Previously fees were prescribed by the Act. It is proposed to delete the schedule from the Act and allow fees to be fixed by regulation.

The new Bill provides for penalties of £20 previously fixed in 1915, to be increased to 1965 thinking. The penalties are being increased to £50 as it is felt that a maximum penalty of £20 is insufficient to act as a deterrent in certain cases. Of course, I have this in mind as an additional precaution for the customer.

Provision is also to be made in the regulation-making section allowing the Governor to make regulations to provide for the inclusion of "Petroleum product measuring instrument repairers." Previously, this classification of employee was not provided in the Act and the large companies today have these instrument repairers constantly attending to petrol pumps throughout the State. The function of this type of inspector would be restricted entirely to petroleum product measuring instruments. It is recommended in the Bill that these employees should be licensed similar to instrument scale repairers.

Finally, the existing schedule "A" attached to the Act is being deleted and a new schedule "A", which is that being adopted by the Commonwealth and all of the States, is being inserted. This schedule sets out the denomination of the standard and the maximum range within which values can be determined for verification and reverification.

Provision is also made for the Governor by Order-in-Council to amend schedule "A" to effect any alteration in tolerances which may be agreed by the Commonwealth and the States. The proposed schedule, of course, stipulates the tolerance that will be allowed.

That sums up the provisions in this Bill. Its main provisions are to enable us to accept the gift of the Commonwealth of the new standards both in the metric and the avoirdupois system. It also includes several provisions which give a greater degree of protection to the public, and also enables us to adopt a uniform packaging code. I will make a copy of this code available to the honourable member who takes the adjournment of this debate.

Debate adjourned, on motion by Mr. Norton.

BILLS (8): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Registration of Births, Deaths and Marriages Act Amendment Bill.
2. Bread Act Amendment Bill.
3. Jetties Act Amendment Bill.
4. Plant Diseases Act Amendment Bill.
5. Local Government Act Amendment Bill.
6. Builders' Registration Act Amendment Bill.
7. Rural and Industries Bank Act Amendment Bill.
8. Laporte Industrial Factory Agreement Act Amendment Bill.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Council's Message

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

FISHERIES ACT AMENDMENT BILL

Council's Message

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

House adjourned at 5.33 p.m.

Legislative Council

Tuesday, the 26th October, 1965

CONTENTS

CONTENTS—*continued*

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

QUESTIONS (5): ON NOTICE

COURTHOUSE AT NORSEMAN

Construction and Cost

1. The Hon. R. H. C. STUBBS asked the Minister for Mines:

With reference to the courthouse and the clerk of courts office at Norseman—

(a) what work is to be carried out;

(b) what fittings are to be installed;

(c) have tenders been called, and if so—

(i) when is it anticipated the work will be completed; and

(ii) what will be the estimated cost?

The Hon. A. F. GRIFFITH replied:

(a) to (c) No decision regarding the work to be carried out or the fittings to be installed has been made.

FLUORIDE TABLETS ISSUED BY FREMANTLE CITY COUNCIL

Number, Recipients, and Cost

2. The Hon. V. J. FERRY (for The Hon. H. R. Robinson) asked the Minister for Health:

Since the inception of free issue of fluoride tablets by the Fremantle City Council—

(a) how many tablets have been issued each month;

(b) how many ratepayers have availed themselves of the service each month;

(c) what is the monthly cost of such service; and

(d) does the Fremantle City Council intend continuing the free issue of tablets?

The Hon. G. C. MacKINNON replied:

(a) Tablets issued

May	33,000
June	36,600
July	20,600
August	12,200
September	14,400

(b) Number of ratepayers

May	165
June	183
July	103
August	61
September	72

(c) Monthly cost

	£	s.	d.
May	19	5	0
June	21	7	0
July	12	0	4
August	7	2	4
September	8	8	0

(d) Yes.

POLICE STATION AT ESPERANCE

Commencement, Successful Tenderer, and Cost

3. The Hon. R. H. C. STUBBS asked the Minister for Mines:

With reference to the proposed new Police Station at Esperance, will the Minister indicate—

(a) when work is likely to commence;

(b) who is the successful tenderer; and

(c) what will be the completed cost?

The Hon. A. F. GRIFFITH replied:

(a) Plans are now in course of preparation.

(b) Tenders have not yet been called.

(c) Not known but estimated to cost approximately £60,000.

TIMBER MILLED AT WUNDOWIE

Quantity and Lengths

4. The Hon. S. T. J. THOMPSON (for The Hon. A. R. Jones) asked the Minister for Local Government:

(1) What quantity of timber per month is milled at Wundowie?

(2) What is the maximum length of scantlings cut in the following dimensions—

(a) 3 in. x 1½ in.;

(b) 3 in. x 2 in.;

(c) 4 in. x 2 in.;

(d) 5 in. x 2 in.; and

(e) 6 in. x 1 in.?

Marketing

(3) How is the timber from the mill disposed of?

(4) If timber is sold on the open market, who is responsible for taking orders, and where is the office?

The Hon. L. A. LOGAN replied:

(1) 500 loads.

(2) (a) to (e) 25 feet.

(3) Timber from the mill is sold to the public including building contractors.

(4) Orders for timber may be lodged at the office of the industry at Wundowie.

BOAT SAFETY

Rescue Operations: Vehicle for Esperance

5. The Hon. R. H. C. STUBBS asked the Minister for Mines:

In view of the fact that some time ago the Government gave favourable consideration to the request for the provision of a Land Rover type of vehicle for use by the police where required in sea rescue operations at beaches in the Esperance area, will the Minister indicate—

(a) when the vehicle is to be made available; and

(b) what type of vehicle will be supplied?

The Hon. A. F. GRIFFITH replied:

(a) Within the next two or three weeks.

(b) Holden Utility. In view of the limited use of a four wheel drive vehicle and the long distances to be covered, it was considered a conventional type utility would be more suitable. If necessary for rescue operations, a suitable vehicle will be hired.

DENTAL HYGIENISTS REGISTRATION BILL

Third Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.40 p.m.]: I move—

That the Bill be now read a third time.

There are one or two matters I wish to deal with on the third reading of this Bill. Mr. Wise raised a query on the use of the word "matters" instead of the word "purposes" in the title. I have been advised that this is purely a matter of word selection and either word could have been used when the Bill was drafted because both imply the same. Some Bills have the word "matters" in the title and preamble, and others have the word "purposes." In this Bill the draftsman used the word "matters" but could quite easily have used the word "purposes."

Mr. Baxter also had a query on the meaning of the words "personal direction." I have had advice that this does not mean the dentist has to stand alongside the dental hygienist and personally supervise the work she is doing. He can direct her to carry out some work while he is doing something else in the surgery. If the dentist had to stand alongside the hygienist and personally direct or supervise her work, it would be quicker for him to dispense with her services and do the job himself. I trust those explanations are satisfactory to both Mr. Wise and Mr. Baxter.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [4.42 p.m.]: I most seriously raised the question of the use of the word "matters" in the title of this Bill, and I do not agree, with due respect to the draftsman or the officer who has advised the Minister, with the contentions that are held. The words "incidental and other purposes" or the words "or other purposes" are familiar to all members whether they have been in Parliament for only a few years or for many years.

I do not agree for one moment with the explanation that has been given, and the authorities I use to support my contention are the *Oxford Dictionary; Webster's Dictionary;* a dictionary of synonyms; bound volumes of Western Australian Statutes and Commonwealth Statutes; and, in addition, a reference to the work on legislative drafting forms by Sir Allison Russell, K.C., a standard work on the subject.

The Minister, when referring to the use of the words "purposes" and "matters," stated that they both mean the same, and that some Bills have the word "matters" in their long title. In such cases it is a question of common usage and proper application, and I suggest there is no evidence to show that the words imply the same meaning, nor does there appear to be a synonym which is common to both words.

I suggest that the use of the word "matters" is not usual, nor, as the Minister has said, interchangeable. It does not appear in many titles. I have been through many bound volumes of State Statutes and I have found one where it appears; namely, in the Damage by Aircraft Act, the long title of which is—

An Act to make provision in respect of Liability for Damage caused by Aircraft and for incidental matters.

However, almost all of both the Commonwealth and State Acts which have extended long titles, use the words "other purposes."

I have in my hand a bound volume of Commonwealth Statutes which contains 70 Acts, 29 of which use the words "for other purposes" or "incidental or other purposes." They include the Commonwealth Supreme Court Act; the Commonwealth Defence Act; the Commonwealth Audit Act, and many others.

Of our own State laws, very few, among hundreds, use the word "matters", but the average per annum, including Acts such as the Road Districts Act and many others, is about 15 containing the words "incidental and other purposes". It is not a case of not wishing to have an innovation; if it fits the subject it is better to be used, and it is more common usage; but in this case I think it is a question of the use of the proper word, and the word "purposes", I repeat, is set out in that excellent work on parliamentary drafting by Sir Allison Russell, K.C., and the words "incidental and other purposes" are shown to be the proper words to be used.

So through the years the words "incidental and other purposes" have been accepted usage, and they appear in all our Statutes dealing with iron ore agreements —every one of them! They also appear in many Bills which have been introduced this session, some of which have already been passed and some of which are still on the notice paper. My authorities, therefore, are undoubted, and I hope the Minister—I notice he has a considerable number of references piled near him—is sufficiently interested to say that the word "matters" does not imply the same as the word "purposes", because it is not in such common use as the other word.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [4.48 p.m.]: The other day, when Mr. Wise raised this matter, I asked several officers of the House if they would endeavour, for the purpose of clearing my own mind on this question, to ascertain how general this word was in legislative use, because quite honestly I believe that the sense conveyed by it in the title of this Bill is the same as it would be if the word "matters" were used. On referring to Statutes as far back as 1946, I find that the Plant Diseases Act, in the long title, contains the words ". . . and for matters connected therewith and incidental thereto".

Members will notice how completely different is the phraseology that is used in that long title, but the word used among those words is "matters". Incidentally I did note that there were one or two pieces of legislation which came within this category when Mr. Wise occupied the position of Premier of this State. They were the Coal Mining Industry Long Service Leave Act, which contains the words, at the end of the long title, ". . . to validate certain matters; and for purposes connected therewith".

The Hon. F. J. S. Wise: That is not the point at issue.

The Hon. G. C. MacKINNON: I know it is not, but I am showing that there are some Acts which contain words which are close to the words used in this Bill and some which are completely different. In 1951 we had the Co-opted Medical and Dental Services for the Northern Portion of the State Act passed which contained the words ". . . and for incidental matters".

The Hon. F. J. S. Wise: Did you quote the words, "and other matters"?

The Hon. G. C. MacKINNON: I said, "for incidental matters." The words mean the same, but there is a difference in the phraseology. The wording used in the Chiropractors Act is, "and matters incidental thereto"; in the Long Service Leave Act Amendment Act of 1964 it is, "and matters incidental thereto"; in the 1958 Long Service Leave Act it is, "and matters incidental thereto"; and in the 1959 State Hotels (Disposal) Act is, "and matters incidental thereto."

The Hon. F. J. S. Wise: You have not quoted one with wording like that contained in the title of the Bill before us.

The Hon. G. C. MacKINNON: That is right. Why should every title of a Bill slavishly follow such wording—for matters incidental thereto?

The Hon. F. J. S. Wise: The wording in this Bill is, "and for incidental and other matters."

The Hon. G. C. MacKINNON: It is merely a matter of drafting. Speaking to Ministers of the Crown who have had longer experience than I have, only as late as yesterday one Minister commented on a change in the wording used in legislation. He inquired if a new draftsman had been appointed, and he was told that was the case. Each draftsman has his own ideas.

The Hon. H. K. Watson: We had one who almost set his words to music.

The Hon. G. C. MacKINNON: I have heard the honourable member refer to that draftsman. There is no great need for every draftsman who is appointed to check over and learn the phraseology to which we have become accustomed. He might have ideas which are better than those of other draftsmen; or his choice of wording might be different. My contention is that this is merely a matter of the choice of words. I do not know where Mr. Wise got his information from, but I suppose in his usual thorough way he made a check for himself.

The Hon. F. J. S. Wise: I checked it up myself.

The Hon. G. C. MacKINNON: I was too busy to do that, and I asked the Clerks of this House to make some investigation to find one or two cases each year over a period of years. The cases I have mentioned range from 1946 to 1962.

The Hon. F. J. S. Wise: In the same period you will probably find 200 Acts with the other words to which I have referred.

The Hon. G. C. MacKINNON: I do not deny that. I understand three or four draftsmen are engaged on the drafting of legislation. If one draftsman has a preference for some particular wording, and uses that wording in every Bill he prepares, such wording would appear in only 25 or 33 per cent. of the total number of Bills introduced. If he uses that particular wording in cases where he thinks fit, then there will be a lower percentage. I am convinced after the research that has been undertaken by myself and by the Clerks of the House that the wording used in the title of the Bill before us fits the case.

The Hon. F. J. S. Wise: I do not agree.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

EDUCATION ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [4.55 p.m.]: I move—

That the Bill be now read a second time.

It became evident during promotion appeals heard recently by the Government School Teachers' Tribunal that two matters required early attention which could be effected only by amendment to the Education Act.

A teacher is defined in the Act as "any person forming part of the educational staff of a school." This is a very wide definition and perhaps could include teachers of schools other than government schools. In any event, it includes part-time and supply teachers.

The jurisdiction of the tribunal is related to "teachers," and accordingly the anomalous position arises where temporary teachers apply for permanent positions and, when having failed to obtain the recommendation, are unable to appeal to the tribunal. The tribunal has been unable to uphold any such appeals, notwithstanding their merit, because to do so would mean confirming the appointment of a temporary teacher in a permanent position. There is an amendment in the Bill to deal with this anomaly by confining the right of appeal against promotion to teachers on the permanent staff of the department.

However, as a consequence of representations made in another place during the third reading stage, further consideration has been given to this and it is now proposed to extend, by means of an additional amendment, the right of appeal to temporary teachers engaged full time by the department, but only in cases where the recommended applicant is not a permanent member of the teaching staff.

This means that where someone from outside the service, or a temporary teacher, either full or part time, within the service, is recommended for a position, then a full-time temporary teacher in the department will have the right to appeal against the appointment.

Also, there has developed a practice of teachers seeking to alter their preferences when appeals are being heard by the tribunal, and they have appealed for positions lower on their preference list than the one for which they have been recommended. It is usual for the department to advertise many vacant positions at the same time and teachers have the right to, and very often do, apply for a number of these positions. They are asked to state their preference and the department seeks to satisfy them wherever possible.

When preferences are later altered, however, during appeals and the appeals are successful, they cause unnecessary alteration to appointments and, in some instances, have left positions vacant, with the result that the machinery of appointment and appeal has had to be started afresh, thus causing delays in filling many positions.

The Bill as presented to the House will require teachers to state an order of prefence where they apply for more than one position, and this order of preference will be binding on them. However, another amendment to be later introduced will give the tribunal some discretion when hearing an appeal where the appellant desires to alter his original order of preference.

The teacher will retain his right to appeal for any position appearing in his application list, but the tribunal will be required to have regard in its discretion to his order of preference in hearing and determining the appeal. The department will then be able to make appointments without fear that the promotions procedures could be upset by someone changing his mind, for no good and sufficient reason, after lodging his application.

There is little doubt that circumstances could arise where it would be against the interests of the applicant to insist that he adhere to his original choice. It is therefore proposed to amend the clause to enable the tribunal to vary the order of preference where it is satisfied that a change of circumstances warrants it.

The President of the Teachers' Union has indicated that, at the moment, the proposed amendments meet the situation. However, if, in the light of experience, this surmise proves incorrect, the union would like the matter reviewed.

Debate adjourned, on motion by The Hon. J. Dolan.

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [5 p.m.]: While this Bill is not the one which gives authority to increase the number of Legislative Assembly seats from 50 to 51, there are, of necessity, references in it to that alteration; and those references appear in the second and subsequent clauses. I therefore intend to deal with that aspect mainly on this Bill rather than on the one which succeeds it.

I think that this would be the most peacefully introduced and considered electoral districts Bill in our history. Many of them have been introduced placidly, but dealt with vehemently. Some have been introduced and have not passed; and it is a very interesting observation, I think, that until the 1947 Bill, which became law in 1948, no Government had survived a redistribution of seats brought about by a Bill introduced by it. The 1948-proclaimed Bill stopped all that fear and contention. I think that was just before the Leader of this House entered Parliament. I think he came into the Assembly in the 1950 election.

The Hon. A. F. Griffith: I had great aspirations about that time.

The Hon. F. J. S. WISE: I had a very important part in connection with the 1947 Bill because I was Leader of the Opposition in the Legislative Assembly, and I saw several Labor seats affected—and, indeed, destroyed by the very passing of that Bill.

The Hon. L. A. Logan: Plus a couple of Country Party seats, too.

The Hon. F. J. S. WISE: A couple of Country Party seats went, too. That was the first time, subsequent to 1899, that four seats were not in the north-west of this State—at least four. There were times prior to responsible government when there were more than four; but for 48 years there had been four seats in the north part of this State, and the number was reduced to three.

The mining seats, of course, were very small numerically. Indeed, prior to the redistribution of seats Bill, when there were 14 mining and pastoral seats, some seats had members representing no more than 450 people. We had Ministers representing a vote of 300 people. These were not in the north. The Mt. Margaret electorate, for instance, had 415; Mt. Magnet, 501; Cue, 468; and so on.

There is a true story told of a happening in Parliament at the time following a redistribution when the member for Roebourne was accused by one member of representing 490 people and of getting in with a two to one majority on 200 votes while Mr. Percy Brunton, who had scored 600 votes, not only lost his deposit, but was put into gaol.

The Hon. A. F. Griffith: What year was that?

The Hon. F. J. S. WISE: Following the 1925 redistribution.

The Hon. A. F. Griffith: Before compulsory voting for the Legislative Assembly?

The Hon. F. J. S. WISE: Yes. That came in by a motion of a member of the Country Party—in fact, the Deputy Leader of the Country Party, Mr. Patrick.

The Hon. A. F. Griffith: In 1933.

The Hon. F. J. S. WISE: In 1933 or 1934. However, it is obvious that since those days, when many little pocket boroughs existed, there has been evolved through the years a better system for instructing commissioners by the authority given to them under Statutes, rather than by direct instructions, to arrange all sorts of divisions of areas and arrangements of boundaries which better meet the circumstances of today.

Although I mentioned that I had a violent opposition to the Bill of 1947 because of certain effects it had, the Bill did set down certain principles which the one before us amends to facilitate even more the operations of the commissioners.

I cannot wholly see the merit in the creation of an extra seat, making 51. One would assume that 51 being an odd number would be a safe means of avoiding a deadlock. I submit that it could be more embarrassing for a Government to be returned with a 26-25 result than for a deadlock, initially, before the appointment of a Speaker was made bringing the number to 25 all. If and when it happens that a return of 26-25 occurs, and there are 25-all on the floor in the Assembly, it will be, I suggest, an embarrassment at all times, not only for the Speaker to give a casting vote in the Chair, but in Committee for him to participate in almost all votes on divisions.

The Hon. A. F. Griffith: Not as embarrassing, Mr. Wise, as the position would be for the Government to have 24 on the floor and the Opposition to have 25.

The Hon. F. J. S. WISE: The Government could not be in those circumstances, as the Minister knows. That illustration is most imperfect. The Government must go to the Governor and assure him it can carry on. The Minister knows that must be the situation.

The Hon. A. F. Griffith: I saw your party very successfully carry on.

The Hon. F. J. S. WISE: I was Minister in a Government for some years when the figures were 26-24.

The Hon. A. F. Griffith: You were even worse off at one stage.

The Hon. F. J. S. WISE: It was a very healthy situation because it ensured a full attendance, and it ensured also that particular attention and interest was paid to all legislation. I think the most healthy state that Parliament can be in is for the numbers to be very close.

The Hon. H. K. Watson: I do not think Harold Wilson would subscribe to that.

The Hon. F. J. S. WISE: He runs into hundreds, whereas we operated for several years, as the Minister knows, with 26-24 with a Speaker from our party.

The Hon. H. C. Strickland: You got a true vote.

The Hon. F. J. S. WISE: Always; and the attendances at Parliament in those days were very striking compared with the run of the same Government—and I was in that one—when we had 30-20. It was much more difficult to manage than the 26-24; because members would be surprised how many grandmothers and aunts got sick and how many shows had to be attended! I can assure members it was more difficult to keep the numbers when there were 30 than when there were 26.

Speaking very seriously on this point, I think it does not put the Speaker in a good position if, as must occur if there are 25-all on the floor, he must participate in the voting. We have seen in recent years in this Chamber the President coming in to vote in Committee; and I think it is not fair that because of a party requirement—and I stress that point, a party requirement—a Speaker, elected by the House, should be involved in that manner. However, the Government has decided to give 51 a trial. I was not here at the time, but I think it was a Bill in 1955 which was defeated—

The Hon. A. F. Griffith: In 1954.

The Hon. F. J. S. WISE: —that had provision for 52 members.

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

The Hon. F. J. S. WISE: That Bill was described by prominent members of the then Opposition as being a very good one; but all of these Bills dealing with boundary adjustments or the preparations for the redistribution of seats are usually viewed with some concern by those in Opposition. That is a statement of fact. They are viewed with more than concern—even with suspicion—and have been so viewed because the minority feel that something is being done to keep them the minority. I am not approaching this Bill with that sort of attitude or thinking, but that has been the attitude—and understandably so—to many Bills of this kind in the past.

The additional seat in this case will be in the metropolitan area. The making of the additional seat will avoid the necessity of either a Country Party member or a Liberal and Country League member losing a country seat. I do not know to which one it would have occurred.

The Hon. A. F. Griffith: It might even avoid the Labor Party losing one.

The Hon. F. J. S. WISE: No. I assume the fear was on the other ground, if there was a fear. In any case we now will have 23 in the metropolitan area, 24 in the country, and four in the north-west. That is the division, and I can see no suggestion at all in any interpretation I can put on this Bill of it being an unfair approach to meet the situation by creating another seat. However, I can see a difficulty which the commissioners will meet, and from which the electors may suffer, in the division as it affects the Legislative Council.

I have mentioned that under this Bill the commissioners will have the right to proclaim 23 seats under a proclaimed quota in the metropolitan area, 24 seats of a quota half that average for the country, with relevant adjustments, and four seats in the north-west. Let us look at the effect on the Legislative Council. The four Assembly seats in the north-west will yield two provinces, understandably because of its vastness, the association of interests, the type of seat, and the remoteness. In the country there will be 24 Assembly seats and eight provinces, and in the city there will be 23 seats and five provinces.

On the quota system, for the proportion of representation in the Assembly, the vote of the country will be two to one, one vote having the value of two in all of the 24 Assembly seats. The eight country provinces in regard to the Council seats will have the ratio of nearly four to one. A vote in the country for the Legislative Council under this division will give a value of nearly four to one in the case of the country provinces as compared with the suburban provinces. It is a matter of arithmetic. That, I suggest, will create discord somewhere at some time.

I am not suggesting we will endeavour to do something about it at this stage because it would need considerable adjustment and variation to Acts more recently passed than the last redistribution Act; but that is the position at the moment, or it will be on the passing of this Bill. Therefore it will be difficult; and, before many Parliaments have passed, the relationship between country and urban provinces—provinces as distinct from Assembly seats—will have to be very carefully examined.

Opinions have been expressed that the position on the passing of this Bill will be such as to favour the Government. I do not think one could state that opinion as a fact because, with the odd number of seats for the Legislative Assembly, there will develop, as the population expands in different country areas, as well as in different urban areas, a balance that will need to be adjusted from time to time.

The Hon. R. F. Hutchison: It seems to be a good opportunity to do away with it altogether.

The Hon. F. J. S. WISE: It suggests to me that, before a quota is fixed by the authority vested in the commissioners under section 8 of the Act to vary the boundaries and to alter the circumstances of districts, both rural and urban, an examination may show that the outer suburban areas would be better included in the existing suburban areas. It could well be that Armadale could be said to have similar interests to Gosnells; but Armadale is in the rural area and Gosnells is in the urban area. It could be that Greenmount, or indeed Kalamunda, could be said to have common interests with part of Middle Swan and part of the areas contiguous to the Canning electorate.

The Hon. R. F. Hutchison: But they are all suburban districts now, really.

The Hon. F. J. S. WISE: It will rest with an analysis of how the figures will be affected before the learned commissioners can make a decision on that point; because, if too much is brought in at a later date—too much in area and too many in numbers—to the suburban areas, it will make the quota for the balance of the country quite impracticable and wrong.

The Hon. A. F. Griffith: But the metropolitan area under this Bill is fixed, being the area defined in the 1961 report.

The Hon. F. J. S. WISE: That is so.

The Hon. A. F. Griffith: The number of seats relative to that area is not fixed.

The Hon. F. J. S. WISE: That is so; but there still remains, under section 8, certain powers vested in the commissioners in regard to the alteration of the boundaries.

The Hon. A. F. Griffith: Within the defined areas, but not outside them.

The Hon. F. J. S. WISE: So that once this is established within the prescribed areas under the 1961 Act—and that is the point I am reaching, and the Minister has just sort of headed me off—

The Hon. A. F. Griffith: Sorry.

The Hon. F. J. S. WISE: Once that is absolutely defined it could be that, although it is within the metropolitan area that Governments are usually made or unmade, a much greater influence will come from seats that touch upon the urban area. I think we can anticipate under this Bill some very violent alterations of boundaries for Assembly seats; because one seat cannot be 7,000 or 8,000 out of plumb without, when the alteration is made, affecting other seats. It could affect two or three seats.

The Hon. L. A. Logan: In the metropolitan area.

The Hon. F. J. S. WISE: Yes, I am speaking of the metropolitan area. I think it is very desirable that the commissioners have the latitude that the Act which this Bill amends gives to them. It is important that we do not pin them down, and it is a little unfortunate that we have pegged them to an inner area outside of which, for the purpose of this redistribution, they cannot go; because the trend in population increase is not within the circle of heavy population already existing but is just on the outer edge of it.

However, time, and only time, can adjust that or tell us which way the actual trends will be. But I think it will be a safe assumption that immediately south of the city and immediately north of the city there will be very violent alterations in suburban populations in the very near future.

There are several other proposals in the Bill which are interesting and which I think will facilitate the work of the commissioners. One point that has been raised, and doubtless the Minister has given it a lot of thought since it was raised, but not in this Chamber, is the question of a six month's waiting period for the Chief Electoral Officer's report following an election.

The Hon. A. F. Griffith: Yes, I have given very close consideration to this and can explain in detail why this is so.

The Hon. F. J. S. WISE: The Minister gave quite a considerable amount of detail and a good explanation in his introductory speech.

The Hon. A. F. Griffith: That is so, I did.

The Hon. F. J. S. WISE: But the opinion is still very firmly held that a period of six months following an election is too long to await a report on facts that are known six months before.

The Hon. A. F. Griffith: No, they are not.

The Hon. F. J. S. WISE: Well, close to it, anyway.

The Hon. A. F. Griffith: No.

The Hon. F. J. S. WISE: Very shortly after the poll.

The Hon. A. F. Griffith: Some facts are known but not all of them.

The Hon. F. J. S. WISE: Almost all at that point.

The Hon. A. F. Griffith: No, I differ with you on this.

The Hon. F. J. S. WISE: It will not be a very violent difference—

The Hon. A. F. Griffith: No.

The Hon. F. J. S. WISE: —because even if it is four months it is still a period during which an election may need to be held, and yet we would have, or could have, a large number of seats out of balance so far as the quota was concerned. I am not quarrelling with the provision that is in the Bill which provides for a change to eight seats being out of plumb instead of five, because the experience is, I think, that when five are out of plumb there are usually eight or nine.

The Hon. A. F. Griffith: I think that is about right.

The Hon. F. J. S. WISE: So one cannot quarrel with that. However, I think with the circumscribed urban area it will be much more difficult in the future for eight seats to be out of balance, with regard to their quotas, than would be the case if the expanding circumference took in these places where the pressure of more population exists.

The Hon. A. F. Griffith: I am inclined to agree with you but, by the same token, it is better than having it set down that there will not be under any conditions a redistribution of seats for a set period of years.

The Hon. F. J. S. WISE: I think that is so. I think time will cure all things, even the occupancy of the Treasury bench by a certain Government.

The Hon. A. F. Griffith: Oh, ultimately.

The Hon. F. J. S. WISE: Time cures all things and the worst happening, of course, is for a Government to get smug.

The Hon. G. C. MacKinnon: Do you think "cure" is the right word?

The Hon. F. J. S. WISE: Yes, it is the right word.

The Hon. A. F. Griffith: The use of that word depends entirely on which side of the House one is sitting.

The Hon. F. J. S. WISE: You see, one could be a member of a not-so-good Government.

The Hon. A. F. Griffith: I would not know.

The Hon. F. J. S. WISE: You should know! The necessity for a change may be very obvious to all outside the Government.

The Hon. A. F. Griffith: That is what we found in 1959.

The Hon. F. J. S. WISE: However, to be serious on the point, although it does seem that the departure from five to eight could render a redistribution of seats nigh impossible for a long time, that may be the situation, and the next redistribution of seats after this one, based on a report from the Chief Electoral Officer, could be very far distant. However, that, too, is only conjecture. It is conjecture based on the probability of there not being a violent change, or a sufficient change within the metropolitan area of numbers because of the static circumstances of the 23 seats involved.

I agree entirely regarding the redundancy of the existing section 11A, and that will go out. I think, too, that the regulation-making power that is now in the parent Act has no place in it. It has never been used, and one cannot imagine a proper use for it in the making of regulations dealing with the activities of people who are given a charter to do a certain task. I have no objection, therefore, to the rescission of that section of the parent Act.

Generally, as I said initially, I do not know of a redistribution of seats Bill—and certainly none during my time in Parliament; and that is a long time—that has been debated with such friendliness and placidity. There have been times when violent objections have been taken by the Opposition to measures that have been introduced which were entirely against their interests. However, in all fairness, although one could, either imaginatively, or by taking a measure of the past and relating it to the present, say there are features in this Bill which might be unfair to one or might be unfair to the other, I think it would be conceded by the Government that a Government has the opportunity to study much more intensely than the Opposition any possible effect of a Bill of this kind.

However, with all its faults and with all its minor prickles I can see no reason to oppose it. I do not propose to move an amendment to it and I support the second reading.

THE HON. R. F. HUTCHISON (North-East Metropolitan) [5.28 p.m.]: I am supporting the Bill, but I would like to say a few words at the second reading stage. It has always been my contention that we could do without the Legislative Council, and I think this would be a good opportunity to put that proposition into effect. It would save the country much expense and it would save many headaches.

The Hon. A. R. Jones: That is not in the Bill.

The Hon. R. F. HUTCHISON: I am sure that time will show that in a growing State like Western Australia—and it is growing very rapidly—many anomolies that are not now apparent in the measure before us will occur. I can visualise the unbalance that must come out of the alteration of the boundaries to provide for an extra seat for the Legislative Assembly. I think it will further tend to make the position as regards party numbers more unfair than it is now; and no-one would deny that, as far as the Labor Party is concerned, it is unfair at the present time. It has never been possible for Labor to win a majority of the seats in this House; and what I am stating is a simple fact.

It has never been possible yet, since constitutional government was first established in Western Australia, for Labor to win a majority in the Legislative Council. This is due to the fact that the boundaries have always been against us.

I do not know how the flow of population will affect the new boundaries. There are changes in the air. We can all see that from the very fact that a Bill of this nature is before us. We all know that change is very evident in Western Australia; and I think this State will change more than any other State in the Commonwealth has done in the last decade. The population in the north will grow very rapidly. I do not think the north is fairly represented.

The Hon. F. J. S. Wise: It is very well represented.

The Hon. R. F. HUTCHISON: I agree with my Leader as to the calibre of the representation; and it is indeed fortunate for Western Australia that it is so well represented. I do feel, however, that it will suffer in numbers as the population grows. As you know, Mr. President, I have always objected very strenuously to the Legislative Council being called a House of review.

The PRESIDENT (The Hon. L. C. Diver): I would direct the honourable member's attention to the Bill.

The Hon. R. F. HUTCHISON: I thought I was dealing with the way in which we would all be affected by this change.

The Hon. F. R. H. Lavery: This House will be affected.

The Hon. R. F. HUTCHISON: It will be affected very much indeed.

The Hon. F. R. H. Lavery: Of course it will.

The Hon. R. F. HUTCHISON: I hope that wiser counsels may prevail, because for my part, I can see many difficulties ahead at the present moment. I want to be allowed to say, Mr. President, that there is very little knowledge of this House among the public of Western Australia. They do not seem to know what it stands for, or anything about its constitution. When the Industrial Arbitration Bill came before this House—

The PRESIDENT (The Hon. L. C. Diver): The honourable member must address her remarks to the Bill before the House and not to the Industrial Arbitration Act.

The Hon. R. F. HUTCHISON: I was only going to mention the effect I thought it had. I would not have so much quarrel with the constitution of this House if it were made plainer to the ordinary citizen of the State. The ordinary citizen, however, is not aware of this House, or what it stands for. I know you are trying to give me as much latitude as I am entitled to, Mr. President, but I feel I am only stating a simple truth; and if there is one place in which one should speak the truth, surely it is Parliament.

The PRESIDENT (The Hon. L. C. Diver): I suggest the honourable member should make a study of Standing Orders, because she would then know on what she could speak.

The Hon. R. F. HUTCHISON: I still feel this is a good time to do away with the Legislative Council.

THE HON. E. M. HEENAN (Lower North) [5.34 p.m.]: I daresay this Bill will be passed. As a goldfields member, however, I view it with anything but enthusiasm.

The Hon. R. F. Hutchison: That is what I was trying to express.

The Hon. E. M. HEENAN: Last year we were deprived of two members on the eastern goldfields, and now this Bill proposes to alter the electorate of Murchison in what I regard as a rather absurd manner. At present the electorate of Murchison begins just over the railway line at Kalgoorlie and runs northwards. It takes in the northern part of Kalgoorlie, commonly known as Lamington, and then proceeds up through Broad Arrow, Menzies, Leonora, Laverton, and on to Wiluna. It then comes down through Meekatharra, Cue, and on to Yalgoo.

That area is more or less contiguous; the people in it have a community of interests. Beyond Kalgoorlie the people are mostly engaged in mining and pastoral pursuits. It is a very difficult area for the member who represents it to cover; but at least one is travelling more or less in the same direction all the time and the roads are accessible and reasonable.

This Bill proposes to take away the Lamington area of Kalgoorlie; and the Murchison, as I see it, will commence at Broad Arrow. A great number of electors will be taken away by the deletion of that portion. Apparently it is intended to replace them by going right out on the trans.-line.

The Hon. A. F. Griffith: Not to replace them.

The Hon. E. M. HEENAN: Some of them will be replaced; the numbers will have to be made up. However, in order to make up for the loss of Kalgoorlie it is now proposed that the member for Murchison must travel about 100 miles on the trans.-line and then go from about Zanthus right over to the boundary of the State.

The Hon. A. F. Griffith: The member for Boulder-Eyre has to do that at the moment. Somebody has to do it.

The Hon. E. M. HEENAN: That is so. From now on the member for Murchison will presumably have Kalgoorlie for his headquarters, but he will have to travel

out to Broad Arrow before he gets into his electorate. He will have to go another 100 miles on the trans.-line before he gets into that portion of his electorate; or he will have to go to Norseman and travel 100 miles from Norseman before he gets to that area of his electorate down to Balladonia and out to Eucla.

As the Minister says, the people living in those parts must be represented; but it seems to me that the member who represents Norseman, and who previously represented that area, should continue to do so. It is more contiguous with Norseman; and the people from out Balladonia way, Fraser Range, and beyond come into Norseman on the Eyre Highway. It seems to me that in future the member for Murchison and the people he represents will be at a great disability and at a great disadvantage.

As I have said, the heart of the member for Murchison's electorate will still be at Kalgoorlie, but he will just not step into a trans.-train and represent all those people, because the people in the first 100 miles, approximately, will remain in the Boulder-Eyre electorate. It will not be until he gets 100 miles out on the trans.-line that he will get into that portion of his electorate. In order to visit the people beyond Balladonia and out towards Eucla he must go to Norseman, where Mr. Stubbs lives, and travel another 100 miles through Mr. Stubbs's area before he gets into the Murchison area.

I realise it is difficult to adjust these areas to meet a situation such as we have on the goldfields, but, for the life of me, this does not seem to be an appropriate or an intelligent way to define electorates. I should have thought the Murchison would have been left where it was. It would have been a far better idea. We should have rearranged the south-eastern portion of the State if that could have been done.

So the member for Murchison will represent people at Wiluna, Meekatharra, and down to Yalgoo. He will also represent those beyond Zanthus on the trans.-line, and the people down Eucla way.

The Hon. A. F. Griffith: How do you think it compares with the Federal seat of Kalgoorlie?

The Hon. E. M. HEENAN: The Federal seat of Kalgoorlie is also a vast one, but at least the member for the district covers the whole of that portion of the State. There is only one member for Kalgoorlie, but here there is a member for Boulder-Eyre, a member for Kalgoorlie, and a member for Murchison. Apart from that, there will be the members for the north-west.

I do not think the analogy is a good one. Those are my thoughts on this Bill, and I feel it is my duty to voice them mainly in the interests of the people in those far-distant places who, I think, will be handicapped, because it will be almost humanly impossible for the member to attend to their requirements.

Obviously, one would think that Mr. Moir, who represents Esperance, Norseman, and the people out at Balladonia at the present time should and could continue to represent them better than a member who has to go away out to Wiluna, Meekatharra, and those places.

The Hon. F. J. S. Wise: And nearly to North West Cape in the case of the province.

The Hon. E. M. HEENAN: Yes; and Mr. Brand and myself, who will have the job of representing these people in the Council, will have to travel to Carnarvon and North West Cape and to all of those places on the Murchison. Then we will have to travel 100 miles from Kalgoorlie to Norseman through Mr. Stubbs's electorate, and then we will have to go out east 100 miles before we are able to see our people out there.

As I have said, I realise the difficult job that confronts people who have to design electorates, but I think something fairer and more logical could have been submitted to us than the provision relating to Murchison.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [5.47 p.m.]: Generally speaking, I feel quite pleased with the reception of this Bill. I appreciate the point of view expressed by Mr. Heenan in respect of distance, but whatever the Government of the day attempts to do in a State as large as ours, with the population scattered in some areas one is bound to experience the type of difficulty Mr. Heenan spoke of. What is now the Lower North Province certainly will not be any more difficult—with the exception of the piece on the Nullarbor Plain of which Mr. Heenan spoke—than is the North Province. The Premier of the State has to travel 180 to 190 miles before he gets into parts of his electorate; and there are other members in this House—

The Hon. F. D. Willmott: Mr. Wise has to go further than that.

The Hon. F. J. S. Wise: I go 700 miles.

The Hon. A. F. GRIFFITH: I will come to Mr. Wise in a moment. Other members with country electorates have to travel long distances before they get into their electorates. Mr. Wise and Mr. Strickland travel over 700 miles before they get into their provinces.

The Hon. F. R. H. Lavery: I suggest Mr. Heenan made out a good case for increased electoral expenses.

The Hon. A. F. GRIFFITH: That is something he does not have to make out to me, for which I am very glad.

The Hon. L. A. Logan: I suggest he send them a Christmas card!

The Hon. A. F. GRIFFITH: I would like to make one or two comments in respect of the remarks made by Mr. Wise. Generally speaking, I think the 1947 Bill has stood the test of time. It was strenuously debated in the Legislative Assembly, but when one examines the result of that Bill one finds we have had six years of Liberal-Country Party Government, six years of Labor Government, and six years of Liberal-Country Party Government.

The Hon. R. F. Hutchison: You know there has never been a Labor Government in the Lower House that had a deciding vote.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: I am sorry the honourable member is so ill-informed that she does not know there has ever been a Labor Government. The next point I would like to cover deals with the question of creating this additional seat. I also appreciate the point of view of Mr. Wise in this respect, but I would point out that in 1893 there were 33 seats in the Legislative Assembly, and in 1899 the number of seats was increased to 50. The odd number of seats apparently did not prove to be a great difficulty.

The Hon. F. J. S. Wise: We have had very stable government under 50.

The Hon. A. F. GRIFFITH: Very stable indeed. I was asked a question through the Minister representing me in another place as to the number of Governments that did not run their full time; and, in the history of Western Australia, there is only one Government that did not run its full time. All the rest of them continued to run their full time.

The Hon. F. J. S. Wise: It is much better if they do.

The Hon. A. F. GRIFFITH: I think so. Once again, these opinions differ according to whether one is in Opposition or in Government.

The Hon. F. J. S. Wise: I am in Opposition, but I agree.

The Hon. A. F. GRIFFITH: That is right. Apparently the odd number of seats in days gone by did not create any difficulty; and I am hoping it will not create any difficulty now. It will not obviate a deadlock occurring, but I think it must be conceded it will lessen the chances of a deadlock rather than increase them. Whilst I have only been in Parliament for going on for 16 years, I well remember the various Administrations in that time that were on the verge of the balance of power with very small numbers in majority in the Legislative Assembly. The Hawke Government was in this position when the Bunbury by-election occurred in 1956. The Brand Government did not have a very large majority for the first six years.

The Hon. R. F. Hutchison: It had power here.

The Hon. A. F. GRIFFITH: We had an election on the 20th February, 1965, and both Houses went before the people at the one time; and in reference to this business of the Labor Party never being able to get a majority in this House, that party could conceivably have got it at that election.

The Hon. R. F. Hutchison: It cannot get a majority because the electorates are gerrymandered against it.

The Hon. A. F. GRIFFITH: The votes prove it; it is no use your saying "No."

The PRESIDENT (The Hon. L. C. Diver): Order! Will the Minister please convey his remarks to the Chair; I prevented Mrs. Hutchison bringing that theme into the debate and I would be glad if the Minister would do the same.

The Hon. A. F. GRIFFITH: In the last election 12 seats were contested by the Labor Party and four members here were sitting members who did not go out until 1968. So it was quite possible for the Labor Party to win 16 seats at the last election, but it did not turn out that way.

The Hon. R. F. Hutchison: In this House?

The Hon. A. F. GRIFFITH: Yes.

The Hon. R. F. Hutchison: Do not tell such stories.

The Hon. A. F. GRIFFITH: I think the Labor Party could have won 18 seats. The honourable member should work it out some time. If she did she would be more advised on these matters.

The Hon. R. F. Hutchison: Do not come at that. You will get your answer if you do. I am just as informed as you are.

The PRESIDENT (The Hon. L. C. Diver): Order!

The Hon. A. F. GRIFFITH: Everybody knows this is the case, but I am not going to pursue it.

I do not really think the commissioners will have difficulties in relation to the Legislative Council boundaries. The Legislative Assembly very readily accepted the proposals put forward in 1964, and the proposals put forward in 1947 have stood the test of time. We all voted for the 1964 proposals when that particular Bill was introduced.

The Hon. F. J. S. Wise: Don't you think it will be intensified as the confined Metropolitan Area builds up?

The Hon. A. F. GRIFFITH: I am not suggesting the confinement of the Metropolitan Area will remain as it is at the present time. The commissioners, in their 1961 deliberation, defined the Metropolitan Area; and there is reference to it in this Bill.

The Hon. F. J. S. Wise: That is right.

The Hon. A. F. GRIFFITH: At some point of time somebody has to draw a boundary; somebody has to draw a line and say, "This is the Metropolitan Area."

I have heard it said that the elector in Armadale has two votes as against the elector in Cannington; but where you have the sort of representation we have—and this has been accepted over the years—at some point this must happen.

The Hon. F. J. S. Wise: You have the same effect in taxation zones.

The Hon. A. F. GRIFFITH: Exactly. There can be zone A and zone B, and if one works in one zone the rate applicable is different from that in the other zone. Mr. Wise said that portions of the Metropolitan Area could be extended. The Bill sets out to define the Metropolitan Area to define the Agricultural-Pastoral Area, and subsequently to define the North-West Area; but I would point out this is not a new practice. You will find, Mr. President, in the electoral legislation of other States that there is principle for this.

The Hon. F. J. S. Wise: Precedent.

The Hon. A. F. GRIFFITH: I meant precedent. I notice in the latest Bill introduced in South Australia that the elected Government there aims to increase the number of seats by 17, from 36 to 53, or something like that. I have forgotten the exact number, but the increase is quite marked; and I believe the areas are defined. Of this I would not be quite sure, but there is precedent for this kind of thing.

This Bill will allow for the movement of the population—metropolitan area as to country, and the number of seats contained therein—according to where the population will float. I think it is eminently fair, taking into consideration that the basis of representation will be worked out on a quotient method.

The only other comment I would like to make is in relation to the report. I think I explained this in fairly minute detail in my second reading speech, but perhaps I can elaborate a little further. The report that the 1947 Act and its amendments deals with is simply the report which the Chief Electoral Officer submits after an election. He can submit this report on the day after the election. As a matter of fact, I said in my second reading speech that he can submit it days before the election, because he can submit it on the day the roll actually goes out, as it is then he knows the number on each individual roll. It is then, by his calculation, that he can tell whether or not there is one or more seats out of balance.

Of course, as far as I know, in practice the report is not submitted before the election. It was on one occasion submitted very promptly—the day after the election—but when this report is submitted it simply gives the roll strength of each electorate—a report that there are, in fact, five or more seats out of balance; but that is not the be-all and end-all of the information that, in the opinion of the Government, the Chief Electoral Officer should submit. We think he should have time to submit a statistical report which usually takes three, four, or five months to prepare. I think the last report took the best part of 4½ months before it arrived on my table.

The statistical report for the Legislative Assembly general election of 1950 contains all the electoral information members would want to see, in addition to information concerning the polling booths for each electorate, the people who contested the electorate, how many males and how many females are on the roll, and how many voted proportionately at each poll—the whole box and dice. It is a complete report on the conduct of the election.

We feel that the Government of the day is better equipped when it is in possession of this information rather than having in its possession just a mere set of figures which show the electoral strengths of the roll. It would be an impossibility to get this out in 30 days, or within a couple of months; it would take four or five months to do it.

In the report one will find that the total strength of the electors on the roll on the 20th February, when we last went to the electors, was a certain figure. One will find on examining the figures—and I have answered questions time and time again about this—that shortly after the election there was an increase, but shortly after that there could be a decrease, for the very reason that the objections which were sent out by the Chief Electoral Officer affected the strength.

The Hon. F. J. S. Wise: A lot of people found that they were not on the roll.

The Hon. A. F. GRIFFITH: That is so. This report shows the true situation in regard to the electoral rolls of the State, and that is the reason for our suggestion.

Furthermore, to be perfectly frank about the situation, where a Government has been returned with a reasonable majority it may have been a part of the platform of that Government to have an electoral change. However, it might find itself in the position where it is not able to put the promise into effect because the outgoing Government issued a proclamation on the day it was going out. I am not saying this to pique anybody but it is true and can happen. Therefore, I conscientiously feel that a Government elected by the people is entitled to have a look at the electoral laws and see if any changes in those electoral laws or the Constitution of the country are required.

It is stated that the Chief Electoral Officer has six months in which to put in his report. There shall be a proclamation issued within three months of that date, but a proviso states not earlier than six months. So if the report is finalised and

it goes to the Minister in three or four months—and that is quite possible because it usually takes about four months—then it would be necessary to wait another two months before the proclamation was issued. But when that time expires, issued it must be.

The Hon. F. J. S. Wise: The seats would not be out of balance again for a long time.

The Hon. A. F. GRIFFITH: Again I confess that the Government's intention was to slow down this process. We took a leaf out of the Bill introduced by the Hawke Administration in 1955. Not being critical, I think this is a better Bill than the one introduced by Mr. Hawke because, irrespective of the position, we will not have a redistribution of seats any more frequently than each six years.

The Hon. F. J. S. Wise: One member suggested to me that it should be mandatory to have a redistribution every 10 years, irrespective.

The Hon. A. F. GRIFFITH: Only every 10 years? I suggest that could be a hardship because, to use an exaggeration, for nine years and 364 days we could have a most incongruous position. However, this Bill will not allow that to take place because when the population rises, either in the metropolitan area or in the country, and the quota is passed—calculated at the date of the report—and eight seats are out of balance, then there will be a redistribution. I think Mr. Wise will agree that that is fairer. Whilst I admit that the purpose is to slow down this process because there are far too many redistributions, it will also suit members because they sometimes do not know what area they represent because of the frequent changes.

The Hon. F. J. S. Wise: The electors sometimes do not know who represents them.

The Hon. A. F. GRIFFITH: I think I have commented on the various points raised. I repeat that I am pleased with the response to the Bill, particularly by the Leader of the Opposition.

Question put.

The PRESIDENT (The Hon. L. C. Diver): As this Bill requires a constitutional majority under Standing Order 243, it is necessary to divide the House. Ring the bells.

Division taken with the following result:—

Ayes—27

Hon. C. R. Abbey	Hon. G. C. MacKinnon
Hon. N. E. Baxter	Hon. N. McNeill
Hon. G. E. D. Brand	Hon. T. O. Perry
Hon. J. Dolan	Hon. H. R. Robinson
Hon. V. J. Ferry	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. R. H. C. Stubbs
Hon. A. F. Griffith	Hon. S. T. J. Thompson
Hon. C. E. Griffiths	Hon. J. M. Thomson
Hon. J. Heitman	Hon. H. K. Watson
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. E. C. House	Hon. F. D. Willmott
Hon. A. R. Jones	Hon. F. J. S. Wise
Hon. F. R. H. Lavery	Hon. R. Thompson
Hon. L. A. Logan	*(Teller)*

Noes—2

Hon. E. M. Heenan	Hon. R. F. Hutchison *(Teller)*

Majority for—25.

The PRESIDENT (The Hon. L. C. Diver): I have to announce that the Bill has been carried by an absolute majority.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Sitting suspended from 6.11 to 7.30 p.m.

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. F. J. S. WISE (North—Leader of the Opposition) [7.30 p.m.]: This Bill is not merely consequential upon the one that has just been passed; it is part of the whole matter. Unless this Bill is passed the 51 seats cannot be created.

I have little more to say beyond what I said previously on the 50/51 proposal, but I do hope that nothing arises from the implementing of this proposal to upset the soundness and stability of Parliaments in Western Australia, comparing the future with the last 66 years of operation; because they have been very successful parliaments. Only on one occasion was a Government term shortened by some action within the Parliament in those 66 years.

The addition of another seat in the metropolitan region will be part of the whole scheme that will be put forward for the consideration of the commissioners. It will affect the Legislative Council members, and it will affect the boundaries of the provinces. It could be, therefore, that the metropolitan seats could be substantially altered by the inclusion of another seat.

The number of seats to constitute the provinces in the metropolitan area are prescribed in the Act of last year. No anticipation at this stage would result, or need necessarily result, in a correct anticipation of how these 51 seats will be divided; nor, after division, the result of an election for them; because, I would suggest, a lot of people were very much astray in their anticipation of how the Legislative Council would be represented after the last election.

The Hon. A. F. Griffith: You can say that again!

The Hon. F. J. S. WISE: I would say that all parties were extremely hopeful that the change to adult franchise would bring about a very different result. But we see in splendid health and in good form in this chamber the one who was responsible for moving a motion to bring about the change. He is still here.

The Hon. J. G. Hislop: He took a risk.

The Hon. F. J. S. WISE: Whether it was a calculated risk, we have no way of knowing, but it had an effect, I think, far outside the most hopeful anticipations of all parties. I think that is a fair statement.

The Hon. A. F. Griffith: Or of the people.

The Hon. F. J. S. WISE: The Bill is a very simple one; and it, too, requires a constitutional majority in order to pass, but I have no objection to it.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [7.36 p.m.]: I am tempted at this stage to reminisce a little. As Mr. Wise said, the Bill is one which constitutes 51 seats, instead of the 50 that the Legislative Assembly has had for a long period of time. I suppose it is true to say that the boundaries of the Legislative Council will be altered, but to what extent, or how, I certainly do not know, and I do not think anybody else does at this point of time. The commissioners are not as yet charged with their responsibilities, but they will be after assent has been given to these two Bills.

We cannot help but look back to the afternoon when Dr. Hislop moved his motion in respect of the franchise of this House. I remember an interjection by one honourable member who said, "I will vote for it."

The Hon. R. F. Hutchison: And did.

The Hon. A. F. GRIFFITH: I was a little doubtful, of course, as to the wisdom of what we were going to do, because I held then and I hold now fairly strong views about the Constitution of the Upper House and about the part it has played since the early days of responsible Government when it was the only Chamber in Western Australia; how it functioned; how it helped the State through a difficult period of years, despite the criticisms that were levelled at it from time to time. Indeed it has done a very worthy job.

The Hon. R. F. Hutchison: It has never been democratic.

The Hon. A. F. GRIFFITH: It has taken on a new cloak now, if I may use that expression, because its franchise is the same as that of the Legislative Assembly. The members to be elected to the Legislative Council will again go to the polls, as they did on the 20th February, together with the Legislative Assembly members, unless an unexpected election for the Assembly takes place in the meantime.

The Hon. R. F. Hutchison: Not on democratic boundaries.

The Hon. A. F. GRIFFITH: Who, I wonder, was very delighted to hear Dr. Hislop move his motion; who was it who made a speech on that occasion which members on examination and recollection might be interested to have a look at; who was it who was delighted when the House was granted adult franchise; and who was it who may be disappointed now that all the wind has gone out of the sails and there is nothing to blow about?

The Hon. R. F. Hutchison: You are making an awful big mistake there.

The Hon. A. F. GRIFFITH: Who was it who said that some members of this Chamber would not be here?

The Hon. R. Thompson: Who was it?

The Hon. F. J. S. Wise: Do not keep us in suspense—who was it?

The Hon. A. F. GRIFFITH: Who was it who said there would be another woman in the House after the election?

The Hon. R. F. Hutchison: There should have been, too.

The Hon. A. F. GRIFFITH: Who was it who expected that my friend Clive Griffiths would not win his seat; who was it who thought my friend George Brand would not win his seat; who was the honourable member who was very worried about her own seat?

The Hon. R. F. Hutchison: I was not worried about mine.

The Hon. A. F. GRIFFITH: Why, some members had me halfway to London and back again!

The Hon. L. A. Logan: I thought they had already got you there.

The Hon. A. F. GRIFFITH: They were wishing me well out of the way.

The Hon. J. Dolan: I think your own thoughts were that way, too.

The Hon. A. F. GRIFFITH: Who is it who goes to an election without some doubts in his mind? I say to you, Mr. Dolan, the next time you stand for election you will find yourself in that position. Who is it who still complains about the situation? I suggest we ought to forget all this fiddle-faddle that is going on, and get on with the job of work we have to do and stop pretending. In order to terminate these remarks, let me use a phrase I have heard once or twice in this House and say: Let us cut out all this camouflage!

Question put.

The PRESIDENT (The Hon. L. C. Diver): To be carried, the Bill requires an absolute majority of the members of this Chamber. Therefore under Standing Order 243 it is necessary to divide the House. Ring the bells.

Bells rung and House divided.

The PRESIDENT (The Hon. L. C. Diver): I call the division off. I have counted the House; and, there being no-one in opposition, the constitutional majority that is required has been obtained. I declare the question carried in the affirmative.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

JENNACUBBINE SPORTS COUNCIL (INCORPORATED) BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. L. A. Logan:—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [7.45 p.m.]: This Bill differs only slightly from the form we have been accustomed to in legislation which has been passed recently dealing with the registration of clubs and associations. The purpose of the Bill is to vest within the Jennacubbine Sports Council all the remaining assets of the Jennacubbine Race Club which, in fact, has not operated since 1953. Some of the members of the Jennacubbine Race Club are the foundations members of the newly-formed organisation and they have given their consent to the proposals contained in the Bill.

The transferring of £600 odd, which constitutes the financial assets of the racing club, and the vesting in the sports council of the land that has been held by the racing club, will give the sports council a good start towards carrying out its intention to create a greater sports area. This objective, I feel, will be an asset to the town and of great benefit to the district as a whole.

The Bill is necessary to effect a transfer such as this and whilst it becomes a mere formality when the measure reaches Parliament, a great deal of preparation is required before the Bill is drafted. It was drawn to my attention that in view of the fact that the Bill was introduced in another place by a Minister and was also introduced to this House by a Minister, the impression has been gained that it was a Government Bill, and I was rather happy that that was the position. However, the Minister dispersed all doubts as to what type of Bill it was when he introduced it.

The Hon. L. A. Logan: It has the approval of the Government just the same.

The Hon. W. F. WILLESEE: I am of the opinion that if many more of such Bills are to be introduced—and I feel there will be as a result of the Companies Act being rewritten—it would appear logical for the Government to introduce some form of legislation which would enable all clubs to bring their rules and constitutions up to date and so become incorporated under the new system.

If a series of Bills are to be introduced for each club that seeks to be incorporated, over a period of years this will prove to be of considerable expense to each organisation through circumstances beyond its control. I have mentioned that point in passing because as such legislation would incur expenditure on the Crown, it would not be competent for me to introduce a Bill of this nature. However, I repeat, that as there will be further measures of this kind in the future it may warrant the Government's consideration to introduce legislation so that a general approach can be made to incorporate all clubs and so reduce the expenditure to each individual organisation. However, I support the measure at present before the House.

THE HON. L. A. LOGAN (Upper West) [7.51 p.m.]: I wish to clear up only one point raised by the honourable member. Although I said this was a private member's Bill when I introduced it, it had the Government's blessing, because it had been raised in Cabinet and approval had been granted for its introduction. Although it was introduced by The Hon. E. H. M. Lewis in another place, and by myself in this House, as the members representing the district, the Bill still has the Government's blessing.

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.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. W. F. WILLESEE (North-East Metropolitan) [7.54 p.m.]: This Bill deals with the assets of the Midland Railway Company which were taken over by the Government on the 1st August, 1964, and which up until now, have been vested in the Minister for Railways. The 2,500,000 acres which were previously owned by the Midland Railway Company, also carried mineral rights, and although the company had disposed of some of its land during the course of its ownership, it still held the mineral rights of the land sold.

Therefore one of the purposes of the Bill is to cede from the Western Australian Government Railways Commission, per medium of the Minister for Railways, this authority to hold the mineral rights and to transfer the rights back to the Mines Department. I do not know the extent of the land which had not been sold by the Midland Railway Company and which subsequently was taken over by the Government, but I should imagine it is quite a large area.

The Hon. A. R. Jones: It is not very much.

The Hon. W. F. WILLESEE: Apart from the mineral rights which have been taken over by the Mines Department, the Western Australian Government Railways Commission, through the Minister for Railways, will still bear the responsibility of selling or disposing of the remaining land, and to me this responsibility in future years will be very great whether the land be sold, leased, or disposed of for any other purpose.

As I said a moment or two ago, I do not know the area of the land which is still held by the Western Australian Government Railways Commission, but by interjection I have been advised that it is not very much. Be that as it may, I repeat that the responsibility of disposing of, or selling, land of this nature is very great, because of the great variety of calls that could be made upon it apart from the original purpose for which it was held by the Midland Railway Company; namely, railway purposes.

I see nothing in the Bill to which objection could be taken. Its purpose is to further clarify a situation which now, to say the least, is confusing. Although the land that still remains will not revert to the Lands Department, the Bill clearly states that the responsibility of disposing of it will lie with the Western Australian Government Railways Commission.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [7.59 p.m.]: In thanking Mr. Willesee for his remarks, I wish to make it clear that whilst I do not know the extent of the area of the land, that portion which was to be transferred from the Midland Railway Company to the Western Australian Government Railways Commission is situated in Midland itself. This land was not resumed but purchased under agreement between the Government and the Midland Railway Company, but the mineral rights relate to the land which the Midland Railway Company sold to individuals and settlers all along the line. When the company sold this land it did not sell the mineral rights attached to the land; it held those rights itself.

The Midland Railway Company has been collecting the royalities in respect of the minerals discovered on that land since the date of the agreement. The Bill seeks to qualify the position by providing that the mineral rights shall go to the Mines Department, and not be left with the Railways Department. It is only commonsense that one Government department should collect mineral royalties; and henceforth the Mines Department will collect them.

The Bill provides that payment of such moneys, if any, as might be agreed upon between the Minister for Mines and the Minister for Railways shall be made to the Minister for Railways on behalf of the commission. As Minister for Mines I have not as yet come to agreement with the Minister for Railways on this point, but provision is made that any sum of money, if agreed upon by the two Ministers, shall be paid to the Railways Commission.

The Hon. A. R. Jones: I hope the Minister for Railways will ask for plenty.

The Hon. A. F. GRIFFITH: What difference will that make?

The Hon. A. R. Jones: The Railways Department will get the benefit.

The Hon. A. F. GRIFFITH: That would only be borrowing from Peter to pay Paul.

The Hon. R. Thompson: It will only be a book transfer between Government departments.

The Hon. H. K. Watson: It is the Government taking money from one pocket and putting it into another.

The Hon. A. F. GRIFFITH: Yes. Perhaps I had better not elaborate on this.

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.

LAND ACT AMENDMENT BILL (No. 2.)

Receipt and First Reading

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

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. G. C. MacKinnon (Minister for Health):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (South Metropolitan) [8.6 p.m.]: Here we have for the first time amendments to legislation which was passed in 1963. The legislation was brought in as a trial, in order

to bring some co-ordination and control into the taxi business in Western Australia. Through the mistakes which have been discovered since the Act was first passed, the opportunity is now being taken to effect amendments.

I have no objection whatever to the provisions in the Bill, but I would like to put forward two points to the Minister. Regarding the first, I go back to the period of the last war when working people were driving taxi-cars after they had completed their normal work or shifts. The police had to exercise some control over the situation by preventing them from driving taxis, because they were causing too many accidents through overtiredness and through the strenuous nature of their normal work. I have not seen any reference in the Bill to this aspect, and I hope it will be looked into in the future.

Regarding the second point, the taxi drivers to whom I have spoken raised a possibly legitimate objection when they claimed that while the registration fee is only 10s., provision is made in the Bill for it to be increased to £2. Their complaint is that once they are registered as taxi-drivers, the initial fee—whether it be 10s. or £2—should be sufficient for the first registration. They claim that annual renewal after the initial registration should be a mere formality.

My colleague in another place raised a query as to the size of the identity discs to be worn by taxi-drivers. These drivers have a genuine complaint, because the Bill will make it mandatory for them to wear such discs. With those comments I support the Bill. It contains nothing which could move heaven and earth. It is one of the machinery measures which come forward from time to time to improve legislation, so as to make it more workable.

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [8.10 p.m.]: I thank the honourable member who has just spoken for the remarks he made. Regarding the queries which have been raised by him, this legislation seeks to amend the Taxi-cars (Co-ordination and Control) Act, and the fee to be prescribed for registration of taxi-drivers will be a matter for the board to determine.

The Hon. R. Thompson: It refers to an annual fee.

The Hon. G. C. MacKINNON: I notice from the debate which took place in another place it was suggested that the fee on initial registration should be made higher, but the Minister was adamant that it be retained at 10s. Regarding the control of taxi-drivers, this matter is now better supervised than it used to be. However, I will obtain the necessary information and forward it to the honourable member.

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.

TRAFFIC ACT AMENDMENT BILL (No. 2)

In Committee, etc.

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

Clauses 1 to 5 put and passed.

Clause 6: Section 23B amended—

The Hon. A. F. GRIFFITH: I move an amendment—

> Page 4, lines 33 and 34—Delete the passage "by reason of any physical disability,".

It would appear, on closer examination, that this paragraph is very limiting in its application. It often happens that the reason the commissioner needs to apply limitations or conditions to a driver's license is not necessarily associated with physical disability. For example, he may be quite justified in refusing a driver's license under section 24 on grounds of character or convictions for serious traffic offences. A straight-out refusal, however, could cause hardship to a person, perhaps in his employment or if he lived in an isolated area.

If the proposed paragraph (c) was widened, then instead of refusing a license the commissioner could issue one, subject to conditions which would serve to overcome the hardship problem and at the same time provide safeguards against any danger likely to arise by the issue of unrestricted licenses to undesirable persons.

This could be particularly important in view of an amendment in the Bill lifting the disqualifications imposed on young persons for illegal use of motorcars. If their record was so bad that the issue of an unrestricted license was undesirable, then conditions could be imposed as a safeguard. The amendment I propose would still enable conditions to be applied to a license on the recommendation of a medical practitioner because of physical or mental limitations.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 20 put and passed.

Clause 21: Section 60 amended—

The Hon. J. DOLAN: I have circulated copies of my proposed amendment which I feel is fully justified. As the provision stands I feel we may be treating some people more than justly. Some offences might be worse than others, but this is a dragnet provision which, as from the passing of this Bill, removes all penalties no

matter how justified they may have been. By substituting the words "at the discretion of a magistrate" I feel no harm is being done to the young motorists who have offended and who need to be reminded that they have done something which, perhaps, warrants a suspension of a longer nature than some of the others.

I would remind members that the Minister in another place suggested that an amendment along these lines should be made here. For that reason I feel I am on the right lines and therefore move an amendment—

> Page 14, lines 9 and 10—Delete the words "by force of this subsection" and substitute the words "at the discretion of a magistrate".

The Hon. A. F. GRIFFITH: Mr. Dolan was good enough to mention this to me last Thursday, but I would have liked him forthwith to put the amendment on the notice paper in order that I might have had an opportunity of investigating it. Although I do not doubt the statement he made in respect of the remark of the Minister for Police, I must confess it is not within my knowledge.

The Hon. J. Dolan: I will vouch for that.

The Hon. A. F. GRIFFITH: That is good enough for me. My first reaction is that although the intention of the amendment may be all right, I doubt whether it is complete. I think provision will have to be made for application to be made to a magistrate. The case has to be before a magistrate before he can exercise the discretion. However, I am prepared to let it go as it is, if the Committee agrees, and will then check to make sure it is all right. If it is not I can inform members before the Bill passes the third reading. I am not personally opposed to the principle and, as I say, I will accept it at present.

The Hon. J. Dolan: I will accept that.

The Hon. H. C. STRICKLAND: Perhaps Mr. Dolan could tell me whether these cases must go before a magistrate. Would the words "at the discretion of a court" be better?

The Hon. A. F. Griffith: Perhaps I could help. A magistrate in this case would mean a justice, I am pretty sure.

The Hon. J. DOLAN: The words I have used were suggested in another place and therefore I felt they would be appropriate.

Amendment put and passed.
Clause, as amended, put and passed.
Clauses 22 to 28 put and passed.
Title put and passed.
Bill reported with amendments.

STATUTE LAW REVISION BILL

Second Reading

Debate resumed, from the 14th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

> That the Bill be now read a second time.

THE HON. E. M. HEENAN (Lower North) [8.29 p.m.]: The Minister explained that this Bill is a further implementation of the plan to put our Statutes in a more convenient and up-to-date form, and a further step along the lines of a similar Bill submitted last year, and passed without amendment.

That Bill provided for the repeal of 384 enactments which were passed during the period 1832 to 1900. The present Bill provides for the repeal of a further 719 enactments all of which it is claimed are of no further use and therefore have no justification for being perpetuated. If such is the case, as after a careful perusal of the Bill I believe it is, the measure should be passed because it is obvious the result will be that a further list of useless Statutes will be got out of the way and will cease to clutter up our volumes.

The various enactments involved have been set out in five schedules, and there is an explanatory note with many of them which is intended to show why their retention is no longer necessary. Members will find these notes very helpful and also very interesting. As a matter of fact, on going through the list of the 719 enactments many will recall some nostalgic memories. For instance, I notice on page 74 of the explanatory memorandum we are asked to repeal an Act which was passed in 1909. This Act vested Coolgardie town lot 1080 in the Municipality of Coolgardie in fee simple in trust for purposes of public recreation ground. The Under-Secretary for Lands agrees that it may be safely repealed.

Again, in 1914, an Act was passed, No. 26 of 1914, known as the Postponement of Debts Act, 1914. I am sure many members will recall the difficult days that some of our early settlers experienced and the financial predicaments they were in at the time which caused Parliament to pass that Act. There are numerous others, of course, that will recall memories for all of us. Those of us who were in the House in 1944 will have memories of Act No. 29 of 1944 which was called the Legislative Council (War Time) Electoral Act Amendment Bill, 1944. I have not looked it up, but from memory at that time, on account of the war situation, it was found necessary to extend the term and it was necessary to postpone elections. Some of us—and I was one—had our terms extended. I may be wrong, but I think that is what the Act provided.

The Hon. A. F. Griffith: The life of the Legislative Assembly was also extended.

The Hon. F. J. S. Wise: Two years.

The Hon. E. M. HEENAN: Yes. Another one that has nostalgic memories for me is the Esperance Northwards Railway Act passed in 1914. That Act provided for the building of the railway northwards from Esperance to Salmon Gums. For years

there had been agitation to build a railway from Norseman to Esperance, but year after year the proposal was defeated until, eventually, at the insistence mainly of members on the goldfields, that Act was passed and it provided for 60 miles of railway from Esperance to Salmon Gums. That 60 miles was built and then, in 1924, Parliament passed the Norseman-Salmon Gums Railway Act which covered the missing link between Salmon Gums and Norseman, and provided for that rail link to be built. Another railway Act passed in 1906 was the Hopetoun-Ravensthorpe Railway Act of 1906. That railway, of course, has since been pulled up.

These 719 Acts, which the Bill proposes to repeal, cover pages four to 96 of the explanatory memorandum. I have perused them as carefully as I can and I cannot see any of them that I feel should be retained. By repealing them and getting them out of the way a useful purpose will be served; our Statute book will be tidied up; a lot of useless printing will be avoided; and it will simplify things in many ways.

A tremendous amount of work and research must have been carried out by Mr. Clarkson and his assistant, Miss Offer, who have been responsible for the preparation of this measure. I think they are to be greatly commended on what has been achieved, because it is obvious work of this nature requires a lot of care, research, and responsibility. I think the Minister for Justice is to be commended also in carrying out work of this nature which, in my opinion, is all to the good. If members have a look at the explanatory memorandum, pages one, two, and three, they will see the whole picture set out with clarity and it leaves little more to be added. Therefore, with full confidence I support the second reading.

THE HON. V. J. FERRY (South-West) [8.40 p.m.]: I support the Bill and I agree with Mr. Heenan that it seems an excellent job has been done in compiling a list of obsolete Acts for repeal. It is fitting and correct that they should be cleared from the Statute book at reasonable intervals to make for better administration generally.

On checking through some of the Acts which this measure proposes to repeal, I notice quite a number which had some effect on the opening up of various parts of the State—I refer to Bills dealing with our railway system. Mr. Heenan mentioned some of them but for my part I propose to touch briefly on some of the railway systems which affected the development and progress of the south-west of this State.

Act No. 23 of 1906 deals with the construction and development of the railway line from Donnybrook to the Preston Valley which, of course, concerns the Boyup Brook area.

A little later on, in 1909, another measure was passed authorising the construction of a railway extension from Bridgetown to Wilgarrup; and still a little later, in 1911, there was a further extension authorised to bring the railway still further south. In 1923 there was a further extension to bring the railway down to Jarnadup, as it was known then. It is now called Jardee, which is just south of the town of Manjimup. In the early times Jardee was in fact the major centre for this area of the south-west. A little later on the town moved north, perhaps to a more suitable site, and it is now known as Manjimup.

Jardee is still an important centre, as a milling site, and I would suggest it will remain that way for some considerable time—for as long as our forests are productive. It is interesting to look at some of these measures which had so much to do with the development of the State because it appears a standard section was inserted in these Acts. It reads as follows:—

> (a) With the object of encouraging the cultivation and settlement of the land compulsorily purchase any land in parcels of not less than one thousand acres, each parcel being the property of one person or two or more persons, jointly or in common, and situated within fifteen miles of any part of the line of the railway, and which land is certified by the Minister for Lands as suitable for closer agricultural settlement;
>
> (b) Compulsorily purchase any land situated as aforesaid for townsites.

I am sure members will agree that this type of extension of our railway services throughout the State hastened the civilisation and production of our State; and although tonight we are clearing these Acts from our Statute book, in the grand finale we should not overlook the memory of their purpose.

Another Act which caught my eye—it was only a minor one but it concerned the town of Busselton—was passed not long ago—in 1947. It was an Act to close portion of East Street, which area had been set aside for housing purposes but it was decided that because of unsatisfactory access to these blocks it was more suitable to use them as two blocks for civic purposes.

So it was that an Act was passed to bring this under the jurisdiction of the local authority. This is the case in so many of the measures that we are considering under this Bill tonight. It does show the progress the State has made, and indicates the measures that were brought in for the good of the community.

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.

STATUTE LAW REVISION BILL (No. 2)

Second Reading

Debate resumed, from the 14th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (Lower North) [8.47 p.m.]: I secured the adjournment of this Bill, but I have nothing to add to the remarks made by the Minister when introducing it. The enactments which are set out in the schedule, and which are proposed to be repealed, obviously have no further purpose, and I support the Bill.

Question put.

The **PRESIDENT** (The Hon. L. C. Diver): In order that the question may be carried, it is necessary that there shall be an absolute majority. I shall divide the House.

Bells rung and House divided.

The PRESIDENT (The Hon. L. C. Diver): I have assured myself that there is more than an absolute majority of members present and voting in favour of the motion. I therefore declare the question carried in the affirmative.

Question thus passed.

Bill read a second time.

In Committee, etc.

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

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 21st October, on the following motion by The Hon. L. A. Logan (Minister for Local Government):—

That the Bill be now read a second time.

THE HON. R. THOMPSON (South Metropolitan) [8.53 p.m.]: Here again we see a Bill in which there are six clauses to amend the Local Government Act. I am not in disagreement with this Bill. As the Minister said when introducing the measure, the first amendment is made at the request of the Fremantle City Council to enable that council to install some 400 parking meters. According to the Press tonight, these will be installed on the 16th November.

I think that is quite necessary, and should be included in the Local Government Act. This will mean that now any local authority that wishes to install parking meters within its region will have to conform with the Act. Previously a special Act of Parliament was passed to permit the Perth City Council to install parking meters.

The inclusion of this provision in the Local Government Act provides a general coverage in the metropolitan area, and if in time shires wish to install parking meters they must comply with the Act. I am very pleased indeed to see the provision in the Bill which appears on page 7 in proposed new subsection (3). Among other things it says—

> the Minister makes a written request to the Council to appoint and set apart stands for the use of vehicles on, or to prohibit the standing or parking of vehicles on any portion of, any street or other place within a parking region, if the Council fails within fourteen days after that request is made to it to comply with the request, the Minister may so appoint and set apart such stands or so prohibit and for those purposes may abolish any metered space or stand provided or set apart by, and remove any meter or sign erected by, the Council under subsection (2) of this section.

That is a very worthy provision, because we did have the ridiculous position which occurred with the City of Perth, when the Commissioner of Police requested that certain parking meters be removed from danger spots. We had the spectacle of the Perth City Council snapping its fingers in the face of the Commissioner of Police and of the Minister. So it is good to see that anything dealing with the safety of the general public is provided for, and that the various councils will not be permitted to absorb every bit of parking space to swallow up the sixpences that motorists have to feed into the meters.

There is another matter which will be of general assistance to all councils. At present the Act provides what councils are permitted to do in connection with the zoning of petrol stations.

The Hon. F. J. S. Wise: Do you think that gives the Minister a headache?

The Hon. R. THOMPSON: The Minister has plenty of headaches, and this will not completely remove his headaches. Previously he did not have to listen to appeals from people, because the various by-laws made by local authorities were upset by appeal to the court. I notice that under the Bill if people feel aggrieved in unzoned areas the Minister must listen to their appeals and make a decision as to whether or not these petrol stations are warranted.

I certainly hope that the Minister will not be completely guided in this matter by what the Town Planning Department says from time to time in respect of service stations. I know of several areas that lack service stations, and there is one in particular, recently, that did not meet with the best wishes of the Town Planning Department. I hope and trust that in the very near future that matter will be resolved.

The general provisions of the Bill are good. I certainly trust the measure will give some protection to those unfortunate people in some garages who are doing their best to eke out a living. Service stations and hotels seem to be running hand in hand. We find that where there are monopoly interests these interests seem to build close to one another, solely for the purpose of selling petrol or beer as the case may be, without worrying about the unfortunate people who have leases on those premises. Any restriction that can be placed on these monopoly interests will be for the good of the community and for the good of the people who have money invested in service stations, and who are not doing too well at the present time.

Clause 4 proposes to amend section 300 and authority is now given to the shires for the care and control of natural watercourses. This is also necessary, because this year I witnessed several watercourses that people have purposely blocked up so that the adjoining lands would be flooded. Previously, the shires had no right to enter upon private property to take away these blockages; and in one case a person cut a large drain from a lake into his neighbour's property. He thought he would drain his land, but unfortunately his neighbour received all of the drainage water with the result that while the former's land was dry, his neighbour's land was like a lake. The police had to be called in.

I believe this happened many times; and it will now be possible to see that these drains are left in their original state and function as they should.

The other two amendments in the Bill are similar to provisions in the City of Perth Parking Facilities Act; and I do not think there is any need for comment from me. I support the Bill.

THE HON. L. A. LOGAN (Upper West —Minister for Local Government) [9.2 p.m.]: I thank Mr. Ron Thompson for his approach to the Bill. He mentioned service stations; and I can assure him this measure will not make it any easier for the Minister—not that it has been easy in the past. As Minister for Local Government or Town Planning, this is probably one of my biggest problems. Not only do I get complaints in regard to re-zoning by a local authority, which has been approved from the town planning point of view, but I receive appeals from service station operators around the place; I am receiving them all the time.

In order to give members some idea of the situation, there is one place in which there are 12 service stations in an area comprising three-quarters of a square mile, yet an application has been received for another one. This has been approved by the council and approved by town planning, but on an examination of the area and of the reasons given, I find the service station is not warranted.

In this area of three-quarters of a square mile with 12 service stations, I find that one has changed hands five times and another one has changed hands three times, while another has had two operators. One chap is now operating at a profit. This is going on all the time. Further, one fellow had a first-class customer who was obtaining 500 gallons per month. However, the oil company which this fellow is servicing, immediately went to the customer and put an industrial pump in his backyard, so taking the 500 gallons away. That is what is going on at the moment.

In another place I was asked a question in regard to a service station in Wanneroo Road. There are six service stations in Wanneroo Road out from Yanchep. I went out there the other day to find out what gallonage these people were doing. The first was serving 2,000 gallons; and had he not had a little store with the business, he could not have existed. The second person was not home, so I did not get his figure, but I think it is somewhere about 4,000 or 5,000. The third was selling 2,000 gallons; and, without another industry to go with it, he could not exist. The fourth was selling 1,000 gallons, and the fifth, 3,000 gallons in conjunction with a store. There was another one out from Yanchep, but I did not get his figure.

Despite all this, I had six applications for service stations in that area, four on the highway, one at Quinns Rocks, and one at Mullaloo. There are already six in that area, and only one is operating at a profit from a service station point of view. Just what does one do? Does one grant the lot, or does one adopt a sense of responsibility and have a look at the situation? That is the difficulty I am faced with today.

The Hon. R. Thompson: The economics make you look at it.

The Hon. L. A. LOGAN: Yes, they do. We did a survey on the Albany Highway, where there are 10 service stations, and one only is serving petrol on an economic basis. It is serving 13,500 gallons. Another is serving 7,500 gallons. Right opposite one of these establishments, the operator is selling 4,000 gallons; and the operator opposite the site where it is desired to

put in another one, is selling only 7,000 gallons. I asked a representative of one of the oil companies what would be the economic gallonage for an operator and he said between 9,000 and 10,000 gallons.

Members heard the figures the other night which I gave in reply to a question asked by Mr. Robinson regarding the number of service stations changing hands every year. The number is colossal, particularly when one has regard for the number that have changed hands once, twice, and three times. The number in five years is something like 400. I am not saying the whole of the 400 changed hands because they were not making a profit, but I guarantee 98 per cent. changed hands because the operator was not making a go of things.

The Hon. E. C. House: Who is paying for all that?

The Hon. R. Thompson: The public.

The Hon. L. A. LOGAN: These operators have to work up to 60 or 70 hours per week.

The Hon. F. J. S. Wise: I think the single brand station is a bad thing.

The Hon. L. A. LOGAN: I can only come to that conclusion. I was one of those on the Royal Commission who was responsible for the single brand stations remaining, and I think that was the greatest mistake we ever made. We should not have allowed them to continue. However, that is the situation with regard to service stations. I thought I would let the House know some of the difficulties I face in this regard when I have to work out what is right and what is wrong. I do not know where to go.

The Hon. R. Thompson: You go miles through Jandakot to Armadale, but cannot get permission for a service station in Jandakot.

The Hon. L. A. LOGAN: Possibly all the way through there are operators who are not making a living.

The Hon. R. Thompson: We have no operators through there.

The Hon. L. A. LOGAN: There are suitable places where no individual is operating and it would not be necessary to tear a house down. In a situation like that I think it might be fair enough. Going back to the Wanneroo case, the garages operating there now are privately owned; and immediately a company service station is brought in, the livelihood of practically all of the private individuals is affected. In nearly every case where an application is received for a service station, it involves pulling down one or two first-class houses. That is just one of the difficulties of deciding whether an application should or should not be approved. I thought I would like to mention some of the problems I have in this regard.

The intention is to get back to the situation as it was in 1963, when the by-laws were gazetted. The court has said that one section was *ultra vires*, and the Crown Law Department has said that another section might be, too. So we decided to tie the two together.

The position in regard to watercourses is as described by Mr. Ron Thompson; and the incident I have in mind occurred in a different area. This fellow caused the water from a creek to run in a different way from the natural watercourse, and it flowed over another person's paddock. He was told to clean it out, but he defied the order of the council. I am sure that if an attempt had been made to enter his property he would have used a shot gun. I think he implied that much. Legal advice was obtained and I was requested by the local authority to have the Act amended. The honourable member instanced a similar case. I think everybody will be satisfied with these amendments.

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.

WEIGHTS AND MEASURES ACT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. G. C. MacKinnon (Minister for Health), read a first time.

STATE HOUSING DEATH BENEFIT SCHEME BILL

Second Reading

Debate resumed, from the 20th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. J. DOLAN (South-East Metropolitan) [9.13 p.m.]: We support this Bill. It is a humanitarian measure and, as such, warrants our approval. The Bill gives effect to the Government's undertaking prior to the last election that it would provide a scheme to assist the families of purchasers of State Housing Commission homes, when the breadwinner dies.

Members may recall that both the Government Leader and the Leader of the Opposition, in their policy speeches, dealt with the same matter; and I think it would savour a little of sour grapes if we opposed the measure, when we had similar thoughts in mind before the elections. The Government evidently realised it would get our support, because it has made this Bill

retrospective to the 20th February, and some of the benefits have already been made—and I feel they will stand.

Some members may wonder why a separate Bill was introduced instead of amending the State Housing Act. The Crown Law Department and the Parliamentary Draftsman felt it would be better to incorporate these clauses in a separate measure; and I feel they have acted wisely in this matter. By handling it in this way, I think they have done a better job than they would have if amendments had been made to the parent Act. At the same time I would just pass a comment that members of both parties thought the principal Act was due for overhaul and that it could be simplified considerably. I feel that is a subject which could be taken up in the near future—if not in this session, then in the next session.

The Bill proposes to reduce the outstanding home liability on the death of the breadwinner. It refers to the age of the deceased and the number of children under 16 whom he leaves. The first group are those where the breadwinner is under the age of 36. On the death of such a breadwinner a flat payment of £500 is made. For the age group between 36 years and 45 years the amount is reduced to £400. From 46 years to 55 years, the figure is £300, and from 56 years to 65 years, it has been reduced to £200. There is also a reduction of £100 for each child under the age of 16 years.

I understand that already, in the seven months since the 20th February, an amount of not less than £5,500 has been —if I might use the term—written off to 10 purchasers of homes. The largest amount was to the tune of £1,000 where a young man under the age of 32 years died and left a widow and five children. That family was allowed £500 for the loss of the breadwinner, and £100 for each of the five children, which made a total reduction of the liability to the State Housing Commission of £1,000. Of course, members will realise what a wonderful help this is to people in those circumstances.

The amount is not a straightforward cash payment; it is a reduction of the outstanding liability, and the monthly payments on the home are reduced accordingly. In many instances this might mean as much as £5 or £6 a month and it would be a considerable saving and help to people in those circumstances. I go along with the idea of making these graduated payments, particularly to the young people when they need it most. I feel that the measure in this respect is particularly worth while.

On examining the Bill fairly closely I find that there are some cases of what might be called anomalies, where possibly hardship might occur. I feel that all cases will be treated compassionately and that where anomalies seem to appear and there is some possibility of relief, it will be given. I instance what could be an unfortunate case. When a man dies at 64 years 11½ months, the dependants of that breadwinner will benefit accordingly. Yet, if he happens to be just over 65 years—say just a couple of months later—the relief is not forthcoming if he leaves only a widow.

If he left children under 16 years they would benefit. There could also be the case of a widow left with three young children at the ages of, say, five, seven and nine years. By comparison with the widow with three children in an older group, say, 11, 13 and 15 years, with a possibility of the 15-year-old being able to work and help, the benefits could work out a little unevenly. However, I feel these matters will eventually iron themselves out.

I think the general effect of the Bill will be a relief to those people who need it. We support the Bill without any reservations whatsoever. I repeat, I feel that where there happen to be anomalies in the Bill, or something is needed which we have not picked up, the Government will take a compassionate view and remedy the state of affairs. I support the Bill.

THE HON. V. J. FERRY (South-West) [9.21 p.m.]: I thoroughly support this Bill. There is one particular facet I would like to mention, and it was mentioned to me in passing by a person who is occupying a purchase home. He felt, that under this proposed legislation, there would be the benefit of some cash refund. That, of course, is contrary to the proposal. In the event of the breadwinner dying any rebate would be deducted from the amount owing to the State Housing Commission. Under this provision, the cash will certainly not be paid to the family as a cash benefit. That is a point I felt I should mention to clarify the situation. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [9.22 p.m.]: I would like to briefly thank Mr. Dolan and Mr. Ferry for their support of the Bill. One has to arrive at some basis of conclusion with a Bill of this nature. There has to be a starting point and a finishing point, and I could not undertake on behalf of the Government to say that the legislation will do any more in the way of dealing with special cases, outside of the legislation. This is something which I could not contemplate. However, I think it would be safe to say that if there are any anomalies, then in the light of experience the Minister for Housing will be prepared to have a look at the situation.

I feel very pleased that this Bill is before us because I regard it as one of the things which I myself put to the Government as a proposition. Having been Minister for Housing for six years, and having seen some of the things which

have occurred—such as the unexpected death of the breadwinner—it seemed to me that this was a proposition which had great merit. Indeed, as Mr. Dolan said, the Opposition thought that it had great merit too because it followed suit with some similar type of thinking.

In relation to the point raised by Mr. Ferry, I forget the exact words which we used in our policy speech, and I do not remember the words used by the Labor Party in Mr. Hawke's policy speech, but I do remember correctly that in neither case was it intended that any cash would be paid to the widow or the children. This would be an impractical approach, in my opinion, to the question.

The problem which the widow has is the mortgage on the home and the related payments which have to be made in respect of that mortgage. So, in the case envisaged by Mr. Dolan where the amount of £1,000 was taken off the amount outstanding, then that is £1,000 less the widow has to find; and she finds herself with a different computation of the amount of her weekly or monthly liability. This is important because it would not be much use to the widow merely to take the £1,000 off the debt but still make it necessary for her to keep up the same monthly payment, because she would not be able to do this. So, the revaluation of the monthly instalment is important.

I think it is perfectly safe to say—I know it is as far as the Government is concerned—that there was no intention that a cash payment would be made to anybody. It was just a question of the amount of the State's acceptance of liability being taken off the outstanding debt. This had to be done with some sense of propriety and proportion, because one cannot just wave one's arms around and give away the State's money. The liability, occasioned as a result of the death of the breadwinner, will be covered by the State Housing Commission's earning capacity under this Bill; and the point at which the commission could absorb this responsibility without causing any undue harm to its funds or earning capacity was carefully worked out at the time. If undue harm was done, this could react badly on other people entitled to benefit under the State Housing Act and the complementary legislation which exists.

I am glad the Bill has received support and I do feel it will be a worth-while contribution in the formation of some social service where it is well merited.

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.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 20th October, on the following motion by The Hon. A. F. Griffith (Minister for Justice):—

That the Bill be now read a second time.

THE HON. H. K. WATSON (Metropolitan) [9.31 p.m.]: The Minister, when moving the second reading, explained that one of the principal purposes of the Bill is to deal with certain undesirable underage drinking. He said that the Chief Inspector of Licensed Premises had submitted to the court a report on a number of premises in the metropolitan district which are unlicensed but which, as they purport to serve meals, are able, under the existing law, to allow customers to bring in their own liquor from outside and to consume it on the premises. The Minister informed us, or the report published in the newspaper contained some rather startling illustrations, of some of the things that do go on in the City of Perth.

The Minister said that in the first instance it must be realised that cafes and other places where food can be obtained, including such places as are usually called night clubs, without a license of any kind under the Licensing Act can, under the existing law, allow customers to bring in their own liquor and consume it on the premises without any restrictions as to hours. He also explained that these places found it quite profitable to permit and encourage this type of business, because they make a charge to the customer for providing glasses and for opening bottles—a charge which is usually known as corkage. The Minister told us that this charge varies very much according to the night club or cafe in which these drinking parties take place.

The purport of the Bill, so the Minister said, is to deal with the situations which have recently arisen in such places, particularly through the consumption of liquor by teenagers. I want to say that the Bill, as explained by the Minister in his second reading speech, has my unqualified support.

It is proposed that all these cafes and night clubs which are unlicensed shall henceforth not permit any liquor to be brought on to the premises and shall not permit any liquor to be consumed on the premises without a permit from the Licensing Court. For some reason or other the grant from the Licensing Court on this occasion shall not be called a license but a permit.

The application for the permit, which will be found at the end of the Bill, is not the simple application one might imagine it would be, having regard for

all the circumstances of the case and having regard, apparently, for the large number of persons who will be obliged to apply for a permit. The application appears to require all the ramifications and formalities of an ordinary application to the Licensing Court, including the advertising of the application and, presumably, the hearing of the application with counsel, and so on, until the ultimate granting of the permit.

If this is so, I suggest for the Minister's consideration that inasmuch as the basic idea of the Bill is to give the Licensing Court the power to refuse to permit such an applicant as I have mentioned to have liquor on the premises, then the application might well be in the simplest possible form—simply by lodging it over the counter, or with the court, and leaving it to the court to decide whether it will or will not grant the permit. Once the permit has been granted, the whole matter is continuously in the hands of the court, because the Bill provides that the permit can be withdrawn at any time at the discretion of the Licensing Court.

In view of the fact that the Minister explained that the work of the court had in recent years become greatly enlarged, I would suggest that what is provided here will further enlarge its activities, whereas the simpler the application for the permit, and the granting of the permit, can be made, the better it will be for everybody.

When one examines the Bill and the actual verbiage of it, particularly the verbiage on pages 8 and 9, one finds it is so widely drawn as to cover a number of establishments which, I suggest, are in a completely different category from what is intended, and ought not to be covered by the Bill at all. I refer to unlicensed private hotels, guest houses, and motels. These establishments are not interested in the sale of liquor in any shape or form and they are not interested in deriving perks in the way of corkage charges or any other charges. Their principal business is simply providing accommodation, with or without meals, for travellers or tourists; really providing a home-from-home for such people.

The Hon. A. F. Griffith: You must realise, of course, that some motels apply for licenses.

The Hon. H. K. WATSON: That is so; but I am referring to motels that have not applied for any license. Some motels apply for a restaurant license, for example.

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

The Hon. H. K. WATSON: Others do not apply at all. I have here a pamphlet published by the Tourist Bureau of Western Australia giving details of accommodation provided in Perth and suburbs by hotels, guest houses, and motels. This pamphlet is issued for the benefit of travellers and tourists visiting Perth, and it is a four-page document. The point I wish to make is that this document includes some 16 establishments of the nature I have just mentioned, all of them well-managed and many of them with quite extensive accommodation and providing, as I have said, accommodation with or without meals to travellers and tourists in the City of Perth.

The position is that if any of these establishments happens to have a dining room which is open not only to its own guests, but also to the public, then the whole of the establishment comes automatically within the ambit of these proposals. In other words, it would come within the definition of "unlicensed premises"; and by coming within that definition it could be subjected to results which, in my opinion, are as serious as they could be ludicrous.

For example, unless the establishment applied for a permit, the manager would not be entitled to have a drink or to have any liquor in his private room. Likewise, any guest staying at the unlicensed hotel would be precluded from taking drink to his room, which, as I have just explained, is his home for the time being. As Mr. Wise said the other night, the world is made up of a variety of people. The honourable member described himself as a rare bird in the matter of liquor and other things. For myself, when I am travelling and I go to my room in a hotel, all my personal needs are met so long as I have a couple of cartons of cigarettes at one end of my case and two pounds of chocolate at the other end.

The Hon. L. A. Logan: No Johnny Walker in the middle?

The Hon. H. K. WATSON: On the other hand there are those who, when they arrive at their temporary home, desire to take a bottle of liquid refreshment to their room.

Any tourist or visitor who arrives at such an establishment as I have referred to, and who has a bottle in his case to take to his room, is liable to a penalty of £100, and so is the proprietor. They would be liable to a penalty of £100 each, because the tourist took a bottle on to the premises. Then if the tourist had a drink in his room, they would each be liable to a second penalty of £100.

Similarly, if a person in such an establishment decided he would like a bottle of wine with his evening or midday meal and he sent the bottle down to the table, again he would be liable for a fine of £100, and so would the proprietor. I find it difficult to believe that this is the true intention of the legislation.

One may say, "You could escape such a possibility if you applied for a permit," but even if one were granted a permit the

position would still be extremely peculiar, because at pages nine and 10 the Bill provides—

> (5) Every permit granted under this section is subject to the conditions—
>
> (a) that no person shall consume, or permit to be consumed, any liquor on the unlicensed premises after the hour of two o'clock in the morning and before the hour of noon on the same day;
>
> (b) that no person shall consume, or permit to be consumed, any liquor on the unlicensed premises (except the occupier and members of his family residing on those premises, or any *bona fide* guest of the occupier or a member of his family) on any Sunday or on Good Friday, or before the hour of one one o'clock on Anzac Day when not falling on a Sunday;
>
> (c) that where the permit is granted in respect of a room or rooms in any premises, all doors (including the outer door of the premises) by which access is had to that room or rooms are kept unlocked,
>
> and in addition to those conditions is subject also to such conditions and restrictions as the Court imposes and specifies in the permit.

Let us assume that the proprietor of one of these private hotels applies to the Licensing Court for permission for a lodger to consume his own liquor in his own room in his hotel. Under the Bill as it stands now even if the permit were granted, the door of his bedroom would have to be kept unlocked which, I suggest, is contrary to prudence and to the notices which are issued by any hotel to guests arriving at the hotel, because it is the usual practice to advise visitors to keep their doors locked at all times. Yet under this Bill one would still be breaching the permit if the bedroom door were locked, even during the evening.

I ask the Minister to review the drafting of clause 25 because I feel, like Mr. Wise, it is almost the same as using a sledge hammer to crush a peanut. The Bill, by all means, should be drafted to police thoroughly all establishments referred to in the police report quoted. I have no desire to reduce the effectiveness of the Bill against the proprietors of such establishments. However, I do not see why we should unnecessarily inconvenience travellers and tourists and those who cater for them. They will be surrounded by entirely different circumstances; but, by what I call incomplete drafting, they will be covered by the Bill.

The effect of the amendment which I have placed on the notice paper will be to exclude unlicensed private hotels from the operation of this measure. Today the average private hotel is registered under the Health Act as a lodging house, and all the requirements of the Act relating to cleanliness of the building, the handling of foodstuffs, and so on, are rigidly policed by the health inspectors.

The Hon. A. F. Griffith: You include this expression "private hotel" under the heading of a lodging house?

The Hon. H. K. WATSON: Yes.

The Hon. A. F. Griffith: I suggest that those people who drive away from one quarter of the city will then enter a lodging house to perpetrate the same type of offence they are now committing.

The Hon. H. K. WATSON: I cannot see the force of the Minister's argument, but if it is felt that the terms of the exemption which I am suggesting should be provided in the Bill lend themselves to abuse, I suggest that the exemption could be granted for premises not licensed under this Act and used principally for the business of providing temporary accommodation and meals to persons who temporarily reside there. In these circumstances no cafe proprietor could put a couple of beds in a room and say it was an exempt lodging house. It would make it clear that the exemption was intended to apply only to an establishment the principal business of which was to provide accommodation.

I find it very difficult to imagine how any such business, even by the wildest stretch of imagination, could be said to assist or cause underage drinking in any way.

The Hon. A. F. Griffith: What is the objection to the private hotel applying for a permit once every five years?

The Hon. H. K. WATSON: For one of the reasons I have just mentioned. A private hotel that is granted a permit would have to ask any of its guests to keep their doors unlocked.

The Hon. A. F. Griffith: Where does it say that the door of a room in any private hotel has to be left unlocked?

The PRESIDENT (The Hon. L. C. Diver): I think that these interjections would be better left until the Committee stage.

The Hon. H. K. WATSON: That is provided on page 10 of the Bill. Unless a permit had been granted to a private hotel under the Bill as it stands, one could not drink liquor in any bedroom in that hotel, and if a permit is

granted to enable any person to drink intoxicating liquor in any room in that hotel, no discretion is left to the Licensing Court, because this Bill provides that the bedroom must be left unlocked.

So I earnestly ask the Minister to study the point I have raised. I feel that the Bill, as drafted—and one can only go on the wording of the Bill—goes much beyond the explanation of the Minister in his second reading speech.

THE HON. E. M. HEENAN (Lower North) [9.55 p.m.]: I want to add a few remarks to what has already been said on this measure. At the outset I am fully in support of the proposal which seeks to prevent teenagers patronising these undesirable night-clubs and so-called restaurants and consuming liquor to all hours of the night. Unquestionably this is one of the principal evils of our present-day society. Back in 1958 a report was issued by a parliamentary committee which was appointed to inquire into the Licensing Act. The members of that committee were as follows:—

Hugh David Andrew, Esq., M.L.A.
George Meredith Cornell, Esq., M.L.A.
Eric Michael Heenan, Esq., M.L.C. (Chairman).
William Allan Manning, Esq., M.L.A.
Hugh Lewis Roche, Esq., M.L.C.
John Mervin Toms, Esq., M.L.A.

In our report we had something to say on this very question. On page 19 of the report we went as far as to say this—

Supplying Liquor to Persons Under 21 Years of Age.

1. Your Committee is gravely concerned over the growing tendency whereby teenagers and others under the age of 21 years of age are able and even encouraged to consume intoxicating liquor, particularly at social occasions such as barbecues, etc. From evidence tendered at the enquiry and from their own observations, your Committee is convinced that some remedial action is urgently called for and recommends that legislation be introduced making it unlawful for any person or persons to supply or cause to be supplied liquor to any person under the age of 21 years, irrespective of whether it be on licensed premises or elsewhere.

That was a very far-reaching recommendation, but it is indicative of the serious view held at that time by the majority of the members of the committee. That view was dissented from by Messrs. Roche and Cornell who, in their minority report, pointed out that it could mean the invasion of private homes. With that limitation, however, I think it could be said that they agreed with the view taken of this serious problem.

The Hon. H. K. Watson: Does the report include private homes in the recommendation?

The Hon. E. M. HEENAN: That was the report. It concluded by pointing out that irrespective of whether it be on licensed premises or elsewhere that applied.

Page 16 of the report of the parliamentary committee contains a recommendation in respect of licensed premises. In 1958 they did not have licenses, but as a result of the recommendation the Act was amended and restaurants were able to apply for licenses. The following recommendation was made:—

12. With regard to restaurants and other places which do not hold such a license, legislation should be introduced making it unlawful for liquor to be supplied or consumed on their premises.

This Bill to a large extent proposes to carry out the recommendations of the parliamentary committee which were made back in 1958. For my part I am prepared to support the second reading of the Bill. If it will give the police the authority to supervise what now goes on in the unsavoury and disreputable night clubs and restaurants, then it deserves our support. It is proposed that not only the undesirable establishments, but all unlicensed premises, shall apply for permits; and after being granted permits they will come under the jurisdiction and control of the police. The situation as it now exists does warrant some police control.

Mr. Watson made a couple of good points in his contribution, but I suggest that in the majority of cases the establishments which provide accommodation or conduct dining rooms will, in the normal course, apply for permits. I think the situation will resolve itself in that way.

The proposed amendment to section 134B provides that the doors of the premises which are licensed shall be kept unlocked.

The Hon. A. F. Griffith: What would you regard as the doors of premises?

The Hon. E. M. HEENAN: That is a point which can be dealt with in Committee. At the present time many motels have not any form of license, but if this Bill is passed I am sure they will apply for licenses, because many people accommodated in motels like to consume liquor with their meals, or take beer into their rooms and consume it in private.

I rise mainly to express the view that the situation, as outlined by the police, requires urgent attention. This Bill aims at doing something in that regard, and is therefore worthy of support.

THE HON. H. R. ROBINSON (North Metropolitan) [10.6 p.m.]: I support the measure, and in doing so I agree that the rights of adults to drink liquor should not

be interfered with. Most of us agree that something should be done in regard to teenage drinking. I was rather surprised to read an article in *The West Australian* of the 19th October headed "More Liquor Curbs Are Not The Answer". That newspaper was rather critical of the Minister for introducing the Bill before us. One part of that article is as follows:—

> In any event, it is hard to believe that night clubs are a major source of liquor for teenagers or that teenagers make up a big proportion of the patronage of those places.

If we examine the annual report of the Commissioner of Police for 1965, which was tabled a few weeks ago, we will find that his comments are contrary to those held by *The West Australian*. On page 17 of the report the commissioner states as follows:—

> Liquor Inspection and Plain Clothes Branch.
>
> There are 1,070 premises licensed under the Licensing Act. In addition to the normal supervisory duties, the staff made more than 480 technical inspections of liquors. There were 1,373 prosecutions under the Illicit Sale of Liquor Act and Licensing Act. These figures are tempered by the fact that nearly 300 under-age drinkers were given lectures in lieu of prosecutions. It is pleasing to report that only four of these lads again offended.

Further on he states—

> During the year particular attention was given to night clubs and coffee lounges. Some of these are frequented by criminals and other undesirable persons; and regrettably teenage patrons are encouraged to drink. Further action is being taken regarding these places.

Most of the crimes committed by teenagers are attributed to liquor, because when one examines the statistics supplied in the report of the Commissioner of Police one finds that a large number of these crimes was committed by persons between the ages of 16 years and 20 years. In that year 613 sex offences were reported. In the statistics showing the number which had been cleared there were 71 in the 16 years and under age group; 62 in the 17 and 18 years age group; and 52 in the 19 and 20 years ago group.

Regarding breaking and entering offences, there were 2,928 cases reported. Of the number of cases which were cleared there were 737 in the 16 years and under age group; 189 cases in the 17 and 18 years age group; and 104 cases in the 19 and 20 years age group.

Under the category of stealing 11,278 cases were reported, and they included 1,085 motor vehicle thefts. Of the number of cases cleared there were 1,695 in the 16 years and under age group; 736 in the 17 and 18 years age group; and 400 in the 19 and 20 years age group. These figures indicate that a tremendous proportion of the criminal offences are committed by those between the ages of 16 and 20 years. In many of the cases which were heard before the courts, liquor was given as the cause. Something should be done to curb the drinking habits of young people.

The only other comment I would like to make in this debate relates to section 33 of the Act. At the present time 48 wine saloon licenses have been issued, despite the fact that the facilities provided by most hotels are of fairly high standard. I wonder why there is need to issue licenses for such a large number of wine saloons, particularly as some of them are rather undesirable establishments. It would not be harmful if the number of licenses was reduced.

THE HON. J. G. HISLOP (Metropolitan) [10.12 p.m.]: This is one of the greatest social problems of our age. It is not easy to discern the cause of the situation that exists, and it is less easy to provide controls. We are living in an era which has not existed before. In our early lives—I can speak for almost every member in this Chamber—we saw very little of liquor; but as the years went by the consumption of liquor among almost all sections of the community has grown to alarming proportions.

People are being encouraged to drink wine, and each year more and better types of wines are being produced. It is almost inevitable when one visits a friend to be invited to imbibe an alcoholic beverage. So far as the adults are concerned this custom, to some extent, is controlled through their maturity and wisdom. It seems that the consumption of liquor can, more or less, be handled by adults.

Let us study the difference between the junior and senior citizens. One of the most interesting facts which has been discovered through investigations into the behaviour of young people is revealed in an article which appeared in the *British Medical Journal* of the 31st July, 1965. After reviewing the investigations, the article points out as follows:—

> Certain differences from the past are noted, including signs of alienation between the young of today and the adult generations. The increased economic power of teenagers attracts attention because it is concentrated on certain areas of the market which include products that are highly visible and audible, and because their spending power has attracted commercial exploitation.

There lies the problem which we must consider. We have to determine why the teenager has become alienated from the adult. Is it because of what has happened in the series of wars during our

lifetime? Is it because those circumstances have resulted in a certain degree of recklessness in regard to living? I do not know, but it is something which should be tackled when we try to solve the teenage problem. Why does the teenager act in the manner in which he does? That will be the starting point of any effort to control the activities of teenagers.

One of the things we must realise in this idea of restraint of the youth is just how we ourselves as adults have handled the problem amongst these teenagers. I have seen not once, not twice, but many times, that a youth who has been deprived of alcohol in his home and never taught how to handle alcohol, but has seen his parents drink it, experiments with it as soon as he is released from the restraint of his parents.

When growing youths come from families in which there has never been any introduction to alcohol, or any instruction as to how it can be handled properly they will, for a time, drink to excess when given the opportunity. It does not last forever. It may ruin some, but in the main these young people go through that period, and a lot depends upon their basis of education. They will realise that they have experimented and will then possibly look elsewhere.

If we are going to deal with a problem of this sort by legislation, we have only two methods to adopt. One is to repress and repress and repress, and every time we find a young person has a way of getting past the law we must impose more and more restrictions. I wonder if we have ever thought of taking away all restrictions to see where we get? I do not think we would be very much worse off if we did that because it might be a means of breaking this reaction.

I say that the boy or girl who, in his or her own home, has had a small amount of liquor and knows how to handle it will not present any problem outside. I am not ashamed to say that my own family has been brought up in that way and both of them are very capable of handling alcohol.

I think there are many in this Chamber who would not deprive their sons and daughters as they grow up to 15 and 16 years, of a small amount of beer when sitting at the dining table with their parents or guests. These are the people who can handle it, but the youngsters who have been restrained all their lives are possibly the ones who break out.

I just wonder what is wrong with us as a community in regard to the use of alcohol because we have to have laws passed year after year in order to control this undue activity in alcohol. I cannot go into Boans or David Jones, or any other big emporium, and enter the dining room or afternoon tea area and order a cup of tea and sandwiches for my wife, and a scotch and soda for myself. We just cannot do that in this community. Can we not be trusted in this way? It can be done elsewhere in many countries and cities. Is it because we do not know how to handle alcohol? If we go to a place in Singapore, or into an Indian or Malayan shop to buy a shirt or something else, the very first thing they will do in that warm climate is to offer a small bottle of beer to the customer. No harm is done; and that is the procedure in many other places.

I just wonder whether we are not forgetting this is a problem we have to probe, and not one we will win by repression. I doubt very much whether we will win by repression. I feel quite certain that if we closed all these places down and only allowed permits for these people, they would move out into wider areas.

The Hon. E. C. House: Prohibition was not successful in America.

The Hon. J. G. HISLOP: No, nothing of restraint is. If we stopped it all, someone would produce it. My point is that we have to look at this whole problem in a very different way. I realise that in all these problems I seem to talk like a renegade, but in my own field, and living amongst human beings and watching their habits, I have learned to appreciate this sort of thing.

I feel that this is an effort made in all sincerity by the Government and I am not going to be a lone one voting against it. However, I would like to see a special committee set up to investigate some of these problems to see how we are going. At present I do not think the teenager wants to go into a place that is recognised. He still wants to beat the law and the police; and he will find methods, no matter what we put into black and white, if he wants to. My feeling is that we should recognise this. I do not know what the imposition of greater fines is going to do, because in most of these places where the young people go they are either charged excessive amounts for corkage on their own liquor, or the beer is freely available at 8s. 6d. a bottle.

What do members think the extra cost of the bottle is for? It is to pay the fines. This proposal in the Bill will mean that with higher fines the cost of the beer will go up to meet the fines, and therefore are we not looking into some dark corner to know where we are going? I just wonder how successful this measure will be.

It may be that we should pass this Bill —as it will pass—and then promptly set out to form some sort of inquiry amongst ourselves to ascertain the cause of this and the way out. I am quite sure that repression is not the answer. I am just wondering—and have wondered for some time—whether, if we made liquor freely available,

it would lose its interest for young people. They might then look for something else.

I am certain the whole attitude, based on the findings of almost every committee appointed to deal with youth activity in recent years, is the alienation from adults. Is it due to the fact that home life has lost its attraction for young persons, as we feel it has lost its attraction very often to mother and father, who can be seen outside a hotel at night? That might mean the youngsters are not under observation. Is this the cause of it? Have we done anything in the community to lessen the attraction of home? Is it all this screeching and yelling by some so-called singer that causes female hysteria when the singer comes to sing? I do not think I would call any of it good singing, but it has a lure to the young people because there they can allow their spirits to be flung high.

These are all problems associated with this thing. It is not entirely, in my opinion, the question that these teenager's drink. Mr. Robinson referred to the stealing of cars. I wonder if, when we compared those offences with the offences of stealing bicycles in our age, there would be any great proportional difference. I do not know, but probably there would not be. It is not worth stealing a bicycle today because it is too much effort to push it. It is much better to steal a car.

The Hon. H. R. Robinson: There is a difference in price between a bicycle and a car, though.

The Hon. J. G. HISLOP: In the old days when Mr. Robinson was a youngster he did not have a car to steal, only a bike. Today they have cars.

The Hon. J. Dolan: You are suggesting he stole a bike now and again.

The Hon. J. G. HISLOP: I am not accusing him of anything. I said that in his time all he had to steal was a bike. These are the things that strike me as needing a great deal of investigation before we can reach any conclusion. I hope we do not go on with this repression, repression, and repression; and higher fines, higher fines, and still higher fines. They do not get us any nearer to the problem at all.

I agree with Mr. Watson that a great deal of alteration is necessary before this can be regarded as even sensible legislation as far as the adult is concerned. It woud be a nice state of affairs to go to a motel and open our bag and produce a bottle of whisky, and then find in a few minutes we would be fined £100. This situation has to be rectified, and I think the Minister realises that.

I have aired my views. I realise it would take a lot to get a majority to swing my way and I do not suppose I will be here long enough to achieve that. But so long as someone keeps talking about it we might get somewhere. I support the Bill.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [10.28 p.m.]: In the period I have held the portfolio of Minister for Justice, I have attempted to amend the Licensing Act in some substantial way on three occasions. Up to date I think this Bill has received less comment than the two previous ones, and that I say with reservation because this Bill has received some comment.

It has been my experience that once a private or Government member introduces a Bill to amend the licensing laws of the State, it engenders a lot of debate and brings forward a lot of ideas as to what is wrong with the Bill. There is always something wrong with it. Frequently it is criticised to a considerable extent without any solution being offered.

I have been most interested in the remarks of Dr. Hislop, but I would like to make it clear that I have to deal with the law as it now stands in relation particularly to drinking. The law says unequivocally that a person under 21 years shall not consume liquor.

The Hon. L. A. Logan: In public.

The Hon. A. F. GRIFFITH: Not in public at all. It means anyone under 21 shall not drink intoxicating liquor anywhere. There may well be something in the point of view expressed by Dr. Hislop, but these youngsters breaking the law at present are 14 and 15 years of age. While the honourable member may be right, and I would not contradict him at this point of time because it would be purely experimental, I am not suggesting that in the main youth of 18 and 19 are irresponsible. I said the other night I think the majority are quite responsible, but if we followed the suggestion and removed all restrictions we would be removing restrictions in respect of some of these youngsters of 14 and 15 years of age who are now breaking the law.

The Hon. J. G. Hislop: They would get used to it: it would not last very long.

The Hon. J. Dolan: Once they form their habits they do not get rid of them.

The Hon. A. F. GRIFFITH: I agree with Dr. Hislop in respect of education. I do not mind admitting I have a daughter who is 19 years of age and we brought her up to drink alcoholic liquor in proper quantities in company with her mother and father. I find now that if I open a bottle of wine for dinner, more often than not she does not want any of it. So I think there is something in that type of education. However, I think also we are inclined to say that because of the type of youngster who is visiting the places that we hope to do something about, this Bill will have a general application among the youth and community. I do not think this is the case.

I find it difficult to understand why one child of 14 or 15, or some other age under 21, is satisfied to seek the pleasures of life

that are reasonable, in sporting clubs and in healthy forms of recreation, while another seeks the type of pleasure about which we have heard so much during this debate. Perhaps the reason for it starts in the home. Perhaps the parents of these children do not know where they are. My word, I would want to know where my child of 14 or 15 was at 2 o'clock in the morning! I think any responsible parent who had a child of that age would want to know where he or she was.

The stealing of motorcars is a very serious offence and it is frequently associated with the consumption of liquor. However, I doubt very much whether the answer is to say, "Because this is a social evil among a section of the community we will take the lid off the licensing laws and allow everybody to have a free go." I know what Dr. Hislop means, but to me it does not sound like the answer.

It is certainly not the answer to say, "Today we have some restrictions, but tomorrow we will have none as an experiment." The leader writer of *The West Australian* chose to criticise me and the Bill I have introduced. This is his right, but he was sadly out of touch with any information, as was demonstrated by Mr. Robinson, who read a portion of the article. I do not think whoever wrote it really knows what is going on. How could he be expected to know what is going on? However, I forgive him for that because he just does not know.

In introducing the measure it was not the Government's intention to interfere to any marked extent with the privileges of adults. However, let me tell members that it is adults who to a large extent are helping to bring about the present situation. Members surely do not think that the people who are running these clubs are teenagers! I have not got a record of their ages, but I am sure they are not. I think they are the sorts of individuals who are prepared to provide a particular type of service for the class of person who wants to take advantage of that service, and they are not very worthy people in this community—they are taking advantage of youngsters who desire to collect in these places; they are taking money from them, not in small quantities but in large quantities and for their own benefit.

They are not providing a healthy form of recreation for youngsters. The premises they use are dismal and badly lit. They are unhygienic and they certainly should not be allowed to continue in their present form. They should be closed up. However, under this Bill, if the premises are suitable the proprietor can go to the court and ask for a permit and be granted one.

The Hon. E. C. House: I think the lighting of them is very important—to see what is going on.

The Hon. A. F. GRIFFITH: Very important indeed. Although it is nice to have dinner by candlelight, that is not an appropriate comparison with these places.

The Hon. C. E. Griffiths: Stumbling over beer bottles.

The Hon. A. F. GRIFFITH: The Government is anxious to do something about the problem. It is also anxious to do something about the death toll on the roads. We have already passed a Bill this evening—the Traffic Act Amendment Bill (No. 2)—which it is hoped will do something in this direction because of the heavier penalties which will be imposed on certain people in the community who have not much regard for their own safety and, it appears, no regard whatsoever for the safety of others.

This Bill was not introduced with the idea of interfering with the liberties of decent-living people and if there is anything in it that will have that effect we can satisfactorily clean it up—if I can use that term—in Committee.

The Hon. F. J. S. Wise: I think the Bill was fairly well received.

The Hon. A. F. GRIFFITH: I think it was and I am grateful for it. If there are any obvious anomalies in it—and I have had a few pointed out to me—they can be corrected. I will take the opportunity in the next couple of days of examining the Bill more closely, but we are anxious to tackle the problem and I do not think anybody would be critical of a desire to shape up to a problem that exists to try to do something about it.

As regards Mr. Watson's problem, I do not think it would be very difficult to overcome. I am sure it would not be hard for the type of premises he mentioned to make application to the court and be granted a permit once every five years. I am sure the type of premises to which he referred—good quality premises, which are well known—would be granted a permit, because the court would regard them as a suitable type of premises. However, it has been necessary to make sure that the situation is fairly well covered because the type of person referred to in the report which has been mentioned is the type who will get out from under the law if he is given the slightest chance. That is the problem the police have.

However, I shall leave it at that. I will consider the points put forward and I ask the House to allow the Committee stage to stand over until I have had an opportunity to do that.

Question put and passed.

Bill read a second time.

House adjourned at 10.40 p.m.