COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

Assembly's Message

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

BILLS (4)—FIRST READING

1. Esperance Lands Agreement Bill.
2. Prevention of Pollution of Waters by Oil Bill.

   Bills received from the Assembly; and, on motions by the Hon. A. F. Griffith (Minister for Mines), read a first time.
3. Plant Diseases Act Amendment Bill.

   Bill received from the Assembly; and, on motion by the Hon. L. A. Logan (Minister for Local Government), read a first time.
4. Coal Mine Workers (Pensions) Act Amendment Bill.

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

BILLS (2)—RETURNED

1. Local Authorities, British Empire and Commonwealth Games Contributions Authorisation Bill.
2. Interstate Maintenance Recovery Act Amendment Bill.

   Bills returned from the Assembly without amendment.

House adjourned at 11.46 p.m.

Legislative Assembly

Tuesday, the 11th October, 1960

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CONTENTS—*continued*

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

BILLS (19)—ASSENT

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

1. Judges' Salaries and Pensions Act Amendment Bill.
2. Native Welfare Act Amendment Bill.
3. Church of England in Australia Constitution Bill.
4. Supreme Court Act Amendment Bill.
5. Land Act Amendment Bill.
6. Fruit Growing Industry Trust Fund Committee (Validation) Bill.
7. Vermin Act Amendment Bill.
8. War Service Land Settlement Scheme Act Amendment Bill.
9. Evidence Act Amendment Bill.
10. Metropolitan (Perth) Passenger Transport Trust Act Amendment Bill.
11. Absconding Debtors Act Amendment Bill.
12. Radioactive Substances Act Amendment Bill.
13. Marketing of Eggs Act Amendment Bill.
14. Coroners Act Amendment Bill.
15. Legal Practitioners Act Amendment Bill.
16. Licensing Act Amendment Bill.
17. Marketing of Onions Act Amendment Bill.
18. State Housing Act Amendment Bill.
19. Chevron-Hilton Hotel Agreement Bill.

QUESTIONS ON NOTICE

RAILWAYMEN

Long-Service Tokens

1. Mr. TOMS asked the Minister for Railways:

(1) Has he seen the tokens presented to railwaymen after 30 years' service and 40 years' service, or upon retirement after that period?

(2) From whom are these tokens purchased?

(3) What is the cost of each token to the department?

(4) Does he consider these tokens a reasonable recognition for services given?

(5) Owing to the poor quality, will he consider the replacement of this method of recognition with something more appropriate?

Mr. COURT replied:

(1) Yes.

(2) (a) 30-year badge (silver) Cumpston's Engraving Works Pty. Ltd., 379 Hay Street, Perth.

(b) 40-year medal (gold) Sheridan's Engraving & Metal Stamping Co., 14 Florence Street, West Perth.

(3) (a) 30-year badge (silver)

	s.	d.
Manufacture	4	10
Engraving		9
	5	7

(b) 40-year medal (gold)

	£	s.	d.
Manufacture	3	7	6
Engraving		3	6
	£3	11	0

(4) and (5) The tokens are not issued as a reward for services rendered but as recognition of length of service. However, I am not satisfied with the 30-year badge and it is proposed to discontinue issuing it. I thank the honourable member for drawing my attention to it. The 40-year gold medals will be continued.

RESTAURANT LICENSES

Cancellations

2. Mr. EVANS asked the Attorney-General:

(1) How many licenses were granted to restaurants under the Licensing Act, 1911-1959—

(a) in the metropolitan area;

(b) in the country?

(2) How many of such licenses have been cancelled by restaurant keepers?

(3) Are any reasons known for these cancellations?

Mr. WATTS replied:

(1) (a) 9.

(b) 1.

(2) 1.

(3) No.

RACING AND TROTTING

Stakes

3. Mr. EVANS asked the Premier:

(1) Do the metropolitan trotting clubs pay a ratio of 85 per cent. of stakes as compared to stakes paid by country trotting clubs (based on 1959-1960 season)?

(2) What is the position re ratio of stakes between the W.A.T.C. and country racing clubs (1959-1960 season)?

Distribution of Investment Tax

(3) Does he not agree that with 85 per cent. share of the distribution of investment tax, the W.A.T.C. enjoys an inequitable advantage over country racing clubs?

(4) Would he consider that if any advantages are to be given in the distribution of investment tax, it should be given in favour of country clubs, which are endeavouring against adverse economic conditions to provide the sport of racing to residents of their district who lack the range of sporting attractions offered weekly to the metropolitan dweller?

Mr. BRAND replied:

(1) The ratio of all stakes paid by trotting clubs in 1959-60 was—

86 per cent. metropolitan clubs.

14 per cent. country clubs.

(2) The ratio of all stakes paid by racing clubs in 1959-60 was—

76 per cent. W.A.T.C.

24 per cent. country clubs.

(3) and (4) I understand that discussions are taking place between the W.A.T.C. and the country racing clubs in relation to the division of revenue from racing taxation, and the Government will make a decision on the matter in line with the outcome of these discussions.

CARNARVON HOUSING

Planning of a New Area

4. Mr. NORTON asked the Minister representing the Minister for Town Planning:

(1) Has the department been requested to make recommendations and draw up plans for a new housing area at Carnarvon?

(2) If so, what steps have been taken?

Mr. PERKINS replied:

(1) Yes.

(2) Work is proceeding on a small area south of the town. Any extension north of the town is subject to further examination of the problem of flood control at Carnarvon.

CARNARVON SCHOOL HOSTEL

Establishment

5. Mr. NORTON asked the Minister for Education:

As a survey has now been completed regarding the number of children who would be boarders at a hostel at Carnarvon, will he advise the House whether his department has reached a decision as to whether or not a hostel will be built; and, if so, when?

Mr. WATTS replied:

No. All questions regarding the provision of hostels will be referred to the new country high school hostels authority when the legislation at present before Parliament in this regard is passed and the authority is constituted.

ALBANY HIGH SCHOOL

Technical Annexe

6. Mr. HALL asked the Minister for Education:

(1) When is it anticipated that work will commence on the technical annexe for the Albany High School?

(2) What will be the approximate cost?

Mr. WATTS replied:

(1) About April, 1961.

(2) It is not desirable to divulge approximate costs, as tenders are to be called for this item.

WOMEN'S HOMES

Inmates and Applications for Admission

7. Mr. BRADY asked the Minister for Health:

(1) What number of applicants are waiting to enter Mt. Henry Women's Home?

(2) What number are waiting to enter other homes for women conducted by the Government?

(3) Will he list the number of Government homes and the number of present inmates?

Mr. ROSS HUTCHINSON replied:

(1) and (2) Three hundred, 50 of whom are urgent cases.

(3) Mt. Henry Home—370.
Woodbridge Home—49.
Wooroloo Annexe—12.

8. *This question was postponed.*

WORK FORCE

Exodus to Eastern States: Cause and Remedy

9. Mr. TONKIN asked the Minister for Industrial Development:

(1) Did he see in the latest issue of *The Sunday Times* a statement attributed to Mr. J. F. Ledger that "W.A.'s work force had lost 4,000 workers in the past three years. The State had lost many tradesmen to other States"?

(2) Is it not a fact that the Government's policy in the Public Works Department and Railways Department and with regard to State trading concerns has been largely responsible for the exodus of tradesmen?

(3) What does the Government propose to do to stop the continued deterioration in the apprenticeship position resulting from the above-mentioned Government policy?

(4) Is it not preferable to ensure an adequate and regular supply of apprentices to maintain the requisite labour force, rather than to endeavour to meet the need by inducing immigrant tradesmen bound for various States of Australia to remain in Western Australia?

Mr. COURT replied:

(1) Yes.

(2) No. The figures disclose that whilst the Hawke Government's policy caused an exodus of workers, the present Government's policy has been responsible for a rapid increase in employment. The total Western Australian work force—excluding domestic and rural workers—at the 30th June each year was as follows:—

1955	185,800
1956	185,600
1957	182,900
1958	184,200
1959	187,000
1960	190,800

At the 31st July, 1960, the total was 191,100.

It will be seen, therefore, that although the work force fell from its 1955 peak until 1957, it has been increasing since 1958. At June, 1958, it was still below the 1955 peak, but within the first three months of the present Government's term of office it had exceeded the 1955 peak by 1,200. It is still rising.

(3) There has not been "continued deterioration". There was a considerable fall in the intake of apprentices from 1955 until 1958. The intake has been increasing during the present Government's term of office.

The intake of apprentices for the years ended the 31st December have been as follows:—

1955	1,606
1956	1,403
1957	1,195
1958	1,133
1959	1,255

The intake in the first six months of 1960 was 774; whereas for the first six months of 1959, it was 687. It will be seen, therefore, that although the numbers fell during the Labor Government's term of office, they have increased and are still increasing during the present Government's term of office. The intake would be higher if technical objections were not taken by the unions to certain cases.

(4) Immediate demands cannot be met by apprenticeship intake. Therefore immigrant tradesmen are important to meet current development needs.

Although tradesmen comprise approximately 20 per cent. of the Western Australian work force, the intake of apprentices for the year ended the 30th June, 1960, was in excess of 23 per cent. of the available boys leaving school.

CATTLE TRANQUILLISERS

Control

10. Mr. KELLY asked the Minister for Agriculture:

(1) Is he in a position to make a statement to the House as to the merits or demerits of the use of equipment used in immobilising or tranquillising dangerous or unmanageable cattle?

(2) Is he aware that unrestricted use of this type of gun could lead to abuses and possibly assist cattle duffing?

(3) Does he know that there is a growing feeling in some quarters that well-equipped stock thieves could make normal methods appear elementary by the use of a tranquillising gun?

(4) Will he give consideration to the introduction of a control measure that will place the use of this type of equipment beyond any doubt?

Mr. NALDER replied:

(1) The value of immobilising or tranquillising equipment has been proved on several stations in the north-west of the State, where it has been possible to restrain and market otherwise unmanageable

cattle. In the southern part of the State it has proved of value with difficult animals.

(2) Yes.

(3) Answered by No. (2).

(4) The Firearms and Guns Act provides that, in the case of the pistol, which is a concealable weapon, a license to buy must be obtained by an intending purchaser anywhere in the State. In the case of the rifle, a similar permit is necessary only south of the 26th parallel and west of the 123rd meridian of longitude. Outside this area the selling agents make full inquiries as to the *bona fides* of intending purchasers, but rifles could be imported from other States. Further investigation and consideration of the matter will be undertaken.

PRISONERS

Number Escorted on Kalgoorlie Line

11. Mr. EVANS asked the Minister for Police:

(1) How many separate escort duties were performed by police officers using train travel from Kalgoorlie and intermediate stations to Perth during 1959?

(2) How many such escorts have occurred this year?

Mr. PERKINS replied:

(1) Escorts from Kalgoorlie during 1959 were 67. From intermediate stations, including Northam, there were 60.

(2) To the 6th October, 1960, the totals were 43 and 38.

DERMATITIS IN RAILWAY EMPLOYEES

Diesel Oil and Fuel as Causatives

12. Mr. EVANS asked the Minister for Railways:

Has there been any recent increase in the incidence of dermatitis being contracted by employees in contact with oil or fuels used by diesel locomotives?

Mr. COURT replied:

The incidence of any industrial disease can be fairly assessed only over a reasonable period; whereas records of cases of dermatitis which might be attributed to contact with oil or fuels used by diesel locomotives have been kept only over a comparatively short period. For the five months during which records were kept in 1959 there were seven cases; and for the first nine months of this year nine cases have been recorded. This does not indicate any upward trend of this complaint.

ROAD BUSES

Perth to Albany

13. Mr. HALL asked the Minister for Railways:

(1) Is he aware of the article in *The West Australian* on the 3rd October, headed "Record Run by New Australind"?

(2) If so, is it to be interpreted from the paragraph of that article that road buses were to be provided for the Perth-Albany run, and that passenger rail travel would be curtailed by cancellation of No. 7 from Perth and No. 8 from Albany?

Mr. COURT replied:

(1) Yes.

(2) Modern buses will be provided on the Perth-Albany service. Their ultimate effect on passenger trains on this Great Southern line could be dictated by public patronage. Initially there is no intention of curtailing trains Nos. 7 and 8.

QUESTIONS WITHOUT NOTICE

GASCOYNE RIVER

Furphy Report on Water Conservation

1. Mr. WILD: I wish to make a personal explanation. On Thursday last I was asked a question by the member for Gascoyne as to whether the Furphy report had been received. I replied that it had been received, but I made that statement in error. It is a fact that a report was received last week in respect of an investigation taking place into one of the ports in the north-west; namely, Port Hedland. The Furphy report has not yet been received, and the officers concerned are still doing their survey work.

WATER RATES

Tabling of "Pay-as-you-use" Committee's Report

2. Mr. TONKIN asked the Minister for Works:

In view of the statement made in the Press that it is the Government's intention to table in Parliament the Marshall report on the Collie coal reserves, is it the intention of the Government to table in Parliament the report from the "pay-as-you-use" water committee?

Mr. WILD replied:

The Government has not as yet given full consideration to the report in question. When it has been fully considered, a decision will be reached on whether it will be tabled.

PORT HEDLAND HARBOUR

Report on Development

3. Mr. BICKERTON asked the Minister for Works:

Is it the intention of the Government to table the report of the investigation into the Port Hedland Harbour, which report the Minister has just stated has come to hand?

Mr. WILD replied:

That report was received only last week. Copies of the report have been sent to Cabinet Ministers, but the report has not been considered by them. I have no doubt that next week, or the week after, the report will be considered by Cabinet and a decision on tabling it will be reached.

COLLIE COAL

Supplies from Co-operative Mine

4. Mr. MAY asked the Premier:

(1) Regarding the Co-operative Mine at Collie, and the announcement in yesterday's *Daily News* that the State Government does not intend to use any coal from this mine, is he aware that the mine has been supplying coal to the State Government for over 50 years? Why this sudden change of policy? Does he realise and appreciate that this will mean that about 300 men will be displaced if the Government persists in closing the mine? How does the Government propose to accommodate the men who will be displaced?

Availability and Influence of Marshall Report

(2) Why have the unions within the coalmining industry been consistently refused a copy of the Marshall report? Is the Government afraid to reveal the contents of the report to the unions?

(3) Has the Government acted on the report in making coal quotas to the coal companies as stated in today's *The West Australian*?

Effects of New Quotas

(4) Why were not the unions consulted before arriving at these quotas as offered to the coal companies, having regard to the fact that they were informed by the Minister for Mines that they would be consulted before finalisation of coal quotas to the coal companies were made?

(5) Over the past three years the State has reduced the cost of coal by £1,500,000 and now it proposes that this industry should save the State another £373,189 per year upon present rate of production. Does not the Government agree that this is more than any one industry should be called upon to carry?

(6) If the Government persists in its proposed policy, what will happen to the hundreds of displaced persons and their families?

(7) Will compensation be paid to those men who are purchasing their State purchase, war service, and other homes privately, or will they completely lose their equities in these homes?

(8) What will the Government do with hundreds of State rental, State purchase, war service, and private homes that will become vacant as a result of Government policy?

(9) Has the Premier given any thought to the constant uncertainty about Collie's future, and the atmosphere of instability that prevails? Does he agree it is fair and reasonable that a town of the size of Collie should have to endure the constant feeling of uneasiness; this ever-constant fear of the women and children as to what is to become of them? Does he agree that a Government's first concern should be the welfare of the people it governs?

(10) Is he aware that the acute anxiety which is causing such despair amongst a considerable number of the people should be a subject of earnest concern by the Government, if only from a humane aspect?

Mr. BRAND replied:

(1) to (10) Although the honourable member gave me an hour or so's notice of these questions, I feel that in view of their serious nature, and the fact that he has given a lot of consideration to drafting them, I should give equal consideration to drafting the answers. I therefore ask him to put them on the notice paper.

Mr. MAY: I would like to say that I appreciate the fact that there was not very much time to—

The SPEAKER: Order! Is this a question?

Mr. MAY: No; it is really an apology. If the Premier is prepared to let me place these questions on the notice paper, I shall be glad if he will answer them tomorrow.

Tabling of Marshall Report

5. Mr. TONKIN asked the Minister representing the Minister for Mines:

(1) Has he seen the report in today's *Daily News* that the Marshall report on coal is to be tabled in Parliament tonight?

(2) Is the report correct?

(3) If it is not absolutely correct, is it the Government's intention to table the report?

Mr. ROSS HUTCHINSON replied:

(1) to (3) I would point out that I had not seen the article in the paper but the report was tabled by me at the outset of the Chamber's deliberations today.

WATER RATES

Tabling of "Pay-as-You-Use" Committee's Report

6. Mr. TONKIN asked the Minister for Water Supplies:

If it is possible for the Minister representing the Minister for Mines to table a report which has not received full consideration by the Government, why cannot a similar course of action be followed with regard to the "pay-as-you-use" water committee's report?

Mr. WILD replied:

For the information of the Deputy Leader of the Opposition, the Marshall coal report has been considered by the Government.

Mr. Tonkin: That was not stated in the paper.

Mr. WILD: I am not responsible for the paper.

Mr. Hawke: Thank goodness!

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

Third Reading

On motion by Mr. Watts (Attorney-General), Bill read a third time, and passed.

BILLS (2)—RETURNED

1. Architects Act Amendment Bill.
2. Noxious Weeds Act Amendment Bill.

Bills returned from the Council without amendment.

MARRIED PERSONS (SUMMARY RELIEF) BILL

Second Reading

MR. WATTS (Stirling—Attorney-General) [4.55]: I move—

That the Bill be now read a second time.

This Bill proposes to repeal the Married Women's Protection Act, 1922-54. It may therefore be desirable to give a brief summary of the provisions of that Act. It provides that a woman whose husband, during the preceding six months, has been guilty of—

(a) cruelty to her or any of her children;

(b) adultery;

(c) desertion; or

(d) wilful neglect to provide reasonable maintenance for her or any of her children;

may apply for a summary protection order. In the Act, "children" means those under 18 years of age.

While all courts of summary jurisdiction had power under the Act, it was provided that no order should be made unless a police officer, resident or special magistrate, and one justice of the peace, joined in making it.

A protection order under the Act could—

(a) relieve the applicant from the obligation to cohabit with the husband;

(b) grant legal custody of her children;

(c) direct the husband to pay weekly or periodical maintenance money —having regard to the means of both the husband and the wife— for her and such of her children as were placed in her custody.

No order could be made where the adultery had been condoned and not revived, or if it was proved the applicant had committed adultery or was of drunken habits, with a proviso that the husband had not condoned or connived at the adultery; or by his cruelty, neglect, or misconduct, conduced to such adultery or drunken habits.

Any order relieving the applicant from cohabitation had the effect of an order for judicial separation. Wilful neglect to provide maintenance was presumed unless the contrary was proved by the husband where an omission to supply maintenance was established.

There was provision for the wife or husband, upon fresh evidence, to apply later for the order to be varied or discharged, or for maintenance to be increased or diminished. If a woman voluntarily resumed cohabitation, or committed adultery, the order was to be discharged.

The Act further provided that the provisions of the Justices Act should, in general, govern proceedings and the enforcement of orders. Directions as to access to children could be included in any order; and if a married woman disobeyed any such direction, maintenance might be varied or suspended. An appeal was available against any order under Part VIII of the Justices Act, to which I shall later make some reference.

Except for very minor amendments, the Married Women's Protection Act has been unaltered for 38 years; whilst elsewhere—for example, in other States of Australia and in Great Britain—substantial changes have been made in the law.

Broadly speaking, I would think that this is not a particularly easy Bill for members to deal with; and I have tried, and propose to try, to summarise its provisions in as short and simple a manner as I can. However, with all those good intentions, it will still take some little time.

In preparing the Bill now before the House, very careful consideration over a long period has been given to these legislative changes and to the defects that have become apparent in the operation of the Married Women's Protection Act in this State.

As long ago as 1956, a deputation from women's organisations waited upon the then Minister for Justice seeking alterations to the law, and these representations have been given consideration. One of them was for the establishment of a separate court to deal with matters that are involved in the Bill now before the House; and another was for a restriction on publicity, the argument being advanced with some force that proceedings under the Act, or any Act concerning the same matters, involved consideration of a domestic nature, and therefore it was unreasonable that the full blare of publicity of every aspect of the proceedings should be inflicted upon the parties concerned. As members will probably observe later, careful consideration has been given to those representations.

As members probably know, steps have been taken to set up a separate court in Perth, premises having been obtained in Cecil Buildings, and Mr. A. L. F. Taylor, S.M., has been appointed as magistrate of the court. This is an important step in the direction desired in regard to the first of the representations I have mentioned.

But it is, of course, impracticable to set up separate courts in every centre at present, and it is therefore proposed to continue the courts at Fremantle and Midland Junction, and to continue to enable proceedings to be brought in country centres; but some special provisions, which I shall deal with later, have been inserted in the Bill to remove matters coming under the Bill from ordinary courts of petty sessions as far as is possible.

Detailed consideration has been given to the various matters involved in the Bill by the magistrates in Perth, all of whom under the present laws have had experience in the operation of the Married Women's Protection Act—particularly Mr. A. G. Smith, S.M., and Mr. A. L. F. Taylor, S.M.

In addition, the Law Society has expressed its opinions on a number of the matters involved, and the views expressed have been taken into consideration in the preparation of the Bill. Also, conferences have been held between myself, the Parliamentary Draftsman concerned in the preparation of the Bill, the Under-Secretary for Law, and the two magistrates mentioned. As a result of these happenings, the Bill now before the House has been drafted.

I propose that the debate should be adjourned until the 20th October; and in the intervening period, copies of the Bill will be distributed to organisations likely to be interested in its contents—such as the Women Justices Association, the Law Society, and others.

If any amendments are to be moved to the Bill, I am particularly anxious to give them consideration; and I shall be greatly obliged if members would place any amendments they have in mind on the notice paper, if possible by Tuesday of next week, so that they can be given ample consideration; for it will be quite clear from a perusal of the Bill that in some instances an amendment moved to one clause may have its effect on other parts of the Bill and therefore cannot be given hasty consideration during the debate.

The Bill now before the House repeals the Married Women's Protection Act and is to come into operation by proclamation, with the exception of Part V. This part, if it is to come into operation, has to be proclaimed separately, and may not in any event be proclaimed until after the lapse of 12 months from the coming into operation of the new Commonwealth Matrimonial Causes Act.

As is doubtless well known to members, this Commonwealth Act will, when it comes into force in a few weeks' time, supersede our law of divorce comprised in the Matrimonial Causes and Personal Status Code legislation which now governs divorce proceedings in this State.

The Bill provides that orders made under the repealed Act shall continue in operation until varied or discharged under the provisions of the new Act; and the proceedings commenced under the existing Act and not completed shall be continued as though commenced under the new Act, except the provisions of section 44 of the new Act; that is, clause 44 of the Bill shall not apply thereto.

This clause provides that where an application is made on an allegation of adultery, the complaint shall name the person, if known, with whom it is alleged the defendant committed adultery, and notice of the complaint shall be given, as prescribed by the rules, to that person.

It also provides that where an application is made under the provisions of clauses 13 to 16 of the Bill, which may affect the custody of or access to or maintenance of a child of the family, notice of the complaint is to be given as prescribed by the rules; and the Bill provides that any person to whom notice of a complaint is given may

be heard upon the hearing of the complaint, as a party to the proceedings; and the court, for the purpose of satisfying itself whether it should proceed to hear any complaint to which such provisions apply, may sit in chambers. As indicated, these provisions are excluded from cases where proceedings were commenced under the existing law before the coming into operation of the new Act.

The Bill also provides that the Child Welfare Act shall not be affected. Clear definitions have been given of "child," "child of the family," "condonation," "connivance," etc. These, I think, are self-explanatory.

The Bill, as does the existing Act, deals primarily with children under the age of 18 years, but with this difference from the existing Act: that in the definition of dependant it will be found that persons under 21, if receiving full-time instruction at an educational establishment, or undergoing training for a trade, profession, or vocation in such circumstances that they are required to devote the whole of their time to that training for a period of not less than two years, or whose earning capacity is impaired through illness or disability in mind or body, and who are without means or sufficient means and to that extent depend on some other person for support, may be included in the definition of "dependant." No such definition appears in the existing Act.

There is also a definition of "habitual drunkard," and this includes a person habitually intoxicated by drugs or sedatives. Among other definitions there is also one of "welfare officer," which means an officer of the Child Welfare Department engaged in the duties of investigating the welfare of children.

Immediately following the definitions there is a clause regarding what is known as "constructive desertion." This follows the provisions of section 29 of the Matrimonial Causes Act of the Commonwealth, the last paragraph of this interpretation dealing with desertion continuing after insanity or mental infirmity.

In clause 5 (2) (b), there is a provision following section 30 of the Matrimonial Causes Act of the Commonwealth providing that where husband and wife are parties to an agreement for separation, the refusal by one of them, without reasonable justification, to comply with the *bona fide* request of the other to resume cohabitation constitutes, as from the date of the refusal, desertion on the part of the party so refusing; and subclause (3) of the same clause has reference to that particular provision.

I want members to note particularly what I am now going to say. Since the Bill was drafted, close consideration has been given to this provision and it has been decided that, despite the fact that such a provision is to be found in the Commonwealth legislation—and therefore when that legislation comes into operation, believed to be next January, it will have to be given effect to by the Divorce Court in any application for a judicial separation or divorce made to that court—it is not considered desirable that it should continue in this Bill.

I therefore propose to give notice of an amendment to delete paragraph (b) of subclause (2) of the Bill when we reach the Committee stage, for it is doubtful whether it is reasonable that State legislation should deny either of the parties the right to continue to live apart under an agreement, by giving the opportunity to one of the parties to demand the return of the other to cohabitation. Such agreements for separation are frequently made on terms satisfactory to both parties, with reasonable arrangements for maintenance, and the rejection of the request by one of the parties that the other should resume cohabitation should not, it is felt, give grounds for an application for divorce on the grounds of desertion.

I might say at this stage, too, that in a later clause in the Bill it is provided that an order of the Relief Court is to have the effect of a judicial separation—that was the situation under the Married Women's Protection Act in regard to a protection order—and I propose to give notice of an amendment to that clause also.

This is deemed necessary in view of the provisions of section 55 of the Commonwealth Matrimonial Causes Act which, of course, to put the matter shortly, is superior to State legislation, as that Act provides in section 55 (2) that where a party to a marriage dies intestate as to any property while a decree of judicial separation is in operation, that property shall devolve as if that party had survived the other party to the marriage.

Therefore if the State law under this Bill provides that an order of the court has the effect of a decree of judicial separation, it is practically certain that section 55 (2) of the Commonwealth Act will apply; and, for example, if the wife obtained the order and her husband died intestate, the order having the effect of an order of judicial separation, the wife would be deprived of any share in his estate under the Administration Act; while it would appear, on the other hand, that if the husband in such a case had made a will, even if he had made no provision therein for his wife, she would be entitled to seek a share of his estate under the Testator's Family Maintenance Act. It has therefore been considered desirable to amend the clause in question in an effort to avoid the possibility of such a result.

I might quote for a moment from page 556 of the December, 1959, issue of the *Annual Law Review* published by the University of Western Australia, where this matter is to some extent dealt with—

> The effect of an innocent spouse obtaining an order for judicial separation, which in the circumstances may

be an action of necessity for the protection of that spouse, is completely to shut out the innocent spouse from sharing in the estate should the deceased die intestate. On such an intestacy (i) the section prevents the operation of the Administration Act 1941 and (ii) the widow is unable to make use of the provisions of the Testator's Family Maintenance Act, 1939-1944. She is therefore left with the choice of either suffering the misconduct of the other spouse and ultimately sharing in his estate on death or obtaining a protection order and (if there is no will or it is subsequently destroyed) automatically disqualifying herself from so sharing.

As I have said, that provision in the Commonwealth law which is to come into operation as the Matrimonial Causes Act in, I think, January, has raised this difficulty; and those are the reasons for what I have just told the House.

The court to be set up is to be called the Married Persons' Relief Court, and is to sit at such places which the Governor, by Order-in-Council, may from time to time appoint; and, until such places are appointed, is to sit at those places where local courts are held.

This provision gives a good coverage over the whole of the State; but it is also provided that the court shall sit in such buildings as the Minister from time to time appoints. Until those places are appointed, the court may sit in any building used as a court; but hearing shall not proceed at any hour when the business of any other court is being prosecuted.

Subject to certain limitations which I will shortly explain, the court is to be constituted by a stipendiary magistrate and a justice of the peace. The stipendiary magistrate may, however, sit alone where all parties to the complaint so elect; or where the court is hearing an application which is not an application made under clause 9 of the Bill—clause 9 is the one which deals with the powers of the court in relation to applications for what was formerly known as a protection order—or where it is certified to the court, as prescribed by the rules, that no justice of the peace can be found within ten miles of the place where the court is sitting, who is capable of acting and willing to act.

The last provision is somewhat similar to that in the Justices Act, where one justice of the peace, in certain circumstances, is allowed to sit on matters coming under the jurisdiction of justices. Experience in country areas has shown that it is sometimes difficult to obtain a justice of the peace who is willing to sit, as there is sometimes reluctance to be involved in the marital difficulties of friends or neighbours.

The stipendiary magistrate is to sit alone also where one of the parties to a complaint is resident in another State, or a territory of the Commonwealth. This is because of the provisions of paragraph (d) of subsection (2) of section 39 of the Judiciary Act, 1903, of the Commonwealth, which provides that the Federal jurisdiction of a court of summary jurisdiction of a State shall not be judicially exercised except by a stipendiary, police, or special magistrate, or some magistrate of the State who is specially authorised by the Governor-General.

Members will recall that the same matter arose in connection with a Bill which passed the third reading stage a few moments ago. That had to be amended because of a similar point.

I indicated that a stipendiary magistrate could not sit alone on applications made under clause 9 of the Bill. That clause enables a married person to apply for an order where the defendant—

(a) has deserted the plaintiff; or

(b) has been guilty of cruelty to the plaintiff or an infant child of the family; or

(c) being the husband has wilfully neglected to provide reasonable maintenance for the wife or for any child of the family who is or would but for that neglect, have been a dependant; or

(d) being the wife has wilfully neglected to provide or to make a proper contribution towards reasonable maintenance for the husband or for any dependant child of the family in a case where, having regard to any resources of the husband and of the wife respectively which are, or should, properly be deemed available for the purpose, it is reasonable to expect a wife to contribute; or

(e) where since the marriage, for a period of at least twelve months immediately preceding the application, the defendant has been an habitual drunkard or habitually intoxicated by drugs; or

(f) where since the marriage the defendant has committed adultery, sodomy, or bestiality, if the application is made within six months from the date on which that offence, or the facts from which that offence is inferred, has become known to the plaintiff, or within such extended time as the court may allow.

I pointed out previously that, under the existing law, the amount of maintenance that a husband should be required to pay was to be assessed by the court, having regard to the means both of the husband and of the wife. The proposal in the Bill,

however, as will be seen, goes somewhat further, enabling an obligation to be placed upon the wife where, in view of her personal resources, it is reasonable to expect her to contribute. This provision is similar to that which to be found in the law of the United Kingdom.

The Royal Commission on Marriage and Divorce, which presented its report to Her Majesty the Queen in March, 1956, having sat between 1951 and 1955, said in paragraph 498 of its report—

> As we have shown (see paragraphs 471, 474 and 482) it is not a new idea that a wife should be ordered to make some provision for her husband. We think it, however, a valid criticism of the present law to say that the right of a husband to apply to a court for provision to be made for him by his wife is much too restricted.

In paragraph 499 of the same report it is stated—

> We think it can be left to the court to decide the circumstances in which it would be reasonable to require a wife to make some provision for her husband.

In paragraph 500 it is stated—

> We see no reason for a husband who is unable to support himself having to apply for national assistance if his wife has sufficient means to support him and unjustifiably refuses to do so. We have in mind in particular the husband who is an invalid or is too old to work.

The subclause in the Bill puts no actual obligation on the wife; and only where such circumstances as I have mentioned might arise, and after having regard to the resources of both parties, as the subclause quite definitely states, will the court be liable to make any such order.

It should be noted, too, that section 84 of the new Matrimonial Causes Act of the Commonwealth makes no distinction between parties as to an order for maintenance, but provides that the court may make such order as it thinks proper having regard to the means, earning capacity, and conduct of the parties to the marriage.

When the court hears a complaint made under the proposals in clause 9 of the Bill it may order that the complainant be no longer bound to cohabit with the defendant; it may make an order for weekly or periodical payments by way of maintenance which, having regard to the means of both parties, it considers reasonable; it may make an order for legal custody of any child of the family, with provision for access to such child; and it may order weekly or periodical maintenance by the defendant or by the complainant, or by each of them, in respect of the maintenance of any child of the family to any person to whom the legal custody of that child is committed. This would cover, among other things, a case where a child has been committed to the care of the Child Welfare Department.

No order for separation or maintenance is to be made if the court is satisfied that the complainant has condoned, or connived at, or by wilful neglect or conduct conduced or contributed to the commission of the marital offence complained of, or where the complainant is proved to have committed a marital offence, unless the court is satisfied that the defendant has condoned, or connived at, or by wilful neglect has conduced or contributed to the commission of the offence, or where there has been unreasonable delay in bringing the application to the extent that the complainant, with full knowledge of the circumstances, has culpably failed or neglected to take any action.

Orders for maintenance are to contain references to the respective amounts payable in respect of the complainant and any child of the family, and the names of the children and the amounts payable are to be specified. The court is to be at liberty to make an order that the maintenance shall operate from a day not earlier than six months prior to the making of an order, or from the day on which the application was made, whichever day is the later.

There is provision also for the court to require any of the parties to be bound over to keep the peace to any person named in the order for any time not exceeding six months, and there can be imprisonment in default.

The court is to be at liberty to make an interim order for separation, maintenance, or custody in cases where there is a matrimonial proceeding pending before the Divorce Court in which both parties are concerned, if neither of them has made an application for maintenance pending the trial of that proceeding, and either of them applies to the relief court; or where an application is made to the court and the court adjourns the hearing for more than seven days. Also, where an appeal against any order, or refusal of an order, is made under Part VIII of the Justices Act, the Supreme Court, or a judge thereof, may make an interim order.

It is further provided that there shall be no appeal against an interim order if the appeal relates only to a provision for maintenance, and there are provisions as to when such an interim order shall cease to have effect.

A later provision in the Bill enables a person who has been ordered to make periodical payments to apply for an interim order suspending the operation of such order for maintenance; and upon fresh evidence being brought forward, a court may suspend the operation of any such provision, or its enforcement, for such period as it thinks fit.

In the next following clause there are provisions enabling application to be made for an order varying the provisions of any previous order in the light of fresh evidence being brought to the satisfaction of the court.

The next following clauses enable application to be made for an order to discharge any previous order, and upon proof either that both parties to the marriage have consented to the discharge, or that the parties to the marriage have voluntarily resumed cohabitation, or that the party on whose complaint the order was made has committed adultery, sodomy, or bestiality, or upon cause being shown upon fresh evidence to the satisfaction of the court that the order ought to be discharged, the court shall discharge the order provided it is satisfied the complainant has not condoned, or connived at, or by wilful neglect conduced or contributed to the adultery complained of, and provided further that the court shall not be bound to discharge any provision for custody of or access to or maintenance of a child.

It is provided that applications may be made under these provisions irrespective of the time of the happening of the offence referred to, and notwithstanding that matrimonial proceedings have been commenced by one of the parties in the Divorce Court.

It is further provided that resumption of cohabitation for a continuous period of one month or more, together with an effective maintenance of one party by the other during that period, shall be *prima facie* evidence of the intention of the parties voluntarily to resume cohabitation.

It should be noted that under clause 18 of the Bill the court is required to give particular consideration to the effect of the proceedings on children, the references to which are clearly set out in that clause, and the one following it.

Part IV of the Bill deals with the enforcement of orders and provides that where any order contains provision for maintenance, or for the payment of costs, it shall direct the manner of enforcement of that provision on default of payment as provided by section 155 of the Justices Act.

It may be desirable to make some reference to section 155 of the Justices Act. That section provides that when an order requires payment of a sum of money it shall be recoverable by execution against the goods and chattels of the person liable; and that in default of payment, or sufficient execution, the defaulter shall be imprisoned for one day for each one pound of the amount involved; or, alternatively, the court may order such imprisonment without ordering execution.

The Bill also provides an alternative method of enforcing payment under the provisions of Part VIII of the Local Courts Act. Part VIII of that Act provides for imprisonment up to six weeks in default of compliance with an order for payment made by the court, but such order may not be made unless the court is satisfied that the defaulter either has, or has had since the date of the order, the means to pay, and has neglected or refused to pay, and may direct payment by instalments. Members will be familiar with that procedure as proceedings on a judgment summons in the Local Court.

The Bill also provides that where a person is imprisoned by the operation of section 155 of the Justices Act, then the operation of any maintenance provision contained in the order by virtue of which he is imprisoned is, except for any period of imprisonment on remand, suspended during the continuance of that imprisonment. The imprisonment does not operate as a satisfaction or extinguishment of the amount owing, and the imprisonment cannot exceed three months. It is further provided that any default of payment occurring after the termination of the term of imprisonment is a fresh default.

Under the present law the maximum sentence for a maintenance offence is six months; but the person concerned could be rearrested on another warrant soon after his release, and again put into prison to serve time for arrears which had accumulated during the sentence served. Thus it was possible for a defaulter to be almost continually kept in prison without any opportunity of earning the funds whereby he might meet the maintenance claim.

It may be of interest to members to quote a few remarks on this question made in the course of a letter to the Under-Secretary for Law by one of the stipendiary magistrates. He said, among other things—

> Western Australian legislation—

That, of course, is the existing legislation—

> —offers a wife a very easy, simple and inexpensive method of imprisoning her husband for non payment of maintenance, not possessed by other Australian States.
>
> Without any doubt, in Western Australia, a husband can be imprisoned by his wife for non-payment of maintenance, whether through ill health, lack of means or other valid reasons, he cannot pay.
>
> The wife's very favourable position can be appreciated by a comparison of the legislation in other States and, in particular, attention will be invited to New South Wales and Victoria.

The magistrate went on to say that, in Victoria—

> The procedure to enforce payment is quite similar to that adopted in our Local Court to enforce payment of a debt, the onus, however, being on the husband to show that he has not the means.

> Generally speaking, therefore, apart from Western Australia, wide discretion is given to a magistrate, in the issue and execution of warrants for imprisonment for non-payment of maintenance.

The tenor of this Bill is to go some way towards altering the law in that regard.

I will now continue with my references to the Bill. Such a system has not taken into consideration the *bona fide* inability of the defaulter to pay, and this Bill seeks to meet that position while dealing fairly with both parties. Therefore, while the defaulter is imprisoned as provided in the clause to which I have made reference, the operation of the maintenance provisions of the order are suspended during the imprisonment; and provision is made in a subsequent clause, that any person taken into custody in execution of a warrant of arrest for imprisonment may apply to the court, or to a court of petty sessions, for an order suspending the operation of the warrant, and such an application may be made even after imprisonment has commenced.

The court thus approached may remand the person from time to time, and from place to place, order the warrant to be put into operation unless satisfied that the default is not wilful, or suspend the operation of the warrant so as to enable payment to be made under conditions directed by the court. If the court making such an order is not the court which originally made the maintenance order, the first-named court is to communicate the circumstances to the court that originally made the order.

These provisions will not relieve the defaulter of the liability to pay maintenance, yet they place him in the position of being given an opportunity to pay. On the other hand, if his default is shown to be wilful, the imprisonment will take effect. These provisions are in accordance with provisions that exist in other Australian States, and elsewhere, in such matters today.

I have already said that Part V of the Bill is to be separately proclaimed, and not to be proclaimed in any event until 12 months after the Matrimonial Causes Act of the Commonwealth has come into operation. I will now proceed to explain why. The Matrimonial Causes Act of the Commonwealth makes provision for recovery of maintenance by attachment of earnings, commonly known as garnishee proceedings. The Third Schedule to the Matrimonial Causes Act of the Commonwealth makes very lengthy provisions for a system of attachment of earnings to satisfy orders for maintenance where it appears the failure to pay was due to wilful refusal or culpable neglect.

An attachment order under the Commonwealth Act will apply only to that portion of the earnings of the defaulter above what are called the protected earnings, which is defined as the rate which, having regard to the resources and needs of the defendant and of any person for whom he must provide, the court considers is the minimum sum which he should retain. The attachment order under the Commonwealth law can apply to all amounts over that sum.

Part V of this Bill makes somewhat similar provision, though with distinct differences. Earnings do not include pensions payable under any Act of the Commonwealth or in respect of injury, disablement, or disability; and amounts due for income tax are deducted before arriving at the net earnings. The major difference, however, between the Commonwealth Act and the proposals in this Bill is to be found in clause 28 where, in paragraph (b), it is provided that the defaulter must consent before the court could make an order for attachment of earnings.

The court is empowered to determine the minimum amount which should be retained by the defaulter; and to designate the officer of the court to whom the payments are to be made; and is enabled to make such an order on the application of a person entitled to receive, or of a person required to make, periodical payments.

The Bill further provides that where an attachment of earnings has been made, no warrant shall, while the order is in effect, issue for the enforcement of any provision of any final order of the court. The court has power to vary such orders and to discharge them on cause being shown.

The attachment order is to be notified to the person responsible for making the payments to the defaulter, and that person is required to comply with the order to make the payments to the appointed officer of the court, and to provide a statement to the defaulter, and failure to comply with these requirements makes him liable to a penalty.

The Bill provides that payments made to the officer of the court are a valid discharge for the amount paid as against the defaulter, and clause 32 of the Bill makes it an offence for anyone to dismiss an employee or injure him in his employment, or alter his position to his prejudice, by reason of the fact that an attachment of earnings order has been made.

In proceedings for an offence arising out of this provision, if all the facts and circumstances constituting the offence—other than the reason for the action of the person charged with having committed the offence—are proved, the burden lies upon that person to prove that he was not actuated in the dismissal or alteration of the position by the fact that he was called upon to comply with the attachment order.

There is a provision that the court, if convicting the offender, in such circumstances may order the employee to be reimbursed any wages lost by him, and may

also order that he be reinstated in a similar position. That is, of course, if it was proved that the only reason for his removal was the fact that he had given an attachment order. That would be the only reason that would bring that paragraph into operation.

It is not desired to bring this section of the Act into operation until experience has been gained of the operation of the third schedule of the Commonwealth Act, notwithstanding the fact that in this Bill the consent of the defaulter is required by the provision of the Bill.

Part VI of the Bill deals with appeals, and provides that an appeal may be brought under Part VIII of the Justices Act, 1902. Part VIII of the Justices Act in section 183 provides for appeals where imprisonment without the option of a fine has been ordered, and the defendant did not plead guilty. This appeal is to a judge in Perth or on circuit. The defendant is required to give security of not less than £25, and the decision of the court is final as between the parties.

But there is also another appeal under the same part of the Justices Act, known as an appeal by way of order to review, available where the appellant has no right of appeal under section 183, and on which appeal, if a *prima facie* error or mistake in law or fact, or absence of jurisdiction in the inferior court can be shown, or where any penalty imposed is alleged to be inadequate or excessive, a judge may review the decision. Here again, security must be given. If members desire further particulars of this line of appeal they will find them in sections 197 to 207 of the Justices Act.

The Bill provides that a matter of fact shall be taken to be proved if it is established to the reasonable satisfaction of the court; and clause 36 indicates the type of evidence which would come under the heading of "fresh evidence" as referred to earlier in the Bill, and in my remarks on it.

It is provided that all parties, and wives and husbands of all parties, are both competent and compellable witnesses in proceedings under the Act; but neither a wife nor a husband may be compelled to disclose communications made between themselves during the marriage, unless both of them are parties to the proceedings; and neither party may be compelled to give evidence which would show, or tend to show, that a child born to the wife during the marriage was illegitimate. There are other provisions relating to evidence under the Act which are to be found between clauses 38 to 41.

The court may, on any conditions it thinks reasonable, and for sufficient reason, direct that any particular fact or facts may be proved by affidavit, and such affidavit may be read at the hearing. A witness may be examined before a court sitting at some other place or by an examiner appointed by the court. Where it appears to the court that the witness should be present for cross-examination, and can be produced, in that case an order shall not be made authorising evidence by affidavit.

The Bill concludes with certain machinery provisions dealing with service of summons or notices, and enabling service by post in certain circumstances. It provides that while, in general, proceedings should be held in open court, if the court is of the opinion that the proceedings, or any part of them, should not be heard in open court, it may order that any persons not being party to the proceedings, or their counsel or solicitors, may be excluded.

There are provisions limiting the right to print or publish an account of evidence or proceedings under the Act, other than the names, addresses, and occupations of the parties and witnesses, counsel, and solicitors, a concise statement of the nature and grounds of the proceedings, and of the charges and defences in support of which evidence has been given, submissions on any points of law, and the final decision of the court and the terms of the order made.

The court may, if it thinks fit in any particular proceedings, order that any of these matters, or some of them, shall not be printed or published. There are penalties for breaches of these provisions, with a proviso that proceedings shall not be commenced except with the written consent of the Attorney-General.

I said at the beginning that when representations were made by the women's organisations to which I referred, they sought heavy restrictions on publicity on the grounds that proceedings under the Act, or under any Act, concerning the same matters, involved considerations of a domestic nature, and therefore it was unreasonable that the full glare of publicity of every aspect of the proceedings should be inflicted upon the parties concerned.

This Bill goes only some of the way towards what they wanted; but it does impose some restrictions—some in the discretion of the court as I have mentioned—upon the sort of publicity which can be given in matters that come before the court under this statute, if it becomes a statute.

There is a general provision that except where otherwise provided by the Bill the procedure provided by the Justices Act for summary proceedings before justices shall apply to proceedings under the Act. There then follow provisions dealing with contempt of court, and provisions for the appointment of a clerk of the court. There is also a clause enabling the Governor to make, alter, and revoke rules of the court providing practice and procedure, forms, fees, duties of officers, etc.

That, I think, is a reasonably fair and clear outline of the provisions of this Bill. As I have previously said, it was not entered upon without long and careful consideration by a great number of people. It is a *bona fide* attempt to improve the law in this particular aspect so far as Western Australia is concerned. The experience of other States and countries, including the report of the Royal Commission in Great Britain that I mentioned, have all been given consideration.

The Bill is designed to make an effective contribution to the administration of a branch of the work of the law courts which is very largely of a domestic nature where, in many circumstances, a great deal of sympathy and consideration must be given by the magistrates concerned.

I am sure members will agree with me that in respect of the special court that has been constituted in the City of Perth in Cecil Buildings, the magistrate who has been appointed (Mr. A. F. Taylor) will undoubtedly bring to bear on matters brought before him those characteristics which are very necessary when dealing with cases such as this in which human relationships are so strongly in evidence, and where domestic problems of the family, and particularly of children, must be paid very great regard.

Adjournment of Debate

MR. EVANS (Kalgoorlie) [5.48]: I thank the Attorney-General for his suggestion that the adjournment of this Bill be over a period that is longer than normal. I move—

> That the debate be adjourned till Thursday, the 20th October.

Question put and passed.

Message: Appropriation

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

TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

MR. ROWBERRY (Warren) [5.49]: This measure proposes certain amendments to the parent Act. I might say, in passing, that I consider the time given for the consideration of the Bill was all too short for the purpose. There are too many cross-references for a research into the original measures, which are scattered over three volumes; and I have not been able to give this measure the consideration which I think it needs.

When the counterpart of this Bill was introduced into the House, the Deputy Premier, as Opposition member for Stirling, in the course of his introductory remarks said this—

> I believe a Bill of this nature—important as it is, and following as it does upon a lengthy amendment to the Traffic Act last year—should have been available for longer study and consideration than this Bill has been. It is all very well to suggest that some of its provisions are clear-cut, but they are not. The amendments of last year have not yet been incorporated into the parent Act and reprinted, and therefore one has to piece together no less than three copies—one a Bill and the others two statutes—in an endeavour to arrive at a conclusion as to what some of these amendments mean.

What was true then is amply true now. As a matter of fact, the time allowed to the member who took the adjournment—the member for Blackwood, if my memory serves me correctly—was seven days—from the 19th, which was a Tuesday, until the 26th, the following Tuesday.

However, in this instance the Bill was introduced on the 6th October, which was a Thursday; and it was up for consideration on the next sitting day of Parliament. This is not exactly fair, especially to country members who have to visit their electorates at the weekends and spend considerable time travelling backwards and forwards and therefore have not been given enough time for mature and lengthy consideration of a Bill such as this, which is so important to vehicle owners and to taxi drivers and owners in this State.

I trust that the Minister will not take exception to the fact that I will move amendments in the Committee stage—amendments about which I have not had sufficient time to give the Minister reasonable notice. I have given notice of one slight amendment, but there are others that may come up in the course of discussion in the Committee stage. I trust he will not take exception to the fact when these amendments are thrust upon him. If necessary some member could move that progress be reported and leave granted to sit again if time is required to consider them.

The first amendment in the Bill amends section 5 of the principal Act by adding a new paragraph after paragraph (b) of subsection (1). Section 5 deals with the classification of a vehicle and makes reference to the vehicle mentioned in the second schedule. The vehicle mentioned is a cycle.

According to the second schedule of the *Traffic Act*, "cycle" is a bicycle, tricycle, or velocipede driven or propelled by human power only. It may be of interest for members to know that the second schedule deals with caravans, carriages, carts, cycles, carts pushed by hand, and so on; and there is no indication in the Bill that the amendment will apply to those other vehicles.

We know that the time of velocipede driven vehicles, or vehicles propelled by human power only, has long since passed. However, in my opinion, there is still a

grave necessity for us to keep this classification of vehicles in the second schedule in so far as it relates to the issuing of a license. The amendment reads as follows:—

> Notwithstanding the provisions of paragraph (a) of this subsection, on and after the 1st day of July, one thousand nine hundred and sixty-one, a vehicle license shall not be required for any vehicle described in the item Cycle in the Second Schedule to this Act.

It should be remembered that the purpose of having a second schedule with descriptions of these vehicles is so that they will be issued with a number plate, thereby enabling the vehicles to be controlled and identified with their owners. It is possible that after a license has been issued the vehicle itself could be involved in an accident; and having a number plate would allow for its being easily identified with the owner. This makes it much easier for the police officer or the traffic inspector to find out who the owner of a particular vehicle is.

It should be remembered, too, that there is no intention to take away the classification of "vehicle" in the second schedule; so the cycle in question still comes under the other provisions of the Traffic Act. A cycle could be involved in an accident. It could be that a cycle left lying around was the cause of a serious accident between two motor vehicles. However, if this amendment is passed there will be no way for a police officer or traffic inspector to identify the owner with the bicycle that was the cause of the accident which a vehicle owner or driver stipulated took place at a certain time.

If a cycle bears a number plate, section 34 of the Traffic Act can be brought into play; and a local authority in the country or the police in the metropolitan area can be called upon to obtain the name of a bicycle owner when a bicycle is involved in an accident on a certain day and date. In the case of a vehicle or cycle without a number plate, no such means of identification exists.

So that is one reason why I think we should not rush into these things at a stage when we have probably forgotten why number plates were at first required for these vehicles. I think it would be unwise for us to say that these things are of no further use.

The driver of a cycle could also be involved in traffic charges. There are regulations pertaining to cycles—such as the width of handle bars. The handle bars of cycles are required to be no more than 22 inches across. For the information of members, a bicycle or velocipede driven or propelled by human power could be involved in a case of drunken driving, as it is still a vehicle described in the second schedule of the Act.

It could also be involved in a case of breaking the speed limit in certain localities. In fact, it does come within my ken and knowledge that one such charge was preferred against a pushcycle in a town of Western Australia. The rider of that cycle broke the speed limit of the town.

Mr. Hall: It must have been in Albany.

Mr. ROWBERRY: He must have been going some.

Mr. Perkins: A judge could suspend his license.

Mr. ROWBERRY: It must be remembered that traffic control was the initial reason for licensing all types of vehicles and providing them with identification plates. If we are not going to license them, and not issue them with a plate for identification, then I am sure much trouble is going to ensue. I can personally tell the Minister, having had experience in these matters, that not only in the case of accidents, but also in the event of stolen cycles, it was sometimes a great help to check the plate number of the cycle.

It could be argued that a plate could be taken off a cycle. But when the cycle is licensed, a description of it can be given. Also, when a cycle is licensed, it can be examined for roadworthiness, for light reflectors—always required on a cycle under traffic regulations—and the width of the handle bars. All this can be done at the time of issuing the license. I think I have said enough to impress upon the Minister that this amendment is entirely unnecessary, and I intend to oppose it.

The next provision in the Bill provides for an amendment to section 8 of the principal Act, which deals with the transferring of taxicar licenses. As I have already informed the Minister, I think the responsibility of any recommendation should be upon the Minister and not upon the Commissioner of Police. The Minister should stand up to his responsibilities. He should not shelter behind the executive head of his department.

The Minister is responsible to Parliament, and Parliament is responsible to the people of this State; and I think it would be a sad day if we handed over all our responsibilities to executive heads of departments. Despite their knowledge of certain matters, a case should be put to the Minister; and the Minister should make the recommendation himself, and not have a recommendation made by the Commissioner of Police, as is implied in this amendment.

Mr. Perkins: That would have the effect of the Minister recommending to himself.

Mr. Bovell: Caesar unto Caesar.

Mr. ROWBERRY: I do not mean that. I hope the Minister has a copy of the amendment.

Mr. Perkins: I haven't got it.

Mr. ROWBERRY: I telephoned the Minister's secretary this morning concerning the matter. I will read the relevant provision, which is on page 2 of the Bill, and is as follows:—

> in any case where he is of opinion that exceptional circumstances warrant a taxi-car license being transferred, the Minister may on the recommendation of the Commissioner of Police permit that taxi-car license to be transferred.

I suggest to the Minister that we should strike out all the words after "may" in line 21 down to the end of line 24, and substitute the words "that the Minister may recommend to the Commissioner of Police that the taxi-car license be transferred." This would have the effect of taking the responsibility away from the Commissioner of Police and putting it where it rightly belongs; namely, upon the Minister.

Mr. Perkins: It doesn't do anything of the kind.

Mr. ROWBERRY: If the Minister objects to this, why does he not object to that portion of the Bill which deals with the issue of a bond? Clause 5 of the Bill provides for the amendment of section 22AC of the principal Act as follows:—

> (a) by substituting for paragraphs (b) and (c) of subsection (3) the following paragraphs:
>
> (b) Where after the inquiries are so made it appears to the Commissioner of Police or the member of the Police Force that the applicant for a license or, as the case may be, the renewal of a license, is a fit and proper person to hold a dealer's license, the application shall be granted and a license or renewal of the license in the appropriate form as determined by the Minister . . .

I think it is usual, in legislation of this sort, for the Minister to assume responsibility. I am not suggesting that the Minister should issue a license without going into the case; but he should have the recommendation of the Commissioner of Police, and he should take the responsibility of telling the Commissioner of Police to issue the transfer.

I think the Minister should accept my proposed amendment and assume for himself the whole responsibility of transferring the license; otherwise the provision in the Bill will have the effect of putting the Minister in the hands of the Commissioner of Police and thereby causing him to degenerate into what the general public calls a rubber stamp.

I do not think it is right that the public should gain that impression, and I do not think it is right that Parliament should gain that impression. It would be a sad day for this State if it succumbed to bureaucratic control absolutely; and that is the only purpose of my proposal: to retain democratic government and place responsibility on the elected representative of the people, where it rightly belongs.

The next amendment deals with the transfer of taxicar licenses from one district to another—It is interesting to note that section 8 of the principal Act, which deals with the transfer of licenses, says that no taxi license can be transferred after a certain time—

> Provided that
>
> (a) no taxi-car license which has been issued on or since the first day of November, one thousand nine hundred and fifty-six shall be permitted to be transferred; and
>
> (b) no taxi-car license which was issued before the first day of November, one thousand nine hundred and fifty-six shall be permitted to be transferred after the thirtieth day of June, one thousand nine hundred and sixty.

I have no quarrel whatsoever with the intention of the amendment, with these provisos (e), (f), and (g). I have no quarrel with these provisions, since they perform a useful function. In point of fact, I am surprised they were not incorporated in the parent Act long ago. These provisions apply to ordinary vehicles, and I cannot see why taxicars should have been omitted.

Mr. Perkins: I think it was only an oversight.

Mr. ROWBERRY: I may say, for the Minister's information, that in administering the Act for local authorities, I took it that taxicars came under the same regulations as applied to any other vehicle; and I asked dealers to supply the local authority with notice of a sale.

I see that one very necessary provision has been included in this Bill; namely, that both the sale and the assumption of the vehicle have to be notified to the local authority. I sometimes found great difficulty in tracing a vehicle on which the license had expired, because of the fact that it was in the hands of a secondhand dealer. I think it will be of great help to both the police and local authorities for these provisions to be incorporated in the parent Act. I have no hesitation in submitting them to the House for its approbation.

The next amendment is one to section 14 of the principal Act, which is amended by substituting for the word "forty" in line 5 of subsection (2a), the word "sixty".

Section 14 deals with the allocation of certain moneys towards the provision of flashing lights in the metropolitan area.

I do not think anyone will cavil at the figure of £20,000 being allocated for this provision, when we consider what has been done towards clearing up traffic snarls and assisting both pedestrians and vehicular traffic to move smoothly and in an orderly manner at intersections. Before these improvements, the position was somewhat chaotic. In fact, had the figure been doubled—from £40,000 to £80,000—I would not have found any fault with this amendment.

The clause which seeks to amend section 22AC of the principal Act is a bird of a different plumage. This refers to the bond which is required of secondhand dealers under the present Act, a bond of not more than £3,000. I really cannot understand the Minister's argument that—

> Although dealers are prepared to take out the necessary bond and pay the premium, they have had great difficulty in securing appropriate cover, and the conditions under which a bond is available have proved most unreasonable.

The purpose behind it was twofold; namely, to protect the dealers themselves, and to protect the general public. In this matter of protection, I cannot understand why responsible dealers, who should be above-board—and have no doubt been subjected to scrutiny by the Commissioner of Police and his officers—should have difficulty in appropriating sufficient cover.

Do insurance companies distrust them; and if they do, for what reason? I should imagine that if, as they suggest, they are responsible dealers, they would have no difficulty whatsoever in obtaining this cover. Possibly the Minister will elucidate that point when he replies to the Bill.

Mr. Perkins: If the honourable member would talk to any of the dealers, they would soon tell him.

Mr. ROWBERRY: I have not had time to talk to anybody about this Bill. That has been one of my drawbacks in considering it.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. ROWBERRY: Before tea, I was dealing with the provision which seeks to amend section 22AC of the principal Act. This section requires a dealer in secondhand cars to provide a bond of £3,000 or any lesser sum as the Commissioner of Police may direct. In order to comprehend fully the intention of the amendment, it is necessary to know what section 22AC contains. It reads as follows:—

> A valid application for a dealer's license or for a renewal of a dealer's license
>
> (c) shall be accompanied
>
> (i) by such testimonials as to the character of the applicant or, if the application is made on behalf of a body corporate, the character of the person who makes the application on behalf of that body corporate, as prescribed by the regulations; and
>
> (ii) by the annual license fee . . .

this license fee being prescribed by Parliament.

The section also makes provision for the applicant to furnish a bond not exceeding £3,000 or some lesser sum as the commissioner, in his wisdom, may direct. In introducing the counterpart of this Bill in 1957, the then Minister for Transport said—

> The Bill provides that the dealer should take out a bond for £3,000, but it is my intention during the Committee stage to amend the sum to an amount not exceeding £3,000. In taking that action I had regard for the small car-dealers in the country as well as in the metropolitan area, and a bond of £3,000 could impose a burden on them. Perhaps in some cases a bond of £1,000 would be sufficient.
>
> Some of the reasons advanced to me for the necessity to control used-car dealers include the prevention of corrupt dealing, and the prevention of changing of tyres and parts after the vehicle has been licensed. A further reason is to discourage and to put a stop to the present procedure that is adopted whereby a vehicle determined to be unroadworthy by the licensing authority in Perth is canvassed by the dealers around local authorities until it is passed for registration. That might happen where a local authority has not the time or the technical knowledge to check the vehicle. As far as possible, there is a provision to prevent the sale of unroadworthy vehicles.

Those conditions are still the same today as they were at that time. It is true, of course, that the then Minister for Transport, on the 26th November, 1957, moved an amendment to the relevant clause of the Bill that was introduced in that year. That amendment appears on page 3603 of Vol. 148 of the 1957 *Parliamentary Debates* and reads as follows:—

> That the words, "the value of" in line 37, page 9, be struck out and the words "a value not exceeding" inserted in lieu.

In support of his amendment the then Minister, Mr. Graham (the member for East Perth) stated—

> This amendment is for the purpose of allowing the bond to be up to a maximum of £3,000 instead of being a fixed amount of £3,000.

That amendment, of course, provided some relief for the small used-car dealers.

The intention of any legislation should not be merely for the benefit of used-car dealers; but it should also be for the protection of the public. That is the principal purpose of legislation. In the application of this section there was a provision, in the Act as amended by the Bill introduced in 1957, for compensation to be paid to the purchaser of a used car who had been defrauded by a second-hand-car dealer.

I think that is a point the House should consider seriously before it agrees to the amendment contained in this Bill, as proposed by the Minister. The second part of the amendment—which relates to the substitution of paragraph (c) in section 22AC is, of course, consequential upon the first amendment being passed. It seeks to retain the exemption of the payment of a license after the repeal of the provision for the bond. Paragraph (b) of the relevant clause reads as follows:—

> By repealing subsections (3a), (3b), (3c), (3d), (3e), (3f), and (3g).

These subsections, of course, were inserted in the Act to provide, principally, the security of £3,000 for the purchaser who had been defrauded by a used-car dealer. The House should consider this part of the clause in the light of protection for the public rather than an imposition upon a used-car dealer.

The next clause in the Bill seeks to amend section 22AF to provide for the keeping of a register at every one of the establishments at which a car dealer operates. This amendment, too, is consequential upon the previous amendment being passed. I have no quarrel with it; and I recommend to the House that it agree to provide that a register be kept at any premises instead of a register being kept "at the premises."

The amendment would mean that at any premises owned by a car dealer and occupied by an agent or subagent a record of the number of cars that are sold or purchased must be kept, and a record must also be kept for the perusal of a police officer or traffic inspector.

Another clause in the Bill seeks to provide for a report to be made on the disposal of a car as well as a report on the acquisition of a car, such report to be furnished to the local authority, or the police, as the case may be. This amendment reads as follows:—

> On acquiring or disposing of a used motor vehicle, forthwith notify on a form prescribed for that purpose the licensing authority in the area or district wherein the vehicle is licensed, of such acquisition or disposal;

I have ascertained that this provision is similar to the condition that applies to the transfer of licenses and the transfer of taxicabs. The amendment should prove to be of infinite benefit and assistance to traffic inspectors and police who are required to trace vehicles that have not been licensed for the current year, in accordance with section 34 of the Traffic Act.

If it is provided that a notice is required to be given to the local authority, this will prove of great benefit to local authorities throughout the State. Previously, it was necessary to report only the acquisition of a vehicle, but the amendment seeks to provide that notice has to be given of the disposal of any vehicle.

The next clause seeks to amend section 24A of the Principal Act. It reads as follows:—

> Section twenty-four A of the principal Act is amended by substituting for the words, "and cancel" in line four of subsection (2), the passage, "cancel, and renew."

Members probably recall that section 24A deals with an application before a special court for the renewal of a license which has been cancelled as the result of a charge of drunken driving being upheld against the holder of such license. This amendment seeks to give the Traffic Department authority to renew the license, as well as to cancel it. I have no quarrel with that.

Another clause seeks to amend section 47 of the Act. It reads—

> Section forty-seven of the principal Act is amended—
>
> (a) by substituting for the words, "and cancellation" in line two of subparagraph (zk) of paragraph (i) of subsection (1), the passage, "cancellation, and renewal";
>
> (b) by substituting for subparagraph (zn) of paragraph (i) of subsection (1) the following subparagraph—
>
> (zn) prohibit the use of a motor vehicle on a road unless each of the engine and the chassis of that vehicle has affixed or attached to it a prescribed identification mark; require a similar identification mark to be affixed or attached to every engine capable of being used in a vehicle, and to every chassis of a vehicle; prohibit the alteration or defacement of a prescribed identification mark on an engine or chassis;

The purpose behind this provision is to enable stolen vehicles to be identified. The registration plate of a vehicle could be detached and destroyed, and another substituted. People who steal vehicles could change over the number plates in the twinkling of an eye, but the identification number of the vehicle would not correspond with the identification number on the chassis. This provision is a step in the right direction, and it will tend to prevent the theft of motor vehicles. It should receive the approbation of the House.

Another provision in clause 8 seeks to amend section 47 of the Act. It relates to the control, operation, and movement of taxicabs generally. This will enable the authorities to prevent taxicabs from cruising, and to set up parking areas within the city. This is another step in the right direction.

In driving around the city block on occasions I noticed that one of the chief traffic hazards was caused by taxicabs cruising at a very slow speed. There is a provision in the Traffic Act which makes it an offence to drive at less than 15 miles an hour, unless the vehicle driver keeps to the extreme left of the road, as far as practicable. Although the regulations controlling taxis allow them to cruise at not less than 10 miles an hour, they can still cause a big traffic hazard by cruising in the central or second lane of a roadway at 15 miles an hour or less.

It is a step in the right direction to establish parking areas for taxicabs within the city block, which are handy to people who require taxis. Such a step would do away with cruising of taxicabs in the city block. I am aware that cruising has come about as a result of the installation of radio devices which direct the movement of these vehicles from a central control station. They can keep in touch with the central control station all the time they are cruising.

Generally taxis cruise slowly past bus stops and they tend to pick up passengers at these stops—passengers who may become tired of waiting for buses which at times do not seem to arrive. I have no quarrel with this provision in the Bill, because it is a desirable one. I commend it to the House.

The provision in clause 8 also requires any taxicar to be equipped with a mechanical device for the computing and recording of charges made to passengers, and prescribes the maintenance and inspection of any such device. This is a necessary provision. It goes on to prohibit or control the carrying or exhibiting of notices, signs, posters, placards, or advertisements, in or on taxicars generally.

In dealing with that part of the clause, the Minister did not give a satisfactory reason why taxis should be prohibited from exhibiting notices, signs, posters, etc.; nor did he say why they should not do so while they were under hire by passengers. If I were to make an assertion that the publication of advertisements in newspapers should be prohibited, what would be the reaction of the Minister? He would probably contend that was ridiculous. But why would it be ridiculous?

To introduce a question of party politics here, sometimes the vehicles are used to exhibit notices, signs, posters, placards, or advertisements; but it is one of our democratic rights that at all times the people should be allowed to use propaganda for the dissemination of their political views. In fact, our democratic system was built up on such rights.

The right of the Englishman to patrol the street and to exhibit posters and advertisements to draw attention to such matters that he thinks attention should be drawn to, has been in our Constitution for a long time. The provision in the Bill to which I am referring interferes with that right, by prohibiting or controlling the carrying or exhibiting of notices and signs.

The clause does not make any reference as to who should control these matters. I imagine regulations would be promulgated to give effect to these amendments in the Bill, and no doubt the controller will be the Commissioner of Police. This provision in the Bill is somewhat similar to an amendment to the Police Act which debars the populace from carrying posters and exhibiting notices. In my opinion its inclusion in the Act was unwarranted. I hope that members on this side will strenuously oppose that part of the clause in the Bill.

Clause 9 seeks to amend section 69 of the Act. The provision in that section is a remarkable one, and it may come as a surprise to members to learn what it covers. The section reads as follows:—

> In any prosecution under this Act an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed, or that any person is or was not the holder of any particular license (either personal or in respect of any vehicle), or that the vehicle was used on a road shall be deemed to be proved in the absence of proof to the contrary.

That is the exact reverse of one of the British maxims of justice that a person is innocent until he is proved guilty. In this case an averment is deemed to be conclusive evidence that the complaint is proved.

The provision sought to be included in the Act by this clause reads as follows:—

> In any prosecution or proceedings for an offence against this Act in respect of any vehicle, any certificate or document purporting to be issued pursuant to this Act, or to any corresponding legislation or ordinance of any

State or Territory of the Commonwealth, which states that on any date or during any period—

(a) the vehicle was registered in the name of any person specified in the certificate or document; or

(b) the vehicle was not registered in this State or in the State or Territory in respect of which the certificate or document is issued,

shall be *prima facie* proof of the matters stated in the certificate or document.

That means that a written statement produced in a court is accepted as *prima facie* proof, yet that form of proof is not accepted in any other legislation of the realm. Here a statement which cannot be cross-examined or put to the test is to be accepted as proof, unless evidence to the contrary is brought forward. Having allowed section 69 to remain in the Act for so many years we should not boggle at the inclusion of this provision in the clause.

The next amendment in the Bill deals with section 71 of the Act, which reads—

This Act applies to persons and vehicles in the public service of the Crown, or of any local authority, but does not apply to any extent to a vehicle for the personal use of the Governor nor to a person in charge of the vehicle while carrying out the Governor's personal directions; and does not apply to any other vehicle or class of vehicle or person or class of person to the extent of such exemption as may from time to time be declared by the Governor by Order in Council, which the Governor may from time to time vary or cancel by further Order in Council, and section seventy-two of the Justices Act, 1902-1948, applies in respect of complaints of offences against this Act as if the complaints negatived exemptions under this section.

There is no need for certain types of vehicles owned by the Crown to carry a certificate of registration on the windscreen, as is required in the case of privately-owned vehicles. I cannot find any argument against this provision. No disservice would be done to the public by its inclusion in the Act. In traffic cases, no difficulty would arise in proving that such vehicles were or were not registered under the Act.

During his remarks the Minister mentioned certain regulations relating to charges proposed to be levied on passengers hiring taxicabs. The present regulations provide for a charge of 1s. 6d. minimum and 2s. maximum per mile. The Government is agreeable to the standard rate of 1s. 6d. per mile continuing to operate.

To lessen the effect of this on the taxicab owners the Government is agreeable to increasing the present charge of 12s. an hour for waiting time to 15s. an hour. On a 40-hour week, 15s. an hour would, if my arithmetic is correct, amount to something like £30. Of that, 50 per cent. would probably be spent in running and maintenance costs, so therefore I do not consider that 15s. an hour is unduly high for this service.

Mr. O'Connor: What about depreciation?

Mr. ROWBERRY: I think that could be included in the general costs. I do not feel that 15s. is exorbitant with the basic wage being about £14. The taxicab owner would only receive just over the basic wage when his costs were deducted.

There is also a provision for a flat-rate charge for luggage, this being 6d. for each two miles for every 56 lb. I do not know whether the public will take kindly to this proposal. Personally, I do not see any necessity for it at all. This charge has not been made in the past, and I can only conclude that the reason for its inclusion is to make up to the taxicab owners for what they will not receive by way of a rise in the mile rate. If that is the case, then I suppose we may as well let it go. I am wondering what the Treasurer is thinking about the effect on inflation of the increase in these charges.

There is also to be an increased charge because a taxi is called by radio or phone. I do not believe this is going to benefit the taxicab owners, because people will think twice before they pay an extra charge as they will have already paid for the phone call. Therefore another 1s. because the taxi has been called by radio is really an imposition and will react adversely on the taxicab owners.

I do not know whether this was a recommendation of the Taxicab Owners' Association, but I think the Government should have thought twice about its inclusion. What will be gained by the increase in charges will be lost because people will think twice about ringing for a taxi. As there is already in existence a radio connection between the cars and general headquarters, a charge which is already being paid for and has been paid for out of the earnings of the taxicab owners, I see no necessity whatever for an added impost on the general public. With the exceptions I have stated, I support the measure.

MR. FLETCHER (Fremantle) [8.5]: I want to briefly make known to the Minister and the House abuses of the parent Act which existed in relation to taxi licenses, in particular, and which possibly still exist. I will not take up much time of the House on the subject, other than to outline the situation which existed last year. If this Bill does anything to rectify the position in regard to licenses, I will support it.

I will welcome any remarks the Minister may make in relation to the case which I am about to submit. It appears from a casual glance at the Bill that there is a general tightening up in the issuance of taxi licenses. However, in Fremantle there is a taxi rank in regard to which different members of the proprietor's family and relatives hold a license on his behalf. This is an abuse of the Act and I would like to make that fact known.

This gentleman holds a license in his own name, and different members of his family hold a license, also in his name. He makes one of these licenses available to private people to drive his cabs. In other words, he hires a cab to an individual for so many pounds a week.

The particular driver about whom I wish to speak was working 80, or even 100, hours a week to try to make sufficient to pay for the hire of the taxi, in addition to obtaining a wage. Owing to the long hours and loss of sleep, he was a menace on the roads and submitted his case to me at the Trades Hall. However, he was only one of several doing this.

The taxi proprietor was collecting from him an amount somewhere in the vicinity of £15 a week and anything he made in excess of that was his own. But he was driving all hours of the day and night in addition to doing weekend work. He was run down in health, and admitted that he was not driving safely from the point of view of the public and that he was a traffic hazard.

As a result of his visit to me I contacted the Commissioner of Police, whereupon I was referred to Inspector Napier. The Minister will correct me if I am in error about the name and rank. I outlined the position to him, and stated that I knew of two sales yards where taxis to which were attached taxi plates were for sale. One of them was priced at £900 and the other was in the vicinity of £1,000. These were not the purchase prices of the cabs, but of the taxis with the plates attached to them. The vehicles had been condemned by the Police Department as unserviceable and unroadworthy. Despite this fact, they were for sale in a second hand car sales yard.

I want to make these facts known to the Minister and to the House; and if this Bill makes any provision to prevent such malpractices as that, then I commend it. I would like the Minister's assurances on these matters when the Bill is in the Committee stage.

I also understand from the inspector that at that time one license was being issued per month and this was the practice under the previous Government.

Mr. Perkins: One can be issued; but it is not necessarily done.

Mr. O'Connor: Taxi plates are not transferable now, are they?

Mr. FLETCHER: I am asking the Minister to take cognisance of the points I raised to make sure that provision is made to rectify the anomalies. The man who came to me with his problem was about 300th on the list of applicants for a license. He had been driving for the owner about whom I spoke while waiting for his turn to be reached.

As a result of the case I submitted to the commissioner on his behalf, this man's priority was lifted to the top, and he now drives his own cab. Apparently the commissioner was convinced that the case we submitted to him was sufficient to justify the issuance of a license to him.

I felt that I had to raise these matters in order that the Minister may make sure that if the practice is still continuing, it can be stopped forthwith. If that is not accomplished by this Bill, then some amendment should be made in the Committee stage. With those reservations I support the Bill.

MR. PERKINS (Roe—Minister for Transport—in reply) [8.11]: It seems that both the members on the Opposition side of the House who have spoken have supported the second reading. I do not propose to deal in any great detail with many of the points raised, because I take it that some discussion is certain to take place in Committee.

First of all, with regard to the licensing of pushbikes, the provision in the Bill has been carefully checked by the Crown Law Department, and it is not thought that it goes any further than was contemplated. As I announced during the introductory speech, it provides only for the releasing of licenses of pushcycles, which are in an entirely different category to motor vehicles in that they do not require any license before they can be ridden.

Therefore the point raised by the member for Warren in regard to the identification of a person involved in an accident has very little application, because there is no certainty at all that the rider is the person to whom the plates were issued. Unfortunately it is very difficult for the licensing authority to police the licensing of these cycles, and I am afraid that a great deal of laxity has developed.

I would like to emphasise that while there are some provisions in this Bill regulating taxis the main provision in regard to them, as I tried to make clear, is to broaden the regulation-making power under the Bill so that it will be possible to make suitable regulations from time to time. Most of the points mentioned by the member for Fremantle will be covered by regulation.

I have heard members in this House express great objection to action being taken under regulations; but in pro[illegible] such as these I think members generally will agree that this is the only practicable way

to handle the situation; and both the public and members of this Parliament are protected in that, after such regulations have been gazetted, they have to be laid on the Table of each House of Parliament. If they are objectionable in any way, members then have the opportunity to move for their disallowance.

Admittedly there is some lapse of time if such regulations are gazetted while Parliament is not sitting; but I think that, in practice, whichever Government may be in power, the result is that a lot of thought is given to the making of regulations and it is rarely that any irresponsible action is taken.

It is not possible now to transfer taxi license plates. As the member for Fremantle mentioned, the device has been used of owners retaining the ownership of taxis and of hiring them out to some other person to operate. It is difficult to curb this practice entirely, but it certainly is not encouraged by the authorities.

Members will recall that when the legislation was before the House on a previous occasion, the provision was inserted that after a certain date—the 30th June last—taxi license plates could not be transferred in any circumstances. Up to that time vehicles that had been licensed at an early period did have the right of transfer.

The legislation then provided a transition period during which it was hoped that the industry would settle down and reasonable stability would be achieved. It has subsequently been found that because licenses could not be transferred, cases of hardship arose.

A father may have owned a couple of taxis, with the members of his family operating them; and in the event of the father wanting to transfer the plates, unless some escape clause were provided, extreme hardship could result. Such a clause is now included in the Bill; and the method by which a transfer can be made is for the Commissioner of Police to recommend to the Minister—who takes the final responsibility—that certain taxi plates be transferred.

I think that is the most suitable way of providing for a transfer. It is not the sort of power which the Commissioner of Police or a Minister is keen to have, but it is necessary in order to avoid cases of hardship.

The member for Warren had quite a lot to say about the fidelity bonds required by used-car dealers. In practice this provision has not worked at all. It has been found that extreme hardship has been caused to individual dealers, and that it has been impossible to operate these provisions satisfactorily. Some dealers have taken out bonds; but so many objections were raised by the used-car dealers that finally the Commissioner of Police recommended to me that the fidelity-bond provision be taken out of the legislation.

I might mention the manner in which this provision affects businesses mainly concerned with selling new cars—particularly small operators in country districts. The dealing in used cars could be more or less a nuisance to these people. It would suit them much better, in many instances, if they could run their businesses without dealing in used cars at all, because in many cases they lose quite a bit of money on such cars. But they are prepared to deal in used cars to promote the sales of new cars.

It seems farcical, in such circumstances, to force these people to go to the further expense of taking out a fidelity bond; and fidelity bonds have proved unattractive to the insurance companies. As I have said, the industry generally is anxious that these provisions be removed from the legislation.

I do not know that there are any other points that it is necessary for me to deal with at this stage. I have no doubt that some of the technical matters raised by the member for Warren will be dealt with in Committee.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3—Section 8 amended:

Mr. SEWELL: I refer the Minister to paragraph (b) of the proviso. Could the Minister tell us what the exceptional circumstances would be? Does this provision mean that a man who had built up a taxi business over some years and who, because of old age or ill-health, wanted to sell, could have his case considered, and that the Minister, on the recommendation of the commissioner, would permit the transfer of the license plates?

Mr. PERKINS: As I said when replying to the second reading debate, this is a provision that I was somewhat reluctant to include, because I realise the pressures that will be put on the commissioner and the Minister. This provision will be used only in cases of extreme hardship. I hope it will not result in an avalanche of applications coming forward.

Old age and ill-health are the two principal points. The owner of a taxi may become unable to carry on his business, and he may be left without any assets if he cannot transfer his taxi to someone else. In these circumstances it seems desirable that the commissioner and the Minister should take some compassionate

action. I think action would be taken mainly on the two scores mentioned by the member for Geraldton; namely, old age and ill-health. I can think of few other cases.

Mr. HEAL: The Minister surprises me. I would have thought he would be reluctant to put this provision in the Bill. The members of the Government believe in free enterprise. Why should a man who has owned a taxi for four or five years and who wants to sell his plates, not be able to do so? If someone offers him £300 or £400 for the plates, why should he not be able to accept the offer?

Mr. Perkins: You think transfers should be allowed?

Mr. HEAL: This provision has not been in the legislation before, and I do not see why it should be there now.

Mr. Perkins: One cannot sell taxi plates now.

Mr. HEAL: It could be done up to a certain time ago.

Mr. Perkins: It was your legislation that knocked it out.

Mr. HEAL: I am not saying that is not so. What does the Minister for Railways, or the Premier, think about this?

Mr. Brand: All we know is that it was your legislation that took away the freedom of sale.

Mr. HEAL: Not the complete freedom.

Mr. Brand: Of course it was!

Mr. HEAL: The Minister for Transport froze the transfer of new plates; but the taxi owners who had been operating for years previously could still sell their plates. But this legislation will prevent them from selling their plates unless they get permission. I think this will be a hardship on a person who has been in the taxi business for 10 or 15 years.

The Minister for Police or the Minister for Works might not be a member of Parliament in 10 years' time, and they might want to go into the taxi business. But they would have to wait until the Minister permitted the issue of new plates. This proposal is a retrograde step. I grant that the Minister on this side of the House froze the transfer of plates; but that applied to new plates, so that only 20 or 30 were not permitted to be transferred.

People who have been in the taxi game for years should be permitted to transfer their plates. No-one would pay £500 for taxi plates unless he thought he could get the money back within a certain time.

Mr. PERKINS: The member for West Perth could not be more wrong. As a result of legislation produced by members on the other side of the Chamber, new plates were not transferable at all, because the legislation provided that no taxi plates could be transferred after the 30th June.

I am going a little bit of the way towards helping the taxi owners, because I am seeking to have this escape clause inserted to deal with cases of hardship. But I am not going to let the member for West Perth get away with his statement that we are being restrictive. We are putting in an escape clause which the previous Government did not have.

Mr. Heal: Instead of being restrictive, why don't you leave the provision out altogether?

Mr. PERKINS: I thought that perhaps there would be such strong objection from the other side of the Chamber that I would not get the legislation through at all. Anyway, I am going some way towards easing the position, and we will see where we will get to. The question of whether plates can be made generally transferable is one that we can consider at a later stage.

I suggest to the member for West Perth that he read the speech made by the member for East Perth when he introduced this piece of legislation, because in it he will find the answers to the points he has raised. The member for West Perth is certain to vote with me in making at least one forward step towards improving the position from his point of view.

Mr. ROWBERRY: Now that the Minister is thoroughly aroused and has lost confidence in members of the Government—because he says that because of the opposition to the legislation he was afraid he would not get it through—

The CHAIRMAN (Mr. Roberts): I suggest the member for Warren keep to the clause.

Mr. ROWBERRY: I intend to move an amendment which will put the onus on the Minister instead of the Commissioner of Police. I move an amendment—

> Page 2, lines 21 to 24—Delete all words after the word "may" down to and including the word "transferred".

I shall then move to insert the following words in lieu:—

> recommend to the Commissioner of Police that the taxi car license be transferred.

Mr. PERKINS: I think this is utterly ridiculous. We have reached a fantastic stage when we have a member submitting a proposition that the Minister, is, in effect, not in control of his own department. If someone put up a scheme that plates should be transferred, under this proposition the Minister would have to recommend it to the permanent head of the department.

The member for Warren is back to front. A recommendation comes from the permanent technical head of the department to the Minister, and then the Minister takes the final responsibility of saying "Yea" or "Nay". Under no circumstances can I accept the amendment.

Mr. ROWBERRY: I am still not satisfied despite the Minister's lavish use of adjectives. In this clause the onus is on the Commissioner of Police; and unless he recommends, the Minister is helpless. I merely want to change the position so that the Minister makes the recommendation after hearing the case put up by the appellant and the commissioner. It will transfer the responsibility from the commissioner to the Minister.

Mr. Ross Hutchinson: The Minister could always discuss it with his permanent head.

Mr. ROWBERRY: He could; but I see no reason why the Minister should object to this amendment.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 7 put and passed.

Clause 8—Section 47 amended:

Mr. EVANS: I want to know the reasons for the provisions contained in paragraph (c). Firstly they refer to the installation of taximeters; then there is a prohibition on the carrying of signs, placards, posters, and so forth; then, to my way of thinking, there is a weird provision requiring the drivers of taxicars to carry and produce any regulation for inspection by any person. Can the Minister give me some explanation of this?

Mr. SEWELL: Before the Minister answers the member for Kalgoorlie, I would like to refer to the words—

> require any taxicar to be equipped with any mechanical device for the computing and recording of charges made to passengers and prescribe the maintenance and inspection of such device . . .

I take it this would be a State-wide provision and would cover taxi drivers even in the remote areas. I would like the Minister's explanation as to what it means. In the country areas we find that the taxicar operators, where there is no wireless control, have their flagfall rate and the mileage rate after that. For instance, in some of the provincial towns the cost of travelling from the railway station to the hospital might be 4s. I cannot see any reason for prescribing that a mechanical device shall be used in these towns, and I would like the Minister's explanation of it.

Mr. PERKINS: I appreciate the point raised by the member for Geraldton, but I would emphasise that this particular section of the Act deals with the regulation-making power. I have been advised by the Police Department, after a consultation with the Crown Law authorities, that the wording of the section narrows the regulation-making power unduly. Although these things are mentioned in the clause, it does not lay down any regulations in regard to them. Regulations will have to be made pursuant to this section; they will have to be gazetted and then tabled.

For the very reasons mentioned by the member for Geraldton, it is undesirable to try to lay down in the Act precise conditions under which the taxis shall operate in different places. This will enable the Police Department to gazette regulations applicable to Geraldton, different regulations applicable to Kalgoorlie, and different regulations again applicable to the metropolitan area in order to meet the varying conditions in the different parts of the State. I think members will agree that that flexibility is desirable.

The next point raised is in respect of posters and so forth in taxicars. The provision will enable the department to make regulations limiting, or perhaps entirely prohibiting the carrying of advertising matter in taxis.

Mr. Tonkin: Why should they do that?

Mr. PERKINS: I have discussed this matter with the Police Department and the recommendation came from the department and not from me.

Mr. Tonkin: Didn't they give a reason?

Mr. PERKINS: Yes.

Mr. Tonkin: What is the reason?

Mr. PERKINS: Because it is thought that taxis provide a much more personal service than the buses, and that it would not create a good impression in the minds of visitors to the State particularly, or in the mind of any person using taxis, to have advertising matter placed blatantly right under one's nose in a taxicab.

I do not think members need fear that this will be carried to unreasonable lengths. I do not see any objection to something being placed in a taxi advertising the company's own service, for instance; but I think members will agree that it is undesirable for the insides of taxis to be plastered up with all sorts of advertising matter which certainly would not create a very favourable impression on tourists and other visitors to the State.

Mr. Evans: Tourism!

Mr. PERKINS: Not particularly tourists. If the regulations made under the Act are objectionable to members they will have an opportunity to discuss them; and, if necessary, they can be disallowed in either House of Parliament.

The third question raised was with respect to the carrying and production of a copy of the regulations. The proposal is that the Police Department will have printed a neat little folder containing all the regulations relating to taxis. I am informed that disputes arise from time to time as to what the regulations are. It is thought that if such a folder is available, it ought to be obligatory for the driver

of a taxi to carry a copy of such regulations so that if a dispute arises between the passenger and the driver the regulations can be produced. I think that eventually it could result in better relations between passengers and drivers. There is no sinister purpose behind the extra regulation-making power.

Mr. TONKIN: I am not at all convinced by the Minister's explanation. The way the Government is going, one will have to ask the police for permission to put up a "For Sale" notice in front of one's residence if one wants to sell it. I see absolutely no reason why a person who does not own a motorcar, and is therefore obliged to hire a taxi, should not be allowed to use that taxi for advertising purposes.

I see no reason why, if a person desires to go through the city or the country districts with a placard on a car telling everybody that a fete is to be held in connection with a kindergarten to be established, he should not be allowed to do so. However, if a regulation is promulgated in accordance with this power, that could be prohibited.

My experience of the Police Department is that when we give it power to stop these things it takes that power literally, and believes that the power has been put there for it to use, and that it should use it. That will be the difficulty about this. The Minister ought to know it is the practice to advertise horticultural shows, bazaars, garden fetes, and so forth in every possible way which does not incur much expenditure. If one puts an advertisement in the newspaper, it is expensive and very few people see it.

It is far better to hire a motorcar to run around a district with a notice saying that a fete will be held on such a day, or something of that nature. Private cars are not always readily available and taxis are hired for that purpose. Why should they not be hired for that purpose? Why should not a notice be put on them advertising certain events?

I do not think the Police Department should be put in the position of prohibiting notices on taxis. What harm is there in it? If they are obscene notices they can be dealt with under another Act. If they are not obscene, what objection is there? I know it is the Minister's intention to prohibit the use of notices on private cars.

Mr. Perkins: We are not discussing that.

Mr. TONKIN: That is the line the Minister proposes to take. I see no objection to allowing a taxi to carry a notice advertising certain events.

Mr. Perkins: We could make a regulation accordingly.

Mr. TONKIN: If the police are given this power they will take it as an indication to prohibit this sort of thing. It is not necessary to give them that power, and I will vote against the proposal. I move an amendment—

> Page 7, lines 16 to 20—Delete all words after the word "device" down to and including the word "generally."

Mr. PERKINS: I see no objection to a taxi carrying a sign if it is hired for that purpose; and it is possible the regulation could be framed to accommodate such an event. I will discuss the matter with the Commissioner of Police. While carrying passengers, taxis should not be cluttered up with advertising matter. If someone desired to hire a taxi for advertising purposes, and the taxi owner had no objection, I would see no harm in it.

It is necessary to have the provision contained in the clause to control disorderly advertising in taxis. To date, the taxi drivers, or owners, have not sought to do this type of advertising; or not much of it, anyway. It has been thought necessary to put a curb on such advertising, and that is why the Police Department recommended this provision. I oppose the amendment.

Mr. EVANS: I support the amendment, and I do so for the reason supplied by the Minister, when he said the practice of advertising had not been adopted by taxi drivers in Western Australia to any great degree. Ever since the days of Edward II it has been necessary to demonstrate the demand for legislation. The Minister has failed to show the need for this particular provision. As a matter of fact, the reverse is the case. It is unnecessary, and is a restriction on human liberty.

The members of the Government seem to believe in the freedom of the individual when it suits them. Here is a case where the liberty of the individual is at stake. We know that the freedom of the individual must be curtailed to a certain degree for the welfare of the community as a whole; but in this instance there is no such need.

I am sure the Minister for Railways would jump at the idea if somebody wanted to advertise on his trains. I have seen railway trucks carrying advertising material, and that is encouraged by the Railway Department. If advertisers only realised the potential, they would advertise more in passenger trains, and the Minister for Railways would welcome it. I know the Metropolitan Transport Trust welcomes such advertising, and that body carries far more passengers than do taxis. The Minister says the taxi is more personal, but I cannot see what that has to do with the matter.

He also said that the Police Department asked for this provision; but it asks for a lot of other things which are unnecessary and undesirable. The taxis in Western Australia are not cluttered up with signs at the moment, and I cannot help but think there is something sinister behind

this proposal. I hope the Committee will accept the amendment, and delete this obnoxious provision.

Mr. HALL: The member for Melville has hit the nail on the head. The provision says, "prohibit or control the carrying . . ." We find, however, that the word "carrying" is not defined. It could include anything. It could mean signs in the boot of the car, or in the glove-box. This could be described as exhibiting.

Mr. Perkins: Do you think we would bring in legislation like that?

Mr. HALL: The Minister does not have to; he has already given the police the power.

Mr. Perkins: No I haven't! We must bring in regulations pursuant to it.

Mr. HALL: It is not difficult to see the motive behind it, particularly in relation to the holding of elections, when the Labor Party personnel will have fewer cars at their disposal than the members of the Liberal and Country Party. It is a move to deprive the taxi drivers of their livelihood. It could be said that signs painted on the sides of their taxis are a form of advertising. It is advertising in the same sense as that done by any big business concern such as Rothman's and the like. This is merely giving the police a big stick to use.

Let us take the example of a wedding ceremony. The cars generally carry dolls in front. Sometimes a sign reading "Just married" is attached to the bridal car. Would not that be advertising or exhibiting? The whole thing is ridiculous and there is no justification for it.

Mr. W. HEGNEY: I hope the Minister will accept the amendment. Like the member for Kalgoorlie, I think the Minister himself supplied sufficient reason for its acceptance. He said that there was not much advertising at present on taxis; but apparently he wants the police to have the power to take action in such cases in the future.

Mr. Perkins: It is creeping in.

Mr. W. HEGNEY: What is creeping in?

Mr. Perkins: Advertising in taxis.

Mr. Tonkin: Paralysis in the Government.

Mr. Brand: If there is any paralysis, it is in the Opposition.

Mr. W. HEGNEY: I know the Minister has used almost the same words in another Bill, to which I cannot refer. I think the Minister desires to have this carried in the form of a regulation-making power in order to use it as an argument in regard to another Bill.

The Minister said that for people using taxis there was a more personal relationship than if they travelled by bus. On a little reflection I think it will be agreed that that argument will not hold water. A taxi carries one or more people, and the relationship between the taxidriver and his passengers is no more personal than if those people were travelling by diesel railcars or buses conducted by the Metropolitan Passenger Transport Trust. There is no difference whatsoever.

This is an unnecessary restriction; and I am amazed when the Minister says it does not create a good impression with tourists for taxis to have signs on them. That is most inconsistent; because on any railway station of any size at all in this State, one will find a number of hoardings bearing advertisements for Gilbey's gin, Carter's liver pills, or something else. The Railways Department obtains a fair amount of revenue from these advertisements. There are a number on Perth railway station; and a lot of our countryside is a disgrace because of the numerous hoardings on the sides of the roads.

If this regulation-making power is given it will be of far-reaching importance. This can be realised if one reads the passage which the member for Melville desires to delete. I do not think the Committee should agree to the inclusion of that provision.

The Minister said that some of this advertising in taxis has been creeping in. Most of us have seen taxis operating in the metropolis, and I do not think any objectionable advertising matter is displayed. This Government is taking away freedom from sections of the people. Their freedom is being whittled away; and this Parliament should seize every opportunity to ensure there is as little restriction on the individual as possible. I hope the Committee will agree to the amendment.

Mr. CRAIG: I oppose the amendment. Listening to Opposition speakers who have supported it suggests to me that they have a complete lack of faith or confidence in our Police Force. Surely the commissioner is entitled to have some control over the type of notice or poster a taxi is going to carry! As the member for Albany suggested, taxi drivers could use their taxis as a medium for serving their own ends; but again, the commissioner must have some control in so far as offensive posters are concerned. There is some control now in regard to posters. Members who have taken part in elections know that the sizes and types of posters are restricted.

If the objection were to the word "prohibit" and the clause ended at that, there might be some cause for objection; but the clause reads "prohibit or control". The intention is to give the commissioner some control over the type of poster that is going to be carried on a taxi; and if he considers it to be offensive or that it should not be found on a taxi, he will have the power to prohibit it. I cannot see anything wrong with that at all. I oppose the amendment.

Mr. TONKIN: The member for Toodyay has opposed the amendment; but the Minister did not oppose it strongly. It is obvious that when he was speaking he was not too sure of the matter.

Mr. Perkins: There were no doubts in my mind.

Mr. TONKIN: It would have helped the Minister's case considerably if he had not said anything at all. I do not know whether the member for Toodyay appreciates just what power we are giving to the commissioner. I see nothing wrong in allowing Swan taxis to show they are Swan taxis.

Mr. Craig: He will not stop that.

Mr. TONKIN: How does the member for Toodyay know what the Commissioner of Police will do?

Mr. Perkins: The regulations will have to be laid on the Table of this Chamber.

Mr. TONKIN: I have had previous experience of what happens when we give people power. They take it as a direction that they are expected to use that power. If we include a provision to prohibit the carrying of a notice, it will be interpreted to mean that we want those notices prohibited. I am not prepared to indicate to the Commissioner of Police that he is to believe he has the right to prohibit notices in taxis. Who would suggest that we prohibit the putting of a notice in a shop?

Mr. Perkins: There is no parallel; you are right off beam.

Mr. TONKIN: We quite frequently go along to a shopkeeper and say, "Would you mind putting this notice in your window? We are having a bazaar in connection with the local school." Would anybody suggest that might offend the eye of a tourist? Would anybody suggest we ought to give the Commissioner of Police power to control the type of notice that ought to go in a window? I say definitely, "No".

If anybody attempted to exhibit an obscene notice in a window or in a taxi, that situation could be dealt with under the Police Act. Therefore we should not be worried about obscene notices. If notices are going to offend anybody, whether they be in taxis, on picket fences, or in shop windows, they can be controlled.

The Minister indicated that there could be cases where taxis would be hired for the purposes of advertising; and he could see no objection to that. Why should one not be allowed to exhibit a notice in a taxi if the driver is prepared to exhibit that notice without hiring a taxi for the purpose? I am thinking again of garden fetes for kindergartens, church bazaars, and the like, where taxis are operating in a certain locality. Some of the drivers would be quite prepared to exhibit a notice in their taxis because the passengers for the most part would be local passengers. Why should it be necessary to hire the taxi before the driver could do it? I see no objection to its being done without the need to hire the taxi; and I see no objection to a particular firm of taxis painting the name of the firm on the outside of the taxi.

Mr. Perkins: There would not be any stop to that, of course.

Mr. TONKIN: The Bill covers that.

Mr. Perkins: We are not going to do it. How silly can you get?

Mr. TONKIN: There is no need for this power at all.

Mr. Perkins: Of course there is! We do not want notices stuck before the people who hire taxis in good faith.

Mr. TONKIN: From my own observation and experience I have not seen a single taxi which could possibly have offended anybody's susceptibilities.

Mr. Heal: Neither has the Minister.

Mr. TONKIN: Generally speaking, the taxi drivers take pride in their vehicles and keep them beautifully clean. They would be the last ones to display an unsightly and offensive notice; and until it can be shown that they are creating a nuisance or an offence by advertising, there is no need for legislative power to stop it. We are getting too much restriction and saying to people, "You cannot do this, and you cannot do that unless somebody gives you permission to do it, or unless you are the Government, in which case you can please yourself whether you keep the law or not."

In regard to this matter, not a single argument has been submitted which would justify giving the Commissioner of Police this power to restrict, prohibit, and control. One can easily imagine what might occur during election time to make it difficult for the opposing party if there were a regulation which said that no poster of any kind could be displayed on a taxi, whilst there was opportunity for a full display on private motorcars. The whole thing is absurd and ridiculous.

The provision goes too far; and there is no necessity for it. If it were dangerous there might be some argument; but to say that it might offend the eye of a tourist is, in my opinion, utter nonsense. There are far worse things around about that will offend tourists, if they are to be offended in this way. I can just imagine tourists from America being offended! Everywhere one turns in America there is an advertisement for something in front of one's face. I think that advertising on television would offend tourists more than an advertisement in a taxi. I therefore can see no reason whatever for giving this power, whether it is going to be used or not.

I see no reason for providing this power to stop something which has not created a nuisance, is not likely to create a nuisance, and cannot cause any inconvenience. It is just a deliberate attempt to impose a further restriction on what people can do. We are losing enough liberty as it is.

Mr. HAWKE: I would like to ask the Minister whether he can tell us what percentage of advertising takes place in taxicars, as compared with the terrible amount of advertising that takes place in Western Australia.

Mr. Perkins: I do not think we should have any advertising in taxicars.

Mr. HAWKE: No advertising at all in Western Australia?

Mr. Perkins: In taxicars. I refer to general advertising. There is no harm, of course, in a driver or owner advertising his own taxi.

Mr. HAWKE: We are getting the Minister to come out of his corner a bit more as each speaker from this side of the House has something to say. I would think that the amount of advertising that takes place in taxis would be infinitesimal compared with the total amount of advertising which takes place in this State through all mediums. If the Government wishes to tackle the question of objectionable advertising, why does it not do so on an all-out front? And why does it not bring in legislation to tackle the biggest mediums first, instead of having a crack at this insignificant part of the total advertising set-up in Western Australia?

I have heard and read of objections by churches to some of the advertising which is so prominently featured in newspapers these days. If the Government wishes to suppress objectionable advertising, why does it not do something about them?

Mr. J. Hegney: It hasn't the courage.

Mr. HAWKE: Why does the Government not tackle the big advertising mediums, instead of having a shot at this insignificant medium of advertising in taxis? I say there is no justification for this attack which the Government is proposing to make against the very small amount of advertising that takes place in this insignificant part of the total advertising business in Western Australia; no justification whatever! The Minister has not been able to produce any justification. All he can tell us is that it is creeping in; that it might become serious.

I say that if the Government has any self-righteous feelings in this matter, let it be courageous; let it bring down legislation which will give the police power to make regulations to prohibit objectionable advertising, no matter where it is found. That is fair enough, surely. Why tackle the battling taxi owner, or taxi driver, who is perhaps getting a few extra shillings a week to butter up his comparatively small income?

Mr. J. Hegney: And limited space, too.

Mr. HAWKE: Why set the foundations for an attack upon him? Why take away from him the few shillings per week he may receive from this source?

Mr. Perkins: If there are any poor taxi drivers, they are caused by the actions of your Government.

The CHAIRMAN (Mr. Roberts): Order!

Mr. HAWKE: Here we have the Minister running for cover again; not prepared to stand up to his own actions. As soon as he finds himself on slippery ground, he rushes away to the previous Government, which no longer exists.

Mr. Perkins: Fortunately!

Mr. HAWKE: He says that if these taxi drivers are struggling to make a living it is because of our Government, which has been out of office for 20 months. He has been Minister for Transport himself for 20 months.

Mr. Perkins: Your Government licensed so many taxis. I cannot delicense them.

Mr. HAWKE: What has the Minister done about that?

Mr. Perkins: I cannot do anything. You know I cannot.

Mr. HAWKE: According to a newspaper report, the Minister recently received a deputation from taxi owners, and they made a request to him which was in the Minister's power to grant. There were about eight requests, but as far as I know the Minister did not grant any of them; he knocked them back on every request they made.

Mr. Perkins: That is where you are wrong. You do not know what the position is.

Mr. HAWKE: I know what it was up to a few days ago when that report was published in the paper. However, I am not going back to 20 months, or two years ago; but up to this moment. I hope the Minister is prepared to stand up to what is in his Bill, instead of sidetracking to 20 months ago. This part of the particular clause provides that the power to make regulations shall be given to the police, and that this power to make regulations shall apply either to the prohibition of advertising in or on taxis, or to the control of advertising in or on taxis.

Mr. Perkins: Those regulations could be disallowed by Parliament if Parliament did not like them.

Mr. HAWKE: We know that. Surely the Minister does not think he is telling us anything new!

Mr. Perkins: But you are conveniently trying to overlook that.

The CHAIRMAN (Mr. Roberts): Order!

Mr. HAWKE: Not at all. I think the situation is so obvious that it does not need to be mentioned over and over again, as the Minister is doing. I sincerely hope that the majority of members of this Committee will vote this particular part of the clause out. There is no justification for it whatever; and if we are going to tackle the problem of objectionable advertising, there is plenty of it going on today; not in or on taxicars, but in newspapers and other large-scale mediums of advertising.

That is what the Government should face up to, if it wants to be genuine and courageous in this matter. However, I think we will wait a long long time for this Government to face up to the real issue and problem in advertising. So I say that this cowardly approach to the total problem ought to be knocked out of the Bill.

Mr. ROWBERRY: I support the amendment moved by the member for Melville. I do so because I was not impressed by the Minister, either in Committee or in his speech on the second reading.

Mr. W. Hegney: No-one was.

Mr. ROWBERRY: The Minister, in his second reading speech, said it was considered undesirable that taxis should be used internally or externally as a medium for advertising matter. In Committee, he says the reason is that it would give offence. Offence to whom? Offence to the big advertisers; to the television people; to the newspapers; to the advertising companies who have a monopoly of these things? To whom? To the general public?

The general public, in my opinion, have been conditioned to advertising for so many years that they do not see one-half of the advertisements that are placed in public conveyances. Tramcars, railway carriages, buses, and all forms of public transport have exhibited advertising material for a considerable number of years. The taxi is merely another form of public transport.

The Minister says it will give offence to tourists. Where do these tourists come from, that they have not seen advertisements before? Can America, or any other country, give any evidence that there is no advertising other than in Western Australia? If the Minister could do these things, he would cease to be ridiculous and fantastic, and might come down to being logical and reasonable. The Minister who handled the counterpart of this Bill in 1957 himself moved several amendments because of the debate that took place at the second reading. The Minister himself moved amendments to suit the debate.

The CHAIRMAN (Mr. Roberts): I cannot allow the member for Warren to continue on those lines.

Mr. ROWBERRY: I am not going to. I am merely replying to what the Minister said: that this side of the House was responsible for the poverty of present taxi drivers. I would say that if there is no objection to having advertising on other forms of public transport, I can see no logical reason for prohibiting it in taxicabs.

This medium could, as the member for Melville said, be used to advertise cheaply. It could be used by taxi drivers as a means of augmenting their income, which we are given to understand is not as good as it should be. It could be that there is a sinister implication behind this Bill; and I think the member for Albany damned any hope of the amendment being passed when he mentioned that it could favour the Labor Party. I think it was really playing into the Government's hands.

As I indicated in my speech on the second reading, I would have no objection to prohibiting advertising material being exhibited in a taxicab at the time the taxi was carrying a fare; and I would ask the Minister to consider an amendment to that effect. If he will not consider the amendment moved by the member for Melville, perhaps he will give consideration to the prohibition of control merely applying to the time when fares are being carried by taxicab owners.

I do not think there is any greater offence to the eye from seeing an advertisement in a taxicab than there is in walking along the footpath and seeing an advertisement exhibited in other places. The Minister is being unreasonable, and has provided no logical excuse whatsoever for including this in the Bill. In view of that, I support the motion.

Mr. TONKIN: I remind the Minister that there is just as much personal touch with travellers in aeroplanes as there could be with those who travel in taxis. It is extremely probable that there will be just as many tourists using aeroplanes as there will be using taxis. There is no restriction on advertising in aeroplanes. Whilst travelling in aeroplanes, I have noticed that all around me there have been small, well-displayed advertisements, advertising first one thing and then another. Further, when one is handed a magazine, every second page contains an advertisement.

The Minister has overlooked this possibility: If we are to provide for tourists, would it not be a good suggestion for taxis to be fitted with a small, framed photograph of our caves together with a neat little caption indicating that the caves are an ideal spot for tourists to visit? Why should not that advertising medium be used to advantage for the State? Advertisements for the Jenolan Caves in New South Wales are found in Sydney taxicabs.

Mr. Perkins: If the regulations are not all right, you can move to disallow them.

Mr. TONKIN: I am not prepared to concede the commissioner this power in the knowledge that we can disallow any regulation he makes. We should make up our minds quite definitely in this Committee whether the commissioner should have this power to allow advertising taxicabs in the light of the knowledge that we permit it in aeroplanes, in first-class railway compartments, and on buses.

As the Leader of the Opposition has asked, why should we single out the taxicab for this prohibition? Would any member seriously suggest that we should introduce a Bill to amend the existing Act to give the Commissioner of Police power to prohibit or control advertisements in aeroplanes, railway carriages, and buses in the knowledge that we could disallow the regulations when they are made? I do not think any members on the Government side would seriously suggest that, because I am quite sure they see no need to prohibit advertisements in all those forms of travel. Therefore, I see no reason why advertisements should be prohibited in taxis. I hope the Committee will delete this clause.

Mr. J. HEGNEY: I thought the Minister for Transport would reply to the many arguments put forward by the speakers on the amendment. I have been a member of this Chamber for many years; and I have always found that when members make a speech for or against an amendment, the Minister in charge of the Bill replies to the arguments submitted. In this case, the Minister listens to the arguments but fails to reply to them.

Mr. Perkins: When you produce something new, I will reply to it.

The CHAIRMAN (Mr. Roberts): The member for Middle Swan will keep to the amendment before the Chair.

Mr. J. HEGNEY: I am keeping to it, Mr. Chairman. Members of the Committee, on both sides, should apply themselves to this amendment, because it is not tainted with politics. As previous speakers have pointed out, advertising is displayed everywhere we turn these days. Therefore, why should taxi drivers be singled out when it comes to a question of prohibiting advertising? Travellers in all types of transport today are faced with various forms of advertising.

The Minister proposes to give the commissioner this power willy-nilly. I do not think that should be done, because the power is too far-reaching. The Minister has said that if the commissioner sought to exercise this authority to prohibit the advertising of a company's name on the taxicab he would prevent the commissioner from exercising such authority. Therefore, I am opposed to the commissioner having the power suggested in this clause, and I support the amendment.

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Mr. BRADY: I understood the Minister to say that the taxi drivers had asked for this amendment, but up to date he has given no instance of how taxi drivers have created an offence by exhibiting advertisements. In many respects he is treating this Committee as a kindergarten.

Mr. Owen: Your arguments are pretty childish, at any rate.

Mr. BRADY: The member for Darling Range apparently has something up his sleeve which he intends to submit. I would like him to rise to his feet and put it to the Committee.

The CHAIRMAN (Mr. Roberts): Order! The honourable member will keep to the amendment.

Mr. BRADY: I want to know if the member for Darling Range can give any reason why we should accept this clause. It has been suggested that a taxi driver may be prohibited from putting white ribbons and the sign, "Just married" on his cab. The first part of the clause states that a taxi driver shall not carry advertisements in his cab, and the second part states that he shall carry regulations.

The other evening the Minister introduced the Local Government Bill, which sought to provide certain powers in regard to motor vehicles. The Minister intends to have the police investigating all cars and licenses, and the position will soon be reached when a policeman's job will not be worth having.

I have travelled in taxis for 30 years, and I do not remember having ever seen an advertisement in a taxi. What taxi does the Minister consider is causing a nuisance at the present time? The members on this side of the Chamber are not going to sit here and accept a Bill put up by the Minister without having something to say about it. Once this measure is passed, the Government can introduce regulations; and, subsequently, the Minister will come here one evening, talking under his breath as he generally does, and table regulations under the Traffic Act; and no honourable member will know they are on the table until probably six months later. I would like the Minister to tell us why this clause has been included, because we want to know.

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

Ayes—22.

Mr. Andrew	Mr. Jamieson
Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. Moir
Mr. Curran	Mr. Norton
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May

(Teller.)

Noes—24.

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

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clauses 9 and 10 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

DAIRY CATTLE INDUSTRY COMPENSATION BILL

In Committee

Resumed from the 6th October. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clause 9—Diseased cattle or suspected cattle to be marked (partly considered):

Mr. HALL: I had proposed the deletion of the word "suspected" from subclause (3) on page 4 when progress was reported. The Minister inferred that the provision in clause 12 would overcome my objection to the inclusion of that word. However, clause 12 relates only to cattle affected with a localised form of disease. It does not cover cattle suspected of being diseased. During the second reading, the Minister said:—

> The disease primarily dealt with will be tuberculosis, but actinomycosis—lumpy jaw, in ordinary language—is included; and provision is made for any other disease to be declared by proclamation.

Later, he stated—

> I introduced a Bill last session to include Western Australia in a compensation scheme on an Australia-wide basis in the event of an outbreak of foot-and-mouth disease. At the moment, therefore, the main object is to deal with tuberculosis.

I insist that the word "suspected" should be deleted from this clause. Its inclusion would be detrimental to the dairying industry, because it would permit the destruction of valuable animals which are suspected of being diseased.

Mr. NALDER: As far as tuberculosis is concerned, there is no objection to the deletion of the word "suspected," because the test is a positive one and the disease can be determined with accuracy. But there can be an outbreak of other diseases among cattle which cannot be determined so positively, such as an outbreak of foot-and-mouth disease. Such an outbreak could not only be dealt with by proclamation under this Act, but could also be attacked under the provisions of the Stock Diseases Act.

If the word "suspected" were deleted from the clause, then owners of dairy cattle suspected of being diseased would not be able to receive any compensation. If the word were deleted, and an inspector were to declare an animal to be suspected of being affected by foot-and-mouth disease or rinderpest, he would take action under the Stock Diseases Act and order the destruction of the animal, in which case the owner would not be able to obtain compensation.

Mr. Ross Hutchinson: It would be advisable to retain the word in the clause, in the interests of dairy farmers.

Mr. NALDER: That is so. A provision similar to the one in this clause—in fact, using the same wording—appears in the Milk Act, under which compensation is paid to dairy farmers. No complaints have been received in respect of the operation of that Act, and the officers in charge of the scheme have not taken action willy-nilly to order the destruction of cattle suspected of being diseased.

I give this undertaking: If after 12 months' trial of the provision in clause 9 it is found to work unsatisfactorily, I would be happy to give consideration to the honourable member's suggestion.

Clause put and passed.

Clause 10—Compensation payable to owners of cattle:

Mr. HALL: Although animals may be ordered to be slaughtered under this provision, no mention is made of the slaughtering charges. The Minister has referred to the maximum compensation of £35 per animal, but no provision is made for slaughtering charges when the owner is ordered to have cattle destroyed. Will the owner be liable for those charges?

Mr. NALDER: The compensation is the figure determined by the inspector, up to the maximum of £35 per animal. In most cases the maximum would be allowed, but there would be no slaughtering charges to be paid by the owner. The slaughtering charges are borne by the Abattoirs Board and the figure assessed by the inspector is the amount paid to the dairy farmer. In some cases the animal in question might not be worth the full amount of £35, but in cases of valuable animals the maximum would be paid.

Clause put and passed.

Clauses 11 to 25 put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

STAMP ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 4th October.

MR. ROWBERRY (Warren) [10.2]: This Bill seeks to make an amendment to the second schedule of the parent Act by adding the following after the heading "Settlement, Deed of, or Deed of Gift":—

Statements on Sales of Butter Fat—

Any statement written out or caused to be written out by the manager of a dairy produce factory registered under the Dairy Industry Act, 1922, or his agent pursuant to the provisions of the Dairy Cattle Industry Compensation Act, 1960, in respect of the sale of any butter fat, whether payment of the purchase money in respect of any such sale is or is not made in full at the time of the sale or is to be made by instalments or is otherwise deferred—

For every £1 and also for any fractional part of £1 of the amount of the purchase money in respect of any butter fat sold—2d.

While I have no objection to the imposition of 2d. in the pound or three-tenths of a penny per lb., the method of payment, and the subtraction of it from the butterfat sale, I think this is a very legal and convenient way of collecting the money.

I would like to question the Minister's figures. He said during the debate that it is estimated that 3d. per lb. would, in the first year, produce an income of £25,000. I do not know on what number of pounds of butterfat that was estimated. In the annual report of the Dairy Products Marketing Board the amount of butter produced in the year ended the 30th June, 1960, was 296,404 boxes. each weighing 56 lb. If my arithmetic is correct, I cannot see how that amount, as published in the report, would give a total of £25,000.

Mr. Nalder: What amount would you say it would bring in?

Mr. ROWBERRY: A total of 16,598,624 lb. of butterfat would be gained from 296,404 boxes each containing 56 lb. At three-tenths of a penny per lb., an amount of £20,748 5s. 7d. would be received, which is considerably less than the amount of £25,000 estimated by the Minister.

Mr. Nalder: According to your figures it would be £5,000 short. Already this year we have had a substantial rise in the amount of butterfat produced.

Sir Ross McLarty: What about payment for cheese? That is on a butterfat basis.

Mr. ROWBERRY: These things could be, but the Minister at the time based his computations on the amounts of butter produced in the last year. For instance, he said that there was likely to be 5 per cent. of reactors in the first five to ten years. The only way he could estimate that would be by going back over the last five to ten years to find the number of reactors during that period. But, if there has been an increase in this year on the amount of butterfat, and £25,000 will be received, that is all to the good.

However, I should imagine that it would strengthen the case of the member for Murray when he argued there would not be enough money to compensate, at the rate of £35 per head, the owners of cattle. As long as the Minister can give us the assurance that the butterfat production has increased to the extent that £25,000 will be received, then I have no objection to the Bill as it stands, and support the second reading.

SIR ROSS McLARTY (Murray) [10.9]: If the estimate as given by the Minister of £25,000 per year is correct, and the Government is offering a similar amount by way of subsidy, an income of £50,000 would be provided. Under the Milk Act which has been in operation for something like 27 years, there is, according to the member for Harvey, in the compensation fund today a sum approximating £60,000. That is a voluntary fund, there being no compulsion.

However, I think that as a result of the amount of £50,000 which the Minister states will be obtained in the first year on a pound-for-pound subsidy basis, and the fact that he points out that the production of butterfat is increasing, a large sum of money will quickly accumulate in this fund which will be more than will be required for compensation.

I would ask the Minister whether, if the fund does reach such proportions, provision could be made for the levy to cease for a certain period, or whether some steps might be taken to reduce the amount of the levy. I cannot see much good purpose in building up a large sum of money in this fund if it is not going to be used; and I think that could happen. Perhaps the Minister could clarify the situation.

Mr. W. Hegney: Something like the revenue received from the increased water rates.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [10.11]: I thank members for their support of this measure, which goes hand-in-hand with the previous one. Without the passing of this Bill the previous one would have been useless.

The point raised by the member for Murray is one which I can say with assurance will not occur. The fund will not

build up to a stage where it could become an embarrassment. The situation will be looked at annually; and if the fund has reached the stage where it is considered it will adequately cover the requirements of the ensuing season, a reduction in the price per pound paid by butterfat producers will be made.

That has been the case in other funds. I know that the pig compensation fund has been reduced considerably over the years. I understand it stands at something like £80,000 at the moment; but it has been reduced progressively over the years, and it is only a small proportion of that which existed when the Bill was passed. The same will apply to this measure. We will not build up a huge sum except that which is considered necessary to cover the ensuing year.

Question put and passed.

Bill read a second time.

In Committee

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

MOTOR VEHICLE (THIRD PARTY INSURANCE) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 6th October.

MR. SEWELL (Geraldton) [10.15]: In speaking to this Bill I would like to draw members' attention to the fact that the Motor Vehicle (Third Party Insurance) Trust finds itself in the position that where a company sells its business to some other company it drops out of the trust; and that is causing both the companies and the trust some concern. Subclause (6) of clause 3, on page 4 of the Bill, sums up the position. It states—

> (6) (a) A participating approved insurer may, on giving to the Trust at any time before the thirty-first day of December in any one year written notice of its intention so to do, withdraw from participation in and contribution to the Fund on and including the thirtieth day of June in the year next succeeding the thirty-first day of December, before which the notice was given.
>
> (b) Where a participating approved insurer so withdraws, the interest of that insurer shall be apportioned among the remaining participating approved insurers in proportion to their interests as they then exist in the Fund.

One company in particular sold out to another company, and the legal opinion was that the company which had sold out had forfeited its rights as an insurer, and the other company, which had bought it out, had no right to participate in the trust because, according to the Act, the company selling its business could not assign its rights to participate in the motor vehicle third party insurance business. That would have made one less company in the trust and, if the position had continued, considerable hardship would have been thrown on those who were left in the pool. I think the Bill is worthy of support and I hope the second reading will be agreed to.

Question put and passed.

Bill read a second time.

In Committee

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

PAPER MILL AGREEMENT BILL

Second Reading

Debate resumed from the 29th September.

MR. HAWKE (Northam) [10.20]: This Bill seeks approval from Parliament to an agreement made some time ago between the Government and representatives of Australian Paper Manufacturers Ltd. Among other things the purpose of the agreement is to bring about the construction of a mill at Spearwood to manufacture paper. The capital cost of the proposed paper mill is to be met in the proportions of two-thirds by the Government and one-third by the company. The total amount of money to be made available by the Government is to be made available on a basis of loan with interest payable thereon by the company, with loan repayments to start in the year 1980 and to be completed by the company in the year 1995.

When the Minister introduced the Bill he gave me the impression that he had been under considerable criticism in regard to the agreement from quarters which politically would be closely associated with him as a Liberal Party Minister in the Government. He was, to some substantial extent, apologetic, and also considerably on the defensive. He said that if we—whoever "we" are—snipe at these transactions, the job of industrial development becomes almost impossible. He went on to say—

> What is said here today is known throughout the world in a matter of seconds.

It is quite extraordinary to have this Minister complaining about anyone sniping at the Government in regard to a transaction of this kind, and all the more remarkable to have him telling us that what is said here today in regard to a matter of this kind is known throughout the world in a few seconds. When he was in Opposition he not only sniped at the then Government in connection with industrial development but also hurled atomic bombs in

all directions in his attacks upon the then Government's policies in regard to industrial development.

Mr. Heal: He was not a bit patriotic.

Mr. HAWKE: He deliberately misrepresented the then Government's policies; and all in all, by what he said and by what he did, was responsible for sabotaging to a very substantial extent the industrial development activities of Western Australia during that particular period. So it is interesting, indeed almost intriguing, to have this same person, now, in his position as Minister for Industrial Development, pleading with the people of Western Australia not to snipe at any transactions which this Government proposes, or any transactions into which it enters.

He gave as a reason why there should be no sniping the information that what is said here today is known throughout the world within a few seconds. He went on to say—

> These concerns—

and he had in mind particularly Australian Paper Manufacturers Ltd.—

> —have something else to do rather than come here to defend themselves against a little bit of sniping.

I would be interested to know, and I think other members would also, who has been sniping at this particular company.

Mr. Court: You made a pretty fair effort of it early in this session.

Mr. HAWKE: I would be very interested to have the details put forward in the House of what I said or what I did. My recollection of what I said in this matter is that it was not a sniping at the company but a frontal attack upon the Government. When he was complaining about this sniping, I thought possibly the Minister had in mind the leading article which was published in *The West Australian* newspaper on the 8th July this year. That leading article, indirectly at any rate, did to some extent have a shot at the company. However, in fairness to the writer of the leading article, it must be said that his protests and his attacks were launched directly and almost totally against the Government.

I hope we are not reaching the position in Western Australia where the Government is going to consider that it should not be sniped at, should not be criticised, and should not be attacked by people who think it should be so criticised, sniped at, and attacked, when circumstances would seem to justify that method of approach. How could anyone criticise the company concerned in this matter? What has the company done which would lay it open to any criticism? Nothing at all as far as I know.

Mr. Court: You had plenty of criticism to make about the fact that the Government was prepared to assist this company financially.

Mr. HAWKE: Is that criticising the company, or sniping at the company?

Mr. Court: Of course it is!

Mr. HAWKE: This proves the extreme vulnerability of the Minister and the Government in this matter.

Mr. Court: We are not vulnerable at all.

Mr. HAWKE: They so much resent criticism of their part in making this agreement that they misrepresent criticism of themselves to be criticism of the company.

Mr. Court: You are doubling for cover.

Mr. HAWKE: Let me repeat the situation.

Mr. Court: When you criticise the Government's action you also criticise the company for accepting this type of agreement.

Mr. HAWKE: I am going to congratulate the company for accepting this agreement.

Mr. Court: It is a snide form of attacking the company.

Mr. HAWKE: I cannot satisfy the Minister; and this proves the point I made when I started my speech, that the Minister has been attacked by persons very close to him, and very close to the Government, for having entered into this agreement. The fact *The West Australian* newspaper would attack the Minister and the Government is very significant indeed; because whenever it is humanly possible for *The West Australian* newspaper to praise the Government, or to apologise for it, *The West Australian* newspaper naturally follows that course. However, in this matter the newspaper in question could not stomach the Government's policy, and therefore it came out with the leading article which strongly criticised and attacked the Government. Does the Minister say *The West Australian* newspaper, in doing that, attacked the company?

Mr. Court: They were attacking the Government; you were attacking its action of assisting private enterprise. An entirely different concept altogether.

Mr. HAWKE: The criticism I have voiced, and which I intend to voice is, in principle, the same as the criticism expressed by *The West Australian* newspaper. It is exactly the same.

Mr. Court: You are just opposed to our assisting private enterprise to encourage them to establish here.

Mr. HAWKE: It is becoming more and more clear that the Minister is most uncomfortable about this agreement; and about the part that he and the Government have played in connection with it.

Mr. Court: I think it is a very desirable agreement.

Mr. HAWKE: Therefore, instead of being prepared rationally to face up to the situation, the Minister deliberately tries to misrepresent criticism of himself and the Government as being criticism of the company.

Mr. Court: I take it you will tell us why this is a bad agreement in your opinion.

Mr. HAWKE: Certainly I will; that, in fact, will be the main part of my speech. However, in this early stage I want to clear the air of the deliberate misrepresentation the Minister has spread about in regard to the alleged sniping against the company. Obviously the Minister would have only one purpose in deliberately spreading this sort of misrepresentation around, and that would be to cover up himself, and to cover up for the Government, in connection with the whole matter.

In his speech the Minister went into a long, almost endless, rigmarole regarding the policy of the previous Government in relation to the incentives it was offering to industrialists to come to Western Australia to establish branches of their manufacturing enterprises. In this section of his speech the Minister talked about limits, and then about no limits; he then again talked about limits, and then again about no limits. He seemed to get himself into a hopeless mix-up, and finally told us his Government still has before it an unfinalised offer made by the previous Government.

Part of the unfinalised offer was a free gift of 20 per cent., up to an amount of £250,000, and in addition there was an interest-free loan of up to £250,000. That did not quite fit in with the Minister's reference to no limits; but this part of the speech was a contradiction, and a long rigmarole of limits, and no limits; and then again limits; and later, no limits.

He went on to tell the House that the cost to the State of the incentives which were put forward could have run into millions of pounds; as indeed it could. The Minister then went on to compare our policies in those directions with the actions and policy of the present Government in connection with the agreement now before us.

What the Minister failed to see, and therefore failed to say, was that the situation existing then was completely different in regard to the offers made by the previous Government, as compared with the agreement which this Government has made with Australian Paper Manufacturers Ltd. The incentives which we offered were offered to companies which had made no decision to come to Western Australia; which had not thought of coming to Western Australia in a majority of instances.

In fact, I think it could be said that at that time they did not know there was such a place as Western Australia; they had probably never heard of it. So the policies and offers we made in this field were made for the purpose of trying to get companies which were interested to come to Western Australia, as against going to some other part of Australia; to try to attract them to come to this State, when they had not thought possibly of even coming to Australia.

Obviously, in a situation of that kind we had to go out of our way to make offers calculated to be somewhere near sufficient to attract the directors of the companies concerned to at least think seriously about the proposition of establishing branches of their manufacturing industries in this State.

Mr. Court: In other words you are suggesting that if we had made this offer to an American company and it had come under these conditions, that would have been all right?

Mr. HAWKE: Yes; if the company concerned had had no thought or intention of coming here.

Mr. Court: Surely an Australian company would be preferred; you are always complaining about General Motors.

Mr. HAWKE: Of course an Australian company is to be preferred. But I am trying to emphasise the vital difference between the approaches we were making and the situation which existed between the present Government and Australian Paper Manufacturers Ltd. That company had already decided to come to Western Australia before this Government came into office. That is the vital difference.

Mr. Court: But when was it going to establish?

Mr. HAWKE: I will come to that. But that is the vital difference; it decided to come to Western Australia before the present Government came into office. Accordingly it was satisfied Western Australia was a place which would justify the establishment by it of a paper-manufacturing mill.

Mr. Court: At an undetermined date.

Mr. HAWKE: I will come to that. I hope the Minister for Industrial Development does not get in so much of a hurry that he will ultimately double-trip himself, because he has already tripped himself once or twice by his interjections during the time I have been speaking.

Mr. Court: We are patient.

Mr. HAWKE: Not only had this company decided to come here before the present Government took office, but it had actually purchased all the land it would require for the industrial enterprise it proposed to establish, and had paid for it.

When representatives of the company were in Perth in 1958—which was some months before the present Government came into office—for the purpose of looking around for suitable land, it had conversations with representatives of the road

board in the Spearwood district; I think, by name, the Cockburn Road Board. The representatives of that road board at the time were in contact with me regarding the question as to whether the land which the company's representatives were thinking of buying would, by any possibility in the future, be taken over by the Government, or be cut up in some regional planning scheme.

It was only after assurances were given to the representatives of the road board on that question that the company went ahead and finalised the purchase of the land. At that time it was conveyed to me that the company would not require any financial assistance from the Government at all to assist it to establish a mill in this State to manufacture paper. In fact, the suggestions were all the other way. That is the situation which we would have expected to prevail. This company is extremely wealthy; it not only makes very substantial profits every year, but it also has very substantial capital which it could quite easily increase in a short period of time.

I would say that if this company wanted to raise an extra £5,000,000 capital at this time, it could raise it in a week, because of its sound financial position. Many moneyed people in Australia would be anxious to become shareholders in this company. Therefore, I underline, first, the vital fact that this company had decided to establish its paper-manufacturing mill in Western Australia before the present Government came into office; that it had completed the purchase of the land which was to be the site of the proposed mill; and that it had made the suggestion that no financial help of any kind would be required from the Government.

Then the present Government came into office. After a few months, representatives of the Government had some discussions with representatives of the company. The representatives of the company gave the representatives of the Government to understand it was not the intention of the company to establish a paper manufacturing mill on the site which had been purchased at Spearwood for some years.

I might say, in this regard, that at the time the company's representatives were buying the land at Spearwood, the general impression appeared to be that the mill would not be established for some seven or eight years. As I say, that was back towards the end of 1958. If we add even eight years to that figure, we come to 1966. Then the representatives of the present Government set to work to try to get an agreement with the company to establish the paper-making mill in question; and the representatives of the company did a mighty job, I think, because they obtained from the Government one of the most extravagant and generous agreements imaginable in the circumstances.

In fact, it appears the company was allowed to write its own ticket; which was a remarkable situation. As I have said, the company is extremely wealthy and the Government is poor, as all Governments in Western Australia have been and will be for at least many years to come. Yet the representatives of the Government in negotiation with representatives of the company allowed the company's representatives to write their own ticket.

Mr. Court: They did not do that.

Mr. HAWKE: I say they did. The results as set out in this agreement show it. Let me emphasise this: The company had purchased land at Spearwood as a site for a paper-manufacturing mill before this Government came into office.

Mr. Court: That is not disputed.

Mr. HAWKE: At the time the company purchased the land it was made known that no paper mill would be established for some seven or eight years.

Mr. Court: It indicated a much longer period to you.

Mr. HAWKE: To you.

Mr. Court: To you.

Mr. HAWKE: It did not, Mr. Speaker. In addition, it was made known that the company would not require any financial help from the Government to establish the mill and subsequently operate it. Yet, in that situation, the representatives of this present Government make an agreement which is extravagantly generous in its provisions to the company. I congratulate the company. I think its representatives did a mighty job for the company and for the company's shareholders. The shareholders of the company owe a very great debt of gratitude to the company's representatives. They brought home the bacon in no uncertain way—bacon which this State as a State could ill afford to give away or even to lend.

So I want no-one to be in any doubt about whom I am criticising and whom I am praising. I am praising up the company's representatives for their shrewdness; for their cleverness; and for their great bargaining abilities; and I am condemning the Government utterly for what it has allowed to be put into the agreement.

Mr. Court: And at the same time you are criticising the company whether you express it that way or not.

Mr. HAWKE: If it pleases the savage instincts of the Minister for Industrial Development to say that, why should I deprive him of his satisfaction? Why should I go on trying to prevent him from deliberately misrepresenting the situation? We know from experience that he is most wilful and most deliberate in misrepresenting a situation.

Mr. Court: You know that is not true. You use this extravagant and unfair comment, but the people do not take much notice of you now.

Mr. HAWKE: The Minister for Industrial Development is red in the face, but that does not alter the facts of the situation. Facts are stubborn things. Even the endless rigmarole talk of the Minister cannot destroy the facts of the situation, no matter how red in the face he gets; and the outstanding facts of this situation are, firstly, that the company had decided to come to Western Australia without any financial help from the Government of the State; and, secondly, that the present Minister for Industrial Development and his Government have, in negotiations relating to the establishment and construction of the paper-making mill, allowed the company to write its own ticket.

So again I praise the company and its representatives. I think that from their point of view they did a magnificent job; and one which I am sure will earn for the directors of the company at the next meeting of shareholders tremendous praise for their shrewdness, and for their ability to negotiate in the best interests of the company.

However, as I said before, I utterly condemn the Government for having entered into this agreement. If the Minister obtains any relief in saying that by condemning the Government I am condemning the company, let him have that relief. It is a very shallow kind of relief; but if it gives him some kind of satisfaction, let him have it! But it does not alter the facts. Nothing can alter them.

In what was a sort of apology from the Minister to the House for the generous nature of the agreement, the Minister said, "Initially the pump has to be primed." I am not an engineer, and I do not know how much oil has to be used to prime a pump to get it going; but I should say the amount of oil or whatever other commodity is used to prime a pump would be small. Therefore it is a tremendous misrepresentation and exaggeration on the part of the Minister to say, in effect that what the Government is giving to the company in this agreement is a priming of the pump.

The project itself is expected to take some four years to construct. The Minister told us that some 300 men would be employed on construction; and further, that the operation of the plant, when completed, would provide employment for 150 men, or upwards of 200 men. This is all to the good. Naturally we all rejoice in it. However, as I said at the beginning, this industry was coming to Western Australia in any event.

Mr. Court: In its own good time. Now it is coming in our time.

Mr. HAWKE: I say myself, knowing what happened in 1958, that the company is coming in its time. As I said at the beginning, the agreement is committing the State to provide two-thirds of the capital cost, which means the company will provide only one-third. On the basis of a total capital cost of £3,750,000, which is a figure that has been mentioned, the Government will provide £2,500,000; and the company, £1,250,000. The Government's moneys are to be made available to the company on a lending basis at a rate of not more than £300,000 per year, except at the choice of the Government.

The first payment is to be made in the year 1963. As I understand it—I could be wrong in this—the last payment of the Government will be made in 1971. So the Government will be making payments at the approximate amount of £300,000 per year for eight years. The Minister in his speech did not make it clear when the mill or factory would start operating. As far as I was able to work it out, it would be somewhere between the end of the year 1968 and the beginning of the year 1971.

Mr. Court: It is to be in operation by the 31st December, 1966.

Mr. HAWKE: Very good.

Mr. Court: It is in the agreement.

Mr. HAWKE: Repayments by the company of this money which is to be advanced by the Government by way of loan at interest will not commence until December, 1980, which is certainly a long way away. The company will repay £150,000 per annum to the Government; and the last repayment by the company to the Government will be made in the year 1995, which is close enough to the year 2000. Summed up, therefore, we find the Government could advance by way of loan to this company £8,500,000, with the last payment being made not later than 1971; and the first repayment by the company will be in December, 1980; and the last, as I have said, somewhere near the year 2000.

Clearly, the Government is going to provide by way of loan two-thirds of the capital cost of constructing this mill. The company is to repay the Government's advances, it would seem to me, out of profits. Therefore, from the time that construction of the mill commences, until the year 1995, this industry will be two-thirds socialised, as it were; two-thirds a more-or-less State-owned concern.

It is interesting indeed, and very informative, to have a look, in the schedule to the Bill, at the definition of the term "cost of the mill." This will be found on page 4 of the Bill itself. There is some extraordinary information in this part of the agreement, because it is the agreement which is covered by the schedule.

"Cost of the mill" means not only the total expenditure incurred in the construction of the mill itself. It means considerably more than that; and the Government is bound, out of loan funds available to it, to make available to the company two-thirds of the cost of the mill. Therefore, everything included in the definition of the "cost of the mill" is to be paid for to the extent of two-thirds from State moneys which, as I have said, will be advanced by way of loan.

"Cost of the mill," for instance, includes the acquisition of the land on which the mill is to be built. Therefore the Government commits itself to pay two-thirds of the cost of the land, despite the fact that the company had purchased and paid for the land before this Government came into office.

Members will now appreciate much more the praise I heaped upon the company's representatives earlier in my speech; because it was indeed a remarkable achievement by them to get the cost of the land included in the definition of "cost of the mill," particularly when one remembers that the company had already paid for the land. I doubt whether anyone on the Government side can justify the Government's making available loan money to the company, to pay two-thirds of the cost of the land to the company when the company had already paid the total amount involved in purchasing the land.

The definition "cost of the mill" includes also expenditure incurred by the company in designing the mill; and it includes an additional 8 per cent. of all the expenditure incurred to cover the company's overhead and administrative expenses in connection with the mill. If anyone can imagine anything more extravagantly generous—more stupidly generous—for a Government to do, I would be pleased to hear about it in the debate.

Mr. Court: That's a normal costing method for a project.

Mr. HAWKE: We are not discussing a normal costing project or a normal costing item for a project.

Mr. Court: Then what are you discussing?

Mr. HAWKE: I think every member knows we are discussing the action of the Government in committing itself in this agreement to make such extravagant payments to the company. That is what we are discussing; that is what I am discussing; and that is the whole basis of my attack upon the agreement and upon the Government for having entered into it.

Next we will have the Minister standing up and defending the Government for paying over to the company two-thirds of the cost of the land, when the company had already paid the whole of the cost of the land out of its own financial resources! No; the Minister would not try to justify that one.

Mr. Court: I will if you want me to. It is a simple matter.

Mr. HAWKE: Of course it is simple; it is as simple as can be.

Mr. Court: You were going to give people 20 per cent.—not lend it—on a £20,000,000 project.

Mr. HAWKE: I have already discussed that; but I am prepared to discuss it again. I say, for the sake of the Minister—in the hope that it might make some slight impression upon the stubborn portion of his mind which he is using at the moment—that the vital difference between that situation and the one we are now discussing is that Australian Paper Manufacturers had decided, before the present Government came into office, to establish a manufacturing enterprise in Western Australia; and had already purchased and paid for the whole of the land which it would use later on as a site for its manufacturing activities in this State. That is the vital difference.

Mr. Court: And it was going to establish it at an indefinite date.

Mr. HAWKE: It was going to establish it within seven or eight years.

Mr. Court: That is your version.

Mr. HAWKE: I think it will be some eight years from October, 1958, before the mill covered by this agreement now before us is constructed and first put into operation. We will see. I will be very surprised indeed if it is much less than eight years.

Mr. Court: You couldn't get them to commit themselves, and you tried jolly hard.

Mr. HAWKE: We did not try "jolly hard" to get them to commit themselves.

Mr. Court: You personally saw them.

Mr. HAWKE: Personally saw whom?

Mr. Court: The company.

Mr. HAWKE: Who are "the company"?

Mr. Court: A.P.M.

Mr. HAWKE: Whom did I see personally?

Mr. Court: The company's local representative, I presume. You also had them interview a company representative through the Cockburn Road Board.

Mr. HAWKE: By whom?

Mr. Court: If you want names, I will get them for you.

Mr. HAWKE: The Minister is just guessing.

Mr. Court: We will give you dates and names.

Mr. HAWKE: I am saying that once the company purchased the land, we were reasonably satisfied. It gave us an assurance that it would, as soon as it was economically practicable for it to do so,

establish a mill upon the land; and that was acceptable. It gave me to understand it would be some seven or eight years before the mill would be established.

Mr. Court: Would you just clarify one simple point? If I had arranged with a big American paper company, while I was in America, to come here—assuming it had never heard of Western Australia—and it established a mill costing £5,000,000, you would have gladly agreed to give it 20 per cent. as a gift, and the rest as a free of interest loan over 10 years?

Mr. HAWKE: The Minister is being extremely stupid in putting that question.

Mr. Court: But that is what you offered.

Mr. HAWKE: Not to a paper company.

Mr. Court: But a very wealthy company.

Mr. HAWKE: The Minister skates all over the place. He no sooner gets into one corner than he dives under one's arm and gets into another corner. There are so many corners in which he does this exercise, that one cannot keep him in any one corner for more than a few seconds. I am saying that had the Minister for Industrial Development made an agreement of the kind he talked about with an American paper manufacturing company to come to Western Australia, he would have done something tremendously disloyal to the Australian paper-manufacturing company, which had already purchased land in this State and which had already given assurances of its intention to establish a paper-manufacturing mill at Spearwood.

Mr. Court: Now you are slipping all over the place. You are doubling back over your tracks to what you said earlier.

Mr. HAWKE: Where am I doubling back on my tracks?

Mr. Court: You said that if these people had not heard of Western Australia, and they had been approached to come here, your approach would have been justified —20 per cent. free gift, and 20 per cent. free-of-interest loan plus land.

Mr. HAWKE: Which people?

Mr. Court: You haven't named any industry. You read your speech.

Mr. HAWKE: I do not need to read it. I made it; and therefore I know what I said. The Minister, instead of listening and concentrating on what I am saying, was working out in that stubborn part of his mind—which is most of it—the sort of weaving and hedging he would do to get out of the difficulty into which he has put the Government in connection with this agreement.

What I said was that the approach which the previous Government made to the companies concerned was made in such a way because those companies had made no decision to come to Western Australia. Probably most of them had never heard of Western Australia. Therefore we were going out of our way to get them to make a favourable decision to come here; and consequently were making offers to them which were certainly very attractive indeed. But not one of them was a paper-manufacturing company.

We made no approach to any paper-manufacturing company in England, America or anywhere else outside Australia because Australian Paper Manufacturers had already purchased the land in Western Australia upon which to establish a branch of its manufacturing enterprise within a few years. Obviously, and naturally, our Government made no approach to any paper-manufacturing concern in America, England, or any other country, whether or not that company would have been interested in establishing a paper manufacturing industry in this State.

What I have said about the definition of the term "cost of the mill" as set out in the agreement indicates the inexcusable and extravagant lengths to which this Government went, and which it now asks Parliament to go to in connection with this matter. I say there is no excuse or justification for the agreement at all. But if there were, then the making available by the Government of two-thirds of the actual cost of the mill would surely have been sufficient.

However, the Government allows the cost of the land to come into it; the designing of the building to come into it; plus an additional 8 per cent. of all expenditure incurred to cover the company's overhead, administration expenses, and so on. In fact, the Government seems to have agreed to put everything one could possibly think of in the agreement; to expand the Government's contribution to the greatest possible extent.

There is one really queer provision in the Bill, and I hope the Minister will tell us more about this, either when he is replying to the second reading debate or when the Bill is in Committee. In his second reading speech, the Minister said—

> If construction is at a greater rate than £450,000 in one year—of which amount of £450,000 the State would advance two-thirds; namely, £300,000 —the State will be liable to temporary interest commitments if it does not desire to match the high rate of progress by an increase of the annual rate of loan money advances.

I will leave that statement with members to think over, because it seems to indicate that the Government itself at some stage, if a certain set of circumstances arises, will be paying interest to the company on money which the company is putting in to assist in the construction of the mill.

Mr. Court: I have explained it is the difference between the bank rate and the five per cent.

Mr. HAWKE: Yes; but why should the Government be paying interest to the company?

Mr. Court: Because we are trying to accelerate the completion of the mill. If the company will build the mill faster we want to encourage it.

Mr. HAWKE: And the Government will pay the interest to do so?

Mr. Court: We only subsidise the interest.

Mr. HAWKE: Why do that?

Mr. Court: You are being stubborn now. It is very clearly indicated.

Mr. HAWKE: If it suits the purpose of the company to speed up the construction of the mill, should not the company pay for the speeding up?

Mr. Court: It is the Government that is trying to get it to go faster.

Mr. HAWKE: The decision lies with the company. The Government cannot make the company go faster. The company will go faster if it suits the company to go faster, and should the company decide to go faster the Government will come along and pay interest to the company on some of the money which it is paying into the building.

The Minister told us that the company, under the agreement, would pay all costs in connection with the disposal of ordinary effluent. He then began to talk about charges for the disposal of excess effluent and said—

> The charges against the company under this last-mentioned heading were not to exceed half the price to be charged to the company for water supplied to it by the Government.

I understand the water charge which the company will pay will be the price charged by the Metropolitan Water Supply Department for industrial water, or water used for industrial purposes. Presumably, that is a fairly low charge. I am not complaining about the Government making water available to the company at the appropriate rate. That is, in the circumstances, fair enough. However, the charges for the disposal, by the Government, of excess effluent is not to exceed half the price charged, to be paid by the company to the Government, for water which the Water Supply Department will provide.

Mr. Court: That is for the paper mill; but it will be a full charge if it is for the pulp mill.

Mr. HAWKE: Yes; but I am talking about the paper mill. The Minister assured us that this charge for the disposal of the excess effluent would more than cover the cost. How the Minister could give that assurance I would not know. The mill has not yet been filled; he does not know how much excess effluent there will be; he does not know the difficulties associated with the disposal of it; and yet, quite smoothly, he assures us that half the price of the water charged will more than cover the cost of disposing of the excess effluent from the mill.

Then the Minister made a statement which rather cast a substantial doubt on his assurance. He said that special investigators from Western Australia were going to the Eastern States to investigate the disposal of excess effluent.

Mr. Court: Not going; they have been. They went before we arrived at the basis of the agreement.

Mr. HAWKE: Very well. They went; they saw; and they came back.

Mr. Court: That is how we knew what to charge.

Mr. HAWKE: We shall see, in due course, whether this charge for excess effluent will more than cover the cost. I want to know whether the company is to be charged a water rate.

Mr. Court: It will pay all normal rates and taxes.

Mr. HAWKE: It will pay the increased rate which the Government recently put upon water consumers in the metropolitan area?

Mr. Court: As an industrial consumer, the company will pay all normal rates.

Mr. HAWKE: Good! When the Minister was talking about this agreement and of the amount of money which the Government was to lend to the company, he gave us to understand, in the early part of his speech, and particularly in reply to some interjections, that there was some mystical or magical method open to the Government to enable it to provide the money without doing anything, in any way, that would be detrimental to the State or to any of the activities which the State normally finances from loan moneys. He even told us, in the following words, how the Government would do this. The following words are—

> We are not without some imagination and resourcefulness in this matter.

When the Minister said that, I thought the Government had really worked out some marvellous method of finding the money with which to finance, to the extent of two-thirds, the cost of constructing the papermaking mill at Spearwood.

The Minister went on to say that there were other avenues available to the Government, outside of ordinary loan funds, with which to provide the finance. Then he brought us down to earth with an awful thud because he said there would be repayments from Government moneys that had been advanced to Albany Fertilisers and Cockburn Cement. He left us with the impression that these repayments would constitute some of the moneys

which would be advanced by his Government to the paper-making company to assist that company to construct the mill at Spearwood.

Obviously, these repayments, from Albany Fertilisers and from Cockburn Cement, of moneys loaned to those companies, are moneys which, in the normal course of events, would be available to the Government to enable it to build schools and hospitals, and to extend water supplies and to do any of the hundred and one other things which are open to the Government to do if it has the necessary finance.

So, obviously, the Government is going to provide this £2,500,000 as a contribution, by way of loan to the company, to enable the company to build this papermaking mill out of moneys which would be available to the Government to build schools, hospitals, water supplies, and so on.

Mr. Court: That is not necessarily so. You know there are many other ways available to a Government to provide money to a company like this.

Mr. HAWKE: If this money, received as repayments from Albany Fertilisers and from Cockburn Cement, were not to be used to help the Australian Paper Mills, Ltd. to build a paper mill at Spearwood, for what purpose could this money be used?

Mr. Court: It could be used as ordinary loan moneys for development; but they are industrial development moneys coming back into circulation.

Mr. HAWKE: The Minister now submits that the money could be used as ordinary loan money.

Mr. Court: It does not have to be used. I just said it could be used, instead of drawing on the normal annual loan funds available.

Mr. HAWKE: If this money from Albany Fertilisers and from Cockburn Cement is not to be made available by way of loan to Australian Paper Mills Ltd., what money is to be made available to that company?

Mr. Court: It is possible for a Government to get money for this purpose from outside sources by way of guarantee, and to leave the normal loan funds to be made available to build schools, hospitals, and water supplies.

Mr. HAWKE: I ask again: If moneys could be received under the arrangement which the Minister talks about, to lend to Australian Paper Mills Ltd., could not money obtained in that situation be used also for other Government purposes?

Mr. Court: No; it could not be used for schools or hospitals because it would immediately cut across the Commonwealth Agreement.

Mr. HAWKE: I think the Minister would immediately cut across the Commonwealth Agreement by obtaining the money the way the Minister suggests and making it available to Australian Paper Mills Ltd.

Mr. Court: You did a lot of that yourself by way of guarantee and it did not impair your loan programme.

Mr. HAWKE: If the Minister is frank enough to say to us that the Government will pay this money to the company by way of guarantee, and that some outside financial institution will make it available, we become more clear upon the subject. However, the Minister made no suggestion whatsoever of that in his speech. It is only now, under pressure from the Opposition, that he makes any mention of it.

Mr. Court: The Government does not have to make up its mind at this point of time as to what funds it will use.

Mr. HAWKE: I think the Government does have to make up its mind at this point of time, because this is the point of time when the Government is asking Parliament to ratify this agreement. Surely the people's representatives in this House, if not in the other House, are entitled to know that! Surely every member in the Legislative Assembly is entitled to know, beyond any question, whether the moneys to be made available to Australian Paper Mills, Ltd. are, or are not, moneys which could be used to build schools and hospitals and provide water supplies if the moneys were not made available to Australian Paper Mills Ltd.! There is an urgent duty upon the shoulders of the Ministry and the Government to tell this House, without any shadow of doubt, just what the situation will be.

Mr. Court: It might suit the Government of the day to advance the money from its loan fund programme; but if it did not want to, it could make use of other methods.

Mr. HAWKE: I am extremely pleased that I have continued to press the Minister on this point because the suggestion he has just made is most illuminating and it should have the effect of waking up some of the Government supporters on the cross-benches, if not those in the back seats, including the member for Murray.

Mr. Court: You have not disclosed anything I did not say in my speech.

Mr. HAWKE: The Minister has now said that if it suits the Government it will make this £2,500,000 available to Australian Paper Mills Ltd. out of ordinary loan funds. That is something the private members of the Government should think about very seriously, and I think it is something which Country Party Ministers in the Government should think about very seriously.

Mr. Brand: The same old tack!

Mr. Court: What they would be worried about was our inheriting some of the commitments your Government exposed itself to, in finding £5,000,000 interest-free money for 10 years. That would have taken some finding.

Mr. HAWKE: One of the Ministers of this Government was going to make some sensational revelations after he came into office about what our Government did and what it left by way of legacy to the present Government; but we have not seen those revelations. The reason why we have not seen them is obvious. We can imagine what a song and dance the Minister for Industrial Development would have created had he any story to tell about the matter. However, that is by the way and not related to the Bill at all.

In view of what the Minister for Industrial Development has said about the use of loan funds in connection with this proposition, private members on the Government side should make certain that this Bill is not passed through the Committee stage in this House until there has been a further meeting of the Government parties, in order that this issue in particular may be thrashed out.

Earlier I referred to a leading article published in *The West Australian* of the 8th July, 1960. I propose to quote some extracts from it. I am strongly inclined to think that when the Minister, during the second reading, talked about snipers and sniping, he was having an indirect crack at *The West Australian* for having published that leading article.

Mr. Court: I am more concerned about the continuous haggling by the official Opposition of this State. That is the thing which industrialists abroad take notice of.

Mr. Jamieson: You are reconciling your conscience.

Mr. HAWKE: It is amazing how the dyed-in-the-wool sinner of yesterday has become the dyed-in-the-wool saint of today. I am referring, of course, to the Minister for Industrial Development. I am not referring to him as a saint in the spiritual sense.

Mr. Court: I am quite aware of that.

Mr. HAWKE: Three years ago he could not say anything bad enough about the State's endeavours to attract industries. He threw atom bombs, hydrogen bombs, and other bombs into the situation, and did a tremendous amount of damage and a tremendous amount of sabotage to the State's development and expansion. Yet he comes along now, when he is carrying some responsibility himself, to complain and protest that someone is sniping at the Government's effort to achieve industrial development.

The first portion of the extract from the article I referred to reads—

> To induce Australian Paper Manufacturers Ltd. to establish a mill at Spearwood the Government is offering loans on easy terms which will tie up too much of the State's money for too long.

Another portion of the article states—

> In the case of a wealthy concern like A.P.M. these terms seem ridiculous.

The final extract from the article reads—

> We want rapid expansion of private enterprise but not by going to extremes of financial aid and freezing large State resources as in the paper mill proposal.

The West Australian newspaper is 95 per cent., at least, a supporter of the present Government. Wherever it can praise the Government it does; wherever it can apologise for the Government it does; wherever it can put the Opposition in a bad light it does; whenever it has the opportunity to put the Government in a bad light on the most justifiable grounds it refuses to do so on most occasions. However, on this occasion it just could not stand the fantastically and extravagantly dangerous provisions offered by the Government to the company, so the editor-in-chief and the managing editor of *The West Australian* were impelled, no doubt against their will, to write this leading article in which they very strongly criticised the Government for making this agreement. I oppose the second reading.

MR. COURT (Nedlands—Minister for Industrial Development—in reply) [11.36]: The Leader of the Opposition has rather surprised me with the evasiveness of his so-called attack on the Government's agreement with A.P.M. As a matter of fact, we can take it back to one particular thing; that is, he knows in his heart that his Government offered freely huge sums of money, which this State would never have been able to meet, to foreign concerns.

It is no good his playing with words and saying that his Government did not offer financial assistance to a paper company. His Government did offer it to one of the world's most wealthy concerns. I do not think he knew what commitments he could have left this State with. If the investment had been half of what it was suggested it would be—namely, £23,000,000—in a subsequent Press announcement—that is, £11,000,000 to £12,000,000—then as Treasurer he was up for 20 per cent. of that amount as a free gift. He was also up for interest-free loans for an unspecified amount.

Mr. Hawke: That is not true.

Mr. COURT: It is true.

Mr. Hawke: No it isn't.

Mr. COURT: I read the quotation from the letter, which does not fix at any point the normal arrangements the previous Government was offering of 20 per cent. free gift and 20 per cent. interest-free loans. For some reason or other, in this particular case, with a tremendously wealthy company, which could buy and sell the A.P.M. tomorrow, the then Government offered interest-free loans without limit. The previous Government went further and said it would guarantee any lender who wanted to be guaranteed repayments.

Mr. Hawke: It would have been a great thing to have induced the company to be established here.

Mr. COURT: I said that in my second reading speech. It is just as important to get a paper mill established in the State.

Mr. Hawke: But the paper mill was coming.

Mr. COURT: The question was: When?

Mr. Hawke: In eight years from 1958.

Mr. COURT: That is nonsense. The previous Government tried to pin the company down to a date, but the company gave the stock answer that it had bought the land for future development. It would specify neither the size of the mill nor the time.

It is important to a State like ours that the company should specify as to time and as to size, so that we can plan our development. It is so odd that the Opposition in this State cannot find a good word to say about General Motors Holdens Ltd. after all it has done for Australia in building up the motor industry. In spite of the fact that the company was encouraged to establish in Australia by a Labor Prime Minister; the Opposition, as the Government, was prepared to enter the market and offer a huge sum of money to a wealthy foreign concern, admittedly for a good basic industry, but no more basic than the paper industry.

There was a very good reason why we wanted to bid high for the establishment of A.P.M. in this State and get it established on a fixed programme, quite apart from the fact that we wanted it to be established and in operation by a specified time. One of the reasons is that it is a basic industry and one of the key industries of today.

Our best advice then was, and still is, that if we want a fully-integrated paper industry we have to get the cornerstone, which is the paper manufacturing industry, first. If we were to follow the history of some of the big paper-manufacturing concerns of the world we would find that they first established paper manufacturing and the conversion of the paper. When they had a ready market for the pulp, then and only then did they establish the pulping mills. We therefore followed the logical development of the paper industry.

The best advice we could obtain was to establish a quite sizeable paper mill in our State first, and get it working by a fixed date for an agreed-size mill. From that we could extend to the full integration of the paper industry which is so important to us. Quite apart from the usage of our forest wastes, it is very important because of the diversity of careers it offers, in view of the fact that the paper industry today is so heavily connected with the chemical industry. The young people in this State who want to follow that particular career will be able to do so.

It is rather odd for the Leader of the Opposition to say that in attacking the Government he is congratulating and praising the company. He knows this is only a backdoor method to splash some mud on a very reputable company. In point of fact, what he has done is to serve notice on industry that so far as the Opposition is concerned it is going to oppose bitterly any assistance by the Government to attract any company here, ahead of its economic programme.

Mr. Hawke: Extravagant assistance.

Mr. COURT: My own reaction to what the Leader of the Opposition said was that being short of an argument he used the old and time-honoured custom of trying to develop the issue into a personal attack on an individual—in this case on me.

Reverting to this overseas company, which unfortunately did not come to this State, how the State would have paid for it I do not know. Personally I would have been pleased to see it established in this State. I do not criticise that at all. The Deputy Leader of the Opposition was right in bidding and bidding high for the company to be established in this State. If I had been in his position I would have adopted different tactics, but I would still have bid high. It is an important and a basic industry, but it is no more basic than the paper-manufacturing industry.

The argument which the Leader of the Opposition used was very weak when he said we should not have assisted A.P.M. because it was the owner of some land in this State. How silly can we get!

Mr. Toms: That is what we are wondering!

Mr. COURT: If the company did own some land, but in ten years this State still did not get a paper mill, the people would say, "Why did not somebody get the paper mill established?" This Government has got one. Our best advice on the timing was that we could not get it under ten years: I am talking about ten years from 1960. As I explained during the second reading speech, one of the other reputable companies we approached said the term would be fifteen years. I can tell members quite frankly that we did make an approach to an American company. But when

it made an estimate of the position it said, "Nothing doing for twenty years for the size of your economy."

Getting this mill established by the 31st December, 1966, and in production, is not a bad effort. We will then have a sizeable paper mill which will not only create employment on the construction side, but also employment on the operational side and offer some very desirable careers to those who will be engaged in the industry.

Mr. Toms: Do you think the company would not have been established if the Government had not made the offer?

Mr. COURT: I am quite convinced it would not have been here before 1970.

Mr. Toms: It must be an economic proposition before it would establish itself here.

Mr. COURT: We have assisted the company to make it economic ahead of the normal time.

Mr. Toms: I do not think the company needed our assistance.

Mr. COURT: Of course the member for Maylands may say that a thousand times if he wishes to, but the fact is that the company was not prepared to come.

Mr. Jamieson: The whole principle of the matter is that the company can pull the wool over your eyes quicker than over the eyes of a lot of other people.

Mr. COURT: Here they come! The point is that we have obtained the industry. We have it signed up. Surely that is the important thing. It is no good talking in riddles or about "maybes" or what "might-have-beens", and so on; we have the industry signed up and it will be in production before the end of 1966.

I think I made the position quite clear in respect of the use of funds. I was very frank about it. The contract provides that we will produce an amount of money at a certain rate per annum. If the Government is tied up for loan funds at that time and this provision will interfere with schools, hospitals, water supplies, and so on, it is quite competent for the Government to use the system that it has used very often—almost daily. I am referring to the practice of obtaining money from an outside source and having it guaranteed by the Government, thereby by-passing completely the normal loan structure and not interfering with the money which would be available for schools and hospitals.

I think it is elementary in Government finance that the Education Department cannot obtain money from those channels; but it is possible to finance industry that way without violating the present Commonwealth-State financial arrangements. These practices are known to the Commonwealth Government. Every Government is involved, but it does not impair the amount of loan funds that are granted by the Loan Council.

Mr. Jamieson: You take a risk on the interest ratings applying today.

Mr. COURT: That may be; but we have not just left this to chance. We have, in fact, sounded out the market to see what would be the prospects, and the prospects with a Government guarantee for this type of thing are very good. I feel that is as far as any Government is expected to go. We do not want to prejudice our schools and hospitals. As for the money coming back from Albany Fertilisers and Cockburn Cement, it is money which has been in industrial development work, and it has always been anticipated that it will be in the form of a revolving fund for that purpose. If that money were not used for A.P.M., the guarantee system could be used in lieu.

I have tried hard to find other points that should be answered in what the Leader of the Opposition has said; but I think he would himself admit that he went over the same ground two or three times and just gave us the same tune in a slightly different key. I think I have covered all the points he actually made, and I commend the Bill to the House.

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

Ayes—25.	
Mr. Bovell	Mr. W. A. Manning
Mr. Brand	Sir Ross McLarty
Mr. Burt	Mr. Nalder
Mr. Cornell	Mr. Nimmo
Mr. Court	Mr. O'Connor
Mr. Craig	Mr. O'Neil
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Perkins
Mr. Guthrie	Mr. Roberts
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
Mr. Mann	*(Teller.)*
Noes—21.	
Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Oldfield
Mr. Evans	Mr. Rhatigan
Mr. Fletcher	Mr. Rowberry
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Heal
Mr. Jamieson	*(Teller.)*

Majority for—4.

Question thus passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Court (Minister for Industrial Development) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5—Discharge of effluent:

Mr. HAWKE: This appears to be a most extraordinary clause. It appears to me to mean that if any person in a locality suffers damage to his property as the result of the discharge of this excessive effluent from the mill, he has no recourse of any

kind—he has no legal right of any sort and must suffer the damage as best he may.

Mr. J. Hegney: He may not be against the Government either.

Mr. HAWKE: The company does not accept any responsibility; and the Government accepts no responsibility. It appears to me to be a most wicked provision to put in an Act of Parliament. In fact, it takes away legal rights which would normally belong to persons who would suffer injury as a result of the disposal of this excess effluent. Surely the Government, on reconsideration would not agree to this. I think it is quite a wicked proposition for a provision of this kind to be set out in the Bill.

What right has Parliament to take the normal rights of the citizen away from the citizen simply because a wealthy company, with financial support from the Government, is going to establish a mill and dispose of excess effluent from the mill which could in its travels do considerable damage to landowners in the vicinity? Why should not the citizens concerned have the right to claim damages at a court of law and to receive them if the court of law decided in their favour? Surely this is going ever so much too far in protecting the company and the Government from claims which would be fair and reasonable; and to be effective would have to be proven in a court of law.

Why put the citizens, as it were, into Siberia or into some other country where the citizen has no legal rights? Surely there is no justification for taking away from the individual citizen legal rights which should be his, in order to protect a wealthy company and, maybe, to protect the Government. The Government and the company would be in a much better position to pay damages, where damages were proven, than would be the individual citizen to bear them.

I think the proposition is a wicked one —wicked in the extreme. How it got into the Bill I would not know. It is not necessary for me to move for the deletion of the clause as I could not do that; but I will certainly speak against it more than once if necessary. I ask members of the Committee to vote it out.

Mr. FLETCHER: I also take exception to this clause. This could be quite an obnoxious effluent. If it is simply pumped on the surface of the ground, I suggest to the Government that it could have a deleterious effect on the value of the property in the vicinity. A person unfortunate enough to have a home in the immediate vicinity of this effluent would have difficulty in selling his property; and its value would certainly depreciate.

I will quote a similar incident. Effluent came from the Swan Wool Scourers, and there was considerable argument by the people in the vicinity of that place that the water from their reticulation schemes had been contaminated by the water from the wool scourers. The water concerned was merely pumped on the ground, and by natural seepage it contaminated the reticulation water schemes of the various householders in that locality. I hope the appropriate Minister is listening to what I have to say, because this could happen in relation to the effluent from the paper mill.

Mr. J. HEGNEY: I propose to vote against this clause because I think it is unnecessary. I do not think citizens in the locality should be affected by effluent that will be discharged from this industry when it is in operation. In my own electorate I have had experience with two industries which are similar in character. The industries I am referring to have been obnoxious for many years. I sought to remedy the position by securing an amendment to the Health Act some few years ago, but the Government of the day amended the Factories and Shops Act in an endeavour to do something about the position. I am referring to the cement dust which emanates from the Swan Portland cement factory at Rivervale. Finally, the Government of the day took action and a committee was set up to control the position.

A similar situation exists at Bassendean on account of effluent from the Cuming Smith superphosphate works. This effluent filters into the drain and poisons the countryside for a distance of a mile or a mile and a half. The Minister for Works has visited the spot to hear the complaints of the people. Unfortunately, no satisfactory results have been obtained as yet. As a matter of fact, representations have been made to the Public Works Department; and its engineers have investigated the position on the spot. This effluent causes considerable harm to properties which belong to people in the vicinity. I have no doubt the same thing will apply to people who will be adjacent to the paper mill, if the effluent is allowed to run through their properties.

There is also a provision in the clause that if the effluent flows into the ocean no obligation will rest upon either the company or the Government to be responsible. Before the last election it was alleged that the beaches were being polluted by the sewerage system at City Beach. In the present case, we do not know what amount of effluent will flow from this mill. We know of the complaints that are being made about effluent from the oil companies affecting our beaches. The other night we made provision to endeavour to control the vessels which discharge effluent into the ocean.

There is no responsibility upon either the Government or the company for any damage it might do as a result of this

effluent being discharged from the industry. I do not think the Government should vitiate the rights and common law of the citizens of this country; and that is what it will be doing if it accepts this agreement. I therefore propose to vote against the agreement.

Mr. COURT: It is usual to get complaints from the other side that Ministers will not reply to their comments. But members must admit that the Minister was not given much of a chance.

Mr. Hawke: Throw him out!

The CHAIRMAN (Mr. Roberts): Order!

Mr. COURT: Obviously, members on the other side have not studied the position very carefully, because they have made observations in connection with this effluent which are not in accordance with the position that will exist. Let me preface my remarks by saying this is one particular clause which I am prepared to have re-examined by the Crown Law Department to see whether the full provisions of this clause are, in fact, necessary. I would suggest that after I have finished my remarks, the Committee, if it so desires, should report progress and ask leave to sit again.

The clause is not a wicked clause, as it has been designated. The Leader of the Opposition gets on to these phrases and does not seem able to get off them. The position is that the clause refers only to excess effluent. Excess effluent is given a particular definition in the agreement for a very good reason. If members will turn to page 10 of the Bill, they will see that the first paragraph says—

> Effluent from the works which the company cannot reasonably so dispose of on the mill site is in this clause referred to as "excess effluent."

Mr. Jamieson: How is this excess effluent determined?

Mr. COURT: If the honourable member will read the agreement, he will find it is very easily determined. It is proposed that most of the effluent—and, in fact, all the effluent from the original-sized paper mill—will be dealt with on the site. That is why the company has purchased such a large site. If it expands the paper mill, or goes into the pulp-milling side, a further problem will arise with respect to effluent, and it cannot be dealt with effectively on the site; and that excess will be taken over as a responsibility of the Government.

It is not as though this company is just going to place a pipe on the water's edge and discharge this excess effluent. It will be done under proper control, and it was our wish to have it on this condition—so that it would be properly controlled. I explained during the second reading speech that the discharge to the sea of any excess effluent, should it arise, will be at the point where the normal sewerage discharge is proposed for the south of Fremantle.

Mr. J. Hegney: Where does it say that in the agreement?

Mr. COURT: The matter is in the hands of the Government of the day.

Mr. J. Hegney: It doesn't say that in the clause.

Mr. COURT: Of course it does not!

Mr. Hawke: The Minister is arguing that it is not necessary.

Mr. COURT: It has already been announced by the Government that the treatment works for the south of Fremantle will be in the vicinity of Woodman's Point. As far as the paper mill effluent is concerned, it can go through the ordinary treatment works. But if there is a pulp mill, that effluent has to by-pass the sewerage works and go into the outfall pipe. It will go into the sea a long way off-shore, and in about 60 ft. of water. It will go down the same pipe as the sewage outlet—the sewage that has been treated—but it will not go through the sewage treatment works.

The whole matter is in the hands of the Government. It is not a private industry that is going to put a pipe out on the foreshore and be subject to no responsibility. It may be that after the clause has been discussed with the Crown Law Department the company should be protected, because it has no responsibility to undertake this particular disposal; but it might be desirable to leave the State out. I am prepared to give that consideration after we have conferred with the Crown Law office on this point.

The excess effluent referred to in the clause is not going to be deposited on land, as was suggested by the member for Fremantle. It will be passed out to sea. It will be placed there by the Government, and there will be no laxity in the disposal of it. It will proceed down a pipe that is proposed for the treated sewage from the works that will eventually be established there, and discharged in some 60 ft. of water.

A lot of thought and care has been given by the Government to this particular point. We sent experts to the Eastern States to study comparable cases and work out costs. We were apprised of what was involved, and there is no wickedness on the part of the Government in respect of this clause.

Mr. Hawke: It is a wicked provision.

Mr. COURT: The disposal of effluent of this type is something new to Governments in this State. It is the first time we have had an industry of this type, where we are starting off from scratch and have

to work out a plan and policy in respect of the disposal of effluent; and therefore it is very necessary that some clear legislative provisions be made by Parliament in respect of the liability arising from this matter.

Mr. Hawke: This Bill leaves all the liability to the private citizen, and no remedy.

Mr. COURT: The honourable member is saying that the Government of the day is going to be heartless and completely indifferent to private citizens. No Government would be that.

Mr. Hawke: This Bill will take away the legal rights of private citizens.

Mr. COURT: I think the Leader of the Opposition is not prepared to read the agreement or the clause properly.

Mr. Hawke: Will the Minister read the clause?

Mr. COURT: The clause is very important when read in conjunction with the agreement. It says that neither the company nor the State is liable for the discharge by the company of excess effluent—and those words are important—from this mill in accordance with the agreement. It must conform to the agreement; it just cannot act irresponsibly.

Mr. W. Hegney: Who is responsible?

Mr. Tonkin: That means by any means, or any routes which the Government thinks fit.

Mr. COURT: It does not mean anything of the sort.

Mr. Tonkin: It says that in the agreement.

Mr. COURT: The honourable member is prepared to read it in that way.

Mr. Tonkin: It says by any route the Government thinks fit.

Mr. COURT: Is the honourable member suggesting that the Government of the day would be so foolish as to—

Mr. Tonkin: What is it in the Bill for?

Mr. COURT: To clarify a legal position. If the clause is read in conjunction with the agreement, it will be appreciated there is no danger of damage to private property, because the effluent is not to be discharged on land. It is only when it becomes excess effluent, and cannot be dealt with at the millsite, that it becomes the responsibility of the Government to discharge this effluent into the sea. I suggest that if the Committee is so disposed, it report progress, and I will have this clause examined by the Crown Law Department.

Progress reported, and leave granted to sit again.

House adjourned at 12.15 a.m. (Wednesday).

Legislative Council

Wednesday, the 12th October, 1960

CONTENTS

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

BILLS (3)—ASSENT

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

1. Administration Act Amendment Bill.
2. Stamp Act Amendment Bill.
3. Health Act Amendment Bill.

QUESTIONS ON NOTICE

GOLDFIELDS EXPRESS

Installation of Power Points

1. The Hon. G. BENNETTS asked the Minister for Mines:

   In view of the fact that the Westland express is equipped with power points for the use of electric razors, is it the intention of the Government to equip the goldfields express likewise? If so, when will this take place?