

a public carrier. If anyone in Wittenoom desires to order goods from the markets down here, they will be delivered the same as they would be by rail or other public transport.

Mr. Bickerton: In that case why take the subsidy off?

Mr. PERKINS: There is no sense in having two parallel services operating there. I have made the public statement that if the road becomes impassable for any reason, the air subsidy will be immediately available in order to serve Wittenoom. Therefore, I do not think the people of the north need have any misgivings on that score.

During the floods last year many difficulties arose in outback areas, but there was no point in the outer districts of the State, so far as I know, which was not served. I can remember that we arranged for a plane to go from Perth to Wiluna and the Government paid the difference between the air freight and what would have been paid for normal transport.

Mr. Bickerton: Would you not consider leaving the service as it is for a period of six months or so as an experiment?

Mr. PERKINS: I cannot see the need for two services. It does not make sense to me. The member for Pilbara will find that Wittenoom is very well satisfied with the provision which has been made. If not, I would be very interested to hear about it.

Mr. Bickerton: The road board is not very happy about it.

Mr. PERKINS: There were a number of other points raised, but I do not think members would like me to go into a lot of detail at this late hour. However, I will discuss the points from time to time.

Votes put and passed.

Progress reported, and leave granted to sit again.

### BROKEN HILL PROPRIETARY COMPANY'S INTEGRATED STEEL WORKS AGREEMENT BILL

*Returned*

Bill returned from the Council without amendment.

### ADJOURNMENT OF THE HOUSE: SPECIAL

MR. BRAND (Greenough—Premier): I move—

That the House at its rising adjourn until 11 a.m. today (Thursday).

Question put and passed.

*House adjourned at 1.12 a.m.  
(Thursday)*

## Legislative Council

Thursday, the 24th November, 1960

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

## QUESTIONS ON NOTICE

1. *This question was postponed.*

## PERTH-WITTENOOM ROAD TRANSPORT

*Consideration of Mr. L. R. Bee's Service*

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

Apropos the Minister for Transport's recent Press statement re transport to Wittenoom—

- (1) In connection with the calling of tenders for the operation of a road transport service between Perth and Wittenoom and bearing in mind the provisions of section 10 (e) of the State Transport Co-ordination Act, 1933-1959, in what respects did the Transport Board consider that the requirements of the town of Wittenoom were not adequately served by Mr. L. R. Bee, the existing licensee?

- (2) (a) Before tenders were called, was an opportunity afforded the existing licensee to carry general loading in addition to perishables on each trip in order to allow him to carry perishables more cheaply?

- (b) If not, why not?

*Saving at Expense of State Transport Services*

- (3) As it is proposed to discontinue payment of subsidy on aerial transport of food-stuffs to Wittenoom owing to the lower road transport rates, is not the Government saving money on subsidy at the expense of the State Shipping Service and State railways which could carry all the general loading to be authorised under the terms of the tenders invited?

## Part Played by Australian Blue Asbestos Ltd.

- (4) What part, if any, did Australian Blue Asbestos Ltd. play in the decision to invite tenders?
- (5) Is it considered that Mr. L. R. Bee has been treated fairly and equitably?

The Hon. A. F. GRIFFITH replied:

- (1) Transport costs were too high.
- (2) (a) No.  
(b) Capacity of his vehicle was insufficient to achieve the best rates.
- (3) Neither the State Shipping Service nor the railways can provide satisfactory transport for perishables to Wittenoom. The "topping up" of loads with general traffic and provision of back-loading is essential for economical operation. The loss of certain traffic by ships or rail is outweighed by the benefits to be derived by the northern communities.
- (4) Australian Blue Asbestos Ltd. sought a licence to convey only its own requirements, but it was decided that any service introduced should be for the benefit of the public generally and not merely for Australian Blue Asbestos Ltd.
- (5) Yes. See replies to previous questions. Bee has had the opportunity of tendering on the same basis as others. His tendered rates for perishables were much greater than those of the successful tenderer.

## LEAVE OF ABSENCE

On motion by The Hon. H. K. Watson, leave of absence for six consecutive sittings granted to The Hon. R. C. Mattiske (Metropolitan) on the ground of ill-health.

## MARRIED PERSONS (SUMMARY RELIEF) BILL

## Assembly's Message

Message from the Assembly notifying that it had agreed to amendments Nos. 3, 4 and 5 made by the Council, and had disagreed to Nos. 1 and 2 further considered from the 23rd November.

## In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair: The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: The Council's amendment No. 2 to which the Assembly disagreed is as follows:—

No. 2.

Clause 7, page 7, line 4—Delete the word "elect" and substitute the word "elects."

Progress was reported after the Minister for Local Government had moved that the Council's amendment be not insisted on.

The Hon. L. A. LOGAN: Members will recall that consideration of this amendment was postponed early this morning at the request of Mr. Willesee because this was an amendment moved by Mrs. Hutchison. I have since had a quick discussion with Mrs. Hutchison and, provided this amendment gets the same consideration as the other amendment—that means it will be given consideration during the discussion on the legislation next year—she is quite prepared to accept my motion that the Council do not insist on its amendment.

The Hon. R. F. HUTCHISON: I would like to advise the Minister that I reserve the right to bring this amendment forward again next year if similar legislation is introduced.

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

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

## RAILWAYS (CUE-BIG BELL AND OTHER RAILWAYS) DISCONTINUANCE BILL

### *First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

### *Second Reading*

THE HON. L. A. LOGAN (Midland—Minister for Local Government) [2.41]: I move—

That the Bill be now read a second time.

The decision to present this Bill to Parliament was not decided upon, lightly. Every effort was made to ascertain the views of former users of the rail services, in accordance with election promises. A special Cabinet subcommittee examined every aspect affecting each individual line before the final decision was made.

Both Houses of Parliament agreed, in December, 1956, in circumstances of which most members would be well aware, and subject to certain conditions, to resolutions to the effect that certain sections of railway totalling 842 miles should cease to be operated. The sections concerned were:—

	Length in miles
Meekatharra-Wiluna .....	111
Cue-Big Bell.....	19
Malcolm-Laverton .....	64
Geraldton-Ajana .....	67
Wokarina-Yuna .....	38
Burakin-Bonnie Rock .....	76
Mukinbudin-Bullfinch .....	58
Bullfinch-Southern Cross .....	22
Boddington-Narrogin .....	51
Busselton-Flinders Bay .....	67
Elleker-Nornalup .....	61
Brookton-Corrigin .....	56
Lake Grace-Hyden .....	58
Katanning-Pingrup .....	59
Gnowangerup-Ongerup .....	35
	<hr/> 842 <hr/>

Services were subsequently discontinued on all the sections listed with the exception of the Cue-Big Bell line, operations on which had already been terminated in 1956; and the Bullfinch-Southern Cross section, which was allowed to continue operating pending clarification of developments in the district.

Members will recall that some members of the Opposition of the day agreed to the motion to suspend traffic on the various sections, subject to the Government—

- (1) ensuring that through increased efficiency and economies throughout the W.A.G.R., including its workshops and administration, a substantial reduction in the railway deficit will be achieved;
- (2) ensuring an adequate replacement system of passenger and freight transport in areas where railways had been discontinued; and
- (3) overhauling and reorganising the metropolitan Government passenger transport services with a view to reducing substantially their deficits.

The Bill now before the House seeks to give effect to the closure of 670 miles of the 842 miles of railway dealt with in the discontinuance motion, together with 11 miles of the Bellevue-Mt. Helena section, on which services were terminated in

January, 1954, making an over-all total of 681 miles. The sections of railway to be closed are—

	Length in Miles
Meekatharra-Wiluna .....	111
Cue-Big Bell .....	19
Malcolm-Laverton .....	64
Geraldton-Ajana .....	67
Wokarina-Yuna .....	38
Mukinbudin-Bullfinch .....	58
Bullfinch-Southern Cross .....	22
Boddington-Narrogin .....	51
Busselton-Flinders Bay .....	67
Elleker-Nornalup .....	61
Brookton-Corrigin .....	56
Nyabing-Pingrup .....	21
Gnowangerup-Ongerup .....	35
Boya-Mt. Helena .....	11
	<hr/> 681

This will leave three lines operating on a seasonal basis. They are:—

	Length in Miles
Lake Grace-Hyden .....	58
Burakin-Bonnie Rock .....	76
Katanning-Nyabing .....	38

Those three lines have been reopened on a trial basis for a period of possibly three years, following a close examination of the areas and their transport problems by a Cabinet subcommittee. The Treasury is to reimburse the W.A.G.R. for the cost of opening the lines up to an agreed figure in each case, and for operating losses.

The Lake Grace-Hyden and Burakin-Bonnie Rock sections opened in January of this year and functioned for a period of six months to clear the grain and superphosphate. It is expected that they will reopen on the 9th January next year on the same basis. The Katanning-Nyabing portion of the Katanning-Pingrup line will also open in January next for seasonal traffic, and the remaining 21 miles from Nyabing on to Pingrup will be closed.

On the Bellevue-Mt Helena section it will be noted that only that portion from Boya onwards will be closed. The Bellevue-Boya portion is being worked as far as Koongamia with a passenger service and from Koongamia to Boya, under siding conditions, for the Boya quarries.

The railways required certain small sections on some of the closed lines involving only a few chains, in most cases, to be retained for shunting purposes and to provide access to stockyards, etc. The only length of line of any proportion sought to be held is approximately three miles at the Geraldton end of the Geraldton-Ajana section. This will serve an industrial area which is being developed between Bluff Point and the Chapman River; and the Geraldton Municipal Council is desirous of retaining this connection with the main rail system.

Those members of the then Opposition who supported the motion, with these conditions attached, felt that the then Government peremptorily suspended services on the line without these conditions being fulfilled. This gave rise to much greater discontent in the areas concerned than might otherwise have been the case.

The present Government has given attention to these matters. All phases of railway activities are undergoing a complete and thorough review, including the operations of the main workshops at Midland Junction, and the suburban passenger rail services. The more favourable railway financial results that have been in evidence over the last 12 months or so reflect the efforts that have been made and are still being made in this regard. Substitute road transport services have been reviewed and, where necessary, reorganised and improved.

One of the most contentious matters arising out of the rail discontinuances was the increase in costs to the users, brought about by the previous Government's policy of progressive elimination of subsidy payments over a period of seven years from the time rail transport ceased. The present Government corrected this by restoring these subsidies on a full railway freight rate basis without progressive reduction, thus putting residents in the areas concerned on very much the same footing financially as they were when the railway was operating. Legislation introduced in 1959 gave greater security to farmers.

The Bill also provides for the lines listed to be closed on dates to be fixed by separate proclamations. This is considered preferable to having all lines closed legally on the date on which the Act is assented to, as it allows any special circumstances in respect of a particular line or lines to be taken into account. As an example of this, the date of the closure of the Bullfinch-Southern Cross section will not be proclaimed until finality is reached regarding the exploitation of minerals in the area.

As regards the disposition of materials, the Bill has similar provisions to those of previous discontinuance Acts; that is, all material will be used or disposed of and the cost of each closed section removed from the railway accounts. The Government's policy in regard to the disposal of materials will be—

- (1) To make an immediate announcement regarding disposal as soon as parliamentary approval is given to the closures;
- (2) to allow stockyards and ramps at the various sidings to be dealt with by the Lands Department in accordance with the provisions of this Bill; and, when desired locally, their lease to the local authority, at a nominal rental

subject to the authority undertaking responsibility for maintenance;

- (3) to have a committee representing Treasury, Railways and the Lands Department negotiate with local authorities for the vesting in such authorities buildings and land which would serve a useful public service. These arrangements would be made only after due regard has been had for Transport Board requirements in respect of road transport, contractors, and existing rights of stock firms, Co-operative Bulk Handling Ltd., and the like;
- (4) to make ballast materials available and the proper arrangements to local authorities for road construction and maintenance;
- (5) the railways to recover all assets justifying removal as would normally be recovered by the railways;
- (6) to call applications from local authorities and farmers for purchase of rails and sleepers for *bona fide* local authority or farm use.

Allocations would be as follows:—

- (a) those which could be economically re-used elsewhere in the rail system to be declared and removed by the railways;
- (b) local authorities' and local farmers' reasonable requirements to be made available to them at a price to be determined;
- (c) the remainder to be offered for sale by tender.

Should this Bill become law, it will be necessary for the railway officers to exercise vigilance in regard to the use of these materials. The Press recently reported a court case which brought a fine in this connection. Railway officers were in no way culpable and in no way blameworthy in this case. They took all possible measures to make sure that those rails were to be applied *bona fide* for farm use. The breach over which the litigation resulted took place soon after the sale. It eventuated, the customs officials intervened, and a heavy penalty was imposed. The Bill provides for the land to be vested in Her Majesty, together with all rights, if any, to mines of coal or other minerals under the land.

There are practical provisions in the Bill empowering the Minister for Lands to deal with the vested land, taking into account many local considerations.

It is proposed that subsidies are to be paid on a full railway freight rate basis for the carriage by road of all miscellaneous-class goods. Those people living in an area where the line has been closed will then suffer very little financial

loss, if any at all, by the closure. The amount of subsidy paid in the year ended the 30th June, 1960, in respect of the particular areas which would be affected by the proposed closure, but excluding those where lines are being opened on a seasonal basis, was £29,986.

The Main Roads Department has a £1,388,400 road-improvement programme in respect of the roads serving the areas concerned. Some areas, such as Bullfinch-Southern Cross, Busselton-Flinders Bay, Geraldton-Ajana, Boddington-Narrogin, and the Boya-Mt. Helena district had roads with sealed surfaces prior to rail operations being terminated, but the sealing of the Geraldton-Yuna road was completed in 1959 at a cost of £68,000.

In the remaining areas where closures are to take place, a three-year programme is in hand to bring the following roads to black-top running surface standards:—

	£
Brookton-Corrigin road (serving the Brookton-Corrigin line) ....	200,000
Katanning - Pingrup - Ongerup road (serving the Nyabing-Pingrup line)	198,000
Ongerup - Albany road (serving the Gnowangerup-Ongerup line)	24,000
Elleker - Youngs road (serving the Elleker-Nornalup line) ....	147,000
	<hr/> 569,000

In addition, roads serving areas where rail operations have been restricted to a seasonal basis will, over the next three years, be given black-top surfaces as under:—

	£
Lake Grace-Hyden area—	
Kondinin - Karlgarin-Hyden road ....	42,000
Lake Grace-Pingaring road ....	123,000
Burakin-Bonnie Rock area—	
Burakin-Cleary road ....	144,000
Beacon-Bencubbin road	110,000
Wialki - Mukinbudin road ....	67,000
Bonnie Rock-Mukinbudin road ....	90,000
	<hr/> 576,000

In other closed line areas funds have been allocated in the period 1958-1961 for improving roads, as follows:—

	£
Meekatharra-Wiluna road	34,000
Malcolm-Laverton road ....	20,500
Cue-Big Bell road ....	2,900
Mukinbudin-Bullfinch road	43,000

Since rail services were discontinued in 1957, something like £70,000 has been spent on maintaining the roads in the areas where closures are to be implemented.

**THE HON. E. M. HEENAN** (North-East) [2.54]: This Bill extends the move which the Labor Government made approximately two years ago. Some of us will remember that on that occasion certain members of the Country Party—

The Hon. H. C. Strickland: Particularly the Minister.

The Hon. E. M. HEENAN: —took great umbrage at the discontinuance of the railway services on the very same lines as are mentioned in the Bill.

The Hon. C. H. Simpson: I remember that certain Labor members did the same thing.

The Hon. E. M. HEENAN: However, I suppose they will have some comments to make on this legislation; and I am sure that certain members from the gold-fields areas will be very interested to hear those comments.

It is a rather sad distinction for Cue and Big Bell to be mentioned in the title of the Bill because many will recall what a prosperous and active scene Big Bell presented for many years, during which time it gave employment to approximately 400 men. It was a very prosperous townsite containing an extremely happy community for a long time.

But the plight of Big Bell was the same as that of other mining towns in Western Australia in the past. The time arrived when the mine could not be operated economically; and, in recent years, we have had the misfortune to see it closed down. All that remains of Big Bell now is the very fine building which was erected as a hotel; and it is really pathetic to see it standing there in the wilderness, of no use whatever.

It is also sad to see Cue at the present time. I was at the Murchison Road Board conference over the week-end and was saddened to see the way that town had deteriorated over the years; and it is still deteriorating. An excellent road board exists in the town and a number of citizens are doing all in their power to resuscitate the town; but it seems to me that apart from the prospect of a revival of the gold-mining industry, there is little future for Cue.

However, one ray of hope exists because there is a large iron ore deposit at a place called Wilgie Mia. From memory I think it is about 30 miles in a north-westerly direction from Cue. Through the courtesy of the present Minister for Mines I had the opportunity of visiting that deposit earlier this year. As I say, that is the one ray of hope which exists for the possible revival of Cue.

The Hon. A. R. Jones: Is that the one west of Wiluna?

The Hon. E. M. HEENAN: No; it is a long way from Wiluna. It is out from Cue. Only a week or so ago a party of Japanese geologists visited Wilgie Mia, but

they were reticent regarding their impressions; and the townspeople do not know whether they were impressed or not.

I mention these things because this deposit is in the direction of Big Bell—Big Bell is closer to it than Cue—so there is just a faint possibility that at some time in the future there will be some use for the Cue-Big Bell railway. One is encouraged in that hope by the recent developments that have taken place with the Broken Hill Pty. Coy. The Bill we passed last night envisage a stupendous undertaking; and the big deposit at Koolyanobbing near Southern Cross is to be worked and utilised. That, to some extent, will deplete the resources of iron ore in Western Australia; and I suppose the time will come when we will have to look further afield. If these overseas buyers are interested, then let us hope they will be interested in the deposits near such places as Cue and Wiluna.

It would be a godsend not only to the unfortunate townspeople of those centres, but also to the whole of the State of Western Australia if some means could be found to create prosperity in those areas once again.

The Hon. A. F. Griffith: We are going to drill the Wilgie Mia deposit very soon.

The Hon. E. M. HEENAN: To give credit where it is due, I am fully aware of the fact that the present Minister has shown a lot of interest in the deposit at Wilgie Mia, and has done what lies in his power and within the sphere of his department, to assess it and test it.

Similar deposits also exist not far from Wiluna. I do not know a great deal about these, but a man named Jones, who is highly respected in Wiluna, and who at some stage, I think, was chairman of the road board, assures the members for that district that these deposits are rich and enormous. So therein lies some faint gleam of hope for Wiluna. I really think the time will come when a good bitumen road in these outback centres, and the use of motor transport, will be the best means of conveyance; but while these lines are still laid down the Government might bear in mind the deposits I have mentioned, and be a bit concerned, especially over the next year or so, about disposing of the lines as it is entitled to do under clause 12 of the Bill. I feel confident that the Government will bear these matters in mind, but perhaps these few remarks of mine will emphasise the position to some extent. I support the Bill.

**THE HON. C. H. SIMPSON** (Midland) [3.51]: The previous speaker commenced his most interesting contribution to the debate by remarking that certain members of the Country Party had voiced vigorous protest when the proposal to pull up railway lines was first mooted.

The Hon. N. E. Baxter: We just took umbrage.

The Hon. C. H. SIMPSON: I think the meaning is practically the same. I agree with him and for a start I will try to give members some idea of why those representatives from the country areas felt that they had a lively interest in this question. We have only to refer to a map and the year book to see why that is so. According to the last edition of the year book the number of people engaged in agriculture and grazing in Western Australia was 38,921, and it is interesting to note that of that number 36,449 were males and 2,472 were females. Naturally the number engaged in agriculture is very much greater than the number engaged in the pastoral industry, because, for the most part, the pastoral areas are sparsely populated. They are big wide areas with a light carrying capacity, although in those areas a great deal has been done towards the development of the outback; and the people there have contributed much to the development of the wool industry in Western Australia.

But surprisingly enough the greatest percentage of the actual production of wool and livestock—meat, mutton, etc.—is produced in the agricultural areas as distinct from the pastoral areas. According to a bureau which keeps statistics, the proportion of wool produced in the agricultural areas, as distinct from the pastoral areas, is 82 per cent. of the total—that is over four-fifths. That was surprising to me; and I assume it would be to many others who take an interest in those things.

The year book also gives the population for the various agricultural zones, and those figures are as follows:—

Southern agricultural zone	....	22,050
Central agricultural zone	....	29,381
Northern agricultural zone	....	36,640

making a total of 88,071. According to previous figures, as there was less than half that number totally engaged in production—and that includes both the pastoral and agricultural areas—it would seem that roughly about 35,000 are engaged in agricultural operations, and about 50,000 are supported by the industry either directly or indirectly.

I have taken the trouble to extract from the annual report of the Commissioner of Railways a breakdown of the commodities consigned by rail that can be said to originate in the agricultural areas, or come from within them, and those that go to them. There would be just over 60 per cent. that would go by rail throughout the State. It is near enough to two-thirds; it is 64 per cent. The amount of revenue received by the railways from the farming areas is about 56 per cent. So the people engaged in agricultural production, seeing that they supply, in all, about two-thirds of the rail traffic, and more than

one-half of the income earned by the railways, would have, I should say, a very great interest in what happens to the railways.

If we go to the outback areas where farms have been established on the understanding that they would have rail facilities, and certain advantages which accrue from having rail transport, such as low freights on super, wheat, grain, and so on, we can understand how vitally concerned those outback settlers are in the maintenance and continuation of the railway facilities they enjoy. We know that when the question of pulling up lines was first mooted here protest meetings were held; and, I think, as a result of those protest meetings, action was taken when rail services were suspended to provide alternative facilities and good roads; and also the continuation of transport by road at the same rate as the people concerned would have enjoyed by rail.

That being so, some of those areas which were deprived of rail services accordingly got used to new conditions. I think many of them would be quite happy to continue under existing conditions—in fact I think they would prefer it. This all works back to the axiom that once we substitute one form of service for another, and people get used to it, it is as hard to get them to move back to the original service as it was to get them to move from the original service in the first instance.

The point we must appreciate is that the most unpayable and the very worst railways, from an economic point of view, were included in those that were discontinued as a result of the motion in 1956. So I think that, on balance, it has been an advantage to the railway system. The difference in the service has been accepted by the residents of those areas over the period.

I think we can say as a general rule that in the agricultural areas which were still capable of development there was an understanding, shall we say, between the Government and the farmers when these lines were opened that the farmers would be entitled to rail facilities if they settled in those areas. But that was not the case in some of the outback districts where lines were specially constructed to meet the needs of sudden activities brought about by the opening up of new mines. As long as those mines continued in production the service was very payable. Once those lines were pulled up then the justification for a continuance of the service actually ceased.

While, rightly, time was allowed so as to permit of delving into the possibility of other mines being developed, in most instances there was so little likelihood of further mining activity that there was no option but to do what has been done. We must remember, however, that there is a large body of opinion in Western Australia not tied up with agricultural conscience in any way which exists in and

around the metropolitan area. These people have no occasion to use the railways at all, and I do not think they appreciate how necessary the railways are to producers in country areas.

Incidentally there is a tendency on the part of the Press to continue to point to the lines which are not paying their way, and to agitate for the pulling up of further lines in addition to those that have already been dismantled. I think that is a dangerous tendency. Most people will agree there is a distinct prospect of those areas providing more traffic for the lines which at present exist, and which are in operation. That is a very real matter for concern on the part of the Country Party.

It is one of the reasons why the Country Party advocated the retention of the 3 ft. 6 in. gauge lines which have been proved all over the world to be cheap in construction, cheap in operation, and cheap to maintain, as compared with the heavier broad gauge system which, admittedly, under some conditions has advantages over the narrow gauge system, particularly where there is a guarantee of traffic volume to justify the change from one to the other.

The Hon. R. F. HUTCHISON: More advantages than disadvantages.

The Hon. C. H. SIMPSON: It is entirely a measure of the amount of traffic there is. It is something like this: If the honourable member were a market gardener, with a small property of, say, 10 acres, and if she were able to do all her work with, say, a utility truck, and someone came along and wanted to sell her a heavy diesel vehicle, and she bought it, the salesman would look upon her as someone who did not know her business. If one has a small proposition one has to work to the needs of the proposition one is trying to undertake. It is only when one gets a very big proposition that the need for some alteration can be found.

In any case the point I want to make is that we have in addition to this tendency on the part of the Press to advocate further rail closures, the report of the rail committee which, some years ago, recommended the pulling up of many more miles of line in the light traffic areas. In addition to this we had the report of a Royal Commissioner which, many of us believe, is very wide of the mark. When one has those pressures still existing, because all the members of that rail committee except one—and his place has been taken by somebody who has the same idea—are still occupying high positions in the Government service, one feels that one is fighting an uphill battle against this body of opinion in trying to preserve the rights which one's own commonsense tells one must be preserved in the interests of the industry.

I do not think it can be said too often that these railways are necessary to preserve the interests of industry which, after all, provides most of the railway freights, and most of the railway income. Incidentally, it is a section which provides by far the greatest proportion of our export income—and I should say of Australia—as well as the greatest proportion of the taxation that is levied on the community of Western Australia. So I think that section has a right to be heard.

Members should be reminded, from time to time, of the rather unique place that the railways occupy in the consideration of the Country Party and Country Party members.

Having said that, I realise the Bill which is before us has been carefully examined; and the original lines that were listed for closure cannot be pulled up without Parliamentary sanction. Extensions of life have been granted to two particular lines and to a portion of one other; and the local people have been given the opportunity of saying whether they desire rail facilities to be reconsidered in the light of altered conditions. So this Bill has not been hastily brought down. It has been given very much consideration. The economics have been studied; the potentialities of the different areas have been studied; and I hope the hinterland of Western Australia will expand and that production will increase. Because of this it is my earnest wish that no further measure dealing with rail closures will be brought before this Chamber. With those reservations and observations I support the Bill.

**THE HON. N. E. BAXTER** (Central) [3.23]: I think Mr. Heenan put it rather mildly when he referred to the railways discontinuance motion of 1957 by stating that the members of the Country Party took umbrage. They took more than umbrage—they put up strong opposition. Unfortunately, that motion went through; and since then a strenuous battle has taken place to have some of the services reopened on a part-time basis for the haulage of superphosphate and wheat. We have had some success in that direction; and I believe it has turned out to be quite a reasonable proposition for the Railways Department and for the producers in those areas which now have a part-time service.

There is one portion of this Bill to which I am not prepared to agree. I refer to the closure of the Boya-Mt. Helena section of railway. In the hills district the main residential areas have been built up around the railway line except for the Boya-Mt. Helena section, which is rather scattered. In that area are such places as Darlington, Glen Forrest, Mundaring, and Mt. Helena. Those towns have been built up along the railway line; and they have



had a raw deal with regard to transport over the years. They have had to put up with a spasmodic transport service and the people have reached the stage where they are forced in some instances to join together and travel to Perth in one car to reach their work in the city—and quite a lot do work in the city. If they want to go to the city on business, three or four people use the one car.

Despite all the efforts that have been made over the years, these people still have not a reasonable transport service. I do not know of any other area in Australia which is situated so close to the capital city and which is served by such a poor transport service.

The Hon. F. J. S. Wise: It is a very attractive residential area, too.

The Hon. N. E. BAXTER: Yes; I agree with Mr. Wise that it is an attractive area. We hear a lot of talk about decentralisation in this State. If we want to interpose a green belt between these places and the metropolitan area we will have to encourage people to go out and live in these areas. But what encouragement is given? None! We close the railway and we do not provide an adequate transport service. So how can we expect people to want to go and live in those places. According to the Minister's speech, and according to the Bill, the length of this line is 11 miles; and the cost of operating a diesel on that section would be no more than that of operating buses. Therefore, I maintain this section of line should not be closed. I cannot see the sense in closing this railway line for ever.

There is another factor involved: The proposal before the Federal Government at the present time to bring into being a broad gauge railway which will go from Northam around Toodyay, through Upper Swan to Midland. This will mean the line between Spencer's Brook and Midland Junction will be taken away in possibly eight to 10 years' time and the country through the hills will be without any railway line and will be at the mercy of a willy-nilly transport service, as is the area to which I previously referred.

There is no doubt that that could happen to the area up through Wooroloo if those people are denied the present railway system; and there will be little prospect of people going to what one might call an attractive suburban area in which to build their homes in pleasant surroundings. I have with me here a petition from the residents in these hills districts; and on this petition—not taking into account the petition papers that are still out in Mundaring and Glen Forrest—appear the names of over 300 people who have protested against the closing of this railway, which they wish to retain. They desire that the Government shall run a diesel for a period of 12 months.

I certainly cannot agree to this section of line being closed at the present juncture. I am not happy about any of the closures, but I do understand the present position in regard to these lines. However, I cannot see my way clear to leave these people out on a limb with no adequate transport service. So far as the other outer lines are concerned, passenger transport does not come into the picture very much because of the distances involved and because of regular bus services through most of those areas.

But the area with which I am concerned is quite different. I know that if the papers in connection with the petition, were in from Mundaring and Glen Forrest, I would possess some 600 to 700 names of people requesting that this railway be retained. So I can assure the House and Minister that when we go into Committee I am going to endeavour, to the best of my ability, to have this provision deleted from the Bill so that the line will be retained and it will be possible to ask the Government to run a diesel service for a trial period of 12 months; even if it only goes as far as Mundaring.

If it stops at Mundaring there will be no need for a turntable; and at the Mt. Helena end there is the Great Eastern railway on which it can operate. This would give a service to the people—a service to which they are entitled because of the distance they live from the city. I think we owe it to those people to provide them with a bus or rail service just as much as those who reside in the metropolitan area or adjacent suburbs. I am unable to support the Bill in its entirety.

**THE HON. G. E. JEFFERY** (Suburban) [3.31]: I agree with the opinions expressed by Mr. Baxter. I am going to support the Bill; but, in the Committee stage, I propose to recommend the deletion of the fifth schedule. Any Bill of this nature, concerning the discontinuance of a railway line, is a very sad one. There are six schedules in the present measure. The reasons for the discontinuance of the lines referred to are because of a change in the mode of transport of the produce of the area, or the fact that the area has not lived up to the prospects originally envisaged when the line was laid down. We know that the goldfields areas are losing their railway lines because they no longer serve thriving mining towns.

I believe that this Parliament would be well advised to retain the hills line as it is. In the ultimate the extension of the metropolitan area must be in an easterly direction. Although the suspension of the hills line was carried out by the party to which I have the privilege of belonging, I still believe, as I did then, that the closure of the hills line was a mistake. As a result of the closure, the development of the metropolitan area has spread in a northerly and in a southerly direction.

When we look at other areas of the world where hills areas have been developed, we find they are wonderful places in which to live. One of the most attractive lines in South Australia is the route into Adelaide on the main line through the Adelaide hills from Melbourne. I believe that in time the continuance of the hills line will be justified and that in the not too far distant future more people will build their homes in that area. If the line were opened tomorrow, expansion of that area would be dramatic. Equally so, when the line was closed the recession which took place was dramatic. There was a big drop in land values—which is unimportant to those who do not own the land; but a lot of working people who had established themselves in the hills area had to relinquish their land and their homes, and seek homes closer to their employment because of the lack of transport.

I agree with the honourable member that the hills line should be preserved. I do not think any great financial hardship would be inflicted on the Government if the fifth schedule were deleted and the situation remained as it is. I support the reopening of this line as early as possible. The future will tell its own story and justify the reopening of this line. The line represents a very small mileage; it is operated as far as Boya to serve the quarries. With the reservation I have already specified regarding the hills line, I support the second reading of the Bill.

**THE HON. J. D. TEAHAN** (North-East) [3.35]: It would be very hard to justify the continuance of some of these lines; and it would be difficult to justify the selfish attitude of permitting Government property—railway sleepers and the like—to lie and rot. There are areas which require a line in order to preserve the value of land. I feel that before one particular line in the mining area; namely, that section from Malcolm to Laverton, a distance of 64 miles, is finally closed the Mines Department should be co-opted and full details of the potential of the area obtained. Copper deposits at Anaconda were worked in earlier years. Activities ceased because the price of copper dropped. However, it could rise again.

I would refer also to Morgans. Those who have a knowledge of geology and mining activities seem to think that there is plenty of gold in the area still to be mined. There was a recession in the mining industry from 1920 to 1930, and the attitude towards some of those back areas was the same as it is today. When the price of gold was revived in 1930 places like Ora Banda and Menzies, which had become dormant or were abandoned, suddenly came to life; and future prospects are bright as the rise in the price of gold is not as far distant as at one time it was thought.

I hope that before such sections of line as the Malcolm-Laverton section are closed, the Mines Department will examine the full possibilities regarding the districts concerned. No other town had such rich gold deposits over such a short distance. It is hard to think that the gold deposits in this and other areas have been completely worked out. Whilst I support the Bill, I hope the Mines Department will make a full assessment of those districts.

**THE HON. R. F. HUTCHISON** (Suburban) [3.38]: I support the Bill in the main, subject to a reservation. I agree with Mr. Baxter concerning the retention of the Boya-Mt. Helena line. Representations were made to me only about a fortnight ago by residents in the area. I was informed of some of the disadvantages and hardships with which they were faced because there was not even an adjacent bus service. It does seem to me that this would be a fast-developing area. I think it was a short-sighted move to discontinue that line. The provision of a diesel service to Koongamia has been a boon to the women in that area.

I think it would be a good thing to leave the Boya-Mt. Helena line alone. I agree that there would be no justification in keeping some of the lines open, because when a mining town goes down, it simply goes down.

I am not fully conversant with some of the country lines. No doubt country members will bring those matters forward. There is every justification for keeping the Boya-Mt. Helena line open. When it was closed there was wide protest from all sections of the community against the former Government. I do think that is one thing that has not turned out as one would expect.

Another point is this: The position is difficult for people when there are no transport facilities. Some of the women who live in this area, including some quite elderly women, came to see me; and I feel the least the State can do for these people is to provide transport for them. Some of them have a hard track to walk and are a long distance from transport of any kind.

**THE HON. F. R. H. LAVERY** (West) [3.40]: Mr. Teahan spoke about the closure of the Malcolm-Laverton line. When we were sitting on the other side of the Chamber, I can remember that there was a very hot—it got to the stage of being more than hot—rain of fire that descended on the shoulders of the then Government; so much so that the members of the Country Party made a valiant but unsuccessful attempt to unseat our present Chairman of Committees. That was done because the line to which I have just referred, was being closed.

The Hon. R. F. Hutchison: A Gilbertian situation!

The Hon. F. R. H. LAVERY: Yes; there is a lot of that about the position at the moment. I would like to refer to the closure of the Bullfinch-Southern Cross railway. This brings a very interesting memory back to me, because I was employed as a billy-boy on the construction of that line, and now I am a member of this Chamber. This reminds me of a book called *From Log Cabin to White House* that I once read. That railway line of 22 miles was built by men with shovels and with teams of horses and drays; and the job took 21 days. I would say that would, without exception, by an all-time record for any railway built in Western Australia.

THE HON. A. R. JONES (Midland) [3.42]: In considering a Bill of this nature we must have somewhat mixed feelings, including some sad ones.

The Hon. R. F. Hutchison: A bit of camouflage.

The Hon. A. R. JONES: We can go back 60 years in the history of some of these lines, and we know the part they have played in the development of Western Australia. Nevertheless, whilst we have sentimental feelings in connection with them, we must take the commonsense view.

It has been well and truly demonstrated that some lines have served their useful, economic life and they should be closed; or at least the service should be suspended. I feel that no good purpose can be served by retaining some of these railways.

However, the retention of one or two of these lines might be considered. Mr. Baxter and some other members mentioned a railway line in the hills. I am not directly concerned with that line because it has nothing to do with my province. I do feel, however, that we should give people an opportunity to live out of the city if they wish to do so. Most of the people who live near this line are working in the city, and are interested in developing small properties where they grow a few fruit trees, vegetables, and so on.

Living in the hills is a healthy life, and we should encourage it. If a person is industrious to the point where he wants to live in a good clean atmosphere and grow something, we should give him every opportunity to do so. A small service could be provided for this area at no great cost; particularly if some of the lighter types of diesel coaches which must be available now were used. These coaches, I feel, would be available because heavier diesels are now used on the suburban runs.

So I support those who want to keep this line open and give it a trial for at least 12 months in order that the people concerned may have a chance to prove that the service is justified.

*Sitting suspended from 3.45 till 4.0 p.m.*

The Hon. A. R. JONES: In the province which I have the honour to represent, the two railway lines running from Geraldton to Ajana and from Wokarina to Yuna will be closed under the provisions of this Bill. The rail services on those lines have been suspended for some time and, under this Bill, it is now proposed to close them. I have no objection to that because the area served by those lines is so close to a port it can be given a more efficient and more economical service by road transport.

It has been proved that road transport has everything in its favour. It seems that with the roads that are available at present and with the efficiency of motor trucks being improved and their size being increased, the cost of road transport will be reduced even below the present figure. Having had an opportunity to express their opinion on the future of their transport needs, the residents have decided on road transport as against rail transport; and, therefore, as their member I have no complaint to make about the closing of these two lines mentioned in the Bill.

In other parts of the State, those lines that were discontinued by previous legislation have been reopened for traffic on a limited scale, and others have been reopened for only a trial period. However, the two railway lines which have been mentioned by Mr. Heenan and Mr. Teahan and which they suggest should be kept open; that is, those running from Malcolm to Laverton and, to a lesser extent, that section of line from Meekatharra to Wiluna, should, in my opinion, be allowed to remain as they are for the time being. I support the argument put forward by those two members because the potentialities for our minerals are growing tremendously; and there is also another factor which may affect the districts which are served by those two lines; namely, an increase in the price of gold.

If the price of gold were increased—and recent moves on the London gold market have shown that there is that possibility—no one knows what may happen in regard to the goldmining industry being given a new lease of life. To illustrate my point I would cite the one large producer of gold that was being worked near Laverton; namely, the Lancefield Goldmine. From reports in the Mines Department, this mine is known to contain only low-grade ore, but the gold-bearing lode is extremely large and the mine could possibly be further developed should the price of gold be increased. The mine would be attractive only to a large company prepared to develop it and to realise a steady income over a period of 10 to 20 years, because the ore is difficult to process, and the mine itself is costly to develop. It would need the expenditure of £1,000,000 or more to get that mine into production again.

Nevertheless, if the price of gold were increased by 25 per cent., who knows whether that mine would not be developed

once again and prove to be a very valuable producer of gold in the future? Therefore, I suggest that even though the House may pass the Bill in its entirety, the Government should keep those two railways in mind before any immediate action is taken to pull up the lines.

The Railways Department could only use the rollingstock and the railway lines to renew other sections of railway or effect repairs over a period of time—possibly four or five years—and therefore I suggest that the Government should leave any final decision on the pulling up of the railway lines on the two tracks I have mentioned until it sees what the immediate years ahead may bring in regard to the production of minerals, and renewed activity on our goldfields. With the exception of those two lines, I support the Bill.

**THE HON. W. R. HALL (North-East)** [4.71]: I rise to oppose this Bill because I do not like any part of it. I realise that it contains provisions which will put into effect the pulling up of various railway lines. In my opinion, that would be an extremely retrograde step. I have vivid recollections of the Bill which the Hawke Government brought forward for the discontinuance of several railway lines in 1956; and I can also remember the coterie of Laverton residents who transported themselves down to the city with a view to using their influence on us not to vote for the discontinuance of the line which served that district.

I can also recall quite well that the Country Party at that time was opposed to the Bill. On this occasion I take it that there are many thoughts going through their minds just as there were going through mine on a previous occasion. In view of the fact that we have a coalition Government in office, arrangements must have been made between the members of both parties in regard to the passing of this Bill otherwise it would not be getting such a smooth passage. In comparison, the Bill which was introduced by the Hawke Government a few years ago had a very rough passage despite the fact that that measure sought only the discontinuance of several railway lines. This Bill, however, seeks to close a number of railway lines with the object of pulling up the rails, and of disposing of them and the materials upon which they are laid.

In my opinion no honourable member is anxious to see any railway line pulled up, especially if it is serving a district which forms part of his constituency. By the closing of some of the lines set out in the Bill, mining towns such as Laverton will be greatly affected. The goldmines in the vicinity of that town have, in the past, been the source of the production of many ounces of gold which, in those days, assisted greatly in stabilising the economy of the State. At one time, Wiluna had

a resident population of 7,000 persons. The Big Bell Goldmine, at Big Bell, had approximately 450 men working on it; and if we multiplied that number by three and a half to represent their dependants and other people who depended on the mine for their livelihood, that town possibly, had a population of 1,300 people. Who can say, therefore, that those goldmining centres will not come into their own again?

The Big Bell Goldmine was the salvation of the district. The people at Big Bell had to resort to the use of buses and taxis to get into Cue when the railway service that was operating at the time did not provide for their needs. The same thing occurred when they wished to travel to Perth; and, in my opinion, the same applies to Laverton. It is true that, by the discontinuance of the railway, the town of Laverton has been greatly affected. A great deal of money was expended by the Cable brothers on the recommencement of operations to develop the Lancefield Goldmine; and, at that time, it seemed to have fairly good prospects. Another goldmine in the vicinity was the Hansel Mundy which was a fairly big show. There was also the Mary Mac gold mine; and, in my opinion, the district still holds out great possibilities for the future in regard to gold production, because gold is where one finds it. Therefore, I cannot support any legislation that seeks to close railway lines and to pull up the tracks.

That railway service has been discontinued and I realise that over a period the lines and the sleepers will deteriorate; but, nevertheless, it seems it will be a great pity if we are forced to make the decision that the line shall be pulled up. I feel at this stage that when I have the opportunity to vote, I must vote against this Bill, because I do not want to see any railway lines pulled up in my constituency, regardless of whether trains are passing over them or not. My argument in favour of that point of view is that there is always the chance that the mines in those districts will be reopened.

If the population of the State is to continue to be centred, in the main, in the metropolitan area, the State will soon be in a bad way. I make an appeal to our present generation to go out into the goldfields again in search of gold and minerals. For instance, the Day Dawn Mine has been a great producer in the past; and who is to say what might happen to that mine in the future? In 1903 there were 27,016 men employed in the industry, but today there is only just over 5,000 men working on the goldmines. There is no doubt that employment in the industry is on the down grade. Therefore, if some move is not made to encourage more people to live on the goldfields, the numbers that are already residing there will

continue to dwindle. The above figures are reflected in the circular issued by the Chamber of Mines.

In conclusion, I repeat that I am opposed to the closure of the lines running between Malcolm and Laverton, and from Wiluna to Meekatharra. The latter line covers a distance of only 111 miles, but one should keep in mind that since 1956 it has been discontinued, and it would not matter a great deal if it were left to remain in its present state for a while longer in anticipation of what might happen in the goldmining industry.

**THE HON. G. BENNETTS (South-East)**  
[4.15]: I move—

That the debate be adjourned until the 3rd January.

**Motion put and a division taken with the following result:—**

**Ayes—13.**

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. F. J. Thompson
Hon. E. M. Heenan	Hon. F. J. E. Wise
Hon. R. F. Hutchison	Hon. W. F. Willsee
Hon. G. E. Jeffery	(Teller.)

**Noes—15.**

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
Hon. A. L. Loton	(Teller.)

**Majority against—2.**

**Motion thus negatived.**

**THE HON. G. BENNETTS (South-East)**  
[4.17]: I oppose this Bill for the reason that I am a believer in railways, roads, and water supplies being established in remote areas to help the development of the State. We all know what the railways have done to open up the outback areas, such as Laverton and Leonora.

Reference has been made to the mine at Laverton. In 1910 and 1911 I remember there was a big population around the Lancefield Mine. I was working on the railways at the time and the amount of goods and stores sent to the mine *via* the railway line was great. I lived in Leonora for a while and I worked on the Sons of Gwalia Mine, so I realise the part which has been played by the railways in the development of the outback.

Railway lines might be pulled up, only to find that after a few years a new gold discovery is made and there is again a need for a rail service. Today many people are engaged in prospecting; particularly during the last twelve months. The latest methods of prospecting for gold are being put into operation, so this area could come into its own again. I do not like the idea of railway lines being pulled up. The line serving the area in question is as light in construction as any in this State, so the maintenance will not be

as heavy as on other sections where heavier rails are used. That is one reason why this line should be kept open.

In my own province I have no complaint, because the Government is retaining the line between Southern Cross and Bullfinch. We know that the Bullfinch Mine is struggling for existence; and the Government has given some financial assistance to it. It would not be right to pull up the railway line which is used for supplying that mine with stores and fuel.

However, I have a complaint against the pulling up of the line between Mukinbudin and Bullfinch. Farmers in that area have told me of the hardships they experience in having to cart water and other necessities to their farms over the rough roads. At times they are very bad, and the farmers suffer a disability. For those reasons I oppose the Bill.

**THE HON. C. R. ABBEY (Central)**  
[4.20]: I am afraid some members of this House have a misconception as to the benefits they hope to obtain by defeating the fifth schedule in the Bill. I am just as concerned as they are about the transport problem which affects the area served by the Boya-Mt. Helena line. My investigations have led me to believe that the retention of this railway line and the provision of a service thereon would only bring about a restricted service, even though a diesel railcar may be used.

The Hon. A. L. Loton: It is no service at all.

The Hon. C. R. ABBEY: That is correct. This is a very widely scattered district. In some cases the residents live many miles from the railway line. What would happen if they were to go home with a heavy case or a large number of parcels? They would have to take a taxi from the railway station to their home. That would occur on many occasions, because the residents of the district go to Midland Junction or to Perth to do their shopping.

I agree with the proposal advanced by Mr. Owen, the member representing the district in the Legislative Assembly, that a good road bus service will adequately meet the transport needs of the district. It is high time that the Metropolitan Transport Trust stood up to its responsibilities and provided a bus service to that area. I also agree with the remarks of Mr. Baxter that this area is very badly served by transport.

As the Metropolitan Transport Trust has accepted the responsibility for providing a transport service in the metropolitan area, it should provide a suitable bus service to serve the Darlington and Boya districts. The people there live in inaccessible spots, in many instances. The roads are not very serviceable, but they can be improved to take light buses. Such light buses could provide a feeder service to the people. That seems to be the only solution to the problem, because road transport can move from

route to route without any trouble, whereas a railway service is restricted to a defined route—in this case a narrow valley through the hills.

I would like to see development taking place in this area. It is an attractive district, and if I intended to retire near the city that is where I would settle. In my view, a road transport service is the only answer to the transport problem. What if the Government were to retain the railway line between Boya and Mt. Helena? If it does it is not obliged to put on a passenger train service.

The Labor Government discontinued this railway service in 1954 because of an operating loss of £42,000 in 1953. If the service had been continued the loss today would be at least twice that figure. Surely an amount of £42,000 would be far better spent in providing an adequate road bus service. I am sure that even half that amount would be sufficient to establish a road bus service to that area.

The position of the people living in this district is grave, and the Metropolitan Transport Trust should stand up to its obligations in providing the necessary transport service. If members of Parliament representing the area were to work together to achieve that objective, I am sure the Metropolitan Transport Trust would be agreeable to provide the road bus service. In my view that is the only answer.

The present railway service to Boya is maintained to meet the needs of the Railways Department which operates a quarry at Boya. Of course, the service also takes passengers to Koongamia. This is only a stop gap measure and will not adequately cater for the transport needs of the district.

I hope the House will not agree to the deletion of the fifth schedule from the Bill. It would be preferable to pull up the line, and provide an adequate bus service in lieu of the railway service.

I want to comment on the position of the Burrakin-Bonnie Rock line. When I entered this House two years ago I made an investigation into this line, and I was horrified to find that the district was not adequately served by transport, because the road system was very poor. Since then a restricted railway service has been restored, and a very real effort has been made to provide an adequate road service to serve the people in this district.

If one were to talk to the residents in the Beacon-Bonnie Rock district, one would find that their views on the railway service have changed in the last two years. They thought that a railway service was the only answer; but today a proportion of the residents agree that an adequate road service would cover their needs.

A few months ago I spoke to a Main Roads Department employee who was taking part in the construction of the road from Koorda to Bencubbin. He told

me of his own volition about the favourable comments made by the residents of this district on the road which was being built before their eyes. The residents realised that it would become an adequate replacement of the railway line, should the line be pulled up—not that I advocate the Bonnie Rock service being discontinued, because it is giving a worthwhile service in the cartage of heavy freight for six months of the year.

The main complaint about the road bus service is that it is too frequent. Some of these people say that one railway road bus at a time is enough. I explained to them that if the railway road service is prepared to provide that transport, then they should not growl because it is definitely a better service than they would have received by rail. That is all I desire to contribute at this stage. I support the measure.

On motion by The Hon. H. C. Strickland, debate adjourned till a later stage of the sitting.

(Continued on page 3150.)

## **WORKERS' COMPENSATION ACT AMENDMENT BILL**

### *First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

## **LAND TAX ASSESSMENT ACT AMENDMENT BILL**

### *Assembly's Message*

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

## **FREMANTLE HARBOUR TRUST ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 23rd November.

**THE HON. R. THOMPSON** (West) [4.32]: I rise to support this Bill which seeks to repeal certain sections of the principal Act, and re-enact or amend others. Under this legislation it will be possible for the Fremantle Harbour Trust to borrow money for works for which it has insufficient loan funds available, and it will be in a position to issue debentures against any such funds. However, I consider that the Minister should have more control over the works which are undertaken by the Fremantle Harbour Trust, because it has been found that not all these works have been good. The intentions, maybe, have been all right, but the actual operations have not been successful at all.

Some years ago the engineer who constructed the transit sheds at North Wharf made what I could term a real mess of the work, and it was impossible to get from the southern section of the shed to the northern section. This was because all the posts were spaced in such a way that the cargo could not be conveniently stacked; and the tow motors and the trolleys carrying cargo could not travel from one side of the shed to the other.

Perhaps one of the worst engineering feats in Western Australia is the construction of No. 10 berth. I can recall the day the first pile was driven. The shed was constructed of rock which was blasted from the harbour, and then the sand was dredged for the berth. Consequently the flooring under the transit shed subsided into the river, and holes had to be dug into the cement floor so that limestone could be placed underneath to support the floor.

The engineering construction of the Fremantle Harbour Trust has not been all that it should have been. Another example of that is the S. & P. cranes which were assembled on the waterfront. Those cranes contravened all the machinery Acts of Australia, because no man climbing a crane is permitted to climb a height of more than 18 ft.; but something like 34 ft. had to be climbed in one stage, if I remember correctly, to enable the driver to enter the crane. Then when the driver finally reached the cabin and the crane was slewed out over the ship, there was no exit from the crane. He was virtually trapped in it.

I have just quoted three examples of engineering mistakes which have been made on the wharf during the last few years. Under this Bill, money will be borrowed for the purchase of cranes and the carrying out of certain construction work. The legislation will be an improvement in one way because the Minister will be able to have a little more control over the undertakings of the trust than has been possible in the past. In years gone by it has had, more or less, a free hand and has been able to engage in anything it desired because it did not have to refer matters to the Minister. For instance, it was able to go ahead with its plans for the construction of the proposed two-storey berth which will be, perhaps, better than any other in Australia. But what a colossal waste of money it will be!

The Hon. A. L. Lorton: Why do you say it will be a waste of money?

The Hon. R. THOMPSON: Because, with a few improvements costing only several thousand pounds, the present facilities would have adequately served the number of people using the port.

The Hon. A. R. Jones: Won't it make working conditions more efficient?

The Hon. R. THOMPSON: No. It is very hard to contemplate what the working conditions will be like, but I say it is

going to slow down working conditions somewhat. At the moment passengers' luggage is taken from the ships' holds or lockers and landed on the apron. Under this scheme, the luggage will be landed on the apron of the wharf and then transported by lifts to the first floor where it will be sorted. At present, where the passenger ships berth at Victoria Quay, there is usually plenty of shed space. As a matter of fact I think Fremantle is very lucky in this respect because it has more shed space than it requires for the major part of the year and consequently the sheds are not cluttered up to any great extent. Perhaps that has been brought about by the agreement entered into by the trust in 1948 or 1949 whereby cargo had to be removed three days after it had been landed on the wharf.

I say that this proposed berth will be a waste of money. Members know that many of the interstate passenger ships have been taken off the run and sold for scrap. There is now no decent permanent service between Western Australia and the Eastern States. The reason for this is that most people now travel by plane or train. Because of the improvement made to passenger trains, sea travel is nowhere near as efficient as train travel.

I do not know who will benefit by the construction of this new berth. Certainly the passengers will be able to leave the wharf without getting tangled up with traffic; and that is about the only good feature. However, that is not a particularly good feature, because passengers will virtually by-pass Fremantle as there will be a terminal where buses will pick them up to transport them direct to Perth. Therefore the construction of this berth will not be an advantage to the city of Fremantle.

However, because that is not the sole intention of the Bill, I support it. I offer this warning to the Minister so that in future, Ministers—irrespective of what Government may be in power—may exercise a little more control over the Harbour Trust. Everything is not happy in and around Fremantle in connection with the Fremantle Harbour Trust. If I were in a position to speak generally on the trust I could raise many objections to it; but as the Bill does not cover this matter, I will not do so. As I have said, I support the measure.

**THE HON. E. M. DAVIES** (West) [4.43]: Although this Bill is a small one, I support it because it is a most important one. It will empower the Fremantle Harbour Trust to borrow money from sources outside the State Treasury in order to carry out construction works of a capital nature. In no way does the Bill prevent the trust from applying for, and continuing to receive, normal loan allocations.

The borrowing powers of the trust will be identical with those available to the State Electricity Commission; and that is why I claim that the Bill, although not a very large one, is most important. The expenditure of the trust over the past four years amounted to something like £4,018,000, and the Treasury has not been able to provide any more than £2,390,000. This, of course, has left a shortage. The Harbour Trust has now been, or will be if this Bill becomes law, granted its own borrowing powers contingent upon certain provisions which are set out in the Bill. The Bill provides that the moneys borrowed and the interest payable in respect thereof shall be a charge upon the moneys in the Fremantle Harbour Trust Account from time to time, and upon any works, undertakings, and other assets vested in the commissioners. There is another provision in the Bill which reads—

The Governor shall not approve of the borrowing by the commissioners of moneys under the provisions of this section, unless a proposal in writing showing—

- (a) the term and particulars of the proposed loan;
- (b) the rate of interest to be paid on the loan;
- (c) the purposes to which the money proposed to be borrowed is to be applied; and
- (d) the manner in which the loan is to be repaid,

is first submitted by the commissioners to, and approved, by the Minister.

So we find that this important instrumentality in the State is to be given its own borrowing powers, but that will in no way cause any worry to the Treasury; because before the loans can be raised a proposal must be submitted in writing to the Minister showing the terms and particulars, the rate of interest, the purpose to which the borrowed money is to be applied, and the manner in which the loan is to be repaid. The Governor, of course, must then approve of that.

In my opinion the provision in the Bill is most important, because Fremantle Harbour, as is generally known, is the main port in Western Australia, and it is recognised as the western gateway to the Commonwealth. Generally speaking I think people will agree that a first impression is a lasting one; and if we can create a good impression on people who arrive at Fremantle, which is the front door to the Commonwealth, it will be a lasting one and that will be valuable not only to Western Australia, but also to the Commonwealth as a whole.

Therefore I think that to give the trust the right to borrow money from time to time, will allow it to improve the facilities at the harbour, and thus we will be able to show people who arrive in this State that at least the first port of call in

the Commonwealth has an up-to-date passenger terminal and arrangements for handling goods. This is something that does impress itself upon people's memories; because when we travel to other parts of the world, and we enter a port, our impression as to whether or not it is a nice place is governed by our impression of the port when we arrive.

From the little experience I have had there were some ports that gave me a bad impression of the country itself, whereas other ports, which were up to date, gave me a good impression of the countries they served before I had had an opportunity to have a proper look around.

Like the State Electricity Commission, the Fremantle Harbour Trust will, with the passing of this Bill, be given the right to raise loans for the purpose of expansion and improving the port. In my opinion that will be to the benefit of Western Australia. However, I think we all agree that with a large port it is necessary to have some background. One of the disabilities from which the Port of Fremantle is suffering is that there is not sufficient background for the port, principally because the railway yards are adjacent to it. With the possibility of new railway yards being created along the ocean frontage between North Fremantle and Leighton, perhaps a little more land will be made available to the Fremantle Harbour Trust for the purpose of harbour work.

In addition, that may mean that the trust will not in the future resume any more land than is absolutely necessary; because every time the Crown resumes land, particularly within the area covered by the City of Fremantle, it takes from the city ratable land which is at present providing revenue. Until recently it was proposed that the Harbour Trust would resume a large area of land bounded by parts of Queen Victoria Street and Beach Street. A good deal of controversy has taken place regarding that proposal, and many complaints have been made about it.

From time to time I have endeavoured to obtain from the Minister what the Fremantle Harbour Trust had in mind regarding this land, and I have been informed that it is to be used principally as a pick-up area and for parking facilities. But the frontages to Queen Victoria Street are really the front door to Fremantle, and I do not think it would be in the best interests of Fremantle to have some of those frontages used for the purposes I have mentioned.

I understand that now the Fremantle Harbour Trust does not propose to resume as much of that land as it first intended; so I am rather pleased to know that the original proposal for the resumption or acquisition of land will not be as great as was intended. Possibly some of the industries that are already established there



will be permitted to remain, and there will not be the unsightliness that I envisaged as a result of the utilisation of some of the land along Queen Victoria Street.

When I asked what the buildings would be used for I was told, "Of course, the Fremantle City Council will look after that particular aspect." However, those of us who have had some experience of this sort of thing know that whatever the Crown decides to do the Crown does—it always has a win because the Crown can do no wrong.

The Bill which makes provision for borrowing powers to be given to the trust has certain safeguards and it will, in my opinion, be beneficial to the Harbour Trust, the Port of Fremantle, and Western Australia in general. I support the measure.

**THE HON. H. K. WATSON** (Metropolitan) [4.54]: Since the question of the general amenities of the harbour has been raised, I feel that the criticism which was levelled against the Harbour Trust Commissioners in proceeding with the new terminal—that criticism was levelled by Mr. Ron Thompson—has been adequately answered by Mr. Davies, with whose opinion I find myself in complete agreement. I agree with him that when people visit a State the memories they take away with them are, as often as not, of the facilities which the port at which they arrived, and from which they departed, offered to them.

It is some years since I have been overseas, but I know that so far as Naples is concerned the point which I remember most is not the view of the Bay of Naples, but the modern pier where the boat pulled alongside and passengers were discharged. The same thing applies to Southampton; and I think there is a lot to be said for improvements being made at Fremantle Harbour.

The Bill itself basically proposes to permit the Harbour Trust Commissioners to borrow money of their own accord under guarantee from the Treasurer. That is quite an interesting provision, because it was only a few weeks ago that, in respect to the metropolitan town planning authority, we were advised the Treasurer would not guarantee the authority for any loans raised by it unless the authority had power to impose taxation.

**The Hon. L. A. Logan:** They are not comparable.

**The Hon. H. K. WATSON:** I think they are.

**The Hon. L. A. Logan:** One is a revenue producer and the other is not.

**The Hon. H. K. WATSON:** There is no evidence in this Bill that expenditure by the Fremantle Harbour Trust—

**The Hon. L. A. Logan:** It is a revenue producer.

**The Hon. H. K. WATSON:**—on resumptions, for example, would be any more revenue-producing than would expenditure by the metropolitan region town planning authority on resumptions.

**The Hon. L. A. Logan:** But they are revenue producing, the same as the State Electricity Commission.

**The Hon. H. K. WATSON:** If I remember rightly the S.E.C. is not only a revenue producer, and it not only satisfies its total debt liabilities and its total working expenses, but it also produces a profit as one would expect of any business organisation. No evidence has been placed before us that the Fremantle Harbour Trust enjoys the same financial position. There is no evidence that there will not be a deficiency of revenue, even though the trust may be partly revenue producing. There is no evidence that it will be revenue producing to the extent of adequately servicing the loan funds out of its own resources.

There is a precautionary provision in the Bill that the board or the harbour trust authority shall not borrow any moneys, and that the Governor shall not approve of the trust borrowing any moneys, unless there is first submitted to the Minister, and approved by the Minister a statement in writing showing the terms and particulars of the loan, the rate of interest, the purpose for which the money proposed to be borrowed is applied, and the manner in which the loan is to be repaid.

Therefore, so far as the financial position is concerned, we find that the Treasurer has a definite say as to the method and manner in which the Harbour Trust shall make its expenditure. But I find there is another provision in the Bill with which I am not in accord; and although I listened carefully to the Minister in his second reading speech on this measure, I cannot recollect that he made any reference to this particular provision.

**The Hon. L. A. Logan:** There was an amendment inserted in another place.

**The Hon. H. K. WATSON:** It is the provision that reads—

Subject to the Minister this Act shall be administered by the Fremantle Harbour Trust Commissioners.

That seems to me to be a striking reversal of form which will discontinue and reverse a practice and a principle which, in my opinion, should not be reversed and discontinued. This raises the age-old question of whether business organisations such as the Metropolitan Transport Trust and the Fremantle Harbour Trust ought not to be free from any political shenanigan. On the whole I feel that during the trust's many years of existence, the Fremantle Harbour Trust Commissioners have done a good job and have justified the principle that they should be free from any political control.

Therefore I cannot find myself agreeing to such a drastic proposal as is contained in that particular provision. I would also say that over the years I think the Fremantle Harbour Trust Commissioners, having been free from political control, have been quite fearless in the administration of their duties. They have discharged their duties without fear or favour. I remember a case not so long ago when there was industrial trouble at the wharves and when two union secretaries—I think they were union secretaries—were so misguided as to order the tow lines of a ship to be taken from the supports and thrown into the water.

If I remember rightly, regardless of political or industrial consequence, the Harbour Trust Commissioners instituted legal proceedings against the persons who had conducted that unlawful action. That is one instance. I have no doubt that in the same way as the Metropolitan Transport Trust has, over the years, been entirely free from ministerial control, so will the Harbour Trust Commissioners, for the same reason, from this date and from henceforth continue to be free from political control—just as they have in the past. I support the Bill subject to the reservations I have mentioned.

**THE HON. J. G. HISLOP** (Metropolitan) [5.5]: I am entirely ignorant of financial affairs.

The Hon. F. D. Willmott: Even your own?

The Hon. J. G. HISLOP: I admit that at times financial affairs bewilder me. This is a question on which I also feel some bewilderment, because if I remember rightly when the Minister read to us a statement from the Under-Treasurer in relation to one of the town planning Acts and the taxing provision, he said that the Town Planning Board would find it virtually impossible to raise a loan of the amount required; and that even if it were raised it would lessen the amount of loan funds which the State would have for its use. That was the reason why the question of funding loans by the Town Planning Board was objected to.

I may be wrong as to whether it was in the statement by the Treasurer, but it was certainly made during the debate. Here we are told that the Fremantle Harbour Trust can be in a totally different position. If I remember rightly, when the Minister introduced the Bill I think he said that a sum of £4,000,000 was required by the Harbour Trust, and that the Treasury was able to allow it only £2,300,000. That means that the trust still has a considerable amount of money to raise if it is going to carry out its functions properly.

What is the difference between the Town Planning Board and the Fremantle Harbour Trust? As I say, the question of financial arrangements is one that sometimes puzzles me, but I cannot imagine there is any great difference between these

two bodies. There may be a difference between them in regard to the raising of money; yet we find that one gets permission while the other one does not. I cannot understand it at all.

I would like to refer to the statement made by Mr. Ron Thompson when he said he did not approve of the double-decker disembarkation stage. I would point out that it is one of the greatest of comforts one experiences when one goes abroad and arrives at a port to find such a landing stage. I think the sight at Honolulu when the Lurline ships leave and the upstairs portion of the double-decker landing stage is crowded with people, and the band plays and music is relayed alternately from the Lurline steamer, is something which is difficult to forget.

I feel that similar facilities should be introduced in our own ports in order that passengers might remember their previous port of call in Australia. I would also like to refer to the reception given to the ship at Suva. It is something quite different again when the local band appears in native costume and provides music for those on the wharf and those on the ship; and when the ship leaves plays the national departure song.

I think our Harbour Trust has an opportunity, when it has finished its work on the wharves, to institute a similar custom at the Port of Fremantle. We need not necessarily follow the customs of other people; but we should do something to impress on the visitor the treatment he receives from his previous port of departure in Australia. I cannot regard the expenditure by the trust on a double-decker landing stage as being a waste of money. I think it is one of the modern essentials that should be provided for people who come to our ports.

**THE HON. H. C. STRICKLAND** (North) [5.9]: I support the Bill. While Dr. Hislop was speaking the question crossed my mind as to why we are prepared to make arrangements for the Harbour Trust to raise loans while not permitting the Town Planning Board to do so. There is of course a big difference between the functions of the two authorities. We hope that the Town Planning Board will be able to make a final plan at some future time. We know that town planning is a continuous business, but surely it is not continuous to the extent that large sums of money will be required after the master plan is put into operation and the principal purchases have been made.

The Harbour Trust is in a peculiar position as are all harbour trusts in Western Australia. I think this is the only State in Australia where no charge is made for outgoing cargo produced from the land—I think the expression used is produce of the soil. From time to time the harbour boards and trusts have made representations to different Governments asking for

a small charge of 3d. per ton to be levied to enable them to balance their budgets, and improve their harbours.

But successive Governments have, in their wisdom, declined to give the harbour authorities any power to impose such charges. The effect really is that the trust is forced into a position of increasing the charge on incoming cargoes which, of course, means in some cases pushing up the costs of foodstuffs and consumer commodities generally.

So it is rather a peculiar position in which to be. It is one which Governments of all descriptions have refrained from attacking, possibly because of the reaction from the primary producer. This is the only State in Australia, I think, which does not permit its harbour authorities to impose a small charge for the services they render to the wheat producer, to the oat producer, or to the barley producer; and those producers move large tonnages across the wharves.

They are able to service those industries as they are able to service the importers of commodities to be used by the community. Personally I feel the time has arrived when Governments should give serious consideration to allowing the harbour boards to improve their finances by permitting them to impose a small charge on all commodities which can carry it. If a commodity cannot carry that charge then we should not impose it; but if it is shown that it can carry a small charge of 1d. or more, I feel the Harbour Trust and the harbour boards in this State would be granted a very appreciable concession if that were sanctioned.

**THE HON. C. H. SIMPSON** (Midland) [5.14]: I have just perused this Bill briefly, and at this stage I do not feel competent to analyse the various provisions it contains. But I take it they are mainly of a routine character, judging from what I have been told by those who listened to the Minister's introductory speech in another place; and from what I myself have been able to pick up from the explanatory notes of the Minister in this House.

It was my fortune to be Minister controlling the Harbour Trust for three years, and I remember at the time we looked upon the trust as a very efficient body. It knew its business; and at that time it was showing a fairly good return to the Treasury, and had been doing so for a considerable number of years. It was in this unfortunate position, from a finance point of view, that while the trust was making profits, those profits were being transferred to the Consolidated Revenue Fund and were not applied to the extinguishing of the capital represented by the trust's assets. As the Treasury financed those in the first place, it continued to charge the trust, year by

year, with interest on that money; and, at the same time, it took the profits to the Consolidated Revenue Fund. One was not offset against the other. That was a detail of Treasury management, and I do not think it mattered very much.

The trust was subject to the Minister and, of course, to the Treasury; and when Colonel Tydeman took over in 1950 it was necessary, on his recommendation, to install a good deal of machinery to mechanise the port. This brought the port up to the standard of overseas ports in regard to its ability to handle inward and outward cargo. In 1951 a programme of improvements north of the wharf was entered upon which had the result of considerably increasing the efficiency of handling cargo and the berthing of ships.

Colonel Tydeman was looked upon as an outstanding engineer and he was held in high esteem by the port authorities in the other States who realised he was a man of ability who knew his job, which he carried out very well indeed. I agree with Mr. Strickland that the trust was in a difficult position inasmuch as a large portion of the outward cargoes were not subject to Harbour Trust charges. That has always been the policy on the part of Governments; and it is a recognition of the fact that this is a primary producing State—that our economy is a primary-producing economy. It was not possible to pass increasing costs on with regard to primary produce. Therefore, primary produce received special consideration from the trust in regard to exports that passed through the port.

That meant the trust had a lopsided source of income inasmuch as it was compelled to levy extra charges on inward cargo; and it earned the reputation of being the dearest port in the Commonwealth. Literally, that is true; but one has to take into account that the ports of Melbourne and Sydney handle a greater amount of products which are not of a primary character. So it is not difficult to understand how the other ports are able to earn revenues which are not available to the Fremantle Harbour Trust. This has nothing to do with the efficiency of the trust.

I have heard casual remarks that Colonel Tydeman was a difficult man to work with. From my experience that impression is quite incorrect. I had the pleasure of attending a number of meetings of the Harbour Trust at the invitation of the trust, and Colonel Tydeman was in attendance. He did not thrust his opinions on those present—he offered advice when necessary. It was always sound, and it was always given in the spirit that the commissioners were quite within their rights to accept it or reject it.

In some respects, I think the Harbour Trust has been unfortunate. Take the question of oil. In bygone days the oil

which passed through the port for consumption in Western Australia provided a revenue of £350,000. However, when the refinery was established at Kwinana that revenue dried up. The trust's counterparts in the Eastern States collected substantial revenues because of the existence of an oil refinery. The Geelong harbour authority collected 5s. per ton from the refinery; and I understand that in Brisbane the rate was 10s. per ton. Had the rate of 5s. per ton been available to the Harbour Trust, in this State, it would have received £750,000 per annum. But the trust has been denied that source of revenue.

Had it received this money the task of the trust would have been made easier and it would have shown a profit. In conversation with the Under-Treasurer of the day (Sir Alex Reid), he told me that the Grants Commission did not worry so much about losses shown on the outports at Albany and Bunbury, etc. so long as the Fremantle Harbour Trust showed a profit—that on the over-all picture there was balance. Exactly what the position is at the moment I am not prepared to say.

However, I do vouch, from my own knowledge, that the trust was run very well. On this trust were representatives from various sections of the community. The shipping interests were represented and so were the unions. Mr. Fred Mann was the union representative. By and large, the persons on the trust were carefully selected men who did a very good job. I, too, am rather disturbed by the inclusion of the proposed new section in clause 3; and I am wondering why it is necessary to include this provision after all the years of experience we have had since 1900 when, I think the trust was established.

We all know that any instrumentality is subject to one or other of the Ministers of the Crown; and as far as I know—and I am quite sure I am right—the relations between the Harbour Trust and the Minister have always been most cordial. So it seems strange that this provision should be included for no apparent reason. I support the second reading of the Bill, but if an amendment is moved in Committee to delete that portion of the measure, I will support it. The trust has a very good record and it has done its job very well.

I am quite in accord with the moves taken to make the entrance to the harbour more attractive to passengers arriving at the port. When I have been down there seeing people off on boats I have noticed how untidy the appearance of the port is from the point of view of a passenger travelling through by ship. It certainly does not present an attractive appearance to a man who is considering spending a holiday in Western Australia, or to one who is prone to judge what a country is like by the appearance at the front door.

The Hon. R. Thompson: Have you been down there since the sheds have been painted in pastel shades?

The Hon. C. H. SIMPSON: I have not been down there recently.

The Hon. R. Thompson: They are painted inside and out.

The Hon. C. H. SIMPSON: I would not know about that; but I know of the excellent work done on the North Wharf and am satisfied that those who have the job of determining what can be done are doing a good job. I support the Bill with the reservation I have made in regard to clause 3.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government—in reply) [5.26]: I wish to make a few observations in reply. Mr. Watson, Dr. Hislop, and Mr. Strickland all compared this trust with the Metropolitan Region Improvement Town Planning Scheme Authority. As I interjected to Mr. Watson, both the State Electricity Commission and the Fremantle Harbour Trust are revenue producers, whereas the Metropolitan Region Town Planning Scheme Authority has to pay money out, and has no revenue at all. It is not revenue-producing, and it cannot raise a loan of its own volition.

Under this Bill, the moneys borrowed and the interest payable in respect thereof shall be a charge upon the moneys in the Fremantle Harbour Trust Account. So the Fremantle Harbour Trust is responsible for the payment of interest and sinking fund on money it borrows.

Reference has been made in regard to the amounts involved. For the benefit of Dr. Hislop, I will give them again. This instrumentality's works programme, over a period of four years, was based on an expenditure of £4,018,000, towards which the Treasury elected, by way of loan moneys, to provide no more than £2,390,000. I do not think for one moment it was intended that the difference between those figures should be raised by way of loan under this Bill.

When I made a statement to the House with regard to the metropolitan region improvement tax, I think I said that the authority would have great difficulty in raising a large amount of money in any one year. I think the same thing will apply in this case. It might have difficulty in raising more than £250,000 in one year; but if it is successful, the money will go a long way towards assisting with the developmental works at the Fremantle Harbour.

The age-old argument as to whether the Minister should have more control or not has been raised by three or four members. I admit to the House that the amendment mentioned was not in the original Bill; it was inserted in another place. Mr. Ron Thompson spoke of harbour development and the extent of the work on No. 10

berth. He criticised the engineer and said it would have been better if ministerial control had been exercised. For the information of the honourable member, the Minister has complete control over the harbour trust in that regard. Section 25 of the parent Act reads as follows:—

The completion and extension within the harbour of all harbour works shall be deemed Government work within the meaning of the Public Works Act, 1902, and may be undertaken by the Minister for Works on the recommendation and under the advice of the commissioners.

All the trust is allowed to do is spend up to an amount of £2,000. Anything over that amount comes under the control of the Minister for Works. In that regard, we have ministerial control. If one goes through the Act, one finds that some portions of the Act are not immediately under the control of the Minister, but other portions are.

The Hon. R. Thompson: Was the building of the berths under the control of the Minister?

The Hon. L. A. LOGAN: Yes.

The Hon. R. Thompson: I say it was not.

The Hon. L. A. LOGAN: Who was the Minister who was supposed to be in control? If the engineer made such a shocking mistake, he should have been replaced; and the Minister had the power to do it.

Mr. Strickland raised the point concerning the charge for exports. This matter has been raised very often. This State has relied upon the export of its produce in order to live. If we can possibly avoid it, we do not tax the source of the income on which we have to live. Whilst the Harbour Trust could get along without any export charge—

The Hon. H. C. Strickland: The poor old basic wage earner pays the tax.

The Hon. L. A. LOGAN: But the other fellow pays exactly the same tax. When we can give some incentive to the exporter to operate, the better off this State will be.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

**Clauses 1 and 2 put and passed.**

**Clause 3:**

The Hon. H. K. WATSON: For the reasons which I stated during my second reading speech, I would ask the Minister not to insist on the inclusion of this clause. I would ask the Committee to vote it out

because I feel it will not have any effect so far as the Bill is concerned. It is something quite extraneous to the Bill. Had it been moved in this Chamber it might well have been held to be out of order as not conforming with the purpose of the Bill, which is to enable the board to borrow money under Government guarantee.

The Hon. L. A. LOGAN: I agree with the honourable member that the purpose of this Bill is to enable the Fremantle Harbour Trust to raise money. For this purpose, the trust is under the control of the Minister, as shown in clause 6 at the bottom of page 5.

As I have already pointed out, if one goes through the Act one will find that there are places where the Minister has control and other places where he has indirect control. I have not had time to consider the full effect of this provision. The ramifications may be wider than one would wish. If the Chamber, in its wisdom, decides to delete this clause, I will not weep any tears.

The Hon. E. M. DAVIES: I think the Chamber would be wise to retain the provisions of this clause. The State Electricity Commission has its own borrowing powers, and it is under the control of the Minister. As far as I can see, it is proposed in this Bill to grant the Harbour Trust borrowing powers; and the trust would be under the control of the Minister.

The Hon. H. K. WATSON: From inquiries I have made since I last spoke, I understand that the position is as Mr. Davies explained: This clause was put in in order that the Treasurer would have control over the Harbour Trust Commissioners in connection with borrowing. When it was put in and accepted by the Minister in another place it was overlooked that clause 6, at the bottom of page 5, already contained the provision that the Harbour Trust Commissioners could not borrow unless they first submitted to the Minister, and had approved by him, their proposals which, as I mentioned, had to set forth the terms, the interest, the purpose for which the money proposed to be borrowed was to be applied, and the manner in which the loan was to be repaid. It seems to me that clause 3 is superfluous.

The Hon. C. H. SIMPSON: I would suggest that as this is something entirely new, the clause might well be left out. If there is a good reason why it should be included in a future Bill, and we had more time to consider and study its implications, it could be inserted later on. If this Bill becomes an Act, it will be difficult to take out something which, on examination, might not be desirable. I know—having been a Minister—what the relationship is, and I cannot see that the addition of the clause will make any difference.

**Clause put and a division called for.**

The CHAIRMAN (The Hon. W. R. Hall): Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:—

**Ayes—13.**

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	(Teller.)

**Noes—15.**

Hon. C. R. Abbey	Hon. J. Murray
Hon. N. E. Baxter	Hon. C. H. Simpson
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Cunningham
Hon. G. C. MacKinnon	(Teller.)

Majority against—2.

Clause thus negatived.

Clauses 4 to 9 put and passed.

Title put and passed.

*Report*

Bill reported with an amendment and the report adopted.

*Third Reading*

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time and returned to the Assembly with an amendment.

## ANZAC DAY BILL

*First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

*Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [5.46]: I move—

That the Bill be now read a second time.

This Bill is presented for the consideration of members because of the results of a recent poll conducted by the Returned Servicemen's League.

The league's financial members number 15,521, of whom 6,587 voted on matters relating to the observance of Anzac Day. The result of the poll was that 4,855 members favoured commemoration up to 1 p.m., thus leaving the rest of the day for holiday activities. The remaining 1,732 voted for the retention of the present form of observance of this day.

The Air Force Association, the Naval Men's Association, and the Australian Legion of Ex-Servicemen and Women have expressed similar views to those carried by the majority vote conducted by the R.S.L.

The main purpose of the Bill then is to make provision for these changes; and it is being introduced as a non-party

measure. The views expressed in this introduction do not necessarily represent my own personal views or those of individual members of the Government.

The Government quite rightly believes that in this matter the views of the majority of ex-servicemen and women should prevail, and this Bill has been drafted with the object of putting these views into effect in order that the change may be made for the next Anzac Day observance.

The Bill makes provision for the setting up of a trust of four people to administer a fund. Members of the trust will include a Treasury representative who will be chairman. The R.S.L. will be represented by one member; and the Australian Legion of Ex-Servicemen and Women, British Ex-Services Association, Ex-P.O.W. and Relatives' Association, Old Contemptibles' Association, Partially Blinded Soldiers' Association, Totally and Permanently Disabled Association, Air Force Association, Federated T.B. Soldiers, Sailors and Airmen's Association, Maimed and Limbless Association, War Widows' Craft Guild, Navalmen's Association, and War Blinded Association will be represented as a group, by one member. These are the charitable ex-service organisations registered under the Charitable Collections Act. Legacy will also be represented by one member.

The purpose of the fund is to give financial assistance to organisations operating for the benefit of ex-servicemen and women and their dependants, and including specifically the provision and operation of homes for aged veterans. The R.S.L. has made representations in this regard, strongly emphasising its view that in the allocation of these funds, priority should be given to the care of aged ex-servicemen and women, and to the welfare of widows and children of deceased ex-servicemen. This viewpoint is substantially recognised in the provisions of the Bill, but they will enable assistance to be given also to other ex-servicemen's organisations for purposes of welfare and amelioration.

It is proposed that the money standing to the credit of the fund be distributed annually. Money will become available to the trust for the credit of the fund through proceeds of race meetings and other sporting events which may be conducted on the afternoon of Anzac Day; that is, after 1 p.m.

Race meetings shall not be additional to but shall be included in the number of meetings permitted under the Racing Restriction Act. The full net proceeds from race meetings will be paid into the fund. Of the net proceeds from other sporting events, 60 per cent. will be paid into the fund.

In the event of Anzac Day falling on Saturday, it might be expected there could be some complications in regard to football and other sports for which a charge

for admission is normally made. As this eventuality will not occur until 1964, there will be ample time to review the position before that year.

The opening of hotels after 1 p.m. is to be optional, and proprietors desiring to open their premises will need to apply for an occasional licence, the fees for which are to be paid into the trust fund.

There has been a very limited period since the holding of the poll to enable the Government to give consideration to the introduction of this legislation; and, accordingly, the Bill is to some extent experimental. In view of this an assurance has been given to the R.S.L. that the Government will watch the operation of this legislation closely, should it become law; and, if considered necessary, suitable amendments will be placed before members next year.

Incidentally, Victorian legislation regarding the observance of Anzac Day was similarly altered following a poll by the R.S.L., and proceeds from sporting functions are paid into a patriotic fund.

The Hon. A. L. Lorton: How many voted at the poll in Victoria?

The Hon. A. F. GRIFFITH: I could not say just now, but if the question is of importance to the honourable member and he would like me to find out, I shall.

**THE HON. H. C. STRICKLAND** (North) [5.52]: As the Minister has explained, and as we have learned through the Press, the members of the R.S.L. voted more than two to one—nearly three to one—in favour of an alteration to Anzac Day by more or less opening up the day from 1 p.m. onwards; that is for Anzac Day to be a normal holiday rather than a sacred holiday from that time onwards.

I have no doubt that the Government has consulted all the organisations concerned and has arrived at a satisfactory agreement to meet the wishes of those organisations, particularly, and the public in general. For these reasons I do not propose to oppose the Bill.

The measure is one which will bring about an alteration to the observance of Anzac Day; and persons might criticise that alteration and argue about it from numerous angles. But, after all it is not possible to introduce legislation of this nature, affecting the whole of the public of the State, and be assured that it will satisfy every member of the general public.

However, I am prepared to accept the Government's viewpoint in regard to this matter because the Government has had an opportunity to discuss with the various organisations concerned what might be generally accepted as an agreeable alteration to the Act. I support the Bill.

**THE HON. R. THOMPSON** (West) [5.54]: I strongly oppose the Bill. The R.S.L., with which organisation I have no argument, held a referendum amongst its 17,000-odd members, 4,000 of whom supported making Anzac Day an open day, if I might say so. My views are that Anzac Day, like many other days that we hold as holidays to commemorate some event, will completely lose its significance. Like Anniversary Day, Foundation Day, and Labor Day, it will be availed of for the holding of some sporting fixture. The days to which I have referred have all tended to lose their original significance.

The present position is bad in this respect that the widows and children of ex-service-men did not have a vote; and I would say that Anzac Day is just as much their day as it is that of the members of the R.S.L. who have said that they support the opening of hotels and the conducting of sports meetings after 1 p.m. on Anzac Day.

The proposal in the measure will affect our community life in many ways. Apart from Anzac Day, the only other closed holidays that we observe are Good Friday and Christmas Day. Surely we can have three public holidays on which we can commemorate special events with some respect, and without those days being commercialised.

Since the R.S.L. vote was taken on this matter, I have been to two sub-branch dinners, and at those functions I spoke to the members, who were in favour of the alteration suggested in the Bill. I voiced my disapproval of the decision of which the State Executive had to approve. The State Executive of the R.S.L. has never approved of the opening up of Anzac Day, or of an alteration of the way in which it has been observed over the years.

**THE HON. R. F. HUTCHISON** (Suburban) [5.57]: I have some feelings in regard to this measure and they may not agree with the general trend of what has been said here today. I was at the first Anzac Day observance; and I remember the landing at Gallipoli. I wonder what the men—the Anzacs—who died at Gallipoli would think of the attitude expressed here; and I wonder what they would think if they could hear the wrangling in Western Australia, and all over Australia, on the question of whether, on Anzac Day, hotels should be open; race meetings conducted; and other things done that one would not normally associate with the observance of a sacred trust. Many of the original Anzacs lost their lives fighting for this fair country of ours; and I am not a warmonger, either. I do not believe in wars; I think it is time they were abolished.

But I remember Anzac Day, and I remember the Anzacs who went away from Australia. They were my friends. In regard to this matter, as with most other

matters, we appear to worship the god Mammon. I think some respect could well have been shown to the relatives—the widows, particularly, who lost their husbands, and the children who lost their fathers at Gallipoli. Those children would be men and women now, I suppose.

Anzac Day started off, as is usual in the event of any bereavement, by being a day of prayer; it was observed with piety and real sorrow, and with reverence for our men who had been left on the slopes of Gallipoli. On Anzac Day we received our baptism of fire; and those men suffered very greatly. Over the years I have been assisting women who were bereft of their husbands and fathers at the landing at Gallipoli.

Without picking out all my reasons for being against the Bill, I am voicing my sentiments here; and I think they would be the sentiments of the men who were left on the slopes of Gallipoli, and the men who have suffered throughout their lives ever since that fateful day. In my opinion the day will lose its reverence to the younger generation, if any change is made. I would rather see Anzac Day as a day when widows, their relatives, and their friends could attend a church service if they so desired to offer up a prayer for their loved ones who are dead—which is the usual way of honouring our dead—instead of adopting the attitude, "It is Anzac Day tomorrow, the pubs will be open and it is a license for dad to celebrate if he so desires; and because he is a returned soldier he will not be thought badly of if he lands home a bit intoxicated." That is the thought that is becoming prevalent among members of the younger generation, and therefore if the sacredness of Anzac Day is to be lost, it will be a retrograde step.

The meaning behind Anzac Day affects me greatly. I know how I felt on the first Anzac Day; and even now I cannot attend the Dawn Service at King's Park without becoming greatly affected by the ceremony. The R.S.L. is the organisation that is supposed to have the last say on how Anzac Day shall be commemorated, but I would be in favour of giving a fully-paid holiday to every man who fought in the last two world wars and he could spend it as he thought fit. That would be much more desirable than to commemorate Anzac Day in such a manner as is envisaged in the Bill which will give many people an opportunity to make money. I know there are several individuals who would obtain some benefit if sporting and other activities were held on Anzac Day—individuals who have not seen service in any world war.

I can well recall our men marching away in the early years of the 1914-1918 war to serve overseas at Gallipoli. I do not think that Anzac Day should be wrangled over by members of Parliament for the purpose

of making a decision on whether the pubs should be allowed to remain open on that day. As I have said, I would give every returned soldier a fully-paid holiday on Anzac Day which would represent some recompense for his services overseas, instead of making it a day for the holding of sporting and other activities, and an excuse for men to celebrate by drinking.

**THE HON. A. L. LOTON (South) [6.4]:** I hope the House does not agree to this Bill which seeks to effect an alteration in the commemoration of Anzac Day. In the poll conducted by the R.S.L. among the members of its sub-branches, 15,521 members were eligible to vote on this question, but only 6,587 voted. Of that number, 4,855 voted in favour of a change to commemorate Anzac Day, and 1,732 voted against any change. I have heard certain members of Parliament say that they were unable to record their vote on that question because they could not get to their sub-branch on the day the poll was held. As far as the holding of a poll was concerned, I know there are many thousands of people who lost their loved ones at Gallipoli, who were not eligible to vote on this question. If we are to make a decision on a change in the commemoration of Anzac Day by the holding of a poll, it should be taken among every person in the State. Every individual has the right to express his opinion on this question.

For my part, I hope the change will not be agreed to because I am in favour of commemorating Anzac Day in the way it is at present: recognising it as a holy day and a day similar to Good Friday. Unfortunately, in these latter years we have tended towards commercialising every day possible. For instance, Christmas Day is commercialised; Good Friday is commercialised; Mother's Day is commercialised; Father's Day is commercialised, and it is now proposed to commercialise Anzac Day.

**The Hon. R. F. Hutchison:** Fathers should not have a day.

**The Hon. A. L. LOTON:** Well, they have, and every dog has his day, too. If the House agrees to the Bill—and I hope it does not—there is one amendment that should be made, and possibly two, in the Committee stage. The first amendment that I suggest should be made is to subclause (3) of clause 4 which reads as follows:—

Notwithstanding anything in this section, no race meeting shall be held on an Anzac Day which is a Sunday.

If no race meeting is to be allowed on Anzac Day why is it proposed, under the Bill, that other sports, as mentioned in clause 3, shall be held on Anzac Day?

**The Hon. A. F. Griffith:** Because there are some sports which most people consider can be played on a Sunday.



The Hon. A. L. LOTON: What is the difference between playing tennis on a Sunday, holding motor cycle races, foot races, cricket matches etc., and holding a race meeting on that day?

The Hon. A. F. Griffith: It is not regarded as being the right thing to hold horse races on a Sunday.

The Hon. A. L. LOTON: Is it the right thing to hold a football match on a Sunday?

The Hon. F. D. Willmott: It is better than having young people hanging around the street corners.

The Hon. A. L. LOTON: I quite agree, but why should we not hold a race meeting on a Sunday? Subclause (4) of clause 4 then states—

If any race meeting is held on Anzac Day—

and that includes a trotting meeting so far as this provision is concerned—

—in any year in contravention of the provisions of this section—

Then it goes on to state that a penalty not exceeding £200 shall be imposed. There is also provision that the whole of the net proceeds of any race meeting shall be paid to the trustees of the fund that is to be established. However, in comparison, only 60 per cent. of the net proceeds obtained from the holding of any sports meeting shall be paid into the fund. Why should there be any difference? If the Turf Club or the Trotting Association is obliged to pay the whole of the proceeds from any race meeting or trotting meeting into the fund, the same conditions should apply to any other sporting event that is held.

The Hon. A. R. Jones: Race clubs receive Government assistance.

The Hon. A. L. LOTON: In what regard? They pay their taxes. I do not think we should delve too deeply into that question. As I have said, I hope the House will not agree to the passing of the Bill, but if it does, I hope that, in Committee, the two amendments I have outlined will be agreed to. I am anxious to hear what other members have to say on the Bill. I am firmly convinced in my own mind that if we are going to allow Anzac Day and holy days to be debased and turned into a day of commercialisation, the time of reckoning will surely come.

*Sitting suspended from 6.10 to 7.30 p.m.*

**THE HON. J. M. A. CUNNINGHAM** (South-East) [7.30]: The Government feels obliged to introduce this Bill to Parliament, in respect of a matter about which there is such a variety of thought and opinion. It was introduced not because the Ministers in the Government or the Premier believed in all the provisions in the measure; rather it was introduced as a result of the representations made by the R.S.L. after a referendum had been held among the financial members.

The fact that a little in excess of 35 per cent. of the financial members voted at the referendum should not be used to cast a doubt on the sincerity, validity, or justice of the decision arrived at by the referendum. At the average poll where there is a voluntary vote, only 35 per cent. of those eligible do cast a vote. It is quite obvious that the percentage of members who voted in the referendum conducted by the R.S.L. was comparable with the percentage of people who cast a vote in a democratic election where the voting is not compulsory.

For various reasons some members of the league could not, and did not vote. We have no right to challenge their reasons. A surprisingly large number of members in this House who are entitled to wear the R.S.L. badge did not vote, and I am included among them. My reason for not voting was that I could not get to my branch to cast a vote.

For a great number of years the method of observance of Anzac Day has been the mainspring of dissension, upset, and diversity of opinion within the league, which otherwise is a very tight league of comradeship. At long last, out of the multiplicity of ideas and thoughts which have been expressed, a decision has been made to clarify and to define the purpose of Anzac Day.

The new method proposed is not a very great departure from the old one. Since the last war Anzac Day has become the focal point of remembrance. On that day we pay homage to those who served in the Anzac forces—to the soldiers who served in the first world war in France, and in latter years to others who took part in the siege of Tobruk and became known as the Rats of Tobruk. I consider the latter are entitled to a day of remembrance on their own. However, they were quite happy to embrace on Anzac Day the thoughts and sentiments of their service in Tobruk. They accepted this day as the symbol of remembrance of the siege of Tobruk. Anzac Day has come to mean all things which are to be remembered among ex-servicemen.

As a schoolboy I can remember when Anzac Day was definitely a gala day. On the goldfields the processions, in which trade union floats, and shopkeepers' floats took part, stretched almost three miles from Kalgoorlie to Boulder. Banners and flags were flying everywhere. In those days I do not recall any sacred services being conducted publicly as they are today.

Over the years, and in particular since the last war, the services conducted by local governing bodies or by the R.S.L. have come to be looked on as sacred. It has been asked: What about the thoughts of the men to whom this day is dedicated? What would have been their thoughts about the method of observance on Anzac Day? Every member who wore a uniform

would agree with me that an over-emphasis on the sad side of war on Anzac Day would be completely out of character with the thoughts of the men who gave up their lives for this country. There is no argument about that. They would have been the first to attend the various services with their comrades; but they would also have joined with their comrades in imbibing convivially afterwards; in talking about the days of their service and about their deeds; or in reminiscing about the people with whom they were serving.

There are two sides to the thoughts behind the observance of Anzac Day. One side concerns the sorrows of war and those who have been left behind as a result of the sacrifices made. We observe this side of remembrance by solemn gatherings and services. No one denies that this side of the remembrance should not be observed.

However, another side of Anzac Day which is unknown to many civilians who have not served in wars, is the comradeship of the ex-servicemen. I admit that sacrifice comes first and comradeship next. It is difficult for those who have not had the experience of comradeship under difficult conditions to imagine the joy of reunion. This comradeship during war might have extended for days, weeks, and months, under difficult conditions.

Both sides of remembrance are recognised today. After the church services and gatherings—gatherings held in parks and at memorials—there is almost a 100 per cent. attendance at the various R.S.L. clubrooms where the members join in comradeship.

If the provisions in the Bill are used as intended, it is hoped that the relatives—wives, sisters, mothers, brothers or fathers—will also be able to join in the comradeship of reunion, and in the organised sport in the afternoon, the proceeds from which will go towards a very good cause.

I have not heard from the relatives of those who gave their lives for this country any strong plea that Anzac Day should be observed in a solemn and sorrowful way. I agree that we should remember those who have made the sacrifice. I appreciate very much the introduction of the Bill by the Government in order to give the new method of observance a trial.

The Hon. R. F. Hutchison: To bring about a Roman holiday.

The Hon. J. M. A. CUNNINGHAM: It will not be a Roman holiday. That is not a compliment to the men who have lost their lives, or to their relatives. Anyone who suggests that this occasion will become a drunken orgy does not know what he is talking about.

The Hon. F. R. H. Lavery: Have you been to an R.S.L. dinner?

The Hon. J. M. A. CUNNINGHAM: I have. This Bill will obviate the undesirable part of the functions because they

will be attended by ex-servicemen as well as their relatives and supporters. This new method is an experiment. If it looks as though it will degenerate into an orgy then one of the questions we are asking will be answered. That is not what we want. The Bill will give an opportunity to try out the new method of observance, because the existing method has been a contentious point for a very long time among ex-servicemen. We will be able to give the new method a trial. Let us observe the results, so that we can determine whether it is what the people and the ex-servicemen want.

THE HON. E. M. HEENAN (North-East) [7.42]: I support the Bill for three main reasons. Firstly, I believe and I am convinced that the proposed change is a good one. Secondly, I am convinced that the great majority of the people whom I represent on the goldfields are in favour of it. Thirdly, I believe that under our democratic system the wishes of the official body representing ex-servicemen in this State should be given great consideration.

I am entirely in agreement with the views which have been put forward by Mr. Cunningham who is also representing the goldfields in this House. Like him, I am a member of the R.S.L. and have been for the past 42 years—since I was the age of 18 years. I was on a troopship when I was a few weeks over 18 years of age, although I did not reach the scene of battle. My unit suffered from the dreadful scourge of Spanish influenza as a result of which 30 out of the 150 of my comrades who left this State together died. I was indeed fortunate that I was not one of them.

I therefore feel that I have had some association with soldiers and returned servicemen over the years. Whenever possible, I have marched in the Anzac Day procession. I have attended many reunions and on all occasions fraternised with returned soldiers. I have followed the dictates of my religion to the best of my poor ability on those days and tried to remember my relatives, friends, and colleagues who served in the two wars and who glory in the name of Anzacs.

As I have stated, I have risen early in the mornings to attend the processions and then have joined in the camaraderie which on the goldfields invariably follows these functions. It is now proposed to alter the present system whereby hotels are closed and certain types of sport forbidden. I have the greatest respect for the wishes of those people who consider it is unwise to alter that system. Their reasons invariably centre on the solemnity of the occasion, with which we all agree; but then they proceed to argue that perhaps for hotels to be open, race meetings to be held, or other types of sport to be played in the afternoon, is a violation of the spirit of the day. Of course, their views,

have to be given the greatest consideration and respect, and I do not intend to deviate from my duty in that.

I cannot see anything wrong or inconsistent in the appropriate celebration of religious services for Anzac Day in the morning and then in the afternoon for people to relax and enjoy themselves in a wholesome, happy way as the ordinary Australian does.

Only recently one of the most loved and respected pioneers from one of the northern towns on the goldfields died, and about 50 men left their mines and businesses to travel up to 100 miles to attend the funeral. The respect that was shown on that occasion was most impressive and convincing. However, the majority of them afterwards went into a hotel and had a few drinks after which they went back to their own towns in the afternoon. For the life of me I cannot see anything wrong in that.

I can see a good deal wrong in these, what are sometimes called booze-ups, where parties obtain kegs, and glasses are filled up whether it is desired or not. People in such circumstances are often carried away because of the crowd. My idea is that hotels should be opened in the afternoons for anyone who appreciates a drink—the normal person. On Anzac Days the men who are glad to meet their old colleagues and talk about the bad and good times, and how life is treating them, can drink, if they so desire, in the decent surroundings of a hotel. That would be a far better set up than some of the reunions that are at present held and which, in effect, flout the law which the rest of the community is expected to observe. Those are my personal views.

As to the views of the people I represent, on several occasions I have been a delegate at the State conference for R.S.L. branches in various parts of my electorate, and I have always been directed to support a move such as this. I am convinced that on the goldfields the majority of people will favour the passage of this legislation because those on the goldfields are an open minded lot who do not like any subterfuge. Any policeman who has spent some time on the goldfields will tell us that there is no more law abiding section in Western Australia.

We must pay a good deal of respect to the wishes expressed by the result of the referendum which was recently held by the R.S.L. With all referendums, as Mr. Cunningham pointed out, a lot do not and cannot cast their vote. Again, like Mr. Cunningham, I did not vote, because I am a member of the Kalgoorlie and Boulder branches. As I was in Perth at the time I unfortunately could not claim my votes.

The Hon. G. Bennetts: Do you have to be a member of a branch to have a vote?

The Hon. E. M. HEENAN: Of course. It was a referendum of returned soldiers.

The Hon. G. Bennetts: Hundreds of returned soldiers do not belong to a branch.

The Hon. E. M. HEENAN: That is possibly so.

The Hon. G. Bennetts: But they do not believe—

The PRESIDENT: Order!

The Hon. E. M. HEENAN: It is just like a union holding a referendum. The rest of the community does not have a vote. But we in this House who represent the community are called upon to respect the wishes of the R.S.L. as expressed in the result of the referendum.

I do not wish it to be interpreted that I mean that the rest of the community should have no say about the form the celebrations on Anzac Day should take. Of course they should; but Anzac Day is the day that perpetuates the glorious memory of the men and women who served this country in the two world wars; and the R.S.L. is their official organisation. Any matters directly concerning those men and women who served in the world wars, are entitled to be considered by the R.S.L. This body does not have all the say but I still think that its wishes have to be respected. At any rate that is how I view the matter.

I hope and pray that Anzac Day will live forever in the memories of Australians as a day that perpetuates all that is fine and noble in our national characteristics, as exemplified by the men and women who gave up everything, including their lives, for their country. These men and women of whom I speak adopted the broad minded view that we must render unto Caesar the things that are Caesar's and to God the things that are God's. I cannot see anything inconsistent in people having some enjoyment on the afternoon of Anzac Day. If I wanted to play golf on that afternoon, I would really enjoy it, or if I decided to go to the races, I would really enjoy that, provided always that in the morning I had done the right thing by the memory of the people to whom the day is dedicated. I support the Bill.

**THE HON. C. H. SIMPSON** (Midland) [7.58]: I think the Government should be commended for introducing this Bill. The returned soldiers' organisation which is the mouthpiece of the returned soldiers, has, by a very decisive majority, voted that the observance of Anzac Day should take the form of commemoration in the morning and relaxation in the afternoon. We have to remember that apart from those who voted so decisively, there are many of their kith and kin and many of the general public who look to the Government to give effect to the decision arrived at by R.S.L. referendum.

Many figures have been quoted as to how many people voted. My impression is that of the 42 per cent. who actually

recorded a vote, 31 per cent. desire a change, and 11 per cent. wish the old observance and conditions to remain.

Like others in this Chamber I was not able to exercise my local vote, but my sympathies would have been with the retention of the day as it is now observed. However, by a democratic means a decision has been reached and, as I say, the Government is asked to give effect to the wishes of the soldiers; and, I should say, the general public supports this desire.

Anzac Day is a day of remembrance, although, perhaps, the memory of that day is fading. Maybe it has been obscured in latter years by the influx of migrants who have no chance of taking part in Anzac Day events, for many good reasons; but they cherish the observance of other days or memories of other times. The Old Contemptibles from Mons, and the heroes of the Battle of Jutland, and those who were at Tobruk and El Alamein, and the survivors of other historic battles, can join in the Anzac Day celebrations feeling that they are paying a tribute to their comrades who were lost in those battles.

The idea of remembrance in the form of a commemoration service is something that we should not lose sight of, even if we give effect to it on one half of the day, and perhaps devote the other half of the day to relaxation.

On last Anzac Day I can remember the Minister for Local Government had three functions to attend: one in the morning at one centre, one at another centre in the afternoon, and a third one at night. He was asked to take part in a fourth, but he had to ask those responsible for the gathering to get me to take his place; obviously he could not be in two places at once. That indicates, I think, that Anzac Day is remembered in the country as well as in the city, and that there is a large measure of public interest in it.

I venture to say that if this legislation is tried out in an experimental form we will find centres where the members of the local branch are very interested in the old form of observance, and where they will probably still ask members, such as Mr. Logan, to come and address them either in the afternoon or in the evening, because they think that the old form of observance should still be adhered to.

I was talking to an American on one occasion and he was commenting on the fact that this particular day had been set aside as a day of remembrance. He said, "We celebrate Independence Day in America but long ago it lost any significance that it had. Today it is just another holiday." Usually it is a day on which, tragically enough, the toll on the roads reaches record proportions for the year. Many are of the opinion—those who have seen both forms—that the idea

of consecrating the day as a day of remembrance for the dead is a very much better idea than that which obtains in America.

I said that the kith and kin should also be borne in mind because in a sense they played a part in the war just as much as the soldiers who went to the front. There were countless heroisms on the part of those who stayed behind and did their bit, and who bravely bore the anguish of separation and suspense because those who were near and dear to them were away at the front. Sometimes they faced more trying ordeals than soldiers had to face, because at least the soldiers knew exactly what they were doing the whole time. They could assess the risks that they had to face from time to time—and they were not facing risks all the time. There were many pleasurable occasions which soldiers, when they meet, like to discuss and look back upon.

So I think there is an obligation on us to honour the vote that was taken and the result that was obtained; and the public will expect us to provide some means of commemoration.

I think the idea of devoting the proceeds of any functions, or portion of the proceeds, to the various funds organised on behalf of disabled soldiers, and so on, is an excellent one, and I commend the Government for bringing down the Bill.

The Hon. G. Bennetts: What about the other charitable organisations?

**THE HON. J. D. TEAHAN** (North-East) [8.5]: The word "Anzac" has a pleasant sound, and I can remember when it was coined. It was originally intended to apply to the Australian and New Zealand Forces—those who fought at Gallipoli—but later on it covered all those who fought in the different wars. The word is synonymous with sacrifice, devotion, courage, and everything that is good. That is what the word means to us today, and I hope that will always be the case.

In my opinion, the Bill seeks to allow the day to be honoured in the way that it has been honoured on the goldfields for several years past. The morning is devoted to commemoration services and in the afternoon there has been some form of relaxation—perhaps there has been an unofficial session or two, such as they have on Sundays at country hotels.

The Hon. G. C. MacKinnon: Don't they have police up there?

**The Hon. J. D. TEAHAN:** If there was any over-indulgence, I did not see it. In fact, I think that if the afternoon relaxation is made general there will be less to cavil at in regard to drinking than there is today; because today, perhaps, the drinking sessions are restricted to those who may belong to clubs, and some of the different organisations.

This Bill envisages a departure from that practise and it will make the position more orderly than it is at present. I can remember when the attendances at Anzac Day smoke socials were excellent, and then there was a notable falling off. There was an examination of the position and it was found that too much time was spent on the serious side of things—there was too much speech-making, perhaps—and it was decided that there would be more relaxation. As a result, the attendances increased; and it seems that there is a desire to do away with so much seriousness, speech-making, and solemnity, at least for half of the day.

The vote that was taken seems to suggest that that is what is desired, and I think that reflects the public's attitude towards this matter—that the morning be set aside for commemoration services, such as we have on the Esplanade, and that the afternoon be spent in relaxation. The proceeds of any functions held are to be devoted to some worthy organisations such as homes for aged soldiers, or the dependants of those who lost their lives in the wars. For those reasons, I support the second reading.

**THE HON. G. C. MacKINNON** (South-West) [8.9]: Adverting to one or two earlier speeches which were in opposition to the measure, may I point out that it has traditionally been held that Anzac Day observance should be under the control of the R.S.L.? I checked on the speeches which were made in regard to this matter in 1919 and 1923, and I was surprised to find no reference to the point I am now making—that it has always been understood that the observance of Anzac Day is under the control of the R.S.L.

Members will have noted that the big marches in Perth are always under the control of the R.S.L.; and the same applies in all the towns where services are held. The main address is always given by the local president of the R.S.L., unless he personally requests someone else to make the speech for him. So it has always been understood that the R.S.L. should have control of any functions, and have the say in regard to the way the day should be observed. That organisation is to be congratulated for the control it has exercised. Quite properly, the vote on this matter was held within the R.S.L. It has been said that certain members did not have the opportunity to vote. But may I point out that all of the sub-branches with which I have come into contact, or about which I have made inquiries, made facilities available for absentee voting? I voted on a form because I could not attend a meeting; and I know that Mr. Roberts, M.L.A., from Bunbury, also voted in that way, as did Mr. I. W. Manning from Harvey. I asked them how they voted, and they said that they voted on the forms provided. Therefore, all those who wanted to vote could vote.

Also, anybody who has been associated with an R.S.L. executive has no doubt in his mind about the desires of the R.S.L., and of the general public, in this matter. I would say without equivocation that this Bill meets the desires of the majority of the people. The speeches made by Mr. Heenan and Mr. Cunningham were very good, and they covered the position fully.

I wanted to mention the control of the day and the ballot that was held. One other matter which I wish to speak on is that Anzac Day means something different to each person; but if we let the debate wander on to that aspect, as it has tended to do on one or two occasions, every member could make a speech on his particular interpretation of the meaning of Anzac Day, and each member's ideas would differ from those of the others. But it is generally recognised now that Anzac Day commemorates those who fell in the three wars—the 1914-1918 War, the 1939-1945 War, and the Korean War.

**The Hon. A. R. Jones:** What about the Boer War?

**The Hon. G. C. MacKINNON:** A day was set aside after the Boer War. I mentioned the Korean War, because the history of our servicemen in that war is something of which we can be proud, and there is too much of a tendency to forget it.

I sincerely hope that because of the referendum that was held, properly and constitutionally, and the decision that has been reached, and the fact that traditionally the control of this day has been in the hands of the R.S.L., members will support the measure.

**THE HON. E. M. DAVIES** (West) [8.14]: I enter this debate with no intention of criticising any of the expressions of opinion given in the speeches made by members who have already spoken. I understand those expressions of opinion to be personal views, and I intend to express my own personal views. I voted at the referendum as a member of the R.S.L., but my complaint is that the R.S.L. is not the only organisation which should have had an opportunity to express an opinion. I believe the parents of those who made the supreme sacrifice; the widows of men who made the supreme sacrifice; and the mothers whose sons made the supreme sacrifice should have had an opportunity to express an opinion also.

Whilst I had an opportunity to record my vote, as an ex-serviceman, my wife, who is the mother of an only son who made the supreme sacrifice in World War II had no opportunity to express an opinion. Therefore, I intend to vote against the Bill.

**On motion by The Hon. L. A. Logan** (Minister for Local Government), debate adjourned till a later stage of the sitting.

(Continued on page 3148.)

## **METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT BILL**

### *Assembly's Message*

Message from the Assembly received and read notifying that it had agreed to amendments Nos. 1, 3 and 4 made by the Council, and had agreed to No. 2 subject to an alternative amendment.

## **INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL**

### *First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

## **WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL**

### *First Reading*

Bill received from the Assembly; and on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

### *Second Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [8.19]: I move—

That the Bill be now read a second time.

This Bill provides for three important amendments to the principal Act. Clause 3 of the Bill deals with "approval of engagements of seamen." The fourteenth conference of the Australian Port Authorities' Association held in 1954, urged all State navigation authorities to amend relevant State Acts to bring them into conformity with the Commonwealth Navigation Act, and emphasis was laid on this at subsequent conferences. The amendment which appears in clause 3 is designed to effect conformity in regard to the engagement of seamen.

Upon the abolishment of the Maritime Industry Commission, the Commonwealth Government amended the Commonwealth Navigation Act in 1952 for the purpose of continuing control over the engagement of seamen in Australian ships which had been introduced by the commission.

The amendment empowered the superintendent to refuse to approve the engagement of seamen who received three bad reports from ships at the time of their discharge, who failed to serve regularly at sea, were excluded by the commission, or were dealt with by a committee set up under section 424 of the Act.

The Commonwealth Navigation Act applies only to interstate and foreign-going seamen, and consequently intrastate seamen under the control of State Marine or Navigation Acts are not covered by the Commonwealth amendment. Though there

is very little intrastate shipping in Western Australia it is considered desirable to make the provisions desired by the conference in the interests of uniformity; and this would avoid any possible anomaly that could arise should there be a development of intrastate shipping.

Clauses 4 to 7 of the Bill contain amendments to sections in part VIII, division 1 of the principal Act. There is a growing concern at the number of mishaps to fishing vessels off our coast. It is a fact that Harbour and Light Department officials find, upon apprehending owners of fishing boats which are not properly surveyed or manned, that the vessels have not been licensed and consequently, under the existing provisions of the Act, the department is unable to sustain any action against the parties concerned.

It is intended to overcome this obvious difficulty by amending the provisions affecting "vessels licensed" by the simple expedient of changing this phrase to "vessels licensed or required to be licensed, by or". Paragraph (ii) of section 183 refers to vessels licensed under the Pearling Act, Whaling Act, the Fisheries Act, or the Fremantle Harbour Trust Act.

No such vessels are licensed under the Fremantle Harbour Trust Act, and consequently this portion of the original definition is unimportant. It is important, however, that the Harbour and Light Department be vigilant in its surveys and be enabled to take effective measures for the safety of the vessels and their crews.

Section 207 is the regulation-making section of the principal Act; and the proposal to introduce a new subsection under clause 8 will enable the Government to make suitable regulations for the safety of persons using speed craft on the river and other persons using the river. There is no intention to discourage people from using the river, but rather to encourage the use of the river by making its use safer.

The regulation the Government has in mind would prescribe an age limit for speed-boat drivers and the restriction of the speed of these craft in certain areas. A regulation is desired for the insistence of two people being in charge of a speed boat which is towing a skier. This would be for the protection of the skier and also for the protection of other users of the river from an uncontrolled ski and tow rope.

Very severe regulations exist in other parts of the world, and while it is not proposed here to take such restrictive action as has been taken in, say, America, it is intended to frame regulations here on those found satisfactory in the Eastern States. There will be no insistence on the registration of all privately-owned craft. This is a matter which the Government is endeavouring to avoid.

On motion by The Hon. H. C. Strickland, debate adjourned till a later stage of the sitting.

(Continued on page 3165.)

**ANZAC DAY BILL***Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines—in reply) [8.24]: It is not my intention really to reply to the debate which has taken place, some of which I heard, but some of which I did not because I was absent from the Chamber for a short time attending to an urgent matter. My colleague, Mr. Logan, adjourned the debate because he thought it would be preferable for me to be here, as the Minister introducing the Bill. As I indicated, this is a Bill which the Government thought it had some obligation to introduce, because of the representations made by the R.S.L.

I said when introducing the measure that the views expressed were not necessarily my own views; and I meant that at the time, and purposefully made those remarks because, after listening to the speakers to whom I had the opportunity to listen, I felt there was some merit in the arguments both for and against the proposition. We must not lose sight of the fact, however, that the Government introduced the Bill as a result of the poll taken among the members of the R.S.L. who voted; and also because of the opinions of the other service organisations and associations which have indicated that they are also of the opinion expressed by the R.S.L.

This is legislation of an experimental character. Accordingly when the vote is taken I trust that consideration will be given to it along those lines. I repeat: It is purposefully in the Government's mind that members be free to vote for this measure on a completely non-party basis. I think that is the only fit and proper way to have it dealt with. I do not propose to say any more. I am quite satisfied that the vote of the Legislative Council on this matter will reflect the majority thinking of members in this Chamber; and, as one of those members, I am quite prepared to accept the decision the Chamber will make.

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

**Ayes—19.**

Hon. G. Bennetts	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. W. R. Hall	Hon. H. K. Watson
Hon. E. M. Heenan	Hon. W. F. Willsees
Hon. J. G. Hislop	Hon. F. D. Willmott
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. L. A. Logan	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

**Noes—5.**

Hon. E. M. Davies	Hon. S. T. J. Thompson
Hon. A. L. Loton	Hon. F. R. H. Lavery
Hon. R. Thompson	(Teller.)

**Majority for—14.**

**Question thus passed.**

**Bill read a second time.**

*In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clauses 1 to 4 put and passed.**

**Clause 5—Proceeds of race meetings on Anzac Day to be paid to Trust:**

The Hon. R. THOMPSON: I rise to express an opinion. The R.S.L. would be the chief loser by the passing of this Bill. At the present time we find that R.S.L. sub-branches are held together by slender majorities.

The Hon. A. F. Griffith: This is not a second reading.

The Hon. R. THOMPSON: If Anzac Day is turned into a general sports afternoon with hotels open and other celebrations going on, people who have previously attended Anzac Day dinners and socials at night will now be provided with alternative entertainment. They can also partake of refreshments at the local hotel.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): Order! Does the honourable member intend to move an amendment to this clause?

The Hon. R. THOMPSON: No; I said at the outset that I wanted to express an opinion.

The DEPUTY CHAIRMAN (The Hon. A. R. Jones): I trust the honourable member will make it brief.

The Hon. R. THOMPSON: I have just about completed what I wanted to say. If this Bill is passed it will be the R.S.L. that will suffer. It will have a drop in numbers of membership as most people who belong to the R.S.L. do so for the purpose of commemorating Anzac Day.

**Clause put and passed.**

**Clause 6 put and passed.**

**Clause 7—Proceeds of sports on Anzac Day to be paid to Trust.**

The Hon. A. L. LOTON: I move an amendment—

Page 5, line 1—Delete the words "sixty per centum" and substitute the words "the whole".

I would like to know why there is a differentiation between the trotting and racing authorities and other sporting bodies. The racing and trotting authorities will pay the whole of the net proceeds from a meeting into the fund, while other sporting bodies will pay only 60 per cent.

The Hon. A. F. GRIFFITH: The provisions in this Bill are the subject of an arrangement made with the R.S.L. Therefore, I am not prepared to accept the amendment. I desire the Bill to remain as it is, and I hope the Committee will not agree with the amendment.

The Hon. A. L. LOTON: Did I hear aright that the R.S.L. asked for the words "sixty per centum" to be included in the Bill?

The Hon. A. F. GRIFFITH: I repeat, that the contents of the Bill have been the subject of an arrangement with the R.S.L. The explanation would be the same if the honourable member wanted to alter the 60 per cent. to some other amount. I ask the Committee to leave the Bill as it is.

**Amendment put and negatived.**

**Clause put and passed.**

**Clauses 8 to 10 put and passed.**

**Clause 11—The Anzac Day Trust constituted:**

The Hon. F. R. H. LAVERY: This clause deals with the constitution of the trust. Members have received a circular letter from the Returned Maimed and Limbless Association; and that association has asked whether a certain percentage of the funds from this trust will be allocated to it. I wonder whether the Minister would know?

The Hon. A. F. GRIFFITH: The proceeds will go to the trust for distribution by the trust. As I understand the position, the proceeds of the fund will be distributed to organisations that operate for the benefit of ex-servicemen and their dependants, including homes for aged veterans. The point is recognised, because the Bill provides that assistance will go to other ex-servicemen's organisations for the purposes of welfare and amelioration. I think the words "other ex-servicemen's organisations" cover the point.

The Hon. G. BENNETTS: I think the money will only be distributed to organisations that are coupled with the R.S.L. It will not go to organisations outside.

The Hon. A. F. GRIFFITH: The Bill makes provision for four trustees; and one of these trustees will be the representative of bodies outside the R.S.L. I refer to such organisations as the Australian Legion of Ex-Servicemen and Women and the Air Force Association. These organisations have no connection with the R.S.L., although they will have representation on the trust. Therefore, I think they can expect to receive something out of the proceeds according to the manner in which the trust distributes them.

**Clause put and passed.**

**Clauses 12 to 16 put and passed.**

**Clause 17—Regulations:**

The Hon. A. L. LOTON: Several members have referred to this Bill as being only a trial piece of legislation. Can the Minister state definitely that an amending Bill will be brought in, or should we, at this stage, insert a new clause limiting the provisions of this Act for a specific

period. I wondered whether those members had more information than I had. It has been publicly stated that amending legislation will be introduced before 1964.

The Hon. A. F. GRIFFITH: I am not going to give a categorical assurance that an amending Bill will be brought down, in fear that such an undertaking might hit me full in the face at some future date. I know of nobody more conscious of these points than the honourable member himself. He is very alive in these sort of things.

The intention is to give this a trial. Then, like any other piece of legislation which is introduced in the first place, if it does not work out satisfactorily, naturally enough the Government of the day will bring in an amending Bill to Parliament to rectify the faults that have been discovered.

I ask the honourable member not to contemplate limiting the life of the Act. All sorts of difficulties could be encountered if one sets up a trust for a limited period. Give the thing a chance to operate. If it is found not to be operating satisfactorily, the matter will come before Parliament.

The Hon. A. L. LOTON: Has the Minister any comment to make on the following words of the Premier:—

In the limited time available since the holding of the poll, the Government has not been able to give this matter all the consideration it desired. Accordingly, I have given an undertaking to the House to introduce amending legislation following the experience that will be gained in the coming year.

The Hon. A. F. GRIFFITH: Perhaps I could give the honourable member a similar quotation. I said as follows:—

There has been a very limited period since the holding of the poll to enable the Government to give consideration to the introduction of this legislation; and, accordingly, the Bill is to some extent, experimental.

Those are not the same words as the Premier's, but the intent is the same.

The Hon. A. L. LOTON: Did the Premier say them?

The Hon. A. F. GRIFFITH: If the Premier said those words, and they are taken as an undertaking—

The Hon. A. L. LOTON: I said: Did the Premier say them?

The Hon. A. F. GRIFFITH: I do not know, frankly. Let me say this: If he did say those words, I am certain the Premier will hold to any undertaking he has given. I cannot quote authoritatively whether or not the Premier said that. I would ask the honourable member to accept the assurance that if this is found not to be working out I feel confident that the Government of the day, whether it is next



session, or 10 years hence, will rectify any faults found in the light of experience. I am not going to say emphatically or categorically that the honourable member will see, next year, a Bill to amend this; because it may work out satisfactorily.

**Clause put and passed.**

**Schedule put and passed.**

**Title put and passed.**

### *Report*

**Bill reported without amendment and the report adopted.**

### *Third Reading*

On motion by The Hon. A. F. Griffith (Minister for Mines), Bill read a third time, and passed.

## **RAILWAYS (CUE-BIG BELL AND OTHER RAILWAYS) DISCONTINUANCE BILL**

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. H. C. STRICKLAND** (North) [8.54]: I was not too clear as to whether I heard the Minister for Mines say that the Bill should be defeated; although I know there was a time when he did think that way and expressed his opinion very forcibly. Time has cured his definite opposition; he has seen the light. He has discovered, along with other members of his party, that in 1956 the then Government was not on the wrong track when it proposed these economies in railway operations.

The Hon. E. M. Davies: That Government left the track there.

The Hon. H. C. STRICKLAND: That Government intended to leave the track there. The proposal which the Hawke Government submitted to Parliament in 1956 was the discontinuance of services; that a watchful eye be kept on the results; and that appropriate action such as this be taken where it could be shown to be warranted. It was appropriate action, and many members of the L.C.L. agreed wholeheartedly with the Government in its proposition; otherwise the Government's proposition in 1956 would never have been passed and would never have been proceeded with.

There is a mistaken claim that is repeated constantly. I read it frequently in *The Farmers' Weekly*, where somebody—an official in the Farmers' Union, or somebody writing to the people, or somebody speaking at a branch meeting—speaks about the closing of the lines by the previous Government.

I have taken every opportunity to talk to farmers at meetings around the country—they were not many; they were three,

and 1,500 farmers turned up at the three meetings—and I was able to prove and show there was no doubt about what the previous Government did: It put the proposition to Parliament, and Parliament approved of the action which the Hawke Government proceeded with. There is not the slightest doubt about that. If any member, who was a member of the House at that time, would like to know what he said in connection with the measure I will be pleased to read it to him; it is all here.

The Hon. A. F. Griffith: Now I can see why you wanted an adjournment of the debate.

The Hon. H. C. STRICKLAND: I congratulate the Government on its proceeding with the findings it has been privileged to observe in regard to the action initiated by the Hawke Government in 1956. It will, for one thing, clear the minds of those who have been playing politics with a very serious financial problem—members who have been playing politics with it, members of farmers' organisations, other organisations, and even aspirants for Parliament.

So, if it does nothing else, it will certainly enlighten the minds of those who would never allow themselves to look at the truth in regard to what happened in this matter. On the other hand, this Bill proves conclusively that the motion which I introduced in this House on the 1st November, 1956, was the beginning of a series of events which have brought about substantial savings in railway finances. They are revealed in the last two years' financial statements. I did not claim any more at the time; nor did the Premier in another place claim that any substantial financial benefits would be revealed within sufficient years to give an opportunity for the system to work as it was proposed. There is no doubt whatever that the minds of members who opposed the suspension of services in 1956 should now be quite clear. The results financially, and the results in the country, show quite clearly that any thoughts they had of disaster were honestly held but have not proved to be correct.

The Hon. N. E. Baxter: The second phase was not proceeded with.

The Hon. H. C. STRICKLAND: I do not know what the honourable member is talking about; but the Government proposed to discontinue services on each of the lines which this Parliament authorised it to do. The honourable member talks about the second phase. This is the second phase—this Bill that is before the House now. It was explained in my original introduction of the motion in this House that although the Government felt it would be taking the right action to suspend services—and it could do so without Parliament giving it the authority—Cabinet thought it was the appropriate course to bring the proposition to Parliament, where Parliamentary representatives

of each of the lines and districts concerned could enlighten the Government as to whether it was right or wrong.

It was clearly pointed out that if it was found that a mistake had been made, the Government would not proceed; that nobody would suffer financial hardship; that subsidies would be paid; that they would be progressively reduced; that if it was found that industry could not bear any further burden so far as transport was concerned, the Government would relieve it.

I remember Mr. Baxter asking me what I termed industry, and I told him that it covered all sorts of activities so far as I was concerned. The results are now very evident and very pleasing. I must say they are most satisfactory to me because I had the responsibility of administering the railways at the time.

There is another aspect of the measure that gives me some consolation. My bitterest opponent during the debate on this question in 1956 was Mr. Logan; and I remember that after some hours of grilling by him, I expressed the hope that if ever there was a change of Government and he was fortunate enough to be selected for the ministry, he would be made Minister for Railways. Well, the honourable member is in the ministry, and although he is not the Minister for Railways he is acting for that Minister.

The Hon. L. A. Logan: That shows I am not frightened.

The Hon. H. C. STRICKLAND: It shows how situations change in a short period. We find that whereas we say "Aye" to a particular question on one occasion, we are required to say "Nay" to the same question in different circumstances. But I am not going to say "Nay" to the Government's proposals now. I am, however, going to support the move for the deletion of one of the railways which is a stranger, so far as I am concerned, to the group previously mentioned; it was not included in the list I submitted in 1956. I am not going to oppose the closing of that line because it was not included in the list I put forward, but because I believe in the opinions of some members regarding that line; and I will, if necessary, have more to say in connection with it when we go into Committee.

Getting back to the humorous side of this matter—someone mentioned the Gilbert and Sullivan sort of turnout this is—I cannot allow this opportunity to pass without retracing some of the events which occurred at that time—particularly the bouts between the present Minister and myself.

The Hon. G. E. Jeffery interjected.

The Hon. H. C. STRICKLAND: It was rather an interesting point. Although I know that you, Mr. President, were sincerely conscious of the line in which you

were particularly interested, and that you were sincere in your opposition to the motion, history shows that some people were playing politics the hard way in connection with railways.

It is amazing to recall that when the motion was introduced into this House, a former Minister for Railways (Mr. Simpson), who was then the Leader of the Opposition in this Chamber, and the Leader of the L.C.L. promptly moved that the legislation should first be debated in the Legislative Assembly; although Mr. Simpson, himself, had introduced Bills here to discontinue lines during his term as Minister for Railways. His Bills received the full support of members. But, on the other hand, it was quite wrong when I submitted a similar type of motion, because then the honourable member convinced enough members to agree with him that the motion should be considered by the Legislative Assembly before being dealt with here.

I remember that my summing up of the attitude was that there were members in this House who felt the subject was a hot potato and they would like to bowl it down the corridor and hope it would never come back again. Those were the thoughts of some members—those who were playing politics.

However, the motion was considered and approved in another place with very little—in fact, negligible—opposition. There were five Country Party members and one L.C.L. member who voted against the motion. There was a move in the Legislative Assembly to delete one line—the Nornalup-Elleker line—from the list which was submitted. I notice that nothing is being done in connection with restoring that line on this occasion. That move was unsuccessful at the time; and no members representing the wheat areas moved to delete any of the wheat lines from the motion.

The motion finally came to this House, and late in December we agreed to it. The only amendment made to the motion by another place was one requiring certain inquiries to be carried out before any service was discontinued. The motion came here in its amended form, and on the 19th December it was agreed to by 17 votes to nine; and among the nine members who opposed the motion there were three L.C.L. members and six Country Party members. No move was made in this House to delete any line from the list.

I feel that whilst there was passive resistance by some of the members who voted against the motion there was no real resistance until members returned to their electorates and began kicking the football around.

The Hon. L. A. Logan: You are wrong there.

The Hon. H. C. STRICKLAND: Strangely enough, although it was considered that no one would get me to attend a farmers' meeting I went to three; and I found I was right. The first meeting I went to was at Cadoux. I was there quite early and I did not know a soul.

The Hon. F. J. S. Wise: There was some to-do, too.

The Hon. H. C. STRICKLAND: I walked to the table, and there was nobody there although there were many people in the room. I sat down in one of the seats and I yarned to a couple of old chaps about crops, the season, the weather, and what-not. Then the member for the district entered the hall and handed out typed questions for the different ones to ask. I put out my hand and said, "Thanks." He said, "What are you doing here;" and he took back the paper with the questions on it. Yet the Minister will claim that there was no political football being played. When question time arrived, a little man on the end of one of the rows could not get up quickly enough. He stood up and read out the question that had been handed to him by the member for the district.

The Hon. G. E. Jeffery: Country Party intrigue!

The Hon. H. C. STRICKLAND: His question went something like this: Will the Minister implore his Government not to discontinue the services on this line? So I said, "Which line?" He said, "This line." I said, "This line that Cadoux is on?" He said, "Yes." I said, "I am afraid you have been misinformed." I read him the list and I said to him, "That is the list that Parliament approved. Your line was never submitted."

Honestly I was never more relieved in my life, because there was a stamping of feet and a clapping of hands. That was a great relief to me because I knew no one there except my wife. That episode gave me a lot of encouragement, because I discovered that members were telling their constituents lines were to be closed when, in fact, they were not to be closed. I reckon that was playing soccer, not football; it was playing soccer the rough way—kick where you see a head!

At one of the other two farmers' meetings I attended you, Mr. President, were present, and so was Mr. Abbey as well as other representatives of the district, but nothing like the incident at Cadoux occurred. A considered case, and a good one, was submitted by the farmers of the district; and, after the inquiry which was proposed later in the year by Mr. Logan, the Commissioner of Railways, I think under direction, recommended that the line should be looked at; and this Government has acted upon that recommendation, I am pleased to say.

I told the people that we were doubtful about some of the wheat lines, and that was why we submitted the question of the discontinuance of those lines to Parliament. However, we arrived at the stage where the people were being terrifically aroused. Really they were being stampeded.

The Hon. F. D. Willmott: You would make a good historian.

The Hon. H. C. STRICKLAND: In 1957 Parliament had no sooner assembled than two motions dealing with the previous motion were moved in this House. On the 16th July, 1957, Mr. Simpson, at 7.30 p.m., moved a motion to reservice any lines where services had ceased—there were two or three of them then—and not to continue with the motion in relation to the other lines until further inquiry had been made. At 8.15 p.m. on the very same day, Sir Charles Latham moved a motion to have the 1956 resolution rescinded.

This House got busy very early—in fact, on the first day of the sitting; and a few days later, both motions were carried; and Mr. Logan was the principal speaker. Although the honourable member did not move either motion, he spoke for longer than anybody else on one of the motions.

The Hon. L. A. Logan: And a very good speech too, wasn't it?

The Hon. H. C. STRICKLAND: From the Minister's point of view it was, but I am afraid he is not living up to it these days.

The Hon. L. A. Logan: I think you will find that I am.

The Hon. H. C. STRICKLAND: Mr. Simpson's motion that the services be restored and no more lines be discontinued until more inquiries were made in regard to the lines, was agreed to by 15 votes to 11 on the 17th July. In support of that motion, the Opposition was unanimous in its voting. The Government members were left entirely on their own.

We then find that on the 18th July—the next day—the motion moved by Sir Charles Latham was also agreed to. The object of that motion was to rescind the original 1956 motion, which meant that all services which had been discontinued would be again opened for traffic. The House carried that motion by 14 votes to 12. However, I will say that Mr. Watson, who had supported the original motion moved by the Government, also supported the Government in voting against the motion moved by Sir Charles Latham. He realised that the lines were in such a bad way financially that it would not be an economic proposition for them to continue.

The Hon. E. M. Davies: You could sell that story to *The Farmers' Weekly*.

The Hon. H. C. STRICKLAND: Now, after the 1959 elections, and after all the clamorous opposition meetings that were

held—I am certain Mr. Jones will also recall the meeting that was held at Cadoux—we find that many of those members are in favour of this Bill.

The Hon. A. R. Jones: I was not even there.

The Hon. H. C. STRICKLAND: I regret that the honourable member was not present. I know it was a field day for me. That is the meeting at which they had a tape recorder to record what was said. However, I do not think that it was replayed at any other place. To a Northam meeting the farmers came from near and far. It was a big rally to defeat the objective of the then Premier and to unseat his Government. It was an open go organised by the Country Party.

The Hon. A. R. Jones: Don't give us that!

The Hon. H. C. STRICKLAND: My word it was! It was organised by the Country Party through its various branches; and it was responsible for having some not very reputable characters at that meeting. Subsequently their photographs appeared in *The Countryman*. They proved to be the leading speakers on the motion moved at that meeting. Apparently some of the rabble took charge and organised the business of the meeting in such a way that they were successful in having a resolution passed, or a declaration made, that Supply should be stopped to the Government. Members will recall that the introduction of the Supply Bill in this House was delayed. The Government was almost afraid to submit it to this Chamber. However, when a little bird told us one day that it might be all right to proceed with the introduction of the Supply Bill, the Government went ahead with it.

Nevertheless, they are the ends to which those members, who now support this Bill, were threatening to go in 1957. I am pleased to note that they did not see fit to go as far as that; and I am sure they themselves are now, too. They considered it was the right thing to do at the time; and, as members for the district they were doing the right thing by supporting, on a national basis, the original motion. It is pleasing now to see that almost every honourable member is in agreement with the closing of these railway lines. There is some opposition to the actual removal of the lines and attendant facilities. That is quite all right. The members representing those districts which these lines serve are entitled to hold their opinions. It is just as well that that is the position otherwise we would not be having the debates we have in this House which tend towards the making of better laws.

Therefore, after all the fire—and on occasions, the ill-will—has subsided in relation to the closure of these lines, I feel

I can vote on this occasion with the Minister. Mr. Heenan has said it will bring to a successful conclusion a move that was commenced by Parliament during the regime of the Hawke Government. I intend to support the second reading of the Bill, with the reservation that I will seek to delete some of the provisions contained in this schedule.

The Hon. E. M. Davies: It is reconciliation.

The Hon. H. C. STRICKLAND: Mr. Davies has said that it is reconciliation; but the finances of the railways prove, without any doubt, that this is the correct procedure to adopt. I would like to point out to the House that it is the intention of the Government to subsidise all freights above the miscellaneous freight rate. That will not cost the Government a great deal. I think the Minister mentioned a sum between £20,000 and £40,000. Of course, when we take into consideration the subsidies to be paid in the lakes district, I think the general subsidy to be paid throughout the State in areas that do not have any railways and in those areas which are supplied with a railway that has been discontinued—and also bearing in mind that it is only in one-half of the State that the subsidy will apply—would be in excess of approximately £130,000 per annum, if I have studied the public accounts for last year correctly.

I know the Government has a move afoot to discontinue the subsidy on perishable foodstuffs flown by air to the north-west. The speech made by the Minister reminded me of the unfair application of the subsidies that are paid. A man may have a good crop of wheat, and any difference in freight charges would be subsidised by the Government. On the other hand we find that people living in an area where it is impossible to obtain fresh vegetables are to be denied the benefit of receiving an air freight subsidy. I hope that Cabinet ministers, when the proposition is considered by them again, will bear in mind what the Government is prepared to do for one-half of the State. It should not take away a concession which has been granted to those people who are living in another part of the State which has no amenities or facilities comparable with those which exist in the southern parts.

I read in the Press that the Minister for Transport is accepting tenders for the road transport of perishable goods between Perth and Wittenoom. That will mean, of course, that the air freight subsidies will no longer apply. No other form of transport can compare with the aeroplane when it comes to a question of landing fresh vegetables in the north. Anything else will have to be snap frozen at the time it is taken from the refrigerated truck or whatever vehicle is used to transport the perishables from Perth to the north. It

would be impossible to keep those vegetables fresh until the next load arrived. The road leading to the north is likely to be out of commission for days and even weeks.

I think members will agree with me that the people who live in those outlandish places should not be subjected to any further hardship. I think the amount of subsidy that was paid towards the payment of air freight to the north was £30,000. If one compares that with the subsidy that is paid to a person who may have to travel a few miles further to have his produce transported to the metropolitan area, it will be seen that the people in the north will be placed at a great disadvantage if the air subsidy is no longer paid. Therefore, I hope the Government will reconsider its decision and not remove the subsidy which, indirectly, proves to be such a benefit to those people who live in the north-west.

**THE HON. R. F. HUTCHISON** (Suburban [9.27]): I feel I must make a few comments on this Bill.

The **PRESIDENT**: Order! The honourable member has already spoken on this measure. I cannot allow her to continue.

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government—in reply) [9.28]: Mr. Strickland made great play about the Government playing politics. I wonder who is playing politics? He commenced his speech by congratulating the Government for bringing down this measure to close several railway lines and by saying that he intended to support it. Yet a few minutes ago, before he commenced his speech, he voted in favour of a motion, moved by Mr. Bennetts, for the debate to be adjourned until the 3rd January, 1961; and, if that motion had been agreed to, it would have killed the Bill.

Therefore, who is playing politics? Mr. Strickland, after voting for that motion, now says that he is going to support the Bill. I repeat: Now who is playing politics? I admit that I took a leading part in this House in 1956-1957 in opposing the closure of these railway lines. I do not retract one word of what I said at that particular time.

The Hon. H. C. Strickland: You have now changed your mind.

The Hon. L. A. LOGAN: No, I have not changed my mind. We should not be like an ostrich and keep our heads in the sand.

The Hon. H. C. Strickland: Keep politics out of it!

The Hon. L. A. LOGAN: It must be remembered that the motion referred to by Mr. Strickland was passed by this House about three years ago. Over that period of three years the lines and other materials have begun to deteriorate. If we leave the lines where they are any longer, the equipment and everything else associated with

the railways will have no value whatsoever. Therefore, in order to obtain any value from the material which is unused, it is essential that it should be disposed of. The cost required to rehabilitate the line would not be worth the effort.

The Hon. H. C. Strickland: It is the votes that count.

The Hon. L. A. LOGAN: Let us look at the votes which count. The honourable member tried to imply that I had something to do with the Cadoux meeting. I was not in the district. The honourable member was referring to the late Mr. Ackland. He should appreciate that two reports were made at that time about rail closures, and there were to be three stages. The closures affected over 2,000 miles of line.

The Hon. H. C. Strickland: Do you know the Government decided on the suspension of services on 842 miles?

The Hon. L. A. LOGAN: That was for a start.

The Hon. H. C. Strickland: Not for a start at all.

The Hon. L. A. LOGAN: If there had not been any opposition to the closure of 842 miles of line, in view of the recommendation of the committee how much further would the Government have gone? I am firmly convinced that the action which we took in 1956 and 1957 stayed the hands of the then Government from closing more lines than the ones included in the 842 miles.

The Hon. R. F. Hutchison: That is your imagination.

The Hon. L. A. LOGAN: Those are the facts. The two reports referred to the closing of 2,000 miles of line. Cadoux was one of the districts included in the second stage of rail closures. That was why the people asked Mr. Strickland at Cadoux not to close the line; and they were happy to accept the statement that the Government would not do so. That is a fair conclusion to draw.

Let me refer to this talk of politics. At the last election when I had a Labor opponent, the voting was 31 to nil in my favour at Cadoux; and in the particular area where the railway closures occurred, the trend was the same.

In 1956 and 1957 both Mr. Hall and Mr. Bennetts supported the move for the suspension of railway services. I wonder what was in their minds when they did that?

The Hon. W. R. Hall: You have read our speeches.

The Hon. L. A. LOGAN: There could have been only one thought—the suspension of the rail services would mean the closing of the lines eventually. The Minister in this House at the time did not pull any punches. It must have been in

the minds of those two honourable members that the suspension of the railway services would mean the closure of the lines eventually. Yet after four years, when no train has been running on those lines, they oppose the move to pull up the lines. What were their thoughts in 1957?

The Hon. W. R. Hall: I know what mine were, and I read what yours were. What did you say then?

The Hon. L. A. LOGAN: I am quite prepared to refer to what I said. On page 3267 of the 1957 *Hansard* this is what I am reported as saying—

The Minister for Railways: They are incorrect then?

The Hon. L. A. Logan: If they are incorrect the local officer was at fault—one or the other. I want the Royal Commissioner to tell us whether they are right or whether the Minister is right.

The Minister for Railways: Would you be satisfied then?

The Hon. L. A. Logan: Yes, definitely satisfied. I believe Mr. Smith, with the knowledge he has gained of railway working since he has been on the commission, should be able to tell us exactly what the position is. As a matter of fact, that applies to the whole of the discontinuance. If, after Mr. Smith inquires into the ramifications of the discontinuance of 842 miles of line, he reports back to the House that the discontinuance was a wise move, I will be satisfied.

Is there any reason to suspect that I would be concerned in supporting this measure after making that statement in 1957?

The Hon. F. R. H. Lavery: What did you say in December, 1956?

The Hon. L. A. LOGAN: I said this move was one of the most retrograde steps ever taken in the State. I probably said the same thing in 1957. It is still possible that those words will prove to be correct. Mr. Teahan who voted for the suspension of the railway services, which included the Malcolm-Laverton line, now wants consideration to be given to the retention of that line. He did not ask for any consideration in 1957.

The Hon. H. C. Strickland: He has seen the light.

The Hon. L. A. LOGAN: I can tell the honourable member what I was prepared to agree to.

The Hon. H. C. Strickland: You voted against the move.

The Hon. L. A. LOGAN: On this occasion I am voting for the measure, because in the interim no train has been running on the line. Furthermore, I want the State to derive a benefit out of the materials which are now lying unused. The more the materials are left the more they deteriorate.

The fact that the services on three lines have been reintroduced on a seasonal basis is some justification for the action we took in 1957. At that time one of the suspended lines in my area was paying. That was the Wokarina-Yuna line.

The Hon. H. C. Strickland: You did not vote to delete that line from the motion.

The Hon. L. A. LOGAN: I moved to delete the lot.

The Hon. H. C. Strickland: You voted against the suspension of that service.

The Hon. L. A. LOGAN: I voted against the whole move.

The Hon. H. C. Strickland: You did not ask the Government to delete this particular line from the motion.

The Hon. L. A. LOGAN: I asked Parliament to do that when I opposed the motion. Mr. Jeffery suggested that the Boya-Mt. Helena line be retained, and Mr. Jones and Mr. Baxter supported him. The railway service on that line was suspended in 1954 by Mr. Styants, the Labor Minister for Railways.

The Hon. F. R. H. Lavery: How many houses have been built in that district since?

The Hon. L. A. LOGAN: Another Labor Minister for Railways was Mr. Strickland who held the portfolio from 1956 to 1958—almost three years. Yet, the Boya-Mt. Helena line remained closed. He told us this evening that he would vote against the pulling up of that line. It is perfectly obvious that in the three years when he was Minister for Railways he found that the service on this line did not pay; but he is now voting to delete this line from the schedule in the Bill.

In regard to the Boya-Mt. Helena line, I say to Mr. Baxter and Mr. Jones that this area is part and parcel of the metropolitan area. The Country Party has always objected to an increase in railway freights, because of the huge losses sustained in respect of metropolitan passenger transport. On this occasion the two honourable members are prepared to vote for the retention of this line, which would have the effect of adding to the losses sustained by the Railways Department on the metropolitan passenger services.

The Hon. N. E. Baxter: This district is not classed as being in the metropolitan area.

The Hon. L. A. LOGAN: Of course it is. Mr. Baxter referred to a petition and the likelihood of obtaining 600 signatures. Will those 600 people give a guarantee that they will use the railway service, if it is reintroduced, for a period of five years? That would ensure that the expenses incurred in reopening the line would be paid by the people wanting the service. Of course they will not agree. I guarantee that not 10 per cent. of them will use the service.

Mr. Strickland referred to the meeting at Northam. He gives the Country Party a great deal more credit than it deserves.

The Hon. H. C. Strickland: They were there in large numbers.

The Hon. L. A. LOGAN: Of course the Country Party members were. That is their job. It was the Farmers' Union which organised the meeting, and which organised most of the meetings around the State. It was not the Country Parliamentary Party which organised the meeting. Members should not presume that the Farmers' Union has a great love for the Country Party, or any other political party.

The Hon. A. R. Jones: It is non-political.

The Hon. L. A. LOGAN: That is so. On the executive of the Farmers' Union there are members of every political colour. There are those who support the Country Party, those who support the Liberal Party, and those who support the Labor Party. It was the Farmers' Union which did most of the organising at that time.

We have now come to the stage where a Bill has been introduced for the closure of certain lines.

The Hon. R. F. Hutchison: I am reading the part where you said that it was certainly necessary to oppose the motion to discontinue the railway services.

The Hon. L. A. LOGAN: That is true. If those lines remained in operation the State would have been better off. The Wokarina-Yuna line was paying at that time. What I said in my speech was that the people using the line in the Wokarina-Yuna area, and in the Geraldton-Ajana area would not be so adversely affected as the people living out on the end of a line, because the centres in question are only 60 miles from the port.

The Hon. H. C. Strickland: With bitumen roads?

The Hon. L. A. LOGAN: Only now.

The Hon. H. C. Strickland: The one to Yuna was bitumen at that time.

The Hon. L. A. LOGAN: It was not. I have given the figures to show how much has been spent on the Yuna road since the railway line was closed. It was not a completed road. I do not know whether the other road had been sealed when the line was closed. The section of this road ripped up in the last three years was greater than the section which was bituminised.

I wonder what would be the position if somebody discovered a new mine in the Malcolm-Laverton district! What then would be the position as compared with the position in 1957 when Mr. Strickland moved for the discontinuance of railway services? I might mention, too, that the people of Laverton now have an organised and subsidised transport service which they never had before. A policy has been established whereby roads will,

in effect, replace the lines which are to be closed. That was not stated when the motion was submitted in 1957.

The Hon. F. R. H. Lavery: But you know it was intended!

The Hon. L. A. LOGAN: I am perfectly certain that had the Government of the day, before discontinuing the services, visited the country centres and explained everything to the farmers there would not have been such a hue and cry.

I believe that as a result of the powers of the Royal Commissioner being extended—and I stated in unequivocal terms that I would be prepared to accept his evidence—a good service was rendered to Mr. Strickland. The inquiry highlighted some of the statements I had made and proved that some of the statements of Mr. Strickland—

The Hon. H. C. Strickland: Were errors!

The Hon. L. A. LOGAN: That is quite true.

The Hon. H. C. Strickland: You accused me of submitting wrong figures but you knew all the time that they were merely errors.

Hon. L. A. LOGAN: I said they were wrong.

The Hon. H. C. Strickland: You said that I was wrong and that I was misleading the House. But all the time you knew that they were errors because a chappie in Geraldton had told you so.

The Hon. L. A. LOGAN: Some of them were more than errors, and they were proved to be wrong.

The Hon. J. G. Hislop: That was an early stage in the session, was it?

The Hon. L. A. LOGAN: Yes, a very early stage.

The Hon. H. C. Strickland: He got some secret information from a friend.

The Hon. L. A. LOGAN: I probably did; but still—

The Hon. H. C. Strickland: I knew you had.

The Hon. L. A. LOGAN: I hope and trust that the move to vote against the fifth schedule will not be made. I do not know that it would have any great effect in any case, because it does not give any instruction to the Government to provide a service; merely it would mean that the material would remain here deteriorating further.

The Hon. N. E. Baxter: The white ants could not eat much more of the stations.

The Hon. L. A. LOGAN: A train could not use the lines now so why not close them up and finish them?

Question put and passed.

Bill read a second time.

*Sitting suspended from 9.48 to 10.7 p.m.*

*In Committee*

The Deputy Chairman of Committees (The Hon. G. C. MacKinnon) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 to 7 put and passed.

Clause 8—Closure of Brookton-Corrigin railway:

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

Page 3, line 25—Delete the word "Act" and substitute the word "section."

If members look at the first and second lines of clauses 3 to 7 they will see that they read—

On and after the commencement of this section.

For some unknown reason in this instance the word "Act" is used; and that is what the amendment proposes to alter.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 9 and 10 put and passed.

Clause 11—Certain other railways to be closed:

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

Page 5, lines 23 to 25—Delete paragraph (e).

I move this amendment for the reasons outlined during the second reading. According to the report of the Royal Commissioner an adequate road service would be provided, and I maintain that as no satisfactory arrangements have been made that line should be allowed to remain for the time being.

The Hon. L. A. LOGAN: There has been no train over that line for six years; the department could not run a train over it even if it wanted to, without re-laying the whole of the line. All this amendment means is that the value of any material that might be there and which could be used somewhere else will be further depreciated. I think the honourable member should have second thoughts about it.

The Hon. N. E. BAXTER: The Minister talks about the value of materials there depreciating. From what I know of the district, and having had a look at the station, I would say that the white ants could not eat any more than they have eaten so far. The rails will not deteriorate in the next 12 months; and all I want to do is to retain the line for that period until an adequate road service is provided. At the end of 12 months the Government would have no trouble about passing a Bill for the closure of the line.

The Hon. H. C. STRICKLAND: The Minister criticised me in connection with this matter. He said I supported the Bill

but I opposed the closure of this line. There are clauses in every Bill which one could oppose.

The Hon. L. A. Logan: I picked the wrong one, did I?

The Hon. H. C. STRICKLAND: I am prepared to support this amendment because I honestly believe that line has a future, particularly in view of the B.H.P. agreement which has been ratified by Parliament, and which will eventually mean the removal of the main line from Northam to Bellevue. The hills areas around Perth will very soon become like the hills areas around Melbourne, Sydney, and Adelaide.

The Hon. L. A. Logan: You had three years to start a service and you didn't even try.

The Hon. H. C. STRICKLAND: I certainly oppose the closure of this line. The Minister's reason for maintaining that this line should be closed was because of the losses on metropolitan passenger services. He said they should be curtailed. The Minister knows very well that the metropolitan railways could never be closed; if they were the farmers' wheat would stay where it was because it could not be carted to the boat.

The Hon. L. A. Logan: I never said that those services would be curtailed.

The Hon. H. C. STRICKLAND: The losses on metropolitan passenger services are caused by all the overheads. There is necessarily overstaffing because every time the Minister in charge of traffic puts in a traffic light near the railway system in the metropolitan area it means added expense to the department in the way of staff.

This line in the hills definitely has a future. The hills areas are becoming the nearest residential areas to the city. That cannot be denied. One of the Ministers said that the population of the metropolitan area would double in 10 years; and I am certain he is quite right. Particularly is this so when we consider the amount of housing that is required, the amount of transport that is required, and the number of residential blocks that are required. The Government should accept the amendment and have a look at this again in a year or so.

The Minister said the line has deteriorated. Of course it has. If the Bill passes and we want to put the line down again it would necessitate another Bill being introduced for the construction of a railway; and there is no need for that. It is only a matter of 11 miles of line which is involved; and if this area is sold it will cost a lot of money in the future to repurchase it.

The Hon. G. E. JEFFERY: I support the amendment. I believe the hills area has a future. I would like to refer to the remarks of the Minister when the Opposition had him at bay.



The Hon. L. A. Logan: I was never at bay.

The Hon. G. E. JEFFERY: I would point out that the Mundaring line was closed long before 1956. My opinion in regard to this matter has never deviated one bit. I said then the action taken was wrong, and I still hold to it. If the hills line was reopened the Government would recoup some of its lost revenue.

The position is not as grim as the Government would have us believe. When the hills line was closed there was a very unsatisfactory rail service, and the bus service was very scant indeed. One or other should have been closed down. At that time the Beam Bus Company was in a dreadful state financially. The Government did not save anything by closing the hills line, because it had to subsidise the Beam Bus Company. There was great dissatisfaction.

The Hon. A. F. Griffith: Whatever dissatisfaction there might have been was created by the previous Government.

The Hon. G. E. JEFFERY: We should not live in the past. The Government would do well to accept the amendment.

The Hon. R. F. HUTCHISON: I support the amendment. When I was in that area I was asked whether I would support the opening of the line. I have watched the Koongamia line. It is a boon to the people there. This will be a closely settled area in five or six years. The people of Koongamia do not even have a bus service. When we consider the views previously expressed by the Minister we can see how easy it is for one to swallow one's tongue.

The Hon. L. A. Logan: I have not swallowed anything.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): I would remind honourable members we are in the Committee stage.

The Hon. R. F. HUTCHISON: It is ridiculous to hear the arguments put up against the amendment particularly as they referred to the finances of the railways being down. We all know the crocodile tears that were shed when the Labor Government closed this section of line; but now this Government refuses to keep this line open. I would like to quote what Mr. Logan said when speaking to a motion that was moved. He said—

I believe we should carry the other motion to rescind the previous motion. It is certainly necessary to pass the motion to reinstate the services that have been suspended.

Yet now the Minister is not prepared to accede to our request for one little railway service. One cannot foresee what is likely to happen in mining towns. There is no point in pulling up these railway lines; to me it is rather an expensive hobby in

which the Government is indulging. It will cost a good deal to say the least of it.

I am very suspicious as to why it is proposed to close this line. I daresay the land will probably be sold to somebody. I support Mr. Jeffery in what he said about his attitude. He has always agitated against the closing of the Mundaring line. If there was a justification for the closure then, there is none now.

The Hon. A. R. JONES: I support Mr. Baxter's amendment. I cannot recall in the six years during which the service has been suspended that the people have ever been satisfied with the road service provided. From all the stories I hear they have not even got a reasonable road service; and, until that is provided, the Government should be compelled to realise its responsibilities. The amendment might help forcibly to do this. These people are not in a suburban area; they are miles out in the scrub. The only indication that they are in the metropolitan area is that contained in the various traffic notices which say so. There is one such notice in Mundaring and another three miles from Midland Junction, which is more closely settled than the area we are discussing. I support the amendment.

The Hon. F. R. H. LAVERY: I support the amendment and the remarks made by Mr. Jones. Speaking of transport systems, the people in those areas had the misfortune to be serviced by the Beam Bus Company which never had the finance to carry on; and, accordingly, it provided a very restricted service. I asked the Minister for Mines how many houses were in that area; because in the last three or four months I have had occasion to take Eastern States visitors to the area with a view to showing them the inaccessible places in which houses are being built.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 12 to 17 put and passed.**

**First to fourth schedules put and passed.**

**Fifth schedule:**

The Hon. N. E. BAXTER: I propose to move that the fifth schedule be deleted.

The DEPUTY CHAIRMAN (The Hon. G. C. MacKinnon): The honourable member will have to vote against the schedule.

**Schedule put and negatived.**

**Sixth Schedule put and passed.**

**Title put and passed.**

*Report*

**Bill reported with amendments and the report adopted.**

*Third Reading*

**THE HON. L. A. LOGAN** (Midland—Minister for Local Government) [10.31]: I move—

That the Bill be now read a third time.

**THE HON. H. C. STRICKLAND** (North) [10.32]: I desire to point out to members that in regard to the second phase and the third phase of the total mileage which was recommended by a committee to the Hawke Government, it was not the intention of the Hawke Government to discontinue any of the services on the lines except those named in the motion. I pointed this out when introducing the motion on the 1st of November, 1956. I said—

The report came to the Minister for Transport and myself as the sub-committee of Cabinet responsible for the investigation. It was then decided that a sub-committee from the inter-departmental committee be established to elaborate and inform the Ministers of their proposal, in the inter-departmental report, to close 1,500 miles of railways.

The reports—three of them—have been tabled, including the two I have mentioned and another with which I will deal for the information of members. That was followed by an official report which set out a strong recommendation for the closure of something like 2,000 miles of line.

**The Hon. L. A. Logan:** Why not close the lot?

**The Hon. H. C. STRICKLAND:** I might mention that I am quoting from *Hansard*, the 1st November, 1956, page 1829. To continue—

The recommendations were set out in stages. Cabinet dealt with the recommendations and decided to adopt that part of the report concerning the closure of lines as stated in the motion.

Surely that is clear enough—"that part of the report as stated in the motion." Actually, the discontinuance of the lines mentioned in the motion was proposed to be undertaken in two stages. Firstly, 630-odd miles were to be pulled up and then 300-odd miles; but the Government cut it down to 842 miles.

That was on the 1st of November, 1956; and the part I did not appreciate was that after explaining in my opening remarks—and again several times during the course of the motion through Parliament—what the true position was, I was never believed—and I am still not believed. On the 18th of December, Mr. Logan said when speaking to the motion—

But the closure of this 842 miles of line is not all that is involved, because the report of the committee which was set up by the Government recommended the eventual closure of 2,000 miles of line.

Heavens above! I think it is rather tough that a member should continue—I did not mind then, but I do now—with that very same argument, and also disbelieve what a Minister explained to the House. I could retaliate by asking whether, if the

Minister really believes the recommendation of that committee for the ultimate closure of 2,000 miles, this is the first step in that closure. Can it be expected this Government is going to carry out the recommendation of the committee? I would be just as fair in accusing the Government of doing the same thing as the Minister accused me of doing when I was Minister for Railways. So I ask in all fairness that members believe a Minister when he explains something. I explained the position on more than one occasion. I gave a clear, concise explanation. Surely members should have believed what I said and should have taken notice of it.

If there are any members of the Government who have it in their heads that the 842 miles was just the beginning of the closing of 2,000 miles I hope they will change their minds, because it is absolutely wrong. The extreme limit that the Hawke Government was prepared to go was in the motion as presented to Parliament.

**Question put and passed.**

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

## **INDUSTRIAL DEVELOPMENT (RESUMPTION OF LAND) ACT AMENDMENT BILL**

*Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [10.38]: I move—

That the Bill be now read a second time.

I regret I am not able to hand to the Leader of the Opposition any prepared notes in connection with this Bill because it has been introduced in rather a hurried manner in another place. Apologies were made for the late introduction of the Bill in another place and the explanation for the necessity to introduce the measure was made.

I would also apologise for the fact that I am unable to provide a copy of the speech notes in order to give the member who may take the adjournment an opportunity to study it.

**The Hon. F. J. S. Wise:** As usual, we will listen intently.

**The Hon. A. F. GRIFFITH:** Thank you. In this case, I do not think that would cause any undue inconvenience because the Bill we are now dealing with is a very small one indeed. In the parent Act provision is made for a Land Resumptions for Industries Committee; and the expression "Director of Industrial Development" is used in connection with membership of the committee.

As that office has been removed from the Civil Service list, but has not been removed from the parent Act, it is the

opinion of the Solicitor-General that the committee cannot function properly while those words are still in the Act. Therefore, it is proposed that they be taken out and provision made for a Government nominee to be nominated, from time to time, by the Minister.

I am informed by my colleague, the Minister for Industrial Development, that it is intended to add to the committee the person who holds the position of "executive officer" in the Department of Industrial Development—and the Bill seeks to do that. When the Bill was first drafted the Solicitor-General thought it might be as well to include a provision to deal with that state of affairs without having substantially to amend the Act. However, upon having another look at the matter it was decided that the first amendment in the Bill was sufficient. If the Bill receives support—and I trust it will—when we reach the Committee stage I propose to delete the second portion of the measure because it is not considered necessary.

The Hon. F. J. S. Wise: That is paragraph (d)?

The Hon. A. F. GRIFFITH: Yes. The only other comment I wish to make is that it may be that this committee will be required to function; and in the interests of industrial development if it were found the committee could not function that could be to the disadvantage of the State. Therefore, to remove such a possibility the Bill is submitted to the House; and I ask that the measure be supported.

**THE HON. F. J. S. WISE** (North) [10.43]: It would be unthinkable to have a committee of the importance of the one in the parent Act not able to function simply because of the altered set-up within the department and the altered designation of the person in charge. When the change of Government took place the department was reorganised and the position of director was abolished. Therefore, unless the position is corrected in this manner, the committee which deals with land resumption for industrial development could not undertake, at a very important time, a review.

The Hon. A. F. Griffith: That is right.

The Hon. F. J. S. WISE: I think Parliament should not withhold, any longer than is necessary, its support for the correction of that situation. We can, I think, take it on the assurance of the Minister that the position has been abolished and the Committee has not been able to function. It may be that it is not necessary for it to function; but it is obvious that it will be, or it is likely to be, very necessary for this Committee to act in the near future.

I think there will be no loose kind of appointment made. If it is not the executive officer, it will be some responsible officer who will come within the category

of the new paragraph (d) in clause 2 of this Bill. I support the Bill; I think it will correct something that needs correcting very quickly.

**Question put and passed.**

**Bill read a second time.**

*In Committee*

The Deputy Chairman of Committees (The Hon. E. M. Davies) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

**Clause 1 put and passed.**

**Clause 2—Section 4 amended:**

The Hon. A. F. GRIFFITH: An undertaking was given in another place by the Minister for Industrial Development to the Leader of the Opposition that paragraph (d) would be taken out in this House. I was trying to find the express purpose for removing it, but I cannot place it at the moment. Sufficient to say that the first amendment is all that is required; therefore the second amendment is not really necessary. The first amendment removes the words "Director of Industrial Development," and adds the words that give the Minister the right to nominate an officer of his department. The Minister has said that such person will be the executive officer of the Department of Industrial Development; and that is all that is necessary to complete the requirements of the Bill.

It is obvious that it was not taken out in another place because the Bill would have required reprinting had that been done. I move an amendment:—

Page 2, lines 17 to 28—Delete paragraph (d).

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Title put and passed.**

*Report*

**Bill reported with an amendment, and the report adopted.**

*Third Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [10.51]: I move—

That the Bill be now read a third time.

Merely to clear up the record on this matter on the deletion of paragraph (d), it is customary to have a clause of this nature in this type of legislation. When the Bill was being dealt with in another place, the Leader of the Opposition requested that it be removed, and the Minister for Industrial Development undertook to have consideration given to that in this House. That is why I sought its deletion.

**Question put and passed.**

**Bill read a third time and returned to the Assembly with an amendment.**

## WORKERS' COMPENSATION ACT AMENDMENT BILL

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [10.52]: I move—

That the Bill be now read a second time.

In moving the second reading of this Bill, it is my intention to give an opportunity, as I believe it will be sought, to have this Bill adjourned until the next sitting of the House; which, of course, will be tomorrow. In the interim period, it is hoped there will be time for members to study the Bill. I am sorry that the Bill has been brought down at such a late stage, because it is quite an important one. Unfortunately, I suppose something has to be late in the proceedings of the House, and this is one of those Bills that are affected.

It is intended to rectify a drafting error that has come to light in paragraph (c) of subsection (5) of Section 4 of the Act. This paragraph was inserted in 1956 with the object of rounding off certain benefits to the nearest pound, but it was intended therein to exclude the daily rate of hospital charges, which is determined from time to time by the board. These hospital rates are dealt with in "paragraph (d) of the proviso to paragraph (c)" and not by "paragraph (a)" as appears now in the Act. The whole purpose of this amendment is to correct that error.

Last year the female basic wage was increased relatively to the male basic wage by agreement between workers and employers, part of which agreement was that any unplanned side effects on the Workers' Compensation Act and Factories and Shops Act should be avoided. The effect of section 4 of the Workers' Compensation Act on the basic wage change would have been to allow injured female workers considerably greater workers' compensation than males. This was obviously unjust. Parliament last year passed amending Act No. 66 of 1959, to cure this, but unfortunately it was proclaimed too late to be effective. The relevant provision in this Bill will do no more than make last year's amendment effective as Parliament intended.

The industrial disease provisions in the Act provide simple machinery for the bringing of claims by workers provided disablement occurs within three years of last working in a job to the nature of which the disease was due. The usual period of 12 months, which is ample for all diseases other than silicosis, was extended to three years for all diseases because of the particular problem of silicosis. It has been conclusively established medically that disablement from silicosis can occur more than three years after the last contact with silica dust. Some workers have been

barred from claiming because of the limiting period of three years named in the Act. The time bar will be removed entirely in the case of silicosis, subject to certain safeguards designed to prevent persons developing the disease outside this State and claiming compensation from employers within the State.

The only claims to be excluded in future will be those in respect of men who died or became disabled prior to the proclamation of this amendment, but more than three years after leaving the industry. Serious consideration was given to making this amendment completely retrospective but practical consideration prevented this.

I would like to say at this point that I noticed in another place that whilst not referring to the debate, I have been given credit for saying the Government would introduce a clause which would apply retrospectively in this matter. I would like to make it perfectly clear that whilst I went to Kalgoolie earlier in the year and was pleased to say that the Government would introduce legislation to amend the Act in respect to silicosis, I did not say—nor did I intend to indicate—that the clause dealing with this particular matter would be on a retrospective basis; because it just cannot be.

Let us take the case of an elderly man who, at 63 or 64 years of age, might find that his chest is a bit weasy and so, in view of his age he decides to give up mining. Ten years later he may decide that there is something wrong with his chest; and if it is diagnosed as silicosis he might recall that he had chest trouble when he was 63 and he might say that the silicosis originated at that period. However, there would be no justification for his saying that. Although it was claimed that I gave that undertaking, it was not intended that that retrospectivity should apply. The chief reasons against it are:—

- (1) Impossible to estimate the number of claims that might be brought but it might be very great and no financial preparation has been made to meet them.
- (2) Where considerable time elapses since death or disability it becomes impossible in most cases either to prove or disprove the real causes of that death or disablement.

This amendment is a serious effort to remedy any injustice, and it is a considerable advance; it goes further than any previous Government has gone.

Fraudulent claims are discovered from time to time, and advice has been received from the Crown Law Department that there is no adequate provision for prosecution except under the Criminal Code. This involves a full dress jury trial, which is out of all proportion to the offence. Provision is made by this amendment for summary prosecution in a police court.

Suppression of such claims is in the interests of all parties, employers, insurers and workers as the bad feeling they arouse militates against generous treatment of a claim which is genuine, but the proof of which is weak or difficult.

Section 13 of the Act deals chiefly with compulsory insurance. It is meaningless and confusing in a number of respects and needs tidying up. It refers to the tendering of wage returns by employers, but fails to ensure that this shall be done. It makes it compulsory to insure but not to continue to insure, and makes approval by the Minister compulsory without reserving to the Minister the power to withdraw approval on failure of an insurer to carry on properly, or even at the request of an insurer itself. This amendment is mainly to secure a drafting improvement. There is also provision for the board to prescribe a standard policy which will be an improvement on the present position where any one of about 100 companies may have odd provisions in the policies which they use, and which can easily escape the notice of those accepting such a policy. There are other purely consequential amendments as a result of the foregoing alterations.

It is intended to repeal section 13 of the Act. That section provides that where a principal lets work out on contract, an injured worker of the contractor can claim compensation against either his immediate employer who is the contractor, or against the principal. Of course where he claims against the principal that principal is entitled to indemnity by the contractor. The reason for this provision was to protect workers who were employed by contractors who had not insured, and who were men of straw. It has led to considerable confusion and difficulty, particularly in industries such as building where so much work is contracted out.

The worker is often confused as to whom he should proceed against. The principal has difficulty in insuring himself as, at the time he insures, he is usually unaware of the contracts he will let out during the year. The insurer loses also because owing to the employer's difficulties no premium is paid. The provision is no longer necessary in view of compulsory insurance, and the establishment of an uninsured fund from which the worker can be paid compensation if his employer is uninsured and unable to pay. For these reasons it is proposed by clause 7 to repeal section 16 of the Act.

With the repeal of section 16 the worker loses the right to claim against a principal as well as a contractor. As was mentioned however, this does not now matter since he is able to claim from the uninsured fund. At present, however, the fund could possibly prove inadequate to meet increased demands, as it is a fixed amount, and the board has power only to replenish it annually by the amount paid out the previous year. The

main purpose of this clause is to enable the board to enlarge the fund to whatever extent is necessary to meet claims arising out of the repeal of section 16 of the Act.

Complaint has been made that there is delay involved in claiming from the uninsured fund, and an undertaking was given to look into this complaint. It was found that, on occasions, there were delays chiefly due to the fact that before payment the board had to be assured that the employer was himself unable to pay. It has now been decided to remove this necessity by deleting the words "and is unable to pay." Nothing will be lost thereby because after payment to the worker the board will proceed to recover from the employer. It is proposed accordingly to amend clause 8 of the amending Bill.

This is largely consequential upon clause 6 which allows for the provision of a standard insurance policy. Insurance is compulsory but circumstances can exist which justify refusal by an insurer to supply cover. These provisions clarify the powers of this board to control refusal of insurance and cancellation or voiding of policies—all matters vital to the administration of workers' compensation. Although insurers generally carry out their duties honourably and efficiently, there have been occasional lapses. An unfortunate case during the last year which went as far as the High Court of Australia demonstrated the urgent need of such clarification.

Occasionally the Workers' Compensation Board is requested to state a case to the Full Court on a matter of general interest to insurers, the decision on which is required not only for the purpose of that particular case but to determine the legal position for many others arising in the future. It is felt that in such cases the private party concerned, usually the worker, should not have to bear the burden of costs. Consequently, it is proposed that the board shall have power to indemnify.

Because the title "Manager" of the State Government Insurance Office will be changed to "General Manager" it is necessary to make an appropriate change in the Workers' Compensation Act.

Another amendment is to correct an anomaly due to faulty drafting of clause 1 (c) (iii) of the first schedule. This part of the schedule firstly provides that the compensation payable to an injured worker who was at the time of his accident earning less than the basic wage shall bear the same relationship to the compensation payable to an adult worker as his earnings bear to the basic wage. It then goes on to provide that the minimum compensation shall be £4—at present £4 16s. due to wage increments—or the actual amount of the earnings. It concludes by fixing the maximum rate of

compensation, and, after dealing with male and female workers proceeds with the following words: "But in the case of a worker whose average weekly earnings at the date of the accident are less than the basic wage the weekly payments shall be the amount of those earnings."

This is in direct conflict with the earlier words; and as the plain object of this latter part was to fix the maximum, it appears obvious that the words "shall be" should read, "shall not exceed."

It is intended to increase the present medical allowance from £100 to £150, and the hospital allowance from £150 to £250. Experience has shown that the former rates were adequate in all but a very few cases. Records show that the limits were exceeded in a little over three cases per thousand. It is realised, of course, that those cases where this allowance is inadequate are the most unfortunate and most deserving ones; and for that reason these increases are proposed. The position in the future, and with the increased amounts, will be carefully watched.

It is proposed to remedy injustice which occurs from time to time chiefly with partially incapacitated workers who would, but for the accident, have now been earning considerably more than they were doing at the time they were injured. The difference is due to both basic-wage and marginal increases. At present the compensation is calculated on the basis of the wages they were formerly earning, and an amendment is proposed so that it can be calculated on what they would now be earning. It is possible for an injured man to be now earning wages equal to pre-accident wages, but less than he would have been getting had there been no accident.

That is the outline of the clauses contained in this Bill which seeks to amend the Workers' Compensation Act. I understand, from conversations I have had with one or two members, that it is their desire to place amendments on the notice paper. I would therefore be appreciative if an honourable member would move for the adjournment of the debate in order that those members can be given an opportunity to place their amendments on the notice paper and have them duly considered.

On motion by The Hon. J. G. Hislop, debate adjourned.

## **MOUNT YOKINE LAND ACQUISITION BILL**

### *First Reading*

Bill received from the Assembly; and, on motion by The Hon. L. A. Logan (Minister for Local Government), read a first time.

## **AGRICULTURE PROTECTION BOARD ACT AMENDMENT BILL**

### *Second Reading*

Debate resumed from the 23rd November.

**THE HON. F. J. S. WISE** (North) [11.10]: This Bill is giving expression to a desire by the Department of Agriculture to adjust the representation on the Agriculture Protection Board and to have additional representation by people who are outside the department itself. Also, it is desired, under the Bill, to give representation to those interests in addition to those belonging to separate prescribed areas. There is no doubt that in the operation of the Agriculture Protection Board the officers, as expert men in their various spheres, have in the past rendered an excellent service to the community.

Therefore, this amendment to the Act is very important in that it presents an opportunity to deal with such pests as Bathurst burr and possibly the introduction of noogoora burr, and so on, through the board by lay people, with experience, who are on the spot. In a general sense, where the legislation impinges on the various Acts dealing with sundry pests, I think the new assessment of the personnel of the board can do only good; and I think the measure is a step in the right direction.

**Question put and passed.**

**Bill read a second time.**

### *In Committee*

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

### *Third Reading*

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time, and passed.

## **COMPANIES ACT AMENDMENT BILL (No. 2)**

### *Second Reading*

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [11.15]: I move—

That the Bill be now read a second time.

This Bill provides more effective means of controlling and regulating the affairs of those companies which are generally known as vending machine companies, and it also affects and applies to unit trust companies. In brief, therefore, it relates to all companies which invite members of the public to subscribe for, or invest in, interests in an enterprise when those interests are neither shares nor debentures.

It is virtually identical with legislation passed recently in South Australia and Queensland, and is based on current legislation enacted in N.S.W., Victoria and

Tasmania. Speaking generally, the Bill lays down the conditions which must prevail before and after interests—of which the Bill includes a very detailed though wide definition—are offered for sale to the public.

Only a public company may offer interests for subscription and before they are offered the company, for the protection of the interest-holders, must have nominated a trustee who has been approved as such by the Minister and who is required to be appointed in a deed of trust executed by the company concerned. The trust deed must contain certain covenants by the company and by the trustee. It must be approved by the Registrar of Companies.

The Bill contains reciprocal provisions which will permit of a deed of trust and a trustee, approved in another Australian State having equivalent legislation, being, *ipso facto*, approved in this State. It is proposed that all States adopt similar administrative practices in relation to the approval of deeds and trustees.

When a company offers interests for sale it may only do so through the medium of a published statement to which the rules of law relating to prospectuses are to apply. The principal contents of the statement are prescribed in the schedule to the Bill; but the Registrar of Companies may, in his discretion, call for additional matters to be included in the statement. This flexible arrangement is necessary in order that the requirements may be adapted to the particular scheme in respect of which interests are offered for sale. The covenants required to be included in an approved trust deed are firstly by the company—

That it will conduct its business and the business of the scheme to which the deed relates in a proper and efficient manner.

That it will make its books of account and any information he may desire available to the trustee.

That it will on a requisition by a certain proportion of interest holders call a meeting of all holders of interests in the scheme.

A meeting called under this latter covenant is to consider the last published accounts of the company and it may give the trustee directions. The trustee under the deed must covenant—

That he will be vigilant in his functions as trustee and in watching the rights and interests of the holders of interest in the scheme.

That he will keep proper accounts in relation to his trust.

That he will post an audited statement of accounts of the trust annually to the interest holders.

The company and the trustee must both covenant not to exercise the right to vote in respect of shares held subject to the

trust unless so authorised by the majority of interest holders voting at a special meeting of holders called for that purpose in a particular case. Where, before the commencement of the Act, interests which would have been affected by the Act have been issued, the company is allowed three months to arrange for an approved deed to be executed. If at the end of that time there is not an approved deed in force the company must notify the registrar and all interest holders that the company cannot comply.

The company which has issued interests, the subject of an approved deed, must lodge an annual list of interest holders with the registrar. But this requirement does not apply if the company has its registered office within three miles of the office of the registrar and the company provides accommodation, facilities and opportunity for all persons to inspect and copy the list of holders at its registered office.

The company is also obliged, if so requested by any interest holder, to post to him a copy of its published accounts and details of land, marketable securities and investments which are subject to the trust and held or have been bought or sold during the year by either the trustee or the company. The company is also obliged to disclose the brokerage paid in respect of these matters.

**THE HON. H. K. WATSON** (Metropolitan) [11.21]: I endeavoured to discover the purpose of this Bill, from both the reading of its contents and from listening intently to the speech just delivered by the Minister, but I am still in grave doubt as to its purpose. If it were applied to vending machine companies only I could understand the position, because those companies have a rather extraordinary set-up. The Bill in terms does not say it applies to vending machine companies or to unit trusts; but the Minister has stated that it applies to vending machine companies and to unit trusts.

If it does apply to unit trusts I have a couple of questions to ask the Minister and I would appreciate a reply from him. They relate to this problem: The Bill provides—and the Minister has told us this—that no company, except a public company, may issue interests or units. A public company under the Companies Act is one which is not a proprietary company; yet, it is common knowledge that the oldest established unit trust company in Australia is a proprietary company. Likewise, the Australian Land Trust which operates in this State is a proprietary company.

If what the Minister has said is to be accepted literally, without qualification, those companies might conceivably be precluded from carrying on business, with or without the appointment of a trustee;

because the basic scheme of the Bill is that only public companies can issue interests. And being a public company it can only carry out that function if it appoints a trustee who is firstly approved by the Minister, and who, secondly, covenants to the various covenants set forth in the Bill. For those reasons I am extremely confused at the moment. I hope I have not confused the Minister to the extent that he cannot understand my questions.

**THE HON. W. F. WILLESEE (North)** [11.25]: I am placed in a somewhat similar situation to that in which Mr. Watson finds himself. This Bill had a very easy passage in another place, and it received approbation from both sides of the House. In this morning's newspaper it was described as follows:—

A Bill amending the Companies Act to provide control of vending machine companies and unit trust companies was explained by Attorney-General Watts in the Legislative Assembly.

In dealing with the vending machine angle one could agree that the Bill is timely and could prove to be of advantage to the public. It does seem to be in conflict when it moves into the orbit of unit trusts, in respect of which provision was inserted in the Act two years ago.

The Hon. H. K. Watson: That particular provision in the Bill at that time did not go through. It did not reach the stage of being included in the Act.

The Hon. W. F. WILLESEE: I thought it did. I thought all the provisions relating to unit trusts went through. In that case my remarks were wrong. Although it is said that this Bill is taken out of another Bill relating to companies legislation to be introduced on a uniform basis next year, how does it effectively operate in the case of unit trusts, as they are constituted at present?

In my opinion the purpose of the Bill is fundamentally right. The provisions in it are taken from other legislation. By virtue of that it might tend to cause confusion in the future. I do not intend to oppose the Bill; I cannot conscientiously do that and substitute something better. I would like to hear the reply of the Minister as to how the Bill will achieve what he says it is intended to achieve, in relation to the two aspects of vending machine companies and unit trusts.

**THE HON. F. R. H. LAVERY (West)** [11.29]: I want to refer to the position of vending machine companies and their operations in the Eastern States. I read an article relating to this matter in *The Nation*, a publication printed by one of the large newspaper organisations in the Eastern States. The article pointed out that a vending machine can be purchased for £130, but it is sold to organisations or shops for £300. The machine deteriorates

quickly in value. After the sale has gone through, nobody seems to hold any rights in the machine, and the company repudiates all responsibility. In other words, these companies are the get-rich-quick type.

I am sorry that this Bill has been introduced so late in the session because otherwise I would have asked for an adjournment in order to obtain more information. However, I did want to mention the matter to which I have referred. I believe some questions were asked on it several weeks ago in another place. A company advertised that it would pay 15 per cent. to 20 per cent. every two months, but after the first payment, nothing further was heard from it. Recently a report appeared in the newspaper that a person connected with one of these companies was restrained from leaving the country before he had paid a certain sum of money. I do not know whether this Bill will cover that type of situation or not.

On motion by The Hon. F. D. Willmott, debate adjourned.

## WESTERN AUSTRALIAN MARINE ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

**THE HON. F. R. H. LAVERY (West)** [11.32]: The Minister has adequately explained the main provisions in this Bill. I am not concerned with the early part of the measure dealing with seamen, etc., as that has been passed satisfactorily in another place. However, I do desire to congratulate the department for introducing the amendment to section 207. I have spoken on the licensing or control of pleasure and motor boats many times in this House both last year and this year. Clause 8 provides that the department will be committed to promulgate regulations to control the use of these boats on the river, but I consider that the clause does not go far enough. The Minister's notes read—

Section 207 is the regulation-making section of the principal Act, and the proposal to introduce a new subsection under clause 8 will enable the Government to make suitable regulations for the safety of speed craft on the river and other persons using the river. There is no intention to discourage people from using the river, but rather to encourage the use of the river by making its use safer.

The regulation the Government has in mind would prescribe an age limit for speedboat drivers and the restriction of the speed of these craft in certain areas.



I entirely agree with that. The Minister's notes continue—

A regulation is desired for the insistence of two people being in charge of a speedboat which is towing a skier.

That is another essential provision. The notes continue—

This would be for the protection of the skier and also the protection of other users of the river from an uncontrolled ski and tow rope.

Very severe regulations exist in other parts of the world, and while it is not proposed here to take such restrictive action as has been taken in, say, America, it is intended to frame regulations here on those found satisfactory in the Eastern States.

That is also all right. The following is what I think does not go far enough:—

There will be no insistence on the registration of all privately-owned craft. This is a matter which the Government is endeavouring to avoid.

I can appreciate the Government's desire in this matter, but the contention of those people in the Melville district, adjacent to the portions of the river where most of the speedboat activity takes place, is that all craft should be registered, not as a taxing medium, but for the purpose of identification. It would be easy to identify the owner of a boat by its registration plate in the event of such owner committing some breach. That is why I believe all boats should be registered.

On the other hand, I believe that the Harbour and Light Department and the Minister controlling it should be highly commended for the very efficient way the department does its best to ensure that safety rules are observed both on the river and outside. Having passed those remarks, I support the Bill.

**Question put and passed.**

**Bill read a second time.**

#### *In Committee*

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

**Clauses 1 to 7 put and passed.**

**Clause 8—Section 207 amended:**

The Hon. L. A. LOGAN: I desire to inform Mr. Lavery that very serious consideration was given to the registration of all privately-owned craft. It will be appreciated that this would be a pretty big task and it is not intended that people should be put to unnecessary trouble by having to register their craft. Also, the Government does not desire any anomalies to be created. Therefore, it is suggested that we give this legislation a

trial; and, if it is not successful, stronger measures will have to be taken at a future date.

The Hon. F. R. H. Lavery: Thank you.

**Clause put and passed.**

**Title put and passed.**

#### *Report*

**Bill reported without amendment and the report adopted.**

#### *Third Reading*

On motion by The Hon. L. A. Logan (Minister for Local Government), Bill read a third time, and passed.

### **PARLIAMENTARY SUPERANNUATION ACT AMENDMENT BILL**

#### *First Reading*

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

### **METROPOLITAN WATER SUPPLY, SEWERAGE AND DRAINAGE ACT AMENDMENT BILL**

#### *Assembly's Message*

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 3, and 4 made by the Council, and had agreed to No. 2 subject to an alternative amendment now considered.

#### *In Committee*

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. A. F. Griffith (Minister for Mines) in charge of the Bill.

The CHAIRMAN: Amendment No. 2 made by the Council is as follows:—  
No. 2.

Clause 14, page 7, line 4—Add after the word, "business," the words, "other than a profession."

The alternative amendment made by the Assembly is as follows:—

Delete all words in the Legislative Council's amendment after the figures "14" in the first line of the amendment and substitute the following:—

Page 7, line 2—Delete the words "and no part of which land is used for carrying on thereat any trade or business."

The Hon. A. F. GRIFFITH: I move—

That the alternative amendment made by the Assembly be agreed to.

The amendment I moved last night was designed to make the position clearer and to give the person carrying on a business, with a residence attached, an opportunity to appeal against his water rates. The Legislative Assembly has pointed out that the words inserted last night do not completely clear up the situation; and it is

considered that the Legislative Assembly's alternative amendment makes the position clearer. It is the desire of the Government that the amendment be agreed to for that reason.

This will put the issue beyond doubt and will allow such a person as I have mentioned to appeal to the appeal board which is to be set up under the Bill. My colleague, the Minister for Water Supplies, has had a look at the situation and he is satisfied that this is a better proposition than the one we agreed to last night.

The Hon. H. K. WATSON: I would be obliged if the Minister could explain to the Committee just how paragraph (a) of sub-clause (3) of clause 14 will read if the Legislative Assembly's proposal is accepted.

The Hon. A. F. GRIFFITH: Last night on page 7, line 4, after the word "business" we inserted the words, "other than a profession." That amendment was made at the request of the Leader of the Opposition in another place. It was not questioned here last night, but the Leader of the Opposition questioned it in another place today and said that it is not suitable. Therefore it is proposed to tidy it up and that part of the paragraph on the top of page 7 will read—

No part of which land is used for carrying on thereat any trade or business other than a profession.

I think that is the way it will read; but its effect will be to permit a person who carries on a business and lives behind the business premises to appeal against water rates.

The Hon. A. L. LOTON: Am I to understand that the Minister, when he moved to insert the words "other than a profession" last night did so on the suggestion of the Leader of the Opposition in another place; that the amendment was inserted here to save reprinting the Bill; that it was done without consulting the Minister for Water Supplies or the Parliamentary Draftsman; that we then inserted words at the wish of the Minister; that it went back to another place; that the person responsible for the amendment was then not satisfied with it; of that we are now asked to delete those words and agree to other words being inserted? Is that the right story?

The Hon. A. F. GRIFFITH: I do not know whether I am in the Legislative Council or the Legislative Assembly.

The Hon. A. L. LOTON: And that is about as clear as we are over here about this.

The Hon. A. F. GRIFFITH: I shall endeavour to make it clearer. I did not say that I inserted the words without reference to the Minister for Water Supplies. As a matter of fact he supplied me with the amendment and it was on the notice paper yesterday. Whether that amendment was put there at the direct request of the Leader of the Opposition I do not know; but the Minister for Water Supplies said

that the matter was raised by him and that he would like to amend the clause in the Legislative Council to fit in with those desires.

We did that, and when it was sent back to the Legislative Assembly the amendment was questioned. The Leader of the Opposition said that it did not meet with his desires in the matter, and he suggested other words; and they are the basis of the suggested amendment from the Assembly. I have discussed the matter with the Minister for Water Supplies, and he is of the opinion that this is a suitable and effective amendment and can be accepted.

The Hon. A. L. LOTON: Thank you.

The Hon. H. K. WATSON: Am I correct in assuming that if we agree to the amendment, paragraph (a) will then read—

The expression "rateable land used for residential purposes" means any rateable land which is used wholly or primarily for the purpose of providing the owner or occupier of the land with a residence for himself, his family or servants or any of them.

The Hon. A. F. GRIFFITH: As I understand the position the honourable member is correct. When I spoke on the matter before I was of the opinion that the words "other than a profession" were still in the Bill. The honourable member's opinion is correct.

Question put and passed; the alternative amendment made by the Assembly agreed to.

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

## INDUSTRIAL ARBITRATION ACT AMENDMENT BILL

### *Second Reading*

Debate resumed from the 22nd November.

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines) [11.58]: In introducing the Bill, Mr. Jeffery went to some pains to explain to the House what was meant by the measure; what its function would be; and the result he hoped to achieve if Parliament accepted it.

I have had an opportunity to have the Bill examined, and I am afraid I cannot accept the proposition the honourable member has put forward, for the principal reason that it will usurp power which the court now has. The Act does not provide a minimum penalty for a breach of an award, but it lays down a maximum penalty; and, in my opinion, it is not a good thing to take away from the court any discretionary powers that it has.

I have no doubt that the points of view stressed by the honourable member, and the reports of various cases which he read to the House are examples of what has happened. Nevertheless, in my opinion it is a bad thing to interfere with the court in these matters where a maximum penalty is provided. The judiciary deals with a case or cases according to the evidence put before it, and the decision given is in accordance with that evidence. I simply say that I cannot support the move made by the honourable member, and I hope the Bill will not be agreed to.

**THE HON. J. M. THOMSON (South)** [12.1 a.m.]: I must support the Minister in his remarks that this measure would be usurping the discretion of the court. It is unwise to write into an Act a provision setting out a minimum amount. The Act clearly states that the maximum amount is £500. I think we should leave the discretionary powers with the magistrate. After all he knows all the circumstances, and hears all the evidence that is adduced; and is quite capable of making a determination as a result of it. He is best able to inflict the penalty which he thinks is suitable.

I was interested in what Mr. Jeffery had to say in the matter of penalties. If what the honourable member says is right in regard to the action of employers, I for one would certainly not condone such action. I checked the position in the Industrial Arbitration Court to endeavour to find out what obtained at the moment.

I have before me a statement to the effect that there was placed before the court a case of failure to keep correct time and wage records; and it shows that six persons were brought before the court for a second offence for which they were fined £10; in my opinion, rightly so. At the same sitting of the court there were 13 other offenders brought before it for first offences. One of these was cautioned; one was fined £2; two of them were fined £3 each; four of them £5 each; two of them £10 each; and three of them £15 each. On another occasion, for failure to pay correct wages and overtime three offenders appeared before the court on a second offence and were each fined £25. One offender appeared for the second time and was fined £20; another was fined £10 for his second offence.

At the same sitting of the court there were 14 other offenders who appeared on first offence charges. Two of these were fined £1 each; six of them were fined £2 each; three of them were fined £3 each; one was fined £4; three of them were fined £5 each; and two of them were fined £10 each. That would indicate that the court is not so lenient, as was pointed out by the honourable member when he introduced his measure. I will not say, however, that the circumstances to which the

honourable member referred prevailed in these cases. I think that has been borne out by what I have stated.

Some of these offenders were cautioned and others were fined a minimum amount for their first offences, and still others were fined quite substantially. I heartily agree with the penalties inflicted on them for having breached the provisions of the act.

I would now like to refer to the question of registered apprentices. From the evidence given to me from the court itself I find that one offender appeared before the court recently for a second offence in connection with the registering of apprentices, and he was fined £10. At the same time eight people appeared before the court for their first offence. Two of these were fined £2 each; one was fined £3; four of them were fined £5 each; and one was fined £10.

In the circumstances I cannot support the honourable member's Bill. I was very interested in what he had to say when he introduced the measure, because I felt an injustice might have been done. I thought possibly that the circumstances were such as to enable me to support the Bill introduced by the honourable member. The evidence I have, however, makes this impossible. In my opinion the matter is adequately covered.

In conclusion I would say that with reference to failure to register, the responsibility devolves not only upon the employer, but also upon the parents and guardians. It is all very well to say it is understood that a person should be registered as an apprentice; but after all is said and done there are indentures to be signed, and if the parent or guardian does not sign them the apprenticeship is not in order. So the responsibility should be shared equally between the employer and the parent. The blame does not entirely rest on the employer.

I was interested to hear what Mr. Jeffery said about a particular contractor who was proceeded against by the court for an evasion of £400 and was fined £60. Mr. Jeffery wondered whether that was a fair penalty; but, of course, it must be remembered that it might have been a first offence. Mr. Jeffery also referred to the miserable rates paid to the apprentices. I have here a copy of the schedule of wages paid to apprentices which I would like to quote to the House. They are as follows:—

Year	Rates per Week		
	Within a 15-mile radius from the G.P.O., Perth	Outside a 15-mile radius from the G.P.O., Perth, but within the South-West Land Division	Rest of State
	£ s. d.	£ s. d.	£ s. d.
1st	4 18 2	4 17 6	4 15 8
2nd	6 12 7	6 11 5	6 9 2
3rd	9 16 6	9 14 10	9 11 4

The figures are also given for the 4th year and 5th year. An amount of 5s. is added to their wages which I have included in the figures I will read to the House. This is to cover the tool allowance for carpenters.

The Hon. G. E. Jeffery: That is not part of his wages.

The Hon. J. M. THOMSON: No; but it is what he is paid. I thank the honourable member for the interjection. I will quote the wages without the tool allowance. They are as follows:—

Year	Rates per Week					
	Within a 15-mile radius from the G.P.O., Perth			Outside a 15-mile radius from the G.P.O., Perth, but within the South-West Land Division		
	£	s.	d.	£	s.	d.
4th	12	15	0	12	13	2
5th	15	19	7	15	17	0

Mr. Jeffery indicated that the 5s. was not included in the wages; that it is a tool allowance. I agree it is a tool allowance, but in my experience the 5s. granted as a tool allowance is not always spent on the purchase of tools. It is generally considered as wages by the individual. However, it is the man's own money, and what he does with it is his own business.

I am sure the House will agree that the wages paid to apprentices are not altogether miserable in the building trade. For the reasons I have given, and from the information I have received, I cannot support the measure. The fines are not always as light as the honourable member would have us believe; and I think the Bill contains a bad principle. There is already adequate cover, and we should leave these matters to the discretion of the court. As I have already said, it is not a good thing to write into legislation a minimum penalty. Accordingly I oppose the Bill.

**THE HON. G. E. JEFFERY** (Suburban—in reply) [12.12 a.m.]: I will be as brief as I can in replying to the points raised by the Minister for Mines and by Mr. Jack Thomson. First I would like to point out that I think Mr. Thomson misunderstood me when I mentioned the miserable rate which the apprentices were paid. I would like to reiterate what I said and apply it as I intended to the apprentices to whom I referred—apprentices who had been short paid the sum of £19 14s. 1d. in wages. A rate of a few shillings per week will give this over a period of time. I repeat that the apprentices are paid a miserable rate.

The honourable member quoted the rates of £4 15s. 8d., or £4 17s. 6d., or £4 18s. 2d. a week for the first year. I ask him to compare those amounts with the £7 10s. 3d. received by a first year employee in the State Civil Service. With a

personal experience of both, I would say I was of as much value to my employer in industry as I was to the State Civil Service of Western Australia where a better rate of pay was applicable.

I consider that the old idea of indentures is due for an overhaul. I think it is only fair to suggest that the apprentice should receive a rate of pay which would obviate the parents having to supplement his wages by a considerable amount to keep him. The proof of the pudding is in the eating of it. A comparison can be made between the amount paid to an apprentice and that paid to a typist in the early part of her training. I would point out, however, that it is possible for girls to learn to type in six months. Accordingly I would ask the honourable member to compare the rates and conditions as applicable to girls in this category with those for apprentices.

The honourable member made a point which bears out my own argument. He mentioned that an employer was fined a second time for failure to register an apprentice. It is not an easy matter for a parent, because most parents apprentice only one or two children in a lifetime; whereas it is not uncommon for an employer to apprentice one boy a year over a number of years; in some cases, depending on the size and nature of their business, they apprentice five or six boys a year; and in other cases, even more. This is something which the employer, the same as the trade union secretary, knows all about. But when it comes to a parent who perhaps indentures only one child the position is rather unique. That person only has to do it once in his life, and he or she does not know a great deal about these things. Usually, when the parent signs the probationary papers he or she believes that the child is apprenticed. I can produce my own papers to prove that a parent can believe that with the signing of the probationary papers, the child is apprenticed. This is particularly the case when the parent is perhaps a widow.

When these things occur it is not easy to patch them up, despite what the honourable member has been told. The parent usually approaches the Trades Hall and, in many cases, that is when the offence is discovered. The parent goes to the union covering the appropriate award and the secretary is faced with the job of patching up the mess the boy is placed in. It is usually the widowed mother who believes that the boy is apprenticed when such is not the case.

In country areas quite a number of offences of this nature have taken place. Young people believe they are serving a probationary period of apprenticeship, but when they reach a certain age the employers throw them back on the labour market; and it is impossible for the boys to regain the lost time they have

wasted. They are then dependent upon the courtesy of some humane employers and, perhaps, on the work of the union secretary in order to get an opportunity for employment. A boy can be indentured at the age of 14, and he can reach the age of 17 or 18 before the offence is discovered, by which time he is too old for another master to take him on. Apprentices at the age of 16 are a much more attractive proposition. If a boy is apprenticed at 18 years of age, by the time he is 21 he will not be receiving the pay he could normally expect at that age and he becomes dissatisfied.

To my mind, the offence of failing to register an apprentice is a most serious one, because a boy cannot recover from that situation. We find that a guilty employer is fined £10 for a second offence. I intended to make the point when I introduced the Bill that the penalties inflicted have been most severe since July of this year—since the trade union movement took action in regard to this Bill.

As I said before, the Bill provides for a specified minimum penalty for a second offence. In other words, the court will continue as it has done in the case of a first offence to inflict a nominal penalty or, perhaps, just a caution, but for a second offence, a minimum penalty of a fine of £15 is provided. The honourable member agrees with me that for first offences only nominal penalties are involved; that small penalties are the order of the day. However, the Minister said that to agree to my proposition would be to usurp the power of the judiciary.

I suggest that the power of every court in the State of Western Australia, including the Supreme Court, is derived from legislation which is passed by this Chamber and another place. Therefore, this measure is not usurping the power of the court; it is giving a direction. After all is said and done, I suppose there are hundreds of statutes that specify a minimum penalty; but unless that penalty is high enough it will not act as a deterrent to prevent the same offence occurring again.

I believe that Parliament, by specifying a minimum and a maximum penalty, is giving the courts a lead as to the degree of gravity we attach to the offence that has been committed. In the trade union movement—and I am its spokesman on this occasion—the penalty of £15 is not regarded as a magnificent sum of money; but the intention is to get the court to realise that the trade union movement seriously regards a second offence of breaching the Industrial Arbitration Act.

A representative of the Carpenters' Union has been to Geraldton on five occasions, and another on three occasions, in an endeavour to catch up with an employer who was either careless, unscrupulous, or greedy; or probably all three.

The court will not allow recovery of the costs and the union has to proceed with the prosecution as a deterrent to others.

I think the power of Parliament far exceeds that of the court. Parliament passes the laws for the courts to administer; and it is not usurping the powers of any court when Parliament specifies a minimum and a maximum penalty. I have been wondering whether the Minister's remarks stemmed from any discussion he had with the judiciary, or from my introduction of the measure. This session, I have felt Parliament has become purely a machine to churn out the thoughts of departmental heads in particular; or, in this case, the judiciary.

I believe that Parliament is supreme. We make the laws of the land to the best of our ability and the judiciary is set up to administer those laws, whether they be administered by the Arbitration Court or the Supreme Court, or any other court. All the Bill does is provide a minimum for a second offence; and I am of the opinion that this is a lesser usurpation of the court's functions than the provision of a penalty for a first offence.

I sincerely hope the House will agree to the second reading of the measure and that it will become law.

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

**Ayes—15.**

Hon. N. E. Baxter	Hon. A. R. Jones
Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. R. Thompson
Hon. E. M. Heenan	Hon. F. J. S. Wise
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. G. E. Jeffery	(Teller.)

**Noes—13.**

Hon. C. R. Abbey	Hon. C. H. Simpson
Hon. J. Cunningham	Hon. S. T. J. Thompson
Hon. A. F. Griffith	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

**Majority for—2.**

**Question thus passed.**

**Bill read a second time.**

**In Committee**

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

**Third Reading**

**THE HON. G. E. JEFFERY** (Suburban) [12.24 a.m.]: I move—

That the Bill be now read a third time.

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines) [12.25 a.m.]: Before this Bill passes the third reading I want to say to Mr. Jeffery that I do not take any exception at any time to debate, no matter in what form it is put forward, in the interests of the furtherance of legislation. But when the honourable member

uses words of this nature, "during this session Parliament has been nothing but a machine used to turn out the expressions of departmental heads," I think he is going a bit too far. The honourable member's Bill has been read a first time, and a second time; and we have now reached the stage where it is about to be read a third time and passed. In the interests of Parliament, members of Parliament, the honourable member's colleagues, and the departmental heads, I suggest he withdraw the remarks he made.

**THE HON. G. E. JEFFERY** (Suburban—in reply) [12.28 a.m.]: I am sorry the Minister has taken what I said the wrong way. My remarks were directed to those of the Minister when he referred to the fact that if we passed this Bill we would usurp the authority of the judiciary. I believe—and I thought I stated this clearly—that Parliament is supreme. We receive the opinions of departmental heads, but Parliament must make the decision. To that end, I was trying to express to the House that in my opinion Parliament must be supreme. We appreciate the opinions of the departmental heads; and from the start to the finish of my speech I had no intention of reflecting on Parliament as an institution. If the Minister misunderstood me, to that extent I will withdraw anything that may appear to be obnoxious, or anything that may have been taken in the wrong manner.

The Hon. A. F. Griffith: Thank you.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

## ADJOURNMENT OF THE HOUSE: SPECIAL

**THE HON. A. F. GRIFFITH** (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 11 a.m. today.

Question put and passed.

*House adjourned at 12.30 a.m. (Friday).*

# Legislative Assembly

Thursday, the 24th November, 1960

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The **SPEAKER** took the Chair at 11 a.m., and read prayers.