of Parliament, I saw great citrus groves that were producing untold wealth for South Africa. I believe that the area round Geraldton would be one that could be used for citrus growing. When I was there as a bank officer in the years before the war, I saw and tasted some of the best oranges ever; these were grown round the Northampton district and at Dindaloa in the Chapman Valley.

Mr. Hawke: Have you tried the Northam oranges?

Mr. BOVELL: No; but I would be very glad if the Premier could bring me a sample. I have tried the Pinjarra oranges given to me by the former Premier and member for Murray, and found them to be very good indeed.

Mr. Nulsen: The finest oranges I have seen and tasted were grown at Wiluna.

Mr. BOVELL: I could appreciate that, because the area inland from Geraldton shows the wonderful potential that is there. I would not be too sure of my facts, but I also believe that certain fruits could be grown, in an experimental way anyhow, in the Minister for Health's own district. Be that as it may, there is definitely a great potential for the fruit-growing industry. But this authority—if there is to be one, and I believe it is necessary—should be composed of practical primary producers, and they should have the authority necessary. As an advisory panel—and I stress they should act in an advisory capacity only—I would suggest co-opting the following:—

(1) The Chairman of the Associated Banks of Western Australia;

(2) the Chairman of Commissioners of the Rural & Industries Bank of Western Australia;

(3) the Surveyor-General;

(4) the Under-Secretary for Lands;

(5) the Director of Agriculture;

(6) a representative appointed by the R.S.L., who has experience of the war service land settlement scheme.

I have not referred to the Farmers' Union; because, in my opinion, the controlling authority contained in this proposal, as I see it, will consist of practical primary producers. So the primary producers themselves will be the authority which will inquire into the proposals for a land settlement scheme, and they will be assisted by the advisory panel I have proposed.

On motion by the Minister for Lands, debate adjourned.

House adjourned at 8.48 p.m.

Legislative Assembly

Wednesday, 27th August, 1958.

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CONTENTS—*continued.*

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

CONDOLENCE—LETTER IN REPLY.

The SPEAKER: I have received the following letter from the widow of the late Mr. J. H. Ackland in reply to the letter of condolence conveyed by order of the House through me. It reads as follows:—

> Mrs. Hugh Ackland, Jack, Geoffrey, Jessica and Heather appreciate deeply the tributes of affection and esteem that have been paid to their loved husband and father and sincerely thank you for your sympathy and understanding.

QUESTIONS ON NOTICE.

STATE ENGINEERING WORKS.

Execution of Tenders Let to Private Firms.

1. The Hon. J. B. SLEEMAN asked the Minister for Works:

(1) Is he aware that a tender for a gas seal at Wundowie, given to a private firm, is now being done by the State Engineering Works?

(2) Is he also aware that this is not the first occasion when a similar tender for a similar article, given to a private firm, was said to be done at the State Engineering Works?

(3) Is he also aware that quite often tenders, given to private firms for different jobs, are sent to the State Engineering Works to be done?

(4) Can he inform the House why this is so? Is it because other firms cannot carry out the job satisfactorily, or is it because the State Engineering Works can do it better and cheaper than private firms?

The MINISTER FOR MINES (for the Minister for Works) replied:

(1) It is understood that the gas seal is part of a contract for which tenders were called and for which no tender was submitted by the State Engineering Works. The work entailed manufacture and erection on site and the State Engineering Works was not in a position to provide skilled staff for site erection. The gas seal is a three-piece steel casting and is being machined only at the State Engineering Works.

(2) Similar machining work on a similar article has been carried out at the State Engineering Works on two previous occasions.

(3) Where machinery and equipment at the State Engineering Works are specially suitable for a particular class of work, it is common practice for private firms to get this portion of a job or contract done at the State Engineering Works on either a "cost plus" or a "firm quotation" basis.

(4) The reasons for contracting firms getting work done outside their own shops are:—

(a) They do not have equipment to do the specific class of work involved.

(b) It would not be economical to install equipment for types of work not normally called for in their business.

The State Engineering Works is in the same general position, as it goes to outside firms for work such as the larger steel castings, galvanising work, and chrome and nickel plating work.

PLANT DISEASES ACT.

Tabling of Papers re Case of Mr. Degens.

2. The Hon. A. F. WATTS asked the Minister for Justice:

(1) Was a prosecution commenced at Albany against a man named Degens of Mt. Barker in respect of alleged offences under the Plant Diseases Act?

(2) If not, was consideration given to prosecuting such person in respect of such offences?

(3) In either case, will he lay the papers concerning these matters on the Table of the House, or, alternatively, make them available to me for perusal at an early date?

The MINISTER replied:

(1) No.

(2) No instructions for prosecution have been received by the Crown Law Department.

(3) The Department of Agriculture will make the papers available to the hon. member for perusal.

NARROGIN HIGH SCHOOL.

Tenders, Contract Price, and Commencement.

3. The Hon. A. F. WATTS asked the Minister for Works:

(1) On what date were tenders called for the erection of the Narrogin High School?

(2) To whom was the contract let?

(3) What was the contract price?

(4) When was the work commenced?

The MINISTER FOR MINES (for the Minister for Works) replied:

(1) The 27th June, 1951.

(2) J. Hawkins & Son Pty. Ltd.

(3) £139,258.

(4) The 19th September, 1951.

EDUCATION.

Size of Classes, Classrooms, and Availability of Teachers, etc.

4. The Hon. A. F. WATTS asked the Minister for Education:

(1) As at the date of the last check, how many teachers have—

(a) single classes of 50 children or more, but less than 60;

(b) grouped classes of over 40 children; also number of any such over 50 children?

(2) At what date was the last check made?

(3) What is the number of premises not the property of the department being used as classrooms, and how many children are accommodated therein?

(4) How many children are accommodated in premises belonging to the department but which are not orthodox classrooms, e.g., hat rooms, offices, etc.?

(5) How many of premises as referred to in No. (4) are in use?

(6) What number of additional classrooms is required to accommodate present school population on the basis that no class exceeds 40 in number, and the school-leaving age is not raised?

(7) What additional number of classrooms is it thought (on the same basis) would be required if the school-leaving age were raised?

(8) What was the increase in school population at the commencement of the current year over and above close of last year?

(9) How many teachers are now employed—

(a) as permanent;

(b) on supply?

(10) Would any—and if so, how many—additional teachers be required if no class exceeded 40 children, and classrooms were available?

(11) How many new teachers became available at the beginning of this year, and by how many did they exceed the loss in the previous year by death, resignation and retirement?

The MINISTER replied:

(1) (a) 214 (51 and over);

(b) Grouped classes over 40—4;
Grouped classes over 50—0.

(2) May, 1958.

(3) (a) 36 rooms;

(b) the information requested is not available in the department. It can only be obtained by questionnaire to the schools concerned, which are on vacation until the 8th September.

(4) See answer to No. (3) (b).

(5) 45 rooms.

(6) 381.

(7) 45.

(8) 7,480 approximately.

(9) (a) 4,079.

(b) 800.

(10) 415.

(11) Available—406;
Loss—206;
Net gain—200.

TRANSPORT BOARD.

Membership.

5. The Hon. D. BRAND asked the Minister for Transport:

(1) Who are the present members of the Transport Board?

(2) How many of the members are entitled to vote on board decisions?

(3) Why was Mr. G. Drake-Brockman replaced?

(4) What was his age at the time he ceased to be a member of the board?

(5) What salary does each member receive?

The MINISTER replied:

(1) W. H. Howard (Chairman), G. Drake-Brockman, H. E. Quick.

(2) All of them.

(3) On account of age.

(4) He is still a member but will be aged 73 next November.

(5) Chairman, £3,000 per annum subject to basic wage adjustments. Members, £500 per annum.

RAILWAYS.

Free Road Transport to Country Railheads.

6. The Hon. D. BRAND asked the Minister representing the Minister for Railways:

Has the road transport section of the Railways Department commenced the practice of providing free transport for freight to railheads in country centres?

The MINISTER FOR TRANSPORT replied:

No.

FLOREAT PARK SCHOOL.

Attendance, Estimated Intake, etc.

7. Mr. MARSHALL asked the Minister for Education:

(1) What is the present attendance of children at Floreat Park State School?

(2) What is the estimated intake for the year beginning 1959?

(3) Is it proposed to provide further additional accommodation?

(4) How many children are in each classroom?

The MINISTER replied:

(1) 850.

(2) 900.

(3) No.

(4) The average is approximately 48.

COMMISSIONERS FOR DECLARATIONS.

Powers to Witness, etc.

8. Mr. ROSS HUTCHINSON asked the Minister for Justice:

(1) Will he name the legal forms or documents, apart from those connected with actual magisterial work, which may not be witnessed by Commissioners for Declarations, but which require the signature of a Justice of the Peace?

(2) Is it a fact that Commissioners for Declarations are not authorised to witness legal forms or documents which have application to Commonwealth law?

The MINISTER replied:

(1) Any legal forms or documents other than statutory declarations or instruments which, under an Act or regulation of the State of Western Australia, shall or may be signed or executed in the presence of and be attested by a Justice of the Peace, or some other person (Declarations and Attestations Act, 1913-1953). No list of the legal forms or documents involved is available but it is believed that Commissioners for Declarations as such have no authority to take affidavits or to attest the execution of a bond or recognisance under the Administration Act, 1903-1956, Section 138, the Evidence Act, 1906-1956, Section 106A, or the Supreme Court Act, 1935-1957, Section 176. Legal forms or documents required for use in some jurisdiction other than the State of Western Australia should be witnessed in accordance with the law of that jurisdiction, and documents witnessed under Commonwealth law should be witnessed in accordance with Commonwealth law.

(2) By the Statutory Declarations Act, 1911-1950, of the Commonwealth, statutory declarations made under Commonwealth law may be made before a preson appointed under a State Act to be a Commissioner for Declarations, but that Act has no application to legal forms or documents witnessed under Commonwealth law other than statutory declarations. No list is available of which of such forms or documents may be witnessed by a Commissioner for Declarations appointed under the law of a State, but affidavits under section 47 of the Bankruptcy Act may be sworn before such a Commissioner.

Nos. 9 and 10. These questions were postponed.

EMPIRE GAMES.

Site for Village.

11. Mr. MARSHALL asked the Minister for Housing:

(1) Has the site for the Empire Games village been selected?

(2) Has the Perth City Council agreed to make land available in the endowment lands area?

(3) Has consideration been given to linking up with Wembley Downs Estate so as to provide an access road through to the Boulevarde?

The MINISTER replied:

(1) Yes.

(2) The commission is at present negotiating with the Perth City Council.

(3) The Perth City Council sub-divisional plan for area is not yet known.

LEGAL PRACTITIONERS.

Legislation in Other States.

12. Mr. EVANS asked the Minister for Justice:

Have any States of Australia, besides our own, legislation controlling the legal profession in the respective States, which contains provisions similar to those embodied in Section 13 of the Legal Practitioners Act, 1893-1957, in this State?

The MINISTER replied:

I have no certain information as to the relevant legislation existing in other States. Section 15 of the Legal Practitioners Act of Tasmania appears to allow less latitude than Section 13 of our Act. Victoria also may be more rigid—see In re Bennett (1924) V.L.R. 372. Some States appear to enable the relevant matter to be dealt with by rules; but I do not know what rules, if any, have been prescribed in this regard.

SCHOOL EQUIPMENT.

Items Subsidised and Inclusion of Tape Recorder.

13. Mr. EVANS asked the Minister for Education:

(1) What items of school equipment are subsidised by the Education Department, for purchase by parents and citizens' associations?

(2) When was this schedule of items drawn up, or last revised?

(3) Is it not considered that in some schools at least, the use of a tape recorder as a teaching aid has value that would warrant its inclusion as an item available for departmental subsidy?

The MINISTER replied:

(1) Projectors.
Oslo lunch room fittings and fixtures.
Library books.
Radio equipment.
Pianos.
Physical education—some items of equipment.

(2) February, 1955.

(3) No.

"WESTLAND" EXPRESS.

Coaches Under Construction.

14. Mr. EVANS asked the Minister representing the Minister for Railways:

(1) How many new coaches are under construction for use on the "Westland" Express?

(2) When is it intended that the first of these coaches will be put on to the "Westland" run?

The MINISTER FOR TRANSPORT replied:

(1) A complete new train set of eight air-conditioned coaches—comprising 3 first-class, 3 second-class, 1 lounge and 1 power—is in the early stage of design.

(2) It is expected that the new train will be put into service as one unit in 1960.

ARTICLED CLERKS.

Outside Work.

15. Mr. EVANS asked the Minister for Justice:

(1) How many articled clerks—
(a) graduate;
(b) non-graduate;
are serving in this State?

(2) Are any of these in outside employment, with approval of the Barristers' Board. If so, how many?

(3) How many articled clerks have applied to the Barristers' Board for permission to engage in outside work, during the last seven years?

(4) How many of these clerks have been given permission to engage in work apart from their articles?

(5) Does the Barristers' Board keep a record of the number of persons who write to inquire as to whether they would be granted permission to engage in a certain type of work, outside their hours of articles, if they were to become such clerks?

(6) If so, how many such persons have made this inquiry during the past seven years?

(7) Are there any non-graduate articled clerks in service in the country districts of the State?

The MINISTER replied:

(1) (a) Graduates 12.
(b) Non-graduates 2.

(2) None.

(3) Without checking through minutes for the last seven years, I am unable to state the number, but possibly it is 4.

(4) As in No. (3). Perhaps 3, but outside ordinary office hours only.

(5) No.

(6) Information unobtainable.

(7) No.

RACING.

Dividends for Placed Horses.

16. Mr. EVANS asked the Minister for Police:

(1) Since August, 1955, how many race horses in—
(a) metropolitan events;
(b) country meetings;
have been placed and paid less than the stake invested?

(2) What is the lowest dividend paid to a "placed" horse during the above period?

(3) How many horses are required to race in an event before the totalisator pays the first three places in—
(a) country;
(b) metropolitan meetings?

(4) Does there seem to be any correlation between the number of starters in a race and the dividend paid for the "placed" horses?

The MINISTER replied:

(1) (a) Nil.
(b) Each country meeting conducts its own totalisator and the information is not readily available without contacting each separate race club.

(2) In the metropolitan area, 5s.

(3) (a) Gallops, 6; Trotting, 6.
(b) Gallops, 7; Trotting, 6.

(4) Yes.

CANNING DAM.

Chlorination Plant.

17. The Hon. D. BRAND asked the Minister for Water Supplies:

(1) Has the Government Tender Board called tenders for a chlorinating plant for Canning Dam?

(2) If so, is this a new installation or a replacement?

(3) If it is a new installation, why is it needed after water from Canning Dam has been used for so many years without chlorination?

The MINISTER FOR MINES (for the Minister for Water Supplies) replied:

(1) Yes.

(2) This is a new installation.

(3) The greater proportion of metropolitan water supplies from Canning Dam is drawn via the open contour channel, and this water has been chlorinated for a number of years. Water from Canning Dam through the 30-inch pipeline is now being brought into line on the recommendation of the Purity of Water Advisory Committee purely as a precautionary measure.

WATER SUPPLIES.

Great Southern Comprehensive Scheme.

18. Mr. MAY asked the Minister for Water Supplies:

(1) Will he inform the House of the total capital cost to date of the Great Southern comprehensive water scheme?

(2) What is the total cost to date of the erection of the Wellington Weir wall?

(3) What is the estimated number of people served by the scheme?

(4) To what extent has the scheme been subsidised by the Federal Government to date?

The MINISTER FOR MINES (for the Minister for Water Supplies) replied:

(1) £3,121,831 at the 31st July, 1958.

(2) Original dam—£137,000
Raising dam—£768,756 at the 25th August, 1958

£905,756

(3) 18,600.

(4) £1,560,915 at the 31st July, 1958.

HIRE PURCHASE.

Insurance Rates on Cars.

19. Mr. MAY asked the Premier:

(1) Is he aware of the following charges for insurances on cars being purchased under hire-purchase agreements—

	£	s	d.
R.A.C. rates on £325	12	19	6
" " " £500	14	1	4
" " " £800	15	18	10

Rates charged under other hire-purchase agreements are—

£325	£31
£500	£33
£800	£36?

(2) Are these charges legal; and if not, what action can be taken to ensure that private hire-purchase agreement insurances are brought into line with those of the R.A.C?

The PREMIER replied:

(1) Yes. From the information available to me the charges quoted are approximately correct so far as country cars are concerned. Charges in respect of metropolitan cars are approximately 20% higher. The R.A.C. and the State Government Insurance Office do not load premiums for insurance of cars being purchased under hire-purchase agreements.

(2) At present there does not appear to be any restriction on such charges.

I might add that this matter will be given careful consideration in the future.

PICTON BRIDGE.

Improvement of Approaches.

20. Mr. ROBERTS asked the Minister for Works:

In view of the numerous accidents that have occurred on the Picton bridge over the Preston River, owing to the dangerous nature of the approaches to such bridge—

(1) Are funds going to be set aside during this financial year to rectify this hazard?

(2) If so, what are the details of the proposed works?

(3) If not, why not?

The MINISTER FOR MINES (for the Minister for Works) replied:

(1) Funds have not been provided for any construction associated with the bridge approaches.

(2) Answered by No. (1).

(3) Improvements to the alignment at the present bridge involve extensive and expensive works. These are in the active planning stage.

DOMESTIC AND HOME SCIENCE CENTRE.

Establishment at Bunbury.

21. Mr. ROBERTS asked the Minister for Education:

When is it contemplated that work will commence on the building of a new domestic and home science centre in Bunbury?

The MINISTER replied:

This is not known. It will depend on finance available.

IRON ORE.

Agreement with B.H.P., Cockatoo Island and Yampi Sound.

22. Mr. ANDREW asked the Premier:

(1) What tonnage of iron ore has the B.H.P. Co. taken from Cockatoo Island and Yampi Sound?

(2) What price does the company pay per ton?

(3) What is the world price per ton?

(4) What is the loss to Western Australia—i.e. the difference between world price and the price paid by B.H.P.—

(a) for each of the last three years;

(b) total loss?

(5) Can the Government do anything about cancelling the contract?

(6) If the answer to No. (5) is in the negative, will the Government approach the B.H.P. Co. for the purpose of requesting that the company take the initiative in making a more equitable agreement?

The PREMIER replied:

(1) From 1951 to the end of 1957, B.H.P. had removed 2,752,121 tons of iron ore from Yampi Sound area.

(2) A royalty of 6d. per ton was paid up to the 30th November, 1954, and 1s. 6d. per ton from the 1st December, 1954. The amount paid during 1957 was £29,226 9s. on 389,686 tons.

I might add that the company offered to pay the increased royalty and the Government has not refused to take it.

(3) Prices vary according to quality and volume of supply and demand. It is considered iron ore from Yampi Sound would bring at least £6 per ton f.o.b. at Yampi Sound. The cost of placing iron ore on ships could be as high as £2 per ton.

(4) For the period 1951 to the end of 1957, the loss on the basis of the information given in reply to question No. (1) and No. (3) would be £11,008,484. From that amount would require to be deducted the royalty payments.

(5) The agreement is contained in an Act of Parliament passed in 1952 and known as the Broken Hill Proprietory Steel Industry Agreement Act, 1952.

(6) The B.H.P. Co. has been approached on the basis of requesting the company to establish a steel processing industry in Western Australia. The company's response has so far been unfavourable. This company has absolute and permanent control of at least 100,000,000 tons of iron ore in the Yampi Sound area.

MOTOR VEHICLE (THIRD PARTY) INSURANCE.

Claims and Limitations.

23. Mr. OWEN asked the Minister representing the Minister for Local Government:

(1) What number of claims, under the Motor Vehicle (Third Party Insurance) Act, of £2,000, have been granted since the coming into operation of the said Act?

(2) Of the claims referred to in No. (1), have amounts in excess of £2,000 been awarded as a result of court proceedings; if so, will he supply details of the number and amounts of such awards?

(3) How does the person to whom damages in excess of £2,000 have been awarded, recover the excess amount?

(4) In view of the fact that the State basic wage has almost trebled since 1943 when the Act became operative, is it considered that the limitations imposed by the Act with respect to—

(a) maximum amount of £2,000 payable to an injured passenger;

(b) maximum amount of 12s. 6d. payable to a medical practitioner for emergency treatment;

(c) maximum amounts of £50 for in-patient aid, £5 for out-patient treatment at a hospital

should be reviewed?

(5) Pursuant to the Act, what limitations, if any, apply in respect of damages awarded to a pedestrian who has suffered injury as a result of negligence on the part of a driver of a motor-vehicle?

(6) If the answer to No. (5) is "nil," will he explain why a limitation exists in respect of passengers in a vehicle?

(7) Although under common law it is not possible for a wife to sue her husband, is it considered that, where an accident occurs and the wife suffers injury due to the negligence of her husband who is the driver of the motor-vehicle involved, the wife is in the position where she can sue the Motor Vehicle Insurance Trust and not her husband for damages?

(8) What is the credit balance of the general reserve account and what is it anticipated such amount will be utilised in payment of?

The MINISTER FOR MINES replied:

(1) Number unknown as no records have been kept.

(2) Yes, but similar reply to No. (1) above.

(3) If a person to whom the amount in excess of £2,000 was awarded was not a passenger in the negligent driver's vehicle the trust would indemnify the driver concerned in full, i.e., the injured party's claim would be paid in full. The trust's limitation of £2,000 is in respect of a passenger in the negligent driver's vehicle only and in this case the injured party could recover the excess of £2,000 in the following manner:—

(i) If the negligent driver was covered under a comprehensive policy with any insurance office and such policy covered his liability in excess of the trust's limit of £2,000 this company would meet the excess.

or

(ii) If the negligent driver did not have a comprehensive policy he would be personally liable for the excess of £2,000.

(4) (a) No. The increase in the basic wage is taken care of by the court in awarding judgments.

(b) No. It has been found in actual practice during the time the trust has been in operation that on very rare occasions does the doctor attend at the scene. The patient is usually treated by the ambulance driver and immediately conveyed to hospital. It is not considered that the very rare occasions on which this amount is payable warrants an amendment.

(c) The amount of £50 for in-patient and £5 for out-patient only limits the amount which the trust must pay direct to the hospital. In actual practice the full amount of the hospital account representing the daily bed maintenance cost is always paid. In the majority of cases the claimant's authority is obtained to pay this full amount of the account direct to the hospital.

(5) There are no limitations in regard to damages awarded to a pedestrian. The insured motorist is indemnified in full by the trust.

(6) It is considered that passengers in the negligent driver's vehicle are in the majority of cases friends or relatives of the driver and there is always the possibility of collusion when claims are made against the driver concerned. As far as is known there is a limitation on policies issued throughout Australia. Furthermore, it is considered that when a passenger voluntarily enters a motor-vehicle he automatically accepts the vehicle and the driver as he finds it and accepts the risk, thus being in a different position to, say, a pedestrian. It is possible for all owners of vehicles to insure against their liability in excess of £2,000 and thereby assure the injured party of payment in full, as per question No. (3).

(7) It is not possible for the wife of a negligent driver to sue the Motor Vehicle Insurance Trust. The claim under the provisions of the Motor Vehicle (Third Party Insurance) Act is a claim at common law and can only be made by the injured party taking action at common law and establishing that his injuries were caused by the negligence of the driver concerned. The Motor Vehicle Insurance Trust is the insurer only of the owner of the vehicle and the policy indemnifies the owner or driver against any claims for damages which may be made against him.

(8) There is no balance in the general reserve account as the only three years which have been completed are the first three of operation of the trust and resulting in losses of 1949-50—£64,280; 1950-51—£100,181; and 1951-52—£17,096.

CITY BEACH.

Financial Assistance to Businessmen.

24. Mr. COURT asked the Premier:

(1) (a) Has a decision been made on the request for financial assistance to City Beach businessmen who claimed financial loss through the closing of City Beach for swimming?

(b) If so, what is the decision?

(2) If the decision is to grant financial assistance, is he prepared to reopen the similar cases of the river storekeepers which were rejected when they sought relief and who suffered financial loss when the official ban on swimming in the river was imposed during the time of the polio epidemics before the introduction of Salk vaccine?

The PREMIER replied:

(1) No.

(2) See answer to No. (1).

RURAL & INDUSTRIES BANK.

Mode of Construction.

25. Mr. COURT asked the Premier:

When does he expect the Government to finalise its deliberations on whether the Rural & Industries Bank new Perth building is to be built by public tender or day labour?

The PREMIER replied:

Within the next few days.

HARVEST TERRACE.

Closure.

26. Mr JAMIESON asked the Minister for Lands:

(1) Is it the intention of the Government to close Harvest Terrace from Parliament Place to Malcolm Street?

(2) If so, will he give consideration to having this land added to the Parliament House reserve, to replace land which may be lost in road works associated with the Narrows bridge access?

The MINISTER replied:

No instructions have been received in the Lands Department regarding proposals relative to Harvest Terrace, as set out in the Stephenson Plan.

TRAFFIC LIGHTS.

Check on Suitability and Use.

27. Mr. COURT asked the Minister for Transport:

(1) Are traffic checks made at varying times of traffic density, to assess the effect of each set of traffic lights?

(2) (a) Have the checks revealed satisfactory results from all the lights;

(b) If not, which ones are considered less than satisfactory?

(3) Is it proposed to keep all lights operating twenty-four hours per day, seven days per week, regardless of location and traffic density at times of low traffic density, such as late at night and off days?

(4) (a) Are the amber lights of traffic lights at present installed, capable of operating as blinking lights without the red and green lights operating?

(b) If so, has consideration been given to only the blinking amber lights operating at off periods at certain intersections as a warning, without traffic having to await the normal traffic light operation?

(5) Why have the traffic lights at the intersection of Mill-st. and St. George's Terrace been left "NOT IN USE" for so long?

(6) Is he satisfied that the present arrangements will handle adequately and smoothly the expected traffic volume into and out of St. George's Terrace after the Narrows bridge is in full use?

The MINISTER replied:

(1) There is no necessity for further traffic checks at every traffic light installation. Checks are made from time to time for technical and traffic reasons as observations suggest they are necessary.

(2) (a) In respect of such checks as have been made, results show that the lights are handling the traffic flows satisfactorily.

(b) Answered by (a).

(3) Yes. All traffic light installations are vehicle and/or pedestrian actuated, and with such modern equipment it is retrograde to turn off the lights in periods of light traffic since the lights adjust themselves automatically to the changing traffic demands.

(4) (a) Yes, but only with special modifications.

(b) No. As stated in the reply to question No. (3) it is retrograde and unnecessary to change during periods of light traffic to flashing light operation. The aim of vehicle actuated signals is to meet the changing demand satisfactorily over the full 24 hours of the day, and to give the motorist complete protection.

(5) Delivery is still awaited of a special electrical relay which will permit left hand slip turns to be made by qualifying the red signal with a green arrow. This provision will provide additional traffic capacity in the installation and it is considered undesirable to commission the lights before this provision is made. The lights could be opened now, but would not provide these facilities.

(6) Subject to some modification of bus routes and bus stands which have still to be devised, I am advised by the Main Roads Department that the present traffic light installations in St. George's Terrace will handle traffic without undue congestion when the bridge over the Narrows is opened. As traffic builds up on the bridge and the city streets over the years it will be necessary to provide relief to the central city streets by the construction of the western switch road and other parts of the proposed inner ring road comprising Roe-st. and Riverside Drive.

HOME FOR THE AGED.

Establishment at Albany.

28. Mr. HALL asked the Minister for Health:

(1) In answer to questions asked by myself, he agreed to give earnest consideration to making available the Albany District Hospital as a home for the aged, on completion of the Albany regional hospital. If that answer still holds good, would he be prepared to reconsider that suggestion and substitute aged centre, instead of home for the aged?

(2) If the answer to No. (1) is "yes", would the Government assist financially a local organisation, prepared to conduct an aged centre at Albany which would include the supply of beds for single aged people, meals, and recreational facilities?

The MINISTER replied:

(1) Yes.

(2) The Government is prepared to assist financially a social centre for the aged in Albany, conducted by an approved local committee, to provide the facilities referred to by the hon. member and provided there is local authority representation on the committee.

TOTALISATOR SYSTEMS.

Methods of Calculating Dividends.

29. Mr. HEAL asked the Minister for Police:

What are the methods used for calculating the straight out and place dividends on the totalisator systems at—

(a) W.A.T.C.;

(b) W.A.T.A.?

The MINISTER replied:

The same practice is observed by both the W.A. Turf Club and the W.A. Trotting Association.

Straight Out.—The total invested "straight out" is ascertained for each race and 13½% is then deducted from the total invested. Balance, 86½%, is then divided by the total number of "straight out"

tickets held on winning horse and the dividend is ascertained to a fraction of not less than 6d.

For Place Bets.—The total invested for "place bets" is ascertained for each race, and 13½% is then deducted from the total invested. The balance, 86½%, is then divided into three equal parts—one part for each first, second, or third horse. The "place" dividend payable is ascertained by dividing the number of tickets on each place horse into one of the three equal parts previously ascertained. The dividend is ascertained to a fraction of not less than 6d. in each case.

DENMARK.

Disposal of Station Master's House.

30. The Hon. A. F. WATTS asked the Minister representing the Minister for Railways:

Has the station master's house at Denmark been leased or sold, or is it intended to lease or sell it?

The MINISTER FOR TRANSPORT replied:

Approval has been given to let the residence subject to the tenant vacating on one month's notice. Intention to sell depends upon the result of the Royal Commissioner's findings in relation to the justification of rail services to Denmark.

EDUCATION.

Ownership and Situation of Classrooms.

31. The Hon. A. F. WATTS asked the Minister for Education:

(1) Of the number of premises not belonging to the department and being used as classrooms, how many are situated in the metropolitan area?

(2) Of the number of premises belonging to the department—such as hatrooms and the like—being used as classrooms, what number are situated in the metropolitan area?

(3) Of the number of grouped classes of over 40 children, how many are situated in the metropolitan area?

(4) How many children are accommodated in the premises referred to in question No. (1)?

(5) How many children are accommodated in the premises referred to in question No. (2)?

The MINISTER replied:

(1) Fifteen.

(2) Thirty.

(3), (4) and (5) The information requested is not available in the department. It can only be obtained by questionnaire to the schools concerned, which are on vacation until the 8th September.

QUESTIONS WITHOUT NOTICE.

BALLADONIA.

Proposed Visit by the Minister for Lands and the Minister for Police.

1. The Hon. D. BRAND asked the Minister for Lands:

Would he give the House details of his proposed visit to Balladonia and inform hon. members what special interest the Minister for Native Welfare has in the visit?

The MINISTER replied:

The Leader of the Opposition was good enough, as the bells were ringing just now, to bring this question to me. I think a little courtesy would be quite effective on occasions of this kind, and I feel that some notice could quite easily be given if members expect replies to cover in detail what they require to know. It is not as though this matter had just occurred to the Leader of the Opposition as the House met.

However, in the interval between then and now, I have obtained certain information and would advise him and the House that for some time past there has been an expedition out in the Rawlinson Range country, embracing the Giles and MacDonald areas; quite a large piece of land in that part of Western Australia. The purpose of this visit, as far as my department is concerned, is that the south-eastern desert surveying and mapping expedition, which has been located at Giles for some time past, is nearing the end of its investigations in that area, and I have had, from time to time, interim reports regarding the availability of pastoral land in that part of the State.

As that survey is nearing completion, the majority of the general surveying work having been done, including the classification and mapping of about 30,000 square miles extending from Lake MacDonald to the South Australian border, I am desirous, before the report is finally made to me, of being able to have a look for myself and see what the potential of this country is, in order that I may be better informed when the report does reach me. It is known, in a general way, that adjacent to the settled area at present there are at least from 2,000 to 3,000 square miles of what is regarded as suitable pastoral country, and the surveying expedition has taken into account quite a large amount of that area.

I might mention also that a good deal of aerial photography will be done during this four-day trip, from the Friday to the Monday, and particular interest will be centred in and around the western end of the Nullabor Plain, an area in connection with which there have been one or two applications for pastoral country in recent times. As little is known of this country, as far as the departmental records go, and as there is little knowledge available which would enable the department to calibrate

carefully the potentials of that area, the photographic record will be of great assistance.

So far as the Minister for Police and Native Welfare is concerned: he has recently had a report from two of his officers who have been out in that area, and he informs me that it is his intention to look into matters contained in that report. Also, he has had reported to him that a number of nomadic natives are out in that area; and as there has been a lot of attention focussed on natives, he wants to find out at first-hand what the position there is. Further, as Minister for Police, he has some matters requiring attention in that area and these have apparently been brought to his notice; so for that purpose, also, he wishes to be a member of this party. Finally, there have been members of his department and also members of the Health Department who have gone into that area; and, in that regard, too, he has considerable interest.

SWANBOURNE BEACH.

Nedlands Council's Request for Improvement.

2. Mr. ROSS HUTCHINSON asked the Premier:

(1) What steps have the Government taken in regard to supporting the Nedlands Council's request to the Commonwealth Government for seven acres of army land fronting the ocean for the purpose of improving and developing Swanbourne beach?

(2) If nothing has been done, will he give immediate consideration to trying to assist in every way possible the request that has been made?

(3) What action, if any, has been taken in regard to approaching the Commonwealth Government with a view to the ultimate removal of the army camp and rifle range from the Swanbourne beach area?

(4) If no favourable decision has yet been reached, will he take steps to press the Commonwealth Government to assist in effecting an exchange of land?

The PREMIER replied:

The hon. member was good enough to send a copy of these questions to my office this morning. Unfortunately, the information required is not available at present, and therefore I have to ask the hon. member to put the questions on the notice paper.

CANING OF STUDENTS.

Approval of Power to Teachers.

3. Mr. ROSS HUTCHINSON asked the Minister for Education:

In view of the apparent trouble with school discipline, has he any intention of approving that all teachers be given power to cane students?

The MINISTER replied:

I think this is an appropriate question to be placed on the notice paper, because I would have to give it the consideration it deserves.

MALAYAN TRADE AGREEMENT.

Difficulties of Local Flour Millers.

4. Mr. COURT asked the Minister for Agriculture:

I apologise for not letting the Minister know earlier about this question, but I do not think it is one of any detail; and it is quite a fair question to ask without notice because it is one of some urgency.

In view of the reported difficulties confronting local flour millers, especially those at Geraldton, will he take immediate action to make representations to ensure that Western Australia receives a substantial share of the guaranteed minimum quantity of flour to be imported by Malaya following the trade agreement completed yesterday by the Commonwealth Government with Malaya?

The MINISTER replied:

The question is a very lengthy one, but the answer is, "Yes."

Mr. COURT: Has similar action been taken in connection with the announcement by Mr. McEwen of the completion of a similar agreement with Ceylon—which announcement was made, I think, about mid-July—that they were going to take about 20,000 tons of flour in 1958?

The MINISTER: I have not a reply to that question; but if the hon. member puts it on the notice paper, I will obtain an answer for him.

BILLS (12)—FIRST READING.

1. Prevention of Cruelty to Animals Act Amendment.
2. Natives Status as Citizens.
   Introduced by the Minister for Native Welfare.
3. Noxious Weeds Act Amendment.
4. Argentine Ant Act Amendment (Continuance).
5. Vermin Act Amendment.
   Introduced by the Minister for Agriculture.
6. Bush Fires Act Amendment.
7. Land Act Amendment.
8. Rural & Industries Bank Act Amendment.
   Introduced by the Minister for Lands.
9. Industrial Arbitration Act Amendment (No. 2).
   Introduced by the Minister for Labour.
10. Land Tax Assessment Act Amendment.
11. Acts Amendment (Superannuation and Pensions).
    Introduced by the Treasurer.
12. Land Act Amendment (No. 2).
    Introduced by the Hon. A. F. Watts.

METROPOLITAN BEACH TRUST.

Introduction of Legislation.

MR. MARSHALL (Wembley Beaches) [5.12]: I move—

> That in the opinion of this House the Government should take early steps to introduce legislation to establish a metropolitan beach trust.

The subject matter of this motion has been of considerable importance to a great number of people for some time. Many years ago—many more than I would like to remember; though I think at least one member in this Chamber, the member for Fremantle, will recall it—a similar motion was moved in this House dealing specifically with one particular section of our ocean beaches. It was on the 23rd of September, 1925, when the Hon. C. F. J. North, former member for Cottesloe, introduced a Bill here entitled the Cottesloe Municipal Beach Trust Bill. That Bill was designed to establish an authority to improve, maintain and provide the necessary amenities for the area and district which came under the jurisdiction of the Cottesloe Municipal Council.

That measure was introduced 33 years ago. Since that time, of course, the same subject has created considerable interest with respect to many ocean beaches—and particularly those in the metropolitan region—because of the lack of development in those areas. It is, therefore, very pertinent to quote some of the reasons given by Mr. North when introducing his Bill on the 23rd of September, 1935. Mr. North said—

> This question has been before the residents of the Cottesloe district for many years. They desire to cater for the pleasure of the public on Saturday afternoons and Sundays on the beach in an up-to-date and convenient manner, as is done in other countries.

He outlined the reasons why it had not been possible to equip such a region; and among them mentioned that it had been impossible to arrange for the money necessary for that purpose. He went on to say—

> Several attempts have been made during the last 20 years to place the beach at Cottesloe on a proper footing.

He then dealt with the attempts that had been made by the local life-saving clubs to raise money to improve the beach, but added that those attempts proved abortive. Further in his speech Mr. North had this to say—

> Some years ago an effort was made to launch a company having for its object the improvement of the beach and provision of the necessary equipment so that it would be possible to cater for the public, but sufficient money was not subscribed. An amount of several thousand pounds was raised but it had to be returned to the subscribers because the total was insufficient to finance a comprehensive scheme. Some £20,000 was required at that time to inaugurate a fun city. When private enterprise did not respond other methods were tried. The local council attempted to meet the demands of the public, but on each occasion there was opposition from the ratepayers. When it was suggested to spend a few hundred pounds on improving the promenade, the approach, or the jetty and so forth, ratepayers objected on the ground that it would benefit not the residents of the district but the people of the State generally.

So we find that in that Bill Mr. North made some endeavour to overcome what he considered to be an obstacle by virtue of the fact that no money could be raised either by public subscription, by a public company or by the ratepayers themselves; and he sought to provide and improve the amenities considered to be essential at that time. Most people read the "Daily News," and it is rather interesting to find in the issue of Saturday, the 30th March, 1957, the following paragraph written by Kirwan Ward:—

> Our beaches haven't always been as bad as they are now. I don't mean the surf or the sand. (Nature has always maintained a steady standard of excellence there.) I am thinking of the little touches for which man is responsible.
>
> And why I think the good old days might actually have been comparatively good is because of a note in the Civic Centre News which recalls that in March, 1907, "The Road Board spent 2s. 6d. on paint for woodwork at the beach."
>
> It must have been a year when the budget showed a surplus because they were tossing their dough around like eccentric millionaires. The record shows that in this very same year, when they had already squandered half a dollar on paint, they went completely overboard and erected "six posts near the beach for the hitching of horses."
>
> And, blow me down, if they didn't climax this wild spending spree by purchasing "a number of trees for planting at a total cost of 1s. 6d."
>
> You can imagine the beach boys in those days, jaunty in their hand knitted two-piece costumes, shading their eyes against the glare of the new paintwork and starting at the new hitching posts, asking: "What's Waikiki got that we haven't?"
>
> But the Sunday-morning sandbasher of 1957, lolling luxuriously on ice-cream cartons, orange peel and cigarette butts, probably imagines

> that the tin of paint, the 1s. 6d. worth of trees, and the six hitching posts were just about the last improvement ever made to the beach.

Mr. Oldfield: Who wrote this article?

Mr. MARSHALL: The article continues—

> You couldn't blame the Cottesloe Council (or indeed any civic group with a beach within its boundaries) if they had made these their final gestures towards the hordes of non-paying guests who over-run their district every summer weekend.

Mr. Oldfield: Is the article written by the same person who was in favour of the pool being built in the park?

Mr. MARSHALL: He is probably in favour of anything he has said here. However, I desire to prove that this investigation will show that ocean beaches are only one of the many problems facing local authorities in the metropolitan region, and it will be established that this matter must be considered in relation to overall regional problems.

It will also be established that lack of finance, co-ordination and proper administration are the causes of the problem, and that Government agency in the nature of a trust is best fitted for the task of satisfactorily dealing with the situation.

The art of government is one of the most subtle and pervasive of man's achievements. All government has a moral basis and all forms of government have tendencies to develop along given lines. These, if a nation is to be properly accounted self-governing, must be made explicit and accepted, modified or rejected.

Inherent in the nature of man is the power of improvement and advancement, of supplementing what nature has done for him by what he does for himself. Therefore, in any community where the rights of the individual are highly prized, it is necessary to ensure that this instinctive power of self-improvement and advancement is tuned in democratic harmony with communal need and welfare. Thus it is necessary that any plans for social development should respect all sections of the community in their true perspective, and that such plans should be flexible enough to meet changing requirements and yet still retain the broad principles of democratic advancement.

Every advance made by a community will increase the complexity of the social situation and each increase in complexity will cause a corresponding growth of governmental activity and responsibility; and thus we have a situation in Western Australia where we find increasing public demand for better metropolitan ocean beach control.

Experience has shown that sectional interest and public interest do not always coincide, and thus we must determine whether any governmental action is warranted regarding the control of the metropolitan ocean beaches. We must determine whether or not there is a real problem; and if there is a problem, whether it justifies governmental intervention; if so, what priority such control should be given in governmental planning and what relation beach control bears to other problems.

Before consideration can be given to the question of maintenance, improvement, and control of metropolitan ocean beaches, it is necessary to study the present and prospective population, the area and present administrative control, and the anticipated development of the area which they serve.

Basic investigations in this respect were made in 1956, and the data summarised in the Stephenson report and plan for the metropolitan region. It is proposed to accept such data as accurate, because it was obtained from official sources.

It may be said in general terms that a metropolitan region is the commutation area of a public centre or city which has services at its command for the every-day needs of the people comprising its total population. The growth of the area is largely a matter of economics, fostered by the need for people to consort together for mutual advantage. Other areas are contiguous to it, but are not exactly a part of it, as the ties of economic or social advantage are not so intimately dependent for existence.

For purposes of definition and clarity it is of advantage to envisage the metropolitan region as identical with the metropolitan and Swan statistical divisions. It is bounded on the north, east and south respectively by the Northern Agricultural Division, the Central Agricultural Division and the South-West Division. Its centre falls on latitude 32 deg. south longitude 116 deg. east and the region is roughly oblong in shape—being about 70 miles by 30 miles and its area is approximately 2,000 square miles.

There are some 400,000 persons in the metropolitan region as defined above and only 250,000 in the areas outside the metropolitan region. Thus, under a democratic system, the demands of the voting population of the metropolitan region have great influence in the determination of State policies.

The average annual rate of population increase since 1901 is 3 per cent., and the continuity of this increase will result in a metropolitan regional population of 1,400,000 persons and a total State population of 1,750,000 persons within the next 50 years.

The growth of any city develops a number of characteristics, including a lack of symmetry in population spread, congestion in some parts and sparsely settled areas in others, a considerable transient population and a number of continuous local governing units giving similar but unequally efficient municipal services with different rates and charges and an obvious need for services required by the area as a whole, which any one of the local units is either not empowered to render or is unwilling to do so.

Among the common services required of a region are the provision of water supply, power, sewerage, transport, fire protection, health services and adequate cultural, recreational and amusement amenities. These metropolitan regional needs will tend to make the cost of local government greater per head than in small cities or towns.

The central city cannot exist without or ensure its dominance independently of its satellites and therefore the utilities which serve it must normally be available to serve the cluster of suburbs around it. The central city, to preserve its existence, must assume the responsibility of coordinating local services beyond the limits of its own boundaries.

Thus we see that the economies of scale justify the treatment of certain problems on a reasonable basis, and metropolitan beach control can fairly be placed in this category because elasticity of aquatic facilities in any particular area will determine the attitude of the people in that area as opposed to the needs or desires and attitudes of people in other areas.

Some areas have natural aquatic attractions; others have none. Some areas have high rates while other areas have low rates. Some areas have ample finance for the provision of aquatic centres, while others simply cannot spare the money for this purpose.

I think some hon. members at least have some knowledge—some have been fortunate enough to visit the place—of the coast of Queensland, which is commonly termed the "Gold Coast" or "Surfers' Paradise". I feel sure that everybody who has been there and seen the important progress made in that area over a very few short years will realise its terrific tourist facilities and its potential as it continues to grow.

It was somewhere about the year 1936 when the Gold Coast, as it is termed, originated; and since that time millions of pounds have been spent there. There are three estates in the course of construction, with water frontages, soft bays and channels, estimated to cost £1,500,000. It will consist of five miles of water channels and five miles of homesites. It is also interesting to know that this tourist resort in the State of Queensland—as I have pointed out before—has produced nothing, but the value of the tourist traffic to Queensland is worth more than that of a hundred sheep stations.

The distribution of the metropolitan population has occurred entirely without regard to Government boundaries and fiscal resources. The dominating features determining population spread have been the location of natural attractions such as rivers, ocean beaches, climate, the proximity of employment, the adequacy of transport facilities and the provision of communal facilities and services in any particular area. Since 1900, only one municipality and four road board districts have been established. Changes in the status of local authorities have been very few and boundary adjustments rare. The only significant feature has been the amalgamation of the Perth, North Perth, Victoria Park and Leederville municipalities. This integration has amply demonstrated the potential effectiveness of the treatment of common problems on a regional basis.

Zoning laws, transport programmes and service facilities suggest that future urban growth will spread in a fan-like nature from the Swan River, and that the southern part of the region with its proximity to power and service facilities will be more highly industrialised. The evidence of the present trend toward centralisation in the State as a whole will require positive efforts toward intelligent planning and progressive development if the fruits of lower service costs and greater amenities are to be kept unblemished from the stains of industrial hazards and the spoliation of our natural assets. The metropolitan region coastline extends from Yanchep beach in the north to Beecher Point in the south, and is approximately 53 miles in length.

Mr. Sleeman: Where?

Mr. MARSHALL: Beecher Point. For the information of the member for Fremantle, I have a diagram of the area which I would be pleased to show him. Certain of these beaches are unavailable to the public because of defence or industrial reasons, whilst other beaches are not used very much at present because of the lack of suitable transport facilities or roads. In addition, river beaches, fresh water aquatic centres and island resorts in close proximity must be considered in relation to the problem of ocean beaches. Each one of these is capable of serving the needs of some of the population and would affect the elasticity of demand and supply if ocean beach control were to be considered solely as a separate problem on its own.

As I previously pointed out, the main beaches constituting the metropolitan region are situated at Yanchep, North Beach, Scarborough, City Beach, Leighton, Fremantle, Woodman's Point, Rockingham, Safety Bay, and down to Beecher Point. This region is the focal point of

State development. It contains the headquarters of the political, commercial, industrial, administrative, educational and recreational organisations and sinews of the State.

For administrative purposes the region is split into 29 local authority areas and these are shown outlined in the Appendix contained in the Stephenson report. The term "split" is purposely chosen because no other term can so adequately describe the relationships which exist between certain of the areas. For example, the tiny Peppermint Grove Road Board is fully developed, has been lavishly endowed with natural advantages, requires very little expenditure for maintenance, and resists all efforts of the Cottesloe Municipality to absorb it so as to help spread the heavy cost of maintaining the nearby ocean beaches, which are as readily available to Peppermint Grove residents as to the majority of Cottesloe ratepayers.

The statutes governing the local authority administration of the metropolitan region are—

(a) the Municipal Corporations Act, 1906-47;
(b) the Road Districts Act, 1919-48;
(c) the City of Perth Endowment Lands Act, 1920.

Within its own area and within the scope of the above Acts, each local authority is at liberty to set its own pace and to determine its own revenue and loan funds, receipts and expenditure. In actual fact, each one does exactly this, as representation on the controlling council or board is by triennial rotational electoral voting based on property qualification, and thus sectional interest and pressure groups can and do use influence in determining policy matters.

The ratepayer has not direct redress other than the triennial election—with the exception that appeals may be made to the Minister for Local Government to determine interpretation of the authorising Act, or as to whether the local authority is acting in a legitimate manner or not. A new Local Government Bill has been in course of preparation for the past seven years and possibly when finally enacted will overcome most of the present difficulties of administration with the exception of finance.

In addition to the direct local authority control, various State instrumentalities such as the Health, Water Supply, Main Roads, and Traffic Departments, and the State Electricity Commission also impose controls for the purpose of providing service facilities, whilst the services of a national character, such as those provided by the Defence, Immigration and Postmaster General's Departments, also require integration in the administrative control of any local authority's district in those areas that I have mentioned in the metropolitan region that have ocean beaches within their boundaries. We find that there are ten separate local authorities which are at present responsible for the maintenance and development of our ocean beaches, and the extent and scope of each such local authority is indicated in the extract from the report.

These ocean beach local authorities have all the problems of the other local authorities which do not have ocean frontages; and, in addition, they have the problem of providing facilities for the use and enjoyment of not only their own ratepayers but people of the metropolitan region as a whole. This can, and does, place an unequal burden on the ratepayers of this metropolitan region. I have already made reference to one article in respect of this matter. In "The West Australian" of the 27th February, there appeared an article on, "Why We Need a Beach Trust." This article gave a general survey of investigations by a representative of that paper; and in his report he quite clearly indicates that since the time of the introduction of the Bill by the Hon. C. F. North, to which I previously referred, very little improvement indeed has taken place.

As a matter of fact, some places have deteriorated since that time. But at least, as I pointed out, some local authorities do endeavour to do all that is humanly possible, with the finances available, to improve and provide those amenities which it is physically possible to provide. This report in "The West Australian" goes on to say—

> There is not a tree, not a blade of grass at a dozen of the popular resorts between Coogee and Sorrento. The West Coast Highway is narrow, and in places, dangerous. Some stretches are covered with sand, particularly at City Beach and Sorrento.

Admittedly some of our beaches have redeeming features, such as—

> Cottesloe's shady trees and lawns.
> City Beach's two groynes.
> Scarborough's big parking areas.

Also a number of surf club bulidings have been erected and I understand some money has been spent on a jetty at North Beach.

But all in all, most of the ocean beaches lack the normal decent amenities that the public consider they are entitled to when they visit our beaches. As a matter of fact, it was pointed out to me that at Leighton Beach—I am sorry the member for Fremantle is not here—there is only one public water tap; and that, I understand, has been disconnected.

The attitude of the public towards the present state of our ocean beaches would depend largely on the purpose for which the beach is required by them. Some people just motor by; some surf and swim; others fish, or require jetty facilities and slipways for their launches and yachts; whilst others again may require promenades, shade, deck

chairs, or eating facilities. Some may not go to ocean beaches at all, but may prefer river beaches or aquatic centre pools.

Then again, the methods and means of transport available to any particular ocean beach resort will help to determine the use which is made of that beach. A person who owns a motor-vehicle will not be unduly upset if the public transport to his favourite spot is not particularly good. Also, many highly suitable ocean beaches are out of the reach of many, simply because they lack transport of their own.

An accurate survey of the percentage of ocean beach users in comparison with the total population of the metropolitan region is an absolute necessity before any scheme of control is undertaken. So far as I have been able to ascertain, this has never, at any time, been carried out. It would be extremely bad planning to spend lavishly on ocean beaches only to find, by lack of patronage and public support, that the money could have been more wisely spent elsewhere on some other form of recreational activity.

We therefore have to consider how large is the actual demand for better ocean beach control and facilities and what it is that the public requires. These are vital points which must be determined before the plan of metropolitan ocean beach control is finally decided upon; and these factors can only be appraised after a scientific survey of beach patronage, as to the actual number of users and where they normally reside. In addition, it should be ascertained by a scientific poll of beach patrons what it is that they want most in the way of amenities which they feel should be provided free, and what facilities they would be prepared to pay for.

In the "Daily News" of the 18th September, 1957, appeared an article by Mr. Gavin Casey, entitled, "Scandal of our Beaches," reading as follows:—

> With summer almost here, everything's ready for it except the beaches.
>
> Despite courageous attempts here and there, amenities on them probably average out a little worse than they were last year, when they were a little worse than the year before.
>
> Some more concrete has cracked, slats have broken, showers have lost their roses, sand has invaded the sheds, paint has peeled, roofs have rusted and crumbled.
>
> I've just examined so-called beach "amenities" from North Beach to Leighton, and the bright spots are few.
>
> Leighton has discovered how to handle the problem it had last year of a tumbledown, roofless sort of fence that was supposed to be a dressing shed.
>
> It tore the thing down, and now has no dressing-shed, though a private operator makes facilities available for sixpence.
>
> Cottesloe spent a lot of money on improved sewerage, but the paintless and decayed masonry and the rusted plumbing around the new pipes in the once-sleek pavilion are beginning to look like the ruins of a Coolgardie pub.
>
> Leighton has vastly improved lavatory facilities, the Perth City Council has maintained its reasonably civilised change-rooms at City Beach, and there are new, though primitive, buildings at Hamersley Beach and Trigg Island.
>
> The answer to why more hasn't been done is not that the local governments are cynical or wilfully neglectful of the beaches. They just can't afford to do all they should, and at the same time maintain roads, street lighting, and all the other things that are their responsibility.
>
> They can spare a man with a pot of whitewash for half a day, perhaps, to splash a brushful or two on the beach "amenities." When the state of a rusted roof becomes positively dangerous instead of merely unsightly and uncomfortable, they have to find the money somewhere for repairs—or to remove the roof altogether, as the North Fremantle Council removed the whole shed at Leighton.
>
> But this piecemeal progress, this taking 10 bites at a cherry, is getting our metropolitan beaches nowhere, except backwards into slum-in-the-sunshine conditions that shock visitors and put ugliness in naturally beautiful places.

Thus it is obvious that facilities on our ocean beaches leave much to be desired. However, those services which are provided are available to all who care to use them. Would there be as many users if a charge was made, as in the case of most of the other things man wants? If a charge is necessary in order to provide better beach facilities, what is the best way in which to levy it? Why should some people have to pay for something they do not use or want, whilst other people use something for which they do not pay? This is a question of great importance and a solution is suggested in the form of the proposed trust.

Hon. members will recall that I went to some considerable trouble to draw up a proposal for discussion and in fact had quite a number of discussions with various local authorities, many of whom were sympathetic to the idea of setting up a beach trust. It is only natural, of course, that their main concern was as to how it should be financed. How do we finance everything else we need? Everything we need or want must be paid for; and one of our

greatest natural assets, our ocean beaches —as I have often said previously—provides a pleasure not only for people in the metropolitan area, but also for a great many people from distant parts of the State. I therefore suggest that this is a State matter and one in connection with which the Government should consider ways and means of establishing a closed corporation in liaison with the local authorities, to endeavour to obtain sufficient finance to maintain and improve our ocean beaches.

The difficulty which faces many of our local authorities in their endeavour to maintain and improve their beaches is that they have to contend with the elements. Anyone who lives in a beach area knows full well that the elements of nature play havoc at certain times of the year; the main problems being those of erosion and spoilage. Erosion is of much concern to the local authorities having ocean frontages. Investigations have established the fact that beaches are adversely affected by wind, currents and wave action. In addition to that, the man-made moles at Fremantle and elsewhere, together with groynes and jetties have, in some cases, interfered with natural conditions, thus resulting in damage to and denudation of some of the beaches.

This problem is a continuing one which I think is amply demonstrated at Cottesloe, where a once beautiful beach, which has had many thousands of pounds spent on it in the provision of facilities and amenities, is now spurned by the public because the sand has been washed away, exposing the rocky bottom. Co-operation and control on a regional scale is, I believe, the only method of controlling all these factors, owing to the cost and the size of the effort required.

Mr. Brand: Would you include country beaches in your scheme?

Mr. MARSHALL: If I had my way I would include every beach in the State.

Mr. Brand: How?

Mr. Norton: But not Dongara.

Mr. MARSHALL: We could discuss the matter with the Minister in charge of the Tourist Bureau, later. Several acres of valuable land have been formed at North Fremantle by ocean sand deposits washed there from other areas. That land now provides extensive rentals from the bulk oil installations. I am sorry the member for Fremantle is out of the Chamber at the moment, as he might have had a go at me on this question. I feel it is a pity that the other local authorities concerned do not receive the revenues from that land to spend on erosion control.

In recent times the spoilage problem has come to the fore. Quite frequently now, particularly since the Kwinana refinery was established and the tanker traffic has become so much heavier, the problem of spoilage has become far greater than it ever was before. We will have to face up to it and an endeavour must be made to prevent a recurrence of the spoilage of our beaches by waste oil from tankers. It is not much use having a lovely beach if it is defiled by flotsam and dunnage and waste oil from ocean going vessels.

Under our State legislation, I understand, the harbour authorities can impose some forms of control to prevent the dumping of waste in port areas, but convictions are hard to obtain. I am informed that outside the port areas there is no control over ships, whether in territorial waters or on the high seas, and so I believe that assistance from the Federal Government is necessary if this menace is to be controlled.

I understand, from a reading of the Commonwealth Hansard, that a draft of an international agreement is being prepared to assist in deterring those who dump the waste into the ocean, and I suggest that an effort should be made to press the Commonwealth authorities to ratify such an agreement with other countries.

Mr. Brand: At this stage, can you tell us why you moved a motion instead of, as originally intimated, introducing a private member's Bill?

Mr. MARSHALL: When I was referring to the Bill that was introduced by the Hon. C. F. J. North, I did not explain the reason then, because I was informed that when a private member endeavours to introduce a Bill into this House which involves some assistance or Government finance, it is ruled out of order. That is the reason why I have not introduced a private member's Bill, and I hope the Leader of the Opposition is satisfied with that answer.

Mr. Ross Hutchinson: That is obvious. But did you not raise this matter in your party room, discuss it there, and ask the Government to bring down a Bill?

Mr. MARSHALL: I have neved discussed the matter in the party room.

Mr. Ross Hutchinson: Why not?

Mr. MARSHALL: I saw no reason to.

Mr Brand: I bet someone will get an awful shock!

Mr. May: It is not a party matter, anyhow.

Mr. Brand: You keep your mind on your own affairs at Collie!

Mr. MARSHALL: The asset value of our ocean beaches is not capitalised to the extent justified. We have something given to us by Nature and we do not take full advantage of the gift.

In every other sphere of human activity man's power of improvement is evident. Why, then, does he not struggle harder with our beaches? The answer is simply that we have so many of them that we do not yet appreciate any great necessity for preservation or improvement. Certain areas of

ocean frontage are at present unavailable or prohibited to the public, and this situation could be skilfully extended so that only certain specified beaches would be available for public use at any time, and thus the public demand for ocean beaches and facilities could be channelled into specific controllable areas capable of expansion as demand increases with use; and, in addition, the State could subsidise seaside hotels as a tourist attraction.

Besides bringing money into the country, the tourist trade focuses attention on both our scenic and economic resources, and stimulates employment and the sale of local products. In regard to the development of our beaches, we would, of course, have a transport problem. I suggest that this problem falls into three major categories—

(1) Provision of major roads to ocean beaches.

(2) Provision of adequate parking space for vehicles at ocean beaches.

(3) Provision of cheap and adequate public transport.

At the present time, some measure of planning and control is exercised by the Traffic Advisory Committee which advises the Minister for Works. This committee consists of representatives of the Main Roads Department, the Bus Proprietors' Association, the Road Boards Association, the Royal Automobile Club, the Police Traffic Department, and the Tramways Department. The actual provision of roads and parking places in any particular area is, however, the sole responsibility of the local authority concerned, or the Main Roads Department.

This problem requires close co-operation with the local authorities having ocean beach frontages and validates their claim for the provision of access roads on a regional basis with a set-off of charges applicable to the needs of their own area alone. I think it is obvious to every member in this House—including the representatives of both country and metropolitan areas—that, at some time or other, representations have been made to the Minister concerned on behalf of some local authority for assistance to finance their roads, so any proposal that was contained in a metropolitan beach control bill would not be departing from the normal common practice the Government usually adheres to when assisting many local authorities.

Summing up, this present situation means that the control and responsibility rests entirely on ten local authorities. There have been numerous newspaper articles and visual inspections which indicate that facilities and amenities for ocean beach patrons are either non-existent or are in a sad state of neglect. The beaches themselves are subject to spoilage and erosion while almost no attempt is made at preservation and improvement and very little attempt to cater for tourists. The local authorities controlling the ocean beach frontages declare emphatically that they lack the finance required for improvement and, in many cases, even for maintenance. There is no co-ordination of effort and no agreement has been reached on the basis of financial responsibility.

The value of our ocean beaches to the metropolitan region does not require elaboration. They are an asset, and any asset deserves preservation. In addition, they are a source of population enjoyment, and are important in maintaining public health and physical fitness; whilst they are also important, potentially, from the economic aspect. Other methods having been tried and found wanting, and others again not being suitable, the preservation, improvement and control of ocean beaches would be most effectively carried out on the basis of regional responsibility under which they would be controlled and administered by a regional trust consisting of, and representing, all interested sections of the population, assisted by a committee of technical officers of various Government departments.

I think I have already indicated that I have circulated draft proposals for the control and establishment of the trust. In that draft it was indicated that such a body should be representative of local authorities and the Government. Accordingly those suggestions have been sent to most of the local authorities in our metropolitan region, and also to the Local Government Association. However, I think the functions of a metropolitan beach control trust should be along the following lines:—

(1) To obtain and maintain accurate figures regarding beach patronage and the locality of usual residence of patrons.

(2) To obtain and maintain accurate findings of the requirements of beach patrons.

(3) To draw up a co-ordinated priority plan for works projects at ocean beaches in the order of maintenance of existing facilities, new facilities and amenities, provision of roads and parking areas; allied cultural projects such as botanical gardens and orchestral shells and playing areas, commercial activities, life-saving clubs, tourist resorts and erosion control.

(4) To ensure that foreshore stretches of ocean beaches be vested in the trust as permanently available to the public at the discretion of the trust.

(5) To draw up a set of regulations within which to operate, and to set up standards and minimum requirements to implement the plan.

(6) To establish the financial requirements to implement and maintain the plan.

(7) Administration and control.

It is only fair to say that in many other parts of the Commonwealth of Australia people desirous of using beach facilities are quite prepared to pay for that privilege, and the local authorities and municipalities concerned accordingly charge for their use. I have never heard anybody object to that principle. People nowadays naturally expect amenities to be provided, when they travel, similar to those in their own homes. As a consequence, no objection is raised; and I feel that the proper control, maintenance and establishment of amenities are very necessary in the areas of our metropolitan beaches. I am confident that no objection will be raised.

Furthermore, I am sure that sufficient finance will be forthcoming from the patronage of the public to help improve the existing facilities, and to enable the authorities concerned to continue to build more and better amenities. The trust itself could outline its charges, and ascertain from the patronage the amount of money that would be available. The trust could draw up a scale of fees for licences to operate amusement concerns, and for any other commercial activities and purposes which are to be permitted on the foreshores. It could also levy parking fees on the foreshores, and make service charges for facilities provided; and it could levy a toll on non-resident passengers in public vehicles operating within half a mile of ocean beach frontages.

A special tax could be devised and levied on a diminishing scale as accessibility to ocean beaches decreases: and in relation to the value of all land in the metropolitan region attributable solely to proximity to ocean beaches on a scale determined by zoning laws which would provide differential rates of taxes according to the purposes for which such land might be used.

To sum up, I feel I have established that local authorities are either unwilling or unable to satisfactorily maintain or improve ocean beaches in the metropolitan region.

Mr. Ross Hutchinson: Without assistance.

Mr. MARSHALL: There is little or no common outlook on the problem amongst the local authorities, and the major difficulties are lack of co-ordination and finance. The matter is further complicated by the multiplicity of factors influencing it, and by the diversity of interests affected. The implementation of the policy of a metropolitan ocean beach trust, on the lines suggested, would ensure co-ordination of effort, adequate financial resources, democratic sharing of responsibility and representation and, above all, maintenance, control and improvement of a national asset to the advantage of the entire community.

On motion by the Minister for Lands, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

WAR SERVICE LAND SETTLEMENT ACT.

Amendment of Regulation No. 24.

THE HON. A. F. WATTS (Stirling) [7.31]: I move—

That new Regulation No. 24, made under the War Service Land Settlement Act, 1954, as published in the "Government Gazette" of the 23rd November, 1955, and laid upon the Table of the House on the 24th November, 1955, be amended as follows:—

By deleting paragraph 2 (c) thereof, and inserting in lieu the following:—

2. (c) One member to be nominated by The Central Council of War Service Land Settlers' Associations Incorporated.

I would like to point out, first of all, that this is the first instance we have had of advantage being taken of the amendment to the Interpretation Act which was passed through this Parliament last year, and originated, if I remember rightly, from the member for Mt. Lawley, although considerably amended in its passage through Parliament.

Prior to the passage of that measure, as you, Mr. Speaker, are well aware, it had not been practicable for either House of Parliament to do other than to disallow a regulation that had been gazetted. In consequence there were very many occasions when regulations—in fact I might almost say schemes of regulations—had to be disallowed, in order that some amendment might be suggested to the Government or the Minister in charge with a view to having the regulations regazetted with that amendment.

The amendment to the Interpretation Act which was passed last year provides that both Houses of Parliament may amend a regulation which has been passed since a date which has been fixed in the year 1949. In consequence it is competent for me under that statute to move the resolution which stands in my name because the particular regulation which I propose to amend was published in the "Government Gazette" on the 23rd November, 1955. Consequently it comes well within the period referred to in the amended Interpretation Act.

The regulation which I desire to amend is one made under the War Service Land Settlement Scheme Act, 1954. When the regulations made thereunder were first gazetted—I think in 1954—they were laid.

on the Table of the House in the following session and in the Legislative Council steps were taken to disallow certain of these regulations, one of them being the regulation which preceded the one to which I am about to make reference.

The idea underlying the motion of the Legislative Council, in so far as it dealt with this particular regulation with which I am concerned, was to widen the powers of the Appeal Board in order that it might take some notice and have power to act in relation to a matter which was brought under its notice by the settler himself; and not only, as was the position previously, to have power to act on any matters which the Commonwealth or State might refer to it.

So it will be found that the regulation now empowers this appeal board to deal with an allegation of a breach of covenant in the lease at the request of the lessee. That could be, and probably will be, before this scheme has seen its end, a matter of considerable importance to individual settlers; because, undoubtedly, if a breach of covenant of the lease were proved to the satisfaction of everybody entitled to inquire into the matter, the tenure of the settler would no doubt be brought to a very rapid end. Therefore it is highly desirable that there should be some means whereby an allegation as to the rights or wrongs of a settler in any particular matter of this nature should be investigated by some independent tribunal.

That tribunal has, to some extent, been set up under Regulation No. 24 of the War Service Land Settlement Act which, as I said, was gazetted in November, 1955. It provides for a board of appeal to consist of a stipendiary or resident magistrate appointed by the Governor who shall be chairman; that is all right. It provides next for one member, representing the Department of Lands and Surveys, to be appointed by the Minister; that is quite all right also. It provides for the third member to be one nominated by the Returned Sailors, Soldiers and Airmen's Imperial League of Australia, Western Australian Branch Incorporated.

The war service land settlers themselves, although in the majority of cases but not in every case, eligible for membership in the Returned Sailors, Soldiers and Airmen's Imperial League of Australia, have been impelled, in order that they might satisfactorily examine, and, where necessary, ventilate their difficulties, to set up an organisation of their own which is known as the War Service Land Settlers' Associations Incorporated.

The principal governing body of that organisation is known as the central council and contains representatives on it from all the areas in which there are branches of the association concerned, which branches exist in almost every area where there are war service land settlers.

These associations, through their central council, have for a considerable time contended that the right person to be the third member of this board is a nominee of theirs, so that they can be sure that the person nominated is one who has the experience and the knowledge of war service land settlement in this decade, and is therefore able, more easily, to represent their point of view on a board or tribunal of this nature.

Although that request has been made on more than one occasion, it has not been acceded to by the War Service Land Settlement Department or the Minister; and yet, the central council and the respective associations of the various war service land settlers, which go to make up the delegates for the central council, are still of the opinion that they are entitled to ask for such a representative; not a representative of the R.S.L. only, who may not have any acquaintance with the particular problems which disturb them or any knowledge of the particular circumstances in which—and they are frequently somewhat involved—the affairs of war service land settlers under the methods adopted by the department are conducted.

They all contend that the only person who can effectively—if the need arises for the setting up of this tribunal or board at any time—represent them and bring proper knowledge to the board, as the third member of the board on this subject, is one who is nominated by them.

Further on in the regulations—I wish to make this point quite clear, because there is no need for me to touch this; the regulations are quite clear on it—there is no possibility that an interested party could sit on the board, because it is provided there that if a person is personally interested, he cannot sit and a deputy has to sit in his place; so that that possibility could not arise.

It appears to me to be a perfectly reasonable proposition, that when there is a large body of men, in circumstances such as the war service land settlement scheme, who have seen it necessary to create a separate organisation of their own for the purpose of dealing with the affairs of war service land settlement, they should be able, through that association, to nominate to the Minister a person for appointment to the board and should not have to rely on some other organisation, however excellent it may be, as it is in the ordinary way, but should appoint their own body.

There is nothing unusual in this proposition; in fact, I would say it is rather more than usual. I turn, for example, to the Government Employees (Promotions Appeal Board) Act, which provides for the setting up of boards of appeal in respect of various types of employees who are in the employ of the Government. Section 6 of that Act provides that the chairman shall be a stipendiary or police or resident

magistrate, appointed by the Governor. That is exactly the same as this regulation, and I offer no objection. The second person is a person in each case to be appointed by the Governor on the nomination of the Minister to be and act as representative of the recommending authority.

In short, that is the representative of the Government, which is, as I said, quite satisfactory; and the third representative is this: An employees' representative appointed in each case by the union of which the employee appellant is a member. That is all I ask for in this case. These people, as I said, have formed their own association. It is a body that has been incorporated to begin with in a reasonable and businesslike manner. It has a secretary and an executive called the central council, which makes its representations to the authorities in a normal and proper way; and it is prepared to nominate its representative to any board of appeal that may have to be set up to deal with any such problem as the regulations I have referred to make it necessary to deal with.

For the life of me I cannot find any reason whatever in the circumstances as they exist—and bearing in mind the situation which exists under such legislation as the Government Employees (Promotions Appeal Board) Act and other legislation and, in fact, under certain awards of the Arbitration Court where in each case the body to which the appellant belongs, is entitled to nominate a representative to the tribunal which might have to examine his case—why that principle should not be applied to the circumstances of these regulations and to war service land settlement associations: because, as I have said, it is a well-known fact that persons qualified to accept a farm under the war service land settlement regulations are not necessarily qualified to be members of the R.S.L.: but in every case they are qualified to be members—and I think in nearly every case are members—of a war service land settlement association, which has as its governing body what is known as the central council.

So, purely because I believe that these people are entitled to a representative from their own body, which they have asked for and which has been refused to them, I have moved the motion standing in my name. I did so with the full knowledge and consent of the Central Council of the associations to which I refer, and because of the fact that the department and the Minister have not been able to accede to the request which has been made to them and believing that I know sufficient of the war service land settlers concerned, of whom I suppose there are 30 per cent., if not more, in my own electorate, to realise that it is their genuine desire to have this slight alteration made in the regulations.

On motion by the Minister for Lands, debate adjourned.

ABATTOIRS ACT.

Disallowance of Regulations Nos. 2A and 2B.

THE HON. D. BRAND (Greenough) [7.50]: I move—

> That new Regulations Nos. 2A and 2B made under the Abattoirs Act, 1909-1954, as published in the "Government Gazette," on the 15th August, 1958, and laid upon the Table of the House on the 19th August, 1958, be and are hereby disallowed.

The "Government Gazette" to which I have made reference in the motion contains the following:—

> 2. The principal regulations are amended by adding after regulation 2 a heading and regulations as follows—
>
> Midland Junction Abattoir Fund.
>
> 2A. The fund shall be kept at the Treasury and all moneys belonging to the fund shall be placed to the credit of an account at the Treasury to be called the Midland Junction Abattoir Fund.
>
> 2B. The fund shall be operated in the same manner as money in the Public Account.

It would appear to me that the action of the Government in tabling these regulations is contrary to the principle which was expressed to this House by the Minister for Transport when he introduced the metropolitan transport trust legislation. The Minister was conscious, I am sure—as we all were—of the need to keep this trust, if it was to be successful, out of the atmosphere of politics and clear of political influence.

I would point out that the Minister spent some time in impressing upon the House his desire to see that the trust, when it was established, should be free to make its own decisions; and that, by and large, if there were any profits, they should be retained at the decision of the board. The board, or the trust, was to decide under the Act that, if there was a surplus, it should be paid into the Treasury; but the understanding was that the paying of such funds into the Treasury was to be subject to the decision of the trust itself.

I would think that we all agreed with the Minister that this was a very important principle that should be established if this board was to face up to the gigantic task of remaining solvent when coping with the transport problems of the metropolitan area. But these regulations, as they are now before us, cut right across that principle; and the members of the Abattoir Board—that is, the Midland Junction board—are most concerned that their profits at the Treasury—which, I am told, amount now to some

£84,000 as a result of very efficient management and keeping down of costs—are to be appropriated by the Treasurer.

You realise, Sir, that the board—which comprises the chairman, who is at present Mr. Hayes, a chartered accountant, representing the consumers; Mr. Hanson, representing the meat industry; and Mr. Miles, representing the Farmers' Union—has taken a great pride in the fact that it has achieved a profit. It has established a very efficient system at Midland Junction; and as a result, there is an increasing demand for improvements to the yards and to the abattoir itself.

I understand that there has been a demand, or request, for improvements totalling something like £100,000; and if the board is to proceed to provide these necessary improvements—and I would imagine that included in these would be improvements to the metropolitan road transport system, as the road transport hauliers transport a very large percentage of stock to Midland Junction—it will no doubt have to apply to the Treasury for loan funds.

This would be necessary because it would be impossible to meet such capital works out of the annual amount handed out from loan funds. It would, of course, be necessary for the board to pay interest on this money; whereas, at the same time, it has money which it has actually earned, which is the profit lying at the Treasury.

I am sure that when Parliament agreed to the setting up of this board, it envisaged it as an independent body; and I am sure the hope of everyone would be that it would be profitable—even if a request is necessary to the Treasury—to open up an account of its own in order to have such funds available.

I imagine that should we find these regulations on the Table of the House, we would realise that this Act is subject to the approval of the Minister, but the board—

Mr. Hawke: It's a pity the members of the board do not think that!

Mr. BRAND: The members of the board do not think that, and I think they have every reason for believing that legally they do not have to get approval from the Minister. The Act, for instance, did not state that it was subject to prior approval from the Minister.

Mr. Hawke: That is very weak.

Mr. BRAND: It is not very weak. If this board is to proceed, and is to be encouraged to proceed, with the efficient management of the abattoir why not let the members have their own account, and control their own funds As a matter of fact, the Act does provide, I think, for ministerial approval in regard to quite a number of items—such as the sale of land, improvement of plant, etc.—of any expenditure over £1,000; and therefore the Minister does have control over the board so far as any irresponsible action in the expenditure of moneys is concerned.

But this board does not feel that it is a fair proposition, as the capital cost amounted to something like £979,165, and they have to continue paying interest and sinking fund on that amount, that these profits, which are paid into the Treasury, should not be paid out against this loan fund or indebtedness to themselves. They point out that the last basic wage increase could be attributed in the main to the increase in the price of meat and they feel that if they were allowed to retain a certain sum of money, with the approval of the Minister, that portion of the profits could be paid against their loan account, which would thus be reduced, and they would have to pay less interest and sinking fund and, in the long run, they would be enabled to reduce the killing fees and, by that means, the actual cost of meat to the consumer.

Mr. Hawke: The adoption of your idea generally would increase taxation.

Mr. BRAND: In what way?

Mr. Hawke: You would put the Treasury into the position of meeting all the losses of these concerns, when they are incurred, and of never taking any of the profits.

Mr. BRAND: I believe that under the efficient management of this board and with provision that these funds, on the Minister's approval, could be paid against the loan funds, a position such as the Treasurer envisages would never arise. He has nothing whatever to fear, because this board is making a profit and has done so, year by year. Why not allow it to run its own business and have its own cheque account? If that were done it would, in the long run, be able to contribute to the money available to the Treasury, rather than involve the Treasury in the responsibility of meeting losses.

Mr. Hawke: Dear, oh dear.

Mr. BRAND: The Premier says, "Dear, oh dear!", but this is the very point which the Minister for Transport—incidentally he has packed up and gone home—

Mr. Hawke: No, he has not.

Mr. BRAND: At all events, he has gone somewhere out of the Chamber. This is the very point which the Minister for Transport impressed on this House: that if the board was to remain efficient and have an incentive to carry on as a business proposition it should be able to retain the profits. I therefore emphasise that point and ask the House to support the motion that I have moved for disallowance of these regulations. I do not know whether there is a great deal more that I can say on the matter.

The question of the appropriation of the funds associated with the abattoir might well be dealt with by someone more competent than I in this regard, but here, without doubt, we have a position where Parliament can encourage this board to continue in order that it may remain one of the very few solvent semi-government instrumentalities.

Yet the moment it makes a few pounds profit the Treasury sets out, through the Minister and the Government and the regulations laid on the Table of this House, to appropriate those funds and make the board entirely subject to seeking money for the improvements which it has already promised, not only to farmers, stockbrokers and others, but also to the people generally.

To me it seems ridiculous that this money should be lying there and that the board should be required to ask for further loan funds on which it must pay interest and sinking fund. No wonder, under those circumstances, it is so difficult to interest people, who could efficiently administer such boards and instrumentalities, in them, when we have before us a glaring example of Government interference, or interference which might stem from some personality in the department concerned. I urge the House to reject these regulations and, if necessary, continue the experiment and see how far this board can go in doing a worth-while and responsible job in administering the abattoir at Midland Junction.

On motion by the Minister for Lands, debate adjourned.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL.

Second Reading.

MR. COURT (Nedlands) [8.5] in moving the second reading said: This Bill seeks to amend the Industrial Arbitration Act in two very important particulars and is a measure which, in my opinion, seeks to establish a degree of equity in several vital fields of human relationships in industry. The objectives of the Bill may be summarised as being: firstly, to legislate against victimisation for conscientious beliefs in respect of union membership; and, secondly, to render illegal compulsory levies for political purposes, but without preventing payments by industrial unions for political objects, provided such payments conform with the provisions of the Bill and the contributions are voluntary.

I ask the House, in considering this measure, to have regard for recent events and the proceedings under our industrial laws. It will be appreciated that these events and proceedings have made the need for a measure such as this both obvious and urgent. The cases which come readily to mind are, firstly, that of Warder Louis Thorne; secondly, the Dutchman at the State Brick Works; and thirdly, the Hursey case which, of course, is not a Western Australian case.

Mr. Kelly: You are covering a pretty wide field.

Mr. COURT: The basic rights and freedoms of our society and way of life are involved. I submit that the trends must be watched and where there are dangers Parliament has a duty and responsibility to act. In considering the events of the last few months, it is a sad thing to reflect that the Government of this State could have overcome the first two of the instances to which I have referred, by administrative act; but, it never lifted a finger. In fact, it was a party to the present disturbing state of affairs and must stand condemned for its actions and its failure to take remedial steps.

Hon. members will probably wonder why I have not included any specific reference in this amending Bill to the question of preference; because when the Louis Thorne case blew up, preference was the vital matter under consideration. However, I am of the opinion—

Mr. Heal: Lindsay or Louis?

Mr. COURT: —that there is no need to pass any amending legislation in respect of preference to unionists.

Mr. W. Hegney: You do not believe in it, do you?

Mr. COURT: If the Minister will be patient for a while he will appreciate that he is on the wrong track.

Mr. W. Hegney: You are always asking me to answer questions when I am speaking.

Mr. COURT: We have very vivid recollections as to how the Minister treats our questions, too. The reason why I thought it inadvisable to bring forward a Bill including the question of preference is that there is ample power in the Industrial Arbitration Act at present in making awards to guard against victimisation for conscientious beliefs. Members know that the court has very wide powers in this regard; not only in the granting of preference but also in imposing certain conditions. Secondly—and this is probably the most practical point—the President and at least one other member of the court—giving it a majority—have indicated very clearly that any abuses of the preference provisions will be met with provisions to protect conscientious belief.

Therefore, this measure has been confined to the two points of victimisation and compulsory levies for political purposes. The amendment on victimisation is an extension of an existing principle which is established in the parent Act. For a long time we have acknowledged that neither the employee nor the employer should be victimised or prejudiced in his position because he belongs to either an industrial union or some association. Hon. members on both sides of the House will readily appreciate that industrial unions can be established for the protection of both

employees and employers and our industrial arbitration law has for years recognised the principle that a person shall not be victimised or prejudiced because of his membership of an industrial union.

This Bill provides likewise: that there will be no victimisation nor prejudice to a man's position because he does not belong to an industrial union, be he an employer or employee. It is quite obvious that it must apply both ways; that is, whether a man is or is not a member of a union. In my opinion, and in the opinion of those on this side of the Chamber, the Government, at this point of time, is deliberately flouting the declaration made by the Arbitration Court in support of conscientious belief. The court could not have made its position clearer than it has done.

We would have thought that, in view of the very strong statements by the President of the Arbitration Court, the Government would have wilted under the proposition he put forward. In a few moments I will read to the Chamber some of the pertinent observations made by President Nevile of the Arbitration Court. The first of these pronouncements made by the president came about after the Thorne case. Those who studied that case know that Thorne was wrongfully dismissed. Under the award that existed, there was no need for warder Louis Thorne to be dismissed; but, rightly or wrongly the Government made up its mind that it should follow the pressure that was being applied to it and Louis Thorne was dismissed.

It has been subsequently proved beyond doubt that he was wrongfully dismissed. This unfortunate fellow was in the extraordinary situation that he could not go before the Arbitration Court fully to present his case. He did appear before the Court; but Mr. Justice Nevile, on a matter of jurisdiction held that, unfortunately, he could not handle this particular case. He made his sympathies very clear in a well-expressed judgment, but he also made it clear that he could not handle this particular case for want of jurisdiction.

The reasons, of course, are the well-known ones. First of all, Thorne was not in an industry, although wrongfully dismissed. Furthermore, he is an individual worker and cannot be heard as such. In other words, he cannot move the court. A union can. An individual worker can be heard by the court through his union, but the individual cannot be heard; and that is a basic principle of the Industrial Arbitration Act. To my mind, the position in which Thorne finds himself is absolutely intolerable in a democracy such as that in which we live.

I would like to refer briefly to some of the extracts—without labouring the legal interpretation side—of the reserved decision given by Mr. Justice Neville in the case between the Dutchmen employed at the State Brick Works and the State Building Supplies. In this case the Dutchmen were the applicants and the State Building Supplies were the respondents. It was a reserved decision given on Tuesday, the 27th May. Amongst other things, the president made these observations—

> The facts as set out in the declaration of Van der Plas, filed in support of the original application are not really in dispute . . . .

I mention that with some emphasis because in the Thorne case and in the Dutchmen's case, the President emphasised that the conscientious belief of the gentlemen concerned was not challenged. The parties, obviously, had accepted the fact that these men were sincere in their belief; on this occasion, their religious belief. Continuing—

> The applicant Van de Plas came to Australia in December, 1952, and in January, 1953, commenced employment with the respondent—

That is, the State Building Supplies. To continue—

> —and at about the same time joined the Westralian Brickyard, Pottery, Porcelain and Roof Tile Fixers' Employees' Union of Workers, Perth. He is at present employed as a machine operator. The other applicant, Hordijk, is employed by the respondent as a tractor driver. The two applicants have become closely associated with members of the Free Reformed Church at Armadale and they have gradually come to believe that they should not be members of any trade union because such a body includes some members who may not be Christians and because some activities and polices of such a union may be contrary to what the applicants believe to be true Christian doctrine.

Several members interjected.

Mr. Heal: Do you go to that church?

Mr. COURT: It is quite obvious that the question of conscientious belief is a very sore point with some hon. members of this Chamber.

Mr. Hawke: You are the only one that looks sore at the moment.

Mr. Brand: That is an old trick of the Premier's.

Mr. COURT: We all know that the Premier makes these asides hoping that they will be recorded in Hansard. Continuing with the remarks of Mr. Justice Nevile—

> It should be stated that it was never suggested in these proceedings that there was any doubt—

I would like the hon. members who interjected to note this—this is President Nevile speaking—

> —as to the genuine nature of the applicants' stated beliefs.

On the 14th February last, each of the applicants handed to a Mr. Bahn, an officer of the union, three months' notice of their intention to resign from the union, which resignations thus became effective on the 14th May, 1958. Before that date certain discussions were held with Mr. Bahn and with Mr. French, the Secretary of the Union—the latter told them that he understood it was the Government's policy to employ unionists only. On the 15th May the other men at the Brick Works held a meeting; which we may infer was in connection with the applicants' resignations from the union, though there was no evidence as to what occurred at the meeting. After the meeting, the applicants were instructed (I assume by an officer of the respondent) to leave the works but to report each day and were told (again I assume by the same officer) that they would be paid as usual but would not be required to work.

On the 20th May the applicants discussed the matter with the Minister controlling the respondent and were told that they would be given a decision on the following day. On the 21st May they reported as usual at 7.30 a.m. and were interviewed by the Works Manager, Mr. Elston, and told that they were to be dismissed and were to call back at 3.45 p.m. that day to receive the wages then due to them, together with a week's wages in lieu of notice (although the award only provides for one day's notice or one day's wages in lieu of notice) and also payment for such recreation leave as was due to them and that payment in lieu of any pro rata long service leave would be made in due course.

I have said there was no evidence as to what occurred at the meeting of the men on the 15th May but I think it is not an unreasonable inference that the employer was told that the other men would not work with non-unionists, as it was immediately after the meeting that the applicants were told not to do any work. However, we cannot in my opinion make the further inference that the meeting of the men on the 15th caused the dismissal of the applicants on the 21st, as in view of the known policy of the employer it is quite possible or even probable that the applicants would have been dismissed irrespective of any attitude adopted by the other men at the works.

Then follows a lot of detail on the legal argument as to whether there had been a lockout or a strike. At one stage Mr. Justice Nevile said—

> In the first place, I seriously question whether the dismissal of one or two individual workers out of a large labour force could amount to a lockout—it might amount to victimisation.

Without wearying the House with the further legal argument that followed in which he found there had not been a lockout within the meaning of the law, he went on to say—

> In my opinion the circumstances proved in this case are not sufficient to authorise the court in making an order under Section 137 of the Act and the order made on the ex parte application before the court had had the opportunity of completely investigating and hearing a full argument on the matter should now be cancelled.

On that point the court ruled there had not been a lockout. Members will recall that there was a stay of proceedings and that, of course, was cancelled following this reserved decision. Mr. Justice Nevile went on to say—

> I would like to add one comment... This is very important because it is virtually the crux of the whole circumstances surrounding this particular measure and adds further weight to the point I made as to why it is not necessary for me to move any further amendment in respect of preference. Mr. Justice Nevile said—
>
> > This decision should not be taken as evidence that I had in any way modified the views I expressed in Thorne's case that any conditions of employment designed to ensure that all workers in a given establishment or industry are members of the appropriate union should contain an exception in favour of those workers who may be precluded by genuine religious beliefs from joining any union. On the other hand, it seems to me that this case may have materially differed from Thorne's case in that the workers here concerned may have known when they sought and obtained work in this establishment that membership of the union was a condition of their continued employment. Those remarks are however in each case merely expressions of my own personal views. They are not necessarily the views of other members of the court and, in any case, cannot affect the court's decision on this application.

Mr. Davies agreed that the order should be cancelled and said—

> I agree also with the reasons announced by His Honour, the President, only in so far as is material to the application which was before us.

Mr. Christian said—

> I agree with His Honour's decision including the reasons and his last comments.

In other words, it is a further confirmation that the Arbitration Court as at present constituted believes in conscientious belief, in spite of the preference clause it might grant.

I want to make one important observation which might have some impact on members opposite; and that is that when the two Dutchmen, who were the first victims of this matter, sought to resign from the union in accordance with the rules, they did not seek to avoid financial commitment. Indeed the member for the district will be able to vouch for the fact that they freely and willingly offered to make some contribution to any reputable charity—if I remember correctly the charity they suggested at the time was the Red Cross, or some other similar body.

It should be clearly understood they were not seeking to avoid financial commitment; it was not their intention to avoid payment of a few shillings a week union dues. This is important because it might colour the approach of members on that side of the House. We must face the fact that a ridiculous position confronts a person who is a conscientious objector in spite of the fact that the President and at least one member of our Arbitration Court have declared in favour of conscientious belief.

But as the law stands at the moment, people who are conscientious objectors have no protection whatever. It is a crazy state of affairs. We exempt a man on conscientious belief from fighting for his country if he demonstrates his bona fides to a magistrate or other appropriate authority. But here we will not permit him any conscientious belief in respect of his union membership. I would not for one moment suggest that conscientious belief should be taken lightly; or that any Tom, Dick or Harry should be permitted to put forward an argument that he has a conscientious objection. There should be some test of his conscientious belief—a real test.

But we do not make that provision, and yet we accept in our British countries the principle of conscientious belief and exempt a man from fighting for his contry. The situation has arisen that the Government, which has a policy of compulsory unionism—

Mr. W. Hegney: Preference to unionists.

Mr. COURT: Compulsory unionism. As I was about to say, the Government is now better able to follow its policy by having no preference clause. The Minister knows that the new award for gaolers, following the Louis Thorne case, has no preference clause, and the Government, with its policy of compulsory unionism, is in a stronger position and better able to implement its policy than if there were such a clause included.

Mr. W. Hegney: You are never satisfied. You are belly-aching either way.

Mr. COURT: How difficult can the Minister for Education become!

Mr. Hawke: You will be surprised.

Mr. COURT: The Minister knows that the Government is better able to implement its policy of compulsory unionism by having no preference clause than by having one included. I think it could be clearly assumed that if Mr. Justice Nevile, and at least one member of his court, had included a preference clause in the award it would have been one providing for conscientious belief. It is obvious that this conscientious-belief clause does not suit the Government. The Government's policy is quite clear; the Government has enunciated it from time to time, and has made it public over the Dutchmen's case in connection with the State Brick Works, and has also made it clear over the Thorne case. In a recent letter that the Premier sent to the Employers' Federation dated the 1st August, 1958, he said—

> The policy of the Government is, as your members are well aware, one of strict preference to unionists in regard to employment in Government departments and Government and semi-Government instrumentalities.
>
> It is also the strong desire of the Government that companies and individuals supplying goods and services to the Government should give preference to unionists.

Of course the method of preference practised by the Government is, in fact, compulsory unionism.

Mr. May: It does not say that in the circular.

Mr. COURT: We will examine the practical effect of the Government's policy and its implication. The Government has made it very clear in a case which is crystal clear that it is in favour and, in fact, practises a policy of compulsory unionism. There was no preference clause, I would remind the member for Collie, in the brickworks case. The Louis Thorne case was slightly different; there was a preference clause although the man was wrongly dismissed under that clause. But in the brickworks case there was no preference clause, therefore the Government had the ball at its feet to be reasonable in that case and to demonstrate to the public that it did allow for conscientious beliefs.

Had the Government allowed for conscientious belief in that case I am quite convinced that the matter would have gone over smoothly and there would be no abuse of the privilege. It would have been clearly understood that where it was clearly demonstrated that a man had a conscientious belief he could be exempted in that particular case.

When we come to the State Housing Commission we find that early this year in a particular instance it was reported that the commission, an instrumentality of Government policy, exercised pressure on a Perth tile manufacturing firm to compel

some of its employees to become unionists. That is where compulsion comes in. There is no "maybe" in that case. This manufacturer was informed that he would not be given further contracts by the State Housing Commission unless his employees joined a certain union. There was no "maybe" about that. In fact the men concerned were not the manufacturer's direct employees; they were a sub-contracting team. But this made no difference to the State Housing Commission; it still insisted. Its contracts contain a preference clause.

Mr. May: Not compulsory, of course.

Mr. COURT: It is compulsion masquerading under the name of preference, without any conscientious belief tagged on. This particular employer depended very heavily on State Housing Commission contracts, and the ultimatum was delivered. Let hon. members put themselves in his position: it was a case of either conforming to the compulsion or going out of business.

As far as I can gather the commission's action followed representations by the Building Trades Unions' executive to the Minister concerned, asking him to enforce Government policy, and that was done. Of course the men concerned were denied their right to exercise conscientious belief in this instance, as they are in all other cases of Government employment today.

Mr. May: Bolony!

Mr. COURT: It is not bolony. It is fact. Can the hon. member tell me of any case where the Government wavers on this policy at all?

Mr. May: Do you know where those two men concerned ought to go? Back to Holland!

Mr. COURT: Keep on talking like that if that is your attitude towards migrants.

Mr. May: They have come to this State and want to "bust" the unions.

Mr. COURT: It is not a question of breaking up the unions.

Mr. Hawke: Not much!

Mr. COURT: If the Government were to accept this Bill and give a constructive approach there would be no nigger in the woodpile. This is straightforward.

Mr. Hawke: Not much!

Mr. COURT: We are very interested in this aspect because if the Government opposes it, it is opposing conscientious belief and it is telling the world for all time that it is a believer in compulsion.

Mr. Brand: Members opposite believe in political funds.

Mr. COURT: It should be made clear in this Bill—

Mr. May: If you were a doctor would you be able to practice if you did not belong to the B.M.A.?

Mr. Hawke: You would be a veterinary surgeon.

Mr. COURT: The member for Fremantle has advanced this argument previously. We are looking forward with interest to the Government side of the story.

Mr. Moir: We heard something from the hon. member about accountants not belonging to an association.

Mr. COURT: I think I gave a good answer in that case and I shall say it again to the Minister after he has replied.

Mr. W. Hegney: You have not put up anything to reply to.

Mr. COURT: I am glad the Minister is going to support the measure. It should be made clear under this Bill that no employer may dismiss any worker, injure him in his employment, or discriminate against him merely because that worker is, or is not a unionist. At the moment there is a penalty of £50 if the employer does those things in respect of a person who is a member of a union.

We know the history of that provision. Legislation was introduced to make sure that an employee who wanted to belong to a union—whether it was one already formed or about to be formed—could not be prejudiced in his employment. We find in our industrial set-up that men have progressed without detriment in industry regardless of their strong influence and the strong activities in industrial unions. That is how it ought to be. We believe that ought to be the position.

Mr. Johnson: Do you think that is true?

Mr. COURT: That is a fact.

Mr. Johnson: That is untrue. I know from personal experience.

Mr. Brand: Once the member for Leederville knows, it must be correct!

Mr. COURT: There is no suggestion of changing the penalty as it exists at the moment. The mere addition is the term "or is not." It should be noted that the onus is on the employer, not the employee, to show that the worker was dismissed or prejudiced for any other reason than that he was, or was not, a unionist.

Mr. Johnson: Is that your description of prejudice?

Mr. COURT: The employer has the job of proving to the court that some other reason was involved. That exists in the Act at the moment. All I am seeking to do is to extend the provision to include the words "or is not a member of an industrial union." It also provides an extension of the existing principle regarding employers, that no worker shall cease employment in the employer's service merely because the employer is, or is not—I emphasise the words "or is not"—a member of an employers' industrial union. The penalty for such an offence at the moment is £25, and there is no suggestion in the Bill that it be altered. On this occasion, regarding

proof, the reverse applies, and the onus is on the worker, and not on the employer. That is the existing provision in the Act.

I now come to the question of compulsory levies. This has always been a red-hot subject. Let me hasten to make it clear that this Bill does not seek to legislate to prohibit union contributions to political funds.

Mr. Potter: What did you say?

Mr. COURT: This Bill does not seek to legislate to prohibit union contributions to political funds. That is of interest to the hon. member.

Mr. Brand: The member for Subiaco need not worry.

Mr. COURT: I know it surprises him.

Mr. Potter: I am very pleased with these remarks. Some of these unions in question do not contribute now.

Mr. Brand: Why?

Mr. COURT: The hon. member opposite has received an awful shock because he thought that I would provide in this legislation that industrial unions—employees' or employers'— should not contribute to political funds. The Bill merely seeks to place the matter on a voluntary basis and eliminate an element of compulsion which has been so viciously used in recent times. The most classic case is, of course, the Hursey case, which has really rocked Australia in the last few months.

Mr. Brand: What does the member for Subiaco think about the Hursey case?

Mr. COURT: I know it is very difficult for the supporters of Dr. Evatt, but nevertheless it is a case thoroughly understood by the people of Australia regardless of what we might think of the persons concerned.

Mr. Ross Hutchinson: Just as well they are all unified over there on the subject.

Mr. COURT: I would like to be specific about the provisions of this particular amendment in respect of union funds. The amendment provides that no union funds shall be used or applied directly or indirectly to any political object except when it is in accordance with the union's rules and is approved by a majority of the union's members and payment is made wholly from a political fund of the union. They are not unreasonable requirements. Of course, hon. members will say, "What is a political object?"

Mr. Brand: The member for Victoria Park.

Mr. W. Hegney: Look around your own side; don't look at us!

Mr. COURT: It is rather important, because this is where the member for Subiaco is starting to get very edgey for fear he might be excluded from political objects.

Mr. Brand: Don't say too much or you will lose support for that pool in the park.

Mr. COURT: "Political object" includes—

(a) anything done to assist a candidate for any election or any political party assisting a candidate or candidates for an election;

(b) the holding of meetings or the publishing by any means of any matter written or verbal in support of a candidate for an election;

(c) the maintenance of any person who is a candidate for any election or who is a member of Parliament;

(d) anything done in respect to the registration or enrolment of electors or the selection of candidates for an election.

I like the last part about the selection of candidates, because one or two members on the other side are undergoing the trials and tribulations of selection at the present time. I saw some literature the other day that intimated to me a full-scale general election rather than a selection campaign.

Mr. Hawke: The members for South Perth and Mt. Lawley could tell a story about that sort of thing.

Mr. COURT: I think the Premier is romancing a little if he is trying to compare that with compulsory political levies.

Mr. Kelly: They got the order of the boot.

Mr. COURT: A union can contribute to a political body provided it conforms to the provisions laid down—which is only reasonable and proper—namely, that it is in accordance with the union rules; and that it is approved by a majority of the union's members and the payment is made wholly from a political fund. It is set out that the political fund of an industrial union shall be a fund separate from all other funds of the industrial union and the union shall keep separate books of account for it. No person shall be compelled to contribute to a political fund nor be prejudiced in his employment nor in his membership of or admission to an industrial union by reason of any failure or refusal by him to contribute to such fund. All contributions to a union's political fund shall be made separately from any contributions to other funds of the industrial union. In other words, the contribution is to be a voluntary one, and it amounts to the principle of contracting in rather than the principle of contracting out.

Mr. Ross Hutchinson: If you get this through, an industrial millenium will have arrived.

Mr. Hawke: How silly can you get!

Mr. COURT: We will be interested to hear the arguments put forward by the Government in its predicament to explain some of the instances of the last few months.

Sir Ross McLarty: I think Calwell agrees with you.

Mr. COURT: The hon. member is getting ahead of me, because I was going to quote the hon. gentleman. On the 4th of August this gentleman made a statement which must cause some embarrassment within the love nest, because on his arrival back in Australia—admittedly after he had been to New Guinea and may have been out of touch with the Labour Party—he said that the Australian Labour Party did not believe in intimidation at any time and in any instance.

Mr. Potter: Hear, hear!

Mr. Hawke: We leave that to the Liberal Party.

Mr. COURT: He said further that the Labour Party would not advocate compulsory levies from unions for political purpose. I have one august supporter within the Labour ranks.

Mr. Hawke: I think Calwell's second christian name is "August."

Mr. COURT: He said, "I favour voluntary levies for political purposes." Mr. Calwell was saying this on a Melbourne television programme, and went on to add further to the embarrassment of Labour by declaring that he always opposed the unity ticket. He said, "So has the Labour Party." However, that is irrelevant to the discussion. Suffice it to say that I enlist his support on the question of voluntary levies for political purposes.

The provisions I have brought forward tonight regarding voluntary levies for political purposes as distinct from compulsory levies can be summed up by saying that a union within its own activities can contribute to the funds of political parties, provided the provisions of the Bill are conformed to, the most important of which is that there shall be no compulsion.

I add this observation: that there are many unionists who refuse to accept Labour propaganda that a unionist is a Labour voter. The ballot box proves that; otherwise there would never be Liberal Governments in Australia.

Mr. May: Never should be, either.

Mr. COURT: The hon. member is admitting his intolerance. He is admitting that he believes in the one-party system—the Soviet system.

Mr. May: One party.

Mr. COURT: That is not a good statement coming from an hon. member who always poses as the absolute democrat of this Chamber. A man who believes in the rights of individuals cannot believe in a system of one-party Government! A unionist's politics and religion should be his own private affair, and it is important that we allow that his contribution to political funds should be a voluntary one. We know that this brought the Hursey case very much into prominence, because those two gentlemen refused to be compelled to make a contribution to a political party with which they are at variance. Regardless of who those two gentlemen might be, and regardless of what one may think about them as individuals, one can admire their personal courage, because they have to face most unpleasant consequences in support of their conscientious beliefs. I wonder how many in this Chamber would have been prepared to face what those two gentlemen did in the last two months!

Mr. Lapham: When they are fanatical they will do anything.

Mr. COURT: They were not necessarily fanatics. I think we need to be fanatics to put forward our different cases. Sometimes I think one has to be half mental to take the political game on.

Mr. May: You got in easily!

Mr. Hawke: You have slipped since you took it on. The hon. member has gone from 50 per cent. to 75 per cent. since he has been here.

Mr. COURT: I accept the judgment of the House and of the people of my electorate. It is unthinkable that in this community persons should be literally pilloried, blackballed and ostracised and suffer severe physical and mental punishment because of their religious and political beliefs, because that is precisely what has happened in this country in respect of the Hursey case.

Mr. I. W. Manning: Persecution!

Mr. COURT: It can be summed up in the one word used by the member for Harvey: persecution.

Mr. W. Hegney: That is the basis on which the Australian Labour movement was founded.

Mr. COURT: Does the Minister want to perpetuate persecution?

Mr. W. Hegney: I know what you and your party want to do.

Mr. COURT: I think the Minister is quite wrongly informed, but we will deal with that one later. The rights of minorities to have a free expression of their views, even though we might disagree with them violently, is in accordance with our understanding of freedom in a democracy. In fact, the test of whether it is a democracy or a totalitarian State is precisely whether we have any regard for the views of a minority. This Chamber is a case in point where the views of a minority admittedly do not have much effect on a vote, but at least we are allowed to express our views without being arrested on our way out—up to this time, anyhow. I put forward this proposition to hon. members of this House: that the tyranny of the majority must be guarded against.

Mr. Johnson: Do the people in the Upper House regard it in that way, too?

Mr. COURT: They do.

Mr. Johnson: See that they do so on the Banking Bill!

Mr. COURT: I think the member for Leederville is a little nervy at the moment about his Bill coming up. The tyranny of the majority has, in fact, been experienced in certain quarters in Australia today.

Mr. Hawke: It is not the only tyranny.

Mr. COURT: And totalitarianism is the obvious outcome if it is not checked. One follows the other, as night follows day, and it is the duty of Parliaments such as this to take some effective action in the matter because democracy depends on the right of the minority, through a free expression of their views, to eventually become the majority.

Mr. Potter: We would not have a democracy if it had not been for the unions.

Mr. COURT: The hon. member's history is rather limited. I am sure he overlooks the fact that before the great industrial struggle occurred, this world had been in existence for limitless years and the struggle had been going on like this right back in the dark ages, long before the industrial revolution.

Mr. Hawke: Your knowledge of Australia's industrial history is pretty deficient.

Mr. COURT: I will take the Premier up on that one because I have a pretty vivid recollection of the problems of unionism back at the time when I was a small boy.

Mr. Heal: That is a fair while ago.

Mr. COURT: It may be, but I have a vivid recollection of those days, having been a member of a fairly rabid Labour family—a family of great unionists.

Hon. members: You are a black sheep.

Mr. Hawke: You are a renegade.

Mr. COURT: It is rather interesting that I should have seen the light, having been brought up in that particular atmosphere.

Mr. Hawke: We know how you saw the light, and why.

Mr. COURT: Under the present law a person who opposes political levies is in danger of being subjected to all the things I have mentioned. There is no maybe about it. We have seen it happen in Australia. One can pick up a paper and see the photographs and reports on these things and what these men have suffered. I would not know the Hurseys if I fell over them, but I admire them for the fact that they have been prepared to take these people on.

Mr. May: You do not know the history of the case; otherwise you would not be saying what you are saying now.

Mr. COURT: I have studied quite a lot on the Hursey case and much more than has been reported in "The West Australian" and the other papers in Australia because when I was in the East recently I made it my business to seek some real down-to-earth information on the background of this case.

Mr. Hawke: Did you prevail upon the Prime Minister to do something?

Mr. COURT: That is not my business, but I am sure that if the matter had not been sub judice at the time something would have been done.

Mr. Hawke: Your only business is to try to make political capital out of it.

Mr. COURT: Nothing of the sort! Does the Premier look with pleasure on the experience of the Hurseys?

Mr. Hawke: I will say what I think in due course.

Mr. COURT: But does the Premier look with pleasure on the experiences of the Hurseys? Would he like to see it going on in his own State?

Mr. Hawke: A man who is not prepared to stand up to union principles ought to take non-union jobs.

Mr. COURT: The Premier knows that under his socialistic system that would be completely impossible and the man would starve.

Mr. Hawke: Because your people would be employing him and paying him next to nothing.

Mr. COURT: The Premier is letting the cat out of the bag—that he is going to stick by compulsion, through thick and thin, so far as this matter is concerned.

Mr. Hawke: I say that a man who will not join a union should take non-union employment.

Mr. COURT: The Premier knows that is not practicable.

Mr. Hawke: It is practicable.

Mr. COURT: He is also admitting that under a socialistic system there is no room for conscientious beliefs and any system of that sort must fail in a democracy.

Mr. Hawke: I do not believe in a non-unionist plundering the benefits which unionists have fought for.

Mr. COURT: I think it is fast becoming apparent through the interjections—it is a pity to stop them, really—just where the Government stands on this issue. The sky is the limit. It is a case of compulsion to the last man, woman and child.

Mr. Ross Hutchinson: It is the iron hand.

Mr. COURT: It amazes me that the Premier and his supporters should adopt this attitude. It has been publicly expressed, even in recent times when their Federal Leader has felt the cold blast of

public opinion, that compulsory unionism is no longer the policy of the A.L.P., but they seek negotiated preference. We have not said that they should not seek a negotiated preference, but they have announced, from the lowest to the highest of their officials, that compulsory unionism is no longer an issue.

Mr. May: Neither is preference to unionists.

Mr. COURT: Are we to believe these announcements? No member of any party —be it the Country Party, the D.L.P., the A.L.P., or the Liberal Party—if true to its public expressions of political propaganda, can believe in compulsion.

I want to make a few general observations. Firstly, we support the principle of democratically controlled unions.

Mr. Johnson: Principles or interest?

Mr. COURT: The principle of democratically controlled unions. The history of Liberal and Country Party government, in both State and Federal spheres, is evidence of that, and many unionists in Australia are thankful for the assistance that has been given to them to uphold their democratic principles through the legislation introduced in the Federal Parliament by a Liberal-Country Party coalition Government.

Mr. Moir: You blamed Dr. Evatt for it last year.

Mr. COURT: I do not follow the Minister's logic in the matter.

Mr. Hawke: That is not his fault.

Mr. COURT: Maybe he will enlarge on that later. I think the point he was referring to was an entirely different matter. When the Minister for Labour brought down a Bill to amend the Industrial Arbitration Act in an entirely different form—

Mr. Brand: This is the first time members opposite have mentioned Dr. Evatt's name for years.

Mr. COURT: —he sought to amend certain penalties and punitive provisions in the Act. I think that is the instance to which the Minister refers. If a movement can continue only through compulsion, whether it be a union or any other body, it is not a healthy, virile movement.

Mr. W. Hegney: The Liberal Party is terribly anaemic.

Sir Ross McLarty: They seem to be worrying you a bit.

Mr. Brand: All those happy faces on the other side!

Sir Ross McLarty: Wait until the 22nd November. You will see whether they are anaemic then.

Mr. COURT: After that little bit of political by-play I would like to conclude fairly quickly my views on the matter. The unions have acquired great influence and power in this community, and I do not begrudge them that power or influence for one moment; but with that power comes a great responsibility—the responsibility to make their contribution towards the upholding of our way of life. They are in a better position than any other single group I know of in this Commonwealth to make a contribution towards the fight for the upholding of our way of life.

I think it could fairly be said that in Australia the incidence of union membership is higher than in any other free country in the world. I cannot vouch for other than the free countries, but I think it is safe to say that in Australia the incidence of union membership is higher than in the other free countries.

Mr. W. Hegney: It is a good thing for Australia, too.

Mr. COURT: I have not denied it. But the moment that it becomes compulsory it loses its greatest value to the community.

Mr. Ross Hutchinson: It is as well that the D.L.P. started helping out the A.L.P. in regard to communists and unionists.

Mr. Johnson: Take the plum out of your mouth and let us hear you.

Mr. COURT: That reference by the member for Leederville is a great compliment to the member for Cottesloe. The majority of the unions have been—and I claim still are—in the front rank of those who support the principles of personal freedom; and it is our duty to see that those people are aided in this respect, because there are plenty within the trade union movement who would frustrate them in their effort to retain and preserve the personal freedom of the individual.

There is an element in Australia, not only in the union movement itself, which would destroy Australia and deny its people their personal freedom. It is our duty, as legislators, to provide the necessary legislative machinery so that those who wish to fight this battle for freedom can do so without the fear of being pilloried, molested, frustrated and physically and mentally tortured as they have been in recent times.

The Government, for some reason which no doubt the Minister will explain, is amazingly uncompromising in its attitude towards the question of compulsory unionism, despite the publicised view of the A.L.P. that it is no longer an issue. Various union leaders have said from time to time that a man who is in a union through compulsion is no good to the movement and I think that is a basic truth, whether in unionism or any other movement; even when a man is serving his country—

Mr. W. Hegney: You are consciously or unconsciously advocating an industrial upheaval in Western Australia.

Mr. COURT: You are denying any freedom of thought to the individual. You are denying, by your statements tonight, any form of conscientious belief—

Mr. Kelly: You have run yourself up a blind end.

Mr. COURT: If the Minister keeps on repeating that he will eventually believe it himself. I submit this measure to the House with confidence that the majority of the people of this State and, I hope, the majority of members in this Chamber, will support it in the interests of personal liberty and freedom and the rights of the individual, which we make so much play about and which we are always talking about in this Chamber. Here is a chance to demonstrate that we believe in it by making available the necessary machinery for those who want to exercise their individuality and their personal right to certain beliefs.

I am sure that, if the Bill is passed, the power of the industrial unions in this State will be enhanced, and certainly not prejudiced as it will be if there is a continuation of the present state of affairs, which this Government is supporting and allowing to continue. I move—

That the Bill be now read a second time.

On motion by the Minister for Labour, debate adjourned.

JUNIOR FARMERS' MOVEMENT ACT AMENDMENT BILL (No. 2).

Second Reading.

MR. BOVELL (Vasse) [9.5] in moving the second reading said: The Junior Farmers' Movement Act was passed by this Parliament in 1955 and provided for the establishment of a council consisting of a nominee of the Institute of Agricultural Science, a nominee of the Farmers' Union of Western Australia (Incorporated) a nominee of the Royal Agricultural Society of Western Australia, a nominee of the Country Women's Association of Western Australia, a nominee of the Advisory Committee of the Western Australian Federation of Junior Farmers' Clubs, and three nominees of the Western Australian Federation of Junior Farmers' Clubs; while the Minister, under the Act, was given power to appoint a chairman.

The purposes of the Act are to generally assist in giving effect to the objectives of the Junior Farmers' Movement in Western Australia and we—especially country members of Parliament—know from experience how the Junior Farmers' Movement has, over the postwar years, been of great encouragement to young men and women in country areas. The council, as I have outlined, is a very responsible one and in the drafting of the original measure there was included power for the Minister to direct and control the Act and also to administer it. I feel that it would be preferable, in view of the excellent representation on the council, for the Minister to direct and control, but for the council to administer the Act.

The Bill, if passed, will make the council responsible for the administration of the Act, but will give the Minister power of veto and general control. Acts which contain such provisions, giving the Minister power of veto and direction while leaving the administration to a board, committee or council as the case may be, include the Milk Board Act, the Agriculture Protection Board Act, the Physiotherapists Act, the State Electricity Commission Act, and the Chiropodists Act. I feel that if the Minister will agree to the slight alteration which this measure proposes, it will make the members of the council feel that they are really doing a worth-while job. It must be remembered, too, that members of the council perform their duties in a purely honorary capacity.

Mr. W. Hegney: Didn't this matter crop up a couple of years ago?

Mr. BOVELL: Yes; it was raised by me and some other country members during a debate on an amendment which was submitted by the Minister during the last session of Parliament. But the amendment referred to a different section of the Act, and it was not possible for me to move an amendment under the Standing Orders. However, I think I did mention at the time that I would ask the House to give consideration to an amendment at the appropriate time. I feel that now is the appropriate time; and, to continue, following the reply given to the Minister, substantial help is given to the Junior Farmers' Movement by the Country Women's Association, the Royal Agricultural Society, the Farmers' Union and also the Chamber of Commerce.

Mr. W. Hegney: And also by the Government.

Mr. BOVELL: I quite appreciate that fact. I understand the "Farmers' Weekly" newspaper incurs an annual cost of not less than £1,500 in assisting the movement by publicity, articles, and other endeavours to further the progress of the movement. The proposed amendment will not, in any way, lessen the power, the control, and the direction of the Minister, who will give the council the responsibility which it desires, and for which its members are fully qualified.

Mr. W. Hegney: Will you explain the difference between the present method and the method you propose?

Mr. BOVELL: Yes. I do not know what the method is, but it is contained in the wording of the Act at the moment; that is, that the Minister may, from time to time issue directions, relating to the provisions of this Act, to the council either generally or in respect of a particular matter, and the council should give effect

to the direction so issued. The alteration will not, in any way, affect the Minister's power and authority.

Mr. W. Hegney: Have they had any cause for complaint up to date?

Mr. BOVELL: These words will disappear from the Act; and, if the Bill is passed, the council will, subject to the general control and direction of the Minister, be responsible for the administration of this Act.

Mr. W. Hegney: Has there been any cause for complaint against the present provision?

Mr. BOVELL: There has been no cause for complaint at all; but the Farmers' Union, as I understand the position, discussed the matter with members of the council and it is felt that it would place more responsibility on the members of the council in the execution of their functions, but would not detract in any way from the general control and direction of the power of the Minister.

I believe that when the Minister closely examines this amending Bill, he will see that it seeks only to give to the council further responsibility in administration; and, I repeat, it does not detract in any way from the responsibility of the Minister. The Farmers' Union is exceptionally keen that the members of the council should be given this added responsibility, and I commend the Bill for the Minister's favourable consideration. I move—

That the Bill be now read a second time.

On motion by the Minister for Education, debate adjourned.

BANK HOLIDAYS ACT AMENDMENT BILL.

Second Reading.

MR. JOHNSON (Leederville) [9.15] in moving the second reading said: This is a very small Bill. It has a single objective; namely, to enable the banks to close on Saturday. Whilst I maintain it is not a controversial matter, there has been an extremely heavy volume of debate upon it since it was first introduced by me in 1953. I do not propose to cover that debate in full; but I want to state certain facts which are beyond controversy, but which were unknown to some members before the several debates were held.

In passing, I was present in the Supreme Court of this State when a disputed claim took place last year, and I was attracted with the idea that in that place the two sides presented an agreed statement of facts. It seems to me that the same idea could be used in this case. I therefore propose to set out briefly those facts that are beyond controversy in this matter; and to request any member on either side of the House, who has the slightest doubt on any of these matters, to refer to the evidence given to the Select Committee that was appointed to inquire into this matter. In that evidence all these points are dealt with at length, and the authorities that are quoted are beyond dispute. I point out that a copy of that evidence is in the records of the House.

Firstly, the Bank Officials' Association of W.A. Union of Workers adopted Saturday closing as an objective in 1948. From my personal knowledge they were seeking the reform on the committee level before that, but it was adopted at an annual general meeting in 1948. Secondly, the Bank Officers' Association represents 90 per cent. and more of the officials in private banks, including the Rural & Industries Bank. The officers of the Commonwealth Bank of Australia, who speak through an association of their own, are actively associated with this proposal.

Thirdly, the Arbitration Court of Western Australia, and likewise the Arbitration Court of the Commonwealth, have both stated in judgments that the matter is outside the jurisdiction of the courts and is one for legislation by the States. Fourthly, the banks are closed on Saturdays in Tasmania, New Zealand, much of the U.S.A., and several parts of the Continent. In Tasmania and New Zealand there is a two-day week-end, but that does not apply in the U.S.A. Fifthly, on the Christmas before last, the banks in Western Australia had a bank holiday on the Saturday before Christmas and on the Saturday before New Year, although the shops remained open. They are matters of fact and not of opinion, and are incapable of being challenged.

So we have the position that the reform sought can be achieved only in one way —by the passage of a Bill through Parliament. The only point on which there is any disagreement is whether the degree of readjustment caused to the business community is, or is not, sufficient to warrant refusal of this reform to bank officers. There are groups of people who oppose reform of any kind, but we frequently find that once a reform is implemented all opposition vanishes. I am sure that we all remember the opposition to reforms such as the abolition of slavery, compulsory schooling for children and child labour laws, the 48-hour week and the 40-hour week. In every case, commercial interests wailed: "This will bankrupt the nation."

The world has been a greatly improved place for all, including commercial interests, since the introduction of these reforms. The five-day week for bankers is a simliar reform, and we still have much the same selfish people who oppose it. Many of them were in the group who recently claimed that the installation of parking meters would break city business. That opinion is now being reviewed; and

if opinion continues to change at the present rate, it will be completely reversed before Christmas.

I believe quite strongly that experience has shown that reforms of the nature sought in this Bill never seem to be as bad as their opponents assert, but do require a short period of readjustment before they are fully accepted. So it will be with this Bill. Now let me give a short history of the Bill in this Parliament.

It was first introduced on the 11th September, 1953. The second reading was moved by me on the 24th September, 1953, and can be found at folio 1074. The speakers against the measure were the then Minister for Labour—the present member for Toodyay—the then member for Sussex, now member for Vasse, and the member for Roe. The Bill was defeated on the voices.

Mr. Roberts: Who spoke in favour of it?

Mr. JOHNSON: I did.

Mr. Roberts: Were you the only one?

Mr. JOHNSON: I was new to politics, then, and I was the only speaker in favour of it; there were three against. This was followed by the election in 1954 which introduced the Hawke Government. The Bill was reintroduced on the 20th September, 1955, and the second reading moved on the 21st of that month. On the 12th October of that year there were five speakers and the following week 13 members spoke, including the Minister for Labour—the present occupant of that post.

This was followed by a move for a Select Committee, which was made by the member for Nedlands. The report will be found at folio 1417 in Hansard of the year in question. The speakers on that motion were the Deputy Leader of the Opposition, who moved it; the Leader of the Country Party; myself; the member for Murray; the member for Roe; the member for Sussex—the present member for Vasse; and the then member for Claremont, the Hon. C. F. J. North. This was defeated on a division by 19 to 17, and the Bill passed the second reading stage and all stages in this House on the voices, as shown in folio 1434.

It entered the Legislative Council. The first reading will be found on folio 1423; and the second reading, on 1455. The second reading was moved on the 1st November, 1955. There were four speakers on that occasion, including Mr. Griffith who concluded his speech by saying—

> That does not bring me one scrap closer to supporting something which my conscience tells me that in the interests of the community I should not support. Therefore, I do not propose to support the Bill.

It is interesting to note that on the division that followed on the 2nd November, Mr. Griffith was the teller for those in favour of the passage of the Bill.

Mr. Brand: This speech will cost you a lot of money to circulate amongst the bankers.

Mr. JOHNSON: I do not follow the implication.

Mr. Brand: You think about it.

Mr. Lapham: It will not cost anything at all.

Mr. JOHNSON: I feel that the Leader of the Opposition is judging me by himself, and I resent the implication that I could descend so low.

Mr. Hawke: Fighting words!

Mr. JOHNSON: Following the two speakers on the 22nd November, there were five speakers on the 9th November, including the Minister for the North-West and the Chief Secretary. On the 15th November two members spoke and on the 22nd there were three speakers including, as a point of interest, Mr. Cunningham, who said on that occasion—the banks on the goldfields on Saturday were only used for small change.

He suggested a Select Committee and wanted Commonwealth-wide action. That went to a division which was defeated by a majority of two. As I have said, Mr. Griffith was teller for those in favour of the Bill, and Mr. Cunningham supported him.

Mr. Brand: Did all the Labour members vote?

Mr. JOHNSON: All that were present, and this can be found on page 1890 of Hansard for 1955. Before the next session, there was a general election, and also an election for the Legislative Council. The Bill was reintroduced by me in 1956. Prior to its reintroduction, and having studied the speeches of all those who had spoken against it, and in order to meet all possible objections, I moved for the appointment of a Select Committee on the 29th August, 1956.

A debate took place on the 12th September and the speakers included the Premier, the Deputy Leader of the Opposition, the Leader of the Opposition, three other members of the Opposition, and myself in reply. On page 1799 the Deputy Leader of the Opposition is shown as having moved for the appointment of a Joint Select Committee — a proposition which I believed then, and which I still believe, was designed to delay any possible consideration of the measure until it was too late to deal with it during that session of Parliament.

This was to some extent proven by the fact that the Bill itself eventually got to the Legislative Council very much in the

closing stages of the session; and, as a result, it was given very summary consideration. The move for the appointment of a Joint Select Committee was defeated on a division by a majority of three. The Select Committee met; and it examined 17 witnesses in Perth, five in Bunbury and six in Donnybrook. The report was presented on the 4th November, 1956. The entire evidence, as well as the report itself, is in the records of the House; and I do not intend to deal with the matter here. Anyone who wishes to check any particular point can do so by referring to the official records.

There was considerable debate on the motion to accept the report of the Select Committee; and two members—one from the Country Party and one from the Liberal Party—disagreed with all the paragraphs except Nos. 1 and 23, despite the fact that quite a number of those paragraphs contained no matter of opinion but only matters of fact. Be that as it may, the Bill was introduced and given its first reading on the 14th November.

The second reading was moved on the 21st November and will be found on page 2494. Those who spoke on the measure on the 12th December were the member for Harvey, the member for Collie, the member for Canning, the member for Narrogin, the Deputy Leader of the Opposition, the member for North Perth, the member for Murray and the Premier on the 20th December; and myself in reply. The question was taken to a division and it was carried by 23 votes to 15, a majority of eight. The two Independent members of the Opposition voted with the Labour members.

The Bill entered the Legislative Council on the 20th of December and was given very short shrift. It was introduced by the Hon. Mr. Jeffery as shown on folio 3559; it was adjourned, considered later, and spoken to by only Sir Charles Latham. His speech will be found in a quarter of a column on folio 3607. The measure was defeated by 11 votes to 9.

It is of interest to me, and of interest to all bank officers, that Messrs. Griffith and Cunningham, who were reported as supporting the Bill on the previous occasion were both absent on this occasion and were treated in the pairs as having voted against the Bill. Had they been present and voted, the result would have been different. This took place on the last day of the session and was very rushed.

The Bill was reintroduced in 1957. The first reading took place on the 24th July and the second reading on the 31st July. The speakers who followed me included the Minister for Labour, the member for Narrogin, the member for Canning, the member for Harvey, the member for Mt. Lawley, the member for Blackwood and the member for Nedlands. I replied and the second reading of the Bill was passed on the voices. On this occasion the second reading was not put to a division.

The Bill entered the Legislative Council on the 14th August. The second reading was taken by the Hon. Mr. Jeffery as shown on folio 802. The debate continued on the 11th September as shown on folio 1403 and the speakers included the then Leader of the Liberal Party (the Hon. Mr. Simpson). He was followed by Messrs. Logan, Griffith, Hislop, and Baxter, the Minister for Railways (the Hon. Mr. Strickland), and Messrs. Teahan and Bennetts. On the 18th September Messrs. Diver, Mattiske, Lavery, Heenan, Latham, Jones, Davies and Cunningham spoke; and Mr. Jeffery replied.

The division which is recorded on folio 1618 showed that the Bill was defeated by one vote. On this occasion the Hon. Mr. Cunningham, who had voted for the measure previously, voted against it. However, Mr. Griffith voted for it. It is of interest to note that between his vote for the measure and his vote against it, the Hon. Mr. Cunningham faced his electors and had been re-elected for six years. The Hon. Mr. Griffith was due to face an election in 1958 and he voted for it.

Mr. I. W. Manning: What was the result?

Mr. JOHNSON: The hon. member should not ask for the result. He should ask for the reason. From the list of speakers in both Houses that I have given, it will be seen that the matter has been very well discussed. Certain events have occurred since our last discussion of this matter. Bank officers in New South Wales have been granted penalty rates for Saturday work following an application to the court in that State. The penalty rate awarded was time and a quarter, although a higher rate had been sought when they had failed to get Saturday closing by agreement. I have not got a copy of that particular judgment with me, but I would like to quote from a somewhat parallel judgment of the Victorian court.

This is a judgment in the Industrial Court of Appeal held in Melbourne on Monday, the 4th August, 1958, which is quite recent. It was an appeal against a determination in favour of the shop assistants. The part of the judgment which is of great interest to us at this juncture is a matter which the President of the Court, Mr. Justice Gamble, had to put forward in summing up. He said—

> The evidence in this appeal establishes four propositions.
>
> (1) That the industrial pattern for workers generally has changed over the last decade from a 5½-day to a 5-day working week.
>
> (2) When weighing the advantages and disadvantages of such a change in the spread of the 40 hours there

remained a substantial benefit to the workers in having two completely free days in each week.

(3) That the employees covered by the determination of the shops' board No. 9, do not enjoy this specific benefit.

I might interpolate that it is on this point the resemblance between the matter before the court at the time and the matter being discussed at the moment is considerable. The concluding part of his judgment states—

> The employees contend that all hours worked on Saturday morning should be paid for at the rate of time and a half. We are of the opinion that this rate does not give full weight to the benefits which accrue from later starting time than those enjoyed by industry generally during the five days of the working week. The shop assistants' week is still a 40-hour week and the rest of the work on Saturday morning forms part of the 40 hours. As we have said the balance of advantage to the worker lies in the five day week.

Action has been taken in South Australia to achieve this reform. The last attempt was defeated, but it is not impossible that the Bill which was introduced there this week, will do a good deal better. The matter is before that House at present. The private member who introduced the Bill has the full support of the Opposition, and if the Independents in that State can be persuaded to vote for it—I gather that is not completely impossible—then the Bill will have a very fair prospect of passing. At least we wish him well.

Members may know the difficulty of introducing private members' Bills in Victoria. They are not given the opportunity for the introduction of a similar measure in that State whilst the Treasury benches are occupied temporarily by a reactionary Government.

Sir Ross McLarty: Not very revolutionary.

Mr. JOHNSON: What did the hon. member say?

Sir Ross McLarty: You heard me!

Mr. JOHNSON: An application for such a measure has been made in Victoria but nothing has been achieved on the parliamentary level as yet.

In New South Wales the position is greatly obscured by personalities. The bank officials' secretary can find no Liberal member to sponsor a Bill. His own political actions have made it impossible for him to be on terms of any kind with any member on the Government side of the House.

Sir Ross McLarty: Labour has a majority in both Houses.

Mr. JOHNSON: This is a bank officers' matter, and not a Labour Party measure. The bank officers' secretary in that State is *persona non grata* with all Labour politicians in all States. I do not think there is much need to go into the reasons but it is a fact. That is the major reason why no action has been taken in that State on a parliamentary level. However, action has been taken at every other level that is possible in that State, including the court.

Mr. Roberts: On account of one, no member of the Government will make a move.

Mr. JOHNSON: One man and his actions. That is quite obvious. If the hon. member understood the circumstances he would well realise why that is; and, whilst one might not agree with it, there is not the slightest doubt that a government of the Liberal side, as has been done on many occasions—identical occasions—when the circumstances have been reversed, would do just the same thing.

Sir Ross McLarty: Is the secretary a member of the Democratic Labour Party?

Mr. JOHNSON: Worse! He is an ex-Liberal Party candidate.

Mr. Roberts: What did you say? We did not catch that.

Mr. JOHNSON: He was endorsed for a Federal Liberal Party seat and failed to win.

Mr. Court: You are not suggesting that the Labour Government of New South Wales won't introduce this legislation because the secretary of the bank officers is a Liberal candidate?

Mr. JOHNSON: Because he has not asked for it and will not go near them.

Mr. Court: Is he the whole association?

Mr. JOHNSON: Near enough.

Mr. Court: You have crashed your own case.

Mr. JOHNSON: In Queensland the situation is even more interesting. There is a coalition Government there led by Mr. Nicklin. When the last State election was pending, the bank officers asked leaders of all parties what they would do about Saturday closing for banks.

Mr. Roberts: The Q.L.P. too?

Mr. JOHNSON: Yes. Replies were received from Mr. Nicklin, who wrote with the support of both coalition parties, and from Mr. Duggan of the A.L.P. I have seen the originals of both letters. They were quite unequivocal promises to support the reform. To date, nothing has happened; but a reply to a telegraphic inquiry received today reads as follows:—

> Your telegram of even date. Understand matter heatedly discussed at full Government Party meeting last week. No decision reached. Meeting adjourned till next week. STOP.

The stop, I think, is intended for context, not for parliamentary action. It continues—

> Although strong opposition being influenced our supporters still consider 50/50 chance. Will wire you immediately anything transpires. Best wishes success your further application.

Mr. Ross Hutchinson: Did Gair promise anything prior to the election?

Mr. JOHNSON: I do not think he even had the manners to reply.

Mr. Court: I think you say that with some feeling against Mr. Gair.

Mr. JOHNSON: The situation in Queensland is of considerable interest. In that particular Parliament is a Mr. Herbert whom I have met and with whom I have discussed this subject. He is very keen that this reform should be granted; but finds himself, as far as I can judge, in the unfortunate position that if he presses too hard, he fears for his political future inside his party.

Mr. May: Did you hear that?

Mr. W. A. Manning: Delusions.

Mr. JOHNSON: He should be the best judge of the situation. Having been in a bank, he would realise that promotion is at crawling pace, and would take that type of action almost automatically. I make this short interstate review to indicate there is an Australia-wide desire for this reform.

However, it is a matter which lies solely in the power of each State Parliament and is not within the power of the Commonwealth as has been proven by judgments in the several Arbitration Courts, including the Commonwealth Court. Representations have been made to the Federal Treasurer (Sir Arthur Fadden) who also answered that the request was not within the power of himself or of the Federal Government. That is one of the points on which I agree with Sir Arthur Fadden.

Another thing which this short review indicates is that there is only one party that is prepared to listen to appeals for improvements in working conditions; and that, despite the fact that bank clerks are traditionally and very foolishly generally opposed to the Labour Party, it is to that great party they turn for help.

Mr. Court: Are you referring to the whole of Australia or Western Australia?

Mr. Potter: The whole of Australia.

Mr. Court: What about New South Wales? You have told us they won't do a thing for them, and you know what Gair told them. He was leading a Labour Government, and I think he was called an A.L.P. man.

Mr. JOHNSON: He was called many things; and some were justified, too!

Mr. Court: I have heard your Premier eulogise Mr. Gair at one stage of his career.

Mr. JOHNSON: You were brought up as a Labour Party man and changed.

Mr. W. A. Manning: Is the member for Leederville in favour of the nationalisation of banks?

The SPEAKER: Order! The member for Leederville will address the Chair and get on with the Bill.

Mr. JOHNSON: That is not a matter for this debate, but one which I would be pleased to debate on another occasion.

Finally, I wish to deal with a matter which is of great concern not only to me, but to all who are concerned in parliamentary democracy. The effect of parliamentary action upon the general regard for parliamentary government and the general regard for the actions of democracy is a matter upon which we all have a great responsibility. The attempts to pass this Bill amply illustrate the type of error that can be perpetrated by forms of government that do not reform with changing conditions.

In Queensland, there is the fact that a Premier who has given an unequivocal promise in writing—one concerning which there can be doubt as to the meaning or intention—has failed to carry that promise into effect despite having the power to do so. This has a very deleterious effect upon the reputation of the man and his party —something that does not concern or surprise me. However, it lowers the standard of parliamentary life to a degree that should be of real concern to all of us. In Western Australia there is the fact that this measure has been before this House not once, but four times previously. This makes it the fifth time.

Mr. Roberts: Why doesn't the Government introduce the Bill?

Mr. JOHNSON: It is a private member's Bill. It is my particular baby; I am very proud of it. That is quite sufficient reason, because this Government gives private members some degree of liberty which does not exist in governments led by members of the party to which the hon. member belongs.

Mr. Hawke: Hear, hear!

Mr. W. A. Manning: Has this baby been nationalised?

Mr. JOHNSON: This Bill has passed this House on three occasions—in 1955, 1956 and 1957—the last time without even a division being necessary. It has been rejected each time by another place. Not only has it been passed three successive times, but it has been passed both before and after a general election, at which the Government, which has always supported the Bill, was returned with an increased majority in Western Australia.

In Westminster—the mother of Parliaments—this would have been law in 1956, two years ago.

The House of Lords which is a hereditary House—there is a very restricted franchise for that place—has been reformed by Governments of both political parties and is still under reform by a Conservative Government, which finds that it no longer conforms to the expectations and desires of the people. But the House of Lords has power only to defer a Bill for 12 months; and any Bill that is passed twice in the House of Commons cannot be rejected the second time in the House of Lords if it has been delayed for more than 12 months.

Mr. Crommelin: Don't you think you are flogging a dead horse in that case?

Mr. JOHNSON: If you are regarding the House of Lords as a dead horse, perhaps so. I feel that it should be, just as I feel that the Chamber at the other end of this building should be used for party meetings and for no other purpose. The point I am making is that at Westminster the power which is possessed by the Chamber at the other end of this building, does not exist; and the people of Great Britain—the people of both parties—agree that it should not exist. There is complete unanimity that the 12 months' delay is the maximum that is supported. The actions which have prevented a Bill, that would have been law if it had been in England, being effective two years ago, did tend to bring parliamentary institutions into disrepute.

Mr. W. A. Manning: Twelve months delay does not make a bad case a good one.

Mr. JOHNSON: It is a good case because it has been passed by an elected House by a majority—and a considerable majority. That is the test in Great Britain. The fact that the member for Narrogin belongs to a defeated minority gives him only the right to object—to put up an argument to be heard—but it does not give him any right to be obeyed. If he can, by argument, persuade the people to give his party sufficient power to sit on this side of the House, then of course that is another matter. But as I have said earlier, this particular Bill has been passed both before and after a general election. It has run the test of the people; it has run the test of the elected Chamber; it should go through Parliament as a whole.

People who disregarded the rights of democracy are people who have less than full responsibility. I do appeal to members in another place to give real thought, not only to their personal opinions; not only to the opinions of those who subscribe to their election—whether they are industrial unions or not, or industrial unions of employers or not—but to the parliamentary institution as a whole.

This is a matter of really grave concern. This Bill is, perhaps, only a small illustration of a very important matter. In particular, I address my appeal to the Hon. Lloyd Loton, who presided over the previous debates and has not recorded a vote at any of the divisions. He is a man who has had a grave responsibility in that Chamber for the maintenance of parliamentary democracy, and I appeal to him, in particular, to have regard for that responsibility.

Secondly, I express a hope that the Hon. Arthur Griffith, who has voted for the Bill on the two occasions he has been present when a vote has been taken, will continue to support the legislation. I know he may be under some pressure—

Mr. Court: No, he isn't.

Mr. JOHNSON: —from the Liberal Party.

Mr. Court: No, he isn't.

Mr. Roberts: No pressure in this party.

Mr. Hawke: Nothing in it to create pressure!

Mr. Court: You ask your Federal Leader on the 23rd November!

Mr. JOHNSON: I do appeal to him to have regard for previous action, and for parliamentary democracy as a living institution. Further, I do suggest to the Hon. Arthur Cunningham, whose public somersault after being elected brought him some well-deserved contempt, that he could redeem his reputation by doing a back somersault and reverting to his original opinion.

I feel that this Bill has two degrees of importance. The first is the importance to those whom it concerns—some agree that is the lesser of the two. The major importance of this Bill is a test of whether democracy can work; whether it will be permitted to work; and who prevents it working if it fails on this occasion. I move—

> That the Bill be now read a second time.

On motion by the Minister for Labour, debate adjourned.

House adjourned at 9.57 p.m.