

Legislative Assembly

Tuesday, the 15th September, 1970

The SPEAKER (Mr. Guthrie) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS (19): ON NOTICE

1. LOCAL AUTHORITIES

Boundaries Commission: Legal Costs

Mr. WILLIAMS, to the Minister representing the Minister for Local Government:

- (1) What legal expenses were incurred by each local authority at the recent boundaries commission hearing at Bunbury?
- (2) What plans are envisaged to reduce these expenses?

Mr. NALDER replied:

- (1) Bunbury Town—\$3,593.72.
Capel—No account received.
Dardanup—\$682.
Harvey—\$857.40.
- (2) None.

2. PERTH AIRPORT

Extensions

Mr. BRADY, to the Premier:

- (1) Is the Government sympathetic to the proposals to extend the runways of the airport at Guildford?
- (2) Is the Government aware of the great inconvenience suffered by nearby residents and those up to five miles from the airport with the noise arising from planes leaving the airport in the early hours of the morning?
- (3) Is he aware of the petition presented to Federal Parliament by Mr. A. Bennett, Federal member for Swan, opposing the extensions?

Sir DAVID BRAND replied:

- (1) The Government is anxious to see the Perth region provided with whatever type of airport is necessary to ensure that the maximum number of airlines, domestic and international, are attracted to it. If extended runways are required to achieve this objective then the Government believes the interests of the State are best served if extended runways are built, provided there are appropriate buffer zones around them. The metropolitan region planning scheme provides for this.
- (2) There is inconvenience in living adjacent to a modern airport and this problem is recognised world wide irrespective of where an air-

port is sited. In considering location or hours of operation the convenience of the community as a whole and the many thousands of people who travel must be balanced against the inconvenience resulting to some from 24-hour operation and an airport located within the metropolitan region.

The Government has had advice from many sources as to where the balance lies. It believes that the State's best interests are served by the present arrangement. Also it is proposed to collaborate closely with Commonwealth authorities and their experts to ensure inconvenience is kept to the minimum practicable levels. Considerable progress has been made internationally in this field.

- (3) No.

3. NOXIOUS WEEDS

Sour-sob

Mr. W. A. MANNING, to the Minister for Agriculture:

- (1) Is he aware of the rising concern over the spread of the weed sour-sob?
- (2) If so, what action is being taken?

Mr. NALDER replied:

- (1) Yes.
- (2) No reliable practical method of eradicating large areas is known. A survey of sour-sob distribution is being carried out and research into control measures undertaken with a view to developing the most effective programme for combating this weed.

4. PRISONS

Bunbury Regional Gaol

Mr. WILLIAMS, to the Chief Secretary:

- (1) When will the Bunbury regional gaol be—
 - (a) completed;
 - (b) occupied?
- (2) What will be the total cost, including sewerage works and staff accommodation?
- (3) Has a liaison officer been appointed; if so, when, and what is his name; if not, when will one be appointed?
- (4) Has a superintendent been appointed; if so, when and what is his name; if not, when will the appointment be made?
- (5) What will be—
 - (a) the number of staff;
 - (b) the various classifications; and
 when will these appointments be made?

- (6) In general terms, what type of prisoner will be held in this gaol, and is the gaol of maximum or minimum security?
- (7) What rehabilitation programmes will be given to inmates, and will these include community projects; if so, what type?
- (8) Upon opening, will—
 - (a) transfers be made from other gaols;
 - (b) the inmates be people who were resident in the south-west;
 - (c) people convicted in south-west courts be placed in custody at this gaol?
- (9) What will be the future of the Brunswick Junction temporary prison?

Mr. CRAIG replied:

- (1) (a) End of October, 1970.
(b) Early November, 1970.
- (2) \$1,298,000 approximately.
- (3) Mr. C. Larkin was appointed on the 27th July, 1970.
- (4) No—I am advised by the P.S.C. that the position will be advertised in the *Government Gazette* of the 18th September, 1970.
- (5) (a) 45.
(b) 1 Superintendent.
1 Principal officer.
5 Senior officers.
34 Prison officers.
1 Schoolteacher.
1 Physical education instructor.
1 Nursing sister.
1 Clerk typist.

Recruiting end of September.

- (6) Planned for offenders in 18-25 years age bracket selected by departmental classification committee. Prison is medium security rehabilitation centre.
- (7) Programme is at present in course of structure, will basically provide for academic education, vocational training, physical education, social education, and changing attitudes to society. The overall treatment programme will be designed to provide for major community participation.
- (8) (a) Yes.
(b) and (c) Not necessarily.
- (9) It is anticipated that Brunswick Junction will continue to function.

5.

PROBATE

Wheat Quotas

Mr. RUNCIMAN, to the Treasurer:

- (1) Are wheat quotas negotiable?
- (2) Is it the intention of the Taxation Department to value wheat quotas for probate purposes?

Sir DAVID BRAND replied:

- (1) No.
- (2) Yes to the extent that a quota affects the value of a property.

6.

PROBATE

Milk Quotas

Mr. RUNCIMAN, to the Treasurer:

- (1) In what year did the Taxation Department first value a milk quota for probate?
- (2) Is he aware that the Taxation Department values a milk quota at \$160 per gallon for probate?
- (3) As milk quotas are not negotiable and are considered by the Milk Board as licenses for a producer to sell a certain quantity of milk, how does the Taxation Department justify its action?
- (4) When he considers probate relief in the Budget would he give some consideration to abolishing probate on milk quotas?

Sir DAVID BRAND replied:

- (1) This information is not available without an extensive search of all probate files.
- (2) Yes.
- (3) It enhances the value of the business.
- (4) Consideration is being given to all suggestions for probate duty concessions with a view to providing relief to as wide a group of taxpayers as possible.

7.

DAIRYING

Butterfat: Production Quotas

Mr. RUNCIMAN, to the Minister for Agriculture:

- (1) Is it intended that butterfat producers in Western Australia will be given a production quota?
- (2) If so, what is the situation?
- (3) As Western Australia imports a large amount of its butter from the Eastern States how are restrictions justified for Western Australian producers?
- (4) What other dairy products could be affected by quotas and to what extent?

Mr. NALDER replied:

- (1) and (2) The Western Australian butterfat producers are not expected to reach the butter and cheese production limits for 1970-71, suggested by the Australian Dairy Industry Council. Therefore, production quotas are unlikely to be considered for this State at the present time.

- (3) Production restrictions for Western Australian butterfat producers are not envisaged at this time.
- (4) The Australian Dairy Industry Council has suggested production limits for cheese as well as butter.

8.

DAIRYING*Marginal Dairy Farms
Reconstruction Scheme*

Mr. RUNCIMAN, to the Minister for Lands:

- (1) What is the reason for the delay in the Commonwealth dairy farm amalgamation scheme?
- (2) When is it expected that dairy farmers desirous of selling their properties under this scheme will be able to take action to do so?

Mr. BOVELL replied:

- (1) There has been no delay as elucidation of proposals by the Commonwealth was necessary before final acceptance by the State.
- (2) As reported in this morning's *The West Australian*, the Premier yesterday announced details of the scheme. A copy of the Press release is submitted for tabling.

The Press release was tabled.

9. HOLLYWOOD MEDICAL CENTRE

Completion

Mr. FLETCHER, to the Minister representing the Minister for Health:

- (1) When will the Hollywood medical centre be completed?
- (2) What is the anticipated cost?
- (3) What funds are allocated and from what sources?
- (4) Was any finance made available directly from a Federal source?
- (5) If the funds are not adequate where will the difference be found to complete the project?

Mr. ROSS HUTCHINSON replied:

- (1) 1976.
- (2) \$37,000,000.
- (3) State \$34,300,000.
Australian University Commission \$2,700,000.
- (4) No.
- (5) If funds are not sufficient, the period of construction will need to be extended.

10.

RURAL HOSPITALS*Cost of Construction*

Mr. FLETCHER, to the Minister representing the Minister for Health:

What is—

- (a) the total amount spent on rural hospital construction; and

(b) the individual amounts at the principal centres,

since the 1964-65 financial year?

Mr. ROSS HUTCHINSON replied:

(a) State expenditure on rural hospital construction:

\$23,500,000—

South-west — \$16,000,000 — does not include extensions by St. John of God Hospital.

North-west — \$5,500,000 — does not include hospitals at mining towns financed by mining companies.

Goldfields — \$2,000,000 — does not include extensions by St. John of God Hospital.

(b) Northam—\$4,400,000.

Geraldton—\$3,200,000.

Wyndham—\$2,000,000.

Bunbury—\$1,900,000.

Kalgoorlie—\$1,000,000.

11.

ROAD*Shark Bay-Useless Loop*

Mr. NORTON, to the Minister for Works:

- (1) What was the cost of constructing the road from the Shark Bay road to Useless Loop?
- (2) From what funds was this amount made available?
- (3) Who is responsible for its maintenance?
- (4) What has been the average annual maintenance cost since its construction?
- (5) What is the maximum axle load permitted?
- (6) Who are the main users of the road?

Mr. ROSS HUTCHINSON replied:

- (1) In 1962-63 and 1963-64 the Main Roads Department expended almost \$86,000 upgrading and constructing sections of the access road to Useless Loop.
- (2) Commonwealth Aid Road funds.
- (3) This road is classified as a developmental road and the responsibility for its maintenance therefore rests with the Shark Bay Shire Council.
- (4) Although the local authority is responsible for the maintenance of this road, the Main Roads Department has provided substantial financial assistance. Since 1964-65 more than \$64,000 has been expended by the department on maintenance and improvement works. The amount expended by the local authority on maintenance is not known.

- (5) The maximum axle load permitted is 8 tons.
- (6) As far as can be ascertained, the principal users of the road are carriers supplying the joint venture group who are producing salt and gypsum at Useless Loop.

- (2) Could he indicate to the House the results of any such survey?

Mr. ROSS HUTCHINSON replied:

- (1) The Department of Fisheries and Fauna has not undertaken any studies of the effects of sprays upon fauna.
- (2) Answered by (1).

12. EDUCATION

Rockingham Convent School Site

Mr. RUSHTON, to the Minister for Lands:

- (1) Has the land for the future convent school at Rockingham been determined?
- (2) If "Yes" will he let me have a diagram showing the site?
- (3) If "No" when is this decision expected to be made?

Mr. BOVELL replied:

- (1) No.
- (2) Answered by (1).
- (3) The Lands Department is acting in close liaison with the church authorities, the Town Planning Department and the Shire of Rockingham to finalise the selection of a suitable alternative site.

13. METROPOLITAN TRANSPORT TRUST

Passengers Carried, and Financial Result

Mr. BURKE, to the Minister for Transport:

- (1) How many passengers were carried into Perth by the buses of the M.T.T. in the last financial year?
- (2) What was the operating profit or loss of the M.T.T. for that year?

Mr. COURT (for Mr. O'Connor) replied:

- (1) A total of 56,172,138 passengers were carried during the year. We do not know how many in total were brought into Perth. During the 7 to 9 a.m. peak period an average of 24,000 passengers on each week day are brought into the central business district.
- (2) Final figures are not yet available.

14. FAUNA

Effect of Weed Control Sprays

Mr. RUSHTON, to the Minister representing the Minister for Fisheries and Fauna:

- (1) Has a study been made of the effects upon fauna of sprays used to control weeds on road verges, in drains, etc.?

15. MINERAL CLAIMS

Approval: Expedition

Mr. BURT, to the Minister representing the Minister for Mines:

- (1) Has action been taken to accelerate the processing of mineral claims which have been recommended to applicants by wardens, and await the issue of certificates of registration?
- (2) If so, what methods have been adopted in this regard?
- (3) What is considered will be the average time lag between the warden's recommendations and granting of registration certificates for mineral claims—
- (a) applied for and recommended prior to the pegging ban earlier this year; and
- (b) recommended after the lifting of the ban?

Mr. BOVELL replied:

- (1) Yes.
- (2) Increased staff and procedures streamlined where possible, bearing in mind the need to examine each application carefully to ensure that public and private rights are protected at all times.
- (3) It is difficult to give an answer to the question as asked.

Sittings of the Wardens' Courts in the various centres are variable; it is, therefore, not possible to make a satisfactory estimate of the time lag between the Wardens' recommendations and the granting of registration certificates.

Similarly, applications vary in regard to the time required for processing, as some are straight forward affecting only Crown Land, whereas others have complications such as private property, reserves and encroachments on other tenements and have to be referred to other departments and authorities.

The fact that 15,620 applications have been received from the 5th June, 1970—the date the pegging ban was lifted—to the 4th September, 1970, will give some idea of the amount of work involved in segregating those which had been recommended.

The honourable member can be assured that everything reasonably possible is being done to accelerate and expedite the dealing with recommended applications.

16. GOVERNMENT DEPARTMENTS

I.B.M. Data Processing Machines

Mr. BRADY, to the Premier:

- (1) What number of I.B.M. data processing machines have been purchased by Government departments?
- (2) What is the total cost of the I.B.M. machines purchased?
- (3) What departments are using the I.B.M. machines?
- (4) Are any machines being shared with private concerns?
- (5) If "Yes" what are the conditions of sharing work performed?

Sir DAVID BRAND replied:

- (1) Five, comprising a computer purchased by the Totalisator Agency Board and four electronic accounting machines purchased by the State Housing Commission. In addition, the Main Roads Department and the Railways Department rent I.B.M. computers.
- (2) \$839,806.
- (3) Answered by (1).
- (4) No.
- (5) Answered by (4).

17.

RAILWAYS

Rapid Transit System

Mr. RUSHTON, to the Minister for Railways:

- (1) What have been the results of the rapid train service to Midland since its introduction?
- (2) Has a timetable been set for introducing a similar service between Perth and Armadale or Perth and Fremantle, or are these decisions deferred awaiting the recommendations from the present Perth regional transportation study directed by Dr. Robert Nielsen now expected to be finalised in December this year?

Mr. COURT (for Mr. O'Connor) replied:

- (1) Results can be regarded as being reasonably satisfactory and it has been necessary to increase the capacity of some services to cater for the additional patronage.
- (2) A Midland type arrangement for Perth-Fremantle has not been considered in detail. In respect of Perth-Armadale, work is in progress to devise alternative ways

and means of utilising our transport resources more advantageously from the point of view of the travelling public. Whether one of the alternatives might be a Midland type operation is not yet known. The alternative transport approaches that will be produced by the Perth regional transport study take us through to the year 1989. They will thus be of a long range nature, whereas the work on the Armadale Corridor is directed towards short term system management approaches.

18.

RAILWAYS

Notification of Train Crews: Use of Taxis

Mr. McIVER, to the Minister for Railways:

- (1) When did the W.A.G.R. commence using taxis for the notification of train crews?
- (2) What has been the cost of this service in notifying, calling, and transportation of both traffic and loco crews at the following depots—
 - (a) Midland;
 - (b) Claisebrook;
 - (c) Forrestfield;
 - (d) North Fremantle;
 - (e) Kwinana?
- (3) At what compensation level are employees covered whilst travelling in the taxis?

Mr. COURT (for Mr. O'Connor) replied:

- (1) In emergencies taxis have been used to notify train crews in the suburban area for over 20 years. More use has been made of taxis in recent years due to difficulty in recruiting lads for this type of work and greater distances to be covered.
- (2) This information is not specifically recorded but an examination of the months of April and May indicates that the average monthly expenditure would be approximately—
 - (a) \$400.
 - (b) Included in the figure for Perth which is \$200.
 - (c) \$500.
 - (d) \$100.
 - (e) \$100.
- (3) The incidence of employees being transported by taxi is not high but workers' compensation would apply with respect to employees travelling to work or travelling on duty. Common law rights also

apply and if an award is made under common law the workers' compensation amount would be deducted from the award.

19. IRON ORE COMPANIES

Local Authority Rates

Mr. BICKERTON, to the Minister representing the Minister for Local Government:

Will he supply the amounts of revenue paid by iron ore companies by way of rates to the following shires, to date:—

Marble Bar,
Nullagine,
Roebourne,
Port Hedland,
Tableland,
Ashburton?

Mr. NALDER replied:

Marble Bar—Nil.
Nullagine—\$30,000 *ex gratia*.
Roebourne—Nil.
Port Hedland—Nil.
Tableland—\$16,000 *ex gratia*.
Ashburton—\$17,500 *ex gratia*.

QUESTION WITHOUT NOTICE

IRON ORE

Pilbara: Report of Committee

Sir DAVID BRAND (Premier): Last Thursday the member for Pilbara asked me a series of questions regarding an iron ore survey which was being made at Pilbara. At the time I did not appreciate that the honourable member was referring to a matter which was included in the political column of *The West Australian*. This referred to a report prepared by the Minister for the North-West; a report which was being considered by Cabinet. The report in question was a general survey and covered a great deal of detail as to the future prospects of developing a steel industry in Australia and in Western Australia as a result of that survey of the Pilbara.

The Minister made the report himself with the aid of officers of his own department and of those of the North-West Planning Authority. I am sure the honourable member will understand that this a highly confidential report and can hardly be made public. I did not intend to wipe off the question asked by the member for Pilbara, or anything like that as, perhaps, he felt I might have done. I did not appreciate the fact that he was referring to this particular report; I thought he was referring to a committee that was making this investigation.

BILLS (4): INTRODUCTION AND FIRST READING

1. Stock (Brands and Movement) Bill.
Bill introduced, on motion by Mr. Nalder (Minister for Agriculture), and read a first time.
2. Railways Discontinuance and Land Revestment Bill.
Bill introduced, on motion by Mr. Court (Acting Minister for Railways), and read a first time.
3. Criminal Injuries (Compensation) Bill.
Bill introduced, on motion by Mr. Court (Minister for Industrial Development), and read a first time.
4. Traffic Act Amendment Bill.
Bill introduced, on motion by Mr. Craig (Minister for Traffic), and read a first time.

BILLS (3): THIRD READING

1. Honey Pool Act Amendment Bill.
Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.
2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill (No. 2).
3. Local Government Act Amendment Bill (No. 2).
Bills read a third time, on motions by Mr. Ross Hutchinson (Minister for Water Supplies), and transmitted to the Council.

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 10th September.

MR. JONES (Collie) [4.55 p.m.]: This Bill contains a very small amendment, but it has a big effect upon the provisions of the pension fund. Members would be aware that a retiring age of 60 years in the industry has been established under special legislation which is being applied on a national basis.

As the Minister indicated in his second reading speech, section 7 of the Act provides that any amount received by a mine-worker by way of a Commonwealth blind pension is not deductible from his coalmine pension, but any similar benefit given to the child or wife of a pensioner is deductible. The combined mining unions requested that an amendment be made to remove the anomalies, and that is the purpose of this Bill. The effect will be that any blind pension received by the pensioner himself, or by his wife or child, will not be deductible from his coalmine pension. I have much pleasure in supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CHILD WELFARE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

MR. BERTRAM (Mt. Hawthorn) [4.58 p.m.]: I support this measure. It is important to note, when considering this Bill, that the next one on the notice paper—the Offenders' Probation and Parole Act Amendment Bill—is a companion measure.

The Child Welfare Act Amendment Bill seeks to achieve four things, and I will deal with them in the sequence they were dealt with by the Minister in his second reading speech. The first amendment is to repeal subsection (3) of section 20 of the Act and to substitute another subsection (3) and also to add another two subsections; that is, subsections (3a) and (3b).

As members will know, there are certain circumstances mentioned in the existing section of the Act which it is proposed to repeal under which a child over 14 years of age may be dealt with by a higher court—that is, the fairly recently constituted District Court, or the Supreme Court—instead of being dealt with by the Children's Court. The contents of proposed new subsections (3) and (3a) spell out in more precise detail just what the machinery will be for dealing with children over 14 years of age. They also spell out in more detail what the powers will be of the two superior courts—that is, the Supreme Court and the District Court—in respect of children over 14 years of age. In addition, the amending measure makes it very clear that, amongst other things, the Supreme Court and the District Court may invoke in respect of children the provisions of the Offenders Probation and Parole Act of 1963. Up to this time there has been more than a little doubt that either of those courts could invoke the provisions of that Act.

The second part of the amending Bill refers to section 35 of the principal Act, which was last amended in 1969 by Act No. 85 of that year. At that time certain machinery was placed into the legislation to deal with persons who became liable to pay certain penalties—compensation, sums of money, or costs—after they had attained the age of 17 years and had not paid the sums of money referred to before reaching the age of 18 years. The present section provides—

the court may, notwithstanding that the person has attained the age of eighteen years, issue a warrant ordering the person to be apprehended and be brought before the court to show cause why a warrant of commitment for the imprisonment of the person should not be issued.

It is now felt, quite rightly and reasonably in my opinion, that this machinery is rather too harsh, and the purpose of clause 3 of the Bill, which seeks to amend section 35 of the Act, is to enable the court to require a person to appear before it other than by the issue of a warrant in the first instance. If the person defaults and does not appear pursuant to the summons which I imagine is contemplated, then and only then will the court issue a warrant to bring him before the court. I think this provision is meritorious and the Opposition supports the second part of the Bill.

The next part of the measure seeks to amend existing sections 111 and 113 of the parent Act. Perhaps members will best understand what I am talking about if I read section 111, which says—

No person other than a near relative shall be or act as foster-mother, for gain or reward, to any child under the age of six years without being licensed by the Department for that purpose.

As indicated by the Minister when he moved the second reading, the intention is to delete the words "for gain or reward." I now refer to section 113 (1) which reads, in part—

Every person other than a near relative of the child, who, not being licensed as a foster-mother by the Department, shall take the care, charge, or custody of any child under the age of six years to maintain for gain or reward such child apart from his parent, shall be guilty of an offence against this Act, and shall, on conviction, be liable to a penalty not exceeding twenty dollars . . .

The section goes on to mention the penalties for subsequent offences.

Under section 113 it will be seen that the department, or whoever is seeking to invoke that section, must prove that the would-be offender is receiving gain or reward for caring for a child. This is where the difficulty arises, because astute people who realise the import of this provision are able to deny that they are caring for a child for gain or reward, and the prosecutor is unable to prove the contrary. Consequently those who are suffering are certain children under six years of age.

When all is said and done, the purpose of the Child Welfare Act is to care not for some children or for a great number of children but, as far as it is possible, to care for all children. To use the Minister's own words, "Unfortunately, there have been one or two cases where an unsuitable person has fostered young children." Certainly there has been only a very small number of cases, but if the amendment will make the Act good in this respect, as

I think it will, it is meritorious. Consequently, the Opposition supports the amendments proposed to sections 111 and 113.

The only other amendment, which appears to me to be small and not of great consequence, is to the second schedule, which owes its existence to section 15 of the Act. The Bill proposes to repeal the second schedule entirely and to replace it with another. I have compared the various institutions of one sort or another which are listed in the existing second schedule with those listed in the proposed schedule and I see no reason for objection. Consequently I raise no objection to this part of the measure. To sum up, the Opposition supports the Bill as I have indicated.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

MR. BERTRAM (Mt. Hawthorn) [5.11 p.m.]: I support the Bill, which seeks only to amend existing section 5 (1) (a) of the Offenders Probation and Parole Act of 1963.

A few moments ago I expressed support for the proposed new provisions of section 20 of the Child Welfare Act and, consequently, it follows that I must support this Bill. At the moment section 5 (1) (a) reads—

This Act does not apply to or with respect to a child as defined by the Child Welfare Act, 1947, who is convicted of an offence by a children's court established under that Act;

Further provisions are mentioned, but what I have quoted is relevant to the Bill under discussion. The amending measure proposes to include after the word "Act" the words—

unless the sentence for the offence is passed by the Supreme Court or the District Court of Western Australia pursuant to subsection (3), (3a) or (3b) of section twenty of that Act.

I do not think I need to say any more than I have said, because what is being attempted by the measure has been explained precisely. In a recent case in the Supreme Court it appears that the judge expressed some concern as to the limit of his powers, in respect of children, under

the Offenders Probation and Parole Act. The amendment is designed to remove the difficulties which the judge encountered.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

ROMAN CATHOLIC VICARIATE OF THE KIMBERLEYS PROPERTY ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

MR. BICKERTON (Pilbara) [5.14 p.m.]: I have very little to say on the measure. I agree with it and also with the remarks made by the Minister in connection with it. The measure provides purely for a change of name within the Roman Catholic organisation of the Kimberley area. I can see the necessity for this to be brought about, particularly from a local point of view.

I commend the Bill to the House. As I have said, there is very little in the measure which requires any comment, except to say this amendment to the parent Act is essential to bring the Act into line with the policy that operates in the area. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

PETROLEUM PIPELINES ACT AMENDMENT BILL

Second Reading

Debate resumed from the 10th September.

MR. DAVIES (Victoria Park) [5.18 p.m.]: This measure does not propose any very great change to the Act which was passed by Parliament last year. It does apparently overcome a difficulty which is likely to arise. The difficulty relates to easements across property where the company wishes to put its pipeline.

I understand that the Bechtel Pacific Corporation Ltd. is making very good progress in its negotiations with the people whose land will be traversed by the pipeline, and that there is no suggestion that the negotiations which the company is entering into at the present time are likely to be altered in any way by the

amendment. The sole purpose of the amendment is to give the Minister power under certain circumstances—and apparently those circumstances will be very restricted—to grant permission in writing for an easement to enable the work to proceed without interruption.

I mentioned that the company had been making good progress in its negotiations. No doubt many members of this Chamber had some conversation with the representative of Bechtel Pacific when he was in the corridors one morning recently. He had with him a map showing the proposed route of the pipeline, and he gave some details of the negotiations that had been entered into. He indicated that the company had traversed practically all of the route and, although there had been one or two complications, the problems had, in the main, been ironed out. The persons with whom it appeared some difficulty could arise had been satisfied and were quite happy with the offers made by the company. From the terms which were outlined to me, I feel that the company is adopting a fairly reasonable attitude in respect of its negotiations.

The only point I raise in regard to the proposed amendment is to ask the Minister whether there could be some difficulty in giving the Minister for Justice the right to grant an easement. I thought this matter would more reasonably come under the jurisdiction of the Minister for Lands, but it is an amendment to the Petroleum Pipelines Act and, as such, the Minister referred to in the Act is, of course, the Minister for Mines. We now have, on the one hand, the Minister for Lands dealing in general terms with matters associated with titles and easements, whereas on the other, under this legislation part of that authority will be delegated to the Minister for Mines. I do not know whether that is good, but perhaps the Minister for Lands, when he is replying, will be able to outline the areas of jurisdiction in this regard, if he thinks the point is important. In introducing the Bill the Minister stressed the fact that any conditions of consent to be granted by the Minister would relate only to the registration of the easement. There is nothing outside of that intention, and I think we can appreciate that it will therefore help the construction of the pipeline. Apart from the area of jurisdiction, which seems to me to be somewhat anomalous, I support the Bill.

MR. BOVELL (Vasse—Minister for Lands) [5.22 p.m.]: I thank the member for Victoria Park and the Opposition for their reception of this Bill. The Bill will speed up the construction of a pipeline in cases where difficulties arise which are outside the jurisdiction of the interested parties.

As regards the responsible Minister, the Minister for Mines is responsible for these activities, in effect, but I would explain to the honourable member that there are two Acts dealing with land. One is the Land Act, which deals with Crown land only, and the Minister for Lands is responsible for the administration of that Act. The second is the Transfer of Land Act, which covers all freehold land and is administered by the Attorney-General—if there is an Attorney-General—or the Minister for Justice. There are therefore two types of land administration—one by the Minister for Lands, and one by the Attorney-General or the Minister for Justice, as the case may be.

In this case, as the Minister for Mines happens to be also the Minister for Justice, I think it is right that the authority should be vested as provided in the Bill, in view of the split administrative and statutory authority of the two Ministers.

Mr. Davics: The Minister would have his authority as Minister for Justice, then, rather than as Minister for Mines?

MR. BOVELL: No. I think he has it as Minister for Mines because it is the Petroleum Pipelines Act. From memory, I think that Act is a matter for the Minister for Mines. This amending Bill refers to "the Minister," and I assume this is the Minister for Mines because the Petroleum Pipelines Act is statutorily the responsibility of the Minister for Mines. The Minister for Mines will adjudicate here because, in my opinion, he would be reasonably expected to know the circumstances. In view of the split authority in regard to Crown land and freehold land, I think this is a reasonable procedure.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

FACTORIES AND SHOPS ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 10th September.

MR. JAMIESON (Belmont) [5.27 p.m.]: As the Minister indicated, this small amendment to the Factories and Shops Act deals principally with the matter of extending trading hours on Wednesdays for the sale of cars. Similar legislation was before this House during the previous session, when considerable debate took place on this matter. As I indicated at that time, it appears to me that if there is one thing that one does not need an extension of hours to be able to procure, it is a motorcar. One has only to suggest that one is in the market for a motorcar and one will be given a demonstration at any time of the

day or night. The Minister will not be able to prevent that occurring under the provisions of this legislation. It is true that the final signing of papers and that sort of thing must take place within specified hours, otherwise the person selling the vehicle runs the risk of an increased penalty; but the demonstration of a vehicle is the main thing in the sale, and the Minister knows that to be a fact.

I do not see that there is any need for an extension of hours, and I reiterate my previous statement. The only people who will benefit from the extension of hours are the proprietors of the *Daily News*. If we had access to the figures of the weekly takings of that newspaper, we would find that the receipts from advertising would increase by \$8,000 to \$10,000 a week. There would be double page spreads of advertising by all the companies in the Wednesday afternoon edition of the *Daily News*, as there are in the Saturday morning *The West Australian* and the Friday evening *Daily News*.

To use the words of the Minister for Education: Who is pushing the Government into this situation? It has been said that the several chambers associated with the automotive industry favour this amendment, but they only favour it because they feel that unless they agree to the extension of trading to Wednesday nights they cannot achieve an increase in the penalties which might regulate the industry.

The members of this Chamber have been given no indication that any increase in the hours of trading in automobiles is necessary. It may be a fairly easy matter to justify an extension of the trading hours of any store for the selling of commodities which are really necessary. I can think of many more items that could be sold during extended trading hours for the benefit of the community; items such as perishable foodstuffs, clothing, and so on. For example, a woman may wish to buy a new pair of stockings because she has hooked the pair she is wearing whilst on the way to some function.

Mr. Dunn: Hooked them from a shop?

Mr. JAMIESON: I see what the honourable member means. She might have done that, too. In any case, if she wanted to replace them, I would like her to be given the opportunity to replace them legitimately. If trading hours are extended for the sale of automobiles, other types of goods could also be sold at the relevant selling points. In the past, for example, we have seen specific, or special, types of items being sold at places where one would hardly expect them to be sold. For instance, about 10 years ago I doubt whether anybody would have thought that the local service station would become an outlet for the sale of garden or lawn fertilisers; but

now this has become almost the rule rather than the exception. Coke for barbecues is also sold at service stations, although I will admit that several years ago this commodity was sold by service stations for use in the charcoal burning units that were attached to cars.

There now seems to be no limit to the sale of specific goods at various places, whereas in the past it was found that such goods were sold by one particular retail store or firm. Therefore, if the hours of trading in the automobile industry are extended this will encourage the sale of specific goods and in its train this will mean that more personnel will have to be employed to supervise the sales. In turn, this will lead to the employment of extra clerical staff. So it can be seen that once the thin end of the wedge is inserted to bring about an extension of trading hours in the automobile industry it will cause people to work longer hours, bearing in mind that the people affected are mainly on a small retainer, plus commission on any sales.

It would appear to me, therefore, that the Government is making a retrograde step in suggesting that the trading hours in the automobile industry should be extended. Motor vehicles are not a perishable commodity. They do not have to be sold immediately or within two or three days. If a motor vehicle is so hot that it has to be sold immediately, the Government should provide some protection against this practice. I feel quite sure the Minister would not be able to cite one case of anybody who has had difficulty in purchasing a motor vehicle. One has only to make the slightest whisper that one is in the market for a motorcar and one will have plenty of salesmen offering a wide selection and a free demonstration of the cars they are trying to sell. This can be done legally, irrespective of whether this Bill is passed or not.

As a consequence, I think this provision is most objectionable, and whilst there are other features in the measure I can agree with, I certainly cannot go along with the provision to extend the trading hours when obviously it is not necessary to do so.

The provision to limit advertising is a rather sound move because now, in an endeavour to trade outside of the normal hours, many used car firms resort to all kinds of advertising dodges. Nevertheless I doubt very much whether the passing of the Bill will solve the problem we have of many of the used car firms publishing advertisements in the newspapers showing photographs of their salesmen, underneath which are printed their home telephone numbers. In my opinion, this is an invitation, without specifically saying so, to the public to ring the home telephone number of any salesman who is featured in the advertisement at any time of the

day or night. Once the telephone call is made the salesman can arrange to demonstrate or test drive any vehicle he is selling for the caller in question. So to this extent I think the provision to limit advertising will be found wanting and will not succeed in the way the Minister hopes.

The provision, no doubt, will discourage those who wilfully advertise—that is, if we can call it wilful advertising—and commit a breach of the law of the land. Members have seen how the law in relation to the trading hours of chemists has been overcome. Before the law in relation to trading hours was introduced, chemists in the eastern suburbs used to advertise that they never slept. They do not advertise in that manner now; instead advertisements appear on the television screen with the words “at your service.” The chemists in question do not advertise that they are open all the time, but they certainly indicate, by a medium of TV advertisements, that their services are available at all hours of the day and night.

So if, by amending legislation, we cannot prevent one section of traders from breaching the intention of the law, we will certainly be unable to prevent another section from acting in a similar manner, especially when there is a much greater profit in the item being sold by the section of traders which is the subject of the legislation. I know the Government is acting in good faith, but I am afraid it will not achieve its objective to the degree it hopes. Perhaps if provision similar to that in the betting control and totalisator legislation were made, whereby a penalty was imposed on the person who purchased a vehicle outside of the normal trading hours, the situation may be controlled; but this will not be done under the provision in this Bill.

The provision relating to the registration of permits is very sound in that it will permit the expiry dates of registrations to be spread over the year. The present practice seems to be the fashion set by legislation in the early days. Apparently it was not the custom for those Government departments that issued licenses or registrations to forward notification of the expiry date. Instead, an advertisement was placed in the Press announcing that the yearly renewals of registrations were due on a certain date, and any persons who failed to renew on the dates specified acted in default of the law.

This was the system that was followed in regard to the registration of orchards, licensing of firearms, and so on, that was on a yearly basis. I think the most sensible way to carry out this administration, if licenses are to be issued from the date on which they are taken out, is for the renewal of the license to be made on the same date in the following year. This

should be the normal course of events, and the provisions in this Bill seek to achieve just that; that is, to provide for the issue of all licenses over the initial period of 18 months, and then for them to be renewed, yearly, on the same date as they are issued.

This will allow the administration of the department to be carried out more smoothly, because from a clerical point of view I cannot think of anything more frustrating than to have a clerical staff being particularly busy at one period of the year, and, for the remainder of the year, performing the ordinary run of the mill clerical work in the office. It seems to me to be far more sensible that the issue of licenses should be spread over the full period of 12 months, and members can readily realise that the staff of any department could be more efficiently employed in such circumstances.

I think I have given a fair indication to the Minister that I will not have a bar of any increase in the trading hours and that I support the increase in penalties, for what it is worth. I agree that the provision relating to yearly registrations is a sound one; but I hope that in Committee members will have a close look at the provision relating to trading hours on Wednesday. In the meantime I support the second reading of the Bill.

MR. BURKE (Perth) [5.41 p.m.]: I voice the same opposition to the Bill as I did to a similar measure that was before the Chamber in April last. The only difference in this legislation is that there is no provision for the extension of trading hours on Saturday. On the last occasion I restricted my support of the Bill to the control of advertising.

In this measure I notice there are certain machinery provisions which will facilitate the work of the factories and shops branch, and I think this is a sound move.

When speaking to the Bill that was introduced last April I indicated my objection to the extension of trading hours on Saturday and said that the same argument could be applied to the extension of trading hours on Wednesday. I pointed out that in the motor industry an increase in costs would be inevitable. I also stated that although we did not know the total number of people employed in the automotive industry it would be quite considerable, and it was inevitable that there would be increased costs which would be passed on to the buying public.

I maintain that any advantage to be gained by the buying public by increasing the trading hours on Wednesday would be quite limited and would most definitely be offset by the fact that they would be burdened with the increased costs.

There is no doubt in my mind that although motorcar salesmen are, in the main, employed on the basis of being paid a retainer plus commission, and would have difficulty increasing their remuneration, the trade union movement would insist on the payment of penalty rates to all those members who come under its jurisdiction. That is only right. Any worker who is forced to work overtime should, by right, be paid penalty rates.

The member for Belmont covered the Bill quite adequately. He seemed to be inclined to favour increased penalties to enable the Act to be more efficiently policed. We have been told that this Act is being regularly breached at the present time.

I am not altogether in favour of increased penalties. I am inclined to think that a combination of restrictions on false and misleading advertising, together with the proper application of the Act as it stands, would probably meet the situation. However, I do not feel particularly strong on this point in view of the fact that the profit margin on motor vehicles seems to be quite high. It has been noticed that some major companies have been fined time and time again, and no doubt increased penalties would afford better protection for the smaller used car dealers.

I am just as strongly opposed to any extension of the trading hours now as I was in the past. In our day and age and in this modern society we should be working to achieve shorter working hours and greater leisure. Because of inflation, it is extremely difficult at the present for people to find time for leisure. In fact, many people are compelled to work overtime in order to meet their commitments. It is one thing to have to work extended hours; it is another to legislate to extend trading hours. As a principle the extension of trading hours should be opposed. There is definitely no justification for the extension of hours in this instance.

MR. DAVIES (Victoria Park) [5.46 p.m.]: I, too, oppose the principle of extended trading hours. I would have thought that after a similar move was rejected by this Chamber on a previous occasion, the Minister in introducing the Bill before us would demonstrate a clear need for the extension of trading hours in regard to the commodity in question. Not only has the Minister failed to do that, but he has also suggested that this commodity is in a class of its own. If there is a need to enable an item, of the price and size of a used car, to be sold outside of what are considered to be the normal trading hours, then there is a need to enable countless other items within the same price range to be sold outside of the normal trading hours.

As the member for Belmont said, the only parties who are likely to benefit directly from the extension of trading

hours are the newspapers, which will be looking for additional advertisements on Wednesdays, in particular, to remind the people that many used car firms will be open for business until 10 p.m.

If it is conceded—and I do not concede this—that there is a need for after-hours trading, then there are certain times of the year when such trading might be conducted with some advantage. However, I do not believe, particularly during the winter months, that people will patronise the many used car yards which now dot the metropolitan area. From what I have been given to understand, the people engaged in the used car business are having a battle to make ends meet, and if they are to meet the expenses which are involved in keeping a business open at night then the added costs will, undoubtedly, reduce their profits. But as I am sure they are not willing to accept a reduction in their profits, the added cost will be passed on to the purchasing public.

When a person intends to buy a used car, invariably he tests it on the road. Does the Minister suggest that nighttime is the best time to road-test vehicles? Would he not agree that perhaps this could be done with less risk in the daytime—such as on a Saturday morning, or in the lunch hour? In some respects the selling of cars at nighttime will create an additional hazard on the roads, in that the intending purchasers will have to battle in the hours of darkness to drive the vehicles and at the same time to look for any faults in them. In doing this they can only hope that they will not meet with accidents. I do not think that nighttime is the ideal period to road-test vehicles.

Mr. O'Neil: What about Saturday afternoons?

Sir David Brand: The newspaper agrees with you.

Mr. DAVIES: Does *The West Australian* actually agree with me? I hate to be in concert with *The West Australian*! For that reason could I withdraw my remarks? I must admit that I have not read the particular leading article in *The West Australian*. I did not bother to read the editorials, because, generally, I know what they say in matters such as this. In saying what it has on this occasion the newspaper is pushing its own barrow; it is pushing its own advertisements, the revenue from which is its lifeblood. This newspaper hopes to get more advertising at a time of the week when advertising is somewhat lagging.

I do not think we should be pressurised by the newspapers; and all too often we are. If at all, we should be pressurised by public opinion. I have not received representations from any quarter to suggest

that the hours of trading should be extended. On the contrary, I have received representations from some employees of used car firms, and they are not very happy at all with the prospect of having to be in attendance in used car yards between the hours of 6 p.m. and 10 p.m.

We should take into account the conditions under which those people work. Does anyone suggest that it is an ideal condition of employment for them to be in attendance on evenings such as those we experienced in the last week or two to try to make sales of cars? I would imagine that 95 per cent. of the used car businesses in this State are operated in open yards. I cannot imagine that it is a joy to any salesman to be in attendance on evenings such as those we experienced recently.

I have already stated that in my opinion there are too many used car yards. Many of them have felt the pinch of the credit squeeze, and some have gone to the wall. I do not like to see any business going to the wall, but in many instances the failure of used car businesses was brought about by events beyond their control. In this connection a great deal depends on the policies which are adopted by Governments. In any Government policy to restrict credit these are the types of businesses which are the first to be affected.

If it is intended to assist used car yards, there are many other avenues in which assistance can be given rather than by extending the trading hours. Some of the complaints which have been brought to my notice recently indicate there is an urgent need to provide some type of consumer protection; and I would like to see attention given to this aspect rather than to the extension of trading hours.

I am sure that none of us minds service being given to the public, but in respect of used cars there is already a service provided. Most of the yards are enclosed by low Cyclone wire fences, and it is not difficult for prospective buyers to view the cars at any hour of the day or night. The only restriction that is imposed on the intending purchasers outside of the normal trading hours is that they have to remain outside the fence to view the cars. If people have a liking for particular cars in the yards, there is no difficulty for them to have those cars held by the car yards. These cars could be tested in the lurch hour, during the normal hours of work, or just before or just after the normal working hours. These would be the legitimate hours of trading.

As it is, by supporting the Bill we could well be introducing a system which was the thin end of the wedge. This will bring about the extension of trading hours into fields other than used car yards; and

ultimately the extension of hours will lead to an increased cost which has to be passed on to the public.

In the Bill provision is made for quite severe penalties to be imposed for breaches of the law. I think these are well warranted. However, I do not believe these severe penalties will stop some used car salesmen from operating after hours. It would be difficult to catch them in the act. As I have said before, and as the member for Belmont and other members have said in this House, unless a law can be policed effectively it will not prevent certain people from taking the risk by operating outside the normal hours of trading, particularly with a commodity such as a used car, irrespective of how high the penalties may be.

The Minister has pointed out that restrictions will be placed on the publicising of the hours of trading. He seems to have tightened up every possible loophole in this legislation, so as to prevent the advertising of unauthorised trading outside of the hours stipulated.

I do not know whether this restriction is to apply to articles like television sets, refrigerators, and similar items. I must admit that I have not done sufficient homework, and have not discovered how this Bill will affect the existing provisions of the Act. The Minister has nodded his head. The extended hours are to apply to this commodity only; and there is to be no after-hours trading in television sets, radio sets, and similar articles. These items can best be sold outside of the normal trading hours when the members of the families intending to purchase them are together at home to view them. I am not advocating that these articles should be sold outside of the normal trading hours; I am merely pointing out the loopholes which exist not only in respect of used cars, but of other items.

Mr. Jamieson: There will be more demand for extended hours of trading for the articles you have mentioned than for used cars.

Mr. DAVIES: That is the point I am trying to make. There is a greater demand for after-hours trading in respect of television sets, radios, washing machines, refrigerators, etc., than there is for used cars. It seems a pity, in some respects, that all the loopholes will be closed.

The only other matter I wish to comment on is the registration of shops and factories. It is proposed to extend such registration over a period. I think this is quite a good idea; but I would point out that recently the State Insurance Office has standardised on one day for the payment of workers' compensation premiums, and this relates to cases in which a single employee is engaged on a casual basis—such as a person who is engaged to come

in once a week to do the cleaning. The premium for such a policy works out at about \$1.85 a year.

Where the payment of premiums used to be spread over the 12 months of the year, the State Insurance office recently standardised the date as at the 31st March. So, on the one hand, there is a tendency to spread the work of departments over the whole year, and on the other hand there is a tendency to concentrate it in one day. I suppose each department knows what it is doing, but certainly there is no clear line of policy in this respect.

I conclude with the remarks with which I began my contribution to this debate. No need whatsoever has been demonstrated for legalising an extension of trading hours. I do not know to what effect the extended trading hours will be used. Possibly some of the used car yards—particularly those owned by a single proprietor—may not bother to take advantage of the extended trading hours. I would point out there is no compulsion in the legislation for any used car yard to open for business during the hours mentioned, but I can well imagine the bigger yards having salesmen on duty during the extended trading hours.

I have often been amused at the difference between the attitude adopted by the newspapers on some occasions when they were advocating extended trading hours, and that adopted by the people engaged in the trade that was affected. On one occasion last year I travelled all the way from North Beach, through Trigg, along Wanneroo Road, through Osborne Park, Yokine, Morley, Bayswater, and Belmont before I found a shop at which I was able to purchase an ice cream after 9 p.m. That was staggering. That happened last November.

I was going to point out to the Minister that perhaps there is a need to compel shops to remain open to supply commodities such as the one I have mentioned. If a person travels along Albany Highway after 7 p.m. he will find that, apart from one or two shops which sell cooked chickens, and the fish and chip shops, only one or two others remain open for business. I doubt whether there is any real need for after-hours trading in any commodity. When the shopkeeper finds that a need does not exist to remain open later than, perhaps, 8 p.m., he will close at that time.

As I have said, there is no compulsion on anyone to remain open for business during all the hours stipulated, but I think a substantial case should be presented when a specific item is dealt with, as is proposed in the Bill before us. The Minister has not done this. However, I would not like to see an extension of the trading hours. I oppose this in principle.

MR. O'NEIL (East Melville—Minister for Labour) [6.00 p.m.]: I would like to thank members for their somewhat qualified support of the measure which I have been pleased to introduce to the House.

Mr. Davies: You have got a funny way of showing it.

Mr. O'NEIL: I must admit we had a fruit salad of ideas and opinions on this rather vexed question of trading hours. The Bill occasions me to refer to the leading article which the honourable member for Victoria Park was fortunate enough not to have read. The leading article makes one wonder what is the attitude of the editorial staff of some of our newspapers.

So often are Governments accused of vesting too much power in the Executive and not relying upon the broader views and opinions of members of Parliament for reaching their decisions. In respect of this particular measure—at least, the measure introduced in April—Parliament clearly decided that the view of the Executive to extend trading in motor vehicles to Saturday afternoon was wrong. Parliament decided it would delete that provision.

The West Australian newspaper, in its leading article, seemed to indicate the Government was backsliding in not forcing its Executive opinion on the Parliament of the country. The newspaper is somewhat inconsistent in its attitude. I have yet to meet the writer of a leading article, so I do not really know what sort of people they are.

It is true that the question of trading hours, generally, is a vexed one and pressure is placed on Governments of all colours to alter the hours, one way or the other. I think it is clearly the responsibility of a Government, where it sees clear evidence of a demand being serviced by willing people, to consider liberalising the law, rather than to permit or force those people to act outside the law.

I think we are hiding our heads in the sand if we believe that there is never to be any relaxation of trading hours in Australia. The fact that Parliament agrees to relax the hours during which people may trade does not force those people to trade. This point has been made so often. I have made it, and I have, on a number of occasions, referred to the situation that exists in Tasmania. In that State under a Labor Government all trading hours have been repealed—accidentally, I will admit—other than those relating to the sale of motor spirit. As far as I have been able to ascertain from the many inquiries I have made on the few occasions I have been to Tasmania, there is no evidence of exploitation of the workers by the extension of working hours.

As members of the Opposition know, conditions of work are related to the accepted 40-hour week, and penalty provisions are imposed upon an employer who requires his workers to exceed 40 hours, even though the workers are willing. So the protection of the worker exists in laws other than those contained in factories and shops legislation.

I pointed out earlier that the initial idea of the factories and shops legislation, when it was introduced, was simply to lay down minimum standards to protect the interests of the worker. That was the original provision, and it is true that this particular Act has been used more and more to regulate trading hours than to provide for the protection and security which the worker deserves. The worker is adequately protected under industrial law—awards and agreements entered into between his representatives and the representatives of the employers. We have the situation where the Factories and Shops Act, in common with many other Acts, is being used for a purpose for which it was not originally intended.

The member for Belmont indicated that he would eradicate after-hours trading because he saw no need for the extension of hours. He said that currently, under the law, nobody has any difficulty in buying a vehicle. I think that supports my point of view and my argument. The fact is that people are willing to service the community with motor vehicles outside the normal, regulated trading hours. This Bill will—to a lesser degree than the Bill introduced during April—allow trading to take place legally rather than illegally.

Mr. Jamieson: All it will do is allow the signing of documents within certain times.

Mr. O'NEIL: That is right. It is true that the demonstration of motor vehicles outside of trading hours is not prohibited under the Bill. It will still be possible for people to contact a salesman to arrange for a demonstration drive of a motor vehicle; there is nothing to stop that. This Bill simply insists that the premises from which the salesman would normally operate shall be closed other than during the hours now permitted, including the hours which some refer to as the extension of trading hours.

Mr. Jamieson: Getting back to the fact that it will be an advantage to the daily newspapers.

Mr. O'NEIL: They are doing pretty well out of the motor vehicle market now.

Mr. Jamieson: See how well they do with the proposed amendment. The Liberal Party will profit from this somewhere along the line.

Mr. O'NEIL: I recall picking up a daily publication last Thursday and seeing quite clearly, in at least half a dozen advertise-

ments, that certain firms would be open for weekend inspections. They were used car firms; and the advertisements were blatantly published in the newspapers and appeared on television.

Mr. Jamieson: That is the usual week-end advertising.

Mr. O'NEIL: On Thursday?

Mr. Jamieson: It is advertising for the coming weekend.

Mr. O'NEIL: The proposed controls with respect to advertising are fairly stringent and I will quote proposed new section 93C as follows:—

(1) A person shall not publish, or cause to be published, any statement which implies or suggests—

(a) that at a time when the shop is required by this Act to be closed—

(i) the shop will be open. . .

Mr. Jamieson: I pointed out, as is the case with chemists, there are many ways to get over this.

Mr. O'NEIL: I should say that in the case of chemists, to which the honourable member has referred, it is advertising which implies or suggests that the premises are open. This Bill is framed to include advertising which implies or suggests.

Mr. Jamieson: And this will affect the advertising by chemists?

Mr. O'NEIL: I should think so. The provisions in respect of trading hours apply generally to the Act. The amendment is to section 93 of the Act.

Mr. Davies: Did the Minister receive any representations from electrical traders?

Mr. O'NEIL: Yes, I would say that most people involved in retail trading, including the electrical retailers and representatives of the motor vehicle industry, seem to be—as organisations—opposed to any extension of trading hours.

Mr. Lapham: What about chemists?

Mr. O'NEIL: They already have hours for normal trading. The Factories and Shops Act makes special provision for chemists to supply medicines in emergencies, and there is also a provision which allows all-night chemists to operate within the law, if they observe the letter of the law.

The member for Belmont mentioned that service stations are selling fertilisers. There is consultation between officers of the Department of Labour, through the Retail Advisory Committee, and the organisation which represents the retailers, as to the appropriate areas in which certain goods may be sold. To me this smacks of some form of restriction. However, the retailers themselves generally agree that

in some circumstances the sale of certain goods ought to be the province of particular types of retailers.

The matter is vexatious and it is contentious, and I seem to be destined to live with the problems, which are almost insoluble. However, I believe that this is at least a step in the right direction. I feel that anyone who imagines we will, as a State—no matter which party is in Government—continue to adopt a restrictive attitude to the services to the people needs to do some rethinking.

Mr. Davies: Where is the demand?

Mr. O'NEIL: It is so patently obvious; there are so many demands in respect of this particular industry—the sale of motor vehicles. It is so obvious to anyone who drives around the city during the weekend.

Mr. Jamieson: The vehicles are only being demonstrated; they cannot be signed up until the finance company is open.

Mr. O'NEIL: I do not know that this is so. The member for Victoria Park suggested other items associated with motor vehicles which, perhaps, ought to be available for sale on weekends. I do not know to what he was referring.

Mr. Lapham: My wife often goes window shopping on weekends and I am rather pleased that the shops are not open.

Mr. O'NEIL: The member for Karrinyup has a vested interest; I can see that!

As I have said, I appreciate the comments made by members. We have had a fruit salad of opinion on this matter, and although the support of the Bill is not wholehearted I thank members for their contribution to the debate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. O'Neil (Minister for Labour) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Addition of section 91A—

Mr. JAMIESON: This is the clause to which I take strong exception, and the Minister did not indicate anything to satisfy my doubts.

The principal operation associated with the sale of a motor vehicle is the demonstration. The signing of the papers cannot take place outside of normal hours, because the finance companies are not open. It is true that some insurance companies, including the S.G.I.O., can issue a cover note on vehicles taken out by new owners.

A prospective buyer is usually given time to think about the deal, and the sale is made on that basis; so I cannot see how this present move will be successful, except that it will extend the time during which the negotiations can be finalised. I do not think there has been any difficulty in this regard, because if a car is demonstrated during the evening then the salesman will arrange the signing of the papers on the next day. The salesman will sign up the new owner during the lunch hour if necessary.

Mr. Davies: Salesmen will do that if they are keen enough.

Mr. JAMIESON: They are keen enough.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. JAMIESON: As I said before tea, this amending legislation is the thin end of the wedge and once we have late trading hours on Wednesday nights, instead of requests from other directions being like a creeping paralysis they will become more of a galloping consumption in the community, and it will not do the community any good. As a matter of fact, the sum total of this legislation seems to be a situation similar to that which prevails in some American States.

Some people may say there is a demand for late trading. There is a demand by some people to drink liquor for 24 hours of the day. It is a limited demand; but would anybody say we should cater for that demand for 24 hours of the day? Probably there is a limited demand for longer hours of trading in motor vehicles, but that is no reason for introducing legislation such as this.

If we go to the extent of pandering to this limited demand for an extension of trading hours, the overall price of the commodity will have to be increased to help pay for the services rendered over the extended hours. Those who have establishments in the United States, and particularly in New York where there is a good deal of extended hours trading, find it is all very well, but the customers have to pay through the nose for the extra service. Therefore I do not want to see this State being placed in the position where its people will have to pay extra costs because of extended hours. People get a service now, and I am sure that service is satisfactory.

To this end, I think that not only do we have to stop those who advertise their wares, but we have to stop advertisements, such as those inserted by the S.G.I.O., which refer to applications for vehicle insurance being received for 24 hours of the day. If we can prevent this sort of advertising the people who sell cars will not be keen on selling them after hours because they will not be able to get any insurance coverage for the vehicles when

they leave the car yards. In that event car dealers will be less inclined to break the law.

If we want to be dinkum, instead of playing around with the problem by extending the hours on Wednesday nights, we should deal with the aspects to which I have just referred. In my view nothing will be achieved by this legislation except that some people will be forced to work longer hours. If there are no provisions in awards covering salesmen and others engaged in this business, and no penalty rates can be applied, some workers will be asked to start at a later hour in the morning and, as a consequence, they will have to work into the night to make up their weekly hours. I do not think that is fair or reasonable, and people in that position should be protected by us.

Therefore, I strongly oppose the provision for extended hours and I suggest that the Committee oppose the measure.

Mr. DAVIES: The Opposition does not want to adopt a dog-in-the-manger attitude in regard to this measure. If we felt there was an established need for extended trading hours we would adopt a reasonable approach to it and agree with the amendment the Minister has proposed. However, the Minister has not established a need nor has he told us why he selected 10 o'clock instead of 11 o'clock, or 9 o'clock, or any other hour. He suggested these are the hours the trade wants, but he does not say which part of the trade wants these hours.

While members were speaking to the second reading the Minister was taking copious notes and I thought we would get a sound reply to the debate and he would answer the questions that had been put to him. We asked such questions as these: Where is the established need to extend trading hours for used vehicles? Why was Wednesday night chosen as against any other night? Why was 10 o'clock chosen as the hour for closing, instead of any other hour? Not one of those questions was answered.

If it is suggested that we are opposing this measure in an effort to protect members of the trade union movement, then that is far from right. To my knowledge there is no award covering salesmen in used car yards. In fact, some of them work under what I would refer to as almost slave labour conditions. They get a small retainer and for the rest of their wages they have to rely on commissions resulting from sales. I do not like this form of employment. I do not mind a reasonable wage, with a commission on top of that, because that is a system used quite often in the retail trade.

For instance, if sales people at Boans can sell some of last season's stock, they get 10c or so commission on it. I can

see nothing wrong with that, because under those conditions both the seller and the buyer are happy; but when we consider that some car salesmen work long hours under unusual conditions, and sometimes are not able to earn a reasonable wage—indeed, quite often it is only a bare living wage—I think it is quite wrong. Therefore, we want the Minister to show us the need to extend the hours in this industry. For my part no real need has been shown.

This is not unusual in regard to Bills introduced by the Government. The Government seems to adopt the attitude of least said soonest mended. As a result, quite often those on this side who take the adjournment of a debate find great difficulty and have to spend a considerable amount of time in delving into the background of Bills to try to find out the legitimate reason for bringing the legislation to this Chamber. If, as the Minister said, the decision should be left with Parliament, then we want an honest appraisal of the position, but no honest appraisal has been given so far.

I would have thought that 10 o'clock was a little late for a yard to be open so that people can buy cars. It is almost time to be going home to bed. The hotels close at that hour and the theatres are well into the second half of their programmes. Yet the Minister wants the car yards to remain open until 10 p.m. on Wednesdays. What happens if I go into a yard at 9.50 p.m.? At 10 o'clock does the dealer have to say, "It is 10 o'clock and my hours of duty are up"? Can I keep him engaged showing the cars until midnight, or 1 a.m.? What is the position to be? That is the sort of situation that could occur, and in my view 10 p.m. is far too late. I am sure that all inquiries for cars would have been made by 8.30 or 9 p.m. There is certainly no need to keep yards open until 10 o'clock.

I have already referred to the fact that there is no union covering these people so I do not want the Minister for Industrial Development to jump to his feet and say that we are dancing to the dictates of the trade union movement, or any of that kind of nonsense. If he does so I shall say that the Government is dancing to the dictates of the Automobile Chamber of Commerce, or the Chamber of Manufactures. It has been admitted, of course, that these conditions have been advanced by these people. We want sweet reasonableness to prevail, but so far nothing has been advanced by the Government in support of the legislation.

Mr. BURKE: We have been asked to accept amendments to the Act which will increase penalties and help inspectors of the factories and shops department to

police what is at present illegally operating within the motor industry. It seems to me that the amendments are just a sop to the motor industry. Somewhere along the line it has been said to these people, "You accept the increased penalties and we will give you Wednesday night trading." There can be no other reason for the amendments; but I cannot see any justification for them. The only demand for increased trading hours seems to have come from the motor industry itself. It is a fiercely competitive industry, but it seems to have no difficulty at all in finding buyers for its commodities.

There is no doubt that if we extend trading hours we will increase costs, and those increased costs will have to be borne by the public. There would be only a limited advantage, if any, to the public in extending hours, and any advantage that there might be would be more than offset by the increased costs which would have to be borne by the people. Quite frankly, I cannot see any justification for extending the hours in any way at all.

Mr. BERTRAM: The Minister has certainly not put forward any grounds to support his amendments. Surely if we are to determine whether a certain provision should become law, or whether it should not, there ought to be a real onus on the Minister to show good reason why the proposal should be supported. There should be a greater onus on the Minister in this instance because only four months ago a similar Bill was defeated by an overwhelming majority. Therefore we are entitled to ask: What has happened in four months? Why the sudden pressure? Is there a feeling that if the Government does not amend this legislation before the end of the session there might be great difficulty, for some reason or other, in having it introduced next session?

I would say only a few organisations in this State are concerned with, or are interested in, extending trading hours to Wednesday nights.

We are not in New York City—as far as I am concerned it would make no difference if we were—and we have not a great population; and I suggest that if we allow Wednesday night trading the powerful organisations will be able to cope with the extended hours and the little fellow will not be able to stand the pace. So it will be the little fellow who will really miss out. It is not a case of every dealer having to open on Wednesday night; it is a case of their being permitted to open. That is stated in proposed new section 91A (2) contained in clause 6 of the Bill.

Mr. Burke: They will have to open.

Mr. O'Neil: You are defeating his argument.

Mr. BERTRAM: We are not here to be concerned with building up somebody's sales, we are here to ensure that the public gets a service. What about the public in Mt. Hawthorn or Scarborough where the dealers are smaller than those in the city? Will those people have to travel to St. George's Terrace on a bleak winter's night and, as I indicated on a previous occasion, take their wives, mothers-in-law, and children in order to buy a car? If we are concerned about the public, surely we should have a little intelligence and make all dealers open. But what a scandal that would be. That is not done. As I see it, the idea is to allow the powerful and greedy people to keep the little dealer out of business. That is the paramount consideration in the Bill as I see it; if it is not, the Bill does not demonstrate it, and I can only go on the Bill before the Chamber.

I understand that in October, 1969, the used vehicle division of the Western Australian Automobile Chamber of Commerce petitioned the Government firstly to oppose any extension of trading hours for used cars; and, secondly, to strengthen the enforcement provisions of the Act and increase the penalties for breaches. It appears that body circulated 149 petitions, and 128 dealers supported the proposal. Eight failed to reply, and 13 declined to sign. So over 85 per cent. of the dealers indicated their support.

I have here a file which I was able to find quickly because it has not had time to gather dust since a similar Bill was before us a couple of months ago. It has not had a chance to get lost or hidden.

Mr. O'Neil: Pity!

Mr. BERTRAM: The file contains a petition dated the 10th April, 1970, signed by a number of people. The third paragraph reads—

Heavier penalties to discourage after hours trading is desired by both employees and employers in the Motor Industry. If extended hours on a Wednesday night have to be forced upon us, then this would have to be reluctantly accepted. Saturday afternoons are, however, very definitely out of the question. We strongly oppose Saturday afternoon trading.

These are the people who have to man and run the industry. As the member for Victoria Park so eloquently said, no case has been made out to show that the public want the extended trading hours; and the Bill does not do enough to provide a service to the public, because it says the dealers may open if they feel like it. A dealer may open one Wednesday night and not the next. The public can resort to one place this Wednesday, and go back

the following Wednesday and find the doors shut. That is a loose provision. There is a belated attempt in the Bill to increase the penalties.

Mr. O'Neill: That was included in the previous Bill.

Mr. BERTRAM: When the last Bill was before us the Minister was urged to let this provision go through but he was persuaded by somebody or other to let the whole Bill lapse. In my view we should have seen if the increased penalties worked rather than throw up our hands, like no-hopers, with a degree of despondency and say that we could not do everything. That is reflected in this measure. In the first instance we should do our best to make the Bill work. However, we are partly doing that and partly surrendering to the forces of antilaw—those who say, "Until you do something about it we will break the law." That is what some people are doing, and they are winning the contest.

Wherever else we find people transgressing the law we do something about it, but here, quite inconsistently, we change direction and in abject surrender introduce a Bill to bring the transgressors within the law. Certainly no case has been made out to justify this extraordinarily odd conduct.

I have had people complain to me about the noises coming from the premises of car dealers. Those dealers rev the engines of motorcars, drop spanners, slam doors, and so forth; and the people adjacent to those premises will be highly delighted when they find that instead of the dealer knocking off at 6 p.m. he will continue with the noise until 10 p.m. on Wednesday nights. What about consideration for those people?

I think we will receive many protests about the noise, and I think the Minister should explain to us where we are wrong in the submission that people will be upset as a result of the noise and the other nuisances this measure will bring upon them.

Mr. O'Neill: I think you answered the question yourself. You said the fellow in the suburb will not open.

Mr. BERTRAM: There will be the occasional dealer who will open, and he will probably be surrounded by residents. Some will open not because they want to, but because they feel they have to. I think this is the thin edge of the wedge. We oppose the clause.

Mr. O'NEIL: I think the Opposition and the Government have to agree to disagree on this clause. I am certain that, no matter what arguments I raise, I will not change the view of the Opposition. It is simply opposed to the extension of this service. If members of the Opposition went around with their eyes open they

would see that the public desire this service. The very fact that blatant trading in motor vehicles is carried on at weekends and at other times surely indicates the demand and the willingness of people to service that demand.

The member for Victoria Park commented that he travelled—by a very devious route, I gather—from Scarborough to South Perth looking for a shop which was open in order that he might buy an ice cream. He suggested we should insist that certain premises remain open for the purpose of servicing the public. However, he lent weight to my argument that this provision is permissive; it does not require that this service be extended to the public.

Delicatessens, fish and chip shops, tea-rooms, greengrocers, and the like are permitted to trade virtually for 24 hours a day apart from a very limited period during the wee small hours when they are required to close. The fact that they do not trade all the time indicates that they close when the demand tapers off. The same will happen in this case.

A rather remote illustration was given of somebody taking his family and his mother-in-law along on a bleak winter's night to buy a motor vehicle; but of course that is not to the point. A further point was made that a similar Bill was defeated by an overwhelming majority. Allow me to point out that that Bill was given a second reading despite the fact that the Opposition voted against it and called for a division. In fact, the only part of the Bill defeated by an overwhelming majority—and I am prepared to concede this—was the part which extended facilities for trading at night and on Saturday afternoons.

Despite the fact that the member for Mt. Hawthorn said that the dust had not had time to settle on his file, it appears that his memory regarding the fate of that Bill is very short. I think this is an issue about which the Government and the Opposition must agree to disagree, and I recommend that the Committee support the inclusion of this clause.

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

Ayes—19

Sir David Brand	Mr. Mitchell
Mr. Cash	Mr. O'Neill
Mr. Court	Mr. Ridge
Mr. Dunn	Mr. Runciman
Mr. Gayfer	Mr. Rushton
Mr. Hayden	Mr. Stewart
Mr. Hutchinison	Mr. Williams
Mr. Kitney	Mr. Young
Mr. Lewis	Mr. Mensaros
Mr. McPharlin	

(Teller)

Noes—17

Mr. Bateman	Mr. Jamieson
Mr. Bertram	Mr. Jones
Mr. Bickerton	Mr. May
Mr. Burke	Mr. McIver
Mr. Cook	Mr. Sewell
Mr. H. D. Evans	Mr. Toms
Mr. T. D. Evans	Mr. Tonkin
Mr. Fletcher	Mr. Davies
Mr. Harman	

(Teller)

Pairs	
Ayes	Noes
Mr. I. W. Manning	Mr. Graham
Mr. Craig	Mr. Brady
Mr. Nalder	Mr. Norton
Dr. Henn	Mr. Lapham
Mr. Bovell	Mr. Molr
Mr. Burt	Mr. Taylor

Clause thus passed.

Clause 7: Amendment to section 92—

Mr. JAMIESON: I do not oppose the clause as such, but I would like to know how far we propose to extend the question of requisites. Will these include camping equipment which might be associated with motor vehicles? Earlier I pointed out that requisites at service stations seem to include bags of fertiliser and other commodities which could normally be purchased during the daytime trading hours. Is the expression "requisites" to include those articles which can normally be purchased during the day—things like seat covers, and so on? If that is to be the case, it will be necessary to employ sales assistants for the purpose. Could the Minister inform the Committee what the position is likely to be and just how far we are to go on this question of requisites?

Mr. O'NEIL: The provision is brought about by the very circumstance outlined by the member for Belmont. I would refer members to the definition of "requisite" contained in section 92 of the Factories and Shops Act and point out that objections have been raised by other traders to the variety of items being purveyed in service stations. The provision in the Bill essentially seeks to permit the Retail Trade Advisory and Control Committee to make recommendations in respect of articles, outside requisites, which may be sold.

Clause put and passed.

Clause 8 put and passed.

Clause 9: Addition of sections 93A, 93B, 93C—

Mr. JAMIESON: I can give some support to the proposed new section 93B because it may have a limited effect in overcoming after-hours sales. We have a further provision, however, which deals with general advertising in connection with after-hours sales and the prohibition of such.

In his second reading speech the Minister indicated this would cover TV and other forms of general advertising connected with after-hours sales promotion. I think this should be definitely stated because I do not think this fact was appreciated by other members after the Minister introduced the Bill. It should be stated definitely so we will know that people who indulge in such advertising are committing an offence.

It is interesting to note that no penalty has been prescribed in this portion of the Bill. I daresay that a general penalty of a maximum of \$200 permitted under the regulation-making powers could be implemented, but I think it would be better to include a specific penalty for the offence in question, as it relates to those who act contrary to the hours proclaimed in the Factories and Shops Act.

I notice that the Bill refers to the fact that "publish" includes broadcasting by wireless transmission or by television. The expression "wireless transmission" is rather outdated. We should be a little more modern and refer to it as "radio transmission," and perhaps the Minister could look into this matter.

I would like an assurance from the Minister that he will crack down on TV or other forms of advertising as they relate to after-hours service, particularly if such advertising encourages people to act contrary to the provisions of the Factories and Shops Act.

Mr. O'NEIL: The provisions dealing with the closing of shops can be found in part IX division II of the Factories and Shops Act. Members will see that under the heading "Closing of Shops" there are marginal notes dealing with the closing hours of shops, closing hours in certain shires, the power of the Governor to alter hours of closing in certain shires, and so on.

Section 93 of the Act applies penalties for a breach of the closing provisions in connection with the classes of shops specifically mentioned. Section 93 of the Act reads—

For the purposes of this Act, a shop shall be deemed not to be closed if—

It then lists the conditions under which a shop may be regarded as open for business.

The clause with which we are dealing imposes the penalties which should apply generally. Proposed new section 93C is more or less the operative section which deals with advertising because it makes it an offence to advertise in such a way as to imply that a shop is open for business when, in fact, the law says it should be closed.

The use of the term "wireless transmission" as distinct from "radio transmission" is perhaps a matter of getting with it and, accordingly, the draftsman might be asked to get with it.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RECEIPT AND FIRST READING

1. Auctioneers Act Amendment Bill.
2. Australia and New Zealand Banking Group Bill.

Bills received from the Council; and, on motions by Mr. Court (Minister for Industrial Development), read a first time.

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 8th September.

MR. JAMIESON (Belmont) [8.15 p.m.]: This Bill contains only a small amendment to the Act, but it helps to consolidate an international agreement into which the Commonwealth has entered in respect of civil aviation.

I often wonder when I consider the various amounts people gain through the third party tribunal in comparison with those which are awarded to relatives of people killed in aircraft disasters, whether this Act and the international agreement are just. For instance, if an accident occurred as a result of a tie-rod snapping because of doubtful maintenance on a motor vehicle, the third party trust would have to pay out considerable sums of money to those concerned, depending on their status. However, under the international agreement in respect of the Bill under discussion, a different view is taken, one similar to that in respect of the schedule to the Workers' Compensation Act which provides so much for a body, so much for an arm, so much for an eye, and so on.

This may be a good idea in that it allows insurance to be secured with a known liability in mind, whereas, of course, in the case of the motor vehicle insurer, the liability is not known and therefore the premium is proportionately higher than it possibly would be if the liability were known for specific claims. In the interests of keeping motor vehicle insurance premiums down to a minimum, I wonder whether we should not consider introducing such a system into our third party insurance legislation.

The relatives of those involved in the unfortunate New Year's eve air disaster several years ago near Port Hedland did not receive very high compensation, and I wonder whether this is desirable, particularly when those inquiring into that disaster indicated that there had been a failure in wing structure due to certain features of mechanical adjustments which should not have taken place; that is, the reaming out of a vital hole to attach main

wing spar fastenings, or something of that sort. That looked rather bad for the company.

If we compare the compensation paid in regard to the air disaster to which I have referred with the compensation which would be payable by a bus company if a bus were involved in a similar accident, we must realise that we should study the situation and make some provision, if not on an international basis, then at least on an intrastate basis, for compensation in airline disasters similar to that payable under our motor vehicle (third party insurance) legislation.

The other amendment, which makes this provision applicable to what are known as charter flights, whether these involve groups or individuals, is desirable. I do not think that the term "joyriding" in this respect is the proper one, because aircraft are used for so many varied purposes these days. For instance, I can recall not so long ago seeing an article in which it was reported that Perth City Council members made an inspection from the air of the council's territory in order to gain a topographical picture of how it was developing. I would not regard such a flight as a joyride merely because the flight started and concluded at the same airport. I would regard it more as a ride of interest or education, and therefore I believe that such a description would be better than to describe it as a joyride.

Mr. Williams: A number of people do undertake joyrides from the small strips in the country.

Mr. JAMIESON: That might be so, and in the case of such people I should imagine they would have to obtain the cover from their own particular insurance brokers. I certainly do not believe that the amendment under discussion was designed to cover joyriders, but the vast number of charter flights, whether they be for commercial purposes, inspection purposes, or for any other similar purpose.

For what it is worth I support the Bill. I feel we must support it although the compensation payable is not as high as one would expect for a disaster as the result of the failure of an aircraft. As I have indicated, it is inclined to allow a little laxity on the part of those maintaining the aircraft. I do realise, of course, that the airline companies are subject to DCA regulations and inspections; but it is impossible for every bolt, rivet, and spar, in every plane, to be inspected before the plane leaves the ground, and, as a consequence, we must rely to a great extent on the maintenance carried out by the companies, and we must accept that such workers are efficient and have effected the maintenance in accordance with the manual provided with the particular aircraft. As I say, I support the measure.

MR. NORTON (Gascoyne) [3.23 p.m.]: I want to say immediately that I rise to support this Bill, which is designed to ratify and adopt the Commonwealth provisions in order that we might have both interstate and intrastate insurance cover as set out in an international agreement.

Our Act, which contains seven sections, involves only two pages in our Statutes. The section we are amending this time is the one dealing with the carriage to which the Act applies; that is, the carriage of passengers and luggage within Western Australia.

With the ever-increasing use of aircraft, a vast number of joyrides by visitors are undertaken, particularly in the remoter areas, and I think it is such joyrides which this Bill seeks to cover.

When a person buys an aircraft ticket the company concerned is, I understand, under contract to transport that person. Because M.M.A. has eliminated a number of ports of call, as it is using larger aircraft, commuter flights have come into operation, and it is in this regard I would like the Minister to clarify the situation.

For instance, if a person wants to travel from Perth to Shark Bay, M.M.A. issues a ticket for a route direct to Shark Bay via Carnarvon. However, the passenger leaves the M.M.A. aircraft at Carnarvon and travels by another company's plane to Shark Bay. I take it that is quite in order. It is also possible, twice a week to buy a ticket to travel direct between Carnarvon and Shark Bay. What is the position of a person the company has contracted to carry from Shark Bay to Carnarvon, when the aircraft involved, after landing at Shark Bay, accepts a separate charter to Dirk Hartog Island and Useless Loop, which places are quite outside the contract entered into with the passenger flying to Carnarvon? What is the position with the mail which goes on that same plane?

I have had the experience of buying a ticket for a flight between Shark Bay and Carnarvon, and the commuter aircraft has been late and has taken me to Dirk Hartog Island and Useless Loop, far beyond the contract of my ticket. Luckily I was not trying to catch a plane to Perth, but another person on the flight was. In addition, of course, the mail missed the plane, and this was not the first time. Does the insurance cover as set out in the amendment to section 5 cover the person who has contracted to fly between Carnarvon and Shark Bay? What exactly does the amendment do?

I support the measure, but I would like to know the answer to my queries.

MR. COURT (Nedlands—Acting Minister for Transport) [3.27 p.m.]: I thank members for their support of the legislation, which is one of those Bills we must

introduce from time to time to keep pace with changing conditions and changing money values.

The comments made by the member for Belmont to my mind indicated quite a reasonable approach to the Bill. I did not regard his remarks as being in any way contentious but rather as a constructive study of the situation in view of the fact that most of the population at some time or other now fly by aircraft, be that aircraft big or small, and be the flight over long distances or short.

However, I would, with respect, point out to him that it would be well-nigh impossible to draft legislation to go beyond what is proposed to deal with the international pacts. One of the problems which arose in the earlier days was the complexity of legal systems. We must have regard to the fact that when a person leaves Perth and flies to Singapore, he could finish up in Bombay, Istanbul, Teheran, or Beirut. He may even find himself in Jordan if he is not careful.

Mr. Jamieson: Even if he is careful!

Mr. COURT: The fact is that a person could easily find himself—and this is not unusual today—flying right across one of the iron curtain countries and finishing up in one of the free world countries, as we know them. Just imagine the situation if an accident occurred in one of those countries. I am afraid fate is not always considerate of where she takes her toll and the problems associated with litigation and the recovery of damages, and so on, would make it well-nigh impossible. Therefore, the nations have got together, as they have done on so many questions today associated with sea and air, and worked out something which is practicable. They have fixed a figure which is a passenger's as a right.

It is rather like the situation under our workers' compensation legislation, as the honourable member said. We have a schedule and it does not permit the same flexibility and human judgment as we have in the case of third party risk.

However, I personally could not suggest any alternative system which would work without introducing the very problems we are trying to avoid with international or interstate legal complexities. Most people, of course, have a look at the situation from their own point of view, and if they are prudent they take extra cover.

Air insurance cover for travelling passengers is amazingly cheap throughout the world. I think it might go up a little after the experiences of the last few months, but until recently it was amazingly cheap. Those who have been abroad would have seen the machines where one is able to buy cover in almost the same way as one buys chewing gum. A person fills out his

name on a ticket, keeps a butt and posts a butt back to his relatives so that they can collect if he does not arrive at the other end. Americans, in particular, are very sensitive to this question.

It is not so long ago that those of us who travelled in aircraft other than the ones used by the regular airlines, such as M.M.A., Ansett, and T.A.A., had to be very careful to get policies endorsed. When I say this I am referring to life policies and am not talking about accident policies. In those days a person was covered only if he was flying on one of the regular scheduled airlines. However, today most insurance policies—and, again, I refer to life policies—cover an individual if he is travelling in a plane which has been licensed in the country in which he is travelling; that is, licensed by the recognised civil aviation authority. This applies whether it is a small or a large plane, and I think it is fair enough.

I am afraid I cannot offer any ready solution in a practical way to the queries that have been posed by the member for Belmont. I can only suggest that anyone who feels his cover is not adequate for his station in life should obtain a comprehensive cover to cover him in any activity in his daily life, by night or by day, by air or by sea or by road; or, alternatively, take out special cover when he flies. Here again the statistics are in favour of air travel. In the old days we always used to think that we were not safe when we were flying and would rush in to put heavy cover on our lives, but we did not take out the same amount of insurance on our lives to cover us on the road. Statistics have now proved that this course is back to front, because one is much safer while travelling in the air.

All the same, I have noted the point made by the honourable member and I will pass it on to my colleague. As I say, I cannot offer any solution of a practical nature.

The member for Belmont also referred to joyriding. Perhaps I am to blame for this, because I purposely mentioned joyriding although I did this only to give it a colloquial expression which everyone would understand. If members look at the clause in question, clause 3, they will see that it is proposed to add a subsection which is intended to cover charter flights as well as joyrides.

I agree with the honourable member that it would be quite possible to have a business visit of an inspection nature where a group of people, in an official or private capacity, took off from, say, Jandakot Airport, flew for an hour or so on an inspection, and finished back at Jandakot. This would be a business trip and it would be a charter flight. On the other hand a joyride is when people either

hire a plane or pay a certain amount per head to go up in the air for the fun of having a flight.

The point I was trying to make was that for the first time, as I understand it, the measure proposes to cover this type of flight. There was some doubt as to whether a person would be automatically covered under the law as it stands. This, of course, does not concern the Commonwealth so much as it concerns us. The Commonwealth is more concerned about interstate and international flights. In our case, we are also concerned about intrastate flights and, therefore, the provision has been included. It reads—

A contract for the carriage of a passenger whereby the carriage is to begin and end at the one place in the State shall, irrespective of whether the carriage is to include a landing at any other place in the State, be deemed for the purposes of subsection (1) of this section to be a contract for the carriage of the passenger between a place in the State and another place in the State.

I think it is wise to include this provision. I would not like the words I used in my introductory speech to be taken too literally. The reference to joyrides was intended to refer only to a particular type of flight in connection with which there was some doubt whether a person was covered if he merely went on a pleasure flight from one airfield for some time and returned back to the same airfield. For this reason I believe it is wise to include the provision to clear up the situation beyond any doubt.

I was not quite clear on the point made by the member for Gascoyne. I think I misunderstood him at one stage, although I followed him to a certain point. The honourable member can interject and put me on the right track if I have misunderstood him. I interpreted his concern to be centred round a person who leaves Perth, say, on an M.M.A. flight to go to Carnarvon and who subsequently goes on a charter flight or a commuter service to reach a station, but who might not go directly to his destination.

Mr. Norton: It was not quite that. There is a commuter service between Carnarvon and Shark Bay. It is chartered from Shark Bay by another person to go to two other points before it comes back on the normal route.

Mr. COURT: My understanding is that as long as a person is flying in a licensed aircraft he is protected. By a licensed aircraft, I mean a plane which is properly authorised to fly by the civil aviation authority. It is not so much a question of having contractual arrangements on the tickets, which used to be the order of the day, because this is intended to be a

Statute which makes it obligatory for the airline to pay a particular amount. The airline makes its own arrangements with its own insurance company. However, I will study the comments made by the honourable member and ask our legal people to look at the problem to make sure that no loophole has been overlooked. My own understanding is that one is protected in accordance with this legislation all the time one is flying in a plane licensed by the civil aviation authority. I shall clarify this point for the benefit of the member for Gascoyne before the third reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

**ROAD AND AIR TRANSPORT
COMMISSION AIR AMENDMENT BILL**

Second Reading

Debate resumed from the 3rd September.

MR. FLETCHER (Fremantle) [8.39 p.m.]: I support the Bill with some reservations, which I would like the Minister to hear. It is some 12 days since Thursday, the 3rd September, when the Minister introduced the Bill. Therefore to refresh members' minds on the contents of the Bill, I shall briefly outline the substance of the measure which is before us at the moment. According to the speech which the Minister gave when he moved the second reading, the purpose of the Bill is to protect the State Shipping Service against losing business to other shipowners. It will restrict competition by prohibiting a ship from engaging in the coastal trade without first obtaining a permit from the Commissioner of Transport.

It seems that some shipowners have sought profitable cargoes without accepting the responsibility of maintaining a regular service to the public. Some members in the House will remember that the Blue Funnel Line used to engage in that kind of practice; namely, the picking up of remunerative cargoes on the coastal trade. The Minister said that this practice will not be allowed in the future unless permission is granted in accordance with the measure. There is no suggestion that other ships will not be allowed to operate off the coast, but the permit system will enable the Commissioner of Transport to study each case on its merits.

A permit will be necessary to cover a single voyage, but the commissioner could grant a license for a period up to three years. For the benefit of the Minister, this is the aspect about which I have reservations and which I shall deal with later.

The Minister also said that a license or permit will not be refused to another operator if the State Shipping Service is unable or unwilling to meet the demand.

The Bill specifically says that the provisions will not apply to vessels over 80 tons and that there will be a penalty of \$300 on conviction of any person in charge of a ship who refuses to allow inspection of the ship by an authorised officer.

There are thousands of small consignments of foodstuffs and other commodities to the north and, therefore, it is essential that there should be no interruption in the carriage of these goods. Consequently, the Minister said that the State Shipping Service has to be protected to ensure continuity of supply to these areas.

I have examined the Bill closely and I find that it would strengthen the legal position of the W.A. Coastal Shipping Commission to have the first claim on any cargoes offering on the Western Australian coast. This compares favourably with section 286 of the Commonwealth Navigation Act. With the indulgence of the House, I should like to read a condensed version of section 286 of the Commonwealth Act to show the similarity between that section and the provision in the Bill before us. The section in question is to be found on page 149 of the Commonwealth of Australia, Navigation Act, 1912-1965. It says—

(1) Where it can be shown to the satisfaction of the Minister, in regard to the coasting trade with any port or between any ports in the Commonwealth or in the Territories under the authority of the Commonwealth—

(a) that no licensed ship is available for the service; or

(b) that the service as carried out by a licensed ship or ships is inadequate to the needs of such port or ports,

and the Minister is satisfied that it is desirable in the public interest that unlicensed ships be allowed to engage in that trade, he may grant permits to unlicensed ships to do so, either unconditionally or subject to such conditions as he thinks fit to impose.

(1A.) The Minister shall not grant a permit under the last preceding sub-section to an unlicensed foreign ship to engage in the coasting trade with any port or between any ports if an unlicensed British ship is available for the service.

Members will see the similarity between the Commonwealth Act and what is proposed in the measure before us. Under the Commonwealth legislation a permit may be for a single voyage only or for a continuing period. This is identical, in principle, with the Bill under discussion.

The only question which can be raised relates to the parent legislation. Why is it proposed to amend the Road and Air Transport Commission Act? An amendment to the Western Australian Marine Act would seem to be more appropriate. I should like to quote from the Western Australian Marine Act to indicate that the Minister could, perhaps, have more properly included the amendments before us in that Act. On page 4 of the Western Australian Marine Act, "coast-trade ship" is specifically referred to in section 8, as follows:—

"coast-trade ship" means every ship employed in trading or going between any ports . . .

In the same section "limited coasting voyage" is defined as follows:—

"limited coasting voyage" means a voyage from and to any port in the State within limits determined for the port by the Governor;

Sections 11, 13, and 14 make reference to this. I am attempting to demonstrate my belief that this Bill could have been better incorporated in the Western Australian Marine Act, which would have been consolidated as a consequence. Section 11 deals with power to inspect logs, etc., and muster crew. Paragraph (a) requires the owner, master, or any of the seamen of any coast-trade ship being within any port within the jurisdiction to produce any official log book, ship's log book, engine-room log book, and so on. Section 13 deals with the penalty for refusing production of documents.

Many of the matters contained in the Bill are repeated in the Western Australian Marine Act. Quite frankly, I am bewildered as to why the Western Australian Marine Act was not used for this purpose, rather than the Road and Air Transport Commission Act. The only reason the Minister gave when introducing the Bill was that in one brief clause reference was made to an omnibus. As far as I can see, that is the only part of the Bill that does not relate to marine transport. I have no doubt the Minister has reasons for attempting to amend the Road and Air Transport Act rather than the Western Australian Marine Act.

I would also like clarification of the issuing of a license to trade for up to three years. The Minister made reference to that in his speech. That provision causes me some concern and I do not like it at all. I would like to know under what conditions a license could be issued, and to whom it could be issued.

The issuing of such a license to foreign flag ships with cheap labour crews would bring a reaction from the unions. The House might remember that recently the unions took exception to the prospect of foreign ships coming onto this coast and carrying sleepers from Busselton to Queensland. The unions have very reasonably suggested that if any shipping takes place on this coast it should not be by cheap labour ships but by Australian National Line ships. If the Minister cannot give an assurance, I would at least like him to give consideration to ensuring that if freight is not carried by our State Shipping Service, then Australian National Line ships will be used rather than bringing cheap labour ships onto our coast.

For having taken such a stand in the instance I have just outlined, the unions were threatened that if they did not make their services available there was a prospect that sleepers would be imported from the Philippines and carted away to Queensland on cheap labour ships, instead of being shipped out of the Port of Bunbury, for example, by Australian National Line ships. The latter course would give employment to our timber industry in the south-west and to our seamen who man the Australian National Line ships. I do not think the attitude of the unions was unreasonable at that time. I ask the Minister to ensure that foreign flag ships with cheap labour are kept off our coast because of the possible reaction which might occur.

If the Bill sets out to protect and preserve State ships, we on this side of the House see no great dangers in the Bill. On the contrary, if the intention is carried out it should ensure the continuation of the State Shipping Service. I do not want licenses or permits to be casually issued. Millions of dollars of public money are involved in the State Shipping Service, and it needs protection.

The first paragraph of the Minister's speech, on page 570 of *Hansard*, states—

The major feature of the Bill before the House concerns protection for the State Shipping Service against loss of business to other ship-owners who seek to enter the field when profitable cargoes are offering but do not accept the responsibility of maintaining a regular service to the public.

I am pleased to see this solicitude on the part of the Minister for the welfare of Government enterprise. I welcome it. It does seem to be inconsistent with the Minister's previous policy of disposing of public assets in the State building supplies and brickworks to private enterprise. However, I accept his attitude in regard to the welfare of the State Shipping Service.

It is inevitable that the State Shipping Service will at present run at a loss, as it is inevitable that the railways will run at a loss; but they provide services to the community, just as the M.T.T. does, and we have to accept philosophically the fact that State instrumentalities do not run at a profit on a commercial basis. If they did, they would undoubtedly—certainly under this Government's administration—be sold to private enterprise, which would enjoy the profits that would accrue.

All in all, I cannot see anything in the Bill to which I can take real exception. The clause that relates to road transport relates only to an amendment to section 32 of the Road and Air Transport Commission Act. Clause 32, as amended by this Bill, would then read—

A license shall not be granted for an omnibus under this Part unless the vehicle is licensed in accordance with the Traffic Act, 1919.

Previously a vehicle which carried eight passengers could be licensed as an omnibus. This Bill reduces the figure to five passengers, which is a very different type of omnibus from that which we knew in our youth, in which anything up to 30 passengers could be carried.

I can only assume that this Bill is intended, in effect, to bring under the Commissioner of Transport as many services as possible. I cannot see any other reason for it. It does seem strange that the amendment in relation to omnibuses is the only reference to road transport in the Bill.

I circulated copies of the Bill and the Minister's speech to the various unions that I thought would be concerned, including the Merchant Service Guild. I point out to the Minister that masters, officers, and members of the crews employed in the State Shipping Service belong to the Merchant Service Guild. I also made copies available to the Seamen's Union and the Transport Workers' Union. Other than the reservations I have mentioned, I did not receive unfavourable comments from any of the unions.

I was surprised to find that the General Manager of the Fremantle Port Authority had no knowledge of the Bill, which seems to indicate poor liaison between the Government and that authority. Admittedly, the Fremantle Port Authority only provides accommodation for the State ships. The general manager's comment was also not unfavourable, which is natural because he is kindly disposed towards the State Shipping Service.

That sums up my contribution to the debate. I have circulated the Bill in the various quarters mentioned. There was no hostile reaction, but there were the reservations I have outlined. I hope that in his reply the Minister will clarify some of the points I have made. I support the Bill.

MR. NORTON (Gascoyne) [8.57 p.m.]: I rise to support this Bill, which adds another section to the Road and Air Transport Commission Act. At the present time the Act covers two types of transport—road and air—and the addition of shipping to the Act gives complete co-ordination, under one department, of all transport in the north-west.

As the member for Fremantle has said, there is one reference to road transport, and that is in respect of an omnibus. The omnibus is at present licensed through the Police Department, not through the Police Department and the Road and Air Transport Commission.

As the State Shipping Service is spending a considerable sum of money on building up its fleet, I feel it is only right that it should have the proper protection, which I believe this amendment will give. If the State Shipping Service is acquiring LASH ships, and so on, it is in the interests of the people of Western Australia that it should have protection.

In the past other shipping lines have not been favourably disposed towards trading up and down our coast, because of the great variations in tides, which necessitated a special type of ship which at low tide would virtually sit on the bottom of the sea. With the increased trading on the coast ships of other lines could indulge in pirating and take the cream of the cargoes, as suggested by the Minister. When the Blue Funnel Line was operating on our coast I think it worked in wonderfully well with our State ships. The Blue Funnel Line took considerable cargoes of cattle, and wool for the London market, to Singapore. During the busy season it also transported cattle to Fremantle, thus helping out the State Shipping Service. To my knowledge, the Blue Funnel Line does not now operate a great deal up and down the coast. It may do spasmodic trading but, by and large, it is not in competition with our shipping service.

The Bill appears to cover all the necessary points for the regulation of shipping, but I am concerned about one point that was raised by the member for Fremantle regarding the difference in the penalties in the Western Australian Marine Act and those in this Bill. Under the Western Australian Marine Act the penalty for refusing to allow an officer to inspect any part of the ship is \$40, whereas in the Bill now before us the penalty for a similar offence is considerably higher. I wonder whether the penalties in the two Acts are in conflict. In seeking to add this section to the Act the legislation will be consolidated, and by the amendment we will add division 5 to part III of the Road and Air Transport Commission Act. I support the second reading.

MR. COOK (Albany) [9.01 p.m.]: I think the two previous speakers have covered, fairly well, our attitude towards this Bill, but there is one aspect of it to which I would like to draw the attention of the Government. In his second reading speech the Minister made the following explanation, which is recorded on page 571 of the current *Hansard*.—

This type of investment cannot be warranted unless it can be made to produce the greatest possible return—in service to the community and in dollars to the State. This is the justification for proposing the type of legislation now before the House.

I believe there is a real need for the State Shipping Service to operate in the southern portion of the State, and I hope a Bill will be introduced in due course affording protection to allow such a service to become established.

It is interesting to review briefly the history of interstate shipping and, in particular, the voyages round Australia by State ships. Many members will recall the passenger services that were operating between the various States by vessels such as the *Manoora*, *Kanimbla*, *Duntroon*, and *Westralia*. These vessels were operated by McIlwraiths, the Adelaide Steamship Co., the Melbourne Steamship Co., and Huddart Parker, all of which were independent in management, but united by the A.S.O. agreement for the purpose of a fixed freight arrangement, east-west, and vice versa. For various reasons these passenger services became an uneconomic proposition and were discontinued. Rough cargo vessels were also party to the A.S.O. agreement. They had independent owners and included such vessels as the *Borda*, *Bungaree*, and *Coramba*, which were regular traders to the Port of Albany.

The merchants of Albany had a number of problems. For example, they were given no notice of loading, and in some instances the merchants had only a fortnight within which to order their requirements. The merchants also had no opportunity to order in advance, because there were no printed schedules, and there was no guarantee of service. The merchants, however, supported the service, but for various reasons it was decided that all cargoes for outports should be shipped to Fremantle and that all cargo for Albany should be railed to Albany under the bulk freight system of Mayne Nickless. This firm is an interested party in Associated Steamships.

At that time the position in regard to shipping at Albany was depressed and when the State Shipping Service announced that it would commence its round-Australia voyages, the Albany people thought this would solve all their problems. But this was not to be so. The State Shipping Service printed schedules and gave a good service to the

Port of Albany. But we have to keep in mind that the agents for the State Shipping Service in Melbourne were also agents for private lines, and most of the cargo consigned to Albany came from that port. However, the round-Australia voyages operated by the State Shipping Service were eventually abandoned because it was said they became uneconomic; and, in my opinion, the reason why they became uneconomic was that the agents in the east were acting both for private shipping companies and the State Shipping Service.

This decision had a disastrous impact on the town of Albany. It was found the costs of many commodities retailed in Albany rose considerably. Building materials such as masonite, galvanised piping, and glass, were, of course, being shipped to Fremantle and subsequently railed to Albany, and one can readily realise the effect this had on the cost of the materials. Other products, such as those produced by Heinz and the Nestle milk company also rose in price because of the additional handling charges entailed in consigning them from Fremantle to Albany.

Therefore, I believe that a shipping service to meet the needs of the people in the southern portion of the State would prove to be profitable and would give not only a great service to the outports but also to the people residing in that part of the State. As I have said, an amending Bill should be introduced to give such a service protection until it became firmly established.

Under the Western Australian Marine Act the Government has the power to demand that the State Shipping Service shall provide a service to outports and those places where such a service is desirable in the public interest; and the Governor can direct the Coastal Shipping Commission to maintain a service; and so on. The people of Albany therefore believe that the establishment of such a service to the Port of Albany—and to other southern ports of the State—would not only make a profit bookwise, but would also be profitable to the people residing in that part of the State because additional harbour fees and dues would be earned by the Port of Albany and the wharf labour would be given additional work, apart from the benefits accruing to the township itself.

With the advent of containerisation, and the like, Albany is passing through a difficult time and confidence in the Port of Albany needs to be restored. I believe that the introduction of a shipping service to that port could restore this confidence.

Much is said about the need for developing and fostering the tourist industry, and in my opinion the introduction of such a shipping service would assist greatly in

this regard. Tourists could be transported to, say, Esperance, and then flown back to Perth. Another group of tourists could be flown from Perth to pick up the State ship at Esperance, and then make the return trip to Perth by sea. The fostering of the tourist industry is a very important aspect, and I sincerely hope the Government will give every consideration to Albany's claim for the reintroduction of a State shipping service to that port. I repeat, that subsequently an amending Bill could be introduced to give the service sufficient protection until it became firmly established.

MR. COURT (Nedlands—Acting Minister for Transport) [9.08 p.m.]: I thank those members who have spoken to the Bill for their comments, and I will endeavour to answer the queries they have raised. First of all, the member for Fremantle, apparently leading the Opposition in this debate, seemed to be a little querulous because it was proposed to bring these amendments under the parent Act. There is a very good reason.

This Act happens to be the machinery that has been set up by Parliament to control this type of transport; and, as the member for Gascoyne explained, presuming the Bill is passed, it will add a new division, dealing with shipping, to the Act. So yet another responsibility will be brought within the parent Act giving power to the commissioner to grant these permits or licenses, and once he is given this power he also must be afforded the machinery to carry out his inspections. Therefore there is nothing extraordinary in bringing the provisions under this Act instead of under the Western Australian Marine Act. If one took the honourable member's argument to its logical conclusion, one would have separate legislation for road, air, and rail transport, as well as sea.

Mr. Fletcher: Would you bring the Western Australian Marine Act under this legislation?

Mr. COURT: That Act is designed mainly to deal with ships that sail on the sea and other navigation matters, whereas this legislation is dealing with transport control.

Mr. Fletcher: There is much of the Western Australian Marine Act that is almost identical with this legislation.

Mr. COURT: With respect, I think the honourable member—and I am not saying this in any derogatory way—is misreading the whole situation. The Western Australian Marine Act deals with the sea and what is operating on it, whereas this legislation deals with transport control. For instance, the Commissioner of Transport does not fulfil the role of Commissioner of Police in respect of road vehicles, nor does he handle the responsibilities of traffic problems. The Commissioner

of Transport has certain regulatory responsibilities in respect of road and air transport services. It seems quite logical to me that when regulation is required in respect of shipping operating in substantially the same areas as road and rail transport, it is not unwise to put all forms of transport under the jurisdiction of the same man, because he has to sit in judgment and decide whether goods can best be transported by road, rail, or air.

Under this legislation we are now granting him the same power in respect of the sea. This should not be confused with powers that are given, for example, under the Western Australian Marine Act. The officers under the control of the Commissioner of Transport will not board a ship that has, or has not, been granted a license by the commissioner, for the purpose of ensuring that the engines are all that they should be or that the hull is all that it should be. His officers will board a ship for only one purpose: to see whether there is any breach of this type of transport legislation.

Therefore, if the member for Fremantle cares to reflect a little, I think he will agree that this legislation is the logical place in which to provide the necessary statutory powers.

Mr. Fletcher: I notice that under this legislation division 5 becomes division 4.

Mr. COURT: If we wrote into the Western Australian Marine Act some complex machinery provisions to grant the regulatory power in respect of transport matters, we could have a good deal of conflict among the various interests. For example, it could be possible that the Commissioner of Transport could make one decision and then, under the Western Australian Marine Act another man could make another decision. If it is desired that the State Shipping Service should be protected, it is not unsound policy to allow one man to have transport license control over it so that he can decide what is desirable and necessary in the interests of everyone concerned.

The member for Fremantle was concerned about a license being granted for a period of three years. Let me say that it is intended that a permit will deal with only a single voyage and will then be cancelled. However, there will be circumstances when the commissioner, in his discretion, in order to meet a certain situation, will want to grant somebody a license—as distinct from a permit—to operate for a period of one year, two years, or three years. We have not stated that he can grant anybody a "Kathleen Mavourneen" license. For example, I could cite a case where a man intends to set up an establishment in some outlandish place and where it is known that construction work will take two years, three years, or 3½ years, and it may be that the

State Shipping Service will say, "We do not want to commit our LASH ships, or any other ships we have, to that particular work, because the place is off our beat and it will interfere with our schedules."

The State Shipping Service could probably put forward a dozen and one reasons why it did not want the business, because it would be going all out to make the service profitable, which we hope it would be. In that the case the commissioner, after consulting with everybody concerned—bearing in mind that he is responsible to the Minister of the day—might find it desirable to grant a three-year contract. In effect, by giving the man a three-year license, it would be a three-year contract. I can imagine the situation where, quite soundly and logically, he would be able to negotiate to obtain an assured source of transport for that particular area only if he could assure the ship owners that they would have a term contract, such as one for two years or three years. This could be in the interests of all concerned, and also in the interests of the State Shipping Service.

In some cases the State Shipping Service might prefer not to have another owner's ship on the run, but to charter one of its own. In the life of this Government we have done that quite often. In view of the build-up in traffic we have had ships under charter but actually operated by the State Shipping Service. These were chartered from other parties, mainly from A.N.L.

I would not like to think that the House takes umbrage at the Bill. In fact, if it did the Government would not bother about the measure. I thought we were making a concession to the service by bringing the Bill down, and I thought the member for Fremantle would have applauded the action of the Government in trying to anticipate a situation that will arise when the LASH ships come to operate along our coast.

Mr. Fletcher: I hope they will operate on our coast.

Mr. COURT: I was very distressed when the member for Fremantle, who is a great champion of socialist enterprises, said it was inevitable that Government enterprises would be run at a loss.

Mr. Bertram: Only after you have sold or given away all the profitable ones.

Mr. COURT: That is a defeatist attitude. I venture to say that had we experienced a continuation of the upward trends with our wheat harvest, the upward trends with our Eastern States traffic, and the general buoyancy in respect of primary products, the Railways Department would have got into a profitable situation this year. The department went very close to it a while back, before the full burst of what we had anticipated

actually arrived. In the meantime drought and other set-backs cut across the profitable operations of the railways. I think it is very damning for any member of Parliament to say that because an enterprise is run by the Government it must trade at a loss. I know that has been the history of most of them.

Mr. Fletcher: What about T.N.T.? Are you going to talk about it?

Mr. Davies: Is the Minister speaking as a messiah of capitalism?

Mr. COURT: The member for Fremantle also referred to the Fremantle Port Authority not having received a copy of the Bill. Frankly I do not know whether it has, but it is not particularly interested. The port authority is not responsible for the operation of the State ships. It comes into this matter just as do the P. & O. Line, the Blue Funnel Line, A.N.L., and so on.

Mr. Fletcher: I made the comment that the port authority does provide the accommodation.

Mr. COURT: The State Shipping Service is just another customer of the port authority.

The last point raised by the member for Fremantle on which I wish to comment deals with the Blue Funnel Line, which still operates on our coast. So as to keep the record straight, I think some members of the Opposition with long experience in this Parliament will be able to advise him of the background of the agreement under which the Blue Funnel Line operates along our coast. We have to go a long way back into the history of the State Shipping Service to find the reason. The fact is that a very amicable arrangement was arrived at. The member for Gascoyne has said that this gave a complementary service which worked out very well. For instance—and this rather debunks somewhat the argument used by the member for Albany—the Blue Funnel Line has always been forced to charge higher freight rates than it needs to, because that is part of the agreement entered into many years ago. Under this arrangement it was agreed that the line would not transport goods along our coast at rates less than those charged by the State Shipping Service.

Over the last 15 years we have increased the cost of transporting cattle from Derby to Robb Jetty. Every time we did that the Blue Funnel Line had to do the same, because it was part of the arrangement. The company has, on occasions, said quite emphatically that it does not have any need to increase the freight rates, but in order to conform with the freight rates charged by the State Shipping Service it has had to increase its rates. I mention that to let the member for Fremantle

know that it is not always the big bad wolf of the Conference Line which is charging high freight rates.

The State Shipping Service is losing so much now that the problem has become quite serious to those of us who are concerned with providing a reliable service to the north to transport everything from livestock to grandma's hat!

Mr. Gayfer: Would that agreement apply to any other line that may come into being?

Mr. COURT: It would not normally be given a right to operate on our coast. Certainly after this legislation comes into force it will not be able to without a permit or a license. The reason we are bringing this legislation forward is that we are contemplating a big investment.

This is the view of the Minister concerned, on behalf of whom I am now speaking: He feels that as a matter of prudence and as a matter of further security if we are to obtain assistance from the Commonwealth we should demonstrate that we are giving reasonable protection to the LASH ships. We expect that if they can operate on tight schedules and not be interfered with by industrial and other troubles they will provide a better and profitable service.

Tied to this is the recent announcement which we made for the freeing, as from the 1st September, of road transport except in two areas. The first is in the Carnarvon Shire area, for good reasons which are being studied at the moment; the second is in respect of refrigerated services where there is a need to give a regular service to a town, and a party with good reliable equipment to supply the service is required.

The next comments with which I wish to deal were those made by the member for Gascoyne. He referred to the difference in penalties prescribed under the Marine Act and those prescribed under the Act we are now dealing with. Here again I suggest with respect that we are dealing with two separate situations in respect of penalties which have been prescribed for different reasons.

The legislation which is now before us is intended to give the Commissioner of Road and Air Transport—usually known to us as the Commissioner of Transport—some rights which will amount to something with which to police this particular type of service. It may be that some of the penalties under the Western Australian Marine Act are overdue for review. However, we should consider the two types of penalties as two separate compartments, and, in view of the different functions of the two Acts, we should not confuse them.

The member for Albany referred to a Statute to protect a service to the south. Of course, that is not necessary because we

are dealing with the State Shipping Service and if the Government of the day so desired, these ships could operate along all our coast. However, we could not bring down any Bill to protect a service operating between, say, Melbourne and Albany. Also, again with respect, I suggest that if the honourable member had done a little more homework on the history of shipping into and out of Albany he would have had slightly different statistics to indicate to the House.

The history of the State Shipping Service goes back a long way and there have been some quite well-known old ships bought for no other reason than to function in the south. One of the oldest I can recall is the *Eucla*. I cannot remember the name of the one before it. Then there was the *Kybra* which was reputed to be "the only submarine with a funnel". It was always reputed to have gone under except for the funnel once it left Fremantle, and people became so sick that not many meals had to be provided. But, be that as it may, some people used to love the old *Kybra*.

In subsequent years, I think in the lifetime of the Hawke Government—I would not be quite sure, but it was about that time—the *Kybra* was transferred to the northern service. Because the traffic to the south as far as Esperance and Albany was so unattractive the boat was withdrawn from that service and put into the north where it served out the rest of its useful life. Although it was an uneconomic service it was useful in filling in a gap for shorter hauls to Port Hedland.

Mr. Cook: Is any survey being done to examine the shipping potential in the south?

Mr. COURT: I can only say that when I was Minister for Railways, and also at the time the State Shipping Service came under the portfolio of the Minister for the North-West, before it was logically placed under the portfolio of the Minister for Transport, we undertook some very good studies on this. I was the one who hoped we could work out a pattern to operate around Australia which would be not profitable, but less of a loss than going to and from the north. We thought that with the Ord cotton and a few other things we might be able to get ships to go right around Australia and pick up some freight; because they come back from the north empty now. However, if members examine the experience of the ships and the times in the ports in the Eastern States, and all these things, together with the lack of support in the south of the State, they will realise that it became absolutely impossible to run these ships.

At that time we were responsible to the Grants Commission, which was very searching. We had permission from the commission to undertake an experimental

period with the ships to see if we could demonstrate that they would lose less by going around Australia than by going straight to the north and back. However, it was not a happy experience, plus the fact, of course, that they took longer to do the journey right around Australia and thereby interfered with the frequency of the service we needed in the north, particularly when freight volume started to build up.

I suggest that no Government of any political colour today would buy more ships of the conventional type to operate either to Albany and Esperance or to the north. It is only ships of a special type such as the LASH type which could be justified today, and then their service would normally be to the north.

Mr. Bickerton: If this State shipping line is sold to a private company, would that company receive the same protection under this Bill as the State?

Mr. COURT: No, unless there was a contractual arrangement which presumably would have to come to Parliament; or the company would have to rely on the Commissioner of Transport issuing it with three-yearly permits as and when they fell due, and I do not think anyone would do that.

There have been suggestions that the best way of looking after transport by sea to the north is by having an integrated service which goes to the islands to the north and to Singapore and other such places, and I think that one day this will come. I am not referring to a Government-owned service. This will be the answer, so we will have the best of two worlds. By that means we will have ships going into other areas where they can get some backloading. At the moment our ships operate into the north and know they will go up in the main loaded to the gunwales and come back with virtually nothing.

Mr. Jamieson: In the meantime is this the best socialistic alternative available?

Mr. COURT: I have been talking on, waiting for the member for Belmont to ask that.

Mr. Jamieson: I imagine you have been.

Mr. Bertram: He would not disappoint you.

Mr. Jamieson: I have counted up the number of socialistic measures you have introduced, and I have been amazed.

Mr. COURT: Of course, if the member for Belmont does not want me to do this, no-one would be more pleased than I to drop the Bill. Just give me a little encouragement and I will take it back to Cabinet and say that the people opposite are not terribly keen about it because they think it is too socialistic so we should abandon it.

Mr. Bickerton: There is all the reason in the world to continue with it.

Several members interjected.

Mr. COURT: As members will appreciate from his interjection, the Premier, as Treasurer, is a little concerned about this because the service is not an easy one to run. However, after weighing everything up, and knowing that the member for Belmont would make that interjection at some stage—

Mr. Jamieson: Now you can cease.

Mr. COURT: —we still decided we would introduce the Bill, and this I have done on behalf of my colleague. I think I have answered all the queries.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. W. A. Manning) in the Chair; Mr. Court (Acting Minister for Transport) in charge of the Bill.

Clauses 1 to 5 put and passed.

Clause 6: Division 5 and section 47A added—

Mr. FLETCHER: Proposed new subsection (2) reads as follows:—

(2) A ship shall be deemed to be engaged in the coasting trade, within the meaning of this Division, if the ship takes on board cargo at any port in the State to be carried to, and delivered at, any other port in the State.

I know that Darwin is out of the State of Western Australia, but I also know that Darwin used to be the turnaround port for our State ships. I ask the Minister whether Wyndham is being substituted.

Mr. COURT: There will be no change. We cannot legislate for anything out of the State of Western Australia; we can legislate only for areas between Eucla and Wyndham. That is the reason Wyndham is mentioned, but we do operate to Darwin which is the turnaround port for some of our ships, although it has not been a very happy experience when we have tried to get ships back into business once they hit Darwin.

For a long time the Grants Commission took a rather generous view in regard to the grant for the State Shipping Service because we undertook to supply the service to Darwin. The A.N.L. has never been able to provide the same service to Darwin as that supplied by the State Shipping Service. Admittedly the A.N.L. has used bigger ships, but we used ships ideally suited for that trade.

It was part of our arrangement with the Commonwealth and we had almost a weekly service to Darwin. Because of that service, and the service provided for

the Territory generally—especially in the carrying of heavy cargo, such as building materials—the Commonwealth took a more generous view about our grant. The provision of the service provided an outlet for our local manufacturers which they would not otherwise have had.

For that reason we tried to keep the Darwin service well catered for. In recent times the A.N.L. brought in a new type of ship for the Darwin run but it caused industrial trouble. The new ship was intended to speed up the service and make the trip to Darwin more economical. Had the new A.N.L. service been fully effective it would have had some detrimental effect on our manufacturers, but that is only the narrow view.

The short answer to the question is that we do operate to Darwin, but we have to obtain a permit to go to a port out of the State. So far as State legislation is concerned we can only refer to a voyage from one point in the State to another point in the State.

Clause put and passed.

Clauses 7 to 12 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 9.35 p.m.

Legislative Council

Wednesday, the 16th September, 1970

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

QUESTIONS (4): ON NOTICE

1.

TRANSPORT

Qualeup-Rocky Gully Area

The Hon. J. DOLAN, to the Minister for Mines:

- (1) Has the Minister for Transport considered the proposals submitted to him by the Director-General of Transport in late July of this year for a change in the transport pattern in the Qualeup, Kojonup, Frankland River, Rocky Gully area (vide P.12 of the Annual Report, 1969-70 of the Director-General)?
- (2) If so, what changes have been considered feasible by, and acceptable to, the Government, and to which implementation is proposed?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) None at this stage because the revised pattern of operation suggested would have resulted in possible instability of W.A.G.R. rail services including some reduction in the rail role between Katanning and Albany.

The Director-General has been instructed to restudy the work carried out in the southern part of the State to see whether there are any other possible approaches which will be beneficial to transport system users and which will not severely disadvantage or render the future of the rail services uncertain.

MILK

Quotas: Transfer

The Hon. N. McNEILL, to the Minister for Mines:

- (1) During the two year period to the 30th June, 1970, how many applications have been received by the Milk Board of W.A. from licensed dairy farmers for the transfer of their milk quotas to—
 - (a) other licensed dairy farmers;
 - (b) existing or intending dairy farmers who were not, at the time holders of a license?
- (2) In how many of the applications so received has there been the stated intention or desire to transfer the quota—
 - (a) with the sale or transfer of the whole or part of the property on which farming is carried out;
 - (b) without the transfer of land?
- (3) How many of the applications in (1) and (2) above have been granted, and in which categories?
- (4) In all cases where transfers have been approved by the Board, has there been any financial consideration or adjustment between the contracting parties in respect of such quota transfer made known to the Board?
- (5) Apart from the foregoing, what are the terms under which the transfer of milk quotas is permitted by the Board?

The Hon. A. F. GRIFFITH replied:

- (1) to (3) The information is not statistically recorded and therefore is not readily available.
- (4) No.
- (5) The transfer of milk quotas is approved by the Board only as an integral portion of a licensed dairy business, which is sold on a walk-in-walk-out basis as a going concern.