ing. They know that if there is a rumour that a certain commodity might be in short supply, it is a signal for the public to engage in a spree of free spending. Similarly, if we have an hour of trading on Sundays in licensed premises such an effect will result. There is a tendency for the hardened advocates of temperance to concentrate on the small percentage of people who abuse the use of intoxicating liquor, but in fact the overwhelming majority of our people do not go to excess. And so, if we regard this problem realistically and are not impressed by pressure groups on one side or the other, but take into consideration the conduct of our people, the distances involved in our State, its climate and the circumstances under which groups of workers are employed, and approach the question on a non-party basis without prejudice, I believe we will make a substantial improvement to the present shocking state of affairs.

On motion by Hon. J. T. Tonkin, debate adjourned.

House adjourned at 2.6 a.m. (Wednesday).

Legislative Council

Wednesday, 12th December, 1951.

CONTENTS.

The PRESIDENT took the Chair at 3.30 p.m., and read prayers.

ASSENT TO BILL.

Message from the Governor received and read notifying assent to the Lotteries (Control) Act Amendment Bill.

QUESTIONS.

WATER SUPPLIES.

(a) As to New Bore for Broome.

Hon. E. M. HEENAN (for Hon. H. C. Strickland) asked the Minister for the North-West:

What progress has the Government made towards providing a new bore for the water supply at Broome as promised earlier this year?

The MINISTER FOR TRANSPORT replied:

Tenders were called but one tender only was received. This has been referred to the Treasury.

(b) As to Bores for Kimberley Cattle Stations.

Hon. E. M. HEENAN (for Hon. H. C. Strickland) asked the Minister for the North-West:

(1) How many bores have been completed this year on Kimberley cattle stations with Government financial assistance:

(2) How many bores are at present being sunk on these cattle stations with Government financial aid?

The MINISTER FOR TRANSPORT replied:

(1) Claims for payment have been received for six bores completed. This is the only definite information of boring progress available.

(2) Twenty-five bores were allotted and without reference to the stations concerned, actual progress cannot be ascertained.

ROYAL PERTH HOSPITAL.

As to Land Resumption Requirements.

Hon. J. G. HISLOP asked the Minister for Transport:

(1) In view of the urgent and vital necessity for large scale resumption of land around the Royal Perth Hospital, will the Government take immediate steps to request the Commonwealth Government not to build the Irwin Exchange on the property known as "Macfarlane's"?

(2) If the Commonwealth Government agrees to a transfer of the site of the proposed exchange, will the State Government purchase Macfarlane's site?

(3) In the event of the Commonwealth Government disagreeing, will the State Government send a deputation impressed

with the vital necessary of this matter, to interview and lay their request before the Prime Minister?

The MINISTER replied:

(1), 2 and 3. A large area of land is required for the Royal Perth Hospital and the Government has already secured an additional 10½ acres.

The area suggested covers only half an acre and, even if obtainable, would be a trifling addition. Extension westward is also barred by the Electricity Sub-station. Any future extension must be eastward.

GOLD.

As to Committee on Premium Sales.

Hon. E. M. HEENAN (without notice) asked the Minister for Mines:

(1) Who are the members of the independent committee which has been appointed to arrange the sale of premium gold on behalf of the producers?

(2) Who appointed the committee?

(3) Are the prospectors and small mine-owners of Western Australia represented on this committee?

The MINISTER replied:

(1), (2) and (3) The full details asked for are not at the moment available, but as a comprehensive statement will be made by the Prime Minister on Friday, I suggest that that will give all the information required.

MOTIONS—STANDING ORDERS SUSPENSION.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [3.39]: I move—

> That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith.

HON. G. FRASER (West) [3.40]: I do not intend to oppose the motion because I know it is necessary at this stage of the session. However, I would like to ask the Minister to take the House into his confidence and to inform us as to what his intentions are. We are faced with statements made continuously by the Premier to the effect that Parliament will end its session tomorrow—that is, at the Thursday sitting. If that is the position and the decision is to be adhered to, it will mean that we will have to sit from now almost continuously until such time as the House finishes its business. I do not think it is fair to ask members to do that.

From my point of view, if we sit until midnight each night I feel members would be doing a fair thing; to sit beyond that would not, I think, be in the best interests of the legislation we will be asked to consider. Having sat from 3.30 in the afternoon continuously till midnight, I do not think any member can do justice to himself or to the legislation if asked to sit beyond that time. The whole situation hinges on the fact of whether the Government intends to end the session tomorrow night.

There is quite a lot of legislation which we have not even seen yet; it is legislation of a very important character which will have to come before us and, personally, I cannot see anything else for it but that the House will have to sit again next week. I do not want to dictate to the Government what it should do, but I think we should tell it what we think of matters when we consider them unreasonable. Quite apart from it being unreasonable, it is likely to result in the passing of bad legislation.

So I would like the Minister to give us some indication of what his intentions are. I do not think we should be asked to sit beyond midnight. I know that at the end of every session we have these rushes, but I do not think that the rushes in previous sessions will be anything like that which we will experience in the next day or two. In the second last week of the session we did not sit beyond 6 o'clock in the evening.

Hon. H. K. Watson: That was because the debate on one Bill was adjourned to meet your convenience.

Hon. G. FRASER: That is news to me. I understood that one very important measure, which is not quite finished, was adjourned because the Minister in charge of it was in the Eastern States and the matter was held over until he returned. I do not want to criticise the Government or its Ministers and the jobs they are given to do, but we would certainly be more forward in our legislation if when sending Ministers away, the Government did not send those Ministers who were in charge of vital Bills. I am referring particularly to the Rents and Tenancies Emergency Provisions Bill which could have been dealt with last Friday but for the fact that the Minister in charge of it was away in the Eastern States.

I do not think the allocation of portfolios has been very satisfactory so far as this Chamber is concerned. I consider that both the Ministers in this House have been overworked. We find that in the last week of the session we have only one Minister present in the House; last week we also only had one Minister present. So we find that our legislation is not as far advanced as it should be at this stage of the session.

Hon. L. A. Logan: They are very important men.

Hon. G. FRASER: I agree that they are very important men, and I do not think it is fair that the Minister who remains behind should have to carry the burden of all the work.

The PRESIDENT: The hon. member must connect his remarks with the motion.

Hon. G. FRASER: I think I am doing so. We find that a Minister who ought to be in the Chamber handling the legislation with which he is concerned, is away doing some job which his portfolio requires in the Eastern States.

Hon. N. E. Baxter: What do you suggest?

Hon. G. FRASER: It is a matter for the Government to decide; there are quite a number of portfolios which do not involve visits to the Eastern States.

The PRESIDENT: I might point out that that is a matter of Government policy and has nothing to do with the suspension of Standing Orders.

Hon. G. FRASER: I admit that, but it has a bearing on the motion asking us to suspend Standing Orders to allow legislation to be rushed through because of the carrying out of that policy. I do not want to hold up matters any longer because we have a little work to do. I desire to register my protest, and if the Minister is going to ask us to sit after midnight, it will be a very vigorous protest. I hope other members will also let the Minister know their opinions. I object to sitting after midnight. If it is necessary, we should come back next week when we will be able to do justice not only to ourselves but to the legislation which we are asked to pass. We would then not have to rush it through.

HON. A. L. LOTON (South) [3.47]: I know this motion will be acceptable to the House, but I would like to protest once again and ask the Minister on this occasion to show more consideration to members by moving his second reading speech and then allowing at least one hour to elapse before the Bill goes into the Committee stage. If he will do that respecting the legislation which we are to receive from another place before the end of the week, it would give us a chance to have a look at the Bills in which we are interested. If the Minister will give me that assurance, it will soften the blow to some extent.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [3.48]: Mr. Fraser asked a couple of questions and then indulged in a fair amount of criticism, some of which I think is hardly justified. I can assure the hon. member in the first place that although a target date was fixed, as it always is, to attempt to complete the business of the session, it is more or less a guide to members than an actual indication that the time set is of necessity the closing time. Since I have been in the House that target date has always been extended by at least one day.

The main consideration is that the legislation shall have an opportunity of receiving attention and the points at issue between the two Houses afforded the opportunity of being resolved, so that the closing time for the session will of necessity be determined by the progress made in debate and perhaps in conference between the two Houses. I understand the Premier did indicate last week that we will certainly sit on Friday, but at the moment I am not in a position to tell the House more than that.

I think members know that I have tried as far as I possibly could to urge the despatch of business from another place so that this Chamber would have as much opportunity as possible of giving various important measures full consideration. There have been good and valid reasons for the delay, one of which was the necessity for proroguing Parliament and beginning a new session. This upset the timetable quite a good deal and, in addition, there have been other delays which it was not possible to foresee. One of the contributing factors has been the spate of debate on the General Estimates in another place, which has been prolonged, and I should say without much consideration for the rights of members of this Chamber.

Be that as it may, I am willing to help as far as possible, first of all by avoiding any prolongation of the hours by sitting beyond midnight and, secondly, by endeavouring to meet the wishes of Mr. Loton by allowing some time to elapse between the moving of the second reading of Bills and their consideration in Committee. Thus members will have time in which to consider their reactions to those measures. I have endeavoured to co-operate with all sections of the House and that will be my endeavour on this occasion. Therefore I shall be glad if members accept the motion in order that the business of the House may be expedited.

Question put and passed.

New Business Time Limit.

On motion by the Minister for Transport, resolved:

> That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

MOTION—LEGISLATIVE COUNCIL PRESIDENCY.

As to Amending Constitution Acts Amendment Act.

HON. G. FRASER (West) [3.52]: I move—

> That this House requests the Government to introduce legislation to amend Sections 11 and 12 of the Constitution Acts Amendment Act, 1899, as follows—
>
> Section 11: Add at the end of the section a proviso as follows:—"Provided that pending such first meeting the Chairman of Committees shall fill the office and perform the duties of the President, subject, however, to Section 13 hereof."
>
> Section 12: Delete the words "Council shall thereupon elect some other member to" in lines 4 and 5 and substitute the words "Chairman of Committees shall."

I submit this motion because it represents a decision arrived at by the Standing Orders Committee. The recommendations relate to two points, one being to meet the situation if the office of President becomes vacant when the House is not in session, and the other to provide for the situation during the temporary absence of the President while the House is in session. I refer members to Standing Order 30 which provides—

> When the Council is not in session and the President is absent owing to leave of absence granted to him by the Council or through illness or other unavoidable cause, the Chairman of Committees shall fill the office and perform the duties of the President as Deputy President during such absence.

The amendment suggested in my motion provides for the situation where a vacancy in the Presidency occurs when the House is not in session. Members will appreciate that Standing Order 30 does not cover the point; neither does the Constitution Acts Amendment Act. The suggsetion is that a proviso be added to Section 11 of the Constitution Act that pending such first meeting, the Chairman of Committees shall fill the office and perform the duties of President, subject however, to Section 13.

In the past some confusion has occurred. This was the experience when Sir John Kirwan was President and did not contest the election in May, 1946, and we were without a President between the time of the election and the summoning of Parliament in July or August. I cannot recall how the difficulty was overcome.

Hon. H. S. W. Parker: It was just left in the air.

Hon. G. FRASER: Invitations had to be issued for the opening of Parliament and there was nobody to authorise this being done. An amendment as outlined would meet such a difficulty because the Chairman of Committees would act as Deputy President.

The second amendment suggested is designed to deal with a situation that has arisen on various occasions. When the House has been in session and the President has been temporarily absent, perhaps for a day or two, it has been necessary for the Council to elect a member to act in his stead. The Standing Orders lay down that when the House is not in session, the Chairman of Committees shall act as Deputy President, and we consider that the same provision should apply when the House is in session. That amendment would make for uniformity. Thus when the President is temporarily absent, the Chairman of Committees will automatically act in his place.

As these suggestions involve alterations to the Constitution, the Standing Orders Committee considered that it would be wise to request the Government to introduce an amending Bill to give effect to its wishes, and I believe that is the best course to adopt.

Question put and passed; the motion agreed to.

BILL—ROYAL VISIT, 1952, SPECIAL HOLIDAY.

Read a third time and returned to the Assembly with amendments.

Sitting suspended from 4.0 to 4.25 p.m.

BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT.

In Committee.

Resumed from the 5th December. Hon. J. A. Dimmitt in the Chair; the Minister for Transport (for the Minister for Agriculture) in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 5 had been agreed to.

Clause 6—Granting of tenures:

Hon. H. L. ROCHE: I move an amendment—

> That in line 23 of Subclause (2), after the word "Minister," the words "in accordance with the provisions as set out in Clause 6, Subclause (7), of the War Service Land Settlement Agreement, 1945" be inserted.

I move this amendment for the purpose of endeavouring to have a leaseholder and a freeholder treated on the same basis. As the Bill stands at present, having regard to the provisions of the War Service Land Settlement Agreement of 1945, a returned soldier who takes up a property is assisted on a leasehold basis. The capital value on which rental is assessed is arrived at in accordance with the provisions of the agreement.

The effect of Subclause (7) of the agreement, dealing with a leasehold property, is that any excess capital shall be written off. In the Bill as it stands this clause provides that the purchase price in fee simple shall be fixed by the Minister. It could so happen that a property valued at £10,000 could be written down to £8,000 on a leasehold basis, but with a freehold property the Minister could decide that the capital value would remain at £10,000.

I am a firm believer in a man holding the freehold of his property and such a person should not be prejudiced in any way as compared with a man holding a leasehold property. I have been assured that the R.S.L. is in complete agreement with the Bill, but I cannot understand its attitude. I am also led to believe that if the Committee is prepared to accept the amendment, the Minister is not averse to it.

The MINISTER FOR TRANSPORT: I am advised that the purpose of the amendment is really met by the practice that is adopted in the department now. The amendment would have the effect only of placing in the Bill the method that is actually being followed in the valuation of farms. The amendment would, however, involve expenditure by the State, as two-fifths of any writing down carried out under the agreement is being borne by the State. This expenditure, of course, will be incurred by the State whether the amendment is accepted or not, and it is therefore unnecessary.

There were some points in the notes given to the Minister for Agriculture which, so far as I can see, were not read by him when making his reply to the second reading debate. It might be advisable to read these notes to the Committee now because they might have some application to the points raised by Mr. Roche. They are as follows:—

> Members have requested information as to the valuation to be paid for farms on a freehold basis. The impression seems to be that the ex-serviceman will not know his freehold valuation for a ten-year period. This is a misunderstanding. As soon as the improvement and the development of a farm are completed, a final valuation is determined in accordance with the provisions of the agreement for the purposes of leasehold.
>
> This final valuation is based upon the full cost of acquisition and development of the property. Where the total cost—after taking into account the provisions of the agreement—is greater than the productive value of the farm, this total cost may be written down.
>
> The valuation so determined is the final valuation for the purposes of leasehold, and will be also the final valuation for conversion to freehold. It is the intention of the Minister to advise the lessee—at the same time as he receives his final valuation for the lease—what his valuation will be for freehold. This valuation would not be varied during the ten-year period.
>
> There is some misunderstanding that repayments during the ten-year period cannot be made. The lessee can repay the whole of his loan for stock and plant and also the advances for structures such as housing, fencing, water supply, etc. The further annual payment under the lease would be then only the rent, which is a comparatively small sum.
>
> It was mentioned by Mr. Logan that the lessee had no security during the ten-year period if he should become ill or have to leave his farm. Cases have already occurred where special conditions have been made to assist a lessee during a period of adversity. In one instance, a lessee was in hospital for months with a broken back, and arrangements were made for his wife to continue in occupation and run the farm.
>
> The lease provides for compensation to be paid to a farmer should be desire to leave his farm during the first five years. During the second five years he is permitted to sell at market rates, provided the sale is to a returned soldier. Perpetual lease for this purpose is probably a greater protection in benefiting his family than if the property were held freehold.
>
> Several members suggested that freehold might be offered in a shorter period, but still desire the Minister to prevent trafficking up to a ten-year period. This aspect has been very carefully examined from the legal viewpoint, and the advice is that, once a freehold has been granted, it is practically impossible to place any conditions upon a freehold regarding a sale or transfer.
>
> The intention of the scheme was to rehabilitate ex-servicemen permanently on farms, and not to enable them to occupy a farm for a short period and, owing to unexpectedly prosperous times, sell and retire into some other business. It was also mentioned by Mr. Logan that the lease was of 99 years' duration, but the lease is in perpetuity.

I do not think the effect of the amendment will be to alter the practice adopted in dealing with farms but, in view of the possibility that it might incur a charge upon the Crown, I am just wondering whether the amendment might not be

queried in another place, with the result that it could possibly be ruled out of order as imposing a charge upon the Crown.

Hon. H. L. ROCHE: I do not question the correctness of all the Minister has stated regarding the advice he has received from his departmental officers. The extraordinary feature of it is that the Government should resist my attempt to amend the Bill so as to include this provision so that it might be legally binding on both the Government and the soldier settler, and so that everyone concerned would know the actual position. Under the present Minister and the Government in office today, it might be all right, but there is no saying what a future Administration might do.

Amendment put and passed.

Hon. J. McI. THOMSON: I move an amendment—

> That a new subclause be added as follows:—
>
> (3) Notwithstanding the terms of any lease, instrument or the provisions of this or any other Act, a lessee as in the last preceding subsection mentioned shall be at liberty at any time and from time to time during the period of ten years from the commencement of the term of the lease to pay any amount or amounts not exceeding in the aggregate ninety per centum of the purchase price for the fee simple, and during such period, interest shall be rebated on the moneys so paid by the lessee.

Members will see that my amendment on the notice paper is somewhat different from its original wording. The altered form was necessary owing to the doubt that arose as to whether in its original form, the amendment would involve a charge upon the Crown. Under the present setup, it is not possible for man to make any payments off the capital cost of his farm until the ten-year period is completed. The amendment seeks to give him the right, if so desires, to make payments during that period.

The MINISTER FOR TRANSPORT: While the amendment is acceptable and, in fact, welcome, it will be understood from what I just quoted from the notes available to me, that a lessee cannot make the payments referred to until he has met his other commitments with regard to stock, plant and improvements.

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

Clauses 7 and 8, Schedule, Preamble, Title—agreed to.

Bill reported with amendments and the report adopted.

Third Reading.

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

BILLS (2)—FIRST READING.

1, Electoral Act Amendment (No. 2).
2, Town Planning and Development Act Amendment.

Received from the Assembly.

BILL—HOSPITAL BENEFITS AGREEMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [4.43] in moving the second reading said: The purpose of this Bill is to authorise the Premier, on behalf of the State, to enter into a new agreement with the Commonwealth in respect of hospital benefits. The present agreement, which was entered into with the Commonwealth in 1945, and was amended in 1949, provided that it should remain in force for a minimum period of five years, and that it should be subject to termination by either party giving at least 12 months notice. The Prime Minister has given such notice and the agreement will expire early in August, 1952.

The House of Representatives has passed a Bill which provides that the States may enter into a new agreement with the Commonwealth. The States have not yet been advised of these details and it is known that the draft agreement will not be received until after the present session of the Western Australian Parliament ceases. As the present agreement will terminate in August next and steps will be taken soon by the Commonwealth to enter into the new agreement with the States, it is essential that the Premier be given parliamentary authority to conduct negotiations with the Commonwealth.

From a perusal of the speech in the House of Representatives by the Rt. Hon. Sir Earle Page, we do know that it is the intention of the Commonwealth to pay all hospitals 8s. per day for each bed patient, and where the patient is a member of a friendly society which pays to the hospital at least 6s. per day, the Commonwealth will contribute 12s. per day, making a total of 18s. per day or £6 6s. weekly. The State will have little option but to accept the agreement in the form it is proposed by the Commonwealth, which will provide all the funds and is, therefore, in a position to dictate terms.

Of course, the Premier could refuse to accept the scheme, should he dislike any of its provisions, but this would probably result in unpleasant repercussions. If such action were taken by the State, it is probable that the entire onus of subsidising hospitals in Western Australia would have to be borne by the State,

a responsibilty that would be beyond its financial resources. It is also quite certain that if this occurred, the Grants Commission would not recommend an increase in the Commonwealth grant to this State to meet deficiencies caused by a refusal to accept the hospital benefits plan. It is quite certain that the new agreement will have to be entered into early next year—that is, between the current and the next session—and unless the Bill is passed, the State cannot join in the negotiations with the Commonwealth.

The question of assistance to hospitals is one of very great importance, in view of the rising costs of all facilities. Since 1946-47 hospital maintenance costs have doubled and there is no doubt that for the time being the increase will be maintained. The development on a broad scale of the friendly societies' scheme will be a most valuable contribution to hospital revenue. A subscription of 3d. per week by a single person will return a benefit of £2 2s. per week, and 1s. by a family will result in £3 3s. per week benefit.

Questions have been asked as to how the new scheme will affect persons who are over the age at which friendly societies will accept new members. I understand most friendly societies set a limit of 65 years, and that one has a lower limit and another none at all. My information is that, although no specific plan involving these older persons has yet been made, the Commonwealth Government recognises the necessity to cover them, and this is receiving attention from the Commonwealth Department of Health.

So far as periods of sickness extending beyond the term of friendly society benefits are concerned, and the period that must elapse after a person joins a friendly society before benefits are payable, I am advised that provision has been made by the Commonwealth to cover these periods. These are matters, however, that will be discussed at the meeting of representatives of the Commonwealth and the States.

The Commonwealth proposes, under the new agreement, to revoke a number of the provisions in the present agreement, which restricts the States in their conduct of hospitals. The Commonwealth Bill provides that regulations may be made for payment of hospital benefits in respect of persons who are patients—

> (a) in public hospitals in a Territory of the Commonwealth or in a State; or (b) in private hospitals in a State or Territory of the Commonwealth.

and who

> (a) are residents of Australia, as defined by the regulations, or the spouses, children or prescribed dependants of residents as so defined;
>
> (b) are temporarily absent from Australia, and
>
> (c) are patients in hospitals, as defined by the regulations, outside Australia.

In his speech in the House of Representatives, the Federal Minister for Health stated that the new agreement would provide a means to repair the damage done to State hospital revenues by the present agreement, which he said imposed conditions in the matter of charges on State hospital policy, which, on the whole, have caused a loss in Australian hospital revenue, estimated at £6,000,000 a year; this loss steadily increasing as wages and costs rise. Sir Earle Page said that the records of Australian hospitals show that for 20 years before 1945, when the present agreement came into force, hospital revenue from non-governmental sources was always more than 50 per cent. of the total. Since 1945, non-government income has steadily declined until this is now only 20 per cent. The revenue of public hospitals throughout Western Australia, during the last financial year, was derived from—

> State Treasury, £1,267,659, or 72 per cent. of the total revenue;
>
> Commonwealth hospital and pharmaceutical benefits, £347,507, or 20 per cent. of the total revenue;
>
> Patients' fees, £134,204, or 8 per cent. of the total revenue; total, £1,749,370.

As I have said, although the whole of the Commonwealth's intentions are not yet known, it is essential that the Bill be passed to enable the State to subscribe to the new agreement. I move—

> That the Bill be now read a second time.

HON. J. G. HISLOP (Metropolitan) [4.50]: I am afraid we are faced with no alternative but to pass this measure. That, however, does not prevent us from criticising it. In his speech to the House of Representatives, Sir Earle Page recalled the time when the Premiers of the States met to receive from the late Prime Minister the details of a hospital scheme. Each one of them protested against the revolution in hospital policy; but Sir Earle Page made the remark that, hearing the money jingle in the Treasurer's hands, they agreed. The same jingling is heard and the same dire results must follow with regard to this scheme.

I cannot see what right the Commonwealth has to lay down that the money shall be paid by the State on the basis of each bed. I consider that the Commonwealth's sphere in hospital administration should be to assist the States to meet their finances in regard to hospital management. To lay down conditions and say that they must be met all over Australia, bed for

bed, is most unwise. If the Commonwealth had agreed to give a sum of money to the States in proportion to population or even to hospital beds and said to the States, "You can administer your own scheme," we would have been in a much happier position today.

When this agreement was first suggested, I stood in this place and protested vigorously and asked the Government not to agree. Every Government knew that the whole scheme propounded by Mr. Chifley would ruin hospital policy, and it is interesting to look through the words used by the various State Premiers in questioning what was likely to happen. All realised that nothing but ill to hospital administration could follow the reception of this proposed scheme of payment bed for bed. Yet although they protested in their turn, the Government has again given no alternative to them but to accept the scheme.

We must pass this legislation; but I hope that when the Premier goes to meet Sir Earle Page to formulate a new agreement, he will, if he receives the co-operation of the Premiers of the other States, make it definite that it is desirable to know much more as to where this scheme is going to land hospital administration than is known at the moment. The scheme has the same basic failure as the previous one, in that the actual amount of money paid by the Commonwealth per bed is fixed. Only from time to time will the Commonwealth raise that amount, depending on rises in the basic wage, etc. If we have to face, as most of us feel we will, a very considerable rise in the basic wage next February, every hospital in the State will be in the same bankrupt condition in which it finds itself today.

What hospital organisation in this State really needs is some insurance scheme which will go much further towards meeting the total cost of hospital administration than will this measure. Even with all the emoluments added by friendly societies, the actual amount received per bed will be less than 50 per cent. of the total cost. As a people, we must begin to realise that we can no longer go on expecting these huge free gifts.

While money is being poured into our hands so generously, it is interesting to note that to the end of June, 1950, 43.3 per cent. of the country beds in Victoria were intermediate or private beds. In other words, there was a receipt of payment from those patients by the Victorian Government. In our own State, patients paying for intermediate beds were only 6.6 per cent. It has become almost accepted in this State that country hospitals shall be free to country residents; yet the astonishing thing is that when they come to the city, country people will agree to pay for the most expensive beds in the metropolitan area.

There is something maladjusted in a viewpoint of that sort. It is possible that some scheme could be evolved whereby more was paid towards some beds and less towards others, depending upon the finances of the individual and his ability to meet his costs. The Government could arrange a contribution to those costs from a lump sum contributed by the Commonwealth. I consider that the States should have autonomy in these matters and should simply receive from the Commonwealth Government assistance, financial and otherwise, in the conduct of their hospitals.

One of the greatest things the Commonwealth could do today would be to formulate an advisory council on hospital construction and administration and make the services of that body available in an advisory capacity to the States, most of which, if they have not commissions, are still floundering in regard to planning generally. The conditions vary in each State, and did so before the introduction of this measure. In States where it has been the established practice for all beds to be free, the impact of this measure had very little effect compared with the effect it had in this State.

The intrusion of the Commonwealth into medical spheres of this nature can bring about changes, some of which are not desirable; and one that is not desirable is the fact that this education of the people to look upon hospital accomodation as being something provided by a Government has destroyed the public attitude of the pre-war days towards hospitals. We must, in some way, get back to the days when individuals regarded it as a privilege to give willingly or to leave in their wills legacies to hospitals for one purpose or another. Today the springs of giving have been completely dried up.

Hon. L. Craig: Through taxation.

Hon. J. G. HISLOP: To a very large extent, plus this particular measure. In our own State, for instance, we find that our Health Department is beginning to regard the one training school we have —the Royal Perth Hospital—as just another one of the State hospitals. That attitude is not good. If we are to build a medical school around that attitude I am afraid it will be doomed to failure before it is even given birth. Many of the features to which I object in regard to hospital benefits creating this attitude of mind are going to continue as a result of this measure, to a greater or lesser degree. But we are going to be confronted by a return to a means test.

Hon. L. Craig: Rightly so, too.

Hon. J. G. HISLOP: We have lost any chance we have ever had of seeing what proportion of these hospital beds are oc-

cupied by indigent people and what proportion are occupied by people who can afford to pay. In the last six years there has been no test as to the finances of the individual in hospital. It is thought that quite a number of individuals have taken advantage of this measure and have accepted hospital accommodation in the Royal Perth Hospital and possibly in the Fremantle hospital. Therefore it may be that when the means test is brought into being, we shall find ourselves in an even worse position in regard to the provision of private hospitals. In that case some juggling round of beds will occur when the means test is introduced.

Under what terms the means test can be introduced is doubtful because today there is surely not more than a small percentage of indigent people in this State and therefore the question of whether individuals can afford to pay will be one that will exercise the mind of the department very keenly. We are in considerable difficulty with regard to hospitals in our State and members of this House have heard me refer to the position often before.

I will not deal at great length with the report of the State Health Council because I do not think there is any major plan in it such as is wanted. One of the ideas I would suggest to the Commonwealth Government is that, as it has looked into some of the changes that have occurred in the United States with regard to blue cross insurance and the like, it might quite well decide to look into the methods by which the American Congress grants money to the various States.

Congress sets aside a large sum in dollars and then tells the States that they will receive nothing unless they survey their needs and put their wants on paper at Washington. The result of that policy was that there was no idle spending of dollars on hospital construction or on medical plans, but each State had to make a survey and present it to Washington. When such a plan was accepted, the dollars were made available and the State concerned went ahead with the construction. Something of that sort is needed before our States are given any Commonwealth contribution towards hospital building.

Without any plan or survey of the State having been presented to it, the Commonwealth Government has made £1,000,000 available for the building of a 200-bed chest hospital in Western Australia. The fact is that the Commonwealth takes one particular avenue and says "There is money for that," whereas I consider that the money presented to the State by the Commonwealth should be handed to the State for distribution among our hospitals by a body trained in hospital administration. I do not think it is the right of the Commonwealth Government to pick and choose as to what it will assist us to build, simply because it has at present a keenly organised tuberculosis branch and has decided that this money should be given to the State for that purpose alone.

We do need such a hospital badly, but the State might well decide that it wanted something else much more urgently. In that case, this money will be untouchable for any purpose other than that for which it has been granted. I regard that as completely unsound hospital administration. If the Commonwealth Government wants to do something that is real and lasting and of service to this State, it might well consider granting a sum of money to establish investigational services throughout the State.

We have lacked both pathological and other investigational services at the Royal Perth Hospital to a great degree and have struggled on without them until, today, we are beginning to see something being built up in that sphere within the Royal Perth Hospital itself. Outside the metropolitan area there is still practically nowhere, except the Commonwealth Laboratory at Kalgoorlie, where pathological or any other investigational work can be done for the public of Western Australia.

One of the steps that we could not contemplate at the moment is the establishment of a hormone assaying laboratory such as is revolutionising medicine oversea. I doubt whether there is one such laboratory in the whole of Australia, yet we give free medicine in large amounts and grant so much for hospital beds without getting down to the fundamental principle of actually treating our people.

There is quite a lot that we could criticise about this lack of hospital planning, not only here, but also in the minds of the Commonwealth authorities. I again say definitely that the role of the Commonwealth should be an advisory one and that is should not lay down the terms and conditions under which we are to distribute moneys received from it. It should not tell us how to conduct our hospitals. There is a suggestion that I have made elsewhere and I do not know whether it will ever be given consideration unless it is made public.

I suggest that we stop fiddling round and buying large houses to convert into hospitals, because they will cost us a fortune to maintain and will be very difficult to staff and will prove inefficient when they are functioning as hospitals. Instead of that, we should make one really determined effort to deal with the question of hospital accommodation in the metropolitan area. I agree with the State Health Council that hospital bed accommodation is very short in the metropolitan area as compared with the position in the country. We are about as many beds short in

the metropolitan area as we are plus in the country; the difficulty in the country being that the beds are so widely scattered.

My suggestion is that we should finish off the Mount Hospital, and I believe we could do it within the next 12 months. The Mount Hospital today cannot organise itself efficiently because it has not enough beds and in order to maintain itself even as efficiently as it is at present, it requires too great an overhead to allow it to pay. I understand that that hospital is losing money rapidly. It is a church organisation and therefore we could not be accused of doing anything wrong in helping an institution of that sort.

The building does not need any steel girder construction. It is one made of steel stays and concrete, and is of three storeys. The finishing off of the plan would give three wards, swinging round from St. George's Terrace and facing along Mount-st., and I suggest that those three wards could be erected within 12 months. They would provide a bed space of probably 80 or 100 beds extra and there would be no necessity to add greatly to the overhead cost. The same matron, assistant matron, tutor sister and senior cook could be maintained to do the extra work, though some further juniors would be required. The overhead, as I have stated, would remain the same as it is today.

I think that, as a Government, we should then use those three big wards to assist in receiving the overflow from the Royal Perth Hospital. Cases could be moved from the Royal Perth Hospital quite simply after the first few days, and many types could be admitted to the extended Mount Hospital. Some of the road accidents such as fractured legs and femurs, which lie in hospital for so many months, could be accommodated there, thus giving a very great relief to the Royal Perth Hospital. At the end of the period, when the new Royal Perth Hospital was completed, we would then be in a position to say to the Mount Hospital. "The public needs are great. Now you can have these three wards. We will present those to the church organisation and you can convert them as you wish into private hospital accommodation."

If we followed the plan I have outlined we would within 12 months provide considerable relief for the hospital accommodation of Perth, such as could be provided in no other manner, and we would have our organisation under one head. We would need, if necessary, to obtain more junior nurses, but some of them could be housed at Forrest House and within the nurses' quarters of the Mount Hospital itself. That would be but a small matter. It is only by planning of that sort that we will meet the present crisis and if we do not do something very soon in that regard, the next election—as someone said to me only two days ago—will be fought not on houses, but on hospital beds.

The waiting list at the Royal Perth Hospital is increasing by three or four per day and that means that each year 1,000 new names are added to the waiting list. Some of them will be caught up, of course, because of their urgency, but the list will continue to grow. This hospital problem of ours is something that cannot be met by handing out a few shillings per day to each person and then saying, "Insure yourself." What must be done is that every citizen in the State must be made to realise his responsibility. Each of them must insure himself to his capacity to meet his hospital requirements.

I am going to take that suggestion further and say that under the old hospital agreement with the Commonwealth, the worker was excluded from benefit because he was receiving payment under the Workers' Compensation Act. The result is that the worker has not been able to get a bed in any hospital, except St. John of God, for a very long time. He has been accommodated there only because they have looked at him in an altruistic manner and because of the peculiar conditions attached to that hospital, which have allowed them to admit such cases.

But that cannot go on much longer. I trust that under this new agreement we will not exclude the worker from the contribution of the Commonwealth Govment because, if we do, the position will become even more impossible for him than ever. When the Workers' Compensation Act Amendment Bill comes up later, I will try to assist the worker to get into hospital. The idea is that the worker should look to his own responsibility. He should say that if some great measure of his hospital cost is met, then he, as a unionist, will contribute also in a small way to see that he receives the best hospital accommodation possible when he is injured. We have all to accept that responsibility. All that this measure will do is to give us about 50 per cent. of the cost per day of hospital accommodation, and that does not allow anything whatever for the vast capital expenditure that is contemplated in the future.

I hope that when the Premier goes to see Sir Earle Page, he will place this matter clearly before him and that he will, if necessary, take with him someone thoroughly versed in the hospital problems of this State, because to accept a scheme of this sort, without knowing what are the implications, might easily allow our hospitals to drift into an even more serious situation than that in which they are today.

It is interesting to note that while the total cost of hospital accommodation in 1945 or possibly later was estimated, for the whole of Australia, at over £10,000,000, this free medicine scheme is going to cost

something over £4,000,000 this year. It may be that we will have to look closely into some of these free schemes to see whether we are going beyond our capacity to pay. Whilst we must vote for this measure, I think it is essentially wrong in principle and I appeal to the Premier, when he does go to see Sir Earle Page, to ensure that we are at least covered against the possibilities of what might happen through our accepting this measure. I will vote for the Bill.

HON. E. M. DAVIES (West) [5.15]: Like Dr. Hislop, I will vote for the second reading of the Bill because we have no option. This legislation, which will empower the Premier to negotiate with the Commonwealth Government, is not a very great departure from the present setup, except that the Government will introduce a scheme whereby certain organisations known as friendly societies—and that term covers other hospital benefit funds as well—will contribute towards the scheme and the Commonwealth will increase the amount paid by another 4s., making a grant of 12s. a day and bringing the total to 18s. a day. That sum of 18s., of course, does not pay for the cost of a hospital bed; if I remember correctly the actual cost per bed per day in any hospital is something over £2. So the States will still have to subsidise the hospitals sufficiently for them to be able to pay their way.

Some people have made statements that patients are getting free treatment in hospitals, but that is not quite correct. I believe that every taxpayer who contributes by way of social service tax is paying for a certain amount of hospitalisation which he may need. If he is in the fortunate position that he does not need that hospitalisation, he is contributing towards the cost of some other unfortunate individual who, of necessity, has to enter a hospital.

I do not know that there is a great deal of difference in what is proposed under this Bill except to provide that those who join some particular fund will receive an extra 4s. a day from the Commonwealth Government. At present the Commonwealth contributes 8s. per day towards the costs of any person occupying a hospital bed. In some hospitals a patient is permitted to enter the community section which provides a little better accommodation than that which is normally available, and it also enables the patient to be attended by his private medical practitioner.

In the ordinary section of the hospital a patient receives the best class of treatment, but he is not permitted to have his own medical practitioner and that seems to me to be one of the bugbears of the scheme. It appears to me that that is one of the reasons why some people object to the existing scheme. A patient who enters the community section of the hospital and receives the Commonwealth grant of 8s. a day is then asked to pay the balance of the hospital charges plus the fees of his own doctor.

In the course of his speech, Dr. Hislop said that compensation cases could not be accommodated in hospitals and had nowhere to go. That is true to a certain extent, but the community section of the Fremantle hospital caters for community cases and compensation cases as well. However, a great bulk of that accommodation is taken up by shipping cases which, of course, are not actually compensation cases. I believe that under international law each country or State is compelled to take shipping cases, and naturally those patients pay the fees in full. While the beds in the community section of the hospital are occupied by shipping cases, they are not available for those requiring treatment under the Workers' Compensation Act.

Although I realise that Dr. Hislop does not need to be reminded, I would advise other members that if a person enters a hospital, and there is a possibility of his receiving damages because of a motor accident, he is not entitled to receive free hospital treatment. It is considered that a person involved in a motor accident may be entitled to claim damages and therefore such a person does not come under the scheme. Some people have made the statement that the present hospital agreement with the Commonwealth has been responsible for the loss of hospital revenue. If we want to go into that aspect we should go back a few years, prior to the time when the Commonwealth scheme came into existence.

When the State Government introduced the hospital tax, voluntary contributions to hospitals started to dwindle. People believed that if they were paying hospital tax, there was no necessity for them to make hospital contributions. However, a number of hospitals still receive voluntary contributions by some means or other. There is a hospital community concert committee in Fremantle which has contributed a considerable sum of money towards the cost of running the Fremantle hospital. Even though the members of the committee have contributed towards hospitalisation by way of tax, they still endeavour to provide funds for the Fremantle hospital. In that way people are paying voluntary contributions towards the running of the institution.

There is not much we can do so far as this Bill is concerned. The Prime Minister has given 12 months' notice of termination of the present agreement and that expires in August of next year. State

Governments will be compelled to make some sort of agreement and as Parliament will not be in session until about the beginning of August it will be too late for us to deal with the question and authorise the Premier to make arrangements with the Commonwealth authorities. Under the Bill we are asked to give the Premier sufficient power to make whatever agreement is necessary, and, as far as I can see, all we can do is to leave the matter in the hands of the Premier and merely suggest to him that he make the best deal possible.

I listened with a good deal of interest to what Dr. Hislop said this afternoon, but this Bill does not make any provision for hospital planning or management, and, as we know, that is a question of great importance to this State. The whole problem has been discussed on many occasions and I understand a medical council has been formed so I am looking forward to seeing some result with regard to hospital planning in the future. However, that is a question that does not come within the ambit of the Bill and I do not propose to say any more about it other than to support the measure. I trust that the Premier will go to the Commonwealth Government armed with all the necessary advice and that we will be able to get the best scheme possible in the circumstances.

HON. L. A. LOGAN (Midland) [5.25]: I quite agree with other members that there is nothing much we can do except support this Bill, but I think it goes a little way towards restoring the conditions that existed prior to 1944. Admittedly we cannot get back to those conditions immediately, because of the present-day situation, and we will not be able to go ahead as quickly as Dr. Hislop would like. I was a member of a hospital board in 1944 when the late Mr. Chifley's hospital plan was adopted. I followed the finances of that hospital for a few years afterwards, and I can appreciate what the hospital lost because of the introduction of that scheme. In those days the average cost per bed per day was only 13s. 4d.

Hon. E. M. Davies: You have to remember they got nothing for the indigent patients before then.

Hon. L. A. LOGAN: I realise that. The further the scheme progressed, the worse became the hospital's finances. I will read to members what the Premier of Victoria had to say at that time. He said—

> I am sure that if this scheme is introduced it will have a most adverse effect upon voluntary contributions to hospitals.

After the scheme was introduced voluntary hospital contributions dried up to almost nothing. Probably we would all like to see further hospitalisation, but it is not possible under present-day conditions. I agree with other members that this scheme should be on a contributory basis. I fancy that this could be the beginning of a contributory scheme—something like an insurance scheme on a contributory basis—and that is something that I have advocated for many years.

If we could do that, we would be able to get a scheme run on business-like lines. That is something this country could well afford to have, because we will never get anywhere under conditions as they exist at the moment. If we get down to a contributory basis, we may be able to do more about the planning Dr. Hislop referred to this afternoon. There is nothing much we can do except to pass the Bill and hope that the Premier, in conference with the Premiers of the other States, will be able to make the Commonwealth realise that something further must be done about hospitalisation and appreciate the need for greater planning in the future.

HON. G. BENNETTS (South-East) [5.27]: I support the Bill because we are compelled to do so.

Hon. A. R. Jones: We are not compelled.

Hon. G. BENNETTS: I was most interested in the speech made by Dr. Hislop this afternoon and I was particularly interested in his remarks regarding the use of one main hospital. I believe in having one administration concentrated in the one building instead of being scattered all over the place. If that were done, it would be much better for all concerned.

The trainees would have larger hospitals available and that would enable them to obtain a better education in the nursing profession. More equipment could be provided and the surroundings would be such that would enable them to become more interested in their work. Matrons are hard to get and if one big hospital could be set up there would be less administrative worries and matrons would be able to give more attention to detailed work.

One member spoke about voluntary funds for hospitalisation. Because of taxation and social service contributions it is almost impossible to get anyone to contribute voluntarily towards hospitalisation. You, Mr. President, will know that many years ago in Kalgoorlie an appeal had only to be launched and within a very short space of time large sums of money were voluntarily subscribed. Many of the buildings in Kalgoorlie were erected from funds provided in that way.

I heard Mr. Davies say something about a medical council. It is a newly established body and I do not think it will be able to do anything for members for a long time, but perhaps Dr. Hislop could help us in this. Before the Premier, or his representative, went over to the Eastern States it would be as well, I think, if he conferred with perhaps Dr. Hislop and

other men who have a knowledge of the subject, to enable him to put before the Prime Minister something which may be beneficial to the State. I mentioned some time ago in this House that we should have an advisory board with Dr. Hislop on it, so that we could obtain his advice in regard to these matters.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed*.

BILL—FISHERIES ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th December.

HON. L. A. LOGAN (Midland) [5.35]: There seems to be some controversy in regard to the amendment set out in the Bill, but I think that opposition in that respect comes from only one quarter. The crayfishing industry in Western Australia has increased to such an extent that it is today one of our biggest dollar earners, and this measure has only been introduced in the interests of those who are fostering the industry. A lot of capital has been tied up in Geraldton, Fremantle and along the coast and it would be wrong to permit anybody to cripple the crayfishing industry.

Admittedly some of the fishermen may think that the amendment is hitting at them, but in the long run I feel they will realise it is for their own benefit. The company in Geraldton has gone to a lot of expense. It has formed a co-operative, put up its own plant and is working most efficiently. I have objected from time to time to the Minister for Fisheries about certain matters, but having had a discussion with him and realising the reason behind it all, I think the Minister has some justification for the action he has taken.

I am perfectly certain that had this amendment not been brought forward, it is quite possible that within three or four years the crayfishing industry could have been crippled along our coast. As I have said, the industry is one of the biggest dollar earners we have; it creates a lot of employment for our fishermen most of the year round, and it is not right that a few sharks—we might call them—should make all they can out of the industry and then get out. I think the amendment may help to prevent that. I support the second reading.

HON. J. G. HISLOP (Metropolitan) [5.37]: I know nothing whatever about the industry, but I would like to have a word from the Minister, if he could give it to me, as to whether a guarantee in regard to the taking of crayfish is not necessary. It seems to me that the poundage of crayfish taken in the last few years is tremendous. It is such a vital and important industry to Western Australia that I would like to be reassured that it is being conserved. I think something like 10,000,000 lb. of crayfish are being taken out of the sea at the present moment; that is a large amount of calcium metabolism to be taken out year after year.

The Minister for Transport: It was about 8,000,000 lb. last year.

Hon. J. G. HISLOP: It is still a large amount of fish and shell, and a large amount of calcium. I only want to be sure that there will be precautionary measures.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.38]: I can assure Dr. Hislop and other members that the Department of Fisheries is very concerned about protecting the crayfishing industry. To allow for regeneration, areas are declared from time to time so that these spawning grounds can be preserved, and those actions are cheerfully acquiesced in by the people concerned, because they realise that it is to their ultimate advantage. As I think members know, the Bill is to deal specifically with those who fish outside the three-mile limit about which we can do nothing under the present Act. We cannot even now prevent men from fishing outside the three-mile limit but the Bill does attempt to control their movements should they come inside that limit.

If they are contravening the provisions of the Act, they cannot come within three miles of the shore and they cannot deal with their catch by processing it. So there is some effective control on their operations. Similar control can be applied in regard to crayfish in spawn and undersized crayfish by exercising our rights should they come within the three-mile limit. At the present time, under the Act as it now stands, that cannot be done. The Bill sets out to remedy that position. So indirectly it does achieve the object desired by Dr. Hislop of protecting the industry.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed*.

BILL—STATE HOUSING ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th December.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland—in reply) [5.45]: I do not propose to occupy much time in replying to the debate as the reaction of the House, on the whole, is favourable. However, I propose to answer several questions that were asked during the debate.

According to Mr. Watson, it had been suggested that the Housing Commission might dispose of some of the blocks of land it holds to certain selected builders for the purpose of building on their own account. I assure the hon. member that the Commission does not intend to take such action. No decision will be made in respect of land holdings until the funds position is clarified. There certainly is a temporary restriction on funds for rental homes, but to offset this, State loan moneys will be provided for home-ownership under the provisions of the State Act. There is still a pressing demand for houses, which have to be provided from one fund or another. For this purpose, developed land is urgently needed, and the resumed land will continue to be used either for rental, State housing or war service homes building projects.

Reference was made by Dr. Hislop to a letter addressed to members in which it was suggested that some land-owners whose blocks had been resumed did not receive equitable consideration. This allegation is rather doubtful as all settlements are effected on a just and equitable basis by experienced and qualified officers of the Land Resumption Office, who are specially charged to ensure that all owners obtain a fair and reasonable price. Under the Public Works Act, dissatisfied owners have a right of appeal to an independent assessment board.

A question was asked by Mr. Fraser as to what would be done in the way of building this year. A sum of £500,000 has been placed on this year's Loan Estimates for the building of workers' homes.

Hon. G. Fraser: I asked about last year.

The MINISTER FOR TRANSPORT: I cannot answer that question. Mr. Logan expressed doubts whether land resumed for Commonwealth-State rental homes could be used for the building of workers' homes. This has already been done. Mr. Fraser made an error when he said that the Bill provided for an increase from £500 to £750 as a qualification to come within the definition of "worker." That increase was provided in last year's measure, and this Bill merely stipulates that no basic wage fluctuations after the 1st November, 1950, shall be taken into consideration. It has been stated that, if the resumption powers were denied the Commission, it could exercise powers under the Public Works Act. I am assured that that would not meet the needs of the Commission and that it is very necessary for the clause to be passed to give the requisite powers.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed*.

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Hon. G. Fraser in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 to 7—agreed to.

Clause 8—Section 25 amended:

Hon. H. S. W. PARKER: I move an amendment—

> That in lines 17 and 18 the words "by force of this provision and without the necessity of an order to this effect" be struck out.

If this amendment is accepted, other amendments will be necessary to give effect to my intention that the penalty shall consist of a fixed minimum of six months, with power to the court to go further and fix a period up to two years during which the offender shall be disqualified from holding a licence. The clause deals with a person who drives a motor vehicle after having been refused a licence or after having had his licence suspended. With the amendments I propose, the salient portion of the clause would read—

> shall be disqualified from holding such a licence for a period of not less than six months and not more than two years as may be adjudged by the court from the date of the offence.

Hon. L. Craig: Such an offender could already have been fined £100 and imprisoned for not more than 12 months.

Hon. H. S. W. PARKER: Yes, but the object of the Bill is to protect the public by preventing certain types of individuals from driving.

Hon. L. Craig: If he were imprisoned for 12 months, he would be effectively prevented from driving.

Hon. H. S. W. PARKER: Magistrates have recently expressed regret that they could not suspend a licence for a longer period than the Act permitted. Suppose a man were found guilty of driving while under the influence of liquor. For his first offence, his licence could be cancelled for only three months. If it were proved that he was an alcoholic, the magistrate should be empowered to suspend the licence for a longer period, even up to two years.

The clause proposes that if the person guilty of the offence is already subject to a period of disqualification, he shall be disqualified from holding a licence for a period of six months from the expiration of that time. I suggest that those words be struck out so that the penalty may be made one of suspension for a minimum of six months and any period up to two years. The greatest deterrent in cases of this sort would be to prevent such a person from driving.

The MINISTER FOR TRANSPORT: The Police Department certainly has no objection to tightening up the penalties. It is quite satisfied with the amendment.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 19 after the word "of" the words "not less than" be inserted.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in line 20 after the word "months" the words "and not more than two years as may be adjudged by the court" be inserted.

This period is the maximum. The court must inflict six months, and this will allow it to make the period anything up to two years.

Hon. L. Craig: Why do you include the words "as may be adjudged by the court?" Do you think they are necessary?

Hon. H. S. W. PARKER: I think so because of the way the clause is drafted.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That after words "offence" in line 20, the following words be struck out:—"but if at the date of the offence he is subject to a period of suspension or disqualification from holding a license, he shall be disqualified from holding a license for a period of six months from the expiration of that period."

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

Clause 9—Section 32 amended:

Hon. L. A. LOGAN: The amendment suggested in paragraph (a) includes the words "preparing or attempting to drive a vehicle." I think the inclusion of the word "preparing" is going too far. I have no desire to protect the drunken driver, but I do want to protect the man who realises that he has probably had one or two drinks more than he should, and who crawls into his car and, say, uses the cigarette lighter to light a cigarette. A policeman seeing him interfere with the mechanism might charge him with "preparing to drive a vehicle", and I do not think he would have a hope of being acquitted. I move an amendment—

That paragraph (a) be struck out.

The MINISTER FOR TRANSPORT: The effect of the amendment would be that if a traffic officer noticed that a person, who was under the influence of liquor, was about to drive a car, he could not take action until the vehicle was in motion.

Hon. L. A. Logan: The word "attempting" is already in the Act.

The MINISTER FOR TRANSPORT: An officer might have to neglect other important duties while waiting to see whether a person under the influence of liquor intended to drive his vehicle. This follows an occurrence at Guildford where an officer noticed a man, obviously under the influence of liquor, get into a car. The man was apprehended and charged, but the magistrate did not convict him because he was not driving the car. The heads of the Police Department take an active part in the operations of the National Safety Council, and they consider the provision in the Bill is desirable.

Hon. W. R. HALL: I support the amendment, but I think the provision in the Bill is very open and dangerous. A man can get into his car for several purposes. If a person were under the influence of liquor, I take it a policeman could arrest him for drunkenness even though he had not attempted to drive the car. There are plenty of men who, when they have had too much to drink, take the opportunity to sleep it off, and sometimes they go to their car.

Hon. E. M. Heenan: Such a man should get into the back.

Hon. W. R. HALL: He would not care whether he got into the back or the front. A car will not go until the key is turned and the motor starts.

Hon. L. A. Logan: He is attempting to drive then.

Hon. W. R. HALL: Yes. I have no time for drunken drivers. I support the amendment.

Hon. J. M. A. CUNNINGHAM: I am inclined to agree with the amendment. I am heartily in support of tightening up the penalties for drunken driving, but we have to be fair. I think every member knows the circumstances surrounding a recent case in which I was involved. For a long time I honestly blamed the magistrate for the severity of the sentence that I received, but I have since become convinced that the magistrate was probably not to blame.

The CHAIRMAN: Order! I am afraid the hon. member is getting away from the amendment.

Hon. J. M. A. CUNNINGHAM: I think what I have to say is quite relative.

The CHAIRMAN: Has it to do with "preparing or attempting."

Hon. J. M. A. CUNNINGHAM: Yes. In order to secure a conviction the prosecuting officer, I am quite certain, overemphasised the circumstances surrounding the case. The provision in the Bill will leave it far too open for an officer to secure a conviction. He will be able to assume that because a man is putting on his coat he is preparing to drive the car. The provision relating to "attempting to drive" is something concrete and visible, and cannot be got around, but "preparing" is a little too ambiguous.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. N. E. BAXTER: I agree with Mr. Logan and other members that this paragraph should be struck out. Certain words in the Act make the paragraph redundant and thoroughly cover the whole postion. By the deletion of this paragraph and also from the Act the word "motion" in the second line of the section and the words "in motion" after the word "vehicle," we would simplify the whole position. I hope the Committee will pass the amendment and will consider the deletion of the words from the Act as I have suggested.

Hon. J. G. HISLOP: This does not seem to make sense to me. I would like the Minister to explain why the words "motor vehicle" appear in the Act and the word "vehicle" appears in the Bill. With that wording we will have a motor vehicle on the road in motion and a vehicle on the road. I think we would be well advised to do as Mr. Baxter has suggested. One cannot prepare to drive a vehicle in motion.

The MINISTER FOR TRANSPORT: The intention of the amendment is to make it possible for the police, when they realise a man is under the influence of liquor, to prevent him, in his own interests and in the interests of others, from preparing to drive a vehicle. In the case I mentioned, which happened at Guildford, the magistrate ruled in favour of the defendant because, he stated that although he had inserted the ignition key and had turned it, it was not his intention to drive the vehicle.

The CHAIRMAN: Dr. Hislop has drawn my attention to how the amendment would fit in with wording of the section. I will read the clause as if it were amended—

> Any person who, when driving or attempting to drive or when in charge of a motor vehicle in motion or on a road, or when preparing or attempting to drive a vehicle on a road. . . .

Hon. L. A. LOGAN: If I were filling my petrol tank, if I were blowing up my tyres or putting water in the radiator, I would be preparing the vehicle for driving. I think this is going beyond what the Committee really intends. As Mr. Cunningham has said, let us make the penalties heavy against offenders but at least let us be just and ensure that these people are actually driving the car when charged.

Hon. A. R. JONES: If the police officer wishes to obtain concrete evidence it would not be difficult for him to wait half a minute longer to see whether a man is actually going to drive the vehicle. I wholeheartedly support Mr. Logan in his remarks, and I trust the Committee will also support him. Too much power is left in the hands of one person. A police officer could let his imagination run away with him. The Committee, by agreeing to the clause, might do innocent people an injustice.

The MINISTER FOR TRANSPORT: I would be prepared to agree to an amendment to strike out the words "or when preparing," which might meet with the wishes of members. A policeman attempting to do his duty must be given certain powers and he can be trusted to use them with discretion. If those words were struck out the clause would read, "or attempting to drive the vehicle on a road." If a man starts up a car it might be difficult for a police officer to stop him before he committed a serious offence.

Hon. L. A. LOGAN: A man driving a vehicle on a road is not attempting to drive it; he is already driving it. It would be much better to strike out the whole paragraph.

Amendment put and passed.

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

> That a new paragraph be inserted as follows:—(b) Adding to Subsection (2) a proviso as follows:—
>
> > Provided that before such person is detained for such offence, the member of the police force or the inspector, as the case may be, shall convey such person to a medical practitioner, or if there be no medical practitioner readily available, then to a hospital, or if there be no resident medical practitioner or hospital within ten miles of the place where such person is to be detained, then to a justice of the peace for the purpose of such person being examined or tested as to whether he is under the influence of drink or drugs.

My object is to try to safeguard, if possible, a person from being victimised. I am not suggesting that it is the habit of police or traffic officers to victimise people wholesale, but my attention has been drawn to instances where overzealous and particularly young police officers have overstepped the mark, which has led to men being victimised under this legislation.

It is not my intention to prevent a police officer exercising any of the powers he might have if a person was drunk and driving a vehicle.

The MINISTER FOR TRANSPORT: The proviso would raise difficulties that the hon. member perhaps does not realise. If there were no medical practitioner available to carry out the test suggested and the man were taken to hospital, there is no provision to indicate what the hospital test would be. Would it be carried out by the matron, a sister, a nurse or an orderly? It is difficult to appreciate how a justice of the peace could be regarded as an authority, unless he had had experience over the years with men under the influence of drink or drugs.

In all three cases, the person is to be examined to determine whether or not he was under the influence of drink or drugs. The Act provides that such a man must be under the influence to the extent of being incapable of properly controlling a vehicle. In many outer districts, it would be necessary to travel considerable distances in order to take the person to a medical practitioner, a hospital or a justice of the peace. It has to be realised that a person might be apprehended on a charge of drunken driving at 10 p.m. and if he could not be examined before 1.30 a.m., he would have had time to sober up.

There is no law to compel an individual to submit to a test; he has to submit himself voluntarily. If he refused to submit to a test, it would be impossible to lay a charge against him. Even greater difficulties would arise in the event of a motorcycle patrolman apprehending a drunken person. The amendment would be quite impracticable.

Hon. N. E. BAXTER: I hope the Committee will agree to the amendment. The Minister's opposition to it could be overcome by including some words at the end of the proposed amendment. As to the difficulty with regard to a motorcycle patrolman, what does such an officer do now if he has to detain a man on this charge? Does he not call out the police car? The object of the amendment is to afford protection to some individuals who may be charged with being incapable of driving a vehicle owing to their condition.

Hon. E. H. Gray: Would a justice of the peace be a good judge of that?

Hon. N. E. BAXTER: In my opinion, the Minister's objections were largely ridiculous.

Hon. W. R. HALL: Although I would like to support the amendment, I think it is too unwieldy. I do not see how a justice of the peace could be an authority on the question of whether or not a man was under the influence of drink or drugs. There is a provision for a test by a medical officer, and I think a person detained on the charge in question should have the right to demand such an examination.

Hon. E. H. Gray: He has that right now.

Hon. W. R. HALL: I know that is so, but I have heard of cases where the request of the accused person for a medical examination has been refused. It has to be remembered, too, that the amendment does not apply only to the metropolitan area, but to outer districts as well.

Hon. H. C. STRICKLAND: Is the amendment in order, seeing that it suggests imposing a charge on the Crown? Expense will be incurred by the police officer or inspector in conveying the apprehended person to a doctor or a hospital.

Hon. J. G. HISLOP: The spirit behind the proviso is excellent, but it presents certain difficulties. For instance, it might involve travelling for 9½ miles in order to take the man to a doctor or a hospital, and a similar distance on the return journey. Certain tests can be made by doctors to ascertain whether or not a man is under the influence of drink or drugs.

Hon. R. M. Forrest: But what if a man has had only a few drinks and is not drunk?

Hon. J. G. HISLOP: The blood test would indicate the quantity of liquor consumed. I suggest the consideration of the amendment be postponed, and I may be able in the meantime to frame an amendment that would meet the position.

Hon. E. M. HEENAN: I agree with Dr. Hislop regarding the motive behind the amendment. Nevertheless, it would be difficult of application and I shall vote against it with a view to moving a further amendment along these lines: "Provided that immediately after such person is charged, he shall be told by the person laying the charge that he has the right to be examined by a medical practitioner nominated by him and that if he desires to exercise this right, every facility in this regard shall be afforded him."

The CHAIRMAN: I hope the hon. member will not discuss his proposed amendment at this stage.

Hon. E. M. HEENAN: I shall not do so. I merely point out that at present it is not obligatory to do that and the alleged offender should have the right to be told what I suggest.

Hon. H. S. W. PARKER: If members consider the amendment, they will appreciate it is quite impracticable. A great many of those arrested on a charge of being under the influence of liquor to the extent indicated, put the police to no end of trouble. The more drunk a man is, the more obstreperous he is. We can visualise a policeman conveying the arrested person around the streets at 2 a.m. looking for a doctor, and all the time the drunk says, "I am not going." The proviso says that a man must be taken to a doctor.

During the course of my life I have come in contact with many people charged with having been drunk while in charge of a car. It can be safely said that not one man has been found guilty of that charge who has not been under the influence of liquor, but in many instances where a man has been so charged and has actually been under the influence of liquor, it has been difficult to prove his condition.

A great many allegations are made against the police for not obtaining the services of a doctor and so on. There is a certain amount of truth in that, but the fact is that doctors are not foolish enough to go to a police station at 3 a.m. or 4 a.m. to examine a man as to his sobriety. The more such a man insists on having a doctor, the more drunk he usually is. On top of that, the doctor would have to waste his time in court. If he should give evidence that the man was drunk, he is never paid for his services. It can be safely said that the police are honest and straightforward with offenders of this type, but, of course, there are bad eggs in every walk of life. I do not think the proviso is at all necessary.

Hon. R. J. BOYLEN: I oppose the amendment. It has certain commendable aspects, but I am afraid it might be counter to the provisions of the Medical Act. If the contemplated examination were to be carried out, it should be by a medical practitioner and not by a justice of the peace. It should be compulsory for a man arrested on such a charge to be immediately examined to ascertain whether or not he was sober. The amendment contains the words "examined or tested." The only way a test can be made is by the present procedure, and there are plenty who would not be able to pass tests, such as walking along a line or picking up pins, because their eyes might be affected, or for some other reason.

Hon. J. M. A. CUNNINGHAM: I am inclined to be sympathetic towards the amendment; but unless something much more simple can be devised, I am afraid in some cases it would not achieve what we desire. I have some figures concerning the number of drunken drivers responsible for accidents in Western Australia last year. The figure is 60. There were about 10,500 accidents, and 7,000 were due to negligent or careless drivers. I suggest that amongst those there were many who were under the influence of liquor, but that it was difficult to prove that such was the case, which goes to support Mr. Parker's contention that there is little injustice done to men who are charged with drunken driving.

Hon. A. R. JONES: I realise it would be difficult to put this provision into effect, although not so difficult as most people would believe. Policemen are not going into the Never-Never to arrest persons under the influence of liquor, and in the city everything is available to implement the amendment. The same applies to big country centres. There are few places where there are not hospitals, policemen and doctors. Still, I realise that this would be making the job of policemen more difficult, and I am prepared to drop the amendment in favour of the one suggested by Mr. Heenan.

Amendment, by leave, withdrawn.

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

> That a new paragraph be inserted after paragraph (a) as follows:—
>
> (b) adding to Subsection (2) a proviso as follows:—
>
> Provided that immediately after such person is charged he shall be told by the person laying the charge that he has the right to be examined by a medical practitioner nominated by him, if one is available, and if he desires to exercise his right every facility in this regard shall be afforded him.

This is one of the most serious offences under the Traffic Act. It is a charge which carries with it not only a very heavy penalty, but also a social stigma and could quite easily wreck any man's position in life. It has to be remembered, however, that the charge is not one of being drunk. The phraseology is, "being under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle". Under the Act, if the person who is charged knows he is in the right, he can quickly ask the police officer to telephone his doctor and get him along to make an examination. But some people are ignorant of the law, and it would improve the legislation if this proviso were inserted.

The only compulsion about it is that a man has to be told he can be examined. We can all tell when a man is properly drunk, for he staggers along the street and falls down at intervals. But it is a fine decision in certain cases to determine whether a man is affected by drink to such an extent as to be incapable of driving a vehicle. When a person is charged with this offence, he should be told of his right to be examined and be given every facility to protect himself.

Hon. H. S. W. PARKER: I do not think this is practicable. When a man is charged he is taken in custody. If he is not too drunk he is asked whether he wants bail, and as a rule he secures it for a nominal sum. Unless he is rolling drunk, he can then see his medical practitioner. If an arrested man is very drunk, we can see what could happen. A policeman arrests him, and he is too drunk to ask for bail.

The next day, when the case is before the court, the policeman is asked whether he told the man he could have a doctor. The policeman replies that he did, but the man denies it. The policeman says, "Of course he denies it! He was too drunk to understand." This amendment is designed to meet the case of a policeman who is not playing the game. But such a man would have a complete answer and would make it a jolly sight worse for the arrested individual by saying that the latter was too drunk to understand what was being said to him. A doctor, on being told by telephone that a drunken man had been arrested and charged, would probably not be foolish enough to go to the police station.

Hon. R. J. Boylen: What about the police doctor?

Hon. H. S. W. PARKER: He would want to be paid. The policeman could always say, next day, that he had rung two or three doctors and could not raise them.

Hon. E. M. HEENAN: The great majority of the police are upright and conscientious but a few are not, and this amendment would give some protection to the person arrested on this serious charge. Even if a man were obviously drunk, it would not be the duty of the policeman to judge him and he should be given every chance to redeem himself. The amendment would make it compulsory for the policeman, immediately after charging the man, to tell him he had the right to be examined by a doctor.

Hon. N. E. BAXTER: A person charged might not always be able to get bail.

The CHAIRMAN: The amendment says nothing about bail.

Hon. N. E. BAXTER: I think this has application to the amendment. The person charged might be unable to get anyone to put up bail for him and therefore he should be given every facility to prove his innocence. I think the Committee should agree to the amendment.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That a new paragraph be inserted as follows:—

> (c) inserting after the word "of" in line 3 of paragraph (a) of Subsection (3) the words "not less than."

Hon. J. G. HISLOP: It must be remembered that we are here dealing with a first offence, and I think all of us have at times been in a position where we could have faced such a charge. In the case of a first offence the court should be given discretion, and I think the penalty at present provided by the Act is sufficient. We should not overdo the penalty in this instance.

Hon. H. S. W. PARKER: In a recent case the magistrate deprived a man of his license for six months for a first offence, but on appeal the higher court said he could not be deprived of the license for more than three months. Only last week there was a report in the Press of an extremely bad case, but the law prevented the magistrate suspending the license for any period other than three months. I do not think there would be more than one case a year when a magistrate would wish to suspend the license for more than three months. At the moment it is three months only for a first offence, but I want to have a provision to cover a bad case, so that the court will have discretion to impose a heavier penalty.

Hon. E. M. HEENAN: I approach this amendment with a good deal of caution. As Dr. Hislop pointed out, we are dealing with the case of a first offender, although I admit that every now and then a particularly bad case does occur. However, he is still a first offender, and even where a man is charged with stealing, if it is his first offence, he usually gets generous treatment. As has been pointed out, if a man has his license suspended for three months, is fined £50, and his name blazoned across the paper, the social stigma is a serious penalty. I suppose in a lot of cases a man would lose his job or be relegated to a junior position.

Hon. H. S. W. Parker: That fellow would lose it for only three months.

Hon. E. M. HEENAN: But if we limit it to two years, it will be a pretty broad hint that Parliament wants a more severe penalty than three months. I think the provisions of the Act meet the case of first offenders.

Hon. J. G. HISLOP: Mr. Parker used the argument that it would be a good idea to give a magistrate power to deal with bad cases. I do not know what would be classed as a bad case in dealing with first offenders. What is more likely is that the magistrate receives evidence that the man is an habitual drunkard, and I think the amendment I have on the notice paper will cover that position fairly fully. I think we should let the present provision stand in dealing with first offenders.

Amendment put and negatived.

Hon. H. S. W. PARKER: In view of the vote just taken, I will not move the other amendments I had foreshadowed.

Clause, as previously amended, agreed to.

Clause 10—agreed to.

Clause 11—Section 36 repealed and reenacted:

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

That a new paragraph be added to proposed new Subsection (1), as follows:—

(e) possesses knowledge of the traffic laws of this State as evidenced by written answers to set questions.

I was very impressed by the fact that when in Adelaide, on asking for a license, I was given a pamphlet similar to that handed to people receiving their licenses for the first time in this State. Then I was asked to do a short written examination on the traffic laws of South Australia. That is an excellent idea, and it meant that I had to give an hour's thought to the various rules and regulations applying in South Australia. That is very easy for a man who holds a driving license and it is essential that travellers coming to this State should exhibit some knowledge of our traffic laws. The Police Department could set appropriate questions.

Hon. W. R. HALL: While I agree with the amendment, I would not like to be a stranger from South Australia or Victoria who came to this State and applied for a driving license. The department could set a most comprehensive list of questions as to the main roads of the State, and so on. So long as the questions dealt with problems relating to our traffic rules, it would be all right.

Hon. J. G. Hislop: We will have to rely on the good sense of the Traffic Department.

Hon. W. R. HALL: Yes. So long as the questions were not too hard on complete strangers to Western Australia, this amendment would be a good idea.

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

Clauses 12 to 14—agreed to.

New clause:

The MINISTER FOR TRANSPORT: I move—

That a new clause be inserted as follows:—

4. Section 5 of the principal Act is amended by inserting a new subsection as follows:—

(6) For the purpose of this section, a vehicle license issued in any other State or territory of the Commonwealth shall, during the currency of such license, be deemed to be a license under this Act in respect of the vehicle so licensed when used on any road within the State of Western Australia by a visitor thereto.

This amendment has been requested by the traffic branch of the Local Government Department. We have already agreed to amend Section 35 of the Act to cover visitors from oversea, but we have made no provision for interstate visitors, and there would be many more of that type than there would be tourists from oversea.

Hon. W. R. HALL: I agree with this new clause, and there should be some reciprocity in this matter between the States of the Commonwealth. I have visited the other States on many occasions and I entirely agree with the Minister's amendment.

New clause put and passed.

New clause:

Hon. J. G. HISLOP: I move—

That a new clause be added as follows:—

10. The following section is inserted in the principal Act:—

32A. (1) Any court before whom a person is convicted of being in charge of a motor vehicle on a road whilst under the influence of alcohol or drugs, shall if the court is satisfied that there is evidence of such person being habitually addicted to alcohol or drugs refer such person for medical examination and report and may suspend the penalty of fine and or imprisonment, but shall suspend such person's license.

(2) A license suspended by the court under this section shall during the term of suspension be of no effect and the person whose license is suspended shall be disqualified from obtaining a license until such person presents to the court a medical certificate in writing stating that such person is no longer habitually addicted to alcohol or drugs.

If the new clause is agreed to, it will remove from the road as a driver a person who is habitualy addicted to alcohol and will ensure that such a person will not be given a license while so addicted. If a court is satisfied that a person is habitually addicted to liquor, it can refer that individual for a medical examination and report, and his license shall not be restored to him until such time as he can produce medical evidence to prove that he is no longer habitually addicted to alcohol. I have used the word "alcohol" because in the Bill there is the curious phrase "drinks and drugs". We are chronically addicted to drink but we are not chronically addicted to drugs.

Hon. H. S. W. PARKER: The proposed new clause would really have no effect at all. It is a first offence and the offender would have his license suspended for three months and no longer. The point is that he already has his license; the day after he gets it, he is brought up under this provision and it is only a first offence. I suggest that the amendment would have greater effect if the license was suspended for a longer period than three months.

Hon. W. R. Hall: There is no term in this particular clause either.

Hon. H. S. W. PARKER: Under the law as it stands at present, he can only have his license suspended for three months. This amendment does not give the magistrate any power to go further.

Hon. J. G. HISLOP: If that is so, why cannot we alter the word "suspension" to "revoke"? I am merely asking for your advice on the matter, Mr. Chairman.

The CHAIRMAN: If the hon. member desires, the word "suspended" in the proposed new Subsection (2) could be altered to "revoked" and the new section as a whole can be put in the altered form.

Hon. J. G. HISLOP: I desire that to be done, if that will be effective.

The CHAIRMAN: Very well. I will state it in the altered form.

The MINISTER FOR TRANSPORT: There is a point dealing with the presentation of a certificate that I offer to Dr. Hislop as having a bearing on new Subsection (2). He might be able to suggest some way in which the objection could be overcome. It is agreed that the principle of the amendment is quite sound. There is nothing, however, to indicate the term of suspension nor what would happen in the event of the convicted person not being able to present to the court a medical certificate in writing stating that he was no longer addicted to alcohol or drugs. If he cannot produce this certificate, is it the intention that he has to escape any penalty, fine and/or imprisonment that might be imposed? It would be better if a time limit were set regarding the suspension and, after the lapse of the stated period, if the certificate could not be produced then the penalty could become active.

Hon. H. S. W. PARKER: I am not opposing the idea underlying the proposed new section. The first principle of any court proceedings is that a man has to be charged with an offence—that is, an offence under the law. Under Section 32 it is an offence under the law to drive a car while under the influence of drink or drugs. To bring this into operation a man would have to be charged with being under the influence of alcohol or drugs. That is no offence under the law at present.

We have drinks and drugs catered for, but not alcohol. Quasi criminal law is considered very strictly in favour of the subject—that is one of the first principles of law. Before a person could be dealt with under this section a charge would have to be laid that he drove the motor vehicle while under the influence of drink or drugs and was habitually addicted to drink or drugs. That would have to be added, otherwise he would get off with no charge. We are charging a person with one offence and finding him guilty of another, which is not permitted under the law.

Hon. J. G. HISLOP: I have no desire to move for the inclusion of a new clause that it is not possible to enforce. I think every member will agree that we ought to protect the public from a man who is habitually addicted to alcohol and who drives a car. I would ask the Minister to report progress so that something effective can be drawn up, particularly if there are so many legal points to be considered. There are times when I have been appalled to read in the newspaper that a man has been convicted of drunken driving for a third time. When he is convicted twice he is on the way to being an habitual drunkard.

To be convicted once would be enough for any ordinary man. But when he is convicted a third time, he is an habitual drunkard and the public should be protected from him. If my proposal does not afford this protection, there must be some way in which it can be done and I would ask the Minister to submit the purport of my amendment to the Crown Law office to have something appropriate drawn up.

The Minister for Transport: I will do that.

Progress reported.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS.

Recommittal.

On motion by the Minister for Transport, Bill recommitted for the further consideration of Clauses 11, 13, 14, 20 and 21.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clause 11—Rents of premises:

The CHAIRMAN: A new clause was inserted yesterday in lieu of Clause 11 which was struck out. The question is: That Clause 11 stand as amended.

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

> That in subparagraph (ii) of Subclause (2) the word "ten" be struck out and the word "fifteen" inserted in lieu.

Yesterday Mr. Craig moved an amendment to increase the percentage from 10 to 20. That was defeated. I desire to test the feeling of the Committee on the desirability of allowing an increase of 15 per cent., which I consider to be the absolute minimum to which a houseowner is entitled having regard to the increase in costs even since we dealt with this matter 12 months ago. Mr. Craig gave excellent and irrefutable reasons why an increase should be granted.

It was suggested last night that, if a rent were twice the standard, it would be subject to this increase. That is not so. The only rent a person is entitled to charge under the Act is the standard rent or the rent fixed by the court, and this expressly excludes rents that have been increased in those circumstances. The only persons entitled to an increase would be those on the standard rent, namely, the 1939 rent plus the 20 per cent. granted last year.

Hon. E. M. Heenan: That would be the great majority.

Hon. H. K. WATSON: Yes. If this increase be granted, it will represent an increase of merely 38 per cent. on the 1939 rents. I am concerned about the economic and housing position that will prevail in the years to come. Anyone having the slightest knowledge of the disrepair into which houses have fallen and the utter impossibility of keeping them in a state of good repair requires little imagination to realise that, in a few years, probably thousands of homes will have reached such a stage that they cannot be made habitable without considerable expenditure. An increase of rent now would enable them to be kept in repair.

We do not want a situation to develop here as it has in the United Kingdom through keeping rents down below an economic basis. A journal that arrived from England the other day stated that property has fallen into such a state of disrepair that owners consider it is not worth while to spend money on repairs and have made strenuous efforts to give property away. Being unsuccessful in that, they hit upon a device to escape from the obligations of municipal rates and taxes and the cost of repairs.

They put poor people into the homes and presented them with a £5 note on condition that they had the homes transferred into their names. That was the result of not having granted an economic rental. I believe somewhat the same conditions prevail in France. We should profit by the experience of other countries and ensure that a similar situation does not develop here. There is no reason at all why a shortsighted view should be taken of the question.

Hon. G. BENNETTS: I oppose the amendment. Presumably the reason why those property-owners in England wanted to give their houses away was that they had been bleeding the tenants for so many years and probably had received six times the value of the homes by way of rentals and done no repairs and so they could afford to give them away. If a house is kept in reasonably good repair, it will always have its value. Some of the Government property has been neglected for a long time, neither painting nor repairs having been carried out. Railway stations particularly were allowed to fall into a bad state. Now they are being cleaned up.

The CHAIRMAN: I hope the hon. member will be able to connect his remarks with the amendment.

Hon. G. BENNETTS: Yes, I am doing so. A further increase in rents at this stage is not warranted.

The MINISTER FOR TRANSPORT: This point was debated thoroughly last evening. In the first place I moved for a 10 per cent. increase, which I thought was justified. I resisted the attempt to make the increase 20 per cent. as I now resist the attempt to make it 15 per cent., because I think we can travel too fast and too far. This will have an effect on the basic wage. We would be unwise to go beyond 10 per cent. South Australia has not gone beyond 20 per cent. A 10 per cent. increase now will mean a total increase of 32 per cent. which, for the time being, is sufficient. Also, I have reason to believe that the amendments the Committee has made to the Bill will be acceptable in another place, but I am quite certain if the 10 per cent. is altered to 15 per cent. it will not be accepted, and there might easily be, as a result, a prolonged conference. I ask the Committee not to accept the amendment.

Hon. E. M. HEENAN: I also think the Committee would be wise to rest on what it has achieved. Blanket increases can react harshly. The standard rents on the Goldfields were fixed on a very high basis, and they have been increased 30 per cent. on dwellings and 30 per cent. on business premises, and they will now go up another 10 per cent. The general conditions there are entirely different from what they were in 1939.

Hon. L. A. LOGAN: Whilst realising that the rent of many houses could justifiably be increased by 25 per cent., unfortunately the rents of many others should not be increased by even 10 per cent. I oppose the amendment. There is to be a blanket increase whether it is warranted or not. The Government should get down to a basis where people obtain value for their money.

Hon. R. M. FORREST: I hope the Committee will carry the amendment. When we consider the costs of painting and repairs compared with what they were only two years ago, I think we will agree that

an increase of 15 per cent. is justified. I have a house that was painted 10 years ago at a cost of £50. I had it painted four years later, and it cost £150, and last year I had it painted again and it cost £250.

Hon. E. M. Heenan: The capital value has increased too.

Hon. R. M. FORREST: Yes, but the rents have not gone up. I am talking of a rented place. I have not raised the rent since 1939, but that is beside the point. I hope the Committee will agree to 15 per cent. because I consider it is little enough.

Hon. E. H. GRAY: I hope the amendment will be defeated. The Minister gave some valuable information about the position in South Australia. The Victorian Government, which is dominated by the Country Party, has refused to raise any rents at all, and there are thousands more tenanted houses there than in Western Australia. I think the provision of 10 per cent. is too much. Mr. Forrest has put forward his case, but he can get redress by going to the court.

Hon. H. C. STRICKLAND: I also oppose the amendment. In fact, I am opposed to Parliament increasing rents at all.

Hon. L. Craig: Or members' salaries?

Hon. H. C. STRICKLAND: Anyone who owns property with an enhanced value can go to the court or to the inspector and have a fair rent assessed. What is the position of the sub-standard house? The owner of such a property would not go to the court because he would know that he would not get an increase, but we are now going to say that he is entitled to an increase. That is wrong.

Hon. H. Hearn: People could not get an increase from the court unless they were undercharging.

Hon. H. C. STRICKLAND: It was done last year. The owner of a sub-standard house will receive an extra 10 per cent., and if the tenant wants to oppose the increase he has to go to the court and become liable for the costs.

Hon. G. FRASER: I remind the Committee that the members of the Property Owners' Association have agreed that whilst any of this legislation is on the statute book they will not spend any money on repairs.

Hon. L. Craig: They have not any to spend, probably.

Hon. G. FRASER: It is useless saying that the 15 per cent. is desirable because of the increased cost of maintenance.

Hon. R. M. Forrest: Get a few houses and see for yourself.

Hon. G. FRASER: If members go to Fremantle, Midland Junction or other industrial areas they will find hundreds of sub-standard houses, the rent of which was increased 20 per cent. last year, and the proposal now is to increase it by another 15 per cent. Not one penny has been spent on those places in the last 10 or 15 years. If it were not for the abnormal times, they would be condemned.

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

Ayes	10
Noes	12
Majority against	2

Ayes.

Hon. N. E. Baxter	Hon. H. S. W. Parker
Hon. R. M. Forrest	Hon. H. L. Roche
Hon. H. Hearn	Hon. J. M. Thomson
Hon. C. H. Henning	Hon. H. K. Watson
Hon. A. L. Loton	Hon. L. Craig
	(Teller.)

Noes.

Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J Boylen	Hon. A. R. Jones
Hon. J. Cunningham	Hon. L. A. Logan
Hon. E. M. Davies	Hon. C. H. Simpson
Hon. G. Fraser	Hon. H. C. Strickland
Hon E. H. Gray	Hon. W. R. Hall
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. J. G. Hislop	Hon. Sir Frank Gibson
Hon. J. Murray	Hon. F. R. Welsh

Amendment thus negatived.

Hon. H. C. STRICKLAND: With the amendment passed last night we agreed, after the word "writing," to insert the words "which agreement shall be exempt from stamp duty." I am wondering whether that might constitute a charge being made on the Crown. In Subsection (3) of Section 4 of the Constitution Acts Amendment Act it is stated that the Legislative Council may not amend any Bill so as to increase any proposed charge or burden on the people. I would like your guidance, Sir, as to whether it should not have been moved in another place as a result of a message from this Chamber requesting that it should be done.

The CHAIRMAN: I would rule that the amendment would not impose any additional charge on the Crown. The effect of it will be that the Crown will fail to receive money which otherwise would be paid to it, but it is not increasing the charge.

Clause, as amended in a previous Committee, put and passed .

Clause 13—Determination of rents:

The CHAIRMAN: If members will recall, during last night's proceedings we passed amendments to strike out certain words. Further amendments will now be required to bring the clause into proper sequence.

The MINISTER FOR TRANSPORT: I move an amendment—

> That in line 1 after the word "Where" the letter "a" in brackets thus "(a)" be inserted.

Practically all of the amendments which I propose to move have been prepared in order to tidy up the Bill as a matter of drafting because of the amendments that were passed last night.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That Subclause (3) be struck out.

These words appear further down in the clause and really belong to the new clause that we have inserted.

Hon. G. FRASER: Last night we agreed to strike out Clause 14, but I did not know that Subclause (3) of this clause was to be taken out.

The Minister for Transport: The wording of Subclause (3) is brought in after Subclause (6).

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That at the end of Subclause (4) the following words be added: "but shall not, during the fixed term, alter the rent referred to in Subsection (1) of Section 11 of this Act, of premises leased for a fixed term."

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in lines 1 and 2 of Subclause (6) after the word "court" the words "or subject to the provisions of the last preceding subsection the inspector," be struck out.

Hon. G. FRASER: I want to be sure that this amendment will not have the effect of having all applications made to the court.

The MINISTER FOR TRANSPORT: The rent inspector is referred to in the next amendment I propose to move, so these words will need to be struck out in order that the clause shall read sensibly.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 3 of Subclause (6) the words "the application" be struck out and the words 'applications' other than those made to the rent inspector, pursuant to the provisions of Subsection (2) of this section" inserted in in lieu.

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

Clause 14—Appeal from decision of an Inspector:

The MINISTER FOR TRANSPORT: I ask members to strike the clause out.

Clause put and negatived.

Clause 20—Summary recovery of possession in certain circumstances where lessor is owner:

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 15 of Subclause (2) after the word "lessee" the words "and any person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee" be inserted.

Hon. G. FRASER: I am not too happy about the word "sublessee" being inserted here. What I have in mind is a private house which is divided into flats. A lessee is a person who sublets those flats to other people, who have a definite lease, so to speak. The necessity to serve notice on the sublessee will mean it will be necessary to serve that notice on everyone in the building, and there may be upwards of 30 people there.

The MINISTER FOR TRANSPORT: If the lessee did not actually reside on the premises and the notice had to be served upon him, those living on the premises would not be aware of the notice at all. The addition of the words proposed will make sure that those to be given notice to quit actually receive it and are aware of the action taken.

Hon. G. FRASER: Will this provision make those people subject to eviction? At London Court, for instance, there are 30 or 40 flats. The premises may be leased to one person and he may sublease the flats to other tenants. In the Bill the definition of "lease" includes subleases, and if we agree to the provision it means that the whole of the sublessees could be affected by the notice given to the lessee.

Hon H. K. WATSON: That is not the position. If sublessees have been granted subleases with the written consent of the landlord, which is usually the position, then all sublessees have to receive notice under the Minister's proposal. I would have preferred the clause as it stood with notice given only to the principal lessee, but I realise in some cases where there are sublessees, all should receive notice.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in lines 15 and 16 of Subclause (3) the words "and all other persons, if any, occupying the premises with his consent" be struck out and the words "and any other person who or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee" inserted in lieu.

This amendment is the same as that previously agreed to. This will make the two provisions run parallel.

Amendment put and passed.

The MINISTER FOR TRANSPORT: The same amendment will have to be made in Subclause (4). I move an amendment—

That in lines 5 and 6 of Subclause (4) the words "and all other persons, if any, occupying the premises with his consent", be struck out and the words "and any other person who, or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee" inserted in lieu.

Amendment put and passed.

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 3 of paragraph (a) of Subclause (5), after the word "lessee", the following words be inserted:—"and any other person who or body which, with the lessor's written consent, is a sublessee, an assignee of the lessee, or is using the premises with the permission of the lessee".

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

Clause 21—Recovery of possession and ejectment generally;

The MINISTER FOR TRANSPORT: I move an amendment—

That in line 2 of Subclause (2), after the word "lessee", the following words be inserted:—"and any person who, or body which, with the lessor's written consent is a sublessee, an assignee of the lessee, who is using the premises with the permission of the lessee, and who, or which, the lessor requires to quit the premises".

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

Bill again reported with further amendments and the reports adopted.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [9.54] in moving the second reading said: This Bill was introduced in another place some time ago, and passed through the Committee stages last week. Some of the circumstances which existed when it was introduced have changed, and I will briefly state the position. At that time, agreement had been reached between the employers and the union in connection with a new award for shop assistants in the metropolitan area.

However, no action was taken to lodge the agreement with the Arbitration Court owing to a difficulty which had arisen with regard to juniors, owing to the present wording of the principal Act. Under Section 138 (a), all junior male and female workers employed in a factory, shop or warehouse throughout the State and who are not covered by an award of the court, are paid the rates prescribed from time to time by the Metropolitan Shop Assistants' Award. Therefore, if an increase in wages were granted to juniors who come under the Metropolitan Shop Assistants' Award, this increase would have to apply to all juniors who were not covered by an award or agreement. Employers were not prepared to grant substantial increases to these juniors, as the reasons for the new Metropolitan Shop Assistants' Award were peculiar to the metropolitan area.

Since the Bill was introduced in another place, two developments have taken place. The Arbitration Court increased the basic wage for women to 65 per cent. of the male basic wage, and also gave effect to the award for shop assistants in the metropolitan area. As a result of the increased female basic wage, a "rise and fall" clause was inserted in all awards in the case of female employees. This "rise and fall" clause ensured that total rates for female juniors were not disturbed.

Male juniors were not granted an increase under the new award, so both male and female juniors remained on the same rate of pay. At the present time juniors not covered by any award are receiving this rate. The purpose of this amending legislation is to remove these juniors from the ambit of the Metropolitan Shop Assistants' Award and to make provision for them under the principal Act until such time as they are covered by an award. As a result of the increased basic wage for females, the percentages of junior females were reduced by the operation of the "rise and fall" clause, although it did not mean that they received less money.

This will serve as an illustration: The present rate of pay for a female junior shop assistant at 15 years of age is £2 12s. 4d., and, prior to the recent increase in the female percentage of the male basic wage, it represented 45 per cent. As from the 1st of this month this junior's percentage has been lowered in the Metropolitan Shop Assistants' Award to 39.1 per cent. of the new basic wage, but she still receives £2 12s. 4d. per week. The percentages which are operating now under the new award in relation to juniors are as follow:—

Between—Years.	Males. %	Females. %
14-15	20	—
15-16	30	39.1
16-17	40	45.2
17-18	50	56.5
18-19	60	69.5
19-20	70	83.4
20-21	85	91.4

No percentage is required for a girl between the ages of 14 and 15 years, as the law will not allow a female to be employed at this age as a shop assistant. The proposals in the Bill will give female juniors not covered by an award or agreement a slightly higher percentage than

that obtaining at present, and they will automatically receive a small increase in wages. This will apply to all juniors with the exception of males between the ages of 20-21 years, who will remain on 85 per cent. of the male basic wage.

It is not desirable to legislate for substantial increases, as this is a matter for negotiation and arbitration. Therefore, the rates proposed in the Bill approximate those which these particular juniors are at present receiving. Round figures have been used in most cases for the sake of convenience.

I do not think that any objections can be taken to this measure on the score that anyone is likely to suffer because of it, as it represents in all cases, with the exception of the youth between 20 and 21 years, a small increase in wages. It will not mean that juniors not covered by awards will have to stay on these percentages, but it does give them a standard wage until such time as they are covered by an award.

A letter has been received by the Minister for Labour from the secretary of the Employers' Federation stating that no obstacle would be placed in the way of the union if it wished to negotiate an award to cover shop assistants employed in the South-West Division of the State. If the union considers that juniors of a particular shop district should receive more than the Act as amended allows them, it will be necessary for the union to negotiate with employers or convince the Arbitration Court that they should have the protection of an award.

The Bill contains one other amendment. The principal Act provides that a male person under the age of 14 years, and a female under the age of 15 years, cannot be employed in any factory, shop or warehouse. However, there is a weakness here. A male or female child under these ages can register and operate a factory, shop or warehouse, and the amendment is intended to remove this anomaly from the Act.

Advice has been obtained from the Crown Law Department, which has ruled that there is nothing in the principal Act to prevent a shop being registered, even though it is conducted by children who, because of their age, could not be employed by the proprietor of any such shop. It is obvious from this ruling that any child could become the registered occupier of a shop, warehouse or factory. It is not very likely that a child would become the registered occupier of a warehouse or factory, but it is possible in the case of a shop, and this could give rise to serious possibilities. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Heenan debate adjourned.

IRON AND STEEL INDUSTRY ACT AMENDMENT.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [10.3] in moving the second reading said: The Iron and Steel Industry Act of 1947 was passed by Parliament for two purposes—to authorise the Government to arrange for the development of mining any iron-ore deposit and to promote or assist in the promotion of any company having as its objective of the development or mining of iron-ore, and the establishment and carrying on of the steel industry, and to enable the Government to take shares in or make advances to any such company.

The second purpose is the aspect that is of concern regarding this Bill, and this was to ratify an agreement which had been made with H. A. Brassert & Coy. Ltd., of Granite House, Cannon Street, London, England, which agreement was set out in the schedule to the Act and was ratified by Section 5.

Members may recollect that H. A. Brassert & Coy. had for some years held leases of the whole of the Koolan Island iron-ore resources; and though it was claimed that the company had expended a considerable sum of money, the development that had taken place was not regarded as satisfactory. Also, there had been dissatisfaction owing to the relationships between the company and certain Japanese interests just prior to the war. In 1947, it had become obvious that it would be necessary for the State to have control of a substantial portion of the Koolan iron deposits. As H. A. Brassert and Coy., Ltd., was not working the leases, it was decided that no further exemption from working conditions should be granted to the company.

Following representations from the company through its secretary (Mr. Thring), who came to Western Australia for the purpose in 1947, a sub-committee of Cabinet was appointed to discuss some arrangement whereby a fair deal, as it was at that time, interpreted, could be given to Brassert and Coy., Ltd., while at the same time serving the interests of the State and ensuring that morally, if not legally, we were carrying out a reasonable part in the scheme of affairs.

The impression at the time was that an opportunity should be afforded the company to enter upon preliminary work of development of a nature that would be satisfactory, and that therefore Parliament should be asked to ratify an agreement under which Brasserts would be given half of the leases, of which the company had previously held the whole, and be given certain terms and conditions upon which it could carry on. The main terms and conditions were contained

in Clause 7 of the agreement, which specified that the Government should grant to the company complete exemption from work and labour conditions on the said leases for an initial period of four years from the date of the agreement, and the Government should have the right forthwith, at the end of the said period of four years, to forfeit the said leases if it was not satisfied with the progress achieved by the company, and if, in the opinion of the Government, further extension was unlikely to achieve the production of iron-ore in substantial quantities within what was considered by the Government to be a reasonable period.

It will be noted that the Government was to have "the right forthwith" at the end of the period of four years, to forfeit the leases, and that the right of forfeiture depended on the opinion of the Government as to whether further extension was likely to achieve the results desired. The four years expired on the 27th October, 1951. On the 26th May, 1948, the privileges, benefits and liabilities of the agreement passed to the Koolan Iron Mines Ltd. under the provisions of Clause 10 of the agreement, and the deed of covenant contemplated by the agreement was entered into by this concern. Mr. H. A. Brassert, of New York, who up to that time had some interest in the English company, retired—we are informed—from his English interests.

Early in 1949, Messrs. H. A. Brassert and Coy., New York, consulting engineers, after a visit to Western Australia by one of their representatives, offered, in accordance with the normal procedure followed in the development of any new basic industry of this kind, to take the first step in the preparation of a comprehensive report reviewing the situation; to include a survey of the raw materials and markets available; to recommend the types of products to be made, the best production methods, etc.; and to outline a definite overall programme for the proposed establishment of an iron and steel works.

After considerable discussion, and on the recommendation of the then Director of Industrial Development, an agreement was entered into providing that the Government should pay £25,000 for such a comprehensive report, and that in the event of a company being successfully formed and operating in Western Australia, the sum paid should be refunded to the Government.

I want members to take particular notice of the facts that I am now about to mention. The first is that the interest of H. A. Brassert and Coy., of London, had been assigned to the Koolan Iron Mines Ltd.; that a different concern from the one contemplated by the agreement might possibly come into existence; and that this agreement in regard to investigation was with H. A. Brassert and Coy., consulting engineers, of New York, and there was, I think, no ascertainable connection between the two.

The report is only of interest so far as this Bill is concerned to the extent that in explaining the almost complete lack of activity on the Koolan Island leases covered by the agreement of 1947, Koolan Iron Mines Ltd. suggested that it should be taken into consideration as a reason why their leases should not be forfeited under Clause 7 of the agreement.

I therefore desire to make it plain that Koolan Iron Mines Ltd., assumed no obligations in respect of the report, and paid nothing for it, and the long delay in receiving it, partly due to domestic troubles in the New York company and partly due to the serious illness of Mr. H. A. Brassert, of New York, has, in my opinion, been detrimental to the consideration which the Government might otherwise have given to the establishment of an industry here. But, in our view, it was a sine qua non that steps should have been taken to work the iron-ore deposits as a preliminary to the possibilities of implementing the report when it was received.

If members will review the agreement, they will find there was no reason why iron-ore should not have been developed, because development of the leases did not entail the use of the product in an iron and steel industry. It only gave the Government an option over the product for any purpose it might wish.

Therefore, in the opinion of the Government, some time before the expiration of the four years some apparent action, anyway, should have been taken to develop the Koolan Island leases. Instead of that, such communications as have been received from Koolan Iron Mines Ltd., and discussions that took place between its representatives and the Premier in London early this year, were much more interested in the export of iron from this country. It was indeed suggested that we should sponsor a proposal for the export of iron-ore to Japan.

When in England, the Premier had discussions with representatives of Koolan Iron Mines Ltd., and communications with the Government in Western Australia. About the middle of 1951, it became clear that no work was being done upon the Koolan Island leases; nor was there any notified intention that any work should start. Accordingly, the opinion was formed that consideration would have to be given immediately on the expiration of the four years to the forfeiture of the leases. The matter was discussed with the Minister, the Director of Industrial Development, and the Solicitor General.

The last-mentioned officer recommended that a communication should be sent to the local attorney for the company in Western Australia, and also to the company itself, asking them to show cause

why the leases should not be forfeited on the 27th October. This letter was drafted by the Crown Law Department and despatched by the Director of Industrial Development on the 4th October. The local attorney of the company called upon the Minister for Industrial Development and later, under date the 19th October, a letter was received from Koolan Iron Mines Ltd. giving reasons why, in its opinion, the leases should not be forfeited.

This letter was discussed with the Director of Industrial Development and the Director of Works, and both these officers agreed that absolutely no case had been made out by the company. While this was going on, the company without, so far as I know, consulting the Government, applied to the warden at Broome for a further exemption from work and labour conditions for a further six months, and in a letter received from the local attorney, dated the 26th October, this was stated:

> Pending consideration of the report by the State Government, the company has obtained a further exemption of the leases from work and labour conditions for a term of six months commencing on the 27th inst.

It must be noted, however, that although application was made to the warden, no decision was given by the Minister as required by the Mining Aet, and, in consequence, it was not strictly correct to say the company had obtained a further exemption—it had only obtained a recommendation from the warden. In any event, this was hardly the proper course to take in the face of Clause 7 of the agreement.

Cabinet, having carefully considered the matter, agreed that steps should be taken to forfeit the leases. There will be nothing to prevent Koolan Iron Mines Ltd., in common with other parties, both in England and elsewhere, that are now in communication with the department in connection with possible activity in the steel industry in this State, from themselves putting up a concrete proposal which, if it appeared as satisfactory as any others, and was properly safeguarded, would naturally entitle them to careful consideration.

But pending such action, if it takes place, it was in the Government's opinion desirable that the strict letter of the agreement should be carried out in view of the fact that there had been absolutely no activity on the leases, nor any clear indication of any such activity in the reasonably near future. The Crown Law Department recommended that in order finally to clear up the matter, the agreement should be repealed, and this Bill has been prepared accordingly.

Brassert's report, which was received shortly before the Bill was introduced in another place, but some time after the decision was taken to forfeit the leases, is an extremely bulky document, in fact, three copies of it weigh 12 lb. This report takes a lot of assimilating. Briefly, it indicates that although resources are available in Western Australia and technically an iron and steel works could be established, there are difficulties associated with the use of Collie coal.

These, however, could probably be overcome by the use of a pilot plant, but if a steel works were established its production would be very limited, possibly about 100,000 tons a year, and the cost would be about £11,0000,000 on present values. The possibility of establishment of a pilot plant for the purpose of coking Collie coal has been for some time, and still is, under consideration by technical officers of the Government. It is hoped that some information in this regard will be available soon. I move—

> That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and *passed.*

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

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [10.20] in moving the second reading said: Members will be aware that in 1945 an Act known as the Government Employees (Promotions Appeal Board) Act, was passed, giving the employees of the Government a special form of board to adjudicate on their appeals for promotion. Under the Act an "employee" means a person employed under the State in a permanent capacity in any department, who is, by the terms of his employment, required to give his whole time to the duties of his employment, but does not include the Chief Justice or any judge of the Supreme Court or the president or any member of the Court of Arbitration.

The board of appeal consists of a stipendiary, police or resident magistrate, who shall be chairman, and a representative of the employees and one of the department. In accordance with this definition, the members of the Police Force came within the scope of the Act, and are at present within its scope.

From time to time it has been found advisable to exclude certain employees from the operations of the Act. In 1946 an amendment was passed excluding a certain union whose members came within the definition of the Act. Later it was necessary to exclude the Rural Bank, because it was found that a more suitable

method of dealing with the promotions in respect of that institution could be arranged.

The Commissioner of Police has reported that, in his opinion, an appeal to the board by members of the Police Force is not the best form of promotional appeal that can be found. The Commissioner said that the Police Force, being a semi-military body, is different from other State departments, and that the features which have to be taken into consideration in determining the suitability of members for higher office, are different from those which would need to be regarded with respect to other departments.

For instance, a man's personal conduct, both on and off duty; his demeanour in public; his ability to control a squad of police both in public and as his staff; and his personality all have a bearing on a man's efficiency and are material in determining his suitability for promotion. The Commissioner pointed out that it has been found difficult to substantiate these qualities before a board such as is provided for under the Government Employees (Promotions Appeal Board) Act.

Before recommending any change the Commissioner of Police consulted the union, and I am informed that the council of the union made a special tour to investigate the views of the members of the Police Force in connection with the proposal to exclude the force from the provisions of the Government Employees (Promotions Appeal Board) Act, as it now exists, and to set up by regulation a special body which would be more satisfactory to the majority of the members of the Police Force. Mr. Halliday, the secretary of the Western Australian Police Union of Workers, wrote to the Minister for Police stating that the union had no objection to the Police Force being withdrawn from the provisions of the appeal board Act.

If the Bill is passed, it is intended to set up a promotions appeal board to consider appeals in connection with members of the Police Force seeking promotion. I understand that the system to be followed has the approval of the union, and I will give members an outline of the proposal. From time to time examinations will be held to ensure that the persons seeking promotion have a sufficient knowledge of the law and other matters appertaining to their duties. The Commissioner will advertise vacancies for promotion in the "Police Gazette" and call for applications from members desirous of being considered to fill such vacancies.

All such applicants for promotion may be required to appear before a selection board consisting of three persons, namely, the Commissioner of Police as chairman, the Chief Inspector of Police and the inspector in charge of the staff office. The names of the applicants selected as being suitable for promotion shall be published in the "Police Gazette", and any applicant who considers that his name should have been included in the list so published may appeal to the promotions appeal board. That board will consist of the Commissioner of Police and all available commissioned officers other than the commissioned officer stationed at Broome.

The board will consider the various appeals, and opportunity is to be given to an applicant personally to appear before it and submit his case. After that, the decision of the board is to be final except that the Minister is to have an overriding right of veto, upon the recommendation of the Commissioner. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Davies, debate adjourned.

Sitting suspended from 10.25 to 10.45 p.m.

BILL—RENTS AND TENANCIES EMERGENCY PROVISIONS.

Third Reading.

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

ADJOURNMENT—SPECIAL.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland): I move—

That the House at its rising adjourn till 3.30 p.m. tomorrow.

Question put and passed.

House adjourned at 10.47 p.m.