

I will not say there should not be a rise. I merely say there is that danger, and there should not be automatic adjustments. The matter should be carefully considered by the court. Every aspect should be taken into consideration, and only after that should a considered opinion be given.

Mr. Lawrence: Why do not you answer the Minister's question?

Hon. A. V. R. ABBOTT: Before I sit down, I would like to read one more extract to show how very wide was the scope of the inquiry made by the Federal court. This is what it said, and it gave an indication of the evidence it would require in the future.

Mr. Lawrence: What are you quoting from?

Hon. A. V. R. ABBOTT: From the judgment of the Federal Arbitration Court in the last basic wage decision.

Mr. Lawrence: From what newspaper?

Hon. Sir Ross McLarty: From "The Financial Review."

Hon. A. V. R. ABBOTT: I quote from the judgment, as follows:—

In fine, time and energy will be saved in future cases if the parties to disputes will direct their attention to the broader aspects of the economy, such as are indicated by a study of the following matters:—

Employment.

Investment.

Production and productivity.

Overseas trade.

Overseas balances.

Competitive position of secondary industry.

Retail trade.

It is necessary to give consideration to all those matters and it cannot be suggested that judges of the Arbitration Court would lightly ask for a study to be made of any of those points and say that their decision was to be based on them if it were not necessary.

Apart from that, I do not think we can get better authority than the High Court. How can we say that in little Western Australia consideration need not be given to any of those things, that we need not consider those points at all and that the matter can be adjusted automatically? It would be very foolish to agree to this Bill. It might have results that would be disastrous to the economy of Western Australia, and might very well lead to serious unemployment. I oppose the measure.

On motion by Mr. Moir, debate adjourned.

House adjourned at 10.10 p.m.

Legislative Council

Wednesday, 4th August, 1954.

CONTENTS.

	Page
Question : Service stations, as to erection on railway property	858
Address-in-reply, fourteenth day, conclusion	864
As to presentation of Address	862
Speaker on Address—	
The Chief Secretary	854
Bills : Traffic Act Amendment, 1r.	862
Lotteries (Control), 1r.	862
Shipping and Pilotage Ordinance Amendment, 2r.	862
Stamp Act Amendment, 2r.	862
Public Works Act Amendment, 2r., Com., report	862
Inspection of Scaffolding Act Amendment, 2r.	863
Warehousemen's Liens Act Amendment, 2r.	863
Police Act Amendment (No. 1), 2r.	863
Inquiry Agents Licensing, 2r.	865
Matrimonial Causes and Personal Status Code Amendment, 2r.	866
Adjournment, special	867

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

QUESTION.

SERVICE STATIONS.

As to Erection on Railway Property.

Hon. N. E. BAXTER asked the Chief Secretary:

(1) Is the Minister aware that automotive service stations are being built on railway property?

(2) What are the terms of agreements made with oil companies by the Railway Department, regarding the installation of the service stations?

(3) Is the action of the Government in permitting the Railway Department to provide sites for the service stations, a move to defeat the refusal of local governing bodies to issue permits for building service stations?

The CHIEF SECRETARY replied:

(1) Yes.

(2) It is the usual practice to grant leases for a period of seven years, subject to determination at six months' notice in the event of the land being required for railway purposes. Rents vary according to locality and other circumstances. In the terms of the agreement the lessee is obliged to comply with the requirements of the local authority in so far as the construction of buildings or structures is concerned.

(3) No; this is not a new departure on the part of the Railway Department, which has many similar leases, some of which have been operating for a number of years.

ADDRESS-IN-REPLY.

Fourteenth Day—Conclusion.

Debate resumed from the previous day.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [4.35]: Mr. President, although the last to officially do so, my congratulations on your appointment to the highest position in the Parliament of Western Australia are no less sincere than those of previous speakers. Your eight predecessors since the establishment of responsible government held office over a period of 63 years, so, on the law of average, you should be looking forward to presiding over our destinies for quite a number of years. It is worthy of note, I think, that you gained this high position after only 10 years in Parliament. The late Sir Henry Briggs, who was President from 1906 to 1919, had also only 10 years of parliamentary experience prior to his election, but all other Presidents served as members of Parliament for much longer periods before their elevation.

To Mr. Simpson and Mr. Davies also go my compliments on their reappointment as Deputy Chairmen of Committees, and to Mr. Logan on his first appointment to that position. To our new members I extend sincere good wishes, particularly as they represent my point of view. They will find that their terms in this Chamber will be full of interest. They will hear at first hand, and will often appreciate, the differing views of other members, and the experience they gain will be invaluable.

While their election has strengthened the position of my party in the House, I must admit to a pang when I think of the faces that are missing this session. Irrespective of party policies, the atmosphere of this Chamber has created many warm and lasting friendships, which fortunately last beyond the terms of office of those not fortunate enough to obtain re-election.

Listening to the remarks of members during the debate, I was impressed by the general mild note of criticism that was evident. As a result, I cannot help feeling that members are satisfied with the Government's achievements during its term of office.

Hon. C. H. Simpson: No comment on that.

THE CHIEF SECRETARY: In my remarks I will endeavour to reply to the comments of as many members as possible.

Hon. L. A. Logan: In a mild form.

THE CHIEF SECRETARY: I was told there would be no interjections. Members will realise, of course, that it has not been possible for me to obtain as much information as I would have liked in regard to some of the more recent speeches. However, any further details I may receive will be passed on to the members concerned.

Some interesting remarks were made by Mr. Baxter about trust funds and trustees. He submitted that, for the protection of the public, the accounts of all persons handling trust funds should be subject to the scrutiny of approved auditors. He considered that persons such as accountants, lawyers, etc., who handle trust funds should undergo the same supervision as that recently approved by Parliament in respect of land agents.

I thought this suggestion contained merit, and I am having it carefully examined. The issue, however, is not quite as clear cut as it would seem on the surface. It appears a fact that many people believe that audits made of the accounts of professional and business houses involve a complete investigation into the accounts and an assurance that all moneys received have been fully and properly accounted for. This, however, is often not so.

Usually an auditor does no more and no less than what he is required to do by the person or body employing his services. This may include a "snap" or check audit of isolated transactions at extended intervals.

I understand it would be economically impossible for solicitors at least to employ auditors to carry out complete audits of all accounts and transactions. I am told that with the larger firms of solicitors, which handle many mortgage and other transactions every day, highly-trained auditors, employed full-time on the work of auditing every working day of the year, would be required to carry out a complete audit of the accounts.

Hon. N. E. Baxter: I was referring to trust funds only.

THE CHIEF SECRETARY: They also hold trust funds. Members will agree that solicitors could not afford to employ auditors on this basis. I doubt however, whether there would be any objection to requiring solicitors not only to keep trust accounts at a bank, and promptly to pay trust moneys into those accounts, but also to keep proper records of all moneys and transactions so that at any time any particular transaction could be fully audited by a qualified auditor. This would impose no hardship on at least the great majority of solicitors whose accounts and records are already being so kept. Provision might then be made for auditors to carry out an audit with respect to any transaction.

Whilst I have not the slightest doubt that solicitors and accountants—who, rightly, are jealous of their integrity and reputation—would raise little objection to being required by law to keep proper trust accounts and adequate records in relation to trust moneys, the matter goes further than that. It would be wrong in principle to single out accountants and solicitors for attention in this regard. Many other persons handle trust moneys. For instance,

there are motorcar firms which often receive substantial deposits for the purchase of cars, which may not be delivered for a considerable time.

Then there is the "lay-by" system in use by many firms. This involves huge sums which, after all, are trust moneys, and perhaps should be paid into trust accounts, as the goods, which are the subject of the "lay-by" are often not delivered or claimed for many months. Other firms and businesses also handle trust moneys. Another example is mortgage and investment brokers. However, I can assure the hon. member that his suggestion is receiving careful consideration.

Concern was expressed by Dr. Hislop about the reorganisation of the Child Welfare Department, and he was rather confused as to the authority that would be wielded by the new director. The hon. member will be glad to know that Mr. McCall possesses the authority to recommend the appointment of professional staff, and he will directly advise his Minister on the facilities and procedures necessary for the benefit of children under the direction of his division, whether the children be in institutions or in private homes.

This new division has been organised to specialise in work devoted to the individual care of those migrants, wards of the State, and delinquent children who are in the care of the Child Welfare Department. Mr. McCall has been seconded to this work for one year, in the first instance, from his duties at the Education Department.

I would advise the hon. member that in the planning of alterations to the facilities and procedures of the Child Welfare Department, not only will the major recommendations of the Hicks report be taken into consideration, but also the teachings of the most modern and reputable experts on child behaviour, including Dr. John Bowlby, whom Dr. Hislop quoted as an outstanding authority on the subject.

The road surfaces of Western Australia received their usual quota of attention. Mr. Garrigan, in his interesting maiden speech, referred in strong terms to the condition of the Coolgardie-Esperance road. In fact he described it as a disgrace to any State. Mr. Boylen also mentioned the condition and importance of the road. Members, I am sure, realise the vast lengths of road that the Main Roads Department is responsible for with its limited funds. Notwithstanding this, visitors from the Eastern States often comment on the excellent surfaces of our roads generally.

In regard to the Coolgardie-Esperance road, the position is that since the surfacing with bitumen of the more important road from Southern Cross to Coolgardie, the Main Roads Department's forces have been heavily engaged on the Norseman-Esperance road. At the Esperance end, the immediate target is the surfacing of

a distance of 14 miles to the aerodrome; while, at the Coolgardie end, construction is being carried on from the end of the bitumen road south of Coolgardie. At Norseman, further work will be put in hand at an early date to construct the road northwards from there. I might add that a substantial allocation has been made for further works on the 1954-55 programme.

The work done by the Main Roads Department when surfacing existing made roads, Mr. Jones suggested, was too elaborate. It is something quite unusual to hear an objection to elaborate roads. I have discussed this with the engineers concerned, who point out that Western Australia is renowned for the long life and efficiency of the single-coat bituminous surfaces on its more important roads.

In carrying out such relatively expensive treatment, however, the degree of plasticity of the materials used in the base of the road is carefully checked to make sure what extent of extra work is needed. On many occasions, it is necessary to incorporate in these roads modern standards of such requirements as alignment, cross-fall, super-elevation and visibility.

An appeal for the completion of the main road from Wyalkatchem to Trayning was made by Mr. Diver. I am able to inform the hon. member that provision has been made in the current programme to extend the reconditioning and priming work on the Wyalkatchem end by four miles. A further 10 miles is listed also for similar treatment on the Merredin side of Kununoppin. This will close the gap in the black top road between Trayning and Merredin. In addition, £6,000 has been provided in order to improve the culverting and drainage on the remaining gap between Trayning and Wyalkatchem.

The hon. member suggested that it would be a decided improvement if all our public works were carried out under the contract system, and he waxed caustic over the length of time taken to complete the Causeway. I would like to mention that, over the past 25 years, successive Governments have built up a trained organisation with the necessary plant to carry out construction and maintenance of roads. While in other States a certain amount of work is let by contract, it is found essential to undertake the bulk of the road work departmentally.

Any change of policy would involve the preparation of more elaborate surveys and plans. This would entail the recruiting of surveyors and draftsmen, together with engineers for supervision. Such skilled personnel is in keen demand in all States and is not easily obtainable. The difficulty in obtaining additional skilled plant-operators and artisans is not confined to the department. This is particularly evident in the vigorous Press and radio

campaign being carried out by such contractors as the Kwinana Construction Group.

With regard to Mr. Diver's comments on the Causeway, it must be remembered that, apart from the natural and technical difficulties, this work was undertaken when there was a world-wide shortage of steel for girders and reinforcing bars. In addition, supplies of local and imported cement for concrete were rationed. These problems of supply were common to contractors who at the time were tendering on a cost-plus system together with a rise-and-fall clause to cover increased cost of commodities and wages.

Regarding the water requirements of Geraldton and the northern areas, Mr. Logan stated that the supply was inadequate and appeared likely to remain so unless other and bold steps were taken. In the light of his inquiries, he suggested the most suitable source of supply would be the Murchison River. I would inform the hon. member that the Public Works Department has examined the river to within 50 miles of the coast without finding any sites suitable for storage purposes. A further reconnaissance will be undertaken as soon as possible.

The fall in the water level of the Wicherina Basin was mentioned by Mr. Logan as being serious. This is so, the level of water in the comparatively small area from which water is pumped being lower than when the bores were first sunk. However, such a state of affairs has to be expected, as a general lowering of the water-table must be caused by the combined draw-down effect of all working bores. During the three years, from July, 1951, to June, 1954, 438,000,000 gallons were pumped from the basin. As against this, however, the records of two coal bores near Eradu Siding show that the water level has not altered appreciably since the shafts were sunk. This is an indication of the drain on natural resources by the public water demand.

The eight working bores at Wicherina are contained in a comparatively small area so as to economise in the reticulation of power and water mains. However, exploratory drilling is continuing adjacent to this area on the recommendation of the Government Geologist, who considers this preferable to the exploration of other areas. Mr. Logan also stated that he had heard that the salinity of water was increasing. This is not so, as the salinity of the water in the storage basin into which all bore water is pumped and mixed with natural water has remained very constant. In July, 1951, the salinity was 60 grains per gallon; in July, 1952, it was 57 grains; while in July, 1953, and July, 1954, it was 55 and 57 grains respectively. For the periods of 12 months ended July, 1951, 1952, and 1953, the total of bore

water pumped into the storage basin was 93,000,000, 183,000,000 and 162,000,000 gallons respectively.

Water supplies were also referred to by Mr. Jones. He hoped that the North Midlands would not be neglected when moneys were allocated for water purposes. I am able to inform the hon. member that funds have been requested on this year's Loan and Revenue Estimates for water supply works in a number of centres in the area referred to by him. These include—

Geraldton: General improvements to the town water supply, including enlargement of portion of the gravity main, completion of new service reservoir, new bores, and reticulation extension.

Carnamah: Completion of a reticulated supply for the town.

Wongan Hills: Further work on a reticulated supply for the town.

Moora: Improvements to the gravity main and new pomona pumping equipment.

Mullewa: Extension to the existing reticulation.

In addition, funds have been asked for dams, wells and bores' maintenance, town water supply investigations, boring investigations, key dam catchment improvements, river gauging and reticulation extensions in towns already supplied.

In regard to the investigation of water sources, the main drainage systems are being kept under observation; but, so far, the comparatively high salinity and erratic flow of these rivers preclude their use as a potable supply for a comprehensive scheme. Gingin Brook is being gauged and its behaviour noted as a possible source of supply for the Midland areas, and numerous soaks and bores have been investigated as potential local supplies or to augment the supply for a major reticulation scheme. I am informed that the coastal plain between Gingin and Dongara has been traversed, but no large potential supplies have as yet been located. Overseas research into treatment of brackish water has been noted and the department has contact with manufacturing firms working on this problem.

In speaking to the Supply Bill, Mr. Thomson made a plea for country builders to be permitted to tender for works in their districts. The hon. member pointed out that some large country school contracts had been let to metropolitan contractors without country builders having the opportunity to tender. While the hon. member agreed that, under the circumstances, the Government had done the wisest thing, he asked whether in future, in view of the shortage of work now offering to country contractors, tenders could be called for country school work. I have discussed this with the Principal Architect, who appreciates Mr. Thomson's point

that it is in the interests of the State to foster contractors in country centres. Care will be taken in the future to invite public tenders for school work in towns where there are reputable contractors.

The hon. member mentioned the system of deferred payment to certain contractors and acknowledged the fact that this arrangement had expedited the erection of schools. A history of this arrangement would, I feel, be of interest to members. Mr. Thomson referred to contracts, let without tender on the deferred payment system to the Jennings Construction Co., Concrete Industries Ltd., and G. Esslemont.

In October, 1953, the Jennings Construction Co. approached the Government with a proposition to erect school buildings up to a total value of £200,000 during the financial year 1953-54, payment to be deferred until July, 1954, and to carry interest at the rate of 5 per cent. As the school buildings were urgently required, and further Loan money was not available, the Government accepted the proposal in principle.

The tenders subsequently accepted, totalling £167,698, as mentioned by Mr. Thomson, were either equal to, or below tenders received by the department about this time for similar work. The works were spread throughout the State, a considerable percentage being in distant areas, where great difficulty had been experienced for a number of years in obtaining tenders. The company proceeded expeditiously with the work, and the time in which the buildings have been completed is much shorter than has been the case with contracts let by tender. I am advised that the work is of good quality, and quite equal to that obtained under the tender system.

Concrete Industries is the only company producing the monocrete type of building, which is made from precast concrete slabs. The company approached the Government and offered to construct school buildings in this medium up to £50,000 in value—15 per cent. only of the amount to be paid during the financial year 1953-54, the balance to be deferred until July, 1954, with 5 per cent. interest. This proposition was accepted by the Government; and, subsequently, contracts totalling £49,735, as referred to by Mr. Thomson, were entered into. The prices were below the tender cost of comparable-type brick schools. The company has proceeded with the work expeditiously, and at a much faster rate than with contracts let under the tender system.

At the time these contracts were entered into, Mr. Esslemont was constructing a new school at Midvale. The department required two additional rooms, but funds were not available to allow the construction to proceed simultaneously with the existing contract. Mr. Esslemont therefore offered to carry out the work at a cost of

£6,000, the payment to be deferred until July, 1954, without interest charge. This arrangement was accepted.

The Jennings Construction Co. and the monocrete company have both built up special organisations to deal expeditiously with school buildings; and in view of the difficulty which has been experienced in the past in efficiently carrying out a large building programme, it would be probably inadvisable not to continue to utilise these two organisations, even though it may no longer be necessary to do so on a deferred payment basis. The use of monocrete construction is a considerable advantage during the present extreme shortage of bricks, as it enables the erection of solid masonry structures without making further demands on the already acute brick situation.

Notwithstanding the arrangement that payments were to be deferred until July, 1954, it was found possible to make the following payments up to the 30th June, 1954:—

	£
Jennings	33,474
Esslemont	5,500
Monocrete	17,350
	<hr/> 56,324

The Treasury found it possible to make these payments because certain other contractors had not been able to expend the amounts allocated to their particular contracts at the commencement of the financial year. It was pointed out by Mr. Thomson that the Minister for Housing had stated that wooden houses were being built by the Housing Commission in country areas at an average of £206 per square; and, in the metropolitan area, at an average of £250 per square; and he used these figures to try to show that the cost of construction in the country areas would be cheaper than in the metropolitan area.

In explanation, I would point out that the figure of £206 per square for country housing is for precast houses erected on a "labour only" basis. The price provides for earth closet, iron roof, post and wire fencing, and no paving; whereas the city price provides for tile roof, close picket fencing, sewerage, and cement paving. In any case, it is of little value attempting to compare the cost of cottage construction with school buildings, in which there is a much bigger proportion of joinery and fittings and ancillary services.

Railways, as can always be expected, received their due share of attention. Mr. Teahan, in an excellent maiden effort, asked whether the Goldfields train could be scheduled to arrive in Perth about 9 a.m., as this would enable persons with business in Perth to return to their homes that evening. I have made inquiries in this connection and find that the present

proposals for the accelerated service provide for the Kalgoorlie express to arrive in Perth at 10 a.m.

The schedule is bound up with the "Westland" time-table, which in turn is affected by the requirements of the South Australian and Commonwealth railway systems. The proposed arrival at 10 a.m. has been decided upon under the initial stage of dieselisation of the Eastern Goldfields railway, and is likely to be altered as the scheme develops to fit in with branch-line connections. In the course of these alterations, Mr. Teahan's representations will be taken into consideration.

Much of Mr. Baxter's speech was devoted to railway matters. He referred to what he termed the serious neglect of railway roads and roadbeds. I called for a report on this matter, and have been informed by the Commissioner of Railways that, although the Railways Commission has constantly stressed this very point for some years, it was not until the present Government took office that authority was obtained for the relaying, as an urgent measure, of 80 miles of track, to be followed in the current year by a further 150 miles.

In its annual reports for 1951 and 1952, the Railways Commission drew attention to the poor condition and rapid deterioration of the track, and emphasised the need for funds to remedy the position. I quote from the 1951 annual report as follows:—

The condition of much of the permanent way of the railway is causing the Railways Commission the most serious concern. On some sections rails have reached the end of their useful life—on others corrosion has affected their strength and some main-lines need to be relaid with heavier rails to take the steadily increasing volume of bulk traffic in wagons of greater axleload hauled by locomotives of higher tractive effort.

The condition of sleepers is even more serious, for once a sleeper has deteriorated to a point when it offers no solid support to the rail and does not hold gauge, even a good rail is of no use for the traffic it is required to carry.

The Railways Commission is responsible to the Government and the people of the State for the safety of its railways and will always insist on adequate safety standards. Unless rail and sleeper renewals can be undertaken on a generous scale within the next few years, the requirements of safety can only be met by steadily increasing speed restrictions and in some cases, by the closure of certain sections for traffic.

For many years past, practically no rail renewals have been undertaken and sleeper renewals have been about

only one-half the required number on the basis of normal life, apart from the additional numbers necessary to make up arrears of maintenance. In recent years permanent way gang strengths were so far below standard that renewals of rails and sleepers could not have been undertaken even if materials had been available. The advent of new Australians has considerably improved the labour position and it is hoped that the arrival of further immigrants early in 1952 will enable the administration to replace those who are leaving at the end of their two years' contract and also increase the labour force still further.

Hon. C. H. Simpson: Have you any idea of the prospects of that?

The CHIEF SECRETARY: No, I have not. I have not been supplied with any information in regard to it; but, on past performances, it would appear that we could expect something further from that source.

If the railway is to take its proper share of the State's heavy transport and utilise to the full the new wagons and locomotives that will be arriving within the next two years at speeds that will give a quick turn-round, renewals of track must be undertaken without further delay.

To make this possible, adequate funds, much additional manpower, housing and early procurement of rails with sleepers in much greater numbers than hitherto are essential. The matter is now one of the greatest urgency.

Again in its 1952 report the commission drew attention to the seriousness of the position when it wrote—

For many years the standard has been low and for varying reasons there has been no systematically formulated and implemented programme of track restoration, with the result that sleeper replacements and rail renewals are seriously in arrears. The general condition today is that rapid deterioration is taking place and is resulting in speed restrictions which must be progressively tightened, but there is a minimum in this regard below which it is not possible economically and operationally to continue functioning.

Further details of the position regarding components of track are given in the appropriate paragraphs following, whilst the seriousness of the situation has been stressed to Government. A continuous supply of funds, material and labour is essential for steady rehabilitation of worn out track. Whether the resources are to be spread over the whole system

or be concentrated on the more important sections is a matter for Government policy, but the facts are inescapable that there are far too many sleepers quite unserviceable, many sections of rail worn out and ballast and points and crossings seriously deficient. No railway can continue to work traffic over track that is steadily deteriorating, and, in some sections, bordering on the unsafe.

The Railways Commission has advised me that, despite its warnings, it did not obtain the authority to carry out track rehabilitation until the present Government came into power.

Hon. C. H. Simpson: Did it not mention the fact that there were not sufficient rails available?

The CHIEF SECRETARY: No; but that is quite so. However, it did mention that no authorisation was given at that stage. Mr. Baxter's allegations that railway engineers were responsible for the poor condition of the track is therefore without foundation. It is they who have been reporting to the commission on the urgent need for rehabilitation. The commission then approached the Government, but to no avail until last year.

In discussing the railway deficit for 1953-54, the hon. member appears to have overlooked the fact that the prime cause for the poor financial showing of the railways for the year is the effect the world wheat market has had on rail operations.

Hon. H. L. Roche: I thought wheat freights did not pay.

The CHIEF SECRETARY: With the storage space at the ports filled, wheat haulage during the year literally came to a standstill; so much so, that at the end of June, 1954, the quantity of wheat stored in the country was some 313,000 tons more than at the same time last year. The result was that when superphosphate was hauled to the country areas, there was not sufficient back-loading to prevent empty haulage on the return trips. To effect economies in railway operations, long-term planning is necessary, and material improvements cannot be expected at short notice.

As an example, the diesel-electric locomotives, which have been on order since 1950, are only now beginning to arrive in the State; and with their use, the department's coal and water problems will cease to exist. It is of interest to note that in the Geraldton district 50 per cent. of the total traffic hauled consists of coal and water. The use of diesels will eliminate this traffic and at the same time reduce fuel costs by 50 per cent.

On the traffic haulage side, action has been taken to design new high-capacity wagons with a pay load ratio unsurpassed by any metre or 3ft. 6in. gauge railway in the world. The commission has

also introduced a wagon control system to improve wagon pay load and obtain more efficient use of the vehicles. I am advised the commission has appreciated that there may be overstaffing in certain of its branches.

Hon. A. R. Jones: I'll say!

The CHIEF SECRETARY: To determine this, a special committee was appointed to investigate the staff position in all branches. One of the results has been a gradual reduction of staff in the mechanical branch, where the total has decreased from 2,900 to 2,600 over a period of five years.

Hon. C. H. Simpson: I do not think it was ever 2,900 in the mechanical branch.

The CHIEF SECRETARY: Those are the figures I have been given.

Hon. C. H. Simpson: The figures of 2,600 was the highest I have ever known.

The CHIEF SECRETARY: I am only giving the figures that have been supplied to me. I heard Mr. Jones interject a while ago, and I will give him an answer later on to his remark, which was not correct.

I have been asked to inform the House that the commission strongly resents Mr. Jones's allegations that incorrect information is supplied in answer to parliamentary questions. The commission desires to place on record that all questions are answered genuinely and honestly. It states that one of the main problems associated with answering questions is that of endeavouring to interpret exactly what members are asking for. Mr. Jones referred to a question asked in another place on the 24th September, 1953. This was—

What staff was employed at the railway station at Toodyay for the year ended the 30th June, 1953?

The answer given was "Three"; and this was quite correct. The staff comprises a station-master, an assistant station-master, and a goods porter. Mr. Jones compared this answer with the department's annual report which stated there were eight employees at Toodyay. Both figures were correct. That is where the hon. member got a bit mixed up.

Hon. H. L. Roche: You mean, one can take one's choice.

The CHIEF SECRETARY: Three station staff, plus five guards, making a total of eight, were employed at Toodyay. The guards, however, are not station staff.

Hon. H. L. Roche: That would be technical staff.

The CHIEF SECRETARY: No; there is no technical staff there.

Hon. Sir Charles Latham: That would be running staff.

The CHIEF SECRETARY: Yes. One could not count them among the ordinary station staff. If that were done, it would mean that the sum total of them would have to be deducted from the number of running staff, which would create a false impression in regard to running staff numbers.

Hon. A. F. Griffith: What station were they attached to for the purposes of pay?

The CHIEF SECRETARY: I do not know. As regards the running of a train from Piawaning to Miling for train crew accommodation, this was definitely a case of bad staff working; and immediately it was brought to the notice of the administration it was stopped.

The hon. member did not know the departmental procedure adopted when derailments occur. For his information, I would state that all main line derailments are the subject of a joint inquiry with the object of ascertaining the cause in order that preventive measures may be taken to avoid similar happenings from the same cause.

Hon. G. Bennetts: We must have had many inquiries lately, then.

The CHIEF SECRETARY: If the derailment affects a passenger train, Mr. T. S. Edmondson, who was appointed public representative a couple of years ago, attends the inquiry and takes an active part in the investigations, which newspaper reporters are permitted to attend. Railway derailments are also listed in the "Quarterly Reports of Working," which are tabled in the House.

It was said by Mr. Lavery that the State Electricity Commission has carried out clearing work in certain districts without notifying the local authorities. The hon. member also stated that the commission, in the course of its work, had damaged fences, thereby causing inconvenience to residents.

I have discussed this with the general manager of the State Electricity Commission, who says that the commission never neglects to advise local authorities of its intention to work in their districts. Mr. Edmondson asserted that, in addition, all property-owners who might be affected are notified by registered letter. In the event of any letters being returned undelivered the commission endeavours to make personal contact with the persons concerned.

I listened with a great amount of interest to the speech delivered by Mr. Heenan, especially his remarks about the goldmining industry. Mr. Heenan is a great advocate for this industry and especially for the prospectors and small mine-owners, whose case he never tires of presenting to this House. I share his hopes that the Commonwealth Government will do more

for this great industry than it has done in the past, and he can rest assured of whatever help I can render in this direction.

Attention was drawn by Mr. Boylen to the problem caused on the Goldfields by coal dust from the furnaces and the stacks of the power corporation. Mr. Davies also mentioned a similar nuisance caused by the South Fremantle power-station. I will take these matters up with the responsible authorities and see what can be done to mitigate the nuisance.

Our lady member, Mrs. Hutchison, acquitted herself very ably in her maiden speech, and I am sure her views and advice will be appreciated by members.

I would like to thank my predecessor in this seat, Mr. Simpson, for mentioning the fact that I am now the senior member of the House in length of service. I shall at all times endeavour to act the part of an indulgent father to the House! I appreciated the hon. member's advice in regard to the framing of legislation in such a way as to encourage persons and capital to the State, and he may be assured that this will be always kept in mind.

Some highly interesting comments in regard to the rehabilitation of injured workers were made by Dr. Hislop. These have been under consideration by the Workers' Compensation Board, and I had hoped to have the board's comments this afternoon. Unfortunately, they were not available, but I will endeavour to advise the hon. member of them at some other time.

Some time was devoted by Mr. Griffith to rents and tenancies matters; and he also had some complaints to make in connection with answers to parliamentary questions. I am afraid he and I will have to agree to disagree on these subjects.

Reference was made by Mr. Davies to the request from the Public Health Department for 40 acres of endowment land at Hilton Park as a site for a new hospital, and the Fremantle City Council's approval of the request provided that certain parcels of Crown land in Fremantle were transferred to the Council. Mr. Davies pointed out that no reply had been received by the Council. I have made inquiries from the Minister for Works, who states the matter has been receiving attention and that it will now be expedited.

As I have already mentioned, there are some matters on which I have not been able to obtain advice so far; but when I do, I will have it conveyed to the members concerned. Should there be any matters I have overlooked—which would have been done inadvertently and not deliberately—and on which information is desired, I will be glad to obtain it on request. I think I have covered the main points raised during the debate.

Reference was made by Mr. Murray to a matter upon which I have not commented; but as we were so much in agreement on that subject, I did not think it worth while to do so. Mr. Willesee referred to several interesting matters concerning the North-West. I have not replied to his remarks because I think my colleague, the Minister for the North-West, dealt with North-West and agricultural matters last night.

Before closing, I want to refer to Mr. Baxter's questions about bowzers. He asked whether the action of the Government in permitting the Railway Department to provide sites for service stations was a move to defeat the refusal of local governing bodies to issue permits for building service stations. In addition to the answer I gave him this afternoon, I think it might be as well to tell him that I do not know of any instance in which the Government has taken action to permit bowzers to be installed where they have been banned by local authorities.

The truth is that very few local authorities are in a position to refuse applications for bowzers. If there is an application for the erection of a service station in a declared business area, the local authority has no say in the matter. It is only when there is a proposal to build a service station in an area which has been gazetted as having been set aside for residential purposes that the local authority has the right to say yea or nay. Local authorities have the power to ban bowzers, but only if it is proposed to erect them in a residential area.

Hon. A. F. Griffith: When a local authority bans a building, the Minister can override its decision, can he not?

The CHIEF SECRETARY: Only if the refusal has been in respect of the building of a bowser in a business area.

Hon. Sir Charles Latham: They can control the type of building.

The CHIEF SECRETARY: That is so. The local authority has control over the type of building; but it has no power to say whether there shall be two chemists' shops in a declared business area, or none; whether there shall be two grocers' shops, or none; or whether there shall be two petrol stations, or none.

Hon. N. E. Baxter: It could refuse a permit for a building.

The CHIEF SECRETARY: Not if the plan complied with the building regulations. That is where a lot of trouble has occurred.

Hon. J. D. Teahan: Can a local authority not say yes or no with regard to the erection of a bowser on a footpath?

The CHIEF SECRETARY: Yes. Most local authorities have regulations banning bowzers up to 10ft. from a footpath. A

number have asked for the right to approve of their erection no closer than 50ft. from the footpath, and approval has been given. That is a new regulation. In the past few weeks, one or two local authorities have put through special by-laws dealing with bowzers. When they have run the gauntlet and been approved, the local authorities will be able to say yea or nay to the building of petrol stations. But I repeat that very few local authorities have any power to ban petrol stations being located in an approved business area. All they can ensure is that a building is in conformity with their building by-laws.

Hon. N. E. Baxter: Do you think the Railway Department was wise in leasing to Ampol a site for a service station opposite the Midland Junction town hall?

The CHIEF SECRETARY: I do not know about that. Leases have been let by the Railway Department in respect of petrol stations. But I am speaking generally of the powers of local authorities so far as petrol stations are concerned. There has been some misapprehension regarding these matters, and not only in connection with petrol stations. On a number of occasions, local authorities have given decisions in connection with certain matters, and when an appeal has been made to the Minister he has found that the local authorities did not have the power to make the decisions, with the result that the appeals have been upheld. The Minister has been blamed, but it was a question of the local authorities concerned not having the power they desired.

Personal Explanation.

Hon. F. R. H. Lavery: Have I the right, Mr. President, to make an explanation?

The President: A personal explanation?

Hon. F. R. H. Lavery: Yes, with reference to a reply made by the Chief Secretary to certain comments made by me.

The President: Yes.

Hon. F. R. H. Lavery: I want to refer to the remarks made by the State Electricity Commission through the Chief Secretary to the effect that when it undertakes work in any district the local authority is notified about what is happening. Only two days before I made my speech on the Address-in-reply, in which I touched on this matter, the Fremantle Road Board sent for me and asked if I would accompany its members on a tour of the district in order that I might see for myself the damage that had been done. The board stated emphatically that it had had no notification from the commission of what was to happen.

Debate Resumed.

The PRESIDENT: Before putting the motion, I wish to express my thanks to those members who have, in such a

kindly way, offered me their congratulations and good wishes on my elevation to the position of President. I trust that as time passes I will get to know members even better than at present, and thus help to weld their different interests for the good of the State in general.

Question put and passed; the Address adopted.

As to Presentation of Address.

On motion by the Chief Secretary, resolved:

That the Address be presented to His Excellency the Lieut.-Governor by the President and such members as may desire to accompany him.

BILLS (2)—FIRST READING.

- 1, Traffic Act Amendment.
Introduced by Hon. A. R. Jones.
- 2, Lotteries (Control).
Introduced by the Chief Secretary.

BILL—SHIPPING AND PILOTAGE ORDINANCE AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [5.27] in moving the second reading said: This is a minor amendment to the shipping and pilotage ordinance. It is designed to change the name of one of the charges that are levied.

In various parts of Australia, including this State, there is much confusion in relation to charges imposed for various services, and the headings under which those charges are made. For instance, there is a charge for berthing vessels at Fremantle, Albany, and Bunbury, which is termed a tonnage rate. Then the Harbour and Light Department has a charge for maintaining its buoys and various navigation lights and spit posts, etc. This charge is called a tonnage due.

At a conference of Australian port authorities, it was decided to ask the different harbour and port authorities throughout the Commonwealth to use uniform headings in order that shipping companies might understand what they were asked to pay for when they received an account. It was suggested in this State that the Harbour and Light Department should change the heading "tonnage dues" to "conservancy dues." The Bill makes provision for that.

It will provide something that will be uniform throughout Australia; and, whilst it will not exactly simplify the matter of accounting, it will lay down specifically what the charges shall be, although it will have no effect on the amount of the charges. This merely changes the name of the charges to conform with the resolution of the Australian port authorities for a uniform title for the charges that are made. The Bill is really a matter of

machinery; and the schedule in the old Act is to be amended by changing the word "tonnage" to the word "conservancy." I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—STAMP ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.31] in moving the second reading said: This small Bill proposes to rectify something which is considered to be an anomaly in the parent Act, and which, perhaps, has been a cause of injustice to a small section of the community.

Sections 102 and 103 and the Second Schedule of the Act provide that when a new practitioner is admitted in the Supreme Court, he must pay stamp duty amounting to £10. It is difficult to see why a young legal practitioner, at the outset of his career, and after years of study, should be liable to such a charge, particularly as it does not, I understand, apply to any other profession.

A number of requests have been made to the Government for the repeal of this requirement, and the Bill seeks to give effect to those requests. As a matter of fact, this financial year the Government, by administrative action, has foregone the collection of stamp duty from newly-admitted legal practitioners. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—PUBLIC WORKS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.32] in moving the second reading said: The sole reason for the introduction of this Bill is to rectify a drafting error which occurred when the parent Act was amended last year. Section 4 (f) of this amending Act of 1953 states:—

Where on or after the coming into operation of the Public Works Act Amendment Act, 1953, the estate in fee simple in land is taken by the Governor or a local authority for the construction or providing of a public work, the taking includes the rights to mines of coal or other minerals under the land, and the land reverts in Her Majesty as of her former estate.

The sentence "the land reverts in Her Majesty" is an obvious error. It should be "those rights revert in Her Majesty." The intention of last year's amendment was that where land was taken by a local authority for public purposes, the right

type of offence has been 170. To the to mine for coal or other minerals should be reverted in the Crown, as is done with land taken by the Public Works Department. There could be no intention to revert, in the Crown, land taken by local authorities for public purposes. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [5.33]: I have made an inquiry into the Bill, and I find that what it proposes is the rectification of an error that occurred in the measure when it was originally presented to us. As the Bill seeks to correct an obvious error, there is no objection to its immediate passage. I therefore support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Section 15 amended:

HON. A. R. JONES: I am not going to raise any opposition to the clause, but I ask the Chief Secretary where the mistake arose. I believe this is a serious mistake. I would like to know whether it was done in the drafting of the Bill last year or in the subsequent printing of the Bill.

THE CHIEF SECRETARY: If the hon. member looks at the clause, he will see that there was a definite error.

HON. A. R. JONES: I am asking who made the error and when it was made.

THE CHIEF SECRETARY: It was made in the drafting. The Bill went through both Houses without the mistake being noticed. If the land is vested in the local authorities, it cannot be vested in Her Majesty.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.38] in moving the second reading said: The intention of the Bill is to enable regulations to be made by the Governor prescribing the safety measures to be followed where the roof of a building is constructed or is to be constructed of asbestos cement or some other brittle material. The need for regulations of this nature was brought to notice last year, when an employee of the Public Works Department fell to his death through such a roof at the Metropolitan Markets. I am

informed that a similar provision exists in the legislation of New South Wales and Queensland.

It is obvious that safety measures are necessary now that a number of roofs are sheathed with asbestos cement, and I trust that the House will agree to the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. J. McI. Thomson, debate adjourned.

BILL—WAREHOUSEMEN'S LIENS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.39] in moving the second reading said: The majority of members will recollect that the parent Act was passed in 1952 to give power to warehousemen to sell goods stored with them, where storage charges had not been paid for 12 months, and to recoup the arrears from the proceeds of the sale. The Act provides that a warehouseman must give notice of his intention to sell, and it enables any person having an interest in the sale to apply to a local court for an order to stay the sale.

The West Australian Road Transport Association approached the Government in April last with a suggestion that goods, for which no storage payment had been made, might be sold after six months instead of 12 months. The association pointed out that in many cases the value of the goods if kept for 12 months, would be less than the storage charges, with the result that the warehouseman would lose on the transaction. In such cases the necessity, as required by the Act, to advertise the intention to sell, would cause further expense and loss to the warehouseman.

In view of the fact that the principal Act compels the warehouseman to give notice before selling, and permits persons having an interest in the goods to apply to a local court to stay the sale, it appears that the request to reduce the period is a reasonable one. I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—POLICE ACT AMENDMENT (No. 1).

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.42] in moving the second reading said: I feel sure that all members of this House will agree with the principle expressed in this Bill, the purpose of which is to attempt to provide a more salutary punishment for, and a more adequate deterrent to, vandalism.

During the past seven years, the average number of convictions annually for this

total of those offenders caught and punished must be added the immeasurably greater number of those undetected. Year by year the incidence of vandalism has been growing, and this increase has been causing grave concern to public bodies and to private citizens. Local authorities have expressed their perturbation and have approached me as their Minister for the increasing of the penalties against offenders.

The Local Government Association has drawn my attention to the expense that all local authorities have been subject to in repairing or replacing property damaged through the misdeeds of vandals. Not only has property been damaged, but birds and animals have been slaughtered or injured. Gardens and trees also have received the attention of vandals. Some of the damage can be ascribed to thoughtless or high-spirited pranks, but much of it has been wanton and anti-social.

In cases of malicious damage to property, action may be taken under either the Criminal Code or the Police Act. However, there is a great discrepancy in the penalties provided in the two measures, those under the Criminal Code being far more severe than those contained in the Police Act.

For instance, the Police Act provides, in Section 58, that any person who wantonly breaks or injures any public property or the property of any public company or body is liable to a maximum penalty of £5, and the justices can order the offender to repair damage only to a total value of £50. This penalty has remained unaltered since 1892.

Public indignation has been mounting, and came to a head, perhaps, with the cruel and wicked destruction and injury that took place among the wallabies on Rottnest Island a short time ago. A more sombre aspect still, and an indication of the mental outlook of some vandals, is the damage being done repeatedly on our beaches to life-saving reels and equipment. Time after time the ropes on reels are cut or knotted, or even removed. Other serious damage to vital equipment has been constantly experienced. Such damage could result in loss of life on our beaches.

It is in an effort to combat this situation that the Bill proposes to increase the penalties for such unlawful and dangerous behaviour.

Hon. A. R. Jones: Like the rents, they have not been increased.

The CHIEF SECRETARY: In Section 58A the Principal Act provides that whoever wilfully or wantonly does, or attempts to do, any act which may directly or indirectly damage, injure or destroy any beast, bird, reptile, fish or other living creature, or any garden, tree, shrub, plant or flower, or any other property in any place maintained and used as a garden for zoological, botanical or acclimatization

purposes or for public resort and recreation, is liable to a penalty of £10 or imprisonment for six months.

Under Section 80 of the Act, a person who wilfully, wantonly or maliciously damages any real or personal property whatsoever, either of a private or public nature, not otherwise provided for in the Act, is liable to a penalty of £5, and to pay reasonable compensation for the damage up to a limit of £10, or may be imprisoned for any term not exceeding two calendar months.

In contrast the Criminal Code, in Section 453, provides for a general penalty of two years' imprisonment for any person who wilfully and unlawfully destroys or damages any property, and a penalty of three years' imprisonment where the offence is committed by night. Punishment in special cases as set out in Section 453 varies between three years, and life imprisonment. Under Section 465 of the Code, justices have power to deal summarily with a wilful damage indictment if the amount of the injury done does not exceed £50, and the accused admits his guilt. The justices may then impose a sentence of six months' imprisonment, or a fine equal to the amount of the injury done, plus £25.

It will be realised, therefore, that under the Police Act in its present form, if a person damages a tree or other property in a place maintained and used as a garden for public purposes, he is liable to a fine of £10, or to imprisonment for six months. If, however, he breaks or injures public property or the property of any public company or body, he can be fined only £5 and cannot be sentenced to imprisonment. In any other case, he is liable under the Police Act to a fine of £5 or two months' imprisonment. The alternative to a prosecution under the Police Act is an indictment under the Criminal Code involving trial by jury and liability to a penalty of two years' imprisonment; or, if the offence is committed at night, a penalty of three years' imprisonment, with additional punishment in particular cases.

Members will realise that the discrepancy is great between certain penalties under the Police Act and the penalties under the Criminal Code. Offences of malicious damage to property may be, and often are, committed under circumstances where the penalties provided by the Police Act are quite inadequate and yet where a prosecution under the Criminal Code is not warranted. This is indicated by the fact that, over the last seven years, while there have been 1,195 convictions for this offence under the Police Act, there has been none under the Criminal Code.

The Bill therefore, proposes to increase the maximum penalty for any person who wantonly breaks or injures any public property or property owned by any public company or body. As I said previously, the present penalty of £5 has operated since

1892 and is now quite inadequate. The Bill seeks to increase this to £25 and to give the Bench the option of awarding in lieu a term of imprisonment not exceeding 12 months. It is not proposed to interfere with the provision enabling the Bench to order offenders to repair damage of up to £50 in value.

The penalty for damage or injury to birds, animals, fish, trees, plants etc., in any zoo or public or recreational reserve or garden is increased in the Bill from £10 or imprisonment for six months, to £25 or a similar term of imprisonment.

Hon. G. Bennetts: Does that include the stealing and damaging of motorcars?

The CHIEF SECRETARY: No; I do not know under what Act that would be covered.

Hon. F. R. H. Lavery: Under the Criminal Code, I think.

The CHIEF SECRETARY: I think that is so. Under the principal Act, any person guilty of wilfully, wantonly or maliciously damaging any real or personal private or public property, not otherwise provided for in the Act, can be fined £5; or be ordered to pay reasonable compensation to a maximum of £10; or be imprisoned for up to two calendar months. This Bill proposes to increase the pecuniary penalty to £25, the refund of damage limit to £50, and the term of imprisonment at the discretion of the court to six months.

In Section 97, the parent Act provides a fine of £2 for the actual or attempted wilful and unauthorised destruction or injury of any native or acclimatised animals or birds which may be on a park, public road, or reserve. This penalty is ridiculous by today's standards, and the Bill seeks to increase it to £25 or imprisonment for a term not exceeding six months.

Section 107 of the Act deals with penalties for damage to fountains, pumps, taps, and water pipes. This penalty ranges from a minimum fine of £1 to a maximum of £10. The Bill, while retaining the minimum of £1, proposes to extend the maximum to £25 and to include a term of imprisonment, at the court's discretion, of six months.

The opportunity has been taken to correct a misprint that took place when the Act was reprinted in 1953. The word "unlawful" appearing in Section 84 was printed as "lawful," thereby reversing the intention of the section. The error was discovered promptly, and an erratum notice placed in all copies of the Act. There is a doubt, however, whether this notice has any legal value; and it is therefore thought best to put the matter beyond doubt by including the necessary amendment in this Bill. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Griffith, debate adjourned.

BILL—INQUIRY AGENTS LICENSING.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.51] in moving the second reading said: This Bill had its genesis on the 23rd October, 1952, when Mr. Heenan moved—

That a select committee be appointed to investigate and report upon the activities of private inquiry agents, and, if deemed advisable, to make recommendations for legislation in connection therewith.

The motion was agreed to, and Messrs. Heenan, Boylen, Jones, Logan, and Murray were appointed to the committee. The committee met on seven occasions and examined 15 witnesses, these including the Commissioner of Police, the Anglican Dean of Perth, the president of the Law Society, private inquiry agents, and private citizens.

After careful consideration, the committee unanimously agreed that the occupation or calling of private inquiry agents appeared necessary. It pointed out that, although the sphere of these agents was mainly in the realms of matrimonial discord, there were other avenues in which their services appeared to be of value. It also considered that from time to time undesirable persons were engaged in the business, and that many grave abuses had occurred; and it recommended that legislation based on that of South Australia should be provided for the purpose of registering inquiry agents and controlling their activities. The Bill follows, in essence, the recommendations of the committee.

The measure provides for the licensing of persons who, for remuneration, undertake to obtain evidence for the purposes of divorce cases or married women's protection cases. An unlicensed person obtaining, or undertaking to obtain, evidence in expectation of gain, will be liable to a penalty of £50 and debarred from charging or recovering any remuneration. Those members of the Police Force or Public Service, or legal or medical practitioners, who are required to make inquiries or conduct examinations for the purpose of obtaining evidence will not need to be licensed under the Bill.

A licence may be granted by a court of petty sessions to a person who has attained 21 years and who, in the opinion of the court, is of good character and is, in all other respects, considered to be a fit and proper person to be the holder of a licence. A licence may be granted for a maximum period of one year and will expire on the 30th June in any year. Under no circumstances will a licence be transferable. The Bill requires that where two or more persons are associated for the purpose of obtaining evidence for reward, each shall hold a licence.

An application to the court for a licence is to be accompanied by at least three testimonials from reputable persons as to the good character of the applicant, and must be supported by the fee prescribed by regulation. Provision is made for the Commissioner of Police, or any other person, to object to the granting or the renewal of a licence.

Another proposal in the Bill is that an inquiry agent's register, which may be searched by any person on payment of the prescribed fee, shall be kept in the Treasury Department. Provision is made for the creation of regulations and for the rectification of any errors in applications without requiring an applicant to submit a fresh application.

I submit the Bill for consideration; and, as the select committee was composed of members of this House, I expect to hear quite a number of speeches about it. I move—

That the Bill be now read a second time.

On motion by Hon. A. R. Jones, debate adjourned.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.55] in moving the second reading said: This Bill contains two amendments to the principal Act, which, for the sake of brevity, is generally referred to as the Divorce Code. The first amendment deals with that section of the code which allows the court to grant a divorce on the grounds of incapacity or wilful refusal to consummate the marriage. Action for divorce on these grounds must be taken within three years of the date of the marriage. A period of three years appears, on the face of things, to be quite reasonable. Evidence has been brought, however, to show that, in certain cases, the period might be too short.

It has been suggested that it is doubtful whether all persons who might be entitled to relief under this provision are aware of it, or have had the opportunity to take the necessary action within the statutory period. Again, it has been pointed out that the absolute limit of three years might be regarded as rather arbitrary, in that one person might take action just within the three years' period and be successful, while action taken just after the period could not be entertained by the court.

The matter was referred to the Chief Justice for advice. His Honour requested the comment of Mr. Justice Wolff, who drafted the Divorce Code. Both judges suggested that special cases could be met by giving the court the discretion to grant relief where action is brought after

three years. It is pointed out that the New York Civil Code places a limitation of five years on such action; and that there are instances in English law where, in exceptional circumstances, relief has been granted after many years' delay. The judges' suggestion appears reasonable and is submitted in the Bill for the consideration of members.

The second amendment deals with the requirement in the Act that, at the expiration of five years from its commencement, and periodically every five years thereafter and oftener if the circumstances require, the Chief Justice shall furnish the Attorney General or Minister for Justice with a report on the working of the code and the rules made under it. The Minister is required to submit to Parliament any amendments proposed by the Chief Justice. It is provided that if the Bill containing these amendments is passed, the code shall be reprinted.

The reprint has to be done under the Statutes Compilation Act, 1905-1912, which provides that compilation shall be made immediately after the close of the Session. It must then be printed and forwarded to the Clerk of Parliaments for tabling in each House, after which an enacting statute or a resolution of both Houses, is required.

Finally, a copy of the compilation must be bound with the volume of statutes of the session in which the resolution of Parliament was passed and is required to be inserted next after the statutes of such session. As members will realise, this is a lengthy and cumbersome procedure, which, in some cases, may not be warranted. Apart from that, the Chief Justice has expressed the opinion that the judiciary should be reluctant to propose substantive changes in the law. He considers they should rather confine their recommendations for legislative amendments to procedural matters; although they might, without making any specific recommendation, draw the attention of the Government to any apparent anomalies in the law.

It certainly seems preferable that the judiciary should be enabled, rather than compelled, to propose or comment upon proposed amendments to substantive law; and, for this reason, the Bill seeks to repeal Section 63 in its entirety. This is considered advisable as, while under Section 63, the Code is due for review in January next, I understand only one amendment is contemplated by the judiciary.

For one amendment, it would not be worthwhile undergoing the cumbersome procedure I have explained. Last year a short amendment to the Code was successfully submitted to Parliament by a private member, but this did not necessitate a reprint, as would have been the case had it been recommended by the Chief Justice.

It is anomalous that there should be no necessity for a reprint when an amendment is made to the Code by a Bill of a private member, and an absolute necessity for a reprint of the Code when the Bill is introduced following the recommendation of the Chief Justice. As a matter of fact, whether or not a reprint is desirable should depend upon the nature and extent of the amendments made.

Again, the procedure prescribed by the Statutes Compilation Act is very cumbersome compared with that under the Amendments Incorporation Act, 1938. Mr. Justice Wolff has intimated that he would have no objection to a reprint under the Amendments Incorporation Act, 1938, instead of the Statutes Compilation Act, 1905. As members will be aware, there is already power under the 1938 Act, as well as under the Reprinting of Acts Authorisation Act, 1953, for the reprinting of statutes whenever the Minister for Justice thinks fit.

Now that the system of binding reprinted Acts is firmly established, it is undesirable to revert to the old practice of binding reprints or compilations with a sessional volume of statutes, as required by the Statutes Compilation Act. In view of these arguments, I trust that members will agree to the repeal of Section 63. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

ADJOURNMENT—SPECIAL.

THE CHIEF SECRETARY (Hon. G. Fraser—West): I move—

That the House at its rising adjourn till 2.15 p.m. tomorrow.

Question put and passed.

House adjourned at 6.2 p.m.

Legislative Assembly

Wednesday, 4th August, 1954.

CONTENTS.

	Page
Questions : Fremantle railway bridge, as to committee's report on site	867
Cockburn Sound, (a) as to establishment of commercial harbour	867
(b) as to construction of naval berth, etc.	868
Native welfare, as to departmental expenditure	868
Dairy machinery, as to fatality and inspections	868
Crabs, as to Swan River population	868
Farm machinery and vehicles, as to cause of accidents and deaths	869
Bus shelters, as to alternative proposals	869
Wagon Timber Construction Co., as to departmental file re formation	869
Roads, as to North Coastal Highway	869
Aged women, as to accommodation	870
Motions : Traffic Act, to disallow overwidth vehicles and loads regulations	870
North-West, as to Commonwealth financial assistance	873
Bills : Health Act Amendment, 1r.	870
Bush Fires, 1r.	870
Land Act Amendment, 1r.	870
State Housing Act Amendment, report	870

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

QUESTIONS.

FREMANTLE RAILWAY BRIDGE.

As to Committee's Report on Site.

Hon. D. BRAND asked the Minister for Works:

When does he hope to receive the report of the committee appointed to investigate the siting of the railway bridge over the river at Fremantle?

The MINISTER replied:

The report has been received.

COCKBURN SOUND.

(a) As to Establishment of Commercial Harbour.

Hon. D. BRAND asked the Minister for Works:

What investigation has been made into the possibility of establishing a commercial harbour north of the B.H.P. site?

The MINISTER replied:

Investigations to date have been confined to the takings of detailed soundings. These soundings have covered an area spreading north some 6,000 feet from the B.H.P. site and extending out in a general westerly direction to deep water in the sound. Soundings also cover a possible shipping approach route from the Woodman's Point area in the north.