

Legislative Assembly

Thursday, the 13th August, 1959

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

QUESTIONS ON NOTICE

1. *This question was postponed.*

SOUTH DOODLAKINE WATER MAIN

Proposed Route, etc.

2. Mr. KELLY asked the Minister for Water Supplies:
 - (1) Has there been any alteration to the route of the proposed south Doodlakine water main, which

was to feed into a reservoir tank approximately 12½ miles south of Doodlakine?

- (2) How many settlers would the original proposal serve?
- (3) Is he aware that following assurances given as to route to be taken by this main, a number of settlers invested considerable finance on piping for internal reticulation, in anticipation of a connection to this main within the 1958-1959 year?
- (4) If a firm decision has been reached as to the route now to be followed to connect to this reservoir tank, will he indicate the location numbers that will be served?
- (5) If an alteration has been made or is contemplated, what prompted the change of course now proposed?
- (6) When will a start be made?

Mr. WILD replied:

- (1) The actual route has not yet been determined, and so it has not been possible for the Minister's plan of proposed mains to be exhibited.
 - (2) All settlers in the zone will receive services.
 - (3) No.
 - (4) and (5) Answered by No. (1).
 - (6) During the first half of the financial year 1959-60.
3. *This question was postponed.*

COAL MINING ENGINEER

Tabling of Report

4. Mr. MAY asked the Minister representing the Minister for Mines:

Regarding my question on the 23rd July, 1959, asking that the report of the State Coal Mining Engineer for the year ended the 30th June, 1959, be laid on the Table of the House, is he now in a position to do this?

Mr. ROSS HUTCHINSON replied:

The annual report of the Department of Mines, which includes reports of all departmental branches, is in the hands of the Government Printer, and will be laid on the Table of the House in due course.

FILLED MILK

Oils Used in Manufacture

5. Mr. NORTON asked the Minister for Agriculture:
 - (1) From what plants are the oils or fats extracted, which are used in the manufacture of filled milk?

- (2) Can he advise the House who are the main manufacturers of the additive for filled milk?

Mr. NALDER replied:

- (1) The main additive appears to be oil obtained from coconuts. Peanuts, corn, palm kernels, and cotton are other sources of oils. Specially treated whale oil can also be used.
- (2) Additives are not being produced in Australia for the purpose of manufacturing filled milk.

RAILWAYS ROYAL COMMISSION

Tabling of Investigation Service Evidence

6. Mr. GRAYDEN asked the Minister for Railways:

Will he lay on the Table of the House, the transcript of evidence taken during the recent Royal Commission inquiry into the W.A.G.R. Investigation Service?

Mr. COURT replied:

The honourable member's request will be considered by Cabinet and the decision advised. The request for the transcript of evidence in respect of the Royal Commission inquiry into the W.A. Government Railways Investigation Service cannot be divorced from consideration of the overall question of the transcripts of evidence for the whole of the Royal Commissioner's inquiries.

TRAFFIC LIGHTS

Removal from Canning Highway

7. Mr. GRAYDEN asked the Minister for Transport:

Is there any substance in the rumour that the traffic lights installed on Canning Highway near Thelma Street, South Perth, are likely to be removed?

Mr. PERKINS replied:

When the Kwinana freeway is opened, the need for traffic lights on Thelma Street will be reviewed together with control requirements at other points along this section of Canning Highway.

GOVERNMENT EMPLOYEES

Policy on Retrenchments

8. Mr. TONKIN asked the Minister for Works:

- (1) Has the Government made an alteration to the policy of last on first off as applied to retrenchment of employees?
- (2) If so, what change has been made?
- (3) What is the reason for the change?

Mr. WILD replied:

- (1) Yes.
- (2) Employees 57 years of age or over are being retained for the time being.
- (3) Because it is more difficult for men in this age group to obtain private employment than is the case with younger men. The views of the Building Trades Association are being sought on this departure from the policy of first on last off.

RAILWAY DEPARTMENT

Details of Revenue

9. Mr. HALL asked the Minister for Railways:

- (1) What revenue was received by the W.A. Government Railways for passengers' fares, mail freights, and ordinary freights, from train services operating Perth to Albany, Mondays and Wednesdays, for the years 1957-58, and 1958-59?
- (2) What revenue was received by the W.A. Government Railways for passengers' fares, mail freights, and ordinary freights, from train-services operating Albany to Perth, Tuesdays and Thursdays for the years 1957-58, and 1958-59?
- (3) What was the total revenue received by the W.A. Government Railways from passenger travel, diesel, and train travel, on the Great Southern railway line for the years 1957-58, and 1958-59?
- (4) What was the total revenue received by the W.A. Government Railways for freights of all descriptions carried per passenger train, for the years 1957-58, and 1958-59?

Mr. COURT replied:

- (1) to (4) The department is examining the practicability of extracting the information requested by the honourable member, and I will further advise him at the next sitting of the House.

GREAT SOUTHERN RAILWAY

Details of Revenue

10. Mr. HALL asked the Minister for Railways:

- (1) What revenue was received by the W.A. Government Railways for passengers' fares, mail freights, and ordinary freights, from diesel services operating between Perth and Narrogin, Wednesdays and Fridays, for the years 1957-58, and 1958-59?

- (2) What revenue was received by the W.A. Government Railways for passengers' fares, mail freights, and ordinary freights, from diesel services, operating between Narrogin and Perth, Thursdays, and Saturdays, for the years 1957-58, and 1958-59?
- (3) What revenue was received by the W.A. Government Railways for passengers' fares, mail freights, and ordinary freights, from diesel services operating Perth to Albany, Tuesdays and Saturdays; and Albany to Perth, Wednesdays and Mondays, for the years 1957-58, and 1958-59?

Mr. COURT replied:

- (1), (2), and (3) As in the case of question No. 9, the department is examining the practicability of extracting the information requested by the honourable member, and I will further advise him at the next sitting of the House.

SWAN RIVER

Dredging of Upper Reaches

11. Mr. BRADY asked the Minister for Works:

Will he arrange for the Swan River between Middle Swan and Barker's Bridge, Guildford, to be dredged to enable the river to run at a depth approximating that in the early part of the century—estimated to be five to six feet?

Mr. WILD replied:

I shall arrange for this proposal to be considered by the Swan River Conservation Board.

QUESTIONS WITHOUT NOTICE

COMMONWEALTH WORKS PROGRAMME

Press Statement on Reduction

1. Dr. HENN asked the Premier:

Has the Premier made any inquiries regarding the Press statement that the Commonwealth works programme in Western Australia has been slashed?

Mr. BRAND replied:

I have. From inquiries made at the departments—and they are not at liberty to make public statements without reference to the Ministers in charge, as is the case in this State—it is quite clear that the amount to be spent by the Commonwealth on capital works in its civil programme will not be less than the amount spent last year. I have been in touch with the Commonwealth Minister for Works (Mr. Freeth), but he was only able to inform me that in

respect of all works, including the Talgarno project, the Commonwealth Government last year spent £2,600,000, and this year will spend £3,300,000.

Inclusion of Talgarno Rocket Range

2. Mr. HAWKE asked the Premier:

Does he consider the special Talgarno project should be regarded as the normal works programme of the Commonwealth in this State?

Mr. BRAND replied:

I do not think it should be regarded as part of the normal works programme. I rang the Commonwealth Minister on this matter and I was given the figures I have put before the House. I did not intend to mislead any member when I said the figures included the amount for the Talgarno project. The figures I have given are the totals which the Commonwealth Government has spent, and will spend, in this State. I am saying this in case someone should get a wrong impression that so many hundreds of thousands of pounds less will be spent in this State during this year, as compared with last year.

FIRE RATE INCREASES

Position of Local Authorities

3. Mr. HALL asked the Chief Secretary: Will the fire rate as struck by road boards and municipalities be increased as a result of the action of the Fire Brigades Board to compensate volunteer fire brigades only to the extent of £200 due to the loss of theatre duties by those brigades?

Mr. ROSS HUTCHINSON replied:

I thank the honourable member for giving me some prior notice of this question. I am not in a position to say which road boards will take any steps to increase the fire rate. This is a matter for individual road boards and municipalities to decide. Perhaps the honourable member should give consideration to the fact that a road board in whose territory there is a local volunteer fire brigade will only have to contribute two-ninths of £200, as five-ninths will be contributed by the insurance companies and two-ninths by the Government. The road board contribution will amount to approximately £45 more for the year. In the case of Albany, for example, this sum would be infinitesimal in so far as the striking of an increased rate is concerned.

JET-PROPELLED AIRCRAFT

Use at Guildford Airport

4. Mr. PERKINS (Minister for Transport):

The member for Guildford-Midland recently asked me a question regarding jet-propelled aircraft and the Perth Airport. I promised to have further inquiries made. The State Housing Commission is the department most likely to be affected, and so I discussed the matter with the Minister for Housing. He informs me that he is watching the position very carefully and he has been in touch with the Department of Civil Aviation. He expects to see a senior officer in that department in the near future when he hopes more particulars will be made available to the State Government.

NATIVES FROM THE NORTH

Tabling of Papers

5. Mr. PERKINS (Minister for Native Welfare):

Recently the member for South Perth requested that I lay on the table of the House certain papers relating to a group of natives north of Wingellina. I move that the papers be tabled for two weeks.
The papers were tabled.

BILLS (5)—THIRD READING

1. Museum.
2. Art Gallery.
3. Parliament House Site Permanent Reserve (A†1162) Act Amendment.
4. Justices Act Amendment.
5. Fire Brigades Act Amendment.

Transmitted to the Council.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Railways) [2.32] in moving the second reading said: This Bill deals with a minor amendment to section 78 of the Government Railways Act—a section which provides for the constitution of an appeal board to which employees may appeal against punishments imposed. The amendment in no way alters the intentions of the appeal board as provided in the Act, as the only purpose is to alter or, rather, adjust the groupings of employees as provided in subsection (1) (c). This action is necessary on account of the branch reorganisation approved by the previous Government on the recommendation of the Royal Commissioner.

In this reorganisation, the motive power section passed from the control of the traffic branch to that of the mechanical branch as from the 1st December, 1958; and, from the same date, the industrial and staff branch ceased to exist as a branch and was absorbed into the secretary's branch. These changes, therefore, necessitate consequential amendment to the groupings set out in subsection (1) (c) in order that nominations for elective members may be called from the employees of the appropriate groups as now actually existing.

The Bill has the effect of deleting the industrial and staff branch and reference to the motive power section from the second grouping, and altering the third grouping so that it refers to the motive power section of the mechanical branch.

As members are no doubt aware, the motive power section embraces employees such as engine drivers, firemen, cleaners, and other grades, except tradesmen and their assistants. The latter employees are provided for with similar employees and others in the mechanical branch. In giving effect to the required amendments, the Parliamentary Draftsman has redrafted subsection (1) (c) to clarify the various groupings.

I might also add that the draftsman has tried to remove some ambiguities which exist in the original drafting. If members examine the principal Act they will find that there is a possible ambiguity in the interpretation as to who is excluded from and who is included in the various groupings; and, as I say, the Parliamentary Draftsman has endeavoured to remove any such doubt.

Mr. Brady: Salaried staff or wages staff?

Mr. COURT: Both. He has tried to clarify just who is excluded from the separate groups. The honourable member no doubt knows this particular section of the Act; and if he reads it, he will see it is rather hard to be certain as to whether some people are excluded together with certain other people, or whether they are excluded and the people who follow in the principal Act are included with the original group.

I suggest that a careful reading of the section will make much clearer what I am trying to convey; but my own impression on reading the parent Act was that it was open to very grave doubt, with which opinion the Parliamentary Draftsman agreed, and so has tried to remove that doubt in this Bill. I might add that there has been no difficulty in the interpretation of this, because the various parties concerned have interpreted the legislation in a manner which has been acceptable and understood by all concerned. Nevertheless, it is best that we remove any possible argument now that the Act is being amended.

The Commissioner of Railways has indicated the need for early action in effecting these amendments; as, until such time as this has been done, the ordinary election of elective members of the appeal board, which is required to be held in October of this year, cannot be carried out.

Section 79 of the Act provides that, for the purposes of the ordinary election of the elective members of the appeal board, a ballot shall be taken on a prescribed day (which is the fourth Wednesday) of October, 1956; and on the prescribed day in the month of October in every three years thereafter. In other words, an election is due again in October, 1959.

Also, under the regulations dealing with the appeal board, it is required that at least eight weeks prior to the triennial (ordinary) election, the returning officer shall, through the *Weekly Notice* issued by the Railways Commission, invite nominations for the positions of member, deputy, and substitute for each of the sections of employees as shown in subsection (1) (c) of section 78 of the Government Railways Act.

It will be appreciated that the request for early action made by the commissioner, and the subsequent presentation of this Bill are justified; as, to comply with the requirements of the Act and the regulations dealing with the appeal board, it will be necessary for the Chief Electoral Officer—who, incidentally, acts as the returning officer—to invite nominations through the *Weekly Notice* before the end of the month of August.

There is, I feel, nothing contentious about this Bill. It is purely to change the nomenclature to give effect to reorganisation within the railways; and unless this amendment is made, it will be impracticable to hold the elections that are required this year in accordance with the original intention. I move—

That the Bill be now read a second time.

On motion by Mr. Brady, debate adjourned.

POLICE ACT AMENDMENT BILL

In Committee

Resumed from the 11th August. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Police) in charge of the Bill.

Clause 3—Section 63A added (partly considered):

Mr. EVANS: As has been said by previous speakers during the debate on this measure, under this clause an innocent person could be involved. I know that some protection is afforded, inasmuch as there will be no prosecution for this offence

without the written permission of the Commissioner of Police; but that would not prevent the person concerned from being humiliated by questioning, and so on. My main objection to this clause is the onus of proof; because it is a cornerstone of British justice that a person is innocent until proved guilty. Members will recall the ex-member for Fremantle (the Hon. J. B. Sleeman) introducing a Bill last year for the purpose of removing the onus of proof provision from all Western Australian legislation.

Although that measure was defeated, there were many members in this House who sympathised with its sponsor. However, because the measure was so all-embracing it was defeated. I have here a brief extract from *Legal History* by W. J. V. Windeyer, B.A., LL.B. It refers to Anglo-Saxon times in England, when the laws were called dooms, and those who dispensed justice were known as doomsmen.

Mr. J. Hegney: Is this work by Windeyer, Jr., or Windeyer, Sr.?

Mr. EVANS: I think it is Windeyer, Sr. He says—

We have seen that the doomsmen were the judges in the shire and hundred moots. They had to find the dooms—that is to declare what was the law of the folk which was applicable in the case before them. Just as the king and the Witan, when legislating, purported to find the existing law and declare it, so the doomsmen were finders of law. Unlike the judges of our courts to-day, their task was not to give judgment by applying the law to the facts after the facts had been ascertained. Strange though it seems to us, judgment virtually preceded proof. The doomsmen had only to decide on which party lay what we call the burden of proof.

Having done that, their duty ceased. This work mentions, also, that it was usual for the doomsmen to lay the burden of proof on the accused person. In other words, the onus of proof was established even in those dark, early times; and I say emphatically that that is where it should have remained in the dark, early times. The member for Subiaco mentioned an instance some years ago, where a person was brought before a certain tribunal and was instructed to prove his innocence; while the prosecutor on that occasion—the Commonwealth—was not required to prove its case against the person concerned. The honourable member said it was a matter of the onus of proof, of which we heard so much some years ago, and he reminded members that we should not put the clock back to the dark ages. I agree entirely with those remarks. While I have no sympathy at all for the guilty person, I would rather

see 100 guilty persons go free than one innocent person wrongly convicted. I move an amendment—

Page 2, line 16—After the word "shall" delete all words down to "defraud" in line 21, with a view to adding the following:—

If it be proved—

- (a) that he had reasonable grounds for believing that that cheque would not be paid in full on presentation, and
- (b) that he had intent to defraud.

The amendment merely seeks to transfer the onus of proof from the accused back to the prosecution. In those cases where a person is charged with issuing a series of bad cheques within a period of time, and it is quite clear that he is guilty and did have the intent to defraud, I cannot see how the prosecutor could fail to prove that that person was guilty.

Mr. BRADY: I hope the amendment will be passed. The Committee should not encourage bad legislation such as this. In yesterday morning's paper appeared a report of a woman who was sentenced to a penalty because she had drawn cheques on an account which did not have sufficient funds. If that newspaper report is correct, that is the very type of case the Minister is endeavouring to have brought under the Police Act instead of the Criminal Code.

This provision has been recommended by the Police Department, and not by the Chamber of Commerce, the Retailers' Association, or the Chamber of Manufactures. We should have a second look at any amendment such as this when it emanates from the Police Department.

Mr. PERKINS: Would the proposals be more acceptable to you if the bodies that you have mentioned had recommended them?

Mr. BRADY: In some cases I would support amendments brought forward, even if those bodies had not recommended them. If the Minister wants to introduce legislation to take action against those people who visit this State and then fly out again within a couple of days, I am prepared to support him; but he should not introduce legislation to cover merely two or three people. In my opinion, the Criminal Code now gives the Police Department the right to take action against such persons.

I will cite another case, referring to the man concerned as Mr. X. Mr. X. interviewed me last year in my capacity as Minister for Police and said that he had been committed to gaol because he did not have sufficient funds in his bank account after he had issued cheques against that account, although he had done this

with the knowledge—as he thought—that his partner had sufficient funds in their joint account.

A young man or woman in possession of a newly-issued cheque book may not realise the serious consequences of issuing cheques against an account that has not sufficient funds in it to meet those cheques. On the other hand, they go into a store and draw a cheque for goods they have purchased, and that cheque is presented for payment before they have sufficient time to deposit money in the bank to meet it. That is not an uncommon occurrence. If the Minister is successful with his amendment, the same can apply to a merchant. He can order goods for his store; and if he overlooks lodging sufficient money in his account to meet the cheque he has issued in payment for those goods, it will be possible to charge him under this legislation.

Too often we introduce laws into this State which attempt to place the onus of proof on the accused. In British justice the principle has always been to place the onus of proof on the prosecution; but in France the opposite is the case, and it looks as though we are trying to follow the principle of French justice in this case. If we are aware that people are flying from State to State issuing bad cheques, surely sufficient evidence can be obtained to prove any case that is brought forward!

There are two things that have to be proved. It has to be proved that there is reasonable ground for believing that the cheque was issued for presentation, and also that it was issued with an intent to defraud. It may be simple to prove the first point, but it could be difficult to prove the second one. We should support the amendment moved by the member for Kalgoorlie. Parliament should not encourage bad law which is designed to cover only a small number of people. The decision often lies with the Commissioner of Police. If he decides that a charge shall be pressed, the case is brought up for hearing; but if he decides that there is insufficient proof, he can waive the charge.

Mr. PERKINS: I cannot accept the amendment. Members of the Opposition will appreciate that if the amendment were accepted it would fundamentally change the whole of the Bill. Much has been said about the onus of proof. I know that that principle has been discussed many times; and I am not surprised at the member for Kalgoorlie raising the issue; because many of us, when we first enter this Chamber, consider that we should, wherever we can, place the onus of proof on the prosecution. However, as our knowledge of legislation is increased, we come to realise that we have to accept some onus of proof resting on the accused if legislation is to be accepted.

I am rather surprised at the comments expressed by the member for Guildford-Midland, because he is an ex-Minister for

Police. I have here a copy of the amendment that was moved by Mr. Sleeman on this question when he held the Fremantle seat, and I notice that the member for Guildford-Midland voted against the then member for Fremantle when he tried to excise this onus of proof clause from legislation generally. However, on this occasion, the member for Guildford-Midland has reversed his views.

Mr. Hawke: How did the Minister vote?

Mr. PERKINS: I voted in the same way as the member for Guildford-Midland did on that occasion; that is, against the ex-member for Fremantle.

Mr. Hawke: Most unusual! The member for Guildford-Midland must be wrong.

Mr. PERKINS: During the second reading of the Bill, there was considerable debate on this question.

Mr. Nulsen: The onus of proof depends on circumstances.

Mr. Hawke: Of course it does!

Mr. PERKINS: I undertook to inquire about the type of legislation in other States, and I asked the Police Department to communicate by means of its inter-police radio with the other States. From the information received, it appears that Victoria, South Australia, and New South Wales have approximately similar provisions in their legislation to those which we are now seeking to enact. Queensland and Tasmania apparently rely on some other legislation to deal with this particular type of offence.

To give an illustration as to how the section applies in South Australia, I propose to read from the Police Offences Act of that State, as follows:—

Section 39 (1) Police Offences Act.

Any person who obtains any chattel, money, valuable, security, credit, benefit or advantage by passing any cheque which is not paid on presentation shall be guilty of an offence. Penalty £100 or imprisonment for twelve months.

(2) It shall be a defence to a charge for an offence against subsection (1) of this section to prove that the defendant (A) had reasonable grounds for believing that the cheque would be paid in full on presentation and (B) had no intention to defraud.

(3) The fact that at the time when the cheque was passed there were some funds to the credit of the account on which the cheque was drawn shall not of itself be a defence.

Mr. Evans: Is this Bill drafted on the South Australian measure?

Mr. PERKINS: If the member for Kalgoorlie had listened carefully, he would have noted that we have placed additional safeguards in our legislation so as to avoid any possibility of an innocent person appearing before a court.

Mr. Evans: He will still be embarrassed.

Mr. PERKINS: If members consider this clause impartially, they must agree that we have only gone as far as is absolutely necessary to make the legislation effective. The particular type of individual concerned has already caused some citizens of the community considerable inconvenience by obtaining valuable goods or money and by giving a cheque which is not met on presentation at the bank. The other citizen would be out of pocket to that extent.

The police never take action on these occasions if the money has been paid and the wrong righted. The man we are trying to catch up with is the one who opens a small account in a bank, secures a cheque book, and then proceeds to obtain money, goods, and other valuables by passing worthless cheques for those valuables. None of us would wish to condone that sort of thing. The onus of proof on the defendant is the absolute minimum and applies only after the individual has passed a cheque and obtained something from some other member of the community without giving proper recompense for it.

Mr. Norton: Does that include goods on credit?

Mr. PERKINS: No. If the honourable member reads the clause, he will see that something must be obtained in return for passing a valuable cheque. The other type of offence is the passing of a cheque by a person who draws the cheque without any bank account at all. In those cases the police proceed under the appropriate section of the Criminal Code. I do not think the person who opens a small account at a bank with a view to operating on it illegally is in a better position than the individual who draws a cheque without having a bank account at all.

Mr. Evans: Would not section 408 of the Criminal Code cover this?

Mr. PERKINS: No. The Police Department and the Crown Law Department advise me that it is necessary to have this amendment to make the law effective. I would point out that all the necessary safeguards are included. If a period of 60 days elapses after the person concerned opens the account, no prosecution can take place under this section.

Mr. Hawke: What happens after 60 days?

Mr. PERKINS: He will have to proceed by civil law.

Mr. Hawke: Who?

Mr. PERKINS: The person who lost the money. Either that, or he will have to prove fraud. I understand that, if he can prove fraud independently of this legislation, the police can take proceedings. There is an additional safeguard, not contained in the legislation of other States, that no action is taken without reference to the Commissioner of Police.

Mr. EVANS: The man can still be embarrassed.

Mr. PERKINS: The police would not proceed if it were clear that he was innocent. Accordingly, after having given careful consideration to the amendment, I do not think I can accept it. The clause as it stands will provide the maximum protection to the defendant, as well as make some improvement in the present position. It will also enable the police to deal with this type of offence more effectively.

Mr. EVANS: The Minister has failed to convince me that an innocent person could not be embarrassed by this clause. Despite the provision that no prosecution will be commenced without the approval of the Commissioner of Police, I contend that an innocent person could be embarrassed; because the onus of proof is on him to show that he believes the cheque will be paid on presentation, and that he has no intention to defraud.

It is much easier for the prosecutor to prove that a person did intend to defraud and knew that the cheque would not be paid on presentation, than it is for that person to prove that the cheque would be paid on presentation. It is the essence of British justice that a person is innocent unless he is proved otherwise. Under certain circumstances, no matter how innocent a person may be, he may find it difficult to prove his innocence. If this amendment of mine is not passed, I intend to oppose the third reading.

Mr. HAWKE: The Minister seems to think that any member who voted in favour of the Bill introduced by the ex-member for Fremantle in the previous Parliament cannot support the amendment before the Chair. The move by the ex-member for Fremantle was a blanket move; it was intended to delete from every Act of Parliament the principle of the onus of proof being placed on the defendant. Clearly, in some Acts of Parliament that principle finds a place where it can be justified and is necessary. That does not prove that the principle is justified in every Act of Parliament; it certainly is not justified in the Bill before us.

Each situation has to be examined separately and decided in accordance with its merits. In voting against the Bill introduced by the ex-member for Fremantle, the member for Guildford-Midland did not indicate any inconsistency at all, because on that occasion he voted against the deletion of the principle of onus of proof on the defendant from every Act of Parliament. The Minister has not convinced me that there is adequate reason for the proposal now under discussion to be made law.

The Minister has not stated that a person committing an offence prescribed in the clause under discussion cannot be prosecuted successfully. Even if we look

at this proposition on its own, we find that for a period of 60 days from which an account is opened, a person is liable to prosecution should he issue a cheque, during that period, which is not cashed on presentation.

After the 60 days, the proposed new law would be ineffective and inapplicable. Even if this clause were to become law, a person would be liable to be prosecuted if he committed the offence within the 60-day period; but once the 60-day period has passed, he could do what was considered as an offence in the 60 days without risk of prosecution. If what the Minister has told us has enough basis, then a person 60 days after opening an account would become a clean skin.

I dislike very much the wording of paragraph (a) in the clause, which reads—

that he had reasonable grounds for believing that that cheque would be paid in full on presentation.

If the amendment before us is not agreed to, I suggest that when this Bill is in the the Committee stage in another place the three "thats" be struck out from the clause. I see no reason for their inclusion. They make the clause very clumsy.

Mr. Perkins: So long as the court does not misinterpret the provision.

Mr. HAWKE: No court could misinterpret the paragraph if the three "thats" were deleted, and the word "the" were inserted. If that were done the provision would read—

he had reasonable grounds for believing the cheque would be paid in full on presentation.

I support the amendment, because it would give reasonable protection to an accused person.

Mr. FLETCHER: I am supporting the amendment as a result of my personal experience of the writing of cheques. I incurred considerable expense during the recent elections. Many members on this side of the House will understand my position, but possibly many of those opposite will not.

I say that, because I know my means were very limited. As a result of this situation it was necessary, after having received accounts for printing, to pay into an account a sum of money to meet printing and other expenses. Fortunately, I have an efficient wife-secretary who said to me, "Have you paid that money into a certain account?" I had not; and at 10 minutes to 3 in the afternoon I had to rush to the bank and pay the money in. At 10 minutes to 3 in the afternoon I had to put sufficient money into the bank to cover cheques which I had written the previous evening. Had these cheques been presented they would, to use common parlance, have bounced, and I would

have been in the unfortunate situation, as the potential member for Fremantle, of having written cheques which were not honoured.

Mr. Perkins: How long had the account been opened?

Mr. FLETCHER: It was a joint account that had been in existence for some time.

Mr. Perkins: You could not have been prosecuted under this Bill.

Mr. FLETCHER: I had withdrawn money from one account to pay into another.

Mr. Nalder: You had a number of accounts with the same bank?

Mr. FLETCHER: No; I did not.

The CHAIRMAN: Order! I suggest that if the member for Fremantle will address the Chair he will not get into any difficulties.

Mr. FLETCHER: I am not in difficulties; I am beginning to feel sufficiently sure of myself to cope with any interjection. Had it become known at a selection ballot, prior to the holding of an election, that I had had to appear before the Commissioner of Police as a result of my action in issuing cheques which were not honoured, it could have ruined my prospects in any subsequent election. Since that could have applied to me, it could apply to any man in public office, or any prominent person.

I support the amendment because it could prevent such a situation as I have outlined. The Minister quoted the State of New South Wales as justification for introducing this Bill, but I would say that the house of that Police Force is not altogether in order.

Mr. W. HEGNEY: I hope the Minister's unofficial legal adviser is telling him the same as I am going to tell him. It is amazing to me that the Government has sanctioned the introduction of such a Bill at this time. I do not know whether members of the Cabinet have seriously discussed its provisions or not; but I do not think they have given the Bill much consideration.

I have listened carefully to the Minister during the numerous times he has endeavoured to explain the provisions of the Bill, but he has not convinced me of its necessity; and I do not think he has convinced some of the members of the Government. He has indicated, in the first place, that the provisions in the Bill are met now by the law and that the effect of the Bill will be entirely null and void or ineffective after 60 days have elapsed. The Minister just indicated to the Leader of the Opposition that nothing would happen after 60 days other than that the aggrieved person would be required to take action under civil law.

Mr. Perkins: You are back to the existing law. The police would have to prove fraud; or else the person defrauded would have to proceed under civil law.

Mr. W. HEGNEY: That is why the member for Kalgoorlie has submitted this amendment. The person the Minister has in mind is apparently one who would issue cheques in an irresponsible manner, prior to the expiration of the period of 60 days. If a person wants to act in a dishonest way, a period of 60 days would not prevent his doing so. I think there is quite a lot in what the member for Fremantle had to say. Quite a number of people might, in good faith, open an account with the Commonwealth Bank or one of the associated banks; and, within a period of two months, they might find that a person, from whom money was owing, had not paid anything into the account. In all good faith, the person having the cheque account would continue to write cheques and then find himself in a difficult position. The onus of proof is on the person. The proposed new section reads—

64A. (1) Any person who obtains any chattel, money or valuable security by passing a cheque within a period of sixty days from and commencing on the day of the opening of the bank account on which the cheque is drawn, which cheque is not paid on presentation—

The member for Melville has given us a few examples of what could arise in connection with presentation of cheques which could not be met. The section continues—

—shall, unless he proves—

Here is the onus of proof—

- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and
- (b) that he had no intent to defraud;

The member for Kalgoorlie seeks to transpose that, and I can see nothing wrong with it.

Mr. Perkins: Except that it would absolutely destroy the purpose of the clause.

Mr. W. HEGNEY: That is just what I think should be done. As I said before, I am astounded that the responsible members of the Cabinet allowed this Bill to be introduced. I believe I am right in assuming that some of the private members on the Government side will appreciate the injustice of this. In regard to the blanket provision which the ex-member for Fremantle desired, we know, as the *Hansard* reports will indicate, of the cases mentioned. I think that everyone, with the exception of the member for Fremantle, agreed that there are some instances which could arise where the onus of proof may be necessary.

In this case, the onus will not be on the Minister for Police, the Attorney-General, or the Crown Solicitor, but on the Commissioner of Police to determine whether a prosecution shall or shall not follow. I suggest that people in the community could find themselves in a difficult position. I know a personal explanation would be asked for; but, as the member for Fremantle has said, people soon get to know about these things, and they would soon find out that someone was more or less being accused of issuing valueless cheques. His reputation would then be clouded.

Mr. Guthrie: He would have issued a valueless cheque, wouldn't he?

Mr. W. HEGNEY: Here is the unofficial legal adviser to the Minister! Of course it would be a valueless cheque. As there would not be sufficient funds, it would be marked as such, and would not be paid.

Mr. Perkins: And all this happens within 60 days.

Mr. W. HEGNEY: Suppose it happens after 61 days. The Minister said that in that case the provisions of the Bill would not apply.

Mr. Perkins: That is so.

Mr. W. HEGNEY: There is a weakness; and in the process, the onus is to be put on the drawer of the cheque. I support the amendment and hope the Committee will agree to the deletion of the words.

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

Ayes—22.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Lawrence
Mr. Evans	Mr. Moir
Mr. Fletcher	Mr. Norton
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—24.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Field
Mr. Grayden	Mr. O'Neill
Mr. Guthrie	Mr. Owen
Dr. Henn	Mr. Perkins
Mr. Hutchinson	Mr. Watts
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Pair.

Aye.	No.
Mr. Sewell	Mr. Wild

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clause 4 and Title put and passed.

Bill reported without amendment and the report adopted.

[The Acting Speaker (Mr. Crommelin) took the Chair.]

SUPPLY BILL, £21,000,000

Returned

Returned from the Council without amendment.

TRANSFER OF LAND ACT AMENDMENT BILL

First Reading.

Received from the Council; and, on motion by Mr. Bovell (Minister for Lands) read a first time.

BASSENDAN RAILWAY SIDING

Incorrect Newspaper Report

MR BRADY (Guildford-Midland) [4.2]: Mr. Acting Speaker, I would like to make a personal explanation before the next item on the notice paper is proceeded with.

The ACTING SPEAKER (Mr. Crommelin): Very well.

Mr. BRADY: On Tuesday last I took a deputation to the Minister for Railways; and, during the deputation, I pointed out that I had received a letter from the Acting Minister for Railways (Mr. Bovell) stating that no siding was to be built at 7th Avenue, Bassendean. That was reported in yesterday's issue of the *Daily News*, which stated that Mr. Cyril Wayne had said there was to be no siding at Bassendean.

A representative of the *Daily News* rang me last night, and I told him that I had not mentioned Mr. Wayne's name but that I had mentioned the Acting Minister for Railways as having advised me. In this evening's issue of the *Daily News* the following appears:—

A statement quoting Labour MLA J. Brady (Guildford-Midland) as saying that the deputation was concerned that Railways Commissioner Cyril Wayne had said a siding was not justified was not correct. Wayne had nothing to do with it.

The *Daily News* has still not put the matter in the correct light; it makes out that I made the statement, which is not correct. I intend to write to the *Daily News* pointing out that it has made another bull, as it often does.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.6] in moving the second reading said: This legislation consists of two Bills, the main one dealing with the establishment of the metropolitan region authority, and the smaller one to impose the necessary rate of tax required to implement the provisions of the larger measure. I would like to remind members that these Bills do not come from any of my

departments; and I am acting on behalf of the Minister for Local Government, who is a member of another place. The notes I have are comprehensive, and I think they will give members a clear picture of what is proposed. I have also arranged to have posted on one of the side walls of the Chamber an illustrated diagram showing the structure of the metropolitan region authority; and I think it will prove to be helpful to members.

Mr. J. Hegney: Did you get permission from the House Committee to put pins into the wall?

Mr. PERKINS: I received the permission of the Speaker.

Mr. W. Hegney: Is the rate of tax you are going to impose on the diagram as well?

Mr. PERKINS: I shall deal with the Town Planning and Development Act Amendment Bill first. This measure provides for the setting up of a metropolitan region planning authority to finalise, obtain approval for, and to administer a statutory plan for the metropolitan region of Perth and Fremantle.

The Bill has been designed to be Part V of the existing Town Planning and Development Act. Several small necessary amendments have also been made to the relevant portions of Part I of the principal Act. It is provided that, in order to allow time for the actual setting up of the proposed authority, certain sections shall be proclaimed prior to the main proclamation.

A brief history of the amendments leading up to this Bill would assist in its explanation. It will be recalled that following Professor Stephenson's appointment as planning consultant for the purpose under the McLarty-Watts Government, the regional plan, in its printed form, was made available to the public late in 1955. Copies were sent to all members of Parliament, and to all local authorities in the region at the time.

The Government of the day appointed a Town Planning Advisory Committee composed of members from Government, Opposition, and Local Government, to consider and report on the proposals in the report and plan. This committee sat between August, 1955, and November, 1955, during which time—

- (a) it approved the plan in principle;
- (b) it recommended to the Government some of the major proposals;
- (c) it supported the proposed public exhibition of the plan; and
- (d) it gave extensive consideration to draft legislation; but finally was only able to recommend interim development legislation at that stage.

Since then, some of the major proposals, as recommended, have been adopted by the Government. Public exhibitions of the

plan have been held on three occasions, and these exhibitions have been well attended. The interim development legislation was introduced and first passed at the 1955 parliamentary session. The committee discussed at some length several of the matters referred to in this Bill, notably, the composition of a regional planning authority, and the provision of finance for operating the plan. At that time, the committee was not able to come to any final conclusion.

In drafting the Bill, however, we have had regard to the minutes of the advisory committee, and the discussions which took place. The first metropolitan region development order was gazetted in September, 1956, for one year, with the object of holding the position until such time as a statutory regional plan came into force. It has subsequently been necessary to re-gazette the interim development order three times, the current gazettal expiring on the 12th December, 1959.

In the three years of interim development control, the Town Planning Board has administered this order, and has handled many applications requiring decisions reflecting upon the final plan. Some of the decisions made by the Town Planning Board have necessitated the purchase by the Government of the land included in the applications. All these decisions, together with a considerable amount of other planning work done, have assisted in bringing a statutory regional plan nearer to completion.

The time has now been reached when it is essential, not only to appoint an authority to carry the plan through to fruition as a statutory plan, but also to give that authority the status and financial backing to carry through this important work. I think I can say, without fear of contradiction, that everyone agrees with the fundamental principle of the statutory plan for the metropolitan region. The need for it has been apparent for many years; and, indeed, most local authorities have found it almost impossible to finalise a positive plan for their districts without the overall framework of the regional plan to guide them.

In many ways the Town Planning Board, has, with limited staff and no finance for the purpose, been acting as the regional authority; and has been able to ensure that local schemes, by-laws, and subdivisions, fit broadly into the regional pattern as conceived by Professor Stephenson. This state of affairs cannot continue much longer, because of the increasing need to commence the development of the regional roads—which are beyond the responsibility of the Main Roads Department—and regional parts, and to continue with the regional planning work now urgently needed to be carried out.

Not everyone will agree with all the details of a regional plan; but this is only to be expected. It will be found that we have made ample provision for consideration of the plan and the objections to it. One of the main purposes of a plan and planning authority for a region is co-ordination and guidance of major development functions, so as to produce the most satisfactory total result. It is no longer adequate for these functions to proceed relatively independently. It is important to differentiate between regional and local functions. There appears to be some feeling that the regional plan will usurp the planning powers of the local authorities; but this is far from being the case.

The regional plan lays down the broad pattern of regional development: Major roads and railways; major open spaces; major shopping centres; industrial zones; and other broad zoning requirements, on which depends the provision of public supply services, transport facilities, and other needs. The local authority has an equally important part to play in laying down the local development pattern, or filling in the framework of the regional scheme, both in detail and programming; and to help them in this task it is proposed that planning advice and assistance will be made available from the proposed authority.

We have now reached the position where, if the immense amount of work which has already been put into the advisory plan for the metropolitan region, and in the subsequent planning during the interim development order control period, is not to be lost, a permanent planning authority with the necessary powers to finalise the plan must be set up. The decision on the composition of an authority was not an easy one, and was arrived at only after considering the composition, function, and achievements of existing authorities of similar character in Sydney and Melbourne.

It is clear that, because in Western Australia the Government is heavily involved in development functions within the metropolitan region, it must be well represented on the authority. This is not the case in Melbourne, where for many years the local authority, as represented by the Melbourne and Metropolitan Board of Works, controls such works as water supply, sewerage, town planning, metropolitan road construction, traffic control, foreshore design, and river control; and so the Government of Victoria is not directly represented on that authority.

There are 29 local authorities in the metropolitan region; and if all were represented, it would make an unwieldy authority which could only operate through sub-committees. As a compromise, it is proposed to call representatives of all the 29 local authorities and group them into

five district committees. The local authority representation in each district committee will be as follows:—

Group A—Fremantle, East and North Fremantle municipalities; and Cockburn, Kwinana, Melville, and Rockingham road boards.

Group B—Claremont, Cottesloe, Nedlands, and Subiaco municipalities; and Mosman Park, Perth, Peppermint Grove, and Wanneroo road districts.

Group C—South Perth municipality; and Armadale-Kelmscott, Belmont Park, Canning, Gosnells, and Serpentine-Jarrahdale road districts.

Group D—Guildford and Midland Junction municipalities; and Bayswater, Bassendean, Darling Range, Mundaring, and Swan road districts.

Group E—City of Perth. (Town Planning Committee).

Each of the five district planning committees will be represented by one member on the regional authority. These five local authority members will be associated with five members representing the five major developing Government departments which are as follows:—

- (1) Main Roads Department.
- (2) Railways Department.
- (3) Public Works Department.
- (4) Lands and Surveys Department.
- (5) Town Planning Department.

The chairman of the authority will be a non-representative member, and will be directly appointed by the Governor. He must be a person of high standing in the community; and he should be skilled and experienced in the fields of town planning, local government, and land development. Possibly any permutation of local authorities in this way is subject to some criticism, but it is considered that the arrangement proposed will provide the most balanced arrangement between local authority and the Government. The authority's composition is illustrated graphically in a plan to be laid on the table of the House.

Terms of office would be for three years at a time; and there are the usual provisions for an authority of this nature, including provision for the appointment of deputy members where required, and the payment of fees and expenses. The authority is charged with—

- (a) finalising a regional plan, having regard to the recommendations in the published report and atlas on the metropolitan region plan for Perth and Fremantle, and to the interim development order;
- (b) taking over from the Town Planning Board at a date to be fixed, the operation of the interim development order until such time as the plan is finalised.

- (c) submitting the plan for approval as provided for in the Bill;
- (d) administering the plan after its approval;
- (e) keeping the plan under review and, in any case, reviewing it every five years;
- (f) generally doing all things for the furtherance of planning in the metropolitan region.

It is the intention of this Bill that the administrative and technical work required by the authority shall be carried out as required from within existing Government departments. The secretary, and possibly the administrative staff, together with staff necessary to do technical work, will be provided by the Town Planning Department. Other functions of the authority—such as valuations and resumptions—will be carried out by other appropriate State departments.

I point out that in connection with the submission and approval of the plan, it has, because of its importance, been arranged that it should not be approved in quite the same way as under the present Town Planning Act. The proposed procedure is—

- (a) The plan when finalised is submitted to the Minister for preliminary approval to advertise.
- (b) Copies of the plan are then deposited at the offices of the Town Planning Department at Perth, Fremantle, and three other places in the region; and notices are inserted at least three times in the *Gazette*, and one Sunday and two daily newspapers advising this fact and inviting inspection and objection. Three months are allowed for inspection and objection.

In addition, the authority can take further action by exhibition and other means to acquaint the public with the proposals.

- (c) The authority considers all objections, and must give the opportunity of a hearing unless it is proposed to allow the objection.
- (d) The plan, with or without amendments, is submitted to the Minister. The Minister should then submit the plan for approval by the Governor who may also amend. After this approval it is published in the *Gazette* and becomes law.
- (e) Before submission to the Governor, the Minister may, if he sees fit, order the plan to be re-exhibited in order that any amendments or alterations brought about by consideration of objections may be brought to the notice of the public, in order to give

them the opportunity for further objection. However, objections will only be received on the portions altered.

- (f) It is laid before both Houses of Parliament with a written report on all objections for 21 sitting days, during which time it can be revoked by a resolution of either House.

For the information of members, this is very broadly the procedure which has been operating in Melbourne. Quite clearly the plan, when finally approved, must override local planning schemes if it comes in conflict with them. A further provision of the Bill is that within one year of the plan being approved, all local authorities in the region must either amend their existing town planning schemes to conform with the plan; or, where they have no scheme, they must prepare one—if necessary with the assistance of the authority's staff. This seems a most necessary and not unduly onerous provision if the development pattern for the region is to be completed.

Dealing with compensation, acquisition, etc., I would state that the compensation provisions of the Bill are the same as those existing under the present Town Planning Act, which were recently brought up to date by Parliament. Provision is, however, made for the authority to acquire land as an alternative to paying compensation for injurious affection. This provision is made, because in many of the regional proposals, such compensation could well amount to the full value of the land.

The authority is given power to purchase land but not to resume land until the plan is approved, and then only as a result of the approved plan. If land is acquired by the authority under an interim development order, or the plan, it may be leased or otherwise used until it is required for the purpose for which it was acquired.

Land within the plan area which had already been resumed for some public purpose may be used for any purpose within the approved scheme. No regional planning authority will be effective without finance to carry out the plan. It is, therefore, proposed to adopt the suggestion made in the report on the metropolitan region, and provide for an additional land tax on properties in the metropolitan region only, but excluding improved agricultural properties.

Local authority rates are not considered suitable for this purpose, which is regional in character, and the proposed land tax has the following advantages:—

- (a) It is a tax which affects the average property-holder only slightly.
- (b) It is assessed on a uniform basis.
- (c) It is simple to collect as the machinery exists.

- (d) It automatically reflects any increase in values arising from the benefits of the plan and therefore provides a form of betterment tax.
- (e) The exclusion of agricultural properties will not only encourage the retention of important market gardening and orcharding properties so necessary for a capital city, but will assist in maintaining a degree of relatively open country in and adjoining the built-up area.

It is proposed to levy a tax of $\frac{1}{4}$ d. in the pound which, on present assessments, would produce about £140,000 per annum or thereabouts. This by itself would probably be insufficient for the authority's purpose; and, therefore, provision is made for the authority to borrow money from the Government on repayment of principal and interest; and, if necessary, to raise loans from other sources on Government guarantee. Proceeds of the proposed tax, and any loans and other moneys, will be paid into a metropolitan region improvement fund, to be established at the Treasury; and all payments for purchases and compensation by the authority will be paid out of this fund.

Finally, in relation to administration, I would only say that, included are the usual administrative provisions for the making of regulations, where necessary, and for penalties for disregard of the Act or the plan, when operative, with provision for a recurring offence. The plan, when approved, will bind the Crown. I must stress that planning is a continuous proceeding. It is important that, having reached the present stage in a regional plan, we do not throw away the opportunity, that is offered, to continue.

It will be necessary, therefore, to continue the interim development order until such time as a statutory plan can take its place; as it will be towards the end of this year or early next year, before the proposed authority can be set up; and, further, as there is at least 12 months' work ahead of the authority's staff before a plan can be presented for approval after all the objections are heard and amendments made. The Bill provides that the existing interim development order, due to expire on the 12th December, 1959, should be extended for two years until the 12th December, 1961. I move—

That the Bill be now read a second time.

On motion by Mr. Moir, debate adjourned.

METROPOLITAN REGION IMPROVEMENT TAX BILL

Second Reading

MR. PERKINS (Roe—Minister for Transport) [4.30] in moving the second reading said: This is quite a short Bill and follows the metropolitan region authority

Bill previously described. When introducing the previous Bill, I pointed out how the work of the authority would be made possible by the use of a metropolitan improvement fund into which would be paid the sums of money returned by a levy of $\frac{1}{4}$ d. in the pound on the unimproved value of property within the metropolitan region, excluding agricultural land. The tax will produce about £140,000 per annum. The Bill imposes that tax; and I therefore move—

That the Bill be now read a second time.

On motion by Mr. Moir, debate adjourned.

TRAFFIC ACT AMENDMENT BILL

In Committee

Resumed from the previous day. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Transport) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 1 had been agreed to.

Clause 2—Section 5 amended:

Mr. GRAHAM: I move an amendment—

Page 2, line 22—After the word "grazing" add the following:—

(d) adding a paragraph as follows—

(c) notwithstanding the provisions of paragraph (a) of this subsection, the Minister may exempt from the necessity of being licensed any vehicle intended to be hauled or towed, while such vehicle is being so hauled or towed on a road by a vehicle for which the owner is the holder of the requisite vehicle license.

I am not breaching any confidence when I say that last evening the Minister and I discussed this matter. I thought we had reached a state of agreement, but for reasons which he will tell us this afternoon it does not appear that that state of unanimity will be preserved. If the Minister is adamant to revise my approach to the provision in this clause, I can see no justification for there being a statutory exemption for one section of the community—which, incidentally, receives all sorts of preferments under the Traffic Act—if the Minister will not agree to a discretionary power being vested in him to grant a concession to such people as he feels are deserving of consideration.

I have had a little experience of departmental officers. They become fond of a document in a certain form, and are most anxious to preserve it in that form. I cannot emphasise too strongly that my

amendment states what the Minister may exempt. There is no obligation on him to exempt anyone. If it be a fair and reasonable proposition for a primary producer to move from one place to another a piece of equipment on wheels, to be towed by another vehicle which is licensed, without necessity for the vehicle which is being hauled to be licensed, surely it is equally fair for a person engaged in some other type of business, and desiring to haul part of his equipment behind a licensed vehicle, to be entitled to the same consideration.

I indicated yesterday that it was unlikely that a farmer would want to attach a plough behind a truck, to be transported all over the State. In the case of a person who is engaged in business, and has to haul part of his equipment daily, or at regular intervals, over roads from one job to another, I agree with the Minister that there would be no warrant for granting him a free license or for exempting him from the need to obtain a license; but that is at the discretion of the Minister. A person who is able to demonstrate that once, twice, or three times in a year, owing to the nature of his business, he requires such a concession, should be granted one.

There will be no hindrance with regard to primary producers. If the Minister opposes my proposition, he will be casting a vote of no confidence in himself and in those who might succeed him, because he will be unable to trust himself to decide, when a case is submitted, whether it is worthy of being granted an exemption. The Minister has the right to refuse all the time; and he can refuse in every case.

The position would be confused if I sought in the amendment to set out in detail to whom, and under what circumstances, an exemption should be granted. It is far better for the Minister to lay down a procedure or formula, and to apply that as rigidly as he wishes; but the charter should be amended from time to time as the occasion demands. It is up to the Minister to make his own rules. I refuse to believe that the present Minister is so stupid that he cannot devise for himself the conditions under which an exemption shall be granted to persons, other than primary producers, in respect of whom he will have no discretion whatever. There is nothing in the Act to stop the odd agriculturalist, who desires to haul a plough up and down the State every week regularly, from doing so.

Mr. Perkins: It is most unlikely that will be done.

Mr. GRAHAM: I agree. The ones who would be affected by the Minister giving consent are the people who would not be using the road as often as the farmers. They would use a highway, probably for only very short distances, and on the rarest of occasions.

I cannot imagine the example I gave happening more than four times a year; probably it would occur twice a year. It

is fatuous in the extreme for the owner of a trailer or caravan which is just used for business purposes to have to go through the process of licensing that vehicle if he wants to move it from point A to point B. It should be possible for him to approach the traffic authority, whether in the metropolitan area or in the country, which authority, in accordance with a certain formula, would pass it on to the Minister and his advisers. If the case measured up to the requirements, permission would be granted; if not, it would be rejected. I ask the Minister to consider this matter seriously.

If the Minister is disposed, holus-bolus, to grant automatically—as part of the statute—a concession to one section of the public and not agree to a discretion, which would repose in him, in respect of other sections of the community, I hesitate to support the first proposition.

Mr. PERKINS: I am sorry to have to oppose this amendment since, as the member for East Perth has said, I did have a prior discussion with him and was under the impression, during that discussion, that there would not be many vehicles of this type involved. When I came to discuss the matter with my advisers—incidentally they are the same advisers who advised the member for East Perth not so long ago—

Mr. Graham: I can assure you I did not accept their advice on all occasions by any means.

Mr. PERKINS: I do not know that I will always accept it. But I think the member for East Perth will agree that they are very capable advisers, and one has to have a good reason for not accepting their advice.

Mr. Graham: I have endeavoured to advance a series of good reasons during the last few minutes.

Mr. PERKINS: It was pointed out to me by the Traffic Department that to try to tack this provision on to agricultural implements would not be very suitable. It deals with a different class of vehicle altogether. I was also informed that there might be some difficulty in drawing the line regarding these food barrows—if I might call them such. I have no doubt that some of them do remain in one situation for a considerable time, but I understand that in other cases they are shifted about comparatively frequently.

I am told by the Traffic Department that on the occasion of a certain function held at Pearce, nine of these vehicles were intercepted in the process of being transported to Pearce. Obviously they were not going to stay very long. When they were examined, it was found that only four of the nine were licensed. They were being transported on a very busy road; and if this type of trailer is going to be pulled around the metropolitan area, more stringent regulations will have to be applied to them than to agricultural implements,

which are mostly shifted in the comparatively sparsely-populated portions of the State where there is certainly not the density of traffic.

Mr. Graham: There is a heavy density of traffic accidents on country roads.

Mr. PERKINS: Not with agricultural implements.

Mr. Graham: Not many move over the roads.

Mr. PERKINS: They are shifted quite frequently; but country people are used to seeing them. I am informed by the Motor Vehicle Insurance Trust that third-party protection is given when these implements are hauled behind a licensed vehicle, such as a tractor or a truck. If permission were given for these barrows to be shifted around the metropolitan area, I think some special arrangements would need to be made with the Motor Vehicle Insurance Trust.

Mr. Graham: I am giving permission for nothing; it is at the discretion of the Minister.

Mr. PERKINS: The honourable member is transferring the responsibility to me. If protection were to be given to the food barrows, that aspect would have to be determined by the Motor Vehicle Insurance Trust. I have not discussed the matter in detail with that authority; because when I discussed it with the Traffic Department, I regarded the serious objections raised by it as being sufficient to warrant my not accepting this amendment.

I have some sympathy with the difficulties mentioned by the member for East Perth about this particular type of vehicle; and maybe it will be possible to make provision in some other way. There is provision elsewhere in the Traffic Act for the issuing of permits for the shifting of vehicles for various purposes. A fee is charged for the permit, and provision is made to issue a temporary third-party cover in connection with the risk involved. I am prepared to discuss with the member for East Perth some other way of covering the particular difficulty he has in mind; but I must accept the advice of my technical advisers that to agree to this amendment would be most undesirable. I oppose the amendment.

Mr. GRAHAM: The Minister has told us that his advisers informed him that it would be inappropriate for this amendment to be placed in the section of the Act which relates to agricultural implements. Had his advisers looked at the Act and understood it, they would have seen that Part II relates to the licensing of vehicles, and the two lines which explain the part of the section read as follows:—

A vehicle license is required for any vehicle described in the Second Schedule to this Act.

The Minister is excluding farm implements, and I am seeking to exclude other types of implements. Therefore, if the traffic advisers told him it was the wrong place, they should read the Act.

He also stated that it may be possible to make provision in some other way. If these people are the experts, why did they not suggest to the Minister that it be inserted somewhere else? They are completely negative in their outlook, and the Minister will ascertain that for himself when he gains a little more experience.

I might say not critically, but for his guidance, that one of the most senior advisers—at that time the most senior traffic adviser—informed me that officers of his particular department—I need not be more precise than that—were not trained to develop policy; that all their training, background, duty, and responsibility, was to enforce the law as it was. Yet, we find the Minister, because of his sweet innocence—being new in the job—accepting these people as the authority.

I have told him, and it is now on record, that they have stated they are unfit and unequipped to lay down a policy with regard to legislation, but that they can tender advice on the basis of their experience gained in the course of their enforcement of law. I think that if the Minister cares to ponder my words, he will agree, generally speaking, that what that officer said is perfectly true.

We come now to the food barrows which are the worry and concern of the Minister and other people. First of all, I believe that some of the Minister's advisers have not been keeping in touch with some of his other advisers. I say this because a businessman—and this has nothing to do with benefit to the workers, because I am unaware yet of anything that this Government has done in that regard—came to me in connection with this very matter. The advisers to the Minister told this individual that he had to license his vehicle when all he seeks to do is to move it a short distance one or twice a year.

Mr. Perkins: He will have to do that unless we alter the practice regarding temporary permits.

Mr. GRAHAM: Does that not suggest that there is something radically wrong with the law at present; and that the Minister, in consultation with his advisers, should work out the exact formula that would cover the situation?

Mr. Perkins: It will not be done under your amendment.

Mr. GRAHAM: No; my amendment would not grant it to anybody. It would enable the Minister, if he felt there was justification—such as in the case I have quoted—to grant an exemption from the necessity to obtain a license. Do not let us be led astray with regard to food

barrows! I wonder if there are even 20 of these barrows in the whole of Western Australia. The Minister apparently visualises tens of thousands of them proceeding along the road and cluttering up the highways.

Mr. Perkins: Nine went up to Pearce on one occasion.

Mr. GRAHAM: Judging by the tens of thousands of people who go up there on those special occasions, I cannot blame those enterprising businessmen for taking their barrows where business was to be gained, because there would be precious little in the metropolitan area on those days.

I hope that members of this Committee will agree with me that with the rejection of this proposition, the clause we are considering is totally unreal and unfair. Without any regard to the circumstances, the Government is prepared to include it in the statute, which means it will be there for the Legislative Council to protect for ever and a day.

The country people—we know there is competition between the Country Party and the Liberal Party in regard to these people—are going to be automatically granted this dispensation. But they are not the only people who are concerned with this permit. Surely I can expect a little support from the Liberal Party in connection with this matter! Persons engaged in business, other than farming, who desire once or twice a year to shift their little implements of business from one site to another should be able to do so without having to go through the process of obtaining a traffic license in the ordinary way.

Mr. Bovell: What things would they have to move?

Mr. GRAHAM: There is a firm that runs a little business known as "The Bright Spot." During the winter months it has several vans at Subiaco Oval to cater for the football fans. At the end of the football season, it desires to move those vans to another place—perhaps to the headquarters of the Cricket Association to cater for the public at the Sheffield Shield matches, and so on. In order to shift these vehicles once down to East Perth—a matter of three or four miles—and then back to Subiaco again, it is necessary for the firm to take out a license, or two half-yearly licenses.

Mr. Bovell: That is not on the same scale as primary producers having to move their vehicles.

Mr. GRAHAM: What does the Minister mean by "not on the same scale?"

Mr. Bovell: Every primary producer has to move vehicles from one property to the other. There is not just one isolated farmer involved as is the case with your example. You have only mentioned "The Bright Spot."

Mr. GRAHAM: That is so. The reason I quote it is that the proprietor of that business approached me. On the other hand, no-one on the Government side has mentioned even one approach by one farmer. "The Bright Spot" is not the only concern. Incidentally, I have no financial interest in this business. It so happens that the proprietor has an interest in another concern which is situated in East Perth. That was his reason for approaching me.

What grounds for refusal can the Minister have? If he does not like the idea of granting these concessions, the moment this Bill became law, he would have the authority to say either "Yea" or "Nay" as to whether a person is to be exempt from the necessity to obtain a license for a motor vehicle, etc. Therefore, it is entirely in his hands, or in the hands of his Government, to grant this exemption on condition that the vehicles are not moved, say, half a dozen times a year; or that the movement must take place in daylight; or that the distance is no more than 10 or 20 miles. Whatever conditions he desires, he can impose. I believe the Minister has been a little mesmerised by the flights of imagination of his advisers who apparently think that there will be a terrific number of these vans and other types of vehicles.

The CHAIRMAN: The hon. member's time has expired.

Mr. GRAHAM: I will wait for someone else to speak; then I will rise again.

Mr. PERKINS: I would like to convince the member for East Perth of our good faith. I believe there are provisions in the Act under which these people can be dealt with, if they want to shift these barrows once or twice a year only. There is already provision in the Act for temporary permits. A permit can be granted when a vehicle is moved to be repaired. A fee is charged and arrangements are made with the Motor Vehicle Insurance Trust. If the honourable member will leave this amendment for the moment, I will discuss the position with him; and if these people are suffering hardship, we can make use of the provisions I have mentioned. An instruction has been circulated as to the purposes for which temporary permits can be issued, and this is not one of them.

Mr. Graham: What is not one of them?

Mr. PERKINS: The shifting of these food vans. The permits can be issued only in the following circumstances:—

- A vehicle being taken to a licensing authority for licensing.
- A vehicle being taken to or from a place of repair.
- Any vehicle being taken to or from the scene of a motor vehicle race, and during such race.

A vehicle or implement for display or demonstration, being taken to or from the Royal Agricultural Show.

A vehicle or implement for display or demonstration, being taken to or from a country agricultural show.

A tractor or implement for display or demonstration, being taken to or from an agricultural or industrial field day.

An agricultural implement being taken to a farm or agricultural property, and to remain on such property.

If the Minister agreed, temporary permits could also be issued for the food barrows; but I would examine the matter more closely before promising to issue an instruction to that effect. I am not prepared to accept the amendment.

Mr. GRAHAM: Acceptance of the amendment would not compel the Minister to instruct anybody.

Mr. Perkins: I am not prepared to accept it, anyhow.

Mr. GRAHAM: That was the attitude of the Attorney-General the other night. He wanted something for no other reason than that he wanted it.

Mr. Perkins: If there is already provision in the Act, why want it here?

Mr. GRAHAM: If there is already provision in the Act, why is it necessary to have a special provision for agricultural implements?

Mr. Perkins: It is a matter of giving the permit and getting the third-party cover.

Mr. GRAHAM: Apparently it can be done without alteration of the law; so why amend the Act? It demonstrates a weakness in the Minister's argument.

Mr. Perkins: You are not helping your case for these people by taking that attitude.

Mr. GRAHAM: If some dragnet section in the Act enables the traffic authorities to exempt whole groups of people such as were referred to by the Minister in the list he read out, why cannot that list be extended to cover agricultural implements? Apparently there has been no difficulty in making arrangements with the Motor Vehicle Insurance Trust in regard to agricultural implements; so why should it present difficulties in regard to the conveyances I have mentioned? If it is necessary to amend the Act as clause 2 seeks to do, it should be applied to all who are worthy of it—the farmers automatically, and the others if they can establish a case in conformity with a formula determined by the Minister. Will the Minister answer the points I have made?

Mr. Perkins: No. I think you are being absolutely obstructive. I said I was prepared to discuss the matter with you.

Mr. GRAHAM: I invite the Minister to discuss the matter with the Crown Law Department and see whether there is any fallacy in my reasoning, and whether I am being obstructive. Has he examined subsection (2) of section 11 of the Traffic Act, it reads—

Where in the opinion of the local authority exceptional circumstances require it and where the local authority has obtained the approval of the Minister to do so it may grant a vehicle license subject to such conditions as it attaches to the vehicle license to the owner of the vehicle without requiring payment of the appropriate fee for that vehicle license.

Mr. Perkins: That is what we are trying to get away from.

Mr. GRAHAM: The Act says that if the traffic authority recommends and the Minister approves, there is no need for a license or the payment of a license fee. Why does he not apply that to the farming fraternity and other members of the business community?

Mr. Perkins: I repeat that that is what we are trying to get away from.

Mr. GRAHAM: I disagree with the Minister's argument when he picks out his own political friends to be dealt with, and will not tolerate even a discretionary power to be exercised in regard to a deserving section of the community. The amendment is to apply to agriculturalists only, and the Minister is not to have any discretion to refuse in any case. If we grant this concession to one section of the community, we should leave the door open so that the Minister may exercise the necessary power if he feels the case is worthy of consideration.

Is there anything unfair about that? The only way I can press my point is to hope that the majority of members will agree with me that the two types shall be dealt with simultaneously. Let us deal with them together instead of leaving one section out in the cold. That is all I am asking the Minister to do.

I ask him not to adopt the attitude that it is some sort of affront to his dignity if the Bill is amended by the alteration of a word or a line. As he has been popping up with various arguments, I have endeavoured to knock them over; and in every case I think I have been able to quote the law of the land in order to substantiate my point of view. While the Minister has committed himself on two occasions to reject my appeal, I ask him to relent on the basis of fairness and equity. Surely that is not asking too much!

I appreciate his offer to discuss this matter to see if something can be worked out; but I have given a great deal of

thought to it, and the amendment covers what I think should be done. In my opinion this is the appropriate Part in which it should be included because that Part is headed "Licensing of Vehicles;" and the section which I am seeking to amend says, "All vehicles should be licensed." There are to be exceptions such as agricultural implements; and I want other types of conveyances exempt with the approval of the Minister. If the Minister were able to demonstrate to me that there was any weakness in my argument, or that the proposition would be unworkable, I would not press it. But he has not convinced me, and I am sure he has not convinced anybody else.

Mr. Perkins: You don't want to be convinced!

Mr. GRAHAM: It is just out of a sense of loyalty to a piece of paper.

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

Ayes—22

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Lawrence
Mr. Brady	Mr. Moir
Mr. Evans	Mr. Norton
Mr. Fletcher	Mr. Nulsen
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—24

Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. Oldfield
Mr. Crommelin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. Mann

(Teller.)

Pair

No

Aye	
Mr. Jamieson	Mr. I. W. Manning

Majority against—2.

Amendment thus negatived.

Mr. GRAHAM: I am disappointed with the result of the division. Members and supporters of the Government, including the Independent group who were outside and did not hear any of the debate, and probably did not know what they were voting on, have shown how partisan they are in connection with this matter. By this clause we are agreeing to bestow upon a section of the community a privilege which will not be enjoyed by any other section. I should correct myself and say, "a further privilege;" because under the Traffic Act, the farming fraternity receives concessions today which are not enjoyed by anybody else.

There may be a good and substantial reason for that; but it is possible to establish that there are a number of types of businesses which are confronted with the same

problem as the farmer in moving the implements of their business infrequently from one place to another along a road. Usually it is over short distances. By this legislation there will be no necessity for a farmer to license his vehicle, but any other person engaged in business will be required to take out a license.

It is grossly unfair in the extreme. As I said earlier, it merely gives added weight to the statement I have made on many occasions, including this afternoon, that this unhealthy rivalry between the Liberal Party and the Country Party to obtain the farmers' votes is resulting in this sort of legislation. So much so, that the Liberals will not stand up for the business people they represent.

Mr. Wild: We on this side of the Chamber represent all sections of the community.

Mr. GRAHAM: They misrepresent many, too. If their consciences were clear, and they wanted to clear their record for not doing anything for the working people, this amendment should not have any application to them. It would assist business people who are in a position comparable to that of the agriculturalist. I do not know whether we are justified in selecting our favourites or pets and granting them dispositions and privileges that do not apply to members of the community at large—members of the community who are operating under exactly the same circumstances.

This concession will be granted to many people whose incomes exceed £5,000 and £10,000 a year. So it is not a question of financial concession to anyone. It is a matter of the inconvenience of having to obtain a license, apart from the cost. If it be inconvenient to farmer Jones to obtain a license, surely it is inconvenient to businessman Smith who might, on the same day, want to move a vehicle the same distance as farmer Jones!

Mr. Nalder: Businessman Smith is generally in the metropolitan area; but the farmer, very often, is 200 or 300 miles away. There is certainly a difference.

Mr. GRAHAM: But the distance farmer Jones wants to move his vehicle from one part of his farm to another would not present any difficulty. It would only be a short distance.

Mr. Nalder: Not always.

Mr. GRAHAM: Almost invariably it would be.

Mr. Nalder: Some farmers have a farm in one part of the State, and another in some other part.

Mr. GRAHAM: That gives point to my argument. If it is asking too much of a farmer to pay for a license to transport

one of his farming implements, say, 50 miles, what about a man in the metropolitan area who wants to move his pie-stall half a mile from one recreation ground to another? For that short journey it is necessary for him to have that vehicle examined, to pay his license fee, and so on. So in the case I have in mind, the inconvenience is greater, apart altogether from the cost. I have made my point as forcibly as I can that if this is passed it will be bad law.

It is granting a concession to a certain section only, and yet there are other sections which could be affected in almost identical circumstances. Why not have the legislation all-embracing to include all sections? I suggested that the farmer should be granted the concession automatically, and that it should be granted only to the other people if the Minister approved; but that was not agreed to. If I have been unable to prevail upon the Minister for Transport to agree to my proposition now, notwithstanding his kind invitation—for which I thank him—what will it avail me to have discussions with him after he has succeeded in getting this pernicious legislation passed?

I have indicated to him on a number of traffic matters that I did not think party politics should enter into them. In my opinion, it is becoming more and more important for us to pool our brains in order to achieve the best possible in regard to traffic matters. But if the Government is going to play party politics with traffic—and I am unaware of its having happened previously—we can play all sorts of games with signals, crosswalks, traffic lights, and so on instead of trying to be statesman-like. I am afraid the Minister is so obsessed with his desire to ingratiate himself with a certain section of the community that he is completely immune to any reasoning or logic that is put to him in respect of many questions. However, as one cannot speak against numbers, I sky the towel.

Clause put and passed.

Clauses 3 to 6, and Title put and passed.

Bill reported without amendment and the report adopted.

TOWN PLANNING AND DEVELOPMENT ACT AMENDMENT BILL

Message-Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

JUDGES' SALARIES AND PENSIONS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th August.

MR. HAWKE (Northam) [5.31]: As explained by the Attorney-General, this Bill proposes to increase, quite substantially, the present salaries being paid to the judges of our Supreme Court. In addition, it proposes to make a special provision in connection with the pension of the ex-Chief Justice, Sir John Dwyer, who retired from the Supreme Court bench a few months ago.

The rate of increase, per week, which the Bill proposes to give to judges is £22. It could be said that judges' salaries in Western Australia are today considerably below those in all the other States; and, as pointed out by the Attorney-General, the making of this addition of approximately £22 per week to our judges' salaries will raise them only above the present salaries received by judges in Tasmania. It will therefore still leave them below the salaries being received by judges of the Supreme Court in other States of Australia.

In point of merit, therefore, and in regard to comparable salaries, it could be argued that this Bill is not unreasonable in the increases which it proposes to make. My stand in connection with the measure is that we should know much more before we approve of it. We should know the total wages and salaries policy of this Government. The Bill deals only with a very small number of Government employees—if judges could be called employees of the Government.

I know very few persons on the payroll of the Government have their salaries fixed by Parliament. Most of such people have their salaries decided by tribunals of one kind or another. Nevertheless, there are quite a few people, apart from judges, whose salaries are decided by Parliament. In addition, the Government will—if it has not already done so—decide a policy in connection with other matters associated with salaries and wages. I raised one of these questions earlier in the session. That question was a very vital one to a great number of wage and salary earners, and referred to the quarterly cost-of-living adjustment to the basic wage.

It is interesting to see in connection with this Bill, that one of the proposed beneficiaries is a person who, not so long ago, when a judge of the State Arbitration Court, refused time after time to grant quarterly cost-of-living adjustments in connection with wages and salaries covered by Arbitration Court awards and industrial agreements. I think the argument then was that the granting of these adjustments

could do harm to the economy as a whole; that it could raise the level of wages and salaries, and thereby have a detrimental effect, to some extent, on the cost of production.

The argument advanced also pointed out, in effect, that the processes of inflation would thereby be speeded up, and all the rest of it. It is also interesting to recall that when the Federal Court of Arbitration, only a few weeks ago, agreed to an increase in the Federal basic wage, the Premier of Western Australia came out publicly with a grizzle in protest against the increase, and prophesied that the payments of these additional wages and salaries to workers in Australia would have a detrimental and inflationary effect.

Yet, when a different group of salary or wage earners are concerned, we find there is no hesitation at all about his coming to Parliament quickly, and asking Parliament, not to make a quarterly adjustment to the basic wage in regard to the cost of living, or to give an increase of 15s. a week in the basic wage, but provide for an increase of approximately £22 a week to certain persons on the payroll of the Government.

Accordingly, I would seek an absolute and unqualified assurance from the Premier, on behalf of the Government, that the Government during its period in office will take no action to bring before Parliament legislation which will take away from the Arbitration Court the discretion which it now has of considering increases in the cost of living in each quarter, and of subsequently granting the increases in relation to wages and salaries if, in the opinion of the court, or the majority of the court, that course should be followed.

I ask for that assurance because we know that some Liberal Party members of the present Government—if not some Country Party members of it as well—have, more than once in this House, strongly advocated the abolition of quarterly cost-of-living adjustments to wages and salaries.

I know it might be said that it is illogical to state that unless the court is allowed to grant quarterly cost-of-living adjustments to wages and salary earners in its absolute discretion, no increases should be granted in the wages and salaries of other people, when some increases could be justified by the facts.

On the surface, that is also illogical; but in point of absolute and pure justice, or justice in the broad sense, it is a fair proposition. It is fair, because it would, in my opinion, be most unreasonable to bring a Bill like this before Parliament and obtain Parliament's approval; then next month bring forward a Bill to take away from the Arbitration Court the discretion it now possesses in respect of quarterly

adjustments to the cost-of-living movement, as it affects the broad structure of wages and salaries operating within the community of Western Australia.

In other words, we should know the total policy of the Government on wages and salaries. We should not be expected to deal piecemeal with that policy. Clearly, the Bill before us has been introduced without the Government having adequate time to consider the total policy which it will follow with regard to wages and salaries generally. So it can hardly be expected that at this stage the Government would be in a position to express decisively and fully the policy which it will follow in future.

By interjection, one of the members on this side of the House a few moments ago referred to the action of the Government—almost immediately upon coming into office—in abolishing the supplementary assistance which was being paid weekly to single units in the State, when those persons were unemployed for any period of time. The excuse for that action was that a similar payment was not being made in any other State; and, therefore, Western Australia could not be expected to keep on granting a payment which the other States did not make.

Those of us who have been in this Parliament for a long time know that this argument can be twisted one way or another to meet a particular situation. When it meets with the situation we want it to suit, we bring it forward and argue on its merits; but when it does not suit the situation, we wipe it off as being of no importance.

However, we are entitled to compare the attitude and the policy of the Government in respect of the abolition of the weekly supplementary payment of 17s. 6d. to very needy persons, with the action of the Government in coming before Parliament so quickly with this Bill to increase very substantially the salaries of judges of the Supreme Court. I am of the opinion that the Government should hold this Bill in this House until such time as it has given close consideration to its policy on wages and salaries as a whole. I am not aware whether the Premier could, this afternoon, give us the assurance which I asked for earlier; it is an assurance which every member of this House will require before passing this Bill.

In putting forward these points, I await with considerable interest what the Premier, or the Attorney-General on his behalf, will have to say. I am not arguing in any degree against the status of our judges; I am not arguing against the salaries which they should receive. I agree that they are entitled to receive salaries which are reasonably equivalent to the salaries paid in States of similar population on the eastern side of Australia.

When the Minister is replying, probably next week, I ask him to advise the House of the extent to which this action by the Government—because the Bill will subsequently receive the approval of Parliament—will set in motion action for increases in salaries of a number of other people on the Government's payroll. Both the Premier and the Attorney-General have had previous ministerial experience; and I think they will realise very clearly that the granting of salary increases to a few often has the effect of setting in motion activity which brings about a request or demand for relative increases in salaries of a considerable number of other people.

I am not sure offhand whether, as a result of granting these increases to judges, the magistrates of this State may not feel they also have a claim for an increase. Other people, whose salaries previously bore such-and-such a relationship to the salaries of judges, might feel that the increases in the salary status of judges gives them not only a moral, but a somewhat semi-legal, right to request that their salaries be increased proportionately. Those are matters upon which Parliament should be fully informed.

I am of the opinion that the Government, in accepting this Bill as one of the first major measures to be introduced into Parliament, has found that the increases, compared with the salaries paid in other States, are reasonable; and has not looked into the other points and possible difficulties to which I made reference.

I summarise my attitude briefly by saying that I hope the Premier, or the Minister on his behalf, will give the assurance I ask for about the discretion being retained by the Arbitration Court, without any attempt by the Government through legislation to take it away; and also a declaration, if not today at least next week, as to the policy of the Government in regard to salaries and wages as a whole, in so far as Governments can, by legislative act and executive act, affect the situation in that direction.

I hope the Premier, after settling down in the position as Treasurer of the State, and after seeing clearly the Budget situation for the current financial year, will give his Ministers another opportunity of examining the decision to abolish the 17s. 6d. supplementary payment to the single unemployed in the State; and that as a result, the Government will reinstate the payment.

MR. BRAND (Greenough — Premier) [5.50]: This Bill, in the first place, was introduced as a result of recognising that the judges were underpaid by comparison with those in the Eastern States; and even to raise their salaries to the second place in the Commonwealth above that of Tasmania involves a very substantial increase. I have not worked it out as a weekly payment, but the Leader of the Opposition has

quoted £22 per week. The position indicated that there had been some indecision on the part of our predecessors in bringing the level of judges' salaries in Western Australia up to that which had been decided by Governments of all political colours in the Commonwealth.

As for the early introduction of the Bill, we recognised that the Leader of the Opposition—the then Premier—had undertaken to make any increases retrospective to early in the year; and in order not to be faced with a very large lump payment in creating retrospectivity, we decided that if salaries were to be increased, this Bill should come before the House. In any case, it is only a matter of two or three months, one way or the other. I hope it will be two months.

As for the Government's policy in respect of wages, the attitude of both parties in this coalition Government has always been not to interfere with the Arbitration Court by legislative action. The Leader of the Opposition will recall the many arguments which centred in the word "shall," or "may." We supported the word "may" which indicated our attitude that the court, as it was constituted, should be free to make decisions on these matters without any legislative direction from Parliament. It has always been our policy to oppose any direction by a Government that quarterly adjustments should be paid; and, equally, it is our policy that we should not direct that they should not be paid.

Mr. May: Is not your Government intervening with the Collie workers?

Mr. BRAND: I am dealing with the legislative direction of the court in respect of the fixing of salaries, hours, or any other matters with which such court deals.

Mr. Hawke: And quarterly adjustments of the basic wage.

Mr. BRAND: I have said by interjection—and there is nothing new about it—that as far as our parties are concerned, we believe in the arbitration system, and feel that those who sit on the bench should be free to make their decisions unfettered by political action.

Mr. Hawke: The Minister for Railways is looking grim as a result of what you are saying.

Mr. BRAND: No; he was an advocate and supporter of the inclusion of the word "may" rather than the word "shall," which indicated the attitude of the then Opposition in regard to these matters. Regarding this Bill setting a precedent for the wages and salaries of other employees of the Government, it is a matter of wait and see. We cannot anticipate that the Commissioner of Railways, the Chairman of the Betting Control Board, or anyone else whose salary is fixed by Parliament will say that because the salaries of judges have increased his should be increased also. That is a very natural tendency.

I rather anticipate that before many months are through, we will be presented with a case for a review of other people's salaries over which Parliament is responsible. It is natural that there is always a pressure for increased salaries, wages, and better conditions.

Mr. Hawke: The member for Murray looks interested.

Mr. BRAND: I know of one or two others who are interested—very interested!

Mr. Fletcher: We should not make a decision in regard to our own salaries.

Mr. BRAND: I refer the honourable member to a subject which is now before another place. I do not imagine that we are going to face any greater difficulties regarding requests for increased salaries from other officers of the Government than has been the case with our predecessors.

All that I can say is: I hope that, when faced with the requests, we will deal with the matter fairly and justly, and make a decision in good time and not let the matter go on and on. It is interesting to note that the Chief Justice of this State is being paid £4,800; the Commissioner of Railways, £4,750; the Chairman of the Betting Control Board, something in the vicinity of £3,000; and the Town Clerk—although not our responsibility—in the vicinity of £4,200.

Therefore, if, as the Leader of the Opposition has pointed out, we are to treat the judges as a separate group of people to be put beyond reproach and temptation in their high and responsible office in administering the laws of the land and making decisions which affect the lives of people, I think the Government has acted wisely in bringing this legislation before the House at this early time. I support the second reading.

MR. W. HEGNEY (Mt. Hawthorn) [5.58]: I am not going to oppose this Bill. However, there is a lot in what the Leader of the Opposition has had to say. I think the Premier missed the point raised by the Leader of the Opposition. What we would like to know is this: Does the Government intend to allow the Industrial Arbitration Court to provide for annual adjustments?

The SPEAKER: That subject does not come within the scope of this Bill.

Mr. W. HEGNEY: It comes into this discussion, inasmuch as the decision of Parliament in connection with this Bill is going to have some effect on the wages and salaries of thousands of workers in this State, including some thousands of Government employees.

Mr. Brand: I said we would not direct the Arbitration Court by legislation.

Mr. W. HEGNEY: It is not a matter of directing the Arbitration Court by legislation. The Premier knows that the provision in the Industrial Arbitration Act in regard to adjustment of wages provides that the Arbitration Court may adjust the basic wage quarterly. As members know, on a number of occasions we endeavoured to alter the word "may" to the word "shall" to make it obligatory on the court to make quarterly salary adjustments. We want to know whether it is the Government's intention to provide that the Arbitration Court may adjust the basic wage annually.

Going back into history for a moment in regard to this particular item, the Liberal-Country Party Government of 1930, a time of falling prices, introduced this amendment in regard to quarterly adjustments. Up to that date the basic wage was altered annually; and the first time the court made the adjustment to the basic wage in this State, it was reduced from £4 16s. to £3 18s., and the workers of this country were robbed of 8s.

The SPEAKER: The honourable member must confine himself to the Bill, and not what took place years ago.

Mr. W. HEGNEY: If you will study the Bill, Mr. Speaker, as no doubt you have, you will see the provision for cost-of-living adjustments. Therefore this Bill will have some relation to the adjustments in the basic wage declared under the State Industrial Arbitration Court. I suggest that if this Bill were passed today, and tomorrow the basic wage were to go up or down £100 a year, the judges would be directly affected.

I say we are entitled to know the Government's attitude. The newspaper report has not been contradicted yet, as far as I know. I am referring to the article in the *Daily News* the other day which stated that the Government intended to intervene in regard to a log of claims which the Collie coal-miners were placing before the tribunal.

Mr. Watts: That is a different matter from stopping the Arbitration Court from making adjustments.

Mr. W. HEGNEY: The Attorney-General says it is a different matter. The Premier says the Government will not interfere with the Industrial Arbitration Court.

Mr. Brand: By legislation!

Mr. W. HEGNEY: Now we are getting an idea of the Government's attitude towards the working people of this State.

Mr. Court: Here we go again!

Mr. Bovell: Put on another record!

Mr. W. HEGNEY: The Collie coalminers decided to place a case before the tribunal which, as far as I know, is subject to appeal to the Arbitration Court.

Mr. Brand: Yes.

Mr. W. HEGNEY: And the case for the final analysis would be heard by the Arbitration Court. The Government is so anxious to step in and try to influence the minds of the Collie Coal Miners' Union. It has not sufficient faith in the judge of the court to realise that he would see the public interest was protected.

Mr. Watts: He has to get the evidence.

Mr. W. HEGNEY: The Government is now showing itself in its real colours. The industrial union places a case before the tribunal and the Government steps in and is going to intervene under the provisions of the Arbitration Court. Why?

Mr. Brand: Did your Government ever intervene?

Mr. W. HEGNEY: Is the Government not satisfied that a judge of the Supreme Court, who is President of the Arbitration Court and will be involved in this determination, will see that the interests of the public are protected?

Mr. Brand: Did your Government ever intervene?

The SPEAKER: Order!

Mr. Court: What about the transport operators?

Mr. W. HEGNEY: I reiterate that this is an indication of the Government's attitude in connection with its approach to industrial matters in this State. It is in keeping with its policy on sackings. Also its action in regard to the supplementary allowance to the single unemployed men was very wrong.

Mr. Watts: If you'd left this to your Leader you would have been a lot better off.

Mr. W. HEGNEY: I am not going to oppose the Bill.

Mr. Watts: He did at least know what he was talking about.

Mr. W. HEGNEY: I indicated I am not opposing the Bill; but I thought it was an opportune time to—

Mr. Brand: To say something you should not have said.

Mr. Watts: To put your foot in it, as you have succeeded in doing.

Mr. W. HEGNEY: When the Attorney-General has finished, I will continue! I thought it an opportune time to bring before the House what I believe to be the inconsistent attitude of the Government towards the industrial workers.

On motion by Mr. Graham, debate adjourned.

House adjourned at 6.6 p.m.

Legislative Council

Tuesday, the 18th August, 1959.

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The PRESIDENT took the Chair at 4.30 p.m., and read prayers.

QUESTIONS ON NOTICE

TEACHERS' TRAINING COLLEGE

Applications for Admission

- The Hon. J. M. A. CUNNINGHAM asked the Minister for Mines:
 - What percentage of all applicants for admission to the Teachers' Training College, came from the Eastern Goldfields districts in the years 1956, 1957, 1958?
 - Where does the greatest percentage per hundred head of population come from?

The Hon. A. F. GRIFFITH replied:

- 1956—44 out of 580—7½ per cent.
1957—38 out of 664—6 per cent.
1958—37 out of 635—6 per cent.
- The metropolitan area.