

FRIDAY, 21st DECEMBER, 1956.

(Continuation of Wednesday's Sitting.)

## CONTENTS.

	Page
Jury Act Select Committee, consideration of report .....	3609
Motion : Land tax and vermin rate, report on working of laws .....	3610
Bills : City of Perth Parking Facilities, 2r., remaining stages .....	3574
Assembly's message .....	3605
Traffic Act Amendment (No. 3), conference managers' report. ....	3586
Assembly's further message .....	3617
Land and Income Tax Assessment Act Amendment, Assembly's message .....	3587
Pensions Supplementation Act Continuance and Amendment, all stages	3587
Administration Act Amendment, Assembly's message .....	3588
Assembly's further message .....	3610
Factories and Shops Act Amendment (No. 3), 2r., Com., 3r. ....	3590
Assembly's message .....	3609
Child Welfare Act Amendment (No. 2), all stages .....	3606
Bank Holidays Act Amendment, 2r., defeated .....	3607
Marketing of Onions Act Amendment, Com., report, 3r. ....	3608
Assembly's message .....	3610
Bread Act Amendment, Assembly's message, laid aside .....	3609
Government Employees (Promotions Appeal Board) Act Amendment, Com., remaining stages .....	3609
Vermin Act Amendment (No. 2), 2r., Com., report, 3r. ....	3611
Assembly's message .....	3617
Death Duties (Taxing) Act Amendment, 2r., remaining stages .....	3611
Appropriation, Message, all stages .....	3611
Loan, £15,915,000, all stages .....	3612
Close of session, complimentary remarks .....	3618
Adjournment, special .....	3617

The PRESIDENT resumed the Chair at 2.19 p.m.

## BILL—CITY OF PERTH PARKING FACILITIES.

### Second Reading.

Debate resumed from an earlier stage of the sitting.

**HON. L. A. LOGAN** (Midland) [2.22]: I obtained the adjournment of the debate to enable members who had indicated that they desired to make some amendments to work them out. There are quite a number of provisions in this Bill which we have not had very much opportunity of studying at this late stage of the session. Some of them will be far reaching; and a much greater study should have been made of the areas set aside for parking, and of the impact that meters will have on the city.

For my part, I hate the thought of parking meters being introduced. They will merely impose a further tax on

motorists without increasing the parking area available. The Chief Secretary said that parking meters were so successful in Melbourne that it had been decided to order 3,500 of them. If one looks at the revenue received from those already installed, one realises that they are being ordered not to improve parking facilities but to boost up the finances of the local authority.

**Hon. H. K. Watson:** They are a worse proposition than the one-armed bandits.

**Hon. L. A. LOGAN:** That is what they will become. The revenue derived by the City of Melbourne last year from the limited number of meters in existence then was something like £750,000. Whilst there is a safeguard in the measure, in that the revenue from the meters will go into a separate fund and not the general revenue of the City of Perth, I wonder what will happen when the revenue from the meters is sufficient to pay interest and capital on the borrowed money and show a surplus. I assume it will go into the general revenue of the City of Perth soon after that stage is reached. The City Council will have to make some use of the surplus.

The Minister for Railways: It cannot go into their general revenue.

**Hon. L. A. LOGAN:** When the stage is reached where they have a surplus, it will have to go somewhere. It has been said that it is now a pleasure to drive in the city as one can park anywhere; but on three occasions this week I drove around the city block and could not find a parking space. I think those who find parking easier must have been born under a lucky star. As I say, three times this week I have had to park nearly at the top of Wellington-st. and walk back to the city, and I think that has been the experience of most members. Dr. Hislop said yesterday that he had to drive around the city block four times before he found a parking space.

The practice of marking out parking areas has been adopted elsewhere and has worked well, but the parking bays were not as long as those marked out here. A look around the city will show that hundreds of extra cars could have been parked had the length of the parking bays been reduced. One would almost imagine that it was expected that every car to be parked would be a Customline, a Chevrolet or a Buick; but of course that is not so.

Had the size of the parking bays been reduced, the big cars would have been able to find parking space somewhere, and there would not have been the present waste of parking area. It is not too late to remedy the position and eliminate what at present is a terrific waste of space. As this is mainly a Committee measure, I support the second reading.

**HON. A. R. JONES (Midland) [2.27]:** I wish to register my protest at this measure and will vote against the second reading, mainly on the grounds mentioned by Mr. Logan. In the first place, the present set-up will not make any further provision for parking, and there is a great deal of parking space wasted. Quite apart from the area wasted in the parking bays, about 100 yards of each street back from the corner on each side is a prohibited parking area, and thus a great deal of further space is wasted.

The parking meters which it is proposed to install are worse than one-armed bandits, seeing that the motorist is already paying goodness knows how much taxation. From the moment he buys his vehicle until he disposes of it, he is taxed in every direction. He pays taxes on petrol, oil, spare parts, and so on; and even his number plates are taxed. He pays a licence fee to run his car on the road and now he is to be asked to pay a licence fee to park.

I propose to vote against the imposition of this further tax on motorists. In addition to what I have said, I believe that the installation of parking meters would change what is now known as a beautiful city into one of horror with the streets all lined with these pedestals along the footpath. I oppose the second reading.

**HON. J. McI. THOMSON (South) [2.29]:** I anticipate that if the Bill is passed the city streets, with the various spikes bristling, will look somewhat like the Maginot Line, and it is problematical whether these innovations will be any more effective. However, I do not intend to oppose the second reading, although I think it entirely wrong to allow the proposed parking areas to be commercialised by allowing service stations to be built on them, when these facilities are adequately provided in and around the city and suburban areas. The parking areas that we propose to create should not be cramped in that way. I therefore hope that that provision will be removed from the Bill in Committee.

I would like to bring to the notice of the Minister a problem concerning building contractors who are engaged in erecting new structures within the city limits. It is most necessary for the powers that be to ensure that outside the proposed building sufficient space should be reserved so that the trucks conveying the building materials to the site of construction will be able to discharge those materials in the best way possible instead of having to park in a commercial area some yards away from the building site and the drivers having to lump cement and other heavy materials to the building. I hope the Minister will convey that suggestion to the proper authorities to ensure that such an

area is reserved for the convenience of building contractors so that their activities will not be impeded.

**Hon. H. K. Watson:** That is most important.

**HON. F. R. H. LAVERY (West) [2.33]:** I do not care to support the Bill and I do not have to now. But I feel that the time has arrived for something to be done in regard to parking in the city, and therefore I am compelled to support this measure. That does not mean, however, that I will not criticise it. I have one serious complaint to make against it. I have heard Hon. J. A. Dimmitt—who used to be a member of this Chamber—when speaking on traffic problems, lay emphasis on the fact that we have too many authorities in one small area trying to control traffic.

A short time ago reports were published in the Press stating that the present Minister had taken over the control of traffic in the metropolitan area, and that he intended to make drastic changes. It was felt by the public generally that at last here was someone who was going to create one authority. However, we find, almost immediately, that the control of parking, which has been in the hands of the police for many years, is to be taken away from them and handed to another body. As a result of my experience of transport in the metropolitan area, I am not sure that there is going to be complete co-ordination between the Traffic Department and the Perth City Council.

If this proposed scheme is to be a success, both parties will not need to be dogmatic. One or the other authority will have to be prepared to compromise and to show some tolerance. Each will have to realise that the people who are paying now and who will pay plenty in the future for the implementation of this scheme are the motorists. I agree with Mr. Jones that the motorist is always good bait for the taxing machine. Every tax possible is imposed on him.

Whatever is done in regard to city parking should at least be given a fair trial, but the parking facilities that are proposed in the Bill should not be in the hands of anybody but the Traffic Department. In Queensland, there is one traffic authority for the whole State; but whether that will happen here, I do not know.

**Hon. J. McI. Thomson:** We hope not.

**HON. F. R. H. LAVERY:** If one visits Brisbane and wishes to learn something about the control of traffic one has only to go to a man named Mr. Anderson. It was a wonderful experience to listen to him and to learn what co-ordination can do for the control of transport.

**Hon. J. McI. Thomson:** If one authority were instituted in this State it would make serious inroads into the revenue of local authorities.

Hon. F. R. H. LAVERY: I am not referring to that for the moment. I am merely advocating one control. Some people have already objected to the Minister for Transport having any say in the control of parking, which will be administered by the Perth City Council. I am not criticising either the Perth City Council or the Traffic Department. I feel only that this is the time for co-ordination to be effected in our transport system, and that the control should be under one head. I have seen nothing in the Bill that will shake my opinion on that score.

In regard to some of the criticism that has been levelled against the planning that is proposed, I consider that any plan should at least be given a fair trial. Whether the space that is allowed for parking is sufficient for a Customline or for a 100 c.c. motorcycle, it has to be realised that the space allocated should be large enough to hold any vehicle that uses the road. Whatever authority is given for allocating these parking spaces, the scheme should be supported for at least one year to find out where the faults lie and to ascertain whether any remedies can be effected.

No one takes to changes immediately. Already some of the people I have spoken to on this subject, and who were up in arms against the proposal for a few days, are beginning to simmer down; and, given a fair trial and sufficient time for the people to become accustomed to it, this plan should be a success. When I was visiting Melbourne recently, I went out of my way to inspect the various parking areas around the city, and I consider that although this is a taxing measure—

The Minister for Railways: It is not a taxing measure. One can please oneself whether one uses the parking meters.

Hon. F. R. H. LAVERY: The parking meters which I saw installed along the kerbs of the streets in Melbourne did not seem to offer much trouble in regard to parking. Also, they are not the only means provided to enable a motorist to park his car. Very close to the city there is a perimeter of parking space where a motorist can park his car for one hour; and again, there is another parking area where a car can be parked for two hours. About three-quarters of a mile from the city there is yet another parking zone where a motorist can park his car all day if he so desires.

Hon. G. C. MacKinnon: But isn't all this making the running of a car a rich man's hobby?

Hon. F. R. H. LAVERY: I am not interested in that side of the problem at the moment. This scheme will be difficult to implement for a while because Perth will be cut in half. The facilities for parking are rather cramped on the south side of the city; and whilst these conditions prevail, the parking areas will be restricted.

However, I am not anxious to close all the roadways and the railways. I want to see what people are doing in actual practice today. Members must know that in the last 12 months there has been a gradual movement towards cars being parked on the western outskirts of the city and this is particularly noticeable in the vicinity of Parliament House.

Those members who own cars must know that if one arrives about 3 or 4 p.m. to park outside Parliament House, one has to travel several hundred yards before a vacant spot can be found. The reason for this is that people are beginning to realise that, instead of trying to find a parking spot in the city, it is much easier to drive a car up around these parts to park it and then travel down to the city by bus. They then return at 5 o'clock to pick up their cars. Any member knows that after 5 p.m. he can find a parking spot approximately 25 yards from the corner.

This proposed parking scheme must be given a fair trial; and the only way to do that is to ensure, at all times, complete co-ordination between the Traffic Department and the Perth City Council. So far as the personnel who are to be appointed to police this scheme are concerned, Dr. Hislop hit the nail on the head last night when he said that we have a large group of semi-invalid persons who are eligible for these positions.

Most members of this House have received a brochure from the Department of Social Services asking us, if possible, to find work for men who are partially incapacitated. I am sure that there must be many of those men who could be employed as officers in this parking scheme. I certainly hope that I shall not see any strong able-bodied man being appointed to carry out these duties, when we are still trying to find jobs for semi-invalids.

One will not be compelled to pay anything under this scheme. One will still be able to park one's car upon the hill in the vicinity of Parliament House and ride down to the city by bus; but anyone who wishes for his own convenience to park right outside the door of an insurance company, a bank, or any other business should be prepared to pay something for that privilege.

I am pleased to know that the fund that is to be created under the provisions of this Bill will be self-contained, if I may put it that way, and that the money raised by means of this tax will be used for the benefit of the motorists. Every motorist in the State, from the man who is battling with his old jalopy to the one who owns a large and expensive Jaguar, is entitled to some benefit from this fund.

Most decidedly do I object to petrol stations being established in parking centres. A number of members in this Chamber spent over seven or eight months

inquiring into the petrol industry, and they will realise the plight of the petrol-selling industry in the metropolitan area. Already many service stations are finding it difficult to meet their commitments, let alone make a reasonable return. If some area is set aside for parking, and this privileged body of persons is able to run a service station in that area where the business will be brought to it, unfair competition with existing service stations will be created.

Whilst I believe that private enterprise and Government instrumentalities working together must be part of our way of life, this is one occasion when private enterprise should have a free hand, and the Perth City Council should not be given the opportunity to deprive private industry of a right which it has enjoyed up to date.

**HON. G. E. JEFFERY (Suburban) [2.47]:** I support the measure. I realise that anomalies will be found in the first instance; but if the measure is passed and becomes law, as time goes on the Perth City Council and the Minister will rectify those anomalies.

Regarding the revenue to be derived from parking centres, if it is found to be lucrative, all the essentials that are required for parking centres will be provided. If there is money in excess of the requirements for the scheme, I see no reason why it should not be spent on beautification of the city. The tragedy in the past was that many of these measures were introduced rather late, and much hardship was caused. If the present Bill had been introduced 10 years earlier, the hardships encountered today would not have arisen.

In my opinion this is a good measure; but, as is natural, some of us do get a little emotional about it. It is the shock of realising that Perth has become a city. I have no illusion about the installation of parking meters because, from my reading of similar schemes in other parts of Australia and overseas, they seem to have proved successful. The fact that a motorist will be able to get into the city and park his car at a meter stall for half an hour will enable him to have a reasonable chance of doing business in the city. At present the parking space in the city is being used every day by the same people, who leave their cars outside their offices. Under this scheme everyone will be given the opportunity of going into the city and being able to park.

The other feature is in regard to the size of the parking bays. Every member at some stage or other must have parked in the city and then attended a theatre, but on his return found his car hedged between two others, and has had to wait until one or the other of the owners has appeared to remove his vehicle.

In the long run this will prove to be a good measure. I cannot see any pitfalls in it. Eventually it will prove to be successful; because, as time goes on, the Minister and the Perth City Council will smooth over the rough spots. I commend the measure to the House.

**HON. L. C. DIVER (Central) [2.49]:** There is one good feature about this Bill. The controlling authority will be responsible to the people who elect it; consequently, if anomalies become apparent, they will be rectified more quickly by this authority than by Parliament itself.

There are two things to which I take exception, and which I hope will be deleted from the Bill during the Committee stage. The most objectionable is the provision to permit the Perth City Council to establish service stations in parking centres. Here is an elected body which is in control of building permits for businesses and factories in the metropolitan area; and to say the least, it has very lavishly granted building permits for the construction of service stations in many parts of the city. The owners of those stations are taxpayers of the council itself. Yet it is now proposed to give the council power to establish service stations to compete with the existing service-station operators who are paying rates. I take very strong exception to that provision.

I consider that the roads were built to facilitate the passage of traffic. In the past we have been accustomed to seeing money being spent on the construction of thoroughfares some of which were turned into parking areas. This is a very expensive method of establishing parking centres and that was not the original intention. To make matters worse, in the heart of the city the streets are very narrow. If the job of construction of those roads was being carried out today, they would be built much wider. Therefore we should see that the existing width of road is used to the greatest advantage. Some spaces which have been set aside for taxi ranks should be abolished because they create bottlenecks in what otherwise would be free channels for the flow of traffic in very dense traffic centres.

Another matter to be considered is the charge for the shuttle service between the parking centres and the city. To get the greatest benefit from the parking facilities, the fares for the shuttle service should be nominal so as to induce the motorist to use that service. This should be done even though the shuttle service may only barely pay its way. In the past, motorists were able to park their vehicles somewhere in a public place without having to pay any charge. This innovation of parking centres, for which a charge is to be made, will meet with considerable opposition, especially in the initial stages. Therefore some compensation to the motorist should

be given by providing a shuttle service as cheaply as possible. I support the second reading and reserve the right to introduce amendments to two or three clauses during the Committee stage.

**HON. G. C. MacKINNON** (South-West) [2.55]: There is one small point I would like to bring up, although I am aware it is not specifically mentioned in the Bill. As considerable power is conferred on the controlling authority to make regulations, and as this is an experiment which has been tried, I would appreciate it if the matter was brought to the attention of those making the regulations. This point relates to the experiment of colouring strips of kerbing in various colours to denote the purpose of the space. They are coloured in red, brown or green for the different purposes.

As one who can speak with first-hand knowledge of the problem of colour-blindness, the use of the colours I mentioned presents a real difficulty to some people. A red-coloured kerbing which looks bright and stands out will, after a shower of rain and several days of sunshine, not be distinguishable from other colours to a person with defective vision. I would like this point to be stressed when reports are made to those responsible for colouring the kerbs. The colours red, green or brown should not be used. In their place blues, yellows or white should be used. I support the second reading.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clauses 1 to 3—agreed to.

Clause 4—Interpretation:

**Hon. J. G. HISLOP**: I do not know whether the definitions contained in the clause are to be confined to the streets of Perth, or not. I want to make certain that we do not have to get the permission of the City Council before leasing portion of a garage if there is space to spare. By letting such space, people will help considerably. This does not seem to be limited to roads, but to a district. I move an amendment—

That after the word "space" in line 16, page 4, the words "or private garage" be added.

The **CHIEF SECRETARY**: Whilst I do not agree that this is necessary, I cannot see that any harm can come of it, so I offer no objection.

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

Clauses 5 and 6—agreed to.

Clause 7—The parking fund:

**Hon. G. E. JEFFERY**: I move an amendment—

That after paragraph (j), page 7, the following be added to stand as paragraph (k):—

(k) and for other purposes as the Minister from time to time may direct.

The Minister and the council may agree on some point that is not covered in the Bill. For example, the City Council may develop two parking areas, one on either side of a road; and, for convenience, it may be advisable to build a subway. My amendment would cover such a situation.

**Hon. N. E. BAXTER**: I do not see the object of the amendment. Paragraph (i) provides for generally carrying out the objects and purposes of the Act; and they are stated on the first page of the measure. Mr. Jeffery's amendment could cover purposes not included in the Act. All the necessary power is given in paragraph (i).

**Hon. R. C. MATTISKE**: I agree with Mr. Baxter. The intent of the Bill is to pass the parking problem over entirely to the City of Perth. Therefore it should, with the limitations that are already provided in the measure, have complete power to deal with all the financial aspects. It should not have hanging over its head the knowledge that the Minister may be able to make certain demands on its finances. It should be given an open go.

**Hon. J. G. HISLOP**: I can see a good deal of merit in the amendment. As the legislation is what might be called experimental, this matter could be left as it is; but it could be brought before Parliament if anything further is required.

**Hon. H. K. WATSON**: The provision in paragraph (i) is pretty wide and should cover the point that Mr. Jeffery seeks to deal with.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 10—agreed to.

Clause 11—Powers of Council:

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

That subparagraph (ii) of paragraph (b), lines 23 to 26, page 9, be struck out.

This subparagraph is related to Subclause (3) (a) of this clause, which gives the council power to lease parking stations where people can sell petrol and oils, and indulge in vehicle cleaning and other things.

**Hon. J. G. HISLOP**: This would have a hopeless effect on the measure because it would mean that the council could not provide, manage or operate any parking

facilities in parking stations. I refer members to the definition of parking facilities. The hon. member would be better advised to move to delete Subclause (3) (a) on page 10.

Hon. L. A. LOGAN: The intention is to endeavour to amend Subclause (3a) in the Bill, but if Subclause (3a) is struck out we will have to come back; and we are not allowed to do that.

The CHAIRMAN: The Bill can be re-committed.

Hon. L. A. LOGAN: I suggest that the amendment be altered by deleting only the words "subject to the provisions of Subsection (3a) of this section."

Hon. N. E. BAXTER: Proposed Subsection (3) (a) deals with services and parking facilities; and parking facilities are not the land used, and that sort of thing, but are the selling of petrol, oils, accessories and so on.

Hon. J. G. Hislop: Read the definition of "parking facilities" on page 4.

Hon. N. E. BAXTER: I am not taking out "parking facilities."

Hon. F. R. H. Lavery: You said that they did not include land; but according to the definition, they do.

Hon. N. E. BAXTER: We have to take out this subparagraph (ii), because, under that, they have power to sell petrol and oil in parking stations.

The CHIEF SECRETARY: I cannot understand what the hon. member is driving at. Apparently he does not want these things to be done in a parking area.

Hon. N. E. Baxter: No.

The CHIEF SECRETARY: Why not?

Hon. L. A. Logan: We do not want service stations to be set up in parking areas.

Hon. H. K. Watson: It would be a pretty silly parking area if it did not have those facilities.

The CHIEF SECRETARY: I think it would be the most appropriate place to have a service station.

Several members interjected.

The CHIEF SECRETARY: This is not a Chinese Parliament. Now can we have the first one, please?

Hon. J. McI. Thomson: We are of the opinion that service-station facilities are provided elsewhere, and there is no need for them to be provided in a parking area.

The CHIEF SECRETARY: I think it is the most appropriate place, because it would save a good deal of time. A man could get all his services while off the street in a special parking area.

Hon. N. E. Baxter: This does not line up with legislation you introduced a couple of years ago.

The CHIEF SECRETARY: Comparisons are always odious, and I do not know what I said a couple of years ago. Apparently the hon. member just does not want to have those facilities in the parking area.

Hon. L. C. Diver: No; we have too many service stations now.

The CHIEF SECRETARY: I find it hard to understand some members; I thought they would welcome this with open arms.

Hon. L. A. LOGAN: The setting up of a service station in a parking area will cause congestion. Surely the Chief Secretary has seen service stations going up like mushrooms. There is one in the parking area next to C.B.C., while there is a young chap who has his own business and has been running it satisfactorily just over the road. The parking area will probably run him out of business, and we do not want that sort of thing to go on. A parking area is for parking cars. Let us keep it at that.

The Chief Secretary: I was wondering about this interference with the rights of free trade.

Hon. L. A. LOGAN: The Chief Secretary ought to read the report of the Royal Commission into the sale of petrol; the findings would convince him that there is something wrong with the position. This will create chaos in the city, because more service stations will be established. It is time we put a stop to the building of service stations.

Hon. H. K. WATSON: Mr. Baxter has made it quite clear that he desires to stop selling of petrol in parking areas. If that is his desire, it would be better to amend paragraphs (a), (b) and (c) of Subclause (3).

Hon. L. A. Logan: We want to take (a) and (b) out as well as this.

Hon. N. E. BAXTER: Subclause (3a) prohibits the council from operating a parking station where petrols, oils and so on are provided. As, later on, we propose to try to get Subclause (3a) struck out, and subparagraph (ii) of paragraph (b) is subject to that subclause, what is the sense of leaving it there?

Hon. L. C. DIVER: I think Mr. Logan is on the right track when he suggests the deletion of the words "subject to the provisions of Subsection (3a) of this section." If we strike out Subclause (3a) and these words are still in the subparagraph, and Mr. Baxter's amendment is defeated, it will be meaningless.

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

Ayes	.....	5
Noes	.....	15
Majority against		10

Ayes.

Hon. L. C. Diver  
Hon. A. R. Jones  
Hon. L. A. Logan

Hon. J. M. Thomson  
Hon. N. E. Baxter  
(Teller.)

Noes.

Hon. E. M. Davies  
Hon. G. Fraser  
Hon. E. M. Heenan  
Hon. J. G. Hislop  
Hon. G. E. Jeffery  
Hon. Sir Chas. Latham  
Hon. F. R. H. Lavery  
Hon. G. MacKinnon

Hon. R. C. Mattiske  
Hon. J. Murray  
Hon. H. C. Strickland  
Hon. H. K. Watson  
Hon. W. F. Williesee  
Hon. F. D. Willmott  
Hon. J. J. Garrigan  
(Teller.)

Amendment thus negatived.

Hon. J. G. HISLOP: I move an amendment—

That the words "or provide a parking facility, or alter" in line 27, page 10, be struck out.

While I think the Minister should have control over the establishment and provision of a parking station or of its abolition, I do not think he should control parking facilities and parking meters, which are details.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. There may be occasions when it will be necessary to have these powers. It is giving him complete power; and if he thinks an authority is providing a parking station but not a parking facility, the Minister can collect the evidence before him and direct one way or the other. It is only a safeguard in case an authority falls down on the job.

Hon. J. G. Hislop: It means that every time they want to build or alter anything they have to write to the Minister for his approval.

The CHIEF SECRETARY: That is an everyday occurrence. The provision would enable the Minister to have his pulse on the financial aspect, and this is necessary because the facilities to be provided could be very expensive.

Hon. N. E. BAXTER: To get a full appreciation of what parking facilities would mean, members should read the whole of Subclause (3). In the matter of omnibuses and transport services, powers should be given to the Minister.

Amendment put and negatived.

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

That paragraphs (a) and (b), lines 33 and 34, page 10, be struck out. We should not permit the setting up of petrol and oil facilities in parking areas. A Royal Commission has recommended that there should be a certain amount of restriction. Legislation has been introduced at various times to stop the increase of service stations, and the establishment of petrol facilities on parking areas would not be fair to the private service-station owner. It is possible that public land could be used for service stations in the guise of a parking area.

Hon. R. C. MATTISKE: I do not agree with Mr. Baxter. The authority for the establishment of these facilities will be given by a responsible body of men in the Perth City Council, who have carried out more important jobs than this, and who are just as interested as Mr. Baxter in ensuring that petrol stations will not be established willy-nilly. There should be a facility provided in the parking station where a motorist could leave his car in the morning, have it topped up with petrol and oil, and drive away in the afternoon. The town clerk would have a big say in the matter, and he is a qualified architect and has just returned from a world tour. No doubt he would design something which would be utilitarian, and this provision should be made.

Hon. F. R. H. LAVERY: I support the striking out of paragraph (a) but not the deletion of paragraph (b). I was rather surprised to hear Mr. Mattiske say what he did, particularly in view of his championing of the cause of private enterprise and the small businessman in the past. If these facilities were provided it would mean that suburban petrol stations would lose a lot of their custom, and I am not prepared to see a monopoly established which would bring this about.

It is possible that the area could be large enough to provide for 150 or 200 cars, and this would mean the taking away of business from the suburban stations, and from those that the motorist passes en route. I cannot agree with that. The Swan service station in St. George's Terrace has been there a number of years—I think it has a new name now—and has given a good service to the public and businessmen of the city over a long period. In regard to facilities and cleaning, an area should be set aside for that type of work.

Hon. J. McI. THOMSON: The purpose of this Bill is to deal with parking facilities in the metropolitan area; and with all the facilities available in the metropolitan area as regards service stations, I do not see why further facilities should be provided for the public in these areas, particularly when parking space is limited. The public is adequately provided for in regard to petrol and oils, and I trust the Committee will agree to delete these words.

Hon. L. C. DIVER: It was interesting to listen to Mr. Mattiske's remarks regarding the Perth City Council. He is a champion of free enterprise and is now supporting a monopoly which has been resisted in the petrol industry by the people whom he represents. Time after time they have said they would not be a party to legislation preventing the building of service stations because it would create a monopoly.

Here he is giving consideration to the creation of a monopoly to sell petrols and oils, in circumstances where there are many people supplying these commodities who are unable to obtain a profit. It is

hard for me to understand this, and I agree with the speakers who oppose the granting of these powers to the Perth City Council. It has been said that they will be run by a small businessman. Having spent several months with my colleagues inquiring into the sale of petrol, I do not believe that for one moment.

Hon. R. C. MATTISKE: We should use a little imagination in this matter. The Perth City Council would not set up and conduct a big service station. A couple of pumps would be installed to provide a facility, and the area would be leased. It is not correct to say I am opposing the people whose interests I am supposed to be watching. I am thinking of this matter in regard to the public generally, and so far as freedom is involved.

Hon. F. R. H. Lavery: If the Government said the Traffic Department would conduct these facilities on this area, would Mr. Mattiske say it should be done by private enterprise?

Hon. R. C. MATTISKE: If the Traffic Department were substituted to carry on in the same manner, I would have no compunction at all.

Hon. N. E. BAXTER: If we have an area where 500 or 600 vehicles can park, and we establish the right for the Perth City Council to lease that area to some person to install facilities to supply petrol and oils, one does not need a great deal of imagination to realise that a service station is being set up. It would be as big as any in the city. If the hon. member would use his imagination he would know what would happen.

Hon. L. A. LOGAN: Even if only two pumps were installed to supply the 500 or 600 cars mentioned by Mr. Baxter, every gallon of petrol sold would be one gallon less sold by existing service stations, which are having a terrific job to make ends meet. I think they are entitled to some protection, because they have been battling along for a number of years. Today they are even fighting the oil companies to maintain their standard of living, which is pretty low. I consider too much power will be given to the Perth City Council.

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

Ayes	.....	11
Noes	.....	9
Majority for	.....	2

Ayes.	
Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. L. A. Logan
Hon. L. C. Oliver	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. F. D. Willmott
Hon. E. M. Heenan	Hon. J. M. Thomson
Hon. A. R. Jones	(Teller.)

Noes.	
Hon. G. Fraser	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. H. C. Strickland
Hon. G. E. Jeffery	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. J. Murray
Hon. G. MacKinnon	(Teller.)

Amendment thus passed.

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

That Subclause (3a), lines 5 to 10, page 11, be struck out.

This is a consequential amendment to the one just agreed to.

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

Clauses 12 to 14—agreed to.

Clause 15—No person to establish parking station or parking facility without approval:

Hon. H. K. WATSON: I move an amendment—

That the following be added to stand as Subclause (4):—

Nothing contained in this section shall be deemed to preclude the continuance or operation of any parking station or any parking facility which was in operation on the first day of December, 1956.

It has been stated and was published in the paper this morning, and the Minister for Transport has made it clear, that this is not intended to prohibit or discontinue the existence of any station operating at present. But in order to make it perfectly clear, I think this subclause should be inserted.

The CHIEF SECRETARY: I have no objection.

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

Clause 16—Parking inspectors.

Hon. J. G. HISLOP: I would like the Chief Secretary to examine Subclause (3) and consider whether the wording should not be changed. I understood from his introductory remarks that it was intended that the City Council should have inspectors with a distinctive uniform. As the subclause is worded, it is optional for the council to prescribe a uniform to be worn by an inspector. I move an amendment—

That the words "not, without" in line 31, page 13, be struck out and the word "with" inserted in lieu.

The CHIEF SECRETARY: I take it that the hon. member desires that there should be an insistence on inspectors wearing a distinctive uniform. With that I agree. There has been a lot of trouble in country areas in regard to this matter.

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

Clause 17—Regulation and control of parking within parking region to be administered by council.

Hon. J. G. HISLOP: Do I understand that Subclause (2) provides that a man on ordinary police duty can be required to help in regard to parking arrangements? Previously a policeman not on traffic duty



would not take any interest in traffic offences. Now it appears as though a policeman on ordinary street duty, if there is any difficulty about parking, will be called upon, if necessary, to assist a parking inspector. Is that correct?

The Chief Secretary: Yes.

Hon. J. G. HISLOP: It is a very good idea.

Clause put and passed.

Clause 18—agreed to.

*Sitting suspended from 4.10 to 5.30 p.m.*

Clause 19—Duty of owner to identify driver of vehicle:

Hon. L. A. LOGAN: This clause is similar to a provision in the legislation brought down to amend the Traffic Act. It seeks to make a man responsible for an offence he did not commit. If the owner of the vehicle does not divulge the name of the person driving the vehicle at the time of the offence, then the owner can be charged and found guilty. If we charged him with condoning an offence it would be a different matter. Members should read Subclause (2) to appreciate the full import of what I am saying. I will vote against the clause.

The CHIEF SECRETARY: I hope the Committee will not delete this clause. It would not be possible to prove that a person was condoning an offence. All he could say was that he did not know. In regard to some of the firms around the city, although it is well known which drivers are responsible for various vehicles, nobody seems to know who the driver of a particular vehicle is if there is any trouble. This clause will provide for that.

Hon. L. A. LOGAN: I appreciate the intention of the clause and the difficulty of the police in tracking down an offender. But we should not charge a man for an offence he did not commit. Let us take out this provision and put something in its place.

Hon. E. M. HEENAN: I support the clause, and I do not think Mr. Logan's fears in regard to Subclause (2) are justified. If my car were being used and an offence were committed, it is reasonable that I should be asked who was in charge of the vehicle. If I reasonably cannot supply the information, no further action is taken. But if my attitude is unreasonable, I must be presumed to be the person responsible.

Hon. L. C. DIVER: I agree with Mr. Logan. Where certain individuals have knowledge they will not divulge, they are liable under the Criminal Code.

Hon. E. M. Heenan: This is not a criminal offence but a statutory offence.

Hon. L. C. DIVER: In that case I have nothing more to say.

Hon. Sir CHARLES LATHAM: I think this amendment is to provide for cars that have been overparked, and where it is difficult to find the individual driving the car. When I was Commonwealth Director of Loans we had this trouble, and a policeman asked me for my name and address because I was responsible for car number so and so. There were seven people permitted to drive the car. I said I was not driving it at the time, and that I honestly could not tell him who was doing so on that particular day. Under this provision I would have been charged. The owner of a car may be in the Eastern States and one of his family may be driving it at the time. When he returns he will be charged with the offence, if the members of his family fail to divulge the name of the person who was driving. It is a dangerous provision.

Hon. N. E. BAXTER: This clause cuts right across legislation dealing with minor traffic offences which was passed last year. The owner of the vehicle receives the summons; and he can either go to court and contest the case, or admit guilt. My son often drives my car; and if an offence were committed while I was away touring my electorate, on my return I would be charged if the members of my family failed to divulge who was driving the car. This provision could hit travelling salesmen very hard.

Hon. G. C. MacKINNON: The question of the parent's responsibility raised by Mr. Baxter and Sir Charles Latham was dealt with only the other night when we considered legislation on child welfare. I do not think the objections raised are valid.

Hon. Sir Charles Latham: You would be annoyed if you had to pay for somebody else's crime.

Hon. G. C. MacKINNON: I would be annoyed with my child or my wife, but I would still be morally responsible. We passed legislation the other day on that basis.

Hon. Sir Charles Latham: What about the nine employees I had when I was Deputy-Director of Loans?

Hon. G. C. MacKINNON: The hon. member got the remuneration commensurate with the responsibility.

The CHIEF SECRETARY: The debate is generally upon the whole clause and not on a definite amendment. I move an amendment—

That the word "inspector" in line 16, page 15, be struck out, and the words "person authorised by the Council" inserted in lieu.

It is more appropriate to specify someone authorised by the Council than an inspector.

Hon. L. A. LOGAN: It does not alter the principle one iota. We cannot get away from the principle that this clause makes it possible for a court to convict a man for an offence he has not committed.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the word "inspector" in line 24, page 15, be struck out and the words "person authorised by the Council" inserted in lieu.

Amendment put and passed.

Hon. H. K. WATSON: I would like to hear the Chief Secretary on the point raised by Mr. Baxter in regard to prosecutions. At the moment, prosecutions for parking are conducted under Section 74 (a) of the Traffic Act, 1955, and minor offences are redeemed by payment to Crown Law without prosecution. Is that principle embodied in this clause, or does the clause override it?

The CHIEF SECRETARY: I do not think it will interfere in any shape or form.

Hon. H. K. Watson: On the general question, assume a man has committed an offence.

The CHIEF SECRETARY: The same procedure would be adopted. When a policeman came upon the car, he would take its number and a notice would be sent to the owner of the vehicle. If he was not the person concerned, he would give his reasons. It would not interfere with present procedure.

Hon. J. G. HISLOP: I take it that this fine of £10 is exclusive to Subclause (4) and does not involve Subclause (2). Is that correct?

The Chief Secretary: I would say the £10 applies to the whole clause.

Hon. J. G. HISLOP: I do not think it is justified. We must remember that when we possess a motorcar, we have what is commonly referred to as a lethal weapon, over which we should take care and responsibility. I object to the principle that when a person does not say who drove his car because he feels uncertain, he is to be fined £10. I think that Subclause (4) should be deleted and put in the Bill quite separately. It is a different type of charge altogether from that in Subclause (2).

Hon. N. E. BAXTER: I cannot see how this is going to be worked. If a vehicle is left too long in a certain parking place an offence is committed under this Bill. A notice is sent out to the person who committed that offence, charging him with a minor offence; and the summons for a major offence is brought by a police officer. However, neither of these would arrive in the hands of the owner within seven days of the commission of the offence. From the time an offence is committed and a notice or summons is received, seven days will have elapsed. So

how can an owner give his name and address within seven days of committing an offence if he has not received a notice?

Hon. E. M. HEENAN: There is considerable merit in this provision and its purpose is being misrepresented. I do not think there was any application in the cases cited by Sir Charles Latham or by Mr. Baxter, as they were extreme. If someone leaves a car in a busy thoroughfare for about two hours, it is not fair to other motorists; and that man should pay a penalty. If the owner did not know who left it there, he would not be charged. However, he is required to give the name of the person in charge of the vehicle; and after having been required to give that information, he has seven days in which to reply. If he is away in the country, he cannot be asked.

Hon. Sir Charles Latham: He is asked.

Hon. E. M. HEENAN: How?

Hon. Sir Charles Latham: By a letter being forwarded to his last known address. That is common law, and I can show plenty of cases.

Hon. E. M. HEENAN: He will have to have a reasonable opportunity to supply the information; and after having received a notice or a verbal request, he will have seven days. If an offence is committed someone should suffer for it; and in nine cases out of 10 it will be the owner.

Hon. Sir Charles Latham: You would not apply that to a criminal offence.

Hon. E. M. HEENAN: This is a simple offence dealing with the problem of motorcars. There are people who will illegally park; and if they can get away with it, they will try to do so. They refuse to say who left the car there, and get away with it.

Hon. J. G. Hislop: You do not think it should be connected to Subclause (4)?

Hon. E. M. HEENAN: The fine of £10 is the maximum.

Hon. J. G. Hislop: The fines for minor offences at the moment are 10s., 15s. and £1.

Hon. E. M. HEENAN: This offence is refusing to supply information to the police.

Hon. L. A. Logan: Why isn't he charged with that offence and not with parking?

Hon. E. M. HEENAN: In the case Sir Charles Latham mentioned, a car is parked, and a traffic inspector comes along and cannot find out who was in charge of it. The owner says he was in his electorate and refuses to assist the police in any way at all, and they cannot do anything about it.

Hon. Sir Charles Latham: He cannot assist if he does not know.

Hon. E. M. HEENAN: He is not expected to. If the traffic inspector is satisfied that the owner could not reasonably

have been aware of the identity of the driver or person in charge, that is the end of it. But if an individual is trying to hoodwink the traffic authorities and subvert the law, something should be done about it.

Hon. Sir Charles Latham: I suppose that the control would be exercised with commonsense.

Hon. E. M. HEENAN: Of course it would!

Hon. A. R. JONES: A minor breach is committed and the police are concerned as to who was the offender. They put a ticket under the windscreen wiper. The person driving the car could take the ticket out, tear it up and forget about it. Then the onus is on the owner, on whom the notice is served. He can pay the fine or go to court and dispute the case. But I think that, rather than go to court, he would pay the fine. Subclause (1) is quite reasonable. If the information sought is not supplied, there should be a penalty of £10. But if a man will not give information, he should not be charged with an offence that he did not commit. Under this clause a man could be quite blameless and yet be fined £10. Therefore Subclause (2) should be deleted.

Hon. G. C. MacKINNON: Mr. Heenan did not answer Mr. Baxter's query. Subclause (2) provides that where the person in charge of a vehicle is alleged to have committed an offence and the owner fails "to inform a member of the Police Force or an inspector within seven days of the commission of the offence," certain action shall be taken. If the provision were to the effect that it should be within seven days of his having received official advice, it would be a different matter.

Hon. J. G. Hislop: This provision puts the onus on the police to ask the man within seven days.

Hon. G. C. MacKINNON: Then automatically, if the man did not get his summons until the eighth day, all he would have to say would be that he did not do it, because that would be outside the seven days.

Hon. J. G. HISLOP: No. The police make inquiries within the seven days. I think there is a considerable mixture in this clause. We find in line 14 of Subclause (2) that the person who cannot give the name of the person who was driving his car is liable only to the penalty prescribed in respect of that offence. He is not liable to a fine of £10. Subclause (2) should be deleted. It has no relation to the fine of £10, although the Chief Secretary said that the £10 was applicable to the whole clause. In line 14 it is specifically stated that the man who commits the offence is liable only to the penalty prescribed in respect thereof; and that would be 10s. for the first offence, 15s. for the second, and £1 for the third.

Hon. L. A. LOGAN: In regard to the provision of seven days, if Mr. Baxter stole my car, took it to the Terrace and left it there longer than the time allowed, and a sticker was put on the windscreen wiper, then he would have seven days before it would be necessary to pay the 10s. fine. In the meantime he might decide to say that he was not the owner and did not leave the car there.

Hon. J. G. Hislop: The onus would be on the police to go to you.

Hon. L. A. LOGAN: How would the police know?

Hon. J. G. Hislop: They would go to the registered owner.

Hon. L. A. LOGAN: They cannot do that unless they are satisfied that the one who committed the offence is not going to admit it. If the one who committed the offence admits it, the officer does not have to go to the owner.

Hon. J. G. Hislop: If he does not go to you within seven days, there is no penalty.

Hon. L. A. LOGAN: Yes; I think I can appreciate that now. Unless the officer goes to the owner within seven days the owner is not liable. But that does not get away from the principle to which I previously objected, that we are by legislation making it possible for a man to be convicted for an offence he did not commit.

Hon. J. G. Hislop: That is not so. He could agree to pay the fine or refuse to pay it and state a case in court.

Clause, as amended, put and negatived.

Clause 20—agreed to.

Clause 21—By-laws.

Hon. H. K. WATSON: I move an amendment—

That after the word "traffic" in line 31, page 18, the words "or a vehicle trespassing on privately-owned land." be inserted.

That would enable the municipal council to prescribe by-laws dealing with motor-vehicles trespassing on another person's land.

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

*Sitting suspended from 6.15 to 7.30 p.m.*

Clauses 22 to 25—agreed to.

Schedule:

The CHIEF SECRETARY: I move an amendment—

That paragraph (a) of Clause 2 of the Schedule, page 22, be struck out and the following inserted in lieu:—

(a) by adding after the word "regulation" in line 5 of the first proviso to Subsection (8)

the passage:— "and in addition, in any part of the metropolitan area which is a parking region, the Commissioner of Police and the Council of the City of Perth shall jointly and severally regulate and control traffic in that part of that area in respect of the powers conferred on the Council of the City of Perth by the City of Perth Parking Facilities Act, 1956."

Under the Bill as drafted, the police could initiate proceedings for parking offences only in the parking region, and for any other offences in that region proceedings could be initiated only by the City of Perth. The amendment will overcome that anomaly.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the word "or" secondly occurring in line 2, page 23, be struck out and the words "but when authorised by" inserted in lieu.

Without this amendment the police would be placed virtually under the direction of the City Council.

Amendment put and passed.

Hon. J. G. HISLOP: If the Bill is passed, will the amendment made to the Traffic Act be automatically placed in that Act? If not, no one will be able to keep track of what has been done.

The CHIEF SECRETARY: I will take the matter up with the Minister and see whether it is possible to make some reference to it in the other Act.

Schedule, as amended, agreed to.

Title:

Hon. L. A. LOGAN: Why is it necessary to have a title of 150 words? The Crown Law authorities should revise their thinking in regard to the titles of Bills.

Title put and passed.

Bill reported with amendments.

#### *Recommittal.*

On motion by Hon. N. E. Baxter, Bill re-mitted for the further consideration of Clauses 11 and 19.

#### *In Committee.*

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

Clause 11—Powers of Council:

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

That after the word "and" in line 23, page 9, the words "subject to the provisions of Subsection (3a) of this section" be struck out.

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

Clause 19—Duty of owner to identify driver of vehicle:

Hon. J. G. HISLOP: Would I be in order, Mr. Chairman, in moving that Clause 19 be restored to the Bill?

The CHAIRMAN: I think the hon. member might be in order.

Hon. Sir CHARLES LATHAM: Mr. Chairman, might I draw your attention to Standing Order 192 which reads—

No new clause or amendment shall be proposed which is substantially the same as one already negatived by the Committee or which is inconsistent with one that has already been agreed to by the Committee unless a recommitment of the Bill shall have intervened.

The CHAIRMAN: That is so. Under that Standing Order, Dr. Hislop would be quite in order in moving that Clause 19 be restored to the notice paper.

Hon. J. G. HISLOP: I hope the Committee will agree to reinstate this clause. We have had time to think this proposal over, and it deals with purely a minor offence. It provides that the police shall have only seven days in which to question an individual in regard to an offence. A person's memory would not be taxed if he were questioned within that period. Further, big business firms would have a list of the names of their drivers which could be checked by the police.

This clause can be a real protection to individuals. In Queensland the parking authority is obliged to apprehend the driver personally. In those circumstances, a person who had committed an offence could walk away from his car if an inspector approached him and then slip into it later and drive away. Therefore, the restoration of this clause to the Bill is necessary. In any event, I believe that a conference will be called if the clause does not remain in the Bill, and we will thus save a great deal of time if my motion is agreed to. I move—

That Clause 19, as struck out by a previous Committee and as printed, be reinserted in the Bill.

The CHIEF SECRETARY: Dr. Hislop's motion should read "as amended" and not "as printed." I had two small amendments made to this clause at the previous Committee stage.

Hon. J. G. HISLOP: I ask for leave to withdraw my motion.

Motion, by leave, withdrawn.

Hon. J. G. HISLOP: I move—

That Clause 19, as amended and struck out by a previous Committee, be reinserted in the Bill.

Question put and passed; the clause, as amended by a previous Committee, reinserted.

*Report, etc.*

Bill again reported with further amendments and the reports adopted.

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

# **BILL—TRAFFIC ACT AMENDMENT** (No. 3).

## *Conference Managers' Report.*

The CHIEF SECRETARY: I have to report that the managers met in conference on the Bill and reached the following agreement:—

Amendment No. 2—Agreed to subject to the substitution of the word "three" for the word "two".

Amendment No. 3—Disagreed to.

Amendment No. 4—Disagreed to, but Clause No. 9 of the Bill to be amended as follows:

After paragraph (a) add a paragraph to stand as paragraph (b) as follows:

(b) By adding after Subsection (1) a subsection as follows:

(1a) (a) The person who becomes the owner of the vehicle shall, immediately on becoming the owner, apply to the licensing authority for the transfer of the licence to him and pay the prescribed fee.

(b) A person who fails to comply with the provisions of this subsection commits an offence.

Penalty: Twenty pounds.

Amendment No. 5—Disagreed to, subject to the deletion

(1) of paragraph (a) in lines 17 and 18;

(2) of subparagraph (ii) in lines 26, 27 and 28 of paragraph (b);

and to the addition after the word "learner" in line 30, of the passage "who shall at all times ride on the left of the person riding in company with the learner."

Amendment No. 6—Disagreed to subject to the following—

Insert a paragraph to stand as paragraph (a) as follows—

(a) by adding after Subsection (1) a proviso as follows:—

Provided that where a person convicted under this section of a first offence of being under the influence of drugs is held by the Court, so convicting him, to have taken those drugs pursuant to a prescription of a duly registered medical

practitioner or to have had the drugs administered to him by a registered medical practitioner in the course of treatment for or in prevention of disease from which that person is suffering or is likely to suffer, that person is liable to the penalty of the fine or imprisonment prescribed in subparagraph (i) of paragraph (a) of Subsection (3) of this section and the Court may in its discretion suspend a licence to drive held by him or disqualify the person from obtaining a licence under this division of this Act for such period, not exceeding three months, as the Court thinks fit.

Amendment No. 7—Disagreed to subject to the following—

Insert a paragraph to stand as paragraph (b) as follows—

(b) by adding after the proviso to Subsection (2) a proviso as follows—

Provided also that the member of the Police Force or the Inspector shall immediately after the person is so charged, inform him that he has the right to communicate with a legal practitioner and another person nominated by him, and if he desires to exercise this right, every reasonable facility to do so shall be afforded him.

Amendment No. 8—Disagreed to. Clause 19 to stand subject to the following:—

(1) Delete the words "when required so to do" in lines 18 and 19 and substitute the words "if required so to do within seven days of the commission of the offence."

(2) Add after the word "deemed" in line 26 the words "by the prescribed officer."

Amendment No. 9—Disagreed to. Clause 21 to stand.

Amendment No. 11—Disagreed to. Clause 26 to stand subject to the following:—

Add after item 2 under the heading "LICENSE FEE FOR MOTOR VEHICLES" a proviso as follows:—

Provided that where a licence in respect of a motor wagon not exceeding 70 p.w. units is issued by a licensing authority for a period commencing prior to the first day of July One thousand nine hundred and fifty-eight, that authority shall allow the owner of the

vehicle a rebate of ten per centum of the fee prescribed for that vehicle licence.

Amendment No. 12—Agreed to.

Amendment No. 13—Agreed to, subject to the following amendments:—

(1) Delete the word "or" in line 2 of subparagraph (i) of paragraph (a) of the proviso.

(2) After the word "guardian" in line 2 of subparagraph (i) of paragraph (a) of the proviso add the words "or employer."

(3) Delete the word "and" in the last line of subparagraph (i) of paragraph (a) of the proviso.

(4) Delete subparagraph (ii) of paragraph (a) of the proviso.

Amendment No. 14—Disagreed to.

One of the main decisions agreed to concerned the person who sold his vehicle, and the onus was placed on the owner to pay the fee for transfer and registration. The conference managers agreed that the person who becomes the owner of a vehicle shall immediately apply to the licensing authority for the transfer of a licence to him and pay the prescribed fee; and if he fails to comply, he commits an offence.

Another important feature was the licensing of motor-cyclists. The provision was deleted from the Bill in this House, but was reinserted in another place. The features to which this House took exception, such as riding in side-cars and on the pillion were struck out of the clause, and it is now agreed that the learner shall be on the left-hand side of the rider.

An amendment which this House agreed to leave to the conference managers to decide related to the person convicted of driving under the influence of drugs. It has been agreed to give the court a discretion, in respect of a first offence, to suspend a licence or to disqualify a person from obtaining a licence.

Another contentious matter on which agreement was reached concerned the person charged with drunken driving. It was agreed that after such a person has been charged, the police officer shall immediately inform him of his right to communicate with a legal practitioner and another person nominated by him.

Another agreement that was reached relates to the fees for motor-vehicles and utilities, and a rebate of 10 per cent. is provided in respect of a motor wagon not exceeding 70 power weights.

In regard to the amendment concerning the issuing of licences to people under 18 years of age, it was finally resolved that the obtaining of the consent of the parent, guardian or employer is sufficient to enable the police to issue or renew a licence.

It was decided to include the consent of the employer because many lads work in the country and away from home, and in other instances some lads have no parents or guardians.

The last amendment deals with the blood test. It was withdrawn, not because the conference thought the amendment was undesirable, but because early in the new year an Australia-wide conference in this regard is being convened. It was decided that it would be wiser to await the outcome of that conference before including this provision in the Bill. It was thought preferable to amend the Act in 12 months' time along the lines of any recommendations that might be made at that conference, rather than to insert the provision as it is. I move—

That the report be adopted.

Question put and passed, and a message accordingly returned to the Assembly.

### **BILL—LAND AND INCOME TAX ASSESSMENT ACT AMENDMENT.**

*Assembly's Message.*

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

### **BILL—PENSIONS SUPPLEMENTATION ACT CONTINUANCE AND AMENDMENT.**

*First Reading.*

Received from the Assembly and read a first time.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [8.16] in moving the second reading said: The Pensions Supplementation Act was introduced in 1953 as a temporary measure to give a flat rate increase in pensions payable under the three pensions Acts concerning State employees. One provision was that the Act would be operative until the 31st December, 1956. During the year, a report on the adequacy of pensions in relation to the cost of living was made by Mr. Nicholas, following a motion of this House; and the question of carrying out the recommendations contained in the report has been given careful consideration by the Government.

These recommendations, however, would cost the State a considerable amount of money; and the Government cannot at this stage carry them into effect in their entirety, but will further consider the matter, generally, next year. However, it is essential that the present income of pensioners be maintained, and to provide for that, the Pensions Supplementation Act will require to be continued in its operation for a further 12 months.

In the meantime, the Government is prepared to increase the allowance for children now being paid to widows in receipt of pensions under the Superannuation and Family Benefits Act, 1938. That increase will supplement the present rate by 7s. 6d. per week, and provision has been made in the Bill now before the House in that regard, and for the continuance of the Pensions Supplementation Act until the 31st December, 1957. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

Bill read a third time and *passed*.

### **BILL—ADMINISTRATION ACT AMENDMENT.**

#### *Assembly's Message.*

Message from the Assembly notifying that it had agreed to amendments Nos. 1, 2 and 3 made by the Council, had disagreed to Nos. 5, 6, 8 and 9, and had agreed to Nos. 4 and 7 subject to further amendments, now considered.

#### *In Committee.*

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

#### No. 4.

Clause 10, page 6, line 22—To add after the word "beneficiary" the words "who is the widower or widow, or the parent or brother or sister or any issue of the deceased person and who was at the date of the death of the deceased a bona fide resident of, and domiciled in, Western Australia."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council's making a further amendment to insert the words "or widower" after "widow" in line 23, page 6, Clause 10. The Assembly's reason is—

Last year Parliament increased from £6,000 to £10,000 the amount on which half duty payment was allowed and restricted the rebates to widows and children under 16 years of age.

The amendment proposed by the Legislative Council would considerably expand the concession by including brothers, sisters and widowers, and thus would deprive the State of much needed revenue which it cannot afford to lose at the present time.

However, the Legislative Assembly, in an endeavour to avoid the necessity of holding a conference between the two Houses, has offered to agree to extend the concession to widowers.

The CHIEF SECRETARY: I think we should accept the Assembly's offer. It is holding out the olive branch; and although the extension does not go as far as this Chamber desires, it is an extension and we should accept it. I move—

That the Assembly's amendment be agreed to.

Hon. H. K. WATSON: I hope the Committee will not agree to this amendment on our amendment; because, by the very reasons it has given, the Legislative Assembly has shown a complete misconception of the law as it stands at the moment. What Parliament provided last year, and the state of the law at the moment is this: On an estate up to £6,000 the half rebate is allowable to a parent, widow, widower, brother, sister and issue of the deceased.

What Parliament further did last year was, in respect to estates over £6,000, to say that a rebate of one-third should be granted on the excess of £6,000 to £8,000 and a rebate of one-quarter on the excess from £8,000, to £10,000. It was those two additional minor concessions which were restricted to a wife and children under 16. The amendment proposed by the Council simply retains the law as it is at the moment. It is not a question of extending benefits but, in the main, simply a question of retaining benefits which are already in the Act.

The Chief Secretary: But extending the amounts.

Hon. H. K. WATSON: For the purpose of uniformity. For those reasons I ask the Committee to insist on its amendment.

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

Ayes	.....	7
Noes	.....	11
Majority against		4

#### Ayes.

Hon. E. M. Davies	Hon. G. E. Jeffery
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. P. R. H. Lavery
Hon. E. M. Heenan	(Teller.)

#### Noes.

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

#### Pairs.

Ayes.	Noes.
Hon. F. J. S. Wise	Hon. C. H. Simpson
Hon. J. D. Teshan	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. J. Cunningham
Hon. R. F. Hutchison	Hon. H. L. Roche
Hon. H. C. Strickland	Hon. A. E. Jones

Question thus negatived; the Assembly's amendment to the Council's amendment not agreed to, and the Council's amendment insisted on.

#### No. 5.

Clause 10, page 6—To delete paragraphs (a), (b), (c) and (d) in the interpretation of "beneficial interest."

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

It is necessary to retain these paragraphs in view of the opposition by the Legislative Assembly to the Legislative Council's Amendment No. 4.

The CHIEF SECRETARY: I think we will have to insist on this amendment in view of the previous vote. I move—

That the amendment be insisted on.

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

No. 6.

Clause 13, page 8, line 35—Delete proposed new Subsection (2) and substitute the following:—

(2) From the amount which would otherwise be the final balance of the estate of a person who dies after the coming into operation of the Administration Act Amendment Act, 1956, there shall be deducted the amount of any gift, devise, bequest, legacy or settlement, mentioned in Subsection (1) of this section and on the final balance as so reduced duty shall be payable at the appropriate rate declared by Parliament in the Death Duties (Taxing) Act, 1934-1956.

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

This proposed concession would substantially reduce the revenue coming to the Government from this source.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

I think the Assembly has given a very good reason; and that is, that revenue would be substantially reduced if this amendment were insisted on.

Hon. H. K. WATSON: I hope the Committee will insist on this amendment. If members will read the reasons regarding amendment No. 9 they will get a better idea of the point at issue, because it is identical in regard to both 6 and 9. If that is standard practice throughout Australia, it is time we took a lead to establish a more equitable system.

To illustrate my point, I would say that if a person died and left an estate of £30,000, of which one-half was given to the university and the other half, £15,000, was left to relatives, the latter amount would be taxed, not at the dutiable rate of £15,000, but at the rate of £30,000. It is the same as saying that the income of a member of Parliament should be taxed not at the rate attributable to his net income but to his gross income. There is nothing to justify it, and I am surprised it has not been queried earlier.

The CHIEF SECRETARY: I will agree with all the hon. member says. We should not, however, lead the way in Australia on this, particularly when members

have not agreed to do so when I have asked them on previous occasions. It is proposed to give away something that is paid in all other parts of Australia.

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

No. 7.

Clause 14, page 9, line 19—To delete the word "three" and substitute the word "five."

The CHAIRMAN: The Assembly agrees to the Council's amendment subject to the Council making a further amendment to strike out the word "five" and substitute the word "four." The Assembly's reason is—

In an effort to make a conference between both Houses unnecessary, the Legislative Assembly has agreed to accept a period of four years, against the three years now provided for in the Bill and the five years proposed by the Legislative Council.

The CHIEF SECRETARY: I move—

That the Assembly's amendment be agreed to.

Question put and passed; the Assembly's amendment to the Council's amendment agreed to.

No. 8.

Clause 14, page 9—To insert after paragraph (b) a paragraph to stand as paragraph (c) as follows:—

(c) by inserting after the word "parent" in line ten the words "or brother or sister."

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

This proposed new concession would place an unfair burden on the Consolidated Revenue Fund.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

This has never been allowed before, and it defeats the object of the Government in trying to overcome the criticism of the Grants Commission regarding the insufficiency of probate duty collected on estates below £10,000.

Hon. G. C. MacKINNON: I hope the Committee will insist on this amendment. The Chief Secretary would have us believe that the best way to develop the country is to break up the family estate. We should not agree to that. I could quote actual cases where properties have been in the hands of the family for many years; but, because of this, they will have to be sold. Probate duty was designed to break up large feudal estates. We should insist on our amendment because it is in line with the previous amendment on which we have insisted.

Hon. Sir CHARLES LATHAM: A person who has died and who has amassed some wealth is compelled to pay tax on it. An



elder brother might have a widowed mother and young children whom he wishes to educate, and this will prevent that. The provision will encourage people to become pensioners and be dependent on the Commonwealth, and it is bad in principle.

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

No. 9.

Clause 14, page 9, line 21—To delete proposed new Subsection (2) and substitute the following:—

(2) From the amount which would otherwise be the final balance of the estate of a person who dies after the coming into operation of the Administration Act Amendment Act, 1956, there shall be deducted the value of any property (or substituted property) referred to in Subsection (1) of this section and on the final balance as so reduced duty shall be payable at the appropriate rate declared by Parliament in the Death Duties (Taxing) Act, 1934-1956.

The CHAIRMAN: The Assembly's reason for disagreeing to the amendment is—

Assessing practice throughout Australia is to arrive at the value of an estate and then calculate the duty at the rate applicable to the final balance or estate value, with free-of-duty legacies not being assessed for tax.

The beneficiaries of an estate pay the proportion of duty on legacies at the rate applicable to the final balance of the estate.

Western Australia cannot afford to adopt a more generous system of assessment than the system which operates in the other States of Australia.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The Assembly has given the reason I have given all right, but nobody will listen to it. We are going to be out of line with the whole of Australia, and will have to go to the Grants Commission with cap in hand.

Hon. Sir Charles Latham: You have your Land Tax Bill.

Hon. J. G. HISLOP: It appears to me that the Government of this State is becoming the servant of the Grants Commission. Is that correct?

Hon. H. K. WATSON: As the Committee insisted on No. 6, this should be insisted on, because it is a method of calculation and the two tables are coincidental.

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

Resolutions reported and the report adopted.

A committee consisting of Hon. N. E. Baxter, Hon. H. K. Watson and the Chief Secretary drew up reasons for not agreeing to the Assembly's amendment to the Council's amendment No. 4.

Reasons adopted and a message accordingly returned to the Assembly.

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 3).**

### *Second Reading.*

Debate resumed from an earlier stage of the sitting.

HON. L. C. DIVER (Central) [9.28]: This is a necessary Bill and is in line with the recommendations of the Honorary Royal Commission which inquired into petrol marketing in this State in the early part of this year. I am sorry we have to deal with the matter in this way. After it had spent many months inquiring into the position, the commission was of the opinion that the industry was in a sad plight, and it was recommended that a comprehensive piece of legislation should be enacted which would reasonably satisfy all concerned. Unfortunately, owing to pressure of time, the Government has not seen fit to bring down a comprehensive measure at this juncture.

The Bill has been rendered necessary mainly by the introduction of one-brand marketing and the establishment by wholesalers of their own service stations, followed by the introduction into this State of agreements between the wholesalers and those who conduct their service stations. The trading hours contained in those agreements far exceeded the hours specified in the Factories and Shops Act of 1946, with the result that owners of freehold service stations had to trade longer hours in order to retain the through-put of petrol that they had before the introduction of the longer trading hours. In Section 2, part V, of its report, the Royal Commission said—

The position regarding trading hours has developed gradually since the Factories and Shops Act was amended in 1946.

At that time trading hours were set down as hereunder—

Week days (Monday to Friday)  
—7 a.m. to 6 p.m.  
Saturdays—7 a.m. to 1 p.m.  
Sunday—Closed all day.

On public holidays—subject to Section 100 of the Factories and Shops Act—trading was permitted between the hours of 7 a.m. to 10 a.m. No trading was permitted on Christmas Day or Anzac Day.

The position in 1946 related to a period of petrol rationing, scarcity of vehicles and an acceptance by the public of restrictions.

As the supply position in regard to vehicles eased, and particularly when petrol rationing was abolished, the need for some extension of trading hours became apparent, and by 1951 the position was that a number of stations catered for extended trading hours—in some cases for the entire 24 hours—on week-days, Sundays and holidays.

The commission is not unmindful that future developments such as night deliveries might necessitate special consideration, but considers that at present it is primarily called upon to report on the position as it is.

The commission has dealt with the position with regard to the building of service stations and would add here that the result of such building in itself has led to excessive competition between retailers manifesting itself in long an uneconomic trading hours.

The Shell Company of Australia Ltd. has tacitly admitted the force of these conclusions by inserting in the agreements for tenancy the trading hours to be followed by two of its monthly tenants, Stanley Gordon Power and Gordon Maddeford. In the case of Maddeford the trading hours to be observed total 114 per week.

Further on in its report the Royal Commission said—

Extended trading hours have been the means by which many service station proprietors have attempted to attract gallonage. The following table shows the average hours that service stations owned by freeholder witnesses remained open for business for the purpose of retailing the respective brands of motor spirits:—

	Hours per week.
Shell .....	72.1
Vacuum .....	62.2
C.O.R. ....	86.6
Caltex .....	64.3

The following table, by comparison, shows the average hours per week that service stations owned by wholesalers, remained open for business:—

	Hours per week.
Shell .....	89.5
Vacuum .....	94.6
C.O.R. ....	85.2
Caltex .....	110.2
Ampol .....	97

Only one Neptune retailer from the metropolitan area gave evidence as to his business hours, therefore figures for this company have not been included in the above tables.

It will be seen that the hours worked in the industry at present are excessive, and there was abundant evidence that longer hours did not ensure greater gallonage.

There were periods during the night when it was uneconomic to remain open; but in order to be competitive with other service stations, the proprietors kept their doors open. That resulted in a dreadful waste of man-hours and heavy costs, without serving any useful purpose, all of which must ultimately be paid for by the motorist. The Bill provides for the hours recommended by the Honorary Royal Commission.

Doubtless members will wonder why petrol stations can remain open for long hours, as they do at present, in view of the provisions of the Factories and Shops Act. The Royal Commission was unable to establish the cause of the non-application of the provisions of the Act; and concluded that, in view of the apparent understanding among some witnesses, lawful trading hours in this State could only be interpreted as meaning 24 hours a day, and it recommended periods during which service stations should remain open for business.

Under the Factories and Shops Act two prosecutions were instituted for after-hours trading, but neither was successful. The last case failed because the individual who instituted the proceedings was the secretary of the Western Australian Automobile Chamber of Commerce. Mr. Harry took proceedings against an individual and obtained a verdict, which was disallowed on appeal because the person instituting the proceedings was not a qualified person.

Apparently before a conviction can be obtained under the Act, it is necessary—as it used to be in regard to starting-price betting, where a policeman had to obtain the evidence—for an inspector under the Factories and Shops Act to be prepared to get the necessary evidence. The circumstances I have outlined have allowed the position to deteriorate to the present stage over the last five years, and now we have a number of people conducting service stations and selling considerably less petrol today than they did in the base year, 1951.

In that year the throughput, in the opinion of the major oil companies, was not sufficient for the retailers; and the Shell Company, to entice the industry to accept the one-brand system, said that one of the benefits of that system would be an increase in gallonage. But in the vast majority of instances, the gallonage did not increase. In a number of cases it has remained static; and in others again, it has decreased. That proves that the great competitive spirit, which some people have urged, could prove disastrous to the motorist in the long run if something is not done to control the industry.

This measure seeks to achieve a degree of stability which was requested by all but two of the retailer witnesses who appeared before the Royal Commission. For the information of members, I would point out that the manner of selecting witnesses was worked out on the basis of

permitting the Automobile Chamber of Commerce to submit a panel of names, and the wholesalers to submit a panel of names, and for the Royal Commission itself to select a panel of its own. Consequently we considered that we got a fair cross-section of the industry giving evidence before us. Out of 58 witnesses who gave evidence only two were satisfied with the trading hours.

It was freely admitted by the wholesalers who gave evidence that they had no idea that so many witnesses were going to tell the Royal Commission that they were so dissatisfied with the length of the trading hours. Not only were they dissatisfied; but, in documentary evidence, many of them set out evidence dividing the days into various portions to illustrate that the vast majority of the service stations were open for long hours into the night with little or no business in return, and that in no instance could it be proved that the working of such long hours was an economic proposition.

Therefore, I heartily support this Bill, and I trust that it will be passed and will be placed on the statute book. I understand that there are some who would like to amend the measure. In fact, the Automobile Chamber of Commerce is desirous of having a small and unimportant amendment made to it. I trust, therefore, that the House will pass the Bill as printed with the exception of one small amendment which I will move in Committee to place the letters "W.A." before the title, "Automobile Chamber of Commerce." I support the second reading of the Bill.

**HON. G. C. MacKINNON** (South-West) [9.48]: We have lately had before us a spate of Bills that have sought to impose restrictions, including the Bread Bill and other measures which sought to amend the Factories and Shops Act, and yet I find that I quite agree with Mr. Diver in that there would appear to be some restriction needed in accordance with the provisions of this measure in connection with the trading hours of service stations.

I would like to go back a little before the inauguration of one-brand marketing, and, for the information of members, outline the conditions that existed in those days. The history of petrol reselling in this State shows very definitely that when people sit down and take things too easily they pay the piper.

Any motorist who thinks back to the days before one-brand marketing was introduced must admit that the services rendered by service-station proprietors in many parts of the State left much to be desired. The motorist has reaped many benefits in the way of improved service since one-brand marketing was introduced to the State.

I am prepared to admit, however, that the pendulum has swung in the opposite direction to the extreme, and that service-station facilities now offering at every corner would appear to be a little too rich. Nevertheless, speaking as a motorist, I consider we get a much better service than we got before, and I feel that the lackadaisical methods adopted by service-station operators a few years ago have helped to bring about this present state of affairs.

In the petrol retailing business, we have three groups to consider: the oil companies, the resellers and the motorists. In considering this Bill, we should not overlook that factor. I must admit that the people with whom my sympathy mainly lies are the motorists. The oil companies are big boys now and are quite capable of looking after themselves. I agree that the petrol reseller certainly needs some protection, but the motorist is also deserving of some consideration.

The trading hours proposed in the Bill are from 7 a.m. to 7 p.m. on week days, from 7 a.m. to 1 p.m. on Saturdays, and from 9 a.m. to noon on Sundays. They would appear to be reasonable enough as a general basis for service-station trading hours. Other factors which would appear to have brought this measure forward to further restrict trading hours are the lack of agreement between the oil companies and the resellers and between one oil company and another, and their constant war with one another to obtain as many service stations as possible.

It would seem that one oil company has to build enough service stations to retain a nominal percentage of the market. If all the other companies put together built two service stations, the remaining company would have to build one, and so it goes on. That is a ridiculous state of affairs. So we find that, in everybody's interest, we are faced with the necessity of considering a Bill which will impose further restrictions on petrol-reselling trading hours.

If we had had no restriction in the first place it is possible that ordinary competition might have brought about some balance; but the danger is that, as we get more and more service stations, there will be a greater inducement for the various proprietors of these establishments to approach the authorities for a further increase in their profit margin of, say, from 1d., making it 5½d. instead of 4½d., and then, as more service stations are built, a further approach being made for another increase in the margin from 5½d. to 6½d.; and the motorist is the one who has to pay all the time.

So it would appear that some sort of balance is necessary. Whilst I admit that the trading hours provided in the Bill would appear to be reasonable, many exceptions could be cited. In the Bill

there is no provision for a system that would cover these exceptions. For instance, we have just considered a measure dealing with the control of parking in the city. While I agree that that is predominantly a Bill relating to conditions in the city, and that it will affect the people living in the city to a far greater extent than those who live in the country, there are factors relating to parking in the city to which country members must give serious thought.

It is the habit of very many country people to come to the city and to park their cars in a 24-hour parking station. Lack of knowledge of the various traffic regulations makes it an economical proposition for them to do that. Speaking for myself, I try to arrange to come down to Perth and to return to my home in the country in the same day, especially when I bring my family to the city. When I arrive in Perth, I take my car straight to a 24-hour parking station from which I can take it out for an hour or so and then return it whenever I deem fit.

However, one often gets caught out, because we are only human and are subject to these frailties. For instance, we get back at about 9 p.m. and we want to fill up our petrol tank or we stay overnight in the city and we are anxious to make an early start on the return journey the following morning. As a result we generally get up about 4 a.m., top the radiator up with water, fill up with petrol, attend to other minor details and go on our way.

However, under this proposed set-up that could not be done. The proprietor of a service station that I have patronised for some years is not a member of the organisation under which the control of the bulk of the machinery of this legislation will be placed, and this in itself could lead to that proprietor encountering some difficulty. It would seem reasonable to allow parking stations which now operate on a 24-hour basis to continue operating as such.

It has been proved overseas that it is uneconomical to establish a multi-storeyed parking station unless it is complete with service facilities. It must have those facilities which will enable a car to be washed and polished, to be served with oil and petrol, etc.; otherwise such a parking station would be an uneconomical proposition.

On such a basis, a reasonable profit on the capital invested is ensured; but without the provision of service facilities on such parking stations, it would not be a payable concern. These establishments must also work on a 24-hour-schedule basis, and there are certain difficulties attached to that. Therefore, although we are in a city where these difficulties are inherited, when we move to the country they become much more pronounced.

I can cite many places in the South-West where this applies, but I am sure that similar conditions also exist in other parts of the State. I quote, as an example, places like Bunbury, Busselton, and Augusta. In June, July, August and September—and one could almost include May—the trading hours of service stations that are proposed in the Bill could be even further restricted at those centres. For the remaining period of the year, however—that in which most people take their holidays—the service stations in those towns that I have mentioned would require trading hours ranging from dawn to midnight because of the many motorists from Perth spending their holidays at those places. Anyone living at Perth is anxious to make the most of his holiday as soon as it is due to him.

For example, a man may leave Perth, accompanied by his family, to spend a fortnight's holiday in any one of these centres. He may knock off work at 5 p.m., load up his car, and set off. On arrival at Bunbury, he will probably require to fill up his petrol tank and attend to his oil and water requirements. He then continues on his way, making his next stop at Statham, where he may again put some petrol in the tank of his car. He might find it necessary to call in at a service station situated at any one of those centres at any time of the day or night, and may require to fill up with petrol. So in that period of the year these service stations, like other businesses in the same places, look for and expect to make the bulk of their income. In the winter time they do not expect to make a lot of money.

That brings to my mind another circumstance which I have seen operate when the carting of wheat by road was occurring. Because of action taken in this House and another place, it is possible that in certain periods of the year there will be a 24-hour service of road transport which will require fuelling and servicing facilities.

Hon. L. C. Diver: They buy in drum lots.

Hon. G. C. MacKINNON: They might where the hon. member comes from, but not in Bunbury. I know truck drivers who have put fuel on the back of their trucks during wheat carting, but they have no industrial pumps. They are carriers. I know of service stations which served these trucks when they pulled in and filled up with petrol. The capacity of a truck is not sufficient to enable it to drive into the port of Bunbury and to drive back again to get fuel.

The Minister for Railways: It would be cheaper to buy the fuel in Bunbury.

Hon. G. C. MacKINNON: They do fill up with petrol there, but they will not do that anywhere else. That is all the more reason why we should not be too set in this legislation, and all the more reason why we must have a flexible organisation. I am

not prepared to say they do, but I am prepared to agree that in Bunbury when they were carting wheat, they used to pull up at the garages and fill up with fuel. I know the garages which supplied them. Such considerations do apply.

All the argument comes back to one point, on which Mr. Diver and I disagree. That relates to the representative body. Under the Bill, the representative body is the one which will nominate the personnel who will virtually administer the legislation. It is known as the West Australian Automobile Chamber of Commerce Inc. I have drafted an amendment in regard to that, because I feel that organisation is not truly representative of the industry.

I revert to what I said earlier, that there are three sections affected by this legislation. We can eliminate one of them because the oil companies are big enough to look after themselves. There remain the resellers and the motorists. The Automobile Chamber of Commerce in no way represents the motorists. As a matter of fact, it only to a certain percentage represents the reseller.

Hon. F. R. H. Lavery: A pretty big percentage.

Hon. G. C. MacKINNON: That is a guess; because, in another place, a question was asked of the Minister as late as Tuesday last. With all the facilities at his disposal he was unable to supply the information.

Hon. F. R. H. Lavery: He could have contacted the Royal Commission.

Hon. G. C. MacKINNON: The Minister could have asked the Royal Commission, or he could have contacted the Automobile Chamber of Commerce. As he had been asked a question, I took it for granted that he had pursued all lines of inquiry. Nevertheless he was unable to supply the information.

From what information I have been able to gain, the Automobile Chamber of Commerce—a very good and worthy organisation—represents probably 70 per cent. of the city outlets, and it is anybody's guess how many resellers in the country it represents. My guess is 30 per cent., but the true figure is anybody's guess. It must be remembered that many of the outlets in the country are situated on the kerbside outside of grocer and other shops.

Hon. L. A. Logan: Such outlets are getting fewer and fewer.

Hon. G. C. MacKINNON: I do not know about the position anywhere else, but there are quite a number of them in the South-West. The grocer shops in Brunswick Junction still have petrol bowlers. Therefore, irrespective of the percentage, or how accurate or inaccurate my guess may be—because the Minister has not supplied the information—this organisation represents only a portion of the resellers, and not one of the motorists.

Hon. F. R. H. Lavery: This House represents only some of the people of the State.

Hon. G. C. MacKINNON: Some improvement can be made to the representative body. I am going to move later that the representative body shall consist of a member of the Automobile Chamber of Commerce and two members of the R.A.C. I choose the R.A.C. because it is a reputable organisation with a wide membership of motorists. I provide that one of its members shall be from the city and one from the country. That would give a much better balance—remembering, of course, that if it errs on the side of the motorist, the Minister still has the power under the Bill to restrict the hours of trading.

I would like the House to give some consideration to my remarks. It will be seen from the Bill that local authorities have the power to contract into this scheme. Although they are not included in it at present, we must legislate on the basis that they might be. Therefore we should have a slightly wider representative body than the one envisaged in the Bill. As probably the biggest capital investment in this industry is represented not by the oil companies, not by the resellers, but by the motorists themselves, they should have some say. With the amendment I outlined in mind, I support the second reading.

HON. J. G. HISLOP (Metropolitan) [10.9]: I regret very much that this measure is being dealt with in a hurry, because I do not believe it is sound to place legislation on the statute book to which we have given but scant attention, and which might need amendment soon after it begins to function. There are a number of features in the Bill which make me hesitate to agree to it. Let me illustrate one or two of them.

I must first of all agree with what Mr. MacKinnon suggested in regard to the representative body envisaged under the Bill being not truly representative of the industry. The Automobile Chamber of Commerce certainly agitated for a reduction of the hours of trading of service stations, but it met with considerable opposition from various quarters.

Some of the methods adopted by that organisation in the earlier stages of negotiations cannot be condoned; and to make it the sole representative body would be wrong in principle, because it could recommend to the Governor that only those garages which saw eye to eye with it should be granted extra trading hours. Although the Bill does give the Governor the right to nominate certain garages for extra trading hours, even though they are not members of the representative body,

I do think the representative body should be enlarged in order to include a considerable cross-section of garage proprietors.

I have never been in favour of restricting conditions of trade. I cannot imagine anyone keeping his shop or garage open during hours when it was uneconomical to do so, in order that he could make a living. I cannot imagine anybody continuing to sit in a shop for long hours when no trade came along.

Hon. L. C. Diver: They have to do so under the terms of their agreement.

Hon. J. G. HISLOP: We must never forget that these people signed the agreements freely. We should not legislate to get people out of difficulties due to their signing agreements which they might not have understood properly. That is not the function of Parliament. Our function is to legislate in order that justice shall be done all round.

Turning to the proviso relating to trading hours, it is found that if an individual desires to close his garage after the ordinary hours of trading and informs the Minister of that desire, he shall not be liable or required to keep the garage open. But what about the individual who has built up his business by keeping open during extraordinary hours? Is he to be given the right to trade during similar hours?

Hon. J. McI. Thomson: He is giving the public a service.

Hon. J. G. HISLOP: That is so—and a real service. If he desires to conduct his business in that manner, surely he should have the right to do so! A further proviso should be added to permit such a person to trade within the same hours as he is now trading, if he notifies the Minister of his desire to do so. This House has always adopted the principle that when some new form of registration or qualification is introduced, those who were practising at the time should not have their living interfered with. When we registered dentists, physiotherapists and other people of the same sort, we provided that those already practising should be registered.

I have every intention of moving a proviso that the man who was accustomed to keeping open shall be allowed to continue to do so. The Tivoli garage gives a real service and has built up a business by keeping open for 24 hours a day. Many times during the extraordinary trading hours, people from the country and the city fill their cars with petrol at that establishment. What would happen if this garage were not regarded by the Government as one that should trade during the extraordinary trading hours? We could quite easily break it, or at least make things very difficult for it.

The Tivoli garage relies on parking as one of the major parts of its business. It keeps open for 24 hours of the day. Yet if

someone who had his car parked there wanted to move the car during the extraordinary trading hours, he could not get petrol. This garage is not a member of the organisation that is to be the "representative body" under the measure. I want it in black-and-white that this type of garage will be allowed to continue to function in the public interest as it has done in the past.

My general view is that we should not legislate as if this vast State was just a small pocket borough in which we can control everything very nicely. We must realise that as we grow, some of our seaside resorts and so on can quite easily become centres where trading is required during the whole 24 hours. These restricted trading hours might mean a considerable disability and inconvenience to the public at those places. This sort of thing has occurred in many places in the Eastern States where traffic is just as great during the night-time as it is during the day. Yet we seem to envisage that this State is going to stay in its present condition.

I cannot imagine for a moment that this restrictive attitude is constantly required. Surely we can allow the State to progress so that if someone wants to keep his business premises open and so render a service to the public he may be able to do so. If I want to make an increased living, I work all sorts of hours. I do not complain at having to work long hours.

Hon. J. McI. Thomson: You should not be restricted either.

Hon. J. G. HISLOP: No.

Hon. L. A. Logan: You are building up an equity too.

Hon. J. G. HISLOP: That is so. If a man is prepared to work and employ people, 24 hours of the day, he should be given the right to notify the Minister that he desires to continue to operate during those hours. I want this provision definitely included because I do not want to see any discrimination made afterwards in regard to the person who is responsible for wanting to take the action which made this open trading possible. That could be possible unless the representative body is to be—

Hon. F. R. H. Lavery: He is not in business now.

Hon. J. G. HISLOP: I do not mind about that; I want to see that this sort of action cannot take place.

Hon. F. R. H. Lavery: He has gone out of business since the report of the Royal Commission.

Hon. J. G. HISLOP: Did you put him out of business?

Hon. F. R. H. Lavery: No; he sold to someone else.

**Hon. J. G. HISLOP:** To me, two things stand out. One is that the representative body must be widened; the other is that the man who has established a business shall not have it taken from him because we want to restrict his trading hours. If ever a country existed that should give the right to an individual to succeed, it is this one.

**Hon. L. A. Logan:** That is the very object of the Bill.

**Hon. J. G. HISLOP:** Well, it is worded in a peculiar manner, because it says to such men, "If you build up a business by giving grand service to the public by working the clock around, we are going to limit you by telling you the number of hours you shall work."

**HON. F. R. H. LAVERY (West) [10.22]:** The Bill is to bring into line the trading hours during which service stations can sell petrol to the general public. I wish to go back to the period before the introduction of one-brand petrol. At the time we had the war on our hands, and we had a period in which the service stations were closed at 6 p.m. each day. During that time, because of rationing, there was a limitation on the amount of petrol which could be bought. Following the war, the reselling of petrol became a business in which a number of people were interested, and they acquired certain properties. What was expected of one-brand marketing did not eventuate, inasmuch as one company, through being practically excluded from the business, set out to regain its business by building its own service stations.

From that day onward there grew up in the industry a type of competition where one company attempted to out-build the other, and that led to an almost chaotic condition. When a fifth company came into the State and built service stations and opened them for business at all hours in competition with people who had their own freeholds over a great number of years—some of them for 30 years—they also had to open at all hours to "keep up with the Joneses." But they found it was so uneconomic that quite a number of them went back to the hours that they were previously trading.

So, at present, some of the service stations that were trading long hours when the Royal Commission was sitting are back to 7 o'clock trading; and one of the main stations at Fremantle now closes at 6 o'clock at night. This is because there are very many service stations, and it is easy for a motorist to get his petrol in the metropolitan area without going long distances between one station and another. Service stations which previously had a throughput of 7,000 to 8,000 gallons, rose, with the increased number of motors on the road, to 12,000 to 13,000 gallons; but they are now back to 6,000 to 7,000 gallons.

**Hon. J. McI. Thomson:** The chappie at Fremantle closed of his own free will.

**Hon. F. R. H. LAVERY:** It was a big company, and the station closed because the business had gone off to such an extent that it could not compete and pay wages after six o'clock at night.

Every witness who came before the commission—whether an oil company manager or a reseller—was questioned on the trading hours. As Mr. Diver has said, with the exception of two resellers, every one of the 70-odd witnesses told us that if there were some degree of equality in the hours a great percentage of the chaos in the industry today would disappear.

If the Bill is passed, the worries and troubles of resellers of petrol in the metropolitan area, at least, will so decrease that the industry as a whole will be on a much more equitable basis. Even the oil companies—I have not any evidence on this—will, I think, be pleased if there is some control over the hours because they will then be working under a much happier relationship with the resellers.

In connection with the remarks made by Mr. MacKinnon, I would say that over a period of three months the witnesses were examined publicly in this Chamber. The members of the Royal Commission felt that if the question could be settled here and now, the chaos that was coming into the industry would, to a great extent, disappear.

**Hon. G. C. MacKinnon:** I did not argue that, but the question of the representative body.

**Hon. F. R. H. LAVERY:** I did not want to go into this question; but as it has been raised, I point out that it was proved in open court that this organisation does represent the major proportion of the resellers in the metropolitan area and in the country areas.

**Hon. J. McI. Thomson:** Are you sure about the country areas?

**Hon. F. R. H. LAVERY:** I was a Royal Commissioner, and I do not get up to tell a lie.

**Hon. G. C. MacKinnon:** Why could not the Minister give us this information?

**Hon. F. R. H. LAVERY:** The whole of this evidence was given before the Royal Commission, and it is no use any member trying to pinpoint me on the particular point, because the transcript is available in the Clerk's office. In regard to the question of hours, the Automobile Chamber of Commerce is at present working in harmony with the oil industry as a whole. Therefore any objections that Mr. MacKinnon may have had in the past do not now arise. I support the Bill.

**HON. A. R. JONES (Midland) [10.30]:** By the tenor of the debate I feel that I might be in a minority; nevertheless I want to express my views, because I hold

that free enterprise should be encouraged in the country and in the city as well. As has been said previously, ours is a young State which is developing fairly fast. I have always believed, and I hope I always shall, that those who are prepared to work hard and to make their way in life should be allowed to do so.

Hon. L. C. Diver: They are being used up at present.

Hon. A. R. JONES: I think that might have applied some two years ago, and even up to this time last year; but to my mind the position is largely sorting itself out. Mr. Lavery just said that a station at Fremantle now closes at 6 o'clock. One can go down the highway and see garages that used to be open until 10 and 11 o'clock at night, now closing at 7 and 8 o'clock, and some of them earlier. I venture to suggest that in 12 months' time the whole thing will have sorted itself out and the proprietors of the service stations will have seen the light and will have realised that sane trading hours are necessary. They will settle down to keen competition during hours that will suit the public and suit the traders as well.

Why should we deny the greatest money spinner in this State—and I refer to the motorist—the right to any service, particularly as the distances are so vast in this State? It is nothing to journey 300 or 400 miles in a day or night, and it quite often happens that a person will travel 200 or 300 miles, stay in the city for a short time, and then have to depart. If restrictions are to be placed upon garage proprietors and they are not permitted to remain open after 7 p.m., where will such a person obtain his necessary service?

Hon. F. R. H. Lavery: He will do the same as people did before and during the war years. Get it during the normal trading hours.

The PRESIDENT: Order!

Hon. A. R. JONES: I can remember being stranded in the city on a Sunday. I had to come to Perth urgently because of sickness, and I went to the R.A.C., of which I was a member; but I was not able to get any petrol because there had been such a rush that they had sold out. I had to go to see a friend of mine, who has a little store, and he gave me sufficient petrol to get back to the country. If that is the sort of thing some members aim to set up with these restrictions, I think we should all vote against this measure.

Hon. F. R. H. Lavery: I did not say that this Bill will do that.

Hon. A. R. JONES: Surely we are going to let the people in this country remain free and to do as they like! Who twisted the arms of any of these people and forced them to become service-station proprietors? Who said to them, "You shall take a service station or else!"? I

can well recall that two years ago these people were only too glad to take on service-stations.

Hon. F. R. H. Lavery: How many of them have gone out of the business?

Hon. A. R. JONES: I cannot debate that point. I will admit that some of them have had a lean time. But, as I have said previously in this House, whose fault was it? They must have been bad businessmen to have tied themselves to agreements which were in favour of the other fellow all the way. A man must be a bad businessman to tie himself to an agreement which does not prohibit the one-brand company with which he is trading, and from which he is renting a place, from opening up another station half a mile further up the road. Those men were not businessmen; they were opportunists. They thought that they would be able to make a lot of money by running service stations, and so they did their utmost to get into the business, and some of them have now gone out.

Hon. L. C. Diver: Some who resisted had stations built nearby.

Hon. A. R. JONES: But very few of them have gone out. I went through the Royal Commission's report, and I could not find where the Royal Commission had stipulated any number. I have been through the report, though I will admit I was not able to do it thoroughly. But did the Royal Commission tell us in the report how many service-station proprietors have gone bung or have left their businesses because they could not carry on? I did not see any mention of it.

Hon. L. C. Diver: That is a figure which could not be ascertained accurately; but there were plenty.

Hon. A. R. JONES: In normal circumstances a trader might, for reasons beyond his control—through sickness or something else—have to sell out after only six months or so. Some might have sold out and gone to other industries, but I venture to say that very few of them went bung. As regards the long hours of work, those do not hurt anybody; any person who has been successful in life has worked long hours.

Hon. L. C. Diver: But you would not be happy to do the money that some of them did.

Hon. A. R. JONES: I venture to suggest that not many of them "did" much money as the hon. member suggests, because they did not have much in the first place. I should say that the proprietor of a well-established service station, if he got out of the industry, certainly would not lose any money. I think the biggest majority of them have maintained their businesses on a reasonable basis and retained their gallonage. Even if some people did have the misfortune to lose money—or, if they



did not lose money had to work long hours for the money they obtained—that position has largely straightened itself out.

I deal with the Ampol garage in Stirling Highway. When it first opened, the proprietor used to trade from 7 o'clock in the morning till 11 o'clock at night, and on Sundays he was open till 9 or 10 o'clock at night. Today he and the Caltex dealer who is nearby, and the Shell garage which is on the other side of the road, all close at 7 o'clock in the evening, and they may open till 6 o'clock on Sunday and 8 o'clock on Saturday night. We should leave well alone because, in my opinion, the position is straightening itself out and everybody has seen the reasonableness of trading at normal hours.

One final appeal I make to those members who consider they are supporting this measure because they want to do some good for the service station people: Let us not forget that we want private enterprise to flourish, and we do not want restrictive practices placed upon people. In my opinion this is one more step towards socialising the whole darned State. Are those who do not support socialism going to submit to this sort of legislation? I make an appeal to those who do not support restrictive practices in any industry and any business to vote against this Bill.

**HON. SIR CHARLES LATHAM** (Central) [10.40]: I support this measure, and I hope that by the time it has passed the Committee stage we will have what I call a bona fide clause in the legislation so that people who do have to travel will be able to get petrol for the purpose of undergoing a journey. When all the service stations were closed at 7 o'clock at night it was difficult to get petrol in cases of emergency. In the old days we used to provide for thirsty travellers by enabling them to get a drink at a hotel so long as they had travelled 10 miles. I think we should provide the same provision in this legislation and enable anybody who is going to travel 10 miles from his home, or 20 miles in any way, to get petrol.

**Hon. A. R. Jones**: Why should he have to do that before he can get petrol?

**Hon. Sir CHARLES LATHAM**: I think that this will be much better and should meet the wishes of most people. I support the second reading.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [10.41]: I will take only a few minutes in replying to this debate. I would not have spoken except for the fact the Dr. Hislop raised the question about certain individuals for whom we have some fellow feeling, because I think we could erect a sign, in view of our labours this week, which reads "We never sleep." I want to assure him that these

people will not be interfered with and there will be no restriction on what they have been doing in the past.

**Hon. J. G. Hislop**: Put in a clause protecting them.

**The CHIEF SECRETARY**: No; I would rather the Bill as it is now. But there is a protection there, because zones will have to be prescribed. I am assured that they will be looked after and that no man who is carrying on in that way now—

**Hon. J. G. Hislop**: There might be two in the one zone.

**The CHIEF SECRETARY**: There is nothing to say what the size of the zone shall be; he could be left out of the zone altogether. There are a number of ways of doing it and I know that there is no intention of interfering with those who are carrying on in that way. So Dr. Hislop need have no worry in that regard.

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

Ayes	....	....	....	....	13
Noes	....	....	....	....	6
					—
Majority for					7
					—

**Ayes.**

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. L. A. Logan
Hon. G. Fraser	Hon. G. MacKinnon
Hon. W. R. Hall	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	(Teller.)

**Noes.**

Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. J. M. Thomson	Hon. J. Murray
(Teller.)	

**Pairs.**

<b>Ayes.</b>	<b>Noes.</b>
Hon. F. J. S. Wise	Hon. C. H. Simpson
Hon. J. D. Teahan	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. J. Cunningham
Hon. R. F. Hutchison	Hon. H. L. Roche
Hon. J. J. Garrigan	Hon. R. C. Mattiske

Question thus passed.

Bill read a second time.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 100 repealed and re-enacted as amended:

**Hon. Sir CHARLES LATHAM**: I move an amendment—

That the words "repealed and re-enacted as" in line 10, page 2, be struck out.

I would like to draw the attention of members to the proviso to Section 100 of the Act. They will then get the full import of my amendment. This is to provide that if a man has enough petrol to move 10 miles he is all right.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. It is not required. This Bill provides an entirely different set-up from that which Sir Charles Latham visualises. Zones will only be placed in areas where there are a number of service stations, because the stage was reached where, if one opened, they all opened. The provisions of the Bill place restrictions where restrictions are required. There is no necessity for the amendment.

Hon. Sir CHARLES LATHAM: I hope the Committee will agree to the amendment. There is nothing in the Act to justify what the Minister has told us. There is no doubt that this is restrictive legislation, and I think the travelling public has a right to feel that they have some security.

Hon. G. C. MacKINNON: The Chief Secretary is right and he has clearly indicated the necessity for Sir Charles Latham's amendment. As the Chief Secretary says, a man could serve all day if he wished, or he need not serve for a minute. We must have provisions to enable us to obtain petrol, and I hope the Committee will agree to the amendment.

Hon. L. C. DIVER: As the Chief Secretary pointed out, this will be a prescribed area. We will not disturb the position outside that area. This refers only to the concentrated areas where companies have erected stations and led individuals to believe that there is good trading to be had in them. When the individual finds he is not getting the figures he anticipated, and he complains to the management, he is told that he should keep his doors open longer. It is a vicious circle and it means that other stations are compelled to remain open longer. The position will be stabilised by this measure to a great extent. I oppose the amendment.

Hon. A. R. JONES: I understand from the Chief Secretary that if this Bill becomes an Act, petrol stations will be confined to certain hours; but there are two stations in the metropolitan area trading at all times.

The Chief Secretary: Their trading will not be interfered with.

Hon. A. R. JONES: I cannot see why the association which represents these people has not got together and made up a roster, without coming to Parliament.

Hon. F. R. H. Lavery: One company broke it down.

Hon. A. R. JONES: Then why talk about rosters now? I am not saying the two places in the metropolitan area should not be allowed to trade for 24 hours. But all motorists will be forced to go to them for supplies.

The CHIEF SECRETARY: The hon. member is assuming there will be a zone in the city area. Those places now trade

for 24 hours, and will remain trading for that period. The whole of the City of Perth will not be zoned, but every suburb will be a zone, and arrangements will be made for certain stations to remain open to provide emergency supplies. Each zone will have a roster.

Hon. J. G. Hislop: Where does the Bill talk about a roster?

The CHIEF SECRETARY: The Minister will have to approve of the zones.

Hon. G. C. MacKinnon: Where does the Bill say those at present trading 24 hours will be allowed to stay open?

The CHIEF SECRETARY: It will be done by the Minister.

Hon. F. D. Willmott: The present Minister may not be there next week.

The CHIEF SECRETARY: He may be there for two, three or five years. It is not one man's decision. It is Government policy.

Hon. Sir Charles Latham: One Minister will control.

The CHIEF SECRETARY: Of course! But on the lines laid down by the Government.

Hon. J. G. HISLOP: Apparently this Bill will be enacted by the unwritten law. It looks more wicked every minute. If it were not so serious to the travelling motorist, this Bill would be laughable; it is shocking not to put in the Bill a clause to say a man's business will not be disturbed. However, that is the Minister's intention.

Hon. L. C. DIVER: What would happen if all of the petrol stations closed their doors at seven o'clock at night? What would the motorist do?

Hon. F. D. Willmott: Get one to open.

The Chief Secretary: What would the motorist do if the Factories and Shops Act were enforced?

Hon. L. C. DIVER: As much as I would like to improve this Bill, it is better than the law is today. Yet exception is taken to this Parliament discussing legislation which will try to make something lawful which is not lawful today. Any garage which opened after six o'clock in the evening would be breaking the law.

Hon. J. G. Hislop: Do you like the legislation?

Hon. L. C. DIVER: No; but it is an attempt to liberalise the Act.

Hon. E. M. HEENAN: The Royal Commission went into the question of hours thoroughly. Members should realise that the Factories and Shops Act prescribes hours for trading; but, owing to a legal flaw in the Act, implementation of hours has proved ineffectual. The Royal Commission had a lot of evidence tendered on the question of hours. Night trading is convenient for the motoring public, but

there are a lot of small businessmen engaged in this business who consider there is no law and order regarding hours. Some stay open all night, some until 12 o'clock, and some until 9 o'clock; and that state of affairs has caused a lot of inequalities and hardships.

In an area where there are two or three stations, when one stays open until midnight the other two are almost constrained to do the same thing. These men do not want these extraordinary hours every night, as they have their families and homes to think of. The Bill provides that motorists will get petrol in emergencies, and the Minister who controls it will have sufficient sense of fair play not to create zones where petrol will be required at late hours. I think it is capable of wise administration, and it might prove to be a better state of affairs than exists at the present time.

Hon. A. R. JONES: Both the Minister and Mr. Diver have told us the Act is being liberalised by this Bill. That may be so. However, if we are liberalising something which is already on the statute book, why have not the hours of trading been restricted.

Hon. E. M. Heenan: There was a High Court case.

Hon. A. R. JONES: I see. Thank you very much.

Hon. H. K. WATSON: I support the principle of the amendment. I do not, however, think that the moving of the amendment in the way in which it has been moved will achieve the desired object. If we repeal the whole of Section 100 of the Act except the proviso therein mentioned by Sir Charles Latham, we have the extraordinary position that the proviso comes in the middle of the section. The suggestion is that we repeal all the words before the proviso and all the words after. Inasmuch as the proviso is in the middle of the section, I want to know where these words in Clause 2 of the Bill are going to be inserted in the Act—before the proviso or after it? Whether before or after, the proviso will then mean nothing. In order to achieve the aim desired, the proper course is to move for the repeal of the whole of Section 100 as proposed in the Bill and to insert in the Bill a new subclause after Subclause (10) which would contain the contents of the proviso being discussed.

Hon. Sir Charles Latham: I don't mind how it is done.

Hon. H. K. WATSON: I suggest Sir Charles withdraw his amendment and later move to insert a new subclause 10 which will contain the contents of the proviso in Section 100 of the Act.

Amendment, by leave, withdrawn.

Hon. L. C. DIVER: I move an amendment—

That after the word "as" in line 9, page 3, the words "Western Australian" be inserted.

Amendment put and passed.

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

That the definition of "representative body" on page 3 be struck out.

My purpose is subsequently to move a further amendment as follows:—

That the following be inserted after Subsection (2) of proposed new Section 100—

(2a) For the purposes of this section the Governor shall appoint a representative body comprising

- (a) one representative of proprietors of shops having requisites for sale who shall be nominated by the Automobile Chamber of Commerce Incorporated or if that body is dissolved or becomes defunct such body as the Governor appoints in its place.
- (b) two representatives of consumers of requisites one of whom shall be resident outside the metropolitan area and both of whom shall be nominated by the Royal Automobile Club of W.A. Incorporated or if that body is dissolved or becomes defunct such body as the Governor appoints in its place.

Each representative shall hold office during the Governor's pleasure and in the deliberations of the representative body shall have one vote.

I feel that the motorists are entitled to some representation. We must remember that there are a lot of people driving in the city, and we want to make sure that the country motorists receive some consideration with regard to their peculiar requirements in the city. Further, as the Bill allows for a local authority in any district to contract into the Bill, it would also be a good thing for the country to have a representative on the board.

The board as at present constituted consists of three members of the Western Australian Automobile Chamber of Commerce, with no provision for country membership; and it represents only the point of view of the resellers. The amendment would give one representative of the Western Australian Automobile Chamber of Commerce, a country representative of the

consumers and one city representative. A board which represents only one facet of the petrol business cannot truly be called a representative board.

*Sitting suspended from 11.35 p.m. (Friday) to 12.7 a.m. (Saturday).*

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

Ayes	.....	7
Noes	.....	9

Majority against	.....	2
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#### Ayes.

Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. G. MacKinnon	Hon. F. D. Willmott
Hon. J. Murray	(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. L. C. Diver	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. G. Fraser
Hon. G. E. Jeffery	(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. F. J. S. Wise
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. J. Cunningham	Hon. G. Bennetts
Hon. H. L. Roche	Hon. E. F. Hutchison
Hon. R. C. Mattiske	Hon. J. J. Garrigan

Amendment thus negatived.

Hon. A. R. JONES: I move an amendment—

That all words after the word "means" in line 31 down to and including the word "hours" in line 34, page 3, be struck out and the following inserted in lieu:—

that portion of the State confined to the metropolitan area as defined in the regulations made under the Traffic Act, 1919-55, and published in the "Government Gazette" on the 15th day of December, 1954, for the purpose of regulations for trading during extraordinary trading hours.

The object is to confine the zone to the city and metropolitan area, and to leave the country centres free to operate as they are doing.

Hon. G. C. MacKINNON: I support the amendment because the Committee recently voted to deny any specific country representation in the matter of controlling this measure; and we did not even have the courtesy of a reply from the Minister.

The CHIEF SECRETARY: I cannot understand Mr. Jones moving this amendment, particularly as he is a country member. This provision was included to give some advantage to the traders in portions of the State where a zone might be utilised.

Hon. J. McI. Thomson: What portion of the State?

The CHIEF SECRETARY: It could be in the hon. member's territory at Albany; or it could be at Geraldton or Bunbury.

Hon. G. C. MacKinnon: What about the motorist?

The CHIEF SECRETARY: The motorist will have just as much protection. He will get all the service he requires without these men having to work their present long hours. I cannot understand the hon. member wanting to deny the traders in his area the right to get together and make application for a zone, and so regulate amongst themselves those who will work and those who will have time off. I refer members to Subclause (4). What further safeguards do members want? Investigations would be made to see that the motorist was protected.

Hon. G. C. MacKinnon: If this is fair enough for the country, why not extend it to the city?

The CHIEF SECRETARY: It will be.

Hon. G. C. MacKinnon: Do you mean that anyone who is zoned in the city can apply to be out of it?

The CHIEF SECRETARY: Is not that an application? An application to receive the benefits of the Act could, in the same way, be made by a person from any part of the country.

Hon. G. C. MacKinnon: Where is the power to allow them to contract out?

The CHIEF SECRETARY: It provides:—"The Governor may from time to time prescribe."

Hon. J. G. Hislop: The country people can contract out, but not those in the metropolitan area.

The CHIEF SECRETARY: They cannot contract into this unless it is a prescribed area. Just the same, those in the country cannot come under it unless the area is prescribed; and no area will be prescribed until it is certain that provision is made to meet the urgent requirements of the motorists. If the traders in Geraldton wanted the provisions of the Bill, they would get together and make application to the Minister.

Hon. A. R. Jones: What about the motorist?

The CHIEF SECRETARY: What does it matter to the motorist whether there is one garage or 20 of them as long as provision is made so that his needs can be met? He does not require 20 garages to be open at midnight; he wants one or two places according to the size of the zone.

Hon. J. G. Hislop: What about the men who buy petrol on a monthly account? There are thousands of them.

The CHIEF SECRETARY: Such a man would ordinarily get his petrol at reasonable times. If he needed some outside of the ordinary hours he would pay

cash for an odd gallon or two. What is the difference between conditions in Bunbury and those in Fremantle? Bunbury would be prescribed as a zone when it was known that the traders had agreed to cover the urgent requirements of the motorist. It would be easier for the motorist to get attention in Bunbury than in Fremantle.

Hon. E. M. HEENAN: Mr. Jones is going to defeat his own intention if the amendment is carried. Unless a zone is prescribed, an area will not get the benefit of extended trading hours. If the amendment is carried, a zone will be confined to the metropolitan area and the rest of the State will have to comply with the ordinary hours.

Hon. A. R. JONES: I moved the amendment on the understanding that the old Act was no good. A High Court decision was given on it. Therefore, at the moment, trading in the country is not restricted. In addition, I feel that the motorist wants a service in the country at times when he does not want it in the metropolitan area. Also, I have not heard any trader in the country say that he should be restricted or that anything should be done in regard to his hours.

The Chief Secretary: The ordinary country traders would not come under this; they would not be prescribed.

Hon. A. R. JONES: I want to make certain that they are not. We are all as happy as can be in the country, and we do not want to be interfered with.

The Chief Secretary: You will not be.

Hon. A. R. JONES: If the people in the metropolitan area want to be dictated to and told where to go for petrol, well, that is all right with us. We are not prepared to be dictated to as the city is.

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

Ayes	7
Noes	10

Majority against	3
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#### Ayes.

Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. J. Murray
Hon. J. M. Thomson	(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. Sir Chas. Latham
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. G. Frazer	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. G. E. Jeffery	Hon. E. M. Davies
	(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. F. J. S. Wise
Hon. A. F. Griffith	Hon. J. D. Teaban
Hon. J. Cunningham	Hon. G. Bennetts
Hon. H. L. Roche	Hon. R. F. Hutchison
Hon. R. C. Mattiske	Hon. J. J. Garrigan

Amendment thus negatived.

Hon. J. G. HISLOP: I move an amendment—

That after line 12 on page 5 the following proviso be added:—

Provided that a shopkeeper who prior to the coming into force of this Act has kept his shop open during the extraordinary trading hours and who gives notice in writing to the Minister that he desires to continue to keep open his shop during the extraordinary trading hours during which he had kept his shop open shall be permitted to continue trading during such hours.

We have had the assurance of the Chief Secretary that these people who have been all-night traders will not be interfered with; but I think we should give them this protection as a right. We have always believed that a man who has built up a business should not have that business endangered by restrictive or qualifying legislation. These people have been doing a grand service, and I hope the Committee will agree to the amendment.

The CHIEF SECRETARY: I hope the Committee will not agree to this amendment. We are satisfied that the Bill as it stands will cover all that is required. I have a vivid recollection that the emergency provision which was put in the Act ruined it; and under this amendment, something similar could occur. I have already given an assurance regarding the "those-who-never-sleep" type of garage, and they will be protected. A definite statement has been made that there will be no interference, and it can be arranged by putting them in a zone of their own or leaving them out of a declared zone. If a person is able to give notice in writing to the Minister, who will be able to verify what his hours have been? This amendment should be defeated.

Hon. A. R. JONES: I hope the Committee will agree to the amendment, and I think we are responsible enough to be able to define what shall or shall not be done under legislation. There is nothing wrong with this amendment, which Dr. Hislop feels is necessary to protect people who have been giving a service to the public. As the Minister said, there are very few garages which stay open 24 hours of the day. But surely there are others who would stay open until midnight if they were given the opportunity, and if they had been doing that over a period.

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

Ayes	8
Noes	11
Majority against	3

Ayes.

Hon. J. G. Hislop  
Hon. A. R. Jones  
Hon. G. MacKinnon  
Hon. J. Murray

Hon. J. M. Thomson  
Hon. H. K. Watson  
Hon. F. D. Willmott  
Hon. R. C. Mattiske  
(Teller.)

Noes.

Hon. N. E. Baxter  
Hon. E. M. Davies  
Hon. L. C. Diver  
Hon. G. Fraser  
Hon. E. M. Heenan  
Hon. G. E. Jeffery

Hon. Sir Chas. Latham  
Hon. F. R. H. Lavery  
Hon. H. C. Strickland  
Hon. W. F. Willesee  
Hon. J. J. Garrigan  
(Teller.)

Pairs.

Ayes.  
Hon. C. H. Simpson  
Hon. A. F. Griffith  
Hon. J. Cunningham  
Hon. H. L. Roche

Noes.  
Hon. F. J. S. Wise  
Hon. J. D. Teahan  
Hon. G. Bennetts  
Hon. R. F. Hutchison

Amendment thus negatived.

Hon. J. G. HISLOP: I move an amendment—

That Subsection (7) of proposed new Section 100, on page 5, be struck out.

We are going to allow a person extra trading hours, for which he might have to employ staff, in order to continue to maintain his garage during those trading hours, and yet we will not permit him to pay the men an increased salary. At the same time, we are not allowing him to charge extra for the service he gives during the time he is open.

Hon. L. C. Diver: He is being given protection.

Hon. J. G. HISLOP: What protection?

Hon. L. C. Diver: He is trading while other shops are closed.

Hon. J. G. HISLOP: If a man is open all night, he is allowed to charge a little more.

Hon. N. E. Baxter: None of them do.

Hon. J. G. HISLOP: We should not say that he shall not charge more.

Hon. Sir CHARLES LATHAM: I agree with the amendment. People working at night are paid penalty rates. So if a man wants to sell his petrol cheaper, we should not prevent him. If the public feels his price is too high, he will not be patronised. He is there for the convenience of the public.

The CHIEF SECRETARY: Dr. Hislop has admitted that he is fishing to see how he can defeat this provision. Places open all night would employ shift workers, who are not paid high penalty rates. The man would be given a monopoly and he should be prepared to pay a little more for that. Dr. Hislop has been trying to weaken or destroy the Bill.

Hon. J. G. Hislop: I would destroy it if I got a chance.

The CHIEF SECRETARY: I ask the Committee not to agree to this amendment.

Hon. G. C. MacKINNON: I deplore the attitude of the Chief Secretary. He has treated all amendments, whether helpful or otherwise, in the same fashion. I would

refer members to paragraph (b) of Subclause (7) from which they would obtain the full import of the amendment. If a man is asked for petrol or any requisite, and he says he has not got it, he must give a valid reason for not having it. So it does not only mean that he cannot charge extra. What would be a valid reason during after-hour service?

Hon. Sir Charles Latham: What about one-brand petrol?

Hon. G. C. MacKINNON: That is another feature. The Chief Secretary would have us believe that this Bill is perfect. I support the amendment.

Hon. L. C. DIVER: Much has been said about what the owner should get when he opens at night. What does he get at present?

Hon. F. D. Willmott: Freedom.

Hon. L. C. DIVER: Under the proposed zoning system a limited number of shops will be doing business.

Hon. Sir Charles Latham: Will this close day sales as well as night sales?

Hon. L. C. DIVER: It has nothing to do with day sales. The fact that these people would enjoy more business and profit is proof that they would be better off under the proposed zoning scheme. Mention was made of one-brand petrol, but the evidence adduced by the Royal Commission proved that people are more oil conscious than they are petrol conscious. The average man who needs emergency requirements will not worry about what class of oil it is. I hope the committee will not agree to the amendment.

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

Ayes	.....	9
Noes	.....	10
Majority against	.....	1

Ayes.

Hon. J. G. Hislop  
Hon. A. R. Jones  
Hon. Sir Chas. Latham  
Hon. G. C. MacKinnon  
Hon. R. C. Mattiske

Hon. J. M. Thomson  
Hon. H. K. Watson  
Hon. F. D. Willmott  
Hon. J. Murray  
(Teller.)

Noes.

Hon. N. E. Baxter  
Hon. L. C. Diver  
Hon. G. Fraser  
Hon. J. J. Garrigan  
Hon. E. M. Keenan

Hon. G. E. Jeffery  
Hon. F. R. H. Lavery  
Hon. H. C. Strickland  
Hon. W. F. Willesee  
Hon. E. M. Davies  
(Teller.)

Pairs.

Ayes.  
Hon. C. H. Simpson  
Hon. A. F. Griffith  
Hon. J. Cunningham  
Hon. H. L. Roche

Noes.  
Hon. F. J. S. Wise  
Hon. J. D. Teahan  
Hon. G. Bennetts  
Hon. R. F. Hutchison

Amendment thus negatived.

Hon. F. D. WILLMOTT: I move an amendment—

That the following be added after Subsection (10) of proposed new Section 100 to stand as Subsection (11):—

The provisions of this section shall apply only—

(a) to shops within the metropolitan area as defined in the regulations made under the Traffic Act, 1919, and published in the "Government Gazette" on the fifteenth day of December, one thousand nine hundred and fifty-four; and

(b) to shops outside the metropolitan area but within a district under the government of a local authority to which district the Minister has on the written request of the local authority applied the provisions of this section, and during such time as the Minister does not revoke or cancel such application of this section.

The first portion of this amendment provides for the confines of the metropolitan area to be defined to avoid confusion and subsequent argument, which will no doubt arise if the metropolitan area is not clearly defined. The second part makes the application of this clause dependent on the decision of the local authority.

As the Bill stands at present, the decision would be entirely with the representative body as defined in the Bill, which is the Western Australian Automobile Chamber of Commerce. In country areas local authorities know the requirements of the district far better than the representative body as defined in the Bill. It may be all right so far as the metropolitan body is concerned, but local authorities should make the application in the country, and I ask the committee to give the amendment due consideration.

The CHIEF SECRETARY: The best way to settle the argument is to vote against the clause. The Bill makes no distinction between the metropolitan area and other parts of the State. Local authorities have enough on their plates now, and I feel that the persons in the industry in any particular town would know the conditions better than the local authorities.

Hon. A. R. JONES: The amendment is a good one. I believe the local authority should make the application. In regard to the first part of the amendment the Minister told us there would be zones within zones in the metropolitan area.

The Chief Secretary: I did not say there would be zones within zones.

Hon. A. R. JONES: The Chief Secretary talked about zones in the metropolitan area, and there could be several zones. We are only asking that, outside that zone, local authorities will make the application.

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

Ayes	....	....	9
Noes	....	....	10
Majority against			1

#### Ayes.

Hon. J. G. Hialop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. E. M. Davies
	(Teller.)

#### Pairs.

Ayes.	Noes.
Hon. C. H. Simpson	Hon. F. J. S. Wise
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. J. Cunningham	Hon. G. Bennetts
Hon. H. L. Roche	Hon. R. F. Hutchison

Amendment thus negatived.

Hon. Sir CHARLES LATHAM: I move an amendment—

That the following be added after Subsection (10) of proposed new Section 100 to stand as Subsection (11):—

Nothing contained in this subsection shall render unlawful the opening of a shop for the purpose only of the sale of petrol, benzine, motor spirit, motor oil, or other accessories, to a person who satisfies the shopkeeper or person acting, or apparently acting, in the management of the shop, that such sale is necessary to enable him to continue a journey which commenced not less than 20 miles from such shop, or to commence a journey of not less than 10 miles from his home or other starting point.

I have been asked to try to get this through the Committee by some members who represent country people, and I hope that a little more leniency will be shown this time.

The CHIEF SECRETARY: My heart always melts when I hear a good case put up.

Hon. Sir Charles Latham: Don't put me in the air then boot me to the ground again!

The CHIEF SECRETARY: Often I melt when I hear what is a really good amendment badly put up. But I cannot melt when a bad amendment is badly put up. If I had thought there was any merit in the amendments that have been moved I would have accepted some of them. This one is not warranted. Why is an emergency provision needed? If places come under this

Act they are prescribed, and premises are open for the selling of these various things. If they are not prescribed, they can stay open day and night. If there is a prescribed area, there are certain places open to supply needs; otherwise there is nothing to stop people opening whenever they like.

Hon. Sir CHARLES LATHAM: If things are so easy, why are we kicking up such a fuss?

The Chief Secretary: That is what I cannot understand.

Hon. Sir CHARLES LATHAM: As a matter of fact, they are not so easy. I have told this Committee once before what happened when a man suddenly died in the country and it was impossible to get petrol. Now the Chief Secretary is going to say, "Let them wait till the petrol station opens!"

The Chief Secretary: I am saying nothing of the kind.

Hon. Sir CHARLES LATHAM: This is only a provision for an emergency, and it is necessary for a certain distance to have been travelled.

The CHIEF SECRETARY: The hon. member is mixed up between the old Act and what will appear in the new Act. Under the old measure hours were prescribed. From memory, I think they were 7 a.m. to 6 p.m. It was necessary to close at 6 p.m. Because of that, an emergency provision had to be inserted so that persons who required petrol for certain reasons could obtain it. But there is no need under this measure for an emergency provision; because in the area where the Act will operate, there will be certain stations open to supply the public. In other parts of the State, where the measure does not apply, any garage can open at any time.

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

Ayes	.....	9
Noes	.....	10

Majority against ..... 1

Ayes.	
Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	(Teller.)
Noes.	
Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. L. C. Diver	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. E. M. Davies
Hon. E. M. Heenan	(Teller.)
Pairs.	
Hon. C. H. Simpson	Hon. F. J. S. Wise
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. J. Cunningham	Hon. G. Bennetts
Hon. H. L. Roche	Hon. R. F. Hutchison

Amendment thus negatived.

Clause, as previously amended, put and passed.

Clause 3, Title—agreed to.

Bill reported with an amendment and the report adopted.

### Third Reading.

The CHIEF SECRETARY: I move—

That the Bill be now read a third time.

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

Ayes	.....	11
Noes	.....	9

Majority for ..... 2

### Ayes.

Hon. N. E. Baxter	Hon. G. E. Jeffery
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. L. C. Diver	Hon. H. C. Strickland
Hon. G. Fraser	Hon. W. F. Willesee
Hon. J. J. Garrigan	Hon. W. R. Hall
Hon. E. M. Heenan	(Teller.)

### Noes.

Hon. J. G. Hislop	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. H. K. Watson
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. G. C. MacKinnon	Hon. J. Murray
Hon. R. C. Mattiske	(Teller.)

Question thus passed.

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

### BILL—CITY OF PERTH PARKING FACILITIES.

#### Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to amendments No. 1 and Nos. 5 to 11 made by the Council, and had disagreed to Nos. 2, 3 and 4.

#### In Committee.

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

No. 2.

Clause 11—page 9, lines 23 and 24—Delete the words "and subject to the provisions of Subsection (3a) of this section."

The CHAIRMAN: The Assembly's reasons for disagreeing to the amendment are—

It is felt that the supply of petrol, oil, cleaning and such services is so essential to a properly equipped parking station, that the council should have the power, if it thinks fit, to permit a person to lease premises for such purposes.

The CHIEF SECRETARY: I move—

That the amendment be not insisted on.

The Minister for Transport was pleased with a number of the amendments made by this Chamber. I think he has been generous towards us—

Hon. J. Murray: Are you going to use your brutal majority again?

The CHIEF SECRETARY: I think the hon. member will be alone on this. It is obvious that no more suitable place could be found for a service station than



in a parking area of this kind; and in any case, the matter is left to the discretion of the council.

Hon. H. K. Watson: I cannot imagine a parking area without such facilities.

The CHIEF SECRETARY: Surely members do not wish to nullify all that has been done to improve traffic and parking in this State!

Hon. A. R. JONES: I think this Chamber should insist on the amendment. For the last two or three hours we have been debating a Bill on which the Chief Secretary led the argument to protect those already in the petrol-selling industry from further competition, and he won the day. It would be nonsensical for the same Minister to tell us now that we are wrong in regard to this and the following amendments.

The CHIEF SECRETARY: I do not protect anyone to the inconvenience of others.

Hon. J. G. Hislop: What did the last Bill do?

The CHIEF SECRETARY: That gave full scope to both the seller and the buyer.

Hon. Sir Charles Latham: It is the consumer who is important.

The CHIEF SECRETARY: It gave scope to all concerned, and this will do the same. In the previous Bill we did something to suit the retailer but I would not do anything here to suit the retailer at the expense of the public.

Hon. J. Murray: You have been doing that all night.

Hon. N. E. BAXTER: I do not think we should argue too long on this at the present stage, and we should insist on our amendment. We have already decided that it is not desirable for garages to be established in the proposed parking stations. I wonder what would happen if we did agree with this recommendation. I venture to say that they would stay open until 2 a.m. and would be able to sell petrol and everything else to motorists, while the owner of a private garage would be forced to close his establishment. To have service stations set up in these parking areas would do a great deal of harm to both the city and the suburban service station.

The MINISTER FOR RAILWAYS: Before a service station can be established in a parking station, the Perth City Council would have to approve of it. The matter is entirely in its hands. Those councillors are not going to approve of the establishment of unnecessary service stations. I support the Chief Secretary and consider we should not insist on this amendment.

Hon. G. C. MacKINNON: During the second reading I supported this provision and pointed out that it is impossible for

parking stations to be conducted economically unless they are complete with a service station to offer full facilities to the motorists. I cannot agree quickly enough on this occasion to a provision that will give service to the motorist.

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

Ayes	....	....	....	....	15
Noes	....	....	....	....	4
Majority for					11

#### Ayes.

Hon. E. M. Davies	Hon. R. C. Mattiske
Hon. J. J. Garrigan	Hon. J. Murray
Hon. E. M. Heenan	Hon. H. C. Strickland
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. G. E. Jeffery	Hon. W. F. Wallace
Hon. Sir Chas. Latham	Hon. F. D. Willmott
Hon. F. R. H. Lavery	Hon. G. Fraser
Hon. G. C. MacKinnon	(Teller.)

#### Noes.

Hon. N. E. Baxter	Hon. J. M. Thomson
Hon. A. R. Jones	Hon. L. C. Diver
	(Teller.)

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

#### No. 3.

Clause 11. Page 10, lines 33 and 34—Delete subparagraphs (a) and (b).

#### No. 4.

Clause 11, page 11. Delete Subclause (3a).

The CHAIRMAN: The Assembly's reason for disagreeing to these amendments is—

It is felt that the supply of petrol, oil, cleaning and such services is so essential to a properly equipped parking station, that the Council should have power, if it thinks fit, to permit a person to lease premises for such purposes.

The CHIEF SECRETARY: These three amendments are interwoven and the one debate covers all three. I move—

That amendments Nos. 3 and 4 be not insisted on.

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

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

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

#### Second Reading.

HON. E. M. HEENAN (North-East) [1.56 a.m.] in moving the second reading said: This amendment to the Child Welfare Act will, I hope, receive the unanimous support of members, because it has considerable merit. The amendment proposed is to Section 34 (a) of the Act; and, in explanation, I would point out that that section provides for the punishment

of children by imprisonment. But strangely enough there is no limitation to the term of the imprisonment. It simply provides that a child can be sentenced to imprisonment, or he can give security for good behaviour, or be released on probation.

A child is a boy or a girl under the age of 18 years. Section 34 (a) of the Act provides that a child under the age of 14 years is not liable to imprisonment. Section 709 of the Criminal Code, however, provides that when a young person is charged with committing or attempting to commit any indictable offence other than treason, wilful murder, murder or manslaughter, and whose age is over 12 years, but does not exceed 18 years, the justices may deal with the charge summarily and, on summary conviction, the offender is liable to three months' imprisonment or to a fine of £10. There is also a provision that, in special cases, a whipping may be ordered. The important point is that the Criminal Code, which applies to serious offences, provides that children under 18 years of age cannot be imprisoned for more than three months on summary conviction for an indictable offence—which, of course, is a fairly serious one.

Strangely enough, in the Child Welfare Act as it stands, as I pointed out in my opening remarks, there is no such limitation on the term of imprisonment. The position is such that if a child under the age of 18 unlawfully takes possession of a motorcar he can be imprisoned for up to 18 months. Only recently a case cropped up where a boy under 18 years of age broke out of gaol, and that simple offence carries a penalty of imprisonment for up to 12 months. The court could have sentenced that child to 12 months' imprisonment; or, in the case of the theft of a motorcar, to a term of up to 18 months' imprisonment. That shows something should be done to bring the Child Welfare Act into line with the Criminal Code.

This Bill seeks to amend Section 34 (a) in the following terms:—

(2) A child whose age does not exceed sixteen years and is found guilty on summary conviction of an offence punishable by imprisonment whether the offence is or is not an indictable one or an offence involving grievous bodily harm is not liable to imprisonment for a period exceeding three months.

Provided that this subsection shall not apply where the offence of which the child is found guilty is treason, wilful murder, murder or manslaughter.

If the Bill is passed, the Child Welfare Act will practically be brought into line with the Criminal Code, which is a much more stringent piece of legislation. The House will agree that a child under the age of 16 should not in any circumstances be sentenced to a term of imprisonment of more than three months. A boy or

a girl under 16 years of age is a child in the real sense of the word. Of course, courts are usually lenient with such children.

However, at the present time, for a simple offence children can be sentenced to a term of imprisonment of up to 12 or 18 months; yet under the Criminal Code, if children are convicted summarily of a serious offence, they can only be sentenced to three months' imprisonment. That is an anomalous position and this Bill will correct the anomaly. I understand that the Bill has the blessing of the Child Welfare Department. The intrinsic merits of the measure will appeal to all members. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and passed.

## BILL—BANK HOLIDAYS ACT AMENDMENT.

*Second Reading—Defeated.*

Debate resumed from an earlier stage of the sitting.

HON. SIR CHARLES LATHAM (Central) [2.8 a.m.]: I hope the House will not waste a great deal of time over this measure, because the conditions in the banking industry have not changed since a similar measure was introduced last session. I do not give this Bill my blessing, and I shall oppose it in every way I can.

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

Ayes	.....	9
Noes	.....	11
Majority against	.....	2

Ayes.	
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. W. F. Williese
Hon. E. M. Heenan	Hon. W. R. Hall
Hon. G. E. Jeffery	(Teller.)
Noes.	
Hon. N. E. Baxter	Hon. R. C. Mattiske
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. J. Murray
Hon. G. C. MacKinnon	(Teller.)

Pairs.	
Ayes.	
Hon. F. J. S. Wise	Hon. C. H. Simpson
Hon. J. D. Teahan	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. J. Cunningham
Hon. R. F. Hutchison	Hon. H. L. Roche
Noes.	

Question thus negatived.

Bill defeated.

# **BILL—MARKETING OF ONIONS ACT AMENDMENT.**

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 4 amended:

Hon. E. M. DAVIES: I move an amendment—

That after the subsection designation "(4)" in line 7, page 2, the following be inserted:—

Notwithstanding the provisions of this section, the Governor may at any time on the application of the board, provide and declare that

The amendment will give the board an opportunity to specify that onions will not come under the Act at certain times of the year. It is only right for the board to have the opportunity to apply to the Governor to do that, and to discuss the question among the onion growers as to what season of the year onions could be marketed without being affected by the Act.

Hon. J. MURRAY: We have to take into consideration the definite statement of the Royal Commissioner appointed by this Government, that the best thing that could happen to the Onion Board is that it should go out of existence. If the Bill gets support it will do all those things which the Royal Commissioner suggested might be done to put the Onion Board on its toes. Many of the people concerned with onion growing—despite the fact that they wanted the board—were the leaders in breaking down its control. In the Spearwood area in particular a section of the onion growers acted against the board to a greater extent than did other growers. If the Spearwood growers want the board, let them support it; but if they want to break away—

Hon. E. M. Davies: The Spearwood growers do not want to break away; they are supporting the board.

Hon. J. MURRAY: They are individuals when it comes to the marketing of onions. Let the people who are breaking away be disciplined. The Bill will show the people that if they want boards for orderly marketing there must be a definite understanding in connection with the matter, and there must be no breakdown. I oppose the amendment.

Hon. E. M. DAVIES: The hon. member said that the Royal Commissioner recommended that the board should be wiped out. The Act gives the onion growers the right, by poll, to decide whether the board shall remain in existence or not. If 50 growers or more sign a petition and present it to the Governor, that is the end of the board. That the

growers have not taken any action to discontinue the board's operations is indicative of the fact that they want the board. If they are going to have the board, it is no use clipping the board's wings.

Hon. F. R. H. LAVERY: Despite what Mr. Cruikshank said in a letter to Mr. Willesee, he did not make a statement of fact. The Spearwood growers, with five or six exceptions, want the board. Almost 200 growers belong to the association in Spearwood as against the 300 referred to in Mr. Cruikshank's letter, and more than 100 of the 200 I referred to belong to Mr. Cruikshank's organisation; so that if the 100 are taken out, they are on an equal basis.

The Spearwood growers desire orderly marketing, and the board is the medium for disposing of their onions. The Committee should not be told by Mr. Murray that the people at Spearwood are not behind the board.

Hon. J. Murray: They broke away from it.

Hon. F. R. H. LAVERY: They did not. Whatever happens to the Bill, Mr. Willesee can tell the people in Carnarvon that the Spearwood growers will assist them with open arms. But they want orderly marketing.

Hon. W. F. WILLESEE: If the amendment is carried, it will defeat the purpose of the Bill. Therefore I ask members to support the Bill as they have done up to date.

Amendment put and negatived.

Hon. E. M. DAVIES: I move an amendment—

That the word "sixteenth" in line 10, page 2, be struck out and the word "first" inserted in lieu.

Between the 1st November and the 16th November, quite a lot of onions come on the market, and this would give the board the opportunity to deal with those onions.

Hon. W. F. Willesee: I have no objection to the amendment.

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

New clause:

Hon. E. M. DAVIES: I move—

That the following be added to stand as Clause 3:—

This Act shall remain in force until the thirty-first day of December, One thousand nine hundred and fifty-eight and no longer.

Hon. W. F. WILLESEE: I supported the previous amendment on the understanding that Mr. Davies was not going on with this. The purpose of the Bill is to encourage the growing of onions in an out-of-season period. We could not get a man to clear land and put money into a proposition with the possibility

that in two years' time he would have to walk off. This clause would defeat the whole purpose of the Bill just as definitely as the first one would have.

Hon. Sir CHARLES LATHAM: This will allow two years in which to test out this proposition. After all, there would be nothing to prevent the Government from dropping the measure whenever it liked. Someone could move at any time for the Act to be repealed. A good deal can be done in a period of two years.

Hon. J. MURRAY: I must support Mr. Willesee. If we are to encourage the growing of onions in an area where transport and other difficulties arise, I think we should disagree to this amendment. We want to encourage the growing of Western Australian onions at a time when prices are high and so that they can be sold in opposition to imported onions, and our growers should be given encouragement. When we realise that the Government can at any time repeal the Act or, through bringing pressure to bear, amend it to defeat what we are doing by this legislation, I do not think we should agree to what Mr. Davies has proposed.

New clause put and negatived.

Title—agreed to.

Bill reported with an amendment and the report adopted.

### *Third Reading.*

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

## **BILL—FACTORIES AND SHOPS ACT AMENDMENT (No. 3).**

### *Assembly's Message.*

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

## **BILL—BREAD ACT AMENDMENT.**

### *Assembly's Message—Laid Aside.*

Message from the Assembly notifying that it had agreed to amendments Nos. 3, 4 and 8, and had disagreed to Nos. 1, 2, 5, 6 and 7, now considered.

### *In Committee.*

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

No. 1.

Clause 3, page 2, line 13—Delete the word "State" and substitute the words "Kalgoorlie and Boulder Municipalities and Kalgoorlie Road Board."

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

The power should exist for the whole State.

Hon. H. K. WATSON: I move—

That the Bill be laid aside.

The CHIEF SECRETARY: Mr. Chairman, will you please bring me in a glass of water, because I will need one for the length of time I shall speak to this Bill.

The CHAIRMAN: Surely the Chief Secretary does not expect me to bring him a glass of water!

Question put and a division called for.

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

Division taken with the following result:—

Ayes	....	....	....	....	10
Noes	....	....	....	....	9

Majority for .... 1

### *Ayes.*

Hon. N. E. Baxter	Hon. G. C. MacKinnon
Hon. L. C. Diver	Hon. R. C. Mattiske
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. Sir Chas. Latham	Hon. J. Murray

(Teller.)

### *Noes.*

Hon. G. Fraser	Hon. F. R. H. Lavery
Hon. J. J. Garrigan	Hon. H. C. Strickland
Hon. W. R. Hall	Hon. W. F. Willesee
Hon. E. M. Heenan	Hon. E. M. Davies
Hon. G. E. Jeffery	

(Teller.)

### *Pairs.*

Ayes.	Noes.
Hon. C. H. Simpson	Hon. F. J. S. Wise
Hon. A. F. Griffith	Hon. J. D. Teahan
Hon. J. Cunningham	Hon. G. Bennetts
Hon. H. L. Roche	Hon. R. F. Hutchison

Question thus passed.

Bill laid aside.

## **BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.**

### *In Committee, etc.*

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

Bill read a third time and passed.

## **JURY ACT SELECT COMMITTEE.**

### *Consideration of Report.*

HON. SIR CHARLES LATHAM (Central) [2.48]: The report has been printed and members have had an opportunity of studying it, and have no doubt acquainted themselves with its contents. I will not suggest for one moment that very much can be done in this House about the matter. Accordingly I move—

That the report of the select committee on the Jury Act be forwarded to the Premier with the request that the recommendations be given consideration by the Government.

Question put and passed.

*Sitting suspended from 2.50 to 3.30 a.m.*

# **BILL—MARKETING OF ONIONS ACT AMENDMENT.**

## *Assembly's Message.*

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

# **BILL—ADMINISTRATION ACT AMENDMENT.**

## *Assembly's Further Message.*

Message from the Assembly received and read notifying that it no longer disagreed to the amendments on which the Council had insisted.

# **MOTION—LAND TAX AND VERMIN RATE.**

## *Report on Working of Laws.*

Debate resumed from the 19th December on the following motion by Hon. H. K. Watson:—

That in the opinion of this House there should be presented to Parliament as soon as possible in the next session, a report by the State Commissioner of Taxation on the working of the laws relating to land tax and vermin rate from the 1st July, 1948, to the 30th June, 1956.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [3.42 a.m.]: In reply to Mr. Watson, I desire to say that, as has been previously pointed out, the statistical information necessary to comply with his request is not readily available. His motion proposes the preparation of a report containing a comprehensive analysis of valuations and other matters. The basic information only was prepared by the local office and forwarded to the Commonwealth Statistician in the Eastern States, who prepared the schedules.

This information was, of course, only prepared for Commonwealth purposes and, consequently, has not been kept since the discontinuance of the Federal legislation. It is to be noted that as it was prepared for the above purposes, it did not cover all the taxpayers under the State Act.

The extraction and compilation of such detailed information over a period of eight years would entail the employment of a number of extra staff for a considerable period, and cost the State, for this special report alone, several thousands of pounds.

It has been stated in this House a number of times that economies are very necessary; and on this ground alone, it is considered undesirable to agree to this motion. As I have already stated, the valuation system is subject to objection and appeal and is generally accepted. Therefore, the benefit of a report of this magnitude would not be compatible with the cost involved in preparation.

A report could be put up on the basis of the thirty-fourth State Commissioner's report, again not without some considerable cost to the State. However, as a clause has now been inserted into the Assessment Act calling for a report each year, in any case an up-to-date report will be available to members on the workings of the Act after the conclusion of the current financial year. Accordingly I oppose the motion.

**HON. H. K. WATSON** (Metropolitan—in reply) [3.45 a.m.]: The motion is in simple and quite general terms. It reads as follows:—

That in the opinion of this House there should be presented to Parliament as soon as possible in the next session a report by the State Commissioner of Taxation on the working of the laws relating to land tax and vermin rate from the 1st July, 1948, to the 30th June, 1956.

It may be that in discussing the motion I indicated a variety of ways in which the report could be of assistance. But all that is called for is a report by the commissioner on the working of the Act, and I think it could fairly be said that all that can be expected of the commissioner, in view of the reply that has been submitted by the Chief Secretary, is a report by him from such information as is available to him.

For example, during the present session there has been tabled in this House a list of valuations made in various districts, showing the valuation last May and the one made a few years previous to that. That information was given in reply to a question; and I have no doubt that, had the question been a little more detailed, the information that was made available would have been greater. All that is envisaged by my motion is a general report on the working of the Act from the information that is available to the commissioner which, in his opinion, would be of assistance to members.

In view of that, I think the House is entitled to have such information as may be available. That is all I ask. I do not ask for any elaborate statistical summary which requires the setting up of a huge statistical department; although I suggest that, inasmuch as the Act requires that in future the commissioner shall prepare an annual report, he should keep such statistics that will enable that report to be sufficiently full and clear so that it will assist members of Parliament in considering these matters. However, for the time being I feel that we are entitled to have a general review from the commissioner of exactly what has happened during the past eight years. I ask the House to agree to the motion.

Question put and passed.

**BILL—VERMIN ACT AMENDMENT**  
(No. 2).

*Second Reading.*

Debate resumed from the 18th December.

**HON. F. D. WILLMOTT** (South-West) [3.50]: As this House has passed the two Bills dealing with land tax, which have brought farmers of this State into the field of those who already pay land tax; and which will also, very sharply, increase the land tax to be paid by other landholders in the community—a great deal of which tax will, in addition, eventually have to be paid by the farmer by devious means—it is, of course, very necessary that the farmer should be relieved of this vermin tax. I am sure that all members will agree with that point of view.

Of course, perhaps Sir Charles Latham and Mr. Diver might agree that this tax should continue to be imposed on the farmers as further insurance against the possible rise in rail freights. However, I think sufficient members will agree with me to enable this Bill to be passed. I consider that neither the two members I have just mentioned would need to advocate the retention of this tax to ensure that no vermin would appear on any land held by them, because I am quite confident that they could easily make a happy agreement with the Chief Secretary by which the Government would ensure that no vermin would ever appear on any land held by those two members. Nevertheless, I feel compelled to try to save something out of the wreck for the poor old farmers; so, in the words used by Mr. Lavery quite recently, I will support this Bill with all I've got.

**THE CHIEF SECRETARY** (Hon. G. Fraser—West—in reply) [3.52 a.m.]: I am greatly taken up with the big-heartedness shown by Mr. Willmott, and I quite appreciate that he is prepared to give all he has got in support of this Bill; but I am sure that at this time of the morning it would not be much.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Section 103 amended:

**HON. J. MURRAY**: I rise not to oppose the Bill in any shape or form, but to seek an explanation from the Chief Secretary or someone else. This is almost a consequential Bill on the two others that we have already passed. Would the Chief Secretary kindly tell me whether the composite description of vermin has been included in the Bill, because I have some

doubt about the passages of other measures? I will not go any further. So long as the description is there, perhaps it will be all right.

Clause put and passed.

New clause:

**THE CHIEF SECRETARY**: Following the speech made by Mr. Murray, I think it is necessary to make sure that all vermin are included; and, to be on the safe side, I will move for the addition of a new clause. I move—

That the following be added to stand as Clause 3:—

This Act shall continue in operation until the thirtieth day of June, One thousand nine hundred and fifty-eight and no longer.

The reason for moving for the addition of this new clause is to ensure that this date will coincide with that set down in the Land and Income Tax Assessment Act Amendment Bill.

New clause put and passed.

Title—agreed to.

Bill reported with an amendment and the report adopted.

*Third Reading.*

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

**BILL—DEATH DUTIES (TAXING) ACT AMENDMENT.**

*Second Reading.*

Order of the Day read for the resumption of the debate from the 28th November.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and *passed*.

**BILL—APPROPRIATION.**

*First Reading.*

Received from the Assembly and read a first time.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [4.3 a.m.] in moving the second reading said: This is the Appropriation Bill which is introduced each year after the Estimates have been discussed and approved by the Assembly. Members who have been in the House for any length of time will know that the best way to follow the Bill is to study the schedules. Any new member who is interested in the Bill will easily comprehend its purposes if he looks at those schedules.

Schedule A sets out the amounts to be taken from the Consolidated Revenue Fund, the General Loan Fund and the public account advanced to the Treasurer. The total appropriation in Schedule A under those headings amounts to £66,209,853. Schedule B sets out the Consolidated Revenue Fund for the services of the year ending the 30th June, 1957, as detailed in the Estimates of expenditure passed by the Legislative Assembly. Schedule C sets out the General Loan Fund for the services of the year ending the 30th June, 1957, as detailed in the Estimates of Expenditure passed by the Legislative Assembly.

Schedule D sets out the same information regarding the advance to the Treasurer. Schedule E sets out in relation to adjustment of appropriation "Advance to Treasurer" 1955-56 financial year, the adjustments in regard to the Consolidated Revenue Fund. Schedule F sets out the same information in regard to the General Loan Fund. Schedule G, the last in the Bill, deals with the allocation of expenditure for the improvement and reforestation of State forests for the year ending the 30th June, 1957. I move—

That the Bill be now read a second time.

**HON. J. MURRAY** (South-West) [4.5 a.m.]: I do not want to take up too much time of the House at this late hour of the morning; but because I want to be entirely fair, I feel I must say a few words about an appointment that I referred to some years ago. On that occasion, I took up much time in discussing the appointment of the Conservator of Forests in this State. I made no personal attack on the officer appointed to that job, but I did say that I thought the Government erred in depriving a competent person of that position; and that I was a little fearful, not about the ability of the officer appointed, but of the method of appointment. Because I want to be perfectly fair, I would put forward my reaction to that circumstance.

The industry pays a high tribute to Mr. Harris, the conservator. What the industry feared was some deficiency in the organising ability of a man who was highly qualified on the academic side. I still doubt whether administrative ability should be the highest qualification that should be regarded as against academic and practical ability.

On the reports that have been tabled in Parliament regarding the Forests Department, the latest of which is given in detail, there is no doubt as to the administrative ability of the present conservator. He makes no bones about putting his cards on the table with regard to all activities of the department. In spite of what I previously said about this appointment, I wish to say now that Mr. Harris has filled the bill very admirably, and I hope he will continue to

do so. I trust that the tour which he is taking on behalf of the Forests Department will result in benefit to the State.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 4—agreed to.

Schedule A:

Hon. A. R. JONES: There is one question I would like to ask the Chief Secretary. I do not see any appropriation here for Chamberlain Industries. Is it a fact that that undertaking no longer requires Government financial assistance, or does it intend to obtain its finances from the Rural & Industries Bank?

The Chief Secretary: I do not know.

Schedule A put and passed.

Schedules B to G, Preamble, Title—agreed to.

Bill reported without amendment and the report adopted.

*Third Reading.*

Bill read a third time and passed.

**BILL—LOAN, £15,915,000.**

*First Reading.*

Received from the Assembly and read a first time.

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. G. Fraser—West) [4.17 a.m.] in moving the second reading said: As members are aware, this Bill is brought down each year once the Loan Estimates have been passed by another place. This year the Bill seeks authority for the raising of £15,915,000, an increase of £4,311,000 on last year's estimate of £11,604,000. The details of the works for which this sum is required are specified in the schedules to the Bill.

As internal and external loan raisings are not expected to provide all the money required to finance the States' works programmes, the total funds available this year will depend on the amount of special assistance the Commonwealth is prepared to provide from its own financial resources. The Government in this State has during the expired months of the financial year been receiving from the Commonwealth this State's share of a total loan programme for the financial year of £190,000,000, which share is £17,900,000. An amount of £3,000,000 more than that total has been allotted for Commonwealth-State housing undertakings in Western Australia, leaving a balance of £14,900,000 available in this State for other works.

Furthermore, as members know, we will receive a special loan allocation of £2,000,000. This allocation followed representations to the Commonwealth to recognise the need to provide Western Australia with additional funds in order to maintain the current volume of Government employment on works and also to provide additional employment on such works in order that the number of unemployed in Western Australia might be substantially reduced.

On the assumption that a total of £16,900,000 will be available for the general works programme and £1,536,000 by way of loan repayments in this financial year, a total cash expenditure for the year of £18,436,000 is anticipated. It is also proposed to carry out certain school and hospital works to the value of £200,000, for which payment is to be made in the next financial year.

Approval was also given by the Loan Council for the State Electricity Commission to borrow £2,150,000 in this current year. Expenditure by the commission up to this figure will be met from its own loan raisings, and will therefore not form part of the Estimates.

Dealing with the main items of expenditure last year and the estimated expenditure for the current year, the total expenditure of the Railway Department for 1955-56 was £4,064,000. It is intended to carry out works to the value of £200,000 in respect of which payment will not be made until 1957-58. Most of the proposed deferred payment works will be to provide schools. The construction of new high schools at Fremantle, Midland Junction, Mt. Lawley, Armadale, Tuart Hill, Belmont, Manjimup and Merredin will also be continued and a section of each of these schools will be ready for occupation in the new school year, 1957.

No Government is able now to do what it would wish to do in connection with Loan Estimates. As the public debt increases, so the interest burden on the people increases. Unless loan moneys are expended reproductively, much of the growth of the public debt becomes a total burden upon the people, because they have to meet in full the added interest burden, and there is no corresponding financial return to the Government to offset that burden.

I have figures relating to various works and showing how the money is to be spent. They would make an interesting story if I had more time to tell it. I move—

That the Bill be now read a second time.

**HON. N. E. BAXTER** (Central) [4.20 a.m.]: Looking at the First Schedule, I notice that under "Forests" there is an amount of £100,000; under the "Charcoal

Iron and Steel Industry," there is an amount of £260,000; and under the "State Hotels," £30,000. It is rather strange that while these large amounts can be found for the purposes I have mentioned, there is no money to build classrooms. The other evening I asked a question concerning the Wanneroo school. I asked whether the report in the "Daily News" in reference to the school was correct. I received a very off-hand reply; I did not get a definite answer as to the correctness of the question.

I have passed the question back to the Chief Secretary, and I trust he will get a decent answer from the Education Department and forward it to me during the next month so that we will know where we are. I do voice a protest that we see these items of expenditure from the loan funds, but we cannot get decent schools built where we now have dilapidated, wooden buildings. In spite of this, the Chief Secretary in his second reading speech told us of the new junior high school buildings being erected in the metropolitan area, and in a few country towns. I support the second 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.

Bill read a third time and passed.

## CLOSE OF SESSION.

### *Complimentary Remarks.*

**THE CHIEF SECRETARY:** If we were anywhere else but in Parliament we would now give three cheers for seeing the end of what I am sure has been one of the longest or heaviest sessions that the Western Australian Parliament has experienced. It is nice to find, when we get to the end of such a long session, that we can look back over the full term that we have been here and can agree that hardly on any occasion did anyone lose his temper. At times we might have got a little hot under the collar; but generally members have acted in a way which I think redounds to your credit, Sir. I know that at times things get trying, but we have all been prepared to put up with one another's little idiosyncrasies and faults and have agreed to disagree on the various items that we have had before us.

I would like to pay a tribute to you, Sir, for the excellent way in which you have presided over the Chamber during the year. You have been helpful to me on many occasions, and at times you have been tolerant when possibly a firmer President might not have succeeded as well as you have done. I also want to



thank the Chairman of Committees for the excellent job he has done. Being in the Chair is not easy, particularly when we have complicated Bills before us, and when we have amendments being moved on amendments. There have been times, I suppose, when he has been the only one in the Chamber who has known exactly where we were. If we got off the rails, he was always able to bring us back.

I also want to extend my thanks to the Clerk, Mr. Roberts, and to Mr. Browne, the Usher of the Black Rod. They have been courteous at all times and have rendered to us all the assistance in their power, willingly and always with a smile. I also want to thank Mr. Ashley. This is his first session in the Chamber; and unless anyone knew, he would not realise it, because he has done such an excellent job.

Also I should like to thank the Hansard staff for the excellent job they have done. Because of the long hours they have to put in, and because of the way they have to apply themselves to their duties, one wonders how they stand up to the strain, particularly during the last week or two of the session; and we all have great admiration for the work of Mr. Royce and the members of his staff. We owe a lot to them for the excellent way in which they take down our speeches; and in complimenting the staff I would like to compliment the ladies who are associated with the reporters, for being so obliging and always prepared to assist members in any requests made to them.

One could not forget Mr. and Mrs. Burton and their staff for the excellent way in which they have always looked after the inner man. I think we can be proud of our dining-room and the staff we have; and we are never afraid to bring visitors here, because we know that they will go away singing praises for the way in which they have been looked after.

In addition, I wish to thank Mr. Courts and Mr. Carrick, who have been most obliging at all times. I do not want to forget the messenger boys, because no place is complete without them. I can remember when I was a messenger boy, and I knew how important I was to the establishment. If for nothing else, the messenger boy is called upon by every member of the staff to do something or other on his behalf. If I have forgotten anybody I hope I will be forgiven.

I also wish to thank the Press, notwithstanding the fact that at times we are not over-pleased with their efforts. Like us, they make mistakes, and they possibly tell us about it at times. On occasions we tell them about their mistakes.

The Minister for Railways: But they don't take any notice of us.

The CHIEF SECRETARY: They are in a more powerful position than we are. Nevertheless, I appreciate the excellent job that their reporters do at Parliament House. I wish all members and staff a very happy Christmas and a bright and prosperous New Year; and I wish to thank them—even those who at times have not seen eye to eye with me. I desire to thank them for their tolerance and for their contributions to the debates. I wish all members all the best for the festive season.

HON. H. K. WATSON: I would like to join with the Chief Secretary in expressing appreciation to you, Sir, for the manner in which you have presided over the House during this session and for your kindness and courtesy. That also goes for our very able Chairman of Committees. Both of you have shared with us a pretty strenuous session, and we appreciate your help. I would like to thank all those who serve under you, Sir, both in or around the Chamber and in the precincts of the House. I wish to make particular mention of the work done by the Clerk and Clerk Assistant during the first year of their respective offices. They have discharged their duties with conspicuous ability.

I would also like to include the Hansard staff for their assistance during the session; also the Press who, during the past week, at any rate, have shared with you, Sir, the experience of trial by ordeal, because they have certainly listened to lengthy debates. Regardless of the manner in which their superior officers may deal with the reports which they submit, the fact remains that they are constantly in attendance; and I have no doubt that to the best of their ability they faithfully report the proceedings. It is a matter for real regret that the Press does not to a greater extent report the proceedings of this Parliament.

To the Leader of the House, who has performed the amazing feat of remaining seated for two consecutive seconds, I would like to convey our thanks for his co-operation and his willingness at all times to consider the various requirements and difficulties of members. I join in extending to you, Sir, good wishes for a happy Christmas and a peaceful New Year, and I extend the same wish to all members.

HON. N. E. BAXTER: We have had a very long session; and although I am not one of the oldest members by a long shot, I would say that even some of those who have been here for many years would admit that it has been one of the most trying sessions for some time. We have had to deal with a large number of different types of legislation, and I believe that at times members wondered where we were heading. But we finally got through, and the result of our efforts will reach the statute book.

Like other members, I would like to thank you, Sir, for your help and tolerance. I know that at times we in this corner have been a rather trying section, but you have always treated us fairly and reasonably; and while sometimes we got a little wild with you, and you got a little wild with us, we finally all agreed, because we get on pretty well together.

I would like to thank the Chief Secretary for the manner in which he has met us on most occasions. He has always been reasonable; and because of the cheery way he does things, there have been no ill feelings on either side. The same applies to the Minister for Railways. We have our arguments and there have been times when we have not agreed with our Liberal colleagues. As a matter of fact this evening I thought I might be ostracised because they were looking at me as though I had joined the Labour Party and become a real socialist. However, I think that in the long run they will forgive me.

Whilst speaking, I would also like to thank Mr. Roberts, the Clerk, and Mr. Browne, the Clerk Assistant, for their help and consideration during the session. They have been a great help to me, and—I am sure—to other members as well. Mr. Ashley, who joined us only this session, has done a great job.

I must also thank the Hansard reporters, particularly from my own point of view. The job they do is really wonderful. It is possible that I am not a very good speaker, and that they are very good Hansard reporters; but I feel at times after reading the proofs of my speeches that they were far better than those I had actually made. I appreciate very much the work they have done.

In thanking the Hansard reporters, I would also like to mention Mr. Royce, the Chief Hansard Reporter, for his help and courtesy. The staff of the House have also done a good job under trying conditions. We as members are not always the easiest people to get on with, I dare say, but we do try to make their tasks as easy as possible. I would like to wish everybody, including you Sir, a merry Christmas and a happy New Year.

**THE CHIEF SECRETARY:** With your permission, Sir, I would like to say that there were two points I forgot to mention. One was that I omitted to include the Deputy Chairman of Committees in my thanks and Christmas greetings. I shall remedy that right away, and I trust they have a happy Christmas and a bright New Year. The second matter is that we are awaiting two messages from another place.

**HON. W. R. HALL:** I desire to associate myself with the remarks made by previous speakers, and to offer you, Sir, my felicita-

tions and thanks for the courtesy you have always extended to me. It is a great pleasure when we are able to see eye to eye with each other in the interests of members and Parliament generally. I also want to take this opportunity of thanking the Clerk of the Council, Mr. Roberts, for the manner in which he has done his job and for the advice he has given me as Chairman of Committees. He has been a tower of strength, and I could not have carried on without him. It is his first year in that position, and I am most happy to have been associated with him.

I also wish to thank the Usher of the Black Rod. He has left no stone unturned to ease my burden. Mr. Ashley, who has also taken over his job only this year, has carried it out in a most able and efficient manner. I would like to thank all the officers of Parliament who have been so kind to me this session. I extend my good wishes to the Chief Secretary and the Minister for Railways who have always been most courteous and co-operative in their dealings with me.

My remarks would not be complete without my thanks going to the Deputy Chairmen of Committees, Mr. Davies, Mr. Logan and Mr. Griffith. They have done their job efficiently and have often relieved me when I have not been able to be present. My thanks go also to Mr. Courts, Mr. Carrick and all other officers of Parliament, who have been most courteous.

I wish to thank Mr. Royce and his staff of Hansard reporters for the way they have carried out their duty. One never hears any complaints of their work. They know their job so thoroughly that our speeches when returned to us seem far better than those that we actually made. I would like to extend the compliments of the season to Mr. and Mrs. Burton, who have done a good job in their particular field. It has been one of the happiest sessions I have had the honour to attend. I would like to wish you, Sir, all members in this House and the members of the staff a happy Christmas and a prosperous New Year.

**HON. J. G. HISLOP:** I would like to join in the felicitations this season and to extend my compliments to you, Sir, for your management of the House during this long session. I would also like to feel that any heat that might have been engendered during the debates has long since been dissipated, because I have restored all members to the high regard in which I hold them, and I trust they have done the same with me. I do not propose to name all the officers and thank them because that has already been done, and it is possible that I might inadvertently leave out one or two names. I want to

thank everybody from the clerks to the Hansard reporters, from Mr. Burton to Tommy Courts at the front door. I trust that you, Sir, and your family, and members and their families, will have a happy Christmas and a prosperous New Year.

**THE PRESIDENT:** I thank members for the good wishes they have extended to me and Mrs. Loton. It has been a difficult session because the hours have been long. I have had three new officers to help me, and I congratulate them on the wonderful way they have done their job. Mr. Roberts only took over his position as Clerk during this session; and with two new lieutenants to help him, it was not easy, particularly when I possibly have not the same experience as have some other members in the House. We have had 89 Bills passed, although I do not know how many have gone under the Murray slipstream. It has been a strenuous session, but I think I came up smiling every day in my own way.

I could say to the new members that, if on occasions I have appeared to be a little casual and off-hand, the longer they know me the more they will realise that that is my manner. I try to be friendly with members on all matters. On the other hand, when I was on the floor of the House, I would have cut the throats of members on the other side, and perhaps they wanted to do the same to me; but that is all forgotten once we go away from here. It is unfortunate that when we resumed this session we found new faces here. Of course, we welcome them, but I very much regret that some of our members passed away so suddenly.

I must take this opportunity of thanking my three main officers—Mr. Roberts, Mr. Browne and Mr. Ashley—for the sterling work they performed in the year. The call on their time and patience has been no small matter. My thanks also go to Mr. Hall, my lieutenant, who on many occasions has had discussions with me on the pros and cons of matters referred to in a Bill which was not in order, and on motions to disagree with his or my rulings.

Those things all add to the interest of parliamentary procedure. It is something of which the ordinary member is not fully aware. When making a ruling, it is not merely a matter of agreeing or disagreeing. One has to do a great deal of research; and when a decision is made, it must be based on sound facts. On more than one occasion Mr. Hall, Mr. Roberts and I spent hours on research, so that when the ruling was given we were satisfied in our own minds that, even if it should be upset, we had done the right thing.

To the other members of the staff—Mr. Courts and Mr. Carrick—who at all times have been very helpful in sorting the papers, bringing documents to the House and making them available to members, go the thanks of all members. To the two typists—Miss Watkin and Miss McCaul—who on various occasions this year established records in the number of questions they had to type on an afternoon—go our thanks. To Mr. and Mrs. Burton for their control of the domestic staff and the feeding of members with meals, suppers and tea, all members are indeed grateful.

To the two Ministers—the Chief Secretary and the Minister for Railways—I am deeply grateful for the co-operation and help they have given me. On nearly all occasions when anything out of the ordinary had to be done they took it on themselves to advise me beforehand and that made the running of Parliament easier. To the Chief Hansard Reporter, Mr. Royce, who has assisted by making proofs of their speeches and other information available, the thanks of members are due.

The Hansard staff have my thanks. Even at this moment they are carrying out their tasks under the roster. I have received no complaints from members during this session and I am sure they have done a good job. I do not remember one complaint being brought to my notice this year that something should be done about the correction of reports.

The Minister for Railways: Are you speaking of the Hansard staff or the Press?

**THE PRESIDENT:** I am speaking of the Hansard staff. Now that my attention has been drawn to the Press, I have nothing derogatory to say about the reporting of parliamentary proceedings. The differences that have occurred have been smoothed out. They were smoothed out as a result of a discussion I had with the chairman of directors of "The West Australian," Sir Langlois Lefroy, who gave me a cordial reception. I feel certain that has done a tremendous amount of good for Parliament. Since that discussion I am quite satisfied there has been a big improvement in the checking of newspaper reports. As to whether that resulted from my calling on the chairman of directors or from the resolution that was passed in this House, I am not able to pass any comments.

I take this opportunity of wishing all members and everyone connected with Parliament a very happy Christmas and all the best in the coming New Year. I can wish nothing better than to welcome all members here again next year. I must make one apology. It is usual for the

President at the end of the session to entertain members to supper or drinks. Last year I tried to make the necessary arrangements, but they broke down, so this session I decided against it because I did not know how matters stood. Between now and the next session I shall ask members to be my guests at Parliament House.

### **BILL—TRAFFIC ACT AMENDMENT (No. 3).**

#### *Assembly's Further Message.*

Message from the Assembly received and read notifying that it had agreed to the report of the conference managers.

### **BILL—VERMIN ACT AMENDMENT (No. 2).**

#### *Assembly's Message.*

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

### **ADJOURNMENT—SPECIAL.**

**THE CHIEF SECRETARY (Hon. G. Fraser—West):** I move—

That the House at its rising adjourn to a date to be fixed by the President.

Question put and passed.

*House adjourned at 5.12 a.m. (Saturday).*

## **Legislative Assembly**

Wednesday, 19th December, 1956.

### **CONTENTS.**

	Page
Questions : Technical education, Commonwealth reconstruction scheme .....	3645
University endowment lands, subdivision, Jollimont-Daglish area .....	3645
Housing, hutments occupied, Wembley R.A.A.F. camp .....	3645
Axon-st. bridge, particulars as to work S.p. betting shop, Kelgitley-rd., Subiaco, licence .....	3646
State Electricity Commission, funds for street lighting .....	3646
Traffic, (a) blinking lights and parking (b) parking area, corner Hay and Irwin-sts. ....	3646
Education, (a) bituminising playgrounds, Swanbourne and Claremont .....	3647
(b) Pinjarra junior high school, additional classrooms .....	3647
Roads, Grassmere-Elleker district .....	3647
Access ways, reorganisation of premises difficulty .....	3647
Tender Board, disposal of scrap metal .....	3648
Order of business, absence of notice paper .....	3618
Resolution : Railways, discontinuance of certain lines, Council's message .....	3645
Annual Estimates, 1956-57, Com. of Supply, general debate .....	3648, 3690
Speakers on financial policy—	
Hon. Sir Ross McLarty .....	3648
Mr. Wild .....	3660
Mr. Nalder .....	3664
Mr. Ackland .....	3665
Mr. Ross Hutchinson .....	3669
Mr. Perkins .....	3673
Hon. J. B. Sleeman .....	3676
Mr. I. W. Manning .....	3679
Mr. Hearman .....	3681
Mr. Crommelln .....	3687
Mr. Roberts .....	3690
The Treasurer .....	3694
Bills : Pensions Supplementation Act Continuance and Amendment, Message, 1r. ....	3618
Factories and Shops Act Amendment (No. 3), 2r., Com., report .....	3618
City of Perth Parking Facilities, 3r. ....	3648
Municipal Corporations Act Amendment, all stages .....	3689
Land Tax Act Amendment, Council's requested amendments .....	3689
Reserves, returned .....	3689
Road Districts Act Amendment, all stages .....	3690
Workers' Compensation Act Amendment, Council's message .....	3690
Assembly's request for conference Council's further message .....	3696
Traffic Act Amendment (No. 3), Council's amendments .....	3696
Road Closure, returned .....	3696
Public Service Act Amendment, Message 1r, 2r. ....	3696
Child Welfare Act Amendment (No. 2), 2r., Com., report .....	3697

The **SPEAKER** took the Chair at 11 a.m., and read prayers.