIEF SECRETARY: The Committee was considering this clause about a week ago when some information was required by some members in regard to probation, and I promised them that I would obtain it for them. Dr. Hislop also raised a query in connection with handicapped children.

In answer to Dr. Hislop's queries, I would point out that the object of releasing a handicapped child after two months is to cover cases such as when parents are living in the country where no facilities are available to educate the child. If the parents fail to send the child to an institution—such as the Blind School, or the Deaf and Dumb Institute, etc.—the Minister may ask the court to commit the child to the institution.

Later, the parents may move to the city and request that the child be returned to them. The object of the Bill is to allow the release of the child in this and in other cases to parents or guardians, or, perhaps, relatives. A child would not be released to anyone who was not a relative. This provision is similar to that contained in Section 42 of the Child Welfare Act which permits the release of habitual truants after being two months in an institution. A difference is that the truant would be under the control of the Child Welfare Department, but a handicapped child would not be. I hope that answers the query raised by Dr. Hislop.

Hon. J. G. HISLOP: I thank the Chief Secretary for his explanation; but the wording in the Bill seems a little curious to me when it refers to releasing the child to a person named in a certificate, when it really means that the child will be released to a parent or guardian.

Clause put and passed.

Clauses 17 to 23, Title—agreed to.

Bill reported without amendment and the report adopted.

Third Reading.

Bill read a third time and *passed.*

BILL—HOUSING LOAN GUARANTEE.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill:

Clauses 1 and 2—agreed to.

Clause 3—Interpretations:

Hon. H. K. WATSON: When I spoke on the second reading, I made a suggestion that an institution ought to be permitted to have a guarantee of part of a loan, and not necessarily the whole loan. The Minister for Housing has accepted the view I put forward. The amendments in my name and in the name of the Chief Secretary are calculated to give effect to the desire of the Minister for Housing and myself to permit the guarantee of part of a loan. I move an amendment—

> That after the word "instrument" in line 22, page 2, the following definition be added:—
>
> "Loan" includes part of a loan.

Amendment put and passed.

Hon. H. K. WATSON: I move an amendment—

> That after the word "sewerage" in line 41, page 2, the following definitions be added:—
>
> "part of any loan" means that part of the loan which is nominated by an institution as being in excess of the maximum loan which it would normally advance on the relevant security; and "part of any purchase money" has a corresponding meaning.
>
> "purchase money" includes part of purchase money.

Amendment put and passed; the clause, as amended, agreed to.

Clause 4—agreed to.

Clause 5—Power to approve institutions:

On motions by the Chief Secretary, clause amended by—

- inserting after the word "loan" in line 22, page 4, the words "or part of any loan";
- inserting after the word "loan" in line 23, page 4, the words "or part of any loan";
- inserting after the word "price" in line 26, page 4, the words "or part of any purchase price";
- inserting after the word "loan" in line 5, page 5, the words "or part of any loan";
- inserting after the word "loan" in line 6, page 5, the words "or part of any loan";

inserting after the word "price" in line 9, page 5, the words "or part of any purchase price."

Clause, as amended, agreed to.

Clause 6—Treasurer empowered to give guarantee:

On motions by Hon. H. K. Watson, clause amended by—

inserting after the word "loan" in line 17, page 5, the words "or part of any loan";

inserting after the word "money" in line 21, page 5, the words "or part of any purchase money";

inserting after the word "loan" in line 26, page 5, the words "or part of a loan";

inserting after the word "money" in line 27, page 5, the words "or part of purchase money."

adding after the word "institution" in line 31, page 5, the following:—

where the instrument of guarantee relates to part of a loan or of purchase money, it shall also contain such formula or other particulars and provisions as are agreed upon between the Minister and the approved institution for determining how or when the part so guaranteed shall be deemed to have been received in full by the approved institution.

On motions by the Chief Secretary, clause further amended by—

inserting after the word "loan" in line 34, page 5, the words "or part of any loan";

inserting after the word "money" in line 36, page 5, the words "or part of any purchase money";

inserting after the word "the" in line 39, page 5, the words "whole of the";

inserting after the word "amount" in line 40, page 5, the words "of the loan, or the purchase money payable under the contract of sale and purchase";

inserting after the word "the" in line 3, page 6, the words "whole of the";

inserting after the word "amount" in line 4, page 6, the words "of the loan, or of the purchase money payable under the contract of sale and purchase";

inserting after the word "the" in line 7, page 6, the words "whole of the";

inserting after the word "amount" in line 8, page 6, the words "of the loan, or of the purchase money payable under the contract of sale and purchase";

inserting after the word "loan" in line 13, page 7, the words "or part of any loan";

striking out paragraph (a), page 7;

inserting after the word "mortgage" in line 18, page 7, the words "unless the Minister consents to a greater rate of interest being payable under second mortgage".

Clause, as amended, agreed to.

Clause 7—Valuers and valuations:

Hon. H. K. WATSON: I move an amendment—

That after the word "appointed" in line 35, page 7, the words "or by any other valuer approved by the Minister" be inserted.

Amendment put and passed; the clause, as amended, agreed to.

Clause 8—Fund:

Hon. H. K. WATSON: This clause provides for a fee of ¼ per cent. on the amount of the guaranteed loan. I do not propose at this stage to move an amendment. The State guarantees various concerns—for instance Chamberlain Industries—without charging a fee. The Chief Secretary told us the other night that on a loan of £3,000 the guarantee would amount to £283 over the term of 45 years. The Chief Secretary also informed us that guarantees had been made in New South Wales to the extent of £1,000,000 or £2,000,000 during the past 20 years. I inquired from the Registrar of Building Societies in that State what losses had been made and the reply was that there were no claims under indemnities to building societies.

There is no great amount of risk on the excess loans or risk money. I suggest to the Minister that the fee of ¼ per cent. might well be reduced. The Minister might consider amending the Act next year. The amount of the collection would be in excess of what is necessary. The guarantee fee might be paid once and for all when the guarantee is made rather than have an annual or quarterly collection involving a lot of bookkeeping, and so on, for 30 years. Alternatively there is merit in the amendment which stands on the notice paper in the name of Mr. MacKinnon, and that is that a guarantee for a smaller amount of, say, £750 might well be exempt. Subject to these reservations I support the clause.

On motions by the Chief Secretary, clause further amended by—

striking out the word "every" in line 17, page 8, and inserting the word "any" in lieu;

inserting after the word "repayment" in line 17, page 8, the words "of any amount";

striking out the word "all" in line 20, page 8, and inserting the word "any" in lieu;

inserting after the word "payment" in line 20, page 8, the words "of any amount";

inserting after the word "of" in line 24, page 8, the words "that amount of";

inserting after the word "loan" in line 24, page 8, the words "payment of which is guaranteed";

inserting after the word "of" in line 25, page 8, the words "that amount of";

inserting after the word "money" in line 25, page 8, the words "repayment of which is guaranteed".

Clause, as amended, agreed to.

Clause 9—Power for approved institutions to accept guarantees:

Hon. Sir CHARLES LATHAM: I move an amendment—

That after the word "loans" in line 9, page 10, the words "and to receive deposits or loans" be inserted.

The CHIEF SECRETARY: I ask the Committee not to agree to this. Actually it is in the wrong place. It would more appropriately come under the Building Societies Act. I will have the proposal submitted to the department; and if there is merit in it, we will have the amendment made.

Amendment put and negatived.

Clause put and passed.

Clause 10—agreed to.

New clause:

Hon. H. K. WATSON: I move—

That the following be inserted to stand as Clause 6:—

In respect of any repayment or payment (as the case may be) which is guaranteed pursuant to the provisions of section six of this Act, the approved institution may, by written notice served on the Minister during any quarter, elect that the guarantee shall, as from the end of that quarter, cease to apply; and thereafter any such guarantee shall cease to apply to repayment of any such loan and payment of interest on any such loan and to payment of any such purchase money and interest payable on any such purchase money and the provisions of subsection (2) (b) of section eight of this Act shall cease to apply thereto.

New clause put and passed.

Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—PUBLIC SERVICE.

Assembly's Message.

Message from the Assembly notifying that it had agreed to Amendments Nos. 4 to 19 inclusive and had disagreed to Nos. 1, 2, 3, 20, 21, 22 and 23 now considered.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

The CHAIRMAN: The amendments to which the Assembly has disagreed are as follows:—

No. 1.

Clause 1, page 2, line 5—Add after Division 1 the following:—"Division 2.—The Public Service Commissioner."

No. 2.

Clause 7, page 5, line 6—Add the following definition:—

"Commissioner" means the Public Service Commissioner for the time being in office under this Act.

No. 3.

Clause 12, page 8, line 27—Insert before the words "The offices" the words "Subject to the provisions of section thirteen of this Act."

No. 20.

Clause 40, page 34—Delete subclause (10).

No. 21.

Clause 66, page 65—Delete subclause (5).

No. 22.

New Clause—Insert after Clause 12 a new clause to stand as Clause 13 as follows:—

13. (1) If the Public Service Commissioner is appointed as a member of the Board (whether as Chairman or as an appointed member) the Governor shall appoint a person as a fourth member of the Board.

(2) The Public Service Commissioner shall not sit on the Board on the hearing of any appeal under section forty or section fifty-two of this Act against a decision given by himself but on the hearing of every such appeal the Board shall be constituted of the two members other than the Public Service Commissioner and the fourth member appointed under this section.

(3) If the Public Service Commissioner is Chairman of the Board the fourth member shall sit as Chairman on the hearing of the said appeals, and if the Public Service Commissioner is an ordinary member of the Board the fourth member shall sit as an ordinary member on the hearing of those appeals.

(4) The fourth member of the Board shall not act as a member except as provided in this section.

No. 23.

New Division—Insert after Clause 32 a new Division to stand as Division 2 as follows:—

Division 2.—The Public Service Commissioner.

33. (1) The Governor may from time to time appoint a Public Service Commissioner.

(2) The Commissioner shall have the powers and authorities, and shall discharge and exercise the duties and functions by this Act vested in or imposed or conferred upon him.

The CHAIRMAN: The Assembly's reasons for disagreeing are as follows:—

Nos. 1, 2, 3, 22 and 23:

A close examination of Public Service legislation in all States was made prior to the Bill now before Parliament being drafted. The Committee of Investigation recommended the type of Board proposed in the Bill. The South Australian system was rejected as being unsuitable to Western Australia's requirements. The Civil Service Association of Western Australia is strongly in favour of the proposed Board as provided for in the Bill.

Nos. 20 and 21:

The Government Employees (Promotions Appeal Board) Act already provides that only members of the appropriate organisation may appeal to the Board, and it is thought this principle should be extended. To delete the provision from the Bill would abolish a right which the members of the Civil Service Association already possess in regard to appeals against promotions.

The MINISTER FOR RAILWAYS: I move—

That the amendments be not insisted on.

The Bill, as originally presented to us, provided for a three-man board; and the amendments which the Government will not agree to provide for a single commissioner with an advisory board. There are also a couple of other amendments which apply to the appeal board. One provision which the Council would not accept, and which the Public Service Association wanted, and asked for, was that appeals should not be held unless the appellants were members of the association. The Council's amendments change completely, and are totally foreign to, the Bill as introduced; also, they do not meet the requirements of the Public Service Association which has requested the appointment of a three-man commission.

Hon. C. H. SIMPSON: I hope the Committee will not agree with the Minister. Certain of our amendments affect about a half of one per cent. of a total of 4,000 civil servants. Some of these people are not able to be members of the association and others, probably because of religious convictions, feel that they should not be members of any association. The Bill as presented to us would deprive those people from appealing against any decision.

As regards the association's attitude towards the appointment of a board instead of one commissioner, I think it would be difficult to get sufficient members together at one meeting to make a decision which would meet the wishes of the majority. From what advice I have had, and from my contact with the Civil Service, I think the reverse is the case and they would rather have one commissioner with advisory members. In any case, on the score of economy and efficiency and to the advantage of the Government, and possibly to the Civil Service Association itself, I hope the Committee will insist on the amendments and will oppose the Minister's motion.

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

Ayes	9
Noes	13
Majority against	4

Ayes.

Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. F. R. H. Lavery
Hon. G. E. Jeffery	*(Teller.)*

Noes.

Hon. L. C. Diver	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. J. M. Thomson
Hon. L. A. Logan	Hon. H. K. Watson
Hon. G. C. MacKinnon	Hon. F. D. Willmott
Hon. R. C. Mattiske	*(Teller.)*

Pairs.

Ayes.	Noes.
Hon. R. F. Hutchison	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. J. Cunningham
Hon. J. D. Teahan	Hon. N. E. Baxter

Question thus negatived; the Council's amendments insisted on.

Resolution reported, the report adopted and a message accordingly returned to the Assembly.

BILL—STAMP ACT AMENDMENT.

Second Reading.

Order of the Day read for the resumption of the debate from the 20th November.

Question put and passed.

Bill read a second time.

In Committee.

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

Third Reading.

The CHIEF SECRETARY: I move—

That the Bill be now read a third time.

Hon. Sir CHARLES LATHAM: I presume that if this Bill is passed any person who has a cheque book with 1d. stamps on the cheques will be obliged to have 2d. stamps put on.

The CHIEF SECRETARY (in reply): I take it that the necessary adjustments will be made when the measure is proclaimed.

Question put and passed.

Bill read a third time and *passed.*

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

Debate resumed from the 26th November.

HON. E. M. HEENAN (North-East) [2.10 a.m.]: This is a short Bill but an important one because of the fact that the matrimonial status of quite a few people is rendered somewhat uncertain at present due to a recent High Court decision. It is strange how such a state of affairs came about. Section 51 of the Matrimonial Causes and Personal Status Code provides, with regard to appeals—

> Every order for the dissolution of marriage may be appealed against on grounds of fact or law or both by any party bound by the order.

The wording of that is worth noting. It says "every order for the dissolution of marriage." The particular case involving the decision we are trying to remedy was one that came before Mr. Justice Jackson in the Divorce Court and on which he refused an application for a dissolution of marriage. The husband then appealed to our Full Court against the judge's decision to disallow the application and the Full Court granted the husband's application. It looked then as if the parties were divorced as a decree had been ordered by the highest court in our State overruling the judge of first instance.

However, the lady in the case then appealed to the High Court of Australia which allowed her appeal and pronounced in effect that the marriage had not been dissolved. It did that on the grounds that Section 51 allows anyone to appeal against an order dissolving a marriage but it does not allow anyone to appeal against an order refusing to dissolve a marriage. So that state of affairs is the main reason for the introduction of this Bill.

Hon. Sir Charles Latham: Did the appellant get married in the meantime?

Hon. E. M. HEENAN: In the past a number of people did appeal where a judge refused a petition. Either a husband or wife has sued for a divorce and the judge in first instance has refused to grant a decree. The party who lost then appealed to our Full Court and our Full Court has regarded itself as competent to decide the issue one way or another. The present position is that a number of people who had acted on our Full Court's findings and have got remarried, by virtue of this decision in the case of Liebe v. Liebe—decided by the High Court recently—find themselves in the position that their marriages are void.

Hon. Sir Charles Latham: The High Court has not decided those cases.

Hon. E. M. HEENAN: No.

Hon. Sir Charles Latham: They may give a reverse decision.

Hon. E. M. HEENAN: The decision of the High Court is that our Full Court has never had authority to deal with an appeal where a divorce has been refused. This Bill now makes it clear that an appeal lies to the Full Court in such cases. If anyone was granted a divorce in the lower court and the other party appealed against it there would be jurisdiction; but where the judge refused to grant a decree and either party appealed to the Full Court there would be no jurisdiction. There are cases where the parties have remarried after a successful appeal to the Full Court and that is why this Bill has been introduced. Members will appreciate how important it is, because the welfare and interest of children are concerned. I do not expect there are many cases, and to the people concerned it is probably a matter of ignorance being bliss. When this decision was given recently the Chief Justice quickly realised the position and suggested to the Government that this remedial legislation be introduced.

The Chief Secretary explained the position adequately and better than I have done, but I just wanted to add my few words in support of the Bill, which is vitally necessary in the circumstances.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from an earlier stage of the sitting.

HON. R. C. MATTISKE (Metropolitan) [2.19 a.m.]: In the comparatively short time at my disposal I have examined the

Bill as well as I could; and, in general terms, I find it is quite satisfactory. However, there is one particular type of person to whom I think relief should be given and it is my intention, in the Committee stage, to introduce an amendment. The type of person to whom I refer is one who has in the past arranged to lease land for the purpose of erecting a fishing shack. This has been going on for a long time, quite legitimately, and I feel such a man should be protected in order to be enabled to continue that practice. I think the proposed amendment will meet the position quite satisfactorily. In the meantime, I have pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Town Planning in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 20 amended:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "structure" in line 25, page 2, the following proviso be inserted:—
>
> > Provided also that such approval shall not be necessary to any instrument of lease wherein a proviso is inserted that no option of purchase of the land comprised in the lease has been granted or taken and that no such option will be granted by the lessor to the lessee or any other person during the term of the said lease and that no consideration in respect of the land has passed between the parties to the lease other than the rental reserved in the lease.

The MINISTER FOR TOWN PLANNING: This amendment will exempt from the Act those persons who have a lease with no option of purchase, and it is a safeguard.

Hon. Sir Charles Latham: What about buildings on these leases?

The MINISTER FOR TOWN PLANNING: If a person had a building on the leased land, I expect he would want some protection in his lease. That is entirely up to the individual to arrange. He is not leasing this land with the idea of purchase. In my second reading speech I mentioned to members the existence of certain advertisements which have appeared in the Press but I was not able to find them. I have them now and will read portions to members. This is part of an advertisement of some land at Wanneroo, which is 21 miles from Perth.

The particular advertisement says, "Invest in the future. Remember that new railway line northwards, parallel to the coast (see Stephenson Plan): It may be sooner than you think. Terms available—free of interest." Here are the terms and conditions in regard to Quinns Rock, Wanneroo:—

(a) Lease for term of five (5) years.

(b) Right to purchase freehold (subject to prior approval of subdivision).

(c) Option to renew original term for further five years.

(d) Rental £10 per annum payable in advance.

(e) Security required equal to half of purchase price to be refunded in the event of right of purchase not being exercised.

A person pays a deposit equal to half the purchase price for a five-year lease, with an option to renew the lease after five years. At the end of 10 years if there is no subdivision, the money is returned. However, they have had the use of that money for 10 years. I have here a copy of how an application is to be made. Having discovered these matters, I thought I would mention them, and they are available for hon. members to see them if they are interested.

Hon. Sir CHARLES LATHAM: Will a person who builds a house on a lease be exempt from the scheme? I know some freehold land at Osborne Park, where a man has built a house and the town planner has put a circle through it. He is a freeholder, and I wonder whether he will have to shift his house. Will such people be better off by just having a lease?

The MINISTER FOR TOWN PLANNING: I do not think so. The hon. member is referring to a property affected by a road which requires widening.

Hon. Sir CHARLES LATHAM: Is there differential treatment as between freeholders and leaseholders?

The MINISTER FOR TOWN PLANNING: No.

Hon. H. K. WATSON: I move—

> That the amendment be amended by striking out the word "also" from the proviso.

Amendment on amendment put and passed.

Amendment, as amended, put and passed; the clause, as amended, agreed to.

Clauses 3 and 4, Title—agreed to.

Bill reported with an amendment and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with an amendment.

BILL—APPROPRIATION.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.37 a.m.] in moving the second reading said: This is the customary Bill to appropriate the amounts required for the services of the year, which is submitted to Parliament when the estimates of expenditure from the Consolidated Revenue Fund and the General Loan Fund have been passed. The total amount required from the Consolidated Revenue Fund is £46,493,164. Of this, the Supply Bills agreed to by Parliament this session account for £17,493,164. A summary of the sources to which the total amount is allocated is shown in Schedule B on page 4 of the Bill.

The estimated expenditure from the General Loan Fund is £17,523,000 and from the Advance to Treasurer £3,500,000. A summary of General Loan Fund expenditure is also on page 4 of the Bill. Schedules E and F of the Bill show those amounts spent from Consolidated Revenue and General Loan Fund in excess of the amounts voted last year.

Clause 4 of the Bill is to approve of the expenditure from the Reforestation Fund as set out in the Scheme of Expenditure which has already been laid on the Table of the House and which requires the approval of Parliament. I move—

> That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [2.40 a.m.]: I have no desire to oppose the Bill but wish to use this opportunity to deal with certain statements made tonight by the Minister for Railways—I think in a heated moment—arising out of the report of Mr. Smith. I have looked at that report and desire to comment on one or two of the statements made, which I do not think are fair to the decisions taken by the commission when it started its work; nor to the Government of the day, in which I was Minister for Railways.

I do not wish to convey the impression that Mr. Smith's report has not great value, but only to refer to one or two comments concerning the period with which I am familiar. As to how far the comments are correct in relation to the period since then, I do not know. I assume, because I know Mr. Smith, that he at least is convinced that everything he has said is true; but with regard to some of the remarks passed concerning the period 1949-1951 or thereabouts, I think Mr. Smith must have been influenced by the attitude of the witnesses with whom he came in contact.

It is not my wish to suggest that those witnesses were not sincere; but regarding certain comments as to what could or should have been done in the workshops, as compared with the work sent overseas, I would suggest that men who have, as it were, grown up in a workshop, may have an unconscious bias regarding its possibilities and what it could do. Looking back seven years, they probably did not get the proper perspective in regard to the views they offered; or it may be that Mr. Smith, without desiring to do so, read more into their comments than was intended by those who made them.

One of the first references is to the apparent lack of liaison between the commission and the Treasury. I can assure the House that there was daily liaison between the commission and the Treasury; and in fact, I would say that for about half the time many files were under examination at the Treasury in regard to certain requests made by the commission and recommendations made in regard to the procurement of plant and equipment. A Mr. Lancaster was research officer at the Treasury; and he not only went through the appropriate railway files, but also all the associated files, in his desire to probe thoroughly the recommendations made from time to time. In regard to the workshops Mr. Smith said—

> One important feature was that during this time Midland workshops could have built these or similar locomotives and have had them running in traffic almost as soon.

That was closing the comment he made in regard to ordering locomotives from Beyer Peacock.

He also criticised the apparent action of the commission in not calling tenders. At that time, it was almost impossible to buy locomotives from anywhere. We considered ourselves fortunate in being able to get in touch with this firm of Beyer Peacock which had the building capacity. We secured its capacity before it was taken up by other railway systems which, like our own, badly needed plant. We knew that the Rhodesian railways in South Africa were anxious to obtain locomotives for a gauge of the same width as ours. So, without attempting to call for tenders from other firms, we took what was offering and was glad to have that opportunity.

I do not think Mr. Smith appreciated the desperate position the railways were in at that time. The report by the Royal Commissioners, Messrs. du Plessis and Gibson revealed that the Midland Junction Workshops were badly run down. They were not only obsolete, but badly equipped. It was part of the work, which was approved by the then Government and carried out by the Railways Commission, to bring the standard of equipment up to date. Many obsolete machines were discarded, and the travelling ways outside the establishment were either cemented

or asphalted. All the interiors of the shops were built up to rail level so that trucks could be taken from any one part of the workshops to another and so avoid a great deal of wasted time by having to take the trucks to a bridge or platform in order to transfer it to another bay.

Fans were installed to overcome the dust nuisance. More light was admitted and the walls were spray-painted so that the working conditions of the employees were improved to that extent. Money was also spent on a canteen. This all goes to show that everything possible was done to step up the work of the Midland Junction Workshops. I suppose that today they are equal to any similar workshops in Australia. It may be that Mr. Smith has been influenced by the appearance of the shops today rather than by what they were like in 1949 and 1950.

However, engine power had to be acquired in a hurry, together with the new rollingstock. The Midland Junction Workshops could not have carried out that work as at that time they were mainly engaged on repair work. Some of the engines that had to be repaired were 50 years old. However, a system was initiated under which the trucks coming in for repair were thoroughly overhauled and carded with a return date three years in advance so that in theory at least every truck in the system would have been serviced in the three-year period. That work occupied the shops very fully. That was only one of the several methods employed to protect that part of the system.

Mr. Smith comments on the report made by the 1947 Royal Commission and says that the Royal Commissioners stressed necessary attention to the rollingstock and motive power and also referred to the track. In fact, they should have drawn particular attention to the state of the track, but it was hardly mentioned by them, with the result, that when the new railway commissioners took over, they placed greater emphasis on the need for engine power and trucks than they did on the track; work which was more urgent. The true position of the track was not revealed until later. That was not surprising because Mr. du Plessis was a traffic man and Mr. Gibson was a civil engineer with experience on bridge construction and the like, but was not experienced with the necessities of track maintenance.

That is the picture against which we have to gauge what the Government of the day did or what the Royal Commissioners did. I entirely agree with one remark made by Mr. Hall; namely, that the position at that time dictated the course that would follow. That is definitely a fact. Therefore, Mr. Smith assumed many things which were not correct. In his report, Mr. Smith said—

> It is fully appreciated that the last Royal Commission commented adversely on the bad condition of the locomotive position in Western Australia, but it also commented on the deplorable condition of the track. The latter is generally speaking still in the same condition.

In fact, the Royal Commissioners did not emphasise the condition of the track as they should have done. If they had examined that part of the system thoroughly it would have been made priority No. 1. Therefore, Mr. Smith's strictures in that regard are not in strict accordance with the facts as we knew them.

In one part of his report he refers to the building of the necessary engine power. I have explained that, at the time, the Midland Junction Workshops were not in a fit condition to undertake a big works programme and it was not until they were reconditioned and supplied with new machinery, which had not then arrived, that they were capable of doing a really good job. I might mention that when the strike was on we gave work to men under the supervision of engineers and draughtsmen and they installed practically the whole of the machines which were acquired at that time to save time. If the strike had not occurred and the works had not been idle as a result, the installing of machines in a bay would have meant that, under normal conditions, work would have been suspended for a week or two.

Mr. Smith refers to creative work at the Midland Junction Workshops. I admit that the capacity of the shops now is excellent, but that was not the position at that time. He mentioned that some work was done over the years. In fact, they were building engines on the pattern of 1924 locomotives because that was the only model in the shops. However, locomotive design had advanced by leaps and bounds, and it was necessary to order at least some engines in order to provide a pattern from which the workshops could fabricate a locomotive later on. Mr. Mills, who designed the Garratt engine, made the same mistake as Mr. Clarke. He tried to build an engine that was too powerful for the chassis.

I think I have said enough to indicate that, in some respects at least—and in application of what was done by the Railways Commission and by myself as Minister—Mr. Smith has assumed things that are not in strict accordance with fact. However, so much for that. A couple of days ago the Minister said that this Government had cut £500,000 per year off the buying price of coal.

The Minister for Railways: I did not say that.

Hon. C. H. SIMPSON: I think the Minister did.

The Minister for Railways: I did not.

Hon. C. H. SIMPSON: I am sure that is what I heard.

The Minister for Railways: You show it to me in Hansard.

Hon. C. H. SIMPSON: However, I asked for the coal file. The Minister may or may not be right, but I think that the figure he mentioned appeared in the Press. I made a close examination of the coal file; and whilst I assume that the Premier, after two or three years' negotiation, did secure a cheaper price for coal, the claim to have secured it so much more cheaply is no indication that the companies were making a huge profit previously.

What actually happened was that some years ago, when it was necessary to stimulate coal production, Cabinet decided to finance the companies to enable them to mechanise the mines for the production of deep-mine coal extraction. However, that was not as easy as it sounded. The necessary machines had to be bought and the necessary travelling ways underground had to be provided.

It must be remembered that in the early days, when it was hard to sell Collie coal, it had to be selected from here and there to meet the requirements of the buyers; and as a result, the inner workings were nobody's business. So, when we came to put in the travelling ways and to transport the fairly big machines to the coal face, a great deal of work had to be done before the machinery could be installed and equipped. Such machinery is equal to producing coal at about half the production costs of winning hand-cut coal so far as the deep mines are concerned.

Those machines were supplied to the various companies on a hire-purchase system, the purchase price which they had to pay being added to the price of coal for the time being. That was about the only way by which the finance could be met and recovered from the company. It was provided in the contract that this amount would be repaid over a term of seven years. Therefore, as those contracts were made in 1949, obviously, in 1956 the companies would be relieved, to a large extent, of having to find that capital month after month to pay for their machines.

If one studies the financial reports of the companies it will be seen that the indebtedness to the Government has been considerably reduced, obviously because of the purchases of those machines being completed. If they had not been forced to add to the price of coal the moneys necessary to reduce their commitments then, in fact, they could have reduced the price of coal to the Government. Therefore, that would go some way towards explaining the difference in price that had been charged by the companies previously and the price at which the present Government was able to make contracts.

However, the file is rather revealing, inasmuch as Cabinet had obviously considered the question of obtaining greater supplies of open-cut coal which, of course, could be obtained at a cheaper price. One minute—which I do not see on the file now, but which was on the file when it was in another place when I examined it—showed that the Minister for Mines had submitted a minute which requested from the Amalgamated Collieries open cut a production of 10,000 tons a fortnight; Griffin open-cut 12,000 tons; Western Collieries on a 50-50 basis, 6,000 tons; or a total of 28,000 tons a fortnight.

At that time Amalgamated Collieries was producing 23,600 tons a fortnight at 71s. 6d. per ton and employing 762 men; Griffin Company was producing 9,500 tons per fortnight at 41s. 6d. per ton and employing 333 men; while Western Collieries produced 6,400 tons per fortnight at 61s. per ton and employed 238 men; so in all there were 1,333 men employed.

The Minister for Railways: What is the date of that minute?

Hon. C. H. SIMPSON: The 1st November, 1955.

The Minister for Railways: You say it is missing from the file?

Hon. C. H. SIMPSON: It is not on this file. It was loose and might have slipped out. I am putting it up because the extract was taken from the minute on that file. If these proposals had been adopted—no doubt they were considered—it would have meant the reduction of the man-power from 1,333 to 625.

In another place on the file it is stated that Mr. Cornish passed these remarks which were published in "The West Australian" on the 20th June, 1957. The report states—

> C. J. Cornish, president, W.A. Chamber of Manufactures: In your issue of June 15, W. Latter, president of the Collie Miners' Union, refers to "my attack" on the State Government plans in respect of the proposed expanded charcoal iron and steel industry.
>
> Has Latter, in his new role as champion for industrial development, suffered pangs of conscience? Does his union now desire to make retribution for the great harm it has done the industrial development of this State by almost weekly disputes, stoppages and threatened stoppages?
>
> The result of this industrial irresponsibility is that West Australian development has been, and is being, retarded by the disadvantages of the highest cost coal of any State in the Commonwealth. Actually, the cost of coal in Western Australia is about twice what it should and could be, and the community is subsidising approximately 600 surplus miners to the extent of £2,000 a year each.

I have no doubt that Big Bell and other mining towns could have been preserved by similar subsidies. However, they would be as unjustified as the present subsidy to Collie. The payment of subsidies from the public purse to maintain production of commodities at twice their market value must in the long run adversely affect the State's economy and development.

For these reasons I reiterate that the proposed large-scale charcoal iron industry will be worth while if only for the fact that it can provide alternative employment for surplus Collie miners, and bring about a substantial reduction in the price of coal. It will be more welcome if it is developed as a private and not as a wholly State enterprise.

Contrary to the opinion expressed by Latter, I am certain that if high coal prices continue the present trend of declining markets will also continue.

Latter's childish attempts to depreciate the quality of open-cut coal will deceive nobody. My members prefer to purchase coal on chemical analyses and tests rather than to accept the obviously biased opinion of Latter, as no doubt do the Railway and State Electricity Commissioners, who prefer certain open-cut coals to most deep-mine coals.

I mention those facts because the claim that has been made in the newspaper is more apparent than real. While I agree there are difficulties in regard to Collie coal there is no question that one company has sufficient open-cut coal to supply all the needs, and from that seam the requirements for the next 40 to 50 years can be met, with perhaps more. The position is vastly different today from what it appeared to be in 1947. We embarked on mining of deep coal in order to hold in reserve the open-cut coal, which, as far as we knew, was limited. We discovered at the end of our term how much open-cut coal we really had.

While I know the position is difficult, if in the best interests and in the economy of the State some ways and means can be devised to give us more open cut, if not wholly open-cut coal, that would reduce the power cost, the lighting cost, and—incidentally—rail freights. This file reveals that the contracts of the Government are with the two bigger companies which employ deep-mining methods. The Griffin Co., which can supply open-cut coal in quantities, is handling a very small contract which runs for a limited term; whereas the other contracts run for three years each.

It gives me no pleasure to pass these remarks. I do not want to criticise the Government at this late hour. In my view these cases should be brought before the House, and the Government should be asked to give them sufficient consideration.

HON. J. MURRAY (South-West) [3.8 a.m.]: At this late hour in the morning it is very difficult for me to do justice to the matters to which I want to refer. This is the last opportunity for members of this House and another place to comment on matters which are not covered by specific legislation. Probably the kindest way to treat the remarks of the previous speaker is to say that he protested too much.

I came into this country in 1910. At that time one matter was drummed into my mind and that was the efficiency and the ability of the Midland Junction Workshops to perform various classes of work, whether it be the construction of intricate engines or engines of foreign order. What a surprise the subsequent events revealed! Successive Governments, because of various circumstances, failed to recognise the capacity of those works to undertake certain orders, so they contracted outside the State for the manufacture of engines and trucks for the conveyance of the primary produce of this State. The result was the building up of a phenomenal debt incurred by the Railway Department.

From its inception the Midland Junction Workshops were capable of manufacturing even special types of locomotives and anything that was required by the railways. We find that those works were passed over because no Government realised their potential. The practice has arisen of adopting a disinterested attitude. That is because the Governments spent a lot of money but produced nothing. The responsibility is on successive Governments for this state of affairs.

These Governments have gone out of the State to obtain their requirements. I regret that the hon. member who has just sat down referred to coal and the ramifications of its production. Only a few months ago I asked this question at a very conservative meeting: "Would you ask any Government, whether it be of our colour or any other, to say to the 9,000 inhabitants of Collie that from now on Collie is to die a lingering death?" In effect that is what will be asked of the miners to turn from deep mining to open cut.

The problem was not created in the present days but in the past, when Collie was first developed. One of the most undesirable features that was introduced, and also introduced in many other industries since, was the cost-plus system. If in the days gone by Governments had been prepared to pay a fair price instead of purchasing coal on a cost-plus basis, Collie would have developed on a fair and sound basis. But Governments—I do not say just this Government but all of them —have accepted this unrealistic position with regard to Collie by saying, "We will

pay for coal on a cost-plus basis." Then, of course, the open-cut comes into the question. It is said that we can produce coal much cheaper by the open-cut method than by deep mining. I am not the member for Collie, but I want members in this House and those in another place to keep this firmly in their minds. Many people in Collie, not only miners but business people and others, will be affected. I say, without pulling any punches, that a business centre has been established there on a false basis, on account of the cost-plus arrangement.

Collie is a very sound town and will continue to be if it is allowed to go on. But certain people advocate going in for open-cut mining. We can get all the coal we require, and good coal too. But the Government of Western Australia will be faced with the transfer of population amounting not to just a few people, but many people, and their homes, to some other industry. At present other industries are not prepared to accept an influx of people deprived of their employment in a town which has been built up in very uncertain circumstances.

I would draw attention to one of those things that I am disturbed about in the political situation of Western Australia. In certain industries there are pressure groups which can wield pressure against a Parliament. I am not talking about the Parliament of today but of many years ago. I am not going to use names, but I could mention some people who would bring pressure to bear on Parliament and say that the means justified the end. That has been done with regard to Collie; and it is for this Parliament and this Government to say, "Is this town going to live and gradually turn from coal to other things?" Or are we going to say, "This town was established on a false premise and we are going to kill it"?

With all due responsibility I say that this Parliament, the Government, and the people of Western Australia have a responsibility to see that a town of the magnitude of Collie, despite the fact that it was built on a false premise, survives.

This is similar to the question raised in regard to Midland Junction. At one time the Midland workshops were the most efficient in Western Australia, and they can still be. I know from personal experience that certain people engaged at Midland surrendered the job because they could not stand what was going on. Those shops can regain the high regard in which they were held in the past, and we need not let our railway contracts to outside firms; and I am an advocate of private enterprise.

The Midland Junction Workshops originally had efficient people carrying out the work. Public funds have been expended to bring the shops up to a high standard. Do not let us surrender the position through inefficiency. It is not because of inefficiency that they are in their present state but because the dry rot has set in and no one cares very much. They have lost the incentive to be proud of what they were doing in the interests of the State.

In its own right this House appoints committees at the beginning of each session. The House has a responsible duty to appoint people to these committees. Over the years this responsibility seems to have been delegated. The question appears to have been, "Who will accept the position?" and not "Who will do a good job in the position?" The people who will be honoured and privileged to return here next year will have a grave responsibility.

One of the committees set up by the House is the Standing Orders Committee, and the House has a grave responsibility in electing members to it. Unfortunately, on many occasions when people are elected to a committee they feel it is of not much use raising their voices. Their attitude is: Let sleeping dogs lie and everything will be all right. The Standing Orders Committee is one of the most important that we set up; and I suggest that there is something to which our Standing Orders Committee could well give consideration, and that is an amendment to the Standing Orders governing certain things. At page 59 of the book of Standing Orders, reference is made to conferences.

Conferences of both Houses of Parliament constitute one of the most important things that happen in our parliamentary life. The House can consider legislation in a frame of mind as nearly balanced as possible, but because of a small loophole, as I see it, in the particular Standing Orders relating to conferences certain things can transpire so that the will of Parliament, or the will of the House can be not only jeopardised but completely upset by the action of a conference.

I sincerely appeal to members who are returned here next year to see that the Standing Orders Committee examines this question at the earliest opportunity, and tries to devise an amendment to the Standing Orders that will bring about some degree of sanity. Because some members here or in another place may be in doubt about what I am saying, I point out that what I am driving at is this: In my view, and in the view of many other people, it is not competent for any member of a conference between both Houses to reintroduce matter that has already been rejected by the majority of the House that he represents. I am not saying that he cannot reintroduce matter which has been rejected by another place, but matter which has been rejected by the House he represents.

It is not the function of a member appointed to a conference to do that. We have already decided that position. I think it is most serious. The House after a deliberate and exhaustive debate on a certain subject can at a later stage find

that something has been reintroduced that the House had already discarded because it was not right in principle. I am not going to weary the House any longer.

Finally, because I may not have an opportunity at a later stage, I want to pay tribute to the manner in which the Minister for Railways conducted the business of the House during the absence of the Chief Secretary. It was unfortunate that the Chief Secretary was not here, but I must pay a tribute to the manner in which the Minister for Railways conducted the business of the House and gave us every opportunity to express our views.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [3.30 a.m.]: I regret having to speak on this Bill—I do not think I have spoken on an Appropriation Bill before—but the remarks of Mr. Simpson, as they concern the Royal Commissioner's report on railways, call for some correction. It seemed to me that the hon. member was apologising for the fact that there are some adverse comments by the Royal Commissioner, and he attempted to justify the actions which the Royal Commissioner has reported upon. He said that locomotives had to be bought because his Government wanted them in a hurry. Space for the locomotives was reserved in January, 1950; they were ordered in 1951, and they arrived here in 1955!

Hon. C. H. Simpson: You know the reason for that.

The MINISTER FOR RAILWAYS: Because the Government of that time asked for payment to be deferred.

Hon. C. H. Simpson: Because we had no money.

The MINISTER FOR RAILWAYS: That is so; but the hon. member was in a hurry for them! Yet the railways still functioned from 1950 onwards, and the locomotives did not arrive until 1955. The excuse was, "We cannot get locomotives."

Hon. C. H. Simpson: I think you know the reason.

The MINISTER FOR RAILWAYS: The Midland Junction Workshops were building five or six locomotives a year until the three-man commission took over, and the workshops have not built one since.

Hon. C. H. Simpson: I do not know the position now.

The MINISTER FOR RAILWAYS: It is all set out in the report. Mr. Murray talked about the workshops being efficient. They have always been efficient, and that is why we have placed orders for new diesel cars and the Westland with them. We know they are efficient and can do a better job than can be done outside. But the workshops have been run into the ground, and not given an opportunity to show their worth.

It is true, as Mr. Murray said, that the good men leave the workshops because they do not want to be patchers and repairers. They like to take a pride in their work; they like to see something running along the rails and be able to say, "I had a hand in building that." But what has happened? They find 4,000 coaches and wagons backed up at their back door with some wanting a new plank and some wanting other minor repairs. The system was introduced that every three years, whether the wagons had been used or not, they had to be brought in for overhaul; and at the same time 4,000 more wagons were ordered from England, and they cannot be utilised to their full capacity. There is no excuse for that. The Royal Commissioner's report is based on exactly the same evidence as that on which the hon. member based his argument regarding the coal position—the files.

Hon. C. H. Simpson: They tell a very interesting story.

The MINISTER FOR RAILWAYS: They do. The most astounding thing is that a commission could be allowed to place a Government in debt overseas to the tune of millions of pounds! Just on the commission's say-so!

Hon. C. H. Simpson: No.

The MINISTER FOR RAILWAYS: Absolutely on the commission's say-so.

Hon. C. H. Simpson: That is not correct.

The MINISTER FOR RAILWAYS: Yes it is!

Hon. C. H. Simpson: On a point of order, Mr. President, I must protest. When the orders were lodged I was Minister for Railways, and I was in daily consultation with my chief. I knew the files were receiving consideration not only by the Premier, who was also the Treasurer, but also by the special sub-committee of Cabinet appointed to keep in close touch with all railway affairs.

The MINISTER FOR RAILWAYS: That is an admission—that the Minister and not the commission was responsible. If he was in such close contact, he knew all about it, and thus takes full responsibility for ordering 24 "V" class locomotives that should never have been ordered—they could have been built at the Midland Junction Workshops—and for letting a contract for 48 diesel locomotives with a firm that had never built them before. They had never been tried! I am sorry to hear the hon. member say that.

I perused the files; and not on any occasion has this Cabinet followed that practice and lodged an order which mortgaged loan funds for years ahead, and which thus affected every Minister. It is all taken to Cabinet to see whether that sort of thing can be done. But that is the position we found ourselves in, and I am sorry that the hon. member has

taken it upon himself to be responsible for the financial and physical tragedy that the report discloses.

In regard to coal contracts, the hon. member intimates that we should now get open-cut coal because it would give us cheaper power and enable us to operate the railways in a cheaper way; and it might avoid an increase in railway freights. What a reversal of form! The hon. member was Minister for Mines in a Government which gave £1,500,000 to the coal companies to mechanise their deep mines.

Hon. C. H. Simpson: It was the only policy possible at that time.

The MINISTER FOR RAILWAYS: Yet he tells us this evening that we should all be using open-cut coal.

Hon. C. H. Simpson: The position has changed.

The MINISTER FOR RAILWAYS: I did not intend to speak on this Bill, but I could not sit and listen to the sort of remarks that have been made without placing the true facts before the House. The hon. member said that he did not think the Royal Commissioner had grasped the position. The Royal Commissioner takes his evidence from the files, and calls witnesses before him to substantiate or deny anything that he is not clear on. That is the job he does.

I regret that we have to talk in terms like this so early in the day, or so late in the night; but they are the facts contained in the report. The reports describe the tragedy so far as the railways are concerned. There were 24 steam locomotives ordered and no tenders were called for them, and no price was stipulated. That was an after-thought; the price was £700,000 odd in England, and it cost £1,300,000 to put them on the rails here.

Hon. C. H. Simpson: You are getting mixed between sterling and Australian.

The MINISTER FOR RAILWAYS: For every £1 spent in Britain we can add 33⅓ per cent. to it, and that makes the article a third dearer to land in this country. If the hon. member looks at the railway reports he will see that from 1953 onwards, this Government has paid out something like £9,000,000 for commitments entered into by its predecessor, without even asking for quotes for some articles—"write your own prices!" The hon. member talks about the cost-plus system for coal at Collie; and yet he said to a firm, "Build us 24 locomotives," and did not even ask what they would cost. I think that is scandalous.

Hon. C. H. Simpson: That is not correct.

The MINISTER FOR RAILWAYS: It is disgraceful, and I have no doubt that everybody else will say it is disgraceful. Yet we hear members saying that this Government is squandering money. This Government has paid for millions of pounds worth of debts because of contracts entered into by the previous Government.

Hon. C. H. Simpson: Contracts have to be made three years ahead.

The MINISTER FOR RAILWAYS: The previous Government wanted locomotives in a hurry and the order was supposed to be lodged in January, 1950, but it was not lodged with the Minister's consent, until 15 months later in 1951. The first engine arrived in 1955, and the last one only last year, since I have been the Minister.

Hon. C. H. Simpson: We had to defer them until they were paid for.

The MINISTER FOR RAILWAYS: They cannot even be used on the lines for which they were bought. They were bought to be used on the South-West line between Brunswick and Collie, and they cannot be kept on the line. That is the type of thing that is going on. There are times when I have to take a lot here—and I have taken plenty in the last 12 months as Minister for Railways—but I am glad that Parliament demanded a full inquiry into the railways; and by jove, we are getting it, and it shows no credit to those who were responsible for the railways prior to this Government taking them over!

Hon. C. H. Simpson: We demanded an inquiry, but we did not say anything about the previous Government.

The MINISTER FOR RAILWAYS: The story is there in black and white. It is all on the files and cannot be denied. But we claim at least to have made some attempt to arrest the drift and rot that has been going on.

Hon. C. H. Simpson: And pulled up lines.

The MINISTER FOR RAILWAYS: We might have pulled up lines; but at least we had the courage to try to do something instead of standing by and allowing people to enter into contracts such as I have just described, without even asking for quotes. In any case, we have not pulled up any lines; and if the hon. member likes to look back over a few years, he will see that he closed a few lines, and did not worry about it. I can remember him and me crossing swords in regard to the Marble Bar railway. I wired him from Marble Bar asking him what was to be the subsidy for goods carted between the two places.

Hon. C. H. Simpson: Your colleagues supported it.

The MINISTER FOR RAILWAYS: I did not argue the point with the hon. member; it is the first time I have mentioned it since then. I am sorry that

I have had to talk like this at this hour; but the hon. member makes excuses himself and makes accusations that the Government is doing the wrong thing. He advises us what we should do and all the time—

Hon. C. H. Simpson: I did not refer to the Government.

The MINISTER FOR RAILWAYS: —these things were going on while he was Minister in charge of the department; he was in control at the time all these things about which he now complains occurred.

HON. L. C. DIVER (Central) [3.45 a.m.]: It has been enlightening to listen to Mr. Simpson accusing the Government of certain shortcomings, and then to hear the Minister for Railways replying and pointing out the dreadful waste that has taken place in our railway system.

Hon. C. H. Simpson: I did not refer to the Government; I drew attention to what I regarded as being some mistakes in the commissioner's report.

Hon. L. C. DIVER: I appreciate the position; but I am here representing some of those poor people in the back country whose railway services have been discontinued by the present Government as the result of maladministration by a previous Government. What possible satisfaction can it be to those unfortunate people in the outback?

Hon. C. H. Simpson: That is not true.

Hon. L. C. DIVER: It is true. It cannot be denied if the Minister's statement is correct. The waste runs into millions of pounds. And now we find the present administration has closed certain lines in order to save a few hundred thousand pounds per annum. Those lines could have been operated for years to come had the expenditure of previous Governments, or their commitments, been sound.

Hon. C. H. Simpson: They were sound all right.

Hon. L. C. DIVER: Those lines could have been in operation now. It is not to the credit of the present Government that these unfortunate people in the outback areas should be penalised, particularly when they are cognisant of the circumstances as portrayed by the Minister for Railways. After the explanation the Minister has given us, I hope the Government will take steps forthwith to see that rail services are restored in those areas, which cannot be served adequately by road. I have used the expression "adequately served" on a number of occasions.

To my mind there is a simple formula which could be adopted in order to establish an economic road service. If we could put the goods on a farmer's truck at the place or origin and deliver them at the port of destination from the same vehicle, that would be an economic service vice. But if it is necessary to offload those goods once or twice and reload them for their port of destination, that is most uneconomical. I ask the Minister sincerely to put that formula to the acid test; and if the areas concerned cannot sustain the road services, then the railways could be restored.

I would like to take this opportunity of mentioning a couple of items that appeared in "The West Australian" yesterday morning and to indicate the lack of responsibility shown by that journal in not devoting its space to the advantage of this fair State of ours. First of all, I would quote the heading to the leading article to which I have referred. That heading read: "Opposition Parties are Betraying their Trust." What hypocrisy that is! If there is any betrayal of trust it is by this journal with a monopoly.

It is continually sniping at individuals situated as I am here, representing the people, because on odd occasions we assist in the passage of legislation that does not meet with the approval of the principals of that paper. We have found that legislation has been presented to this House year after year and turned down. In yesterday morning's paper we saw a heading which read—"Government will send Banking Bill back to the Senate." The paper went on to say—

> The drama of the sick senators and the banking Bills took another turn today when Prime Minister Menzies said he would not accept this blind rebuff.

On the first occasion that Bill had been presented to the Senate, it was not agreed to by that Chamber; and yet the Prime Minister in the Federal House speaks in that fashion.

Hon. L. A. Logan: Arrogance!

Hon. L. C. DIVER: I would say it was a little hasty. I wonder what the Prime Minister would do if he were in Western Australia and a member of the Government, and had his legislation rejected on five consecutive occasions? Let this journal be fair in its reporting; let it be unbiased towards people who are placed in the invidious position in which I find myself. In future if I happen to support a measure that does not meet with its approval I hope it will be fair and present the circumstances to the public of this State to enable them to draw their own conclusions.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [3.50 a.m.]: I would like to thank the members who have taken part in this debate for their contributions. I will have the various items examined; and if I find any gems among them, naturally the Government will take cognisance of them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

BILL—LOAN, £16,073,000.

First Reading.

Received from the Assembly and read a first time.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [3.52 a.m.] in moving the second reading said: This is the Bill which is submitted each year once the loan estimates have been passed in another place. The amount provided for in the Bill is £16,073,000, and details of the expenditure concerned in this sum will be found in the First Schedule to the measure. Other information is available in the Second and Third Schedules. I move—

> That the Bill be now read a second time.

HON. J. G. HISLOP (Metropolitan) [3.54 a.m.] The remarks I will make will be brief and I regret having to make them at all. I think every man, woman and child in Australia must at the present moment be alarmed at the threat of peace from the north and express concern at the inflammatory language used in Indonesia in relation to its claim to take control of Dutch New Guinea. I would most sincerely trust that this action on the part of President Soekarno and his officers will subside and not lead to warlike action. Whilst such inflammatory language is being used, there is always the possibility of something more serious happening. If such a thing did occur, it is not beyond the bounds of possibility that Australia would be involved in whatever struggle ensues.

Thus one looks at this Supply Bill and finds there is nothing at all set aside for civil defence. I would applaud the Premier's statement in regard to the necessity of doing something more than just considering and studying civil defence; and would suggest to him that at this stage, while conditions to the north are as they are, he reconsider the appointment of a civil defence council such as we had during the last war, so that people here would have the knowledge and ability to study what would be necessary if we were involved in unfortunate events. Those who have seen the plaster casts of injuries received by the dropping of an atomic bomb would shrink from seeing such horrors re-enacted in our own country.

Hon. W. F. Willesee: What about the effects of a hydrogen bomb?

Hon. J. G. HISLOP: A hydrogen bomb produces the same radiation effects on a human being. There are certain lessons which have already been learned in this regard. One major point makes it perfectly clear to us that the horrors which the Japanese suffered were suffered to an increased extent by the fact that they were completely short of all remedial measures once the bomb was dropped. Had antibiotics and blood for transfusion been available, many lives might have been saved. We in this State of ours, and in the other States of Australia, are still locating all these things which could help, in the event of an atomic bomb or a hydrogen bomb being dropped, in the centre of the metropolis. We are building our only blood transfusion centre in the heart of the city, and all antibiotics are being stored in the heart of the city.

If civil defence were to be really considered, one of the first and most important steps to undertake would be to see that there was a storage of antibiotics at a distance outside the city, to be brought into the city as required and replaced in the storage outside the metropolis in order that a stock would be kept should disaster overtake the city. A temporary arrangement of some sort might well be arranged for blood transfusion centres to be set up outside the city; far enough away from the effects of the bomb so that as soon as conditions permitted it would be safe for workers to enter. There could be blood transfusion facilities available for those who required them.

Therefore, I would make an earnest plea to the Premier at this stage to consider the reappointment of a civil defence committee which, of course, would need a different membership. It would do no harm to study the problems from our own point of view so that should events happen—which we sincerely trust will not—we will be prepared to do something about them.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

SCHOOL BUS CONTRACTS SELECT COMMITTEE.

Consideration of Report.

HON. J. McI. THOMSON (South) [4.10 a.m.]: I move—

> That the report of the select committee on school bus contracts be forwarded to the Premier with the request that the recommendations be given consideration by the Government.

I wish to express appreciation to the Press and the A.B.C. for the co-operation and publicity they gave the committee during its sittings in both Perth and the country areas, as that publicity was responsible largely for so many witnesses volunteering to give evidence. The committee travelled 2,300 miles and took evidence from 298 witnesses, during its visits to 24 country centres.

I wish also to express appreciation of the work of the Hansard staff who accompanied the committee and the Chief Reporter, Mr. Royce, for the excellent job they did in giving us the transcript of evidence so promptly. I wish also to express to Mr. Wise and Mr. Murray my deep appreciation of their co-operation in the sittings of the Committee.

Question put and passed.

MOTION—TRAFFIC ACT.

To Disallow Axle Load Regulation.

Debate resumed from the 26th November on the following motion by Hon. R. C. Mattiske:—

> That subregulation (2b) of Regulation No. 170 made under the Traffic Act, 1919-1956, as published in the "Government Gazette" on the 5th November, 1957, and laid on the Table of the House on the 14th November, 1957, be and is hereby disallowed.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [4.12 a.m.]: Mr. Mattiske moved for the disallowance of this regulation, which restricts the loading on rear axles to seven tons, because he claimed that it would cause hardship in milk deliveries; and he instanced cases where it could interfere with the transport of milk, perishables or spirits under bond.

Before milk tankers are constructed, specifications are submitted to the traffic authorities and main roads authorities; and, being built to those specifications, they cannot be overloaded. I do not think these people overload the vehicles with milk cans, because they know the Act and keep within it. Mr. Mattiske mentioned the transport of spirits under bond, or tobacco; but in either case there would not be more than a few miles involved, and so I do not think he gave very good examples in support of his motion.

The regulation is there to protect the roads, which the Main Roads Department and the local governing authorities are keen to keep up our standard, which is better than that of roads elsewhere in the Commonwealth. Members will recall what happened in the Eastern States when the Hume Highway and other highways broke down under the traffic. It will cost millions of pounds to put those highways back into repair; and all because there was no load restriction on the big interstate transport vehicles, or, if there was, it was too hard to police. Experience in those States resulted in an Australian-wide conference of main roads departments and traffic departments, and they drew up this regulation as the standard throughout the Commonwealth.

Hon. J. Murray: What about log-hauliers?

The MINISTER FOR RAILWAYS: Members will recall when the big wheat lift was on, and the damage that was done by wheat trucks and log trucks to Albany Highway and the Great Eastern Highway. At all events, I would remind members that commonsense is used and a truck load of stock or perishables or a very heavy log would not be put off. Fines have been found to be no deterrent. I do not say that in every case the haulier ignores the law, as his driver may be a bad judge of weight. At all events, commonsense is used when they are caught. I hope the hon. member will not persist with his motion; if he does, I hope the Chamber will oppose it.

Hon. R. C. Mattiske: How does the inspector check the weight if he suspects the vehicle is overloaded?

The MINISTER FOR RAILWAYS: There is a weighing machine which is put under each axle. I did not think it would be accurate, but there is no doubt about it. It is accurate to within one per cent.

Hon. F. D. Willmott: There is no doubt about it; it is accurate.

The MINISTER FOR RAILWAYS: I hope the motion will not be agreed to.

HON. R. C. MATTISKE (Metropolitan —in reply) [4.21 a.m.]: There is no need to labour the point because I have already given my explanation when I moved the motion, and the Minister has given his reply. However, for the reasons I gave when I moved the motion, I hope the House will agree to disallow the regulation.

Question put and negatived.

MOTION—RAILWAYS ROYAL COMMISSION.

Extension of Inquiry to Closure of Lines.

Debate resumed from the 20th November on the following motion by Hon. L. A. Logan:—

> That in the opinion of this House the scope of inquiry of the Royal Commissioner Mr. A. G. Smith should be widened to include in his inquiry the discontinuance of the 842 miles of railway, particularly as it relates to—
>
> (i) The accuracy or otherwise of statements and figures presented to the Government by the Committee which recommended the discontinuance;

(ii) The accuracy or otherwise of the tonnage and revenue figures of each area concerned as presented by the Minister when moving the motion for discontinuance;

(iii) The value of each section of line discontinued as it affects—

(a) the productivity of the area and its effect on the State as a whole and the railway system;

(b) the increased cost or otherwise to producers and all people living in the area affected by discontinuance;

(c) the capacity of the road system to handle the extra road haulage necessitated by such railway discontinuance.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [4.22 a.m.]: I think this motion is prompted by a reply I gave to certain questions asked by the hon. member, which were on exactly the same matter. My reply may have seemed a little evasive because I said that consideration would be given to the request when the commissioner had completed his inquiries, or words to that effect. The fact is that the commissioner has been a very busy man—and he will be for some time to come—in regard to railways. I shall not oppose the motion, and I can assure the hon. member that every aspect will be inquired into.

As a matter of fact, I forwarded the hon. member's speech to Mr. Smith and asked him if he could look into one or two of the complaints that had been made. He did not have time to furnish me with an official report but he gave me some information which shows that in relation to the hon. member's claim regarding the excessive cost of reconditioning the Yuna line, the hon. member was quite correct. The department had made a mistake in its calculations and had made an estimate on 20 miles more line than is actually there. They traced it right back and found that the Wokarina-Yuna section had been estimated to be 20 miles longer than it actually was.

Hon. H. K. Watson: What is the correct mileage?

The MINISTER FOR RAILWAYS: It is about 38 miles. In one portion of his information submitted the commissioner said—

> I have not made my own inquiries in the districts concerned and have not personally checked figures handed to me by the various railway officers concerned. I am informed that there was a typographical error in the mileage of the Wokarina-Yuna line but that this has now been corrected. I am also assured that all mileages have since been rechecked and that all figures submitted in Parliament by the Hon. the Minister are correct.

In discussions with me he tells me that as soon as he can make his services available in regard to that matter he will do so.

Hon. Sir Charles Latham: Will he go to Bonnie Rock afterwards?

The MINISTER FOR RAILWAYS: He will cover the lot. Members can rest assured that as soon as practicable the request will be agreed to.

HON. A. R. JONES (Midland) [4.25 a.m.]: I have been waiting three or four weeks for this opportunity and I have pages of notes prepared.

The Chief Secretary: We will take them as said.

Hon. A. R. JONES: Being a farmer, I always work best early in the morning. I would like to take this opportunity of formally supporting the motion; and I was pleased to hear the remarks of the Minister for Railways. I shall not use the notes but will save them up for a future occasion.

HON. L. A. LOGAN (Midland—in reply) [4.26 a.m.]: I desire to thank the Minister for the co-operation he has shown on this motion. I can assure him that all I am attempting to do is to clear up any misunderstanding there might be throughout Western Australia in regard to this matter, and I only hope that Mr. Smith will investigate all the problems thoroughly and report on the matter. This will give the people, who today are most dissatisfied, no further grounds for complaint. I thank the Minister for his co-operation.

Question put and passed.

BILLS (5)—ASSEMBLY'S MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the Amendments made by the Council to the following Bills:—

1. Motor Vehicle (Third Party Insurance) Act Amendment.
2. Child Welfare Act Amendment (No. 2).
3. Traffic Act Amendment (No. 4).
4. Housing Loan Guarantee.
5. Town Planning and Development Act Amendment (No. 2).

BILL—TRAFFIC ACT AMENDMENT (No. 3).

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the amendment made by the Council to the Assembly's amendment.

CLOSE OF SESSION.

Complimentary Remarks.

THE CHIEF SECRETARY: We have now reached the stage which members have been looking forward to for the last two days; and particularly since 2.15 yesterday afternoon. All business which had to be considered has now been considered, and I want to take this opportunity of thanking you, Mr. President, for the many kindnesses received during the session; also the Chairman of Committees, Mr. Hall, Mr. Browne and Mr. Ashley for the many courtesies and untiring work they have put in in order to assist the proceedings of the House to flow smoothly.

I also want to thank Mr. Courts and Mr. Carrick for the great help they have always given in finding any literature we might require, or anything of that kind. I would certainly not like to forget our friends Mr. Royce and his Hansard staff—and I include the ladies on that staff whom we don't see in this Chamber. They do a very good job. My thanks also go to Mr. Burton and his staff. The service they give us leaves nothing to be desired. I would also like to thank Mr. MacDonald and Mrs. Abbott and the junior members of the staff for their help.

I do not think I should forget to include the members of this House, and I thank them for their co-operation on the many occasions it has been given. There have, of course, been times when we have disagreed. I must thank my colleague for the wonderful job he did in my absence. It was the first time I have been away for any long period during my sojourn in this Chamber. I think members will agree that he came through with flying colours.

Members: Hear hear!

The CHIEF SECRETARY: To my other colleagues who assisted me, I would like to say "Thank you." I think it would be a good thing to follow the pattern set during this session of asking private members to introduce Government business, because not only will it relieve the Ministers, but it would also provide more interest to the members concerned.

Hon. L. C. Diver: An excellent innovation.

The CHIEF SECRETARY: I think it is; and it would give the private member a much more interesting session. I daresay I should include the members of the Press and the A.B.C. representatives in my greetings. We may not always be pleased at what they publish, but I daresay they have a job to do. If there is anybody I have forgotten I hope he will accept my thanks for any services he may have rendered. May I wish you, Mr. President, and all members the compliments of the season.

HON. C. H. SIMPSON: I cordially endorse the sentiments expressed by the Leader of the House. To you, Sir, and to the staff of the House; to the various officers who serve us so cheerfully and efficiently; and to the members of our Press gallery, I would like to extend my very good wishes and sincere thanks. Perhaps towards the end of the session and so late in the morning we may get heated in the hurly-burly of the back and forth of political discussion, but that does not affect the gratitude we feel to those who fill these positions and help us on our political way.

We felt a great deal of sympathy for the Leader of the House during his enforced absence. Our good wishes go with him during the recess and we hope he will come back refreshed. I had intended to pass the same remark that he did in regard to the wonderful job his colleague did during his absence. We have a great deal of admiration for the way in which he carried out what must have been a difficult task. We all part in the best of amity and we look forward to meeting each other again to renew our battles and associations in the months to come.

HON. SIR CHARLES LATHAM: I would like to join in the remarks that have been made in conveying our thanks to you, Sir, and to the staff of the Council, and to those who have assisted us in any way at all. We are extremely lucky in the staff we have in this Parliament; I don't think I have met such an obliging staff anywhere. They are always ready to help. I include, of course, the staff of the other House as well. I was a bit fearful that this attitude might not persist because of certain legislation that was introduced, but the wisdom of the House prevailed and the matter was resolved.

If I might convey the advice of an older chap to a younger one, I would ask the Leader of the House to look after himself and recover from any ill-effects he might have. I hope his voice will be restored to normal, although there are times when I do not like to hear too much of it! While we have not agreed with all that has been submitted to us, we have tried to do our best in our own way. To my friends in the House I want to say, "Thank you very much for your tolerance at all times" and I wish each and everyone the compliments of the season.

HON. W. R. HALL: I desire to associate myself with the remarks by previous speakers and take this opportunity of

thanking you, Mr. President, for the assistance and advice you have given during the session. I also want to thank Mr. Roberts, Clerk of the Council, and Mr. Browne, Clerk Assistant, together with Mr. Ashley, Clerk of Records and Accounts, for the valuable service and advice given from time to time. I can assure all members that the help they have given me has taken a load off my shoulders.

I also desire to thank the three Deputy Chairmen of Committees—Mr. Davies, Mr. Griffith and Mr. Logan—for the assistance they rendered during the session. I would also thank Mr. Carrick and Mr. Courts, officers of the Parliament, who rendered a great service, not only to myself but to other members.

The Ministers did a wonderful job this session, which has not been an easy one—in fact, it has been hard. I would associate myself with the remarks passed regarding Mr. Strickland, who did a remarkable job. He more or less pleased everybody while Mr. Fraser was away, and he left no stone unturned to see that everything was carried out during his chief's absence. In addition, I thank Mr. and Mrs. Burton for their courteous service rendered during the session. In conclusion I wish everybody a Merry Christmas and a Happy New Year.

HON. J. G. HISLOP: This may or may not be the last occasion on which I sit here; that will purely be at the discretion of the large number of electors who are now on the roll in my Province. Lest I do happen not to return, I must say how much I have appreciated being here during all sessions of Parliament and particularly this one. I must thank you, Sir, for the way you have conducted the functions of the House this year; and in particular I would express to Mr. Strickland my appreciation of the manner in which he conducted the House in the absence of the Chief Secretary. I have been impressed during the whole session by the depth of knowledge he possesses of his department and in regard to every Bill he has presented to the House.

I come to our old friend who we are glad to see back—came the return of the showman. We were soon castigated—but only in a superficial way, with a castigation that would change from a frown to a smile in a few seconds. That is what makes this place so pleasant; we can frown inside and be friends outside, and I hope it will continue.

I hope the Chief Secretary will soon recover; but would remind him that his illness has done a tremendous service to the State because it hastened the advent of something we badly needed and which the public will now receive. What might be an ill wind has turned out to be a good one for the State, and we hope its use will be completely successful in the Chief Secretary's case.

To all others who have made this journey through Parliament so pleasant, I would extend my thanks, without naming anyone, because I might forget someone and it is not my wish to do so. To the members I have known in the last 16 years and who have sat with me as friends—some have left the House and others have passed on—I trust that having made friends, I will be a friend to others.

HON. F. R. H. LAVERY: I said earlier this evening that this completes my sixth term in this Chamber, and I would like to thank all members for their co-operation. I sincerely hope I shall be here next year because I like this work. I wish to express my appreciation to members of Parliament generally for their assistance to a chap like myself who came in thinking he could effect a millenium. In the course of congratulations to a number of people I would like to mention the Parliamentary Draftsman and the printers, whose work we all appreciate.

I wish all everything they would wish themselves.

HON. J. McI. THOMSON: If the House will permit me, I will correct an omission I made earlier. When I was speaking to the motion regarding the school buses I omitted to express my appreciation to Mr. Browne, the Secretary of the Committee and Mr. Ashley. I would also express appreciation to the Premier's Department for the use of Government cars and say that members of the committee appreciated the unfailing courtesy extended by the drivers throughout our journeys.

I join with other members who have just spoken in wishing each and everyone a Happy Christmas and a Happy New Year; and, to you, Mr. President, I extend the season's greetings and good wishes. May I end on a personal note: When we gather again for the next session of Parliament I hope we will see the same faces again; that is my personal wish.

THE MINISTER FOR RAILWAYS: I would like to express my appreciation to all who have helped me, particularly while the Chief Secretary was away. I would like to have it on record that while he was away every member in this Chamber and everyone on the staff of Parliament did everything possible to assist me to conduct the business of the House. I must make special mention of my colleagues who handled some big Bills. I am pleased that we were able to carry on and keep the business of the House up to schedule. I do not think this House has ever before put in such long hours as it has this session. Very good legislation has been passed; and, I am glad to say, none that would cause us to be anything but good friends.

HON. A. F. GRIFFITH: As one who faces the electors next year I wish to associate myself with the remarks made by other members. There are occasions on which the Chief Secretary and I exchange a few cross words; but I say sincerely that, as one of those who saw him off to the Eastern States to receive medical treatment, I am genuinely pleased to see him back again and fighting fit. The best that I can wish him and myself is that we will both be in our places next year and able to carry on. I compliment the Minister for the North-West on the manner in which he deputised for the Chief Secretary. As Whip for my Party I have received tremendous co-operation from both Ministers, and also from Mr. Davies, the Government Whip. I wish all members the compliments of the season.

HON. G. E. JEFFERY: As the youngest member of the House I extend to you, Mr. President, and your good lady, to members, to officers and staff and Hansard the compliments of the season. I thank all members for the great assistance they have given me since I came here. I wish all the compliments of the season and hope that most of us will meet again next year.

THE PRESIDENT: When the Chief Secretary moves that the House adjourn, it will bring to a conclusion my fourth session as President.

I thank the Chief Secretary, Mr. Simpson, Mr. Hall and Sir Charles Latham for the good wishes they have expressed, and especially do I thank those members who have gone out of their way to help me by their co-operation, both in the House and outside.

This has been one of the longest sessions, as far as sitting hours are concerned; and I pay special tribute to the Chairman of Committees, Mr. Hall, who has done sterling work on the Committee stage of the contentious legislation, and to the help he has received from his deputies—Mr. Davies, Mr. Logan and Mr. Griffith.

Special mention must also be made of the Clerk of Parliaments, Mr. Roberts, and the Clerk Assistant, Mr. Browne, who have been able to keep right up to date all stages of legislation. Mr. Ashley has also been of very material help both in the Chamber and outside. Mr. Courts and Mr. Carrick have also at all times been most helpful.

To Mr. Royce and his Hansard Staff, I also add my word of thanks for the way that Hansard has attended to the reporting in the House, and for the various other Committees. To the two typists, Miss Watkin and Miss McCaul, I also express my thanks. Mrs. Abbott and Mr. McDonald have, as usual, provided service at all times. To the Controller, Mr. Burton, and Mrs. Burton, the domestic and outside staff, I express appreciation on behalf of all members

In conclusion, I trust that I still retain the confidence of my electors and will again be returned as a member of this House when Parliament reassembles. I wish members all the best for the festive season.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

> That the House at its rising adjourn to a date to be proclaimed.

Question put and passed.

House adjourned at 4.55 a.m. (Saturday).

Legislative Assembly

Friday, 29th November, 1957.

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