converted to tablet form, in most cases. I doubt very much if such tablets could be classed as medicine. If the term is taken literally, this provision could prove to be difficult.

Referring to the next amendment on the notice paper, the practice outlined has been tried by some chemists. I remember the case of the Ambassadors Pharmacy when the door had to be closed every time a customer walked in or out. If that method is to be observed when only the chemist is serving in the shop, his position would be made impossible. The advice of the Pharmaceutical Council should be obtained on these two amendments, to ascertain if they are practicable.

The Hon. A. F. GRIFFITH: I am told that the Pharmaceutical Council has been consulted. In the Bill the term "goods" was used originally, but as a result of an amendment moved in another place the word "medical" was inserted before the word "goods". Although the Government accepted that amendment, on further reflection it is considered that the word "medicines" is more specific in relation to cases of necessity or urgency. The words "medical and surgical appliances" are broad enough to cover anything required in necessitous or emergency circumstances, but would not include medicines such as cough mixtures, eye drops, sleeping tablets, baby syrups, etc.

The Hon. J. G. Hislop: Would those goods come under the term "medicines"?

The Hon. A. F. GRIFFITH: This amendment and the one following have received the approval of the Pharmaceutical Council.

Amendment put and passed.

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

> Page 68, line 10—Insert after the word "case" the following passage:—
>
> and if—
>
> (a) the shop is opened for that purpose only; and
>
> (b) the door of the shop is kept locked, except for the admission and exit of the customer.

As a result of the debate in another place, it was considered desirable to add to clause 89 (3) to provide that a chemist shop might only be open for necessitous or emergency services. In brief it provides that the shop is only to be open for the purpose of dispensing necessary or emergency prescriptions of a doctor, and that the door is to be opened and closed for each and every customer. This will ensure that the shop is not just left open while the customer is waiting for a prescription to be made up. Inquiries have revealed that the average night chemist employs staff up till 9 p.m., as after that hour most doctors' surgeries have closed, and it is only an isolated urgent prescription which has to be made up. The amendment is sought to ensure that when the door is opened, it will not be left open.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 90 to 96 put and passed.

Progress

Progress reported and leave given to sit again, on motion by The Hon. A. F. Griffith (Minister for Mines).

BILLS (2): RECEIPT AND FIRST READING

1. Abattoirs Act Amendment Bill.

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

2. Superannuation and Family Benefits Act Amendment Bill.

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

House adjourned at 12.45 a.m. (Wednesday).

Legislative Assembly

Tuesday, the 12th November, 1963

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CONTENTS—*continued*

The SPEAKER (Mr. Hearman) took the Chair at 4.30 p.m., and read prayers.

BILLS (6): INTRODUCTION AND FIRST READING

1. Native Welfare Bill.
   Bill introduced, on motion by Mr. Lewis (Minister for Native Welfare), and read a first time.
2. Licensing Act Amendment Bill (No. 4).
3. Evidence Act Amendment Bill.
4. Criminal Code Amendment Bill (No. 2).
5. Mining Act Amendment Bill (No. 2).
6. Firearms and Guns Act Amendment Bill (No. 2).

   Bills introduced, on motions by Mr. Lewis (Minister for Education), and read a first time.

QUESTIONS ON NOTICE

HILLS BUS SERVICES

Use of Modern Vehicles

1. Mr. DUNN asked the Minister for Transport:

   (1) Is he aware that buses being used on the hills route are, in the main, the oldest in the fleet?

   (2) In view of the fact that the patrons are obliged to spend long periods in the buses could he ensure that they be given the advantage of the comfort of more modern types?

   Mr. CRAIG replied:

   (1) and (2) buses used on hills routes are not considered as being the oldest in the fleet and include three of the latest types operating.

PUBLIC SERVICE

Salaries of Senior Officers

2. Mr. HAWKE asked the Treasurer:

   (1) What was the annual rate of salary prior to the last major adjustment of—

   (a) the Auditor-General;

   (b) the Public Service Commissioner;

   (c) the Under-Treasurer?

   (2) What is the present salary of each of those officers?

   (3) What are the reasons for any comparative change which may have occurred as between those officers?

   Mr. BRAND replied:

   (1) At the 31st December, 1962, the annual salary rates were—

   (a) Auditor-General—£4,308.

   (b) Public Service Commissioner—£4,418.

   (c) Under-Treasurer—£4,418.

(2) On the 1st January, 1963, they were increased to—

(a) Auditor-General—£4,750.

(b) Public Service Commissioner—£5,050.

(c) Under-Treasurer—£5,050.

(3) On the 1st January, 1963, the Auditor-General's salary was still one class below that of the other two officers, but a reduction of classes and grades in the higher brackets has resulted in a small variation in relativity.

TOTALISATOR AGENCY BOARD

Credit Betting without Cash Deposits

3. Mr. TONKIN asked the Premier:

(1) When on Thursday, the 6th October, 1960, the Minister for Police said, "Credit betting off-course in totalisator regions will no longer be legal and bets will be possible only in cash or against cash deposits or winnings held by the T.A.B." (*Hansard*, p. 1615) was he stating the opinion and intention of the Government?

(2) When on Thursday, the 13th October, 1960, the Minister for Police said that the Totalisator Agency Board agents would not be able to encourage credit betting (*Hansard*, p. 1827) was he stating the opinion and the intention of the Government?

(3) Is he aware that wholesale credit betting is being carried on with Totalisator Agency Board agents by bettors off-course in a way which is expressly forbidden by law; *viz.*, without deposits being made by such bettors?

(4) Is he aware that, in one instance, a bettor has, since the establishment of the Totalisator Agency Board, made credit bets with agents exceeding in total £40,000 without once making a deposit to establish a credit account?

(5) Is he aware that on the 6th August, 1963, a Totalisator Agency Board agent in Fremantle was convicted of having accepted bets on horse racing from persons who had not previously established a credit account for such bets?

(6) Is he aware that in a recent case in Perth when pronouncing sentence Mr. Justice Negus said: "Parliament provided that credit accounts must be established before a punter may bet through the board"?

(7) Is he aware that it was reported in *The West Australian* on the 2nd November that the ex-T.A.B. manager of Victoria had been charged with nine breaches of the Racing Act and that five of the charges related to persons being permitted to bet without having sufficient credit?

(8) Is he aware that the section of the Western Australian T.A.B. Betting Act which provides for telephone betting against a credit account previously established was, prior to an amendment made in 1962, the same as the Victorian Act, and that the amendment has not removed the requirement of a credit account?

(9) Is he aware that because the chairman of the Western Australian Totalisator Agency Board is allowing the board's agents to accept telephone bets without requiring the establishment of adequate credit accounts the board's agencies are common gaming houses?

(10) For how much longer is this disregard for the law to be tolerated?

Mr. BRAND replied:

(1) Yes.
(2) Yes.
(3) No.
(4) No.
(5) Yes.
(6) Yes.
(7) Yes, but the full facts are not yet known here.
(8) Yes.
(9) No. I am informed that proper credit accounts are established.
(10) The law is not being disregarded.

PARLIAMENTARIANS' INQUIRIES

Departmental Replies

4. Mr. JAMIESON asked the Premier:

With reference to question 14 on Wednesday, the 16th October, 1963—Members of Parliament, Departmental Replies to Correspondence—has he now given consideration to this matter and made a determination?

Mr. BRAND replied:

I have communicated with the Commonwealth Government through the appropriate channel to obtain information regarding the instruction said to have been issued recently to Federal Government departments, but so far I have not received a reply.

RAILWAYS PERMANENT WAY

Work Done by Department and Contractors

5. Mr. D. G. MAY asked the Minister for Railways:

(1) Will he advise if contractors are employed by the Western Australian Government Railways in connection with permanent way work?

(2) How long has this position obtained?

(3) What are the comparative assessed costs relative to the laying of one mile of track by—

(a) Western Australian Government Railways;

(b) private contractors?

(4) On how many occasions have railway gangs been required to restore the permanent way to the required safety standards where the original work was effected by private contractors?

Mr. COURT replied:

(1) Yes.

(2) For 12 or more years the W.A. Government Railways have used contractors for various classes of track work.

(3) (a) A comparison is difficult, but departmental work using 60 lb. rails, 75 feet long with daily traffic interruptions costs £800 per mile.

(b) Only one short section of relaying has been carried out by contract and this was done at £700 per mile using 45 lb. rails. 30 feet long. There was little traffic interruption. Renewal of joint sleepers was carried out concurrently.

(4) None. All contractors work under a departmental supervisor.

RAPID TRANSIT SYSTEM FOR ARMADALE-KENWICK

Availability of Information

6. Mr. D. G. MAY asked the Minister for Railways:

(1) With reference to the South Suburban Supplement of *The West Australian* newspaper dated the 6th November, 1963, relative to an article regarding the proposed Armadale-Kenwick rapid transit system, is the member of Parliament mentioned in possession of information regarding the Armadale-Kenwick rapid transit system which has not been made available to other members of Parliament representing the area concerned?

Timing of Plan

(2) Is the information given to the Armadale Shire Council that councillors should spend at least a year planning the scheme in its area correct?

(3) If so, does this mean that at least two years will elapse before any definite plan can be announced publicly?

Location of Terminal

(4) Is Armadale to be the special terminal for the proposed Armadale-Kenwick rapid transit system?

Mr. COURT replied:

(1) No.

(2) to (4) In view of the answer to No. (1), I assume the report deals with the ideas of the honourable member who is referred to in the Press report.

As previously stated, a lot of detailed Railways Department and Metropolitan Transport Trust planning has yet to be done. It is premature to discuss details including locations and timing.

VEHICLE LICENSES

Concessions to Pensioners

7. Mr. HALL asked the Premier:

As charitable organisations and public bodies will be exempt from all payments under the Stamp Act Amendment Act (No. 2), 1963, will he give consideration to allowing pensioners receiving concessional vehicle licenses and T.P.I. pensioners the same consideration?

Mr. BRAND replied:

Where the T.P.I. pension is the total income of an ex-serviceman or the gross income of a civilian invalid pensioner does not exceed the basic wage, a free license is granted under the Traffic Act, and accordingly those pensioners will qualify for exemption from stamp duty under the provisions of the Stamp Act Amendment Act (No. 2), 1963. It is not proposed to extend the exemption to other classes of pensioners.

HOUSING FOR PENSIONERS

Provision of Cottages at Albany

8. Mr. HALL asked the Minister representing the Minister for Housing:

As the State Housing Commission is now in the throes of planning a new suburb for Spencer Park area, Albany, will he undertake to make provision in the overall plan for the erection of—

(a) single pensioners' cottages:

(b) double unit pensioners' cottages?

Mr. ROSS HUTCHINSON replied:

Consideration will be given to the honourable member's request.

HOUSING AT MERREDIN

Erections from 1953 to 1963

9. Mr. KELLY asked the Minister representing the Minister for Housing:

(1) How many new homes were built by the State Housing Commission in Merredin in each of the years 1953-1963 inclusive?

Outstanding Applications

(2) How many applications for State Housing Commission homes are outstanding at present in Merredin—
(a) railway employees;
(b) other Government employees;
(c) all other applicants?

Homes under Construction, and Allocations

(3) How many homes are in the course of construction at present?

(4) How many new homes, other than those being built, have been allocated to Merredin and when are they scheduled for completion?

Mr. ROSS HUTCHINSON replied:

(1) New homes built—

1953-54	14
1954-55	8
1955-56	23
1956-57	24
1957-58	24
1958-59	9
1959-60	27
1960-61	21
1961-62	26
1962-63	14
1963	2

(2) Applications outstanding—

(a)	13
(b)	5
(c)	24
	42

(3) 4 houses.

(4) 5 houses. Tenders to be called in January. Merredin has a vacancy rate of 25 houses per annum.

TIMBER ON CROWN LAND

Cutting Rights under Lease of Nelson Location 8294

10. Mr. ROWBERRY asked the Minister for Forests:

(1) Was any clause included in the lease of Location No. 8294 situated at Cundinup and held by D. P. Humble and Sons, under section 20 of the Land Act, permitting the lessee, licensee, or selector to cut such timber on Crown lands as may be required for domestic uses. for the construction of buildings, fences, stockyards, or other improvements on the land so occupied?

(2) If indeed this clause was so included, what method is used to assess the requirements listed above?

(3) Has the local forests officer the right of veto, or is the matter settled by arbitration?

(4) If the clause aforesaid was not so included and the lease, Crown grant, or license is subject to regulation 14 (1) published in the *Government Gazette*, of the 19th November, 1958, page 3009, on what basis are the terms *"bona fide"* and "reasonable requirements" determined?

Mr. BOVELL replied:

(1) The original conditional purchase lease over Nelson Location 8294, issued to Fedele Gianoni, was subject to the usual marketable timber reservation to the Crown, which permitted the lessee to fell such timber in the ordinary course of *bona fide* clearing for cultivation and use of any of such timber felled for his own reasonable requirements in connection with farming operations on the said lands.

The "marketable timber" reservations were carried on to the present certificate of title, which is in the name of D. P., A. D., and B. J. Humble.

(2) A discussion between the settler and the forest officer usually results in an amicable arrangement for the retention of trees to meet the settler's estimated requirements of timber. In practice, the settler generally makes the approach to the local forest officer.

(3) No. If a settler feels that insufficient timber is being retained, he can submit his case to the Conservator of Forests who will arrange for a review by higher authority.

(4) A liberal interpretation is given to the words *"bona fide"* and trouble is rarely experienced in arriving at a settler's "reasonable requirements," on the basis set out in No. (2) above.

RENTAL HOMES AT MT. LOCKYER

Number and Rent Collected

11. Mr. HALL asked the Minister representing the Minister for Housing:
ing:

(1) How many State rental homes are in the Mt. Lockyer area, Albany?

(2) What is the amount of rent collected annually from State rental homes in the Mt. Lockyer area, Albany?

Cleaning, Renovating, and Maintenance

(3) What amount of revenue was received by the State Housing Commission as claimed for cleaning and renovating from outgoing tenants for the years 1961-62 and 1962-63?

(4) Of the revenue received from outgoing tenants, how much was spent on general cleaning work and how much on general maintenance on State homes in the Mt. Lockyer area, Albany?

Mr. ROSS HUTCHINSON replied:

(1) 277 houses
12 cottage flats

289

(2) to (4) As this information is not normally segregated, substantial research is necessary and the honourable member will be informed as the answers are available.

RESUMPTIONS AT KEWDALE

Landholders Affected, Houses Resumed, and Areas Vacant

12. Mr. JAMIESON asked the Minister for Works:

(1) Have resumption notices been sent to a number of property holders in and near President Street, Kewdale, for the purpose of acquiring a site for a high school?

(2) How many landholders are affected?

(3) How many houses will be resumed?

(4) What areas of vacant land are held by the Crown within a mile of the proposed high school site?

(5) Is he aware that a considerable amount of vacant land exists in the immediate vicinity?

Mr. WILD replied:

(1) Notices of intention to resume have been issued.

(2) 20.

(3) 8 houses are covered by the notices.

(4) (a) 23 acres in Abernethy Road held by the Metropolitan Region Planning Authority.

(b) 44 acres adjacent to the proposed school site held by the Metropolitan Region Planning Authority.

(c) 8 acres in the vicinity of Mars Street and Kew Street, held by the State Housing Commission.

(d) 4 acres in scattered building lots held by the State Housing Commission.

(e) 20 acres in the vicinity of May Street and Abernethy Road held by the State Housing Commission.

(f) 4 acres in the vicinity of Kew Street and President Street held by the Metropolitan Water Supply, Sewerage, and Drainage Department.

(g) A considerable amount of land between Welshpool and Kewdale is held for development works such as railways, roads, markets, etc.

(5) Yes.

QUESTIONS WITHOUT NOTICE

MIDLAND JUNCTION ABATTOIR

Rebates on Cattle Slaughtering Charges

1. Mr. TONKIN asked the Minister for Agriculture:

What are the amounts which the Midland Junction Abattoir Board has allowed as rebates on cattle slaughtering charges during the financial years 1961-62 and 1962-63, and which firms or persons were given the rebates respectively?

Mr. NALDER replied:

1961-62	£	s.	d.
Star Broken Meats	101	4	6
Boans Ltd.	46	16	6
Dundas & Son	41	9	7
Delicate Meats	119	5	6
Gray, R. K. & B.	55	2	5
Curran, B. G.	1,328	8	11
Hendley, B.	18	18	8
Johnston, W. O. & Sons	2,310	9	11
King, C. B. & Co.	258	11	5
Lee Bros	679	10	6
McAuliffe, J.	13	5	2
McLennan, C.	10	17	5
Maloney & Son	50	11	7
Morris, B. C.	10	8	8
Metro Meat Traders	96	2	2
Nelsons Meat Markets	190	2	0
Patton, J. & A.	260	6	5
Inglewood Butchers	57	11	4
Globe Meats	1,484	9	11
Paragon Butchers	13	1	9
Patton Export Ltd.	374	5	8
Dick Bros	197	14	9
Rooke, R.	196	1	6
Saggers, N.	10	15	8
Schell, E.	45	13	4
Tip Top Butchers	109	2	1
Victory Butchers	48	11	2
Waddell, O. A.	100	1	10
Department of Agriculture	11	3	2
Link Meats	141	15	0
Swan Export Co.	121	0	6
Total	£8,502	19	0

1962-63	£	s.	d.
Butler, W.	50	7	3
Pope, W. & Co.	14	14	9
Star Broken Meats	103	1	9
Boans Ltd.	43	10	0
Dundas and Son	43	19	6
Link Meats	535	7	1
Gray, R. K. & B.	58	7	5
Curran, B. G.	1,988	19	1
Hendley, B.	45	2	4
Johnston, W. O. & Sons	3,494	1	9
King, C. B. & Co.	182	7	11
Lee Bros.	1,603	3	11
Draffen Bros.	19	11	1
McAuliffe, J.	12	1	8
McLennan, C.	11	11	4
Maloney & Son	56	5	5
Morris, B. C.	14	8	6
Metro Meat Traders	100	9	0
Nelsons Meat Markets	385	11	10
Patton, J. & A.	1,322	6	3
Inglewood Butchers	58	8	10
Patton Bros.	11	1	8
Globe Meats	2,050	5	0
Paragon Butchers	16	2	9
Dick Bros.	176	12	3
Rooke, R.	192	11	0
Schell, E.	41	19	1
Tip Top Butchers	269	13	6
Swan Export Co.	1,349	14	5
Victory Butchers	114	19	10
Waddell, O. A.	92	11	6
Total	£14,459	7	8

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Position on Notice Paper

2. Mr. TONKIN asked the Premier:

As it has been our experience in recent sitting days that Government requirements have necessitated considerable alteration of the notice paper, will he indicate now whether it is his intention to effect any alteration to the notice paper as printed today in regard to items 1 to 10 which precede the Industrial Arbitration Act Amendment Bill (No. 2)? My purpose in asking the question is to ascertain whether this item is likely to come on for debate today.

Mr. BRAND replied:

No; I intend to stick to the notice paper.

STATE FORESTS

Revocation of Dedication: Motion

MR. BOVELL (Vasse—Minister for Forests) [4.49 p.m.]: I move—

That the proposal for the partial revocation of the State Forests Nos. 4, 14, 22, 23, 29, 38, 49, 51, and 65 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the 7th November, 1963, be carried out.

Under section 21 of the Forests Act, 1918-1954, a dedication of Crown land as a State forest may only be revoked in whole or in part in the following manner:—

(a) The Governor shall cause to be laid on the Table of each House of Parliament a proposal for such revocation.

(b) After such proposal has been laid before Parliament the Governor on a resolution being passed by both Houses that such proposal be carried out shall, by Order in Council, revoke such dedication.

(c) On any such revocation the land shall become Crown land within the meaning of the Land Act.

Each year the Conservator of Forests recommends certain revocations of State forests because of representations that have been made to the effect that the areas of land have been considered redundant for State forest purposes. In this case I will enumerate the areas briefly. They are—

Area No. 1:

About 3 miles east of Collie. Approximately 30 acres comprising a 3 chain strip of land required for a deviation of the Collie-Narrogin railway.

Area No. 2:

Comprising 3 parts situate about 2, 4, and 5 miles south of North Dandalup.

Total area approximately 156 acres of mostly scrubby marri country with steep rocky slopes carrying a small quantity of jarrah.

It was applied for by an adjoining landholder for the purpose of providing a better boundary between his property and State Forests on which fences, firelines, and tracks could be constructed.

Area No. 3:

About 1 mile south-east of North Dandalup.

Approximately 19 acres of poor forest country applied for by an adjoining landholder.

Area No. 4:

About 3 miles west of Dwellingup.

Approximately 46 acres of dieback country applied for by an adjoining landholder.

Area No. 5A:

About 3 miles north-east of Kirup.

Approximately 57 acres of good agricultural gully land carrying no marketable jarrah and required together with area 5B for a land exchange with a nearby landholder.

The exchange will consolidate the areas proposed for pine planting near Kirup and also benefit the landholder.

Area No. 5B:

About 1 mile south-east of Kirup.

Approximately 38 acres of dieback country required together with area 5A for a land exchange in connection with the proposed pine plantation near Kirup. It is gully land containing good agricultural soils.

Area No. 6:

About 9 miles south-east of Manjimup.

Approximately 38 acres comprising portion of a disused tramway strip no longer required for access to State forest.

Area No. 7:

About 2 miles east of Kirup.

Approximately 18 acres carrying a very small quantity of timber to be exchanged with an adjoining landholder for approximately 16 acres of undeveloped country for the purpose of consolidating the areas proposed for pine planting near Kirup.

It will also permit the adjoining landholder to extend his orchard.

Area No. 8:

About 10 miles north-west of Narrogin.

Approximately 60 acres of poorly stocked forest carrying a few stunted wandoo and marri and a small pocket of jam trees, applied for by adjoining landholders.

Area No. 9:

About 4 miles north-east of Wanneroo.

Approximately 14 acres isolated by a recent deviation of Neaves Road and applied for by an adjoining landholder.

Debate adjourned, on motion by Mr. Graham.

TRAFFIC ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr. Craig (Minister for Police), and transmitted to the Council.

ABATTOIRS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 7th November, on the following motion by Mr. Nalder (Minister for Agriculture):—

That the Bill be now read a second time.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [4.54 p.m.]: I listened very carefully to my colleague, the member for Merredin-Yilgarn, when he was dealing with the Bill, and I agree absolutely with his criticism of it. I think an inquiry is not only justified but most desirable; and I shall give my reasons for that conclusion as I proceed.

In 1952, the McLarty-Watts Government made its first attempt to interfere with the Midland Junction Abattoir. I happened to be the Minister for Agriculture when the present manager was selected from a list of applicants and appointed to his position. He was appointed because his application was most outstanding; and, in my opinion, he has fully justified what we thought about him at the time we appointed him. That is to say, he has shown a very tight control of the business; he has been most efficient; he knows the job as well, I would say, as anybody in the State; and he has developed the works from a very ordinary show to what is now a well-equipped and efficient abattoir.

I was very critical back in 1952 when the Government proposed to make this change to a board because I could see no good in it; and, at the same time, I thought it was being done for the purpose of ensuring benefits to a certain section of the community; and I am convinced that was the purpose.

The manager, of course, would not play along with anything like that, so a board was established to take the control out of his hands and make it possible for the board, if it so desired, to present favours to its friends at the State's expense.

At the time the proposal came forward to put the control of the abattoir under a board, the present manager had the opportunity of going to a very good position in Tasmania; and he had, if my memory serves me correctly, actually agreed to go, so that had the Tasmanian authorities insisted upon his going I think they would have had a contract which could have been enforced.

The Minister for Agriculture at the time (the late Garnett Wood) spoke to the manager of the works and requested that he remain with the works; and Mr. Wood undertook to make representation to the Tasmanian authorities to get them to release the manager from the undertaking which he had given to go to Tasmania. That a Government would go to such lengths is indicative of the fact that it had great confidence in the ability of the manager and felt that in the interests of the State he should be retained here so that we could have the benefits of his talents.

The Government having achieved its desire to take the control from him and put the abattoir under a board, then having the advantage it expected to obtain from the board, sought to retain the

efficiency of the works. In the meantime the board has taken control and introduced a system of rebates on slaughtering charges calculated, in my view, to give a bonus to certain favoured individuals. I can seen no justification for that at all. It does not apply generally; and it means, according to the figures submitted this afternoon, a very considerable sum of money, which should remain with the works.

That a Country Party Minister would stand for this passes my comprehension. The benefits go to the supporters of the Liberal Party. The Premier might laugh about it, but it is a fact.

Mr. Brand: Get on with the Bill!

Mr. TONKIN: Would the Premier like me to mention some names?

Mr. Brand: I do not mind if you mention the names; they must be public if you have them.

Mr. TONKIN: They have not been made public previously.

Mr. Brand: Well, go on! It doesn't matter; you haven't found anything very new.

Mr. TONKIN: Nothing alters the fact that these benefits, in large lumps, go to the Liberal Party.

Mr. Brand: So you say.

Mr. TONKIN: And I am surprised that the Country Party would play along with this.

Mr. Heal: They would play along with anything.

Mr. TONKIN: According to the annual report, these so-called rebates on slaughtering charges were supposedly introduced to encourage people to use the works.

Mr. I. W. Manning: That is more practical.

Mr. TONKIN: What? For the board to give benefits?

Mr. I. W. Manning: No, to encourage people to use the abattoir.

Mr. TONKIN: That is what this gives, in large lumps!

Mr. I. W. Manning: They are running into a lot of opposition with the country abattoirs, you know.

Mr. TONKIN: From this return which I gratefully obtained from the Minister for Agriculture by means of a question without notice, it is found that for the year 1961-62 the works paid back a total of £8,502 19s.; and if one looks through this list one is struck by a number of names that are missing; names of people who use the works. I will have to make further inquiry about that later, but there are some people who use these works whose names do not appear in this list. I am wondering why.

In 1962-63, the total amount of rebates was £14,459 7s. 8d. These were charges which the works were entitled to retain. The works paid that amount back to those users to encourage them to use the works. That mystifies me. We have established a specially-equipped abattoir, on which a considerable amount of money has been spent to provide a service for people who want to use the abattoir. Why then is it necessary to give them a rebate on slaughtering charges to get them to use the place which was established for their use? If the charges are correct in the first instance, there appears to me to be no sound justification for granting these large rebates to some persons who use the works, because that is what appears to be happening.

Mr. J. Hegney: What, not to all?

Mr. TONKIN: I am not in a position to say that definitely at the moment, but more people are using the works than those whose names appear in this list, so it looks as though only some qualify for rebates, and others do not. I am wondering why. I am wondering how that comes about.

It is true that for the year 1962 the works did incur a net loss of some £7,000, but as they had paid back rebates amounting to £8,502 19s. during the year, instead of showing a net loss they should have been operating at a profit. What position is the abattoir in to make a repayment to the users which will turn an operating profit into a loss? That is exactly what happened. According to the annual report, the net loss for the year was £7,292. That was after repaying to some users of the works an amount of £8,502 19s. by way of rebate. That is a strange way to run a business. Conduct it as a profit, and then give all the profit away so that a loss is shown, and give it away—so it seems to me—to some preferred people instead of letting all the users share in the money that is rebated.

We then come to the present year when a greater profit is obtained than in the previous year despite the fact that in this year there has been a rebate of £14,459 7s. 8d. On the charges that have been levied, that is a lot of money to give back after the accounts have been met. The people who use the abattoir know what the charges are. What entitles them to this particular rebate on the slaughtering charges? I think there is an obligation on the Minister to explain the system under which this operates, giving us the details as to who qualifies, whose proposal it was, and whether it emanated from the manager of the works or whether the idea came from one or more members of the board—because this rebate system does not benefit the works.

It is no advantage to the works to pay this money back; it is a disadvantage. Happily, I do not know of any other works which follows the same method. What would

happen at the State Engineering Works, for example, if they thought it incumbent upon them to start to repay to those who gave them jobs a proportion of the charges already involved? That seems to me to be a strange way of doing business. Charges are levied for the work to be done at the abattoir; and then, having levied the charges, the works forthwith turn a profit into a loss by giving some of the money back to those who use the works. Some of the rebates are very substantial. Here are a few—

	1961-62	1962-63
	£	£
Curran, B. G.	1,328	1,988
Johnston, W. O. & Sons	2,310	3,494

Mr. Kelly: Christmas boxes!

Mr. J. Hegney: I think I have heard that name "Johnston" before.

Mr. TONKIN: Continuing—

	1961-62	1962-63
	£	£
Globe Meats	1,484	2,050

Are these companies in such a state of penury that the Government has to subsidise them in this way?

Mr. Hawke: We should have a button day for them.

Mr. TONKIN: It seems to me to be an astonishing state of affairs that a State works should incur a loss of £7,000 in order to make some substantial proportionate rebates of charges made for services rendered. I do not accept for one minute the explanation given that this was done to encourage business. These people who want cattle slaughtered cannot do it themselves. If the Government requires that a properly-registered abattoir should be used for the purpose, those people will have to use it at the charges levied so that the work can be done at those charges.

What justification is there for giving these large handouts to certain persons who want to use the facilities which have been provided? I just cannot follow that; and I think there is an obligation upon the Minister to make some explanation about it, because it would appear to me to justify what the member for Merredin-Yilgarn said about a Royal Commission being necessary to ascertain just what is going on in this direction.

I now come to this latest proposal. From where does it emanate? This is only going to increase again the costs of administration, and further divide the control, with no possible advantage accruing to the works; so one wonders why it is being done. Whose idea was it? Is this the result of some Minister's visit to the Eastern States when he collated some ideas? From what source would a suggestion such as this come? I suggest it might have come from some of those persons who have received these large rebates and who want still larger benefits; and so they desire to divide the control, make it more difficult for the man in charge to keep his eye on matters, and make it easier for those who want to help their friends. That is how it appears to me.

When this board was set up, did members have more frequent sittings as time went on; and, if they did, for what purpose? If their sittings became more frequent, it would suggest increased business, and therefore there would be no necessity to give rebates to obtain that business. When the Bill was introduced it was explained in a fashion, but the information which should have been submitted at the time was not submitted. I suggest the Government has an obligation to explain the real reasons why this charge is considered necessary. Instead of saying in effect, as it did, "We have made up our minds to have another go at the abattoir, and so we propose to take this action", the Government should have said, "No, the existing control by the board which we set up has not met our requirements. It is a failure with respect to A, B, and C; and in order to improve the position for the State—not for certain butchers—we propose to divide the control still further, and divide the present manager's job into two." Sound reasons should be given to support that proposal, if indeed a sound reason exists; which I very much doubt.

What is going to happen to the present controller? Are his services to be retained now, or does not the Government care? Having had the benefit of his services since 1952—as a result of the Government's representations to him—and to Tasmania—with a view to keeping him—is the Government now content to let him go? I think we ought to be told what the situation is.

What I would like to know also is this: If he is to be retained, is his salary going to be reduced—because he is going to have less work to do—or is his present salary to be paid, and a further appointee given a somewhat similar salary? If that is to be the case, what is the justification for increasing the cost of administration in that way?

That is information which we are entitled to have before we can give our approval to this Bill. I gather from an interjection from the member for Harvey earlier that he is 100 per cent. in favour of this. I very much doubt whether he knows anything about it. That is my firm opinion. I doubt whether he has had an opportunity to make himself familiar with the contents of the Bill and the purpose behind it. I do not blame him for that. I say it is a circumstance which we have to take into consideration.

Mr. I. W. Manning: I am well aware of what is going on.

Mr. Bovell: I am glad you clarified whom you were talking about, because he is the member for Wellington.

Mr. TONKIN: I am very glad the Minister corrected me, because I was under the impression he was the member for Harvey. I suppose, however, that is because he speaks so infrequently that one does not get the opportunity to learn.

Mr. Bovell: Don't forget that he is the Chairman of Committees.

Mr. Ross Hutchinson: One cannot say that you speak infrequently.

Mr. TONKIN: When I referred to the member for Harvey, I honestly felt he was the member for Harvey.

Mr. Bovell: He was once, as I was once member for Sussex.

Mr. TONKIN: The remarks I directed to the member for Harvey—or the supposed member for Harvey—apply with equal force to the member for Wellington. This is a Bill which should require every member of the Country Party—I cannot expect the Liberals to be worried, because it is their friends who will benefit—to sit up and take notice, if only to share in the benefits; because it is perfectly obvious that the board, with this new policy which has been instituted over the last two years, has conferred substantial benefits on one section, at the expense of the general community. I say that because, if works operating at a profit finish up operating at a loss, it is the community which bears the loss.

Mr. O'Neil: They made £39,000 this year.

Mr. TONKIN: They would have made £47,000 or £53,000. The people have to carry the burden if a loss is sustained; and the works sustained a loss in 1961-62, because they were obliged, as a result of the policy of the board, to give back money to certain users to the extent of £8,500; and for the financial year ended the 30th June last to the extent of £14,459. This was not given for any special service rendered to the works; it was not given for any benefit conferred on the works, but as a rebate on the charges which had been imposed for the work which was carried out on their behalf.

That is what I expect the Minister to attempt to justify. Of course it is becoming common for this Government to bring legislation here after having made up its mind to do something, and to try to use its numbers to get the legislation through, irrespective of whether it has any merit or not. We have not been told anything which suggests that there is merit in this proposal.

It is unfair to the controller who, had he been allowed to go his own way in 1952—when the Government set up a board—would have been safely ensconced in a very lucrative position without the threat contained in the Bill. But he was kept here as a result of special representations by the Minister for Agriculture of the day—a Country Party Minister—who asked him to stay here so that the State could have the benefit of his talents; and he stayed.

Now what is he faced with? He is to have his job cut in two. He will be reduced in status and will probably be no more than a foreman. We do not know whether his salary is to be reduced, or whether he is to retain his present salary with less work to do—which, of course, will be very hard to justify. The poor old State will pay; just as it paid when the State Building Supplies was sold, and when Mr. Gregson was brought in and allowed to run around doing very little on the same salary.

It is the same old pattern; the public will pay the bill. It is a case of, "This is our policy, and we will do it irrespective of the cost. The public will pay." The Government is hell-bent on a certain policy and line of action. That is what is happening with regard to this legislation.

I agree with the member for Merredin-Yilgarn that there should be some inquiry into this matter to see just what has been going on since the board was established; to see what is behind the present proposal. One will search without result to find any reason given in the Minister's second reading speech for this revolutionary change in the works. If the manager were inefficient, or if the job were beyond him, one could understand the Government making some other arrangements to improve efficiency; but that is not the position at all.

The manager is a most efficient man. He has made no suggestion that he is overworked. We have not been told whether the board made any suggestion that he is overworked and that the change should be made. I do not know whether the suggestion came from the board or not. I would be surprised if it did. It certainly did not come from the manager. It could not come from the manager. So from what source did it come? That is a very important thing to know; because if it came from certain sources whence I think it came, it would be suspect straightaway. The suggestion would be that certain individuals were receiving a personal benefit —not the State; that would not be the criterion. Whoever recommended these changes would be recommending them for personal gain; and the State is expected to carry the cost of it.

Under those circumstances I am not prepared to support this legislation; and I hope that some members of the Country Party will look very closely into it, and ask for answers to some of the questions before they support the legislation. I am surprised at a Country Party Minister bringing legislation of this kind to Parliament for its approval. There are more important things to be done which could be justified, without our wasting our time on this matter, which will be of no benefit to the State whatever. It will not be of the slightest benefit to the State.

Mr. Kelly: Nor to the producers.

Mr. TONKIN: Nor to the producers. But it will definitely be of benefit to a certain privileged few. I oppose the Bill.

MR. W. A. MANNING (Narrogin) [5.26 p.m.]: We have listened to some amazing statements both today from the Deputy Leader of the Opposition, and last week from the member for Merredin-Yilgarn. They are both apparently searching for niggers in the woodpile.

Mr. Kelly: And there are plenty of them.

Mr. W. A. MANNING: The only thing is that there are not enough woodpiles to satisfy the members who have spoken. We had the amazing spectacle last week of the member for Merredin-Yilgarn telling us how the present Controller of Abattoirs was able to show a profit last year of £39,000, even though he was a few thousand pounds behind in 1962. The honourable member told us what a good manager he was in producing a profit.

Yet, today, the Deputy Leader of the Opposition seeks to prove that the manager is of no value whatever, and he attempts to do this by producing a list of people who obtained rebates. He also said the board was offering rebates to people who had not earned them.

Are we to accept what the member for Merredin-Yilgarn says in his praise of the management; or are we to take notice of the Deputy Leader of the Opposition, who produced the figures he did in an effort to argue that there is mismanagement in the concern? I just cannot follow the argument at all, particularly that put up by the Deputy Leader of the Opposition. He made up his speech with statements like, "I do not know this," and, "I do not know that."

Mr. Tonkin: Neither do you.

Mr. W. A. MANNING: The Deputy Leader of the Opposition could have gone on for hours telling us the things he did not know. It amazes me how he was able to make up the speech he did, because it is obvious he has not looked at the situation as it stands. Instead of trying to gloss over the facts with extraneous matters; and instead of telling us what was going to happen to the present manager, and suggesting he was going to be made an abattoir supervisor, the honourable member should have given more attention to the actual facts of the case.

The statements made by the Deputy Leader of the Opposition are beyond my comprehension, because there is no suggestion that the services of the present Controller of Abattoirs (Mr. Rowland) are to be dispensed with; or that he is to be derated. All this could be done without resorting to the Bill. There is no connection whatever between the two suggestions put forward by the honourable member and the purpose contained in the Bill.

Had the members who have spoken known anything about the matter, they would have known that the present controller is Manager of the Midland Abattoir, and also Controller of Abattoirs throughout the State. Had these members followed the trend in recent years, they would have known that abattoirs have been established in various parts of the State; that there has been a move towards decentralisation of abattoirs; and that there is need for advice in the control of abattoirs arising in various places, regarding exports from different outports of the State. There is a great need for advice when different situations arise; and if we have one man whose responsibility it is to manage the Midland Junction Abattoir and control all the other abattoirs throughout the State, it is impossible for him to give the necessary advice. The same type of advice will be required concerning all abattoirs.

In fact, the situation is this: The present manager of the Midland Junction Abattoir is responsible for the successful operation of that establishment, and he cannot get that out of his mind—and he should not do so. However, this does limit his possibilities as controller. How can he go around the State advising other abattoirs on their methods, on the establishment of their buildings, on the plant they are to install, and their methods of business, when, in fact, those abattoirs are in a position—if one could put it this way—to compete with the abattoir he is managing at Midland?

The two positions oppose one another; and it should be obvious to anyone who heard the two members who have spoken that they did not understand the position at all, or they would not have said the things they did in this House. The present Act requires that the controller shall hold the two jobs. However, the object of the Bill is to separate the two positions because of the inability and inadvisability of one man holding those two positions which, on certain occasions, are quite contrary to one another.

It is necessary to separate those positions because of the present progress of the State and the progress of the meat industry. If one looks at the figures, one will see that the industry is going forward by leaps and bounds and there is definitely a necessity to have a controller of abattoirs in this State who is free as a controller and not tied down with the management of any one concern. There is nothing to indicate that the present manager is to be derated. As a matter of fact, if he were appointed controller of abattoirs of the State—and he might be—no derating would be concerned. He

might choose to be manager of the Midland Junction Abattoir. I do not know which position it will be.

He has proved himself capable of holding either of these positions. The thing that stands out is that the two positions decidedly need separating; and the decision to do this has nothing to do with Mr. Rowland's personal position. I know from my own experience that Mr. Rowland is capable of giving all the advice that is required, but he does not have the time, as he is too occupied at the Midland Junction Abattoir. I feel the many words spoken on this Bill are entirely off the track.

Mr. Kelly: You are well off the track yourself.

Mr. W. A. MANNING: I am not. I know what I am talking about.

Mr. Kelly: You may know; but we don't.

Mr. W. A. MANNING: The honourable member does not know: I could tell that by his speech. At present it is desirable that two men occupy the position which Mr. Rowland now holds. Both of those men will need to be capable; and Mr. Rowland will be able to hold one of the positions. If the positions are separated I would say it would be to the advantage of the meat industry in this State and, therefore, to the primary producers of sheep, cattle, and pigs. The two positions should be separated and the present controller freed from the management of the Midland Abattoir or from his duties as controller throughout the State, so that whoever is appointed to these positions can specialise in the job. I think the House should strongly support the Bill.

MR. **BRADY** (Swan) [5.34 p.m.]: As the Midland Junction Abattoir is in my electorate of Swan I am most concerned at the proposed amendments submitted by the Government. I feel to some extent this Bill could be to the primary producers —they were referred to by the member for Narrogin—what the Industrial Arbitration Act Amendment Bill is to a lot of workers. The returns for stock received by the primary producers, both now and in the future, will depend to a great extent on the efficient working of the abattoirs. If the abattoirs are managed inefficiently, the result will be reduced prices and increased costs. Therefore, at this stage of our history, I am of the opinion that it is inadvisable to make any changes at the Midland Junction Abattoir as we know it.

As you know, Mr. Speaker, I was opposed to the setting up of a board in 1952; and I do not think the board has added anything to the overall position of administration at the abattoir. But it has added some extra costs. Of course, these costs have to be met by the primary producers and the people who consume the meat.

This establishment has made great strides in the face of many difficulties. I do not know whether members of this House are aware that from 1952 to 1962 the turnover of cattle almost doubled from 46,122 in 1952 to 71,627 in 1962. Calves remained about the same; and sheep have gone up from 262,000 to 414,000. Lambs have increased from 236,000 to 438,000; and pigs have almost trebled from 27,302 in 1952 to 76,717 in 1962.

The important thing is that during this period there have been major alterations and improvements to that abattoir, and the man responsible for the overseeing, the planning, and the development, and for dealing with the difficulties on the industrial side and generally looking after the smooth working of this abattoir at a time when it was vital to the State is none other than the controller and general manager (Mr. Rowland). Having brought about this state of affairs, it would appear from the Bill—as I see it—that the controller is on his way out. Those might be hard words; but it would seem that this man, who never gives way to the left or the right, to any political party, to any individual, to any board, or to anybody else, but does what he thinks is right for the industry, is on his way out.

Under this measure there will be dual control; and it almost seems as though we will have a repetition of what took place in the railways when three commissioners were in control. Those commissioners carried on until such time as they almost brought the railways to a standstill. Here we will have history repeating itself because the Government is going to supplant a man who will give way to nobody provided he thinks he is doing the right thing for the industry.

This industry has a turnover of about £1,500,000 per year, and it is growing all the time. It now caters for the export market in a big way; and many of our local master butchers and exporters are using the abattoir for export purposes. Therefore, we cannot afford to take any risks. If this measure is passed, I can see the possibility of other abattoirs opening up throughout Western Australia, and that could be the kernel in the nut. It may be that people can foresee abattoirs opening up in their districts; and if that is so, it will sound the death knell, to a large extent, of the successful operation of the Midland Junction Abattoir; because if the figures at that abattoir are reduced, the costs will go up as sure as night follows day. It is not possible to have a reduced turnover and keep costs down; and the very people who may feel they are going to obtain some advantages by transferring the work from the Bushmead abattoir to some other abattoir in a country district are going to be those who will pay the penalty.

Like the Deputy Leader of the Opposition and the member for Merredin-Yilgarn, I am of the opinion that the Government should have a second look at this measure so that an establishment that has proved itself will not be damaged. A loss of £7,000 has, in the current year, been turned into a profit of £39,000; and the investment in these works justifies a profit around that figure and more in order to obtain a decent return on the capital expenditure. I think that the Government should have a look at the overall position and find out why certain people are receiving rebates on their activities at this abattoir. We should also look at the position to see whether rebates are justified, particularly as some people are not receiving them.

It could be that a Royal Commission might ascertain what the overall position is. It is unfortunate that down the years there have been half a dozen inquiries into this industry. The last inquiry took place about 20 years ago when a Select Committee inquired into the position and submitted its report. Because of those inquiries, the people of the department administering the abattoir knew the position from A to Z. The abattoir was administered by a Government department for many years until the Liberal-Country Party Government—the McLarty-Watts Government—saw fit overnight—let me emphasise that, Mr. Speaker: overnight—to change the control from the department to a board.

As member for the district I remember protesting when the member for Toodyay (Mr. Lindsay Thorn) introduced a measure into this House about 8 p.m., or 9 p.m., expecting the Opposition to get up and debate the measure so that it could go to the other House on the next evening, because Standing Orders had been suspended—just as is the case now. We know the normal thing is to have a first reading, a second reading, and then a third reading on different days, before a measure is ready to go to another place. But now the Standing Orders have been suspended, this Government wants to put this measure through in one sitting.

Mr. Nalder: Don't be unreasonable! This has been on the notice paper for nearly six weeks.

Mr. BRADY: The Opposition is not going to agree to that course, because this abattoir represents £1,500,000 of the public's money and the industry's money, and the public wants to know more about it. I would also say that some of the primary producers will want to know more about it after they read the speeches of the member for Merredin-Yilgarn, the Deputy Leader of the Opposition, and myself.

The turnover of the abattoir has doubled and in some cases trebled; and a large amount of money has been spent on the undertaking during the time the present manager has been in charge. But now he is to have the skids put under him. This action is probably being taken so that a few investors will receive money over and above what they are getting at the moment.

This man has a most difficult job to do, because at any stage of the clock, he has to face great industrial difficulties, which he controls peacefully; because he understands the men, the industry, and the primary producers; and he is able to maintain efficiency and industrial peace in the manner that is essential to all parties that are using the abattoirs.

For this Government to now contemplate giving this man a secondary or third position, after this achievement on his part, is very poor and shows scant consideration for the man in the work that he is doing.

I recall mentioning some time ago that the employees had told me they thought something was going wrong because they were being kept back to work overtime in connection with the export of meat bone to America. They maintained that the cost of the overtime was not being passed on to those people who, in their opinion, should be bearing it. No sooner were those remarks out of my mouth than I was challenged in the precincts of the House by a master butcher or an exporter who wanted to know why I had not consulted him before I mentioned the matter in the House.

It appears that some members on the ministerial bench got on to that man and mentioned what I had said. The man concerned wrote me a letter and said that he would do certain things. I promptly replied and said that if he could prove that any of the statements that I had made were wrong, then I would apologise to him and to the House. But from that day I have received no further correspondence from him.

As member for the district, I often hear protests about smells arising from this industry; and it is not always the obnoxious effluvia from the abattoirs that the people of Bellevue protest about. Last Friday night I was at a progress association meeting, and one of the residents complained about the obnoxious effluvia; but there are other obnoxious smells that come across the area from time to time.

I had a discussion with a small farmer a fortnight or three weeks ago. He told me that he was thinking of buying some sheep, and he hoped to get them at a satisfactory price, provided a certain clique did not run up the prices on him—as is often done when a new buyer comes in—so that when he was squeezed out they could come in and buy at a particular price. To know that such practices are going on made my hair stand on end. That statement was made to me in all sincerity. If such things are occurring,

then the House should agree to an investigation to see that the primary producers are not taken for a ride; that the general public are not taken for a ride; and that the consumers are not taken for a ride. The only way to find out these things is to have a Royal Commission.

I support the member for Merredin-Yilgarn and the Deputy Leader of the Opposition in wanting to know from the Minister more about these things. The Minister gave us scant information. He did not tell us that the present controller is charged with the administration, the development, the planning, and the designing of extensions, and generally overseeing these activities, as he has done over the last 15 or 20 years. We were not told that this man had been asked by a previous Minister for Agriculture not to accept two positions that had been offered him, but to remain here. I think we are entitled to know more about these things and more about what is going on at the abattoirs.

So far as I can see, there is no justification for changing the control at the abattoirs. As far as I know, the controller does not give way to anybody. He carries out the administration on a fair basis. He has all sections of the industry happy: the butchering trade, the primary producers, the industrial workers, the Government departments, and so on. He cannot satisfy everybody, and so he adopts a course that he thinks is fair and just.

It is not right for the Government or Parliament to decide now to bring in a Bill to alter the Act which has controlled this organisation for some time. As I have said before, I have heard rumours that in the past certain people have tried to run the board to the benefit of their own particular industry; and the controller was not prepared to stand for that sort of thing.

I know there are people who are making a lot of money out of the meat industry in Western Australia, and we should know whether the abattoir is going to have its activities whittled away so that these people can make more money at the expense of the primary producer and the consumer.

You would probably be one of the first to agree with me, Mr. Speaker, that the export market is a major concern of the abattoirs in this State; and we do not want to do anything that will upset their smooth working at a time when exports mean so much to the State and its future.

It appears that there are certain activities of the board which do not need to be curtailed. I remember a Minister—I think it was the Minister for Industrial Development—introducing a Bill or an amendment to the Act to the effect that a chartered accountant should be on the board. I have nothing against chartered accountants. But why should there be restricted representation on the board, representing only a certain section of the people? I do not think that is desirable. There should be people on the board who have the maximum knowledge of the industry, and of all its operations, whether it be on the primary producers' side, the master butchers' side, the consumers' side, or the abattoirs as such.

We want the maximum light thrown on this industry in order that we can obtain the best results for all concerned. It would appear, after looking at the balance sheets which have been submitted in the past; at the balance sheets as they have been laid on the Table of the House over the past three or four months; at the figures the board is handling; and at all the activities of the abattoirs, that by and large the person who is the controller and the chief executive officer is doing a very good job; and if he can reduce the financial loss—the difference between the current year and last year is about £46,000; that is, taking a £7,000 loss last year and stepping it up to a profit of £39,000 in the current year—he should be the last man in the world that any Government should be thinking of replacing.

From what I can see of the overall position, the board and the controller have been doing a reasonable job. I think the board could be improved by having employee representation on it; but I suppose it would be like holding a red rag to a bull to suggest such a thing to the Government. However, it could be the means of reducing industrial strife which occurs at the abattoir from time to time.

I wish to say, too, that this is an industry where very big changes are taking place in the handling of meat and carcases generally. We do not wish to see any big changes in the general administration. I understand the controller was encouraged to travel around the world three or four years ago. The Government thought enough of him to let him do that and bring back the latest methods in treatment plants. So far as I can see, he has done just that. He has given the board the benefit of the knowledge he gained overseas. He is putting in the most up-to-date plant, having regard for all the circumstances, the turnover, the finance available, and the type of employees that he controls. The Government should not now do something that might undermine the whole set-up.

I would like to see a Royal Commission appointed in order to discover exactly what is going on: whether there are rebates being given to certain people as against others; whether there is a certain clique of buyers stopping other buyers from coming in; and whether anything could be improved as a consequence of making these proposed changes.

I am not unmindful of the fact that there are people in various parts of the State who advocate that the work undertaken by the abattoir in the Midland district should be

done in their own particular districts. Are we not all in the same position from time to time? Are we not all wanting more work to be done in our own particular area? But quite often that can be done only at the expense of the major or primary industry in a particular calling. In this case it is the meat industry.

We know that when people overseas have been encouraged to come to Western Australia and to set up factories in secondary industries in this State, they have said, "No; we are not going to diversify our activities and up our overheads." That is exactly what will happen unless we are careful. Certain people will be encouraged to invest money in country abattoirs with the assurance that they will have certain protection for the future. They will come along and spend their money and encourage local primary producers to send their stock for export at the local abattoirs. All this will be done at the expense of the Midland Abattoir. Costs will go up, and those export markets that might be gained by having reduced costs will be lost. Also, the employees who will be going through the Midland Abattoir will be lost to other abattoirs, where industrial conditions will not be as good, and neither will the overall protection for the workers in the industry be as good.

I feel that I must say my piece in regard to this particular industry. So far as I know, the man in charge at the Midland Abattoir has no blemish against his record. There is nothing to show that he has entered into some conspiracy to do something which would justify his being replaced by a general manager, by a chief executive officer, or probably later on by somebody else.

We had a very bad experience at the railways by having a triumvirate in charge. It would appear that since one man has been in charge of the railways, the department has forged ahead. He has brought the Railways Department to a stage where it is acknowledged by everybody as being worth while. We do not want to see the abattoir go back to the position where the three railway commissioners put the Railways Department, and I feel that we should retain the man who is now in charge.

I have no personal reasons for wanting to see this man retained in his present position, because he is a hard man to approach. But that is beside the point. As the member for Merredin-Yilgarn said the other night, this officer does not want any favours from anybody. He is a man who is dedicated to his job, and he does it as he thinks it should be done in the interests of all concerned. That is exactly what the position should be.

We know that certain people want favours; they want to get their stock through ahead of other people. But that does not happen with this controller; he will not allow that sort of thing to go on. But, of course, if the board laid it down that certain people were to get rebates, I suppose he would have to honour the board's decision, and carry out its instructions. However, that would not be a very satisfactory position where certain people who use the abattoir could get rebates while others could not. Maybe it would be better for all concerned to eliminate special rebates and leave everybody on the same plane.

I think the undertaking which the late Hon. Garnett Wood, as Minister for Agriculture, gave to this man should be honoured by this Government. It was only because of that undertaking that we were able to keep him here—instead of his applying for positions in other parts of Australia—to steer the industry through its difficult times. I do not think the Government should put the skids under this man after he has played the game by the industry and by the Government.

The industry has reached its present stage because it has been centralised under this controller. The board may have done some good, but I sometimes feel that it may have caused some of the industrial difficulties that have occurred out there from time to time. However, I do not want to speak on that aspect. Generally speaking the controller has done a difficult job very well, and he has maintained reasonably smooth working of the abattoir at a time when it was wanted. He has enabled an export market to be built up overseas, and we want to see it maintained. However, it is of no use making fish of one and fowl of another: all people connected with the industry should be dealt with on a fair basis. Unfortunately, through some decision somewhere along the line, certain people have been able to get rebates. Why that should be I do not know.

I believe it would be wrong to build up country abattoirs at the expense of the local abattoir. However, if such a policy is carried out I can see costs increasing, not only to the primary producers but also to consumers generally. For those two major reasons I oppose the Bill. As far as possible we should maintain the *status quo*. Like the member for Merredin-Yilgarn I have heard of no agitation for a change. I read the wheatgrowers' union paper and I pass it on to a number of my friends. In reading that paper, or the primary producers' paper, or the Farmers' Union paper, I have not seen any agitation for a change in the present position.

For those reasons I oppose the Bill and support the idea of having a full inquiry into all aspects of the industry so that we will know whether some inroads are being made into the activities of the board which are having the effect of worsening the financial position. If rebates are being given to certain people, and not to others, I think some inquiry should be made into

the position. If some people are getting advantages, and others are not, we should have an inquiry into it.

The SPEAKER (Mr. Hearman): Order! At the moment there is no question before the Chair of any inquiry being held. It is the Bill we are discussing.

Mr. BRADY: I was leading up to the stage where I intended to support the member for Merredin-Yilgarn and the Deputy Leader of the Opposition; because I believe we should have a Royal Commission to inquire into—

The SPEAKER (Mr. Hearman): Order! That is not the question before the House. You will have to confine yourself to the Bill.

Mr. BRADY: Very well, Mr. Speaker, I will confine myself to the Bill. I know that, occasionally, members are apt to get off the beaten track when speaking to some legislation, but I hope you will bear with me for having got off the track. I want to see a Royal Commission appointed to inquire into the necessity for a change.

The SPEAKER (Mr. Hearman): Order! I have told you three times to keep to the Bill and you are just simply going off and talking about an inquiry. I cannot permit that to continue, and you will either confine yourself to the Bill or resume your seat.

Mr. BRADY: Very well, Mr Speaker, I will confine myself to the Bill. In clause 3 it is proposed to change the definition of "Midland Junction Abattoir." I have no objection to that definition being changed, because there has been a change in the management. However, in clause 6 there is a proposal to change section 15 of the principal Act by inserting after the word "employees" in subparagraph (i) the following words:—

> and in particular may employ and engage a person to be the General Manager and Chief Executive Officer of the Board.

If that amendment is agreed to subparagraph (i) of paragraph (b) of subsection (2) of section 15 of the principal Act will read as follows:—

> Subject to the Minister the Board is authorised—
>
> (a) to maintain and manage the Midland Junction Abattoir;
>
> (b) for the purposes of maintaining and managing the Midland Junction Abattoir—
>
> (i) to employ and engage persons as board employees and in particular may employ and engage a person to be the General Manager and Chief Executive Officer of the Board.

The last words I read out were the ones on which the Bill hinges. I think most of the other amendments are only padding. It appears that although the Act lays it down that the present controller is in charge, and has the right to do certain things as the controller and chief executive officer, apparently he does not satisfy some people. I do not know whether they are vested interests or not, but that seems to be the position.

I have a grave suspicion that because some people are not able to do exactly as they like they want this man to be replaced. If he is replaced there could be industrial upsets and inefficiency in the industry; there could be upsets in costing; and this would have an effect on our export market, and so on. For that reason I oppose the Bill and I hope, that ultimately, the Government will have a further look at the proposal. If it does that I am sure the Bill will not go beyond the second reading stage. If it is passed it could cause a great deal of harm, more harm than the benefits which will accrue. which benefits would be to only a few people. I oppose the Bill.

MR. I. W. MANNING (Wellington) [6.10 p.m.]: I am absolutely amazed at the attitude adopted by the two Opposition members who have spoken to the measure this afternoon. This small Bill, which is easy to understand, has two main provisions. One is in regard to the declaration of an abattoir district, and the other is the separation of the position of Manager of the Midland Junction Abattoir, and the position of Controller of Abattoirs.

Today, power to declare an abattoir district is conferred upon the Governor. The Bill proposes that the power should be given to both Houses of Parliament. A resolution of both Houses of Parliament will enable an abattoir district to be declared. My understanding of the position is that today we have one abattoir district, which is Midland Junction, and that is under the control of the Manager of the Midland Junction Abattoir; and because of that position he is the Controller of Abattoirs.

In view of the growth of country killing of meat, and the establishment of big abattoirs throughout the length and breadth of the State, today we have big works at Waroona, Harvey, and Albany; and similar works are in the course of construction, or are on the drawing boards, for Geraldton, Narrogin, and Bunbury. These will be big works and meat will be exported from them. The Government believes that the time has arrived when we need to declare abattoir districts to maintain control over those abattoirs.

Therefore it seems reasonable to me for the Government to say that it is too big a job for one man—the Manager of

the Midland Junction Abattoir—to be the controller of all abattoirs throughout the State. Certainly such a position would justify the appointment of one man to do that job alone. The attitude of members opposite, and what they have read into the Bill, has amazed me; because there is no suggestion in the measure of sacking anyone at all. All the Bill does is to divide the two positions and permit of the appointment of an additional officer to do work which one man could not possibly carry out in conjunction with his other duties.

The other amendments in the Bill, as far as I can see, are only consequential, and the measure sets out clearly what the Government proposes to do. I just cannot find these niggers in the woodpile which members opposite seem to see. The Deputy Leader of the Opposition raised some purely administrative points regarding matters which come under the control of the board of management at the Midland Junction Abattoir, and the manager of the works. Those matters do not come within the ambit of this Bill.

Mr. Tonkin: Isn't the manager going to be downgraded?

Mr. I. W. MANNING: As for the member for Swan talking about the sacking of the officer concerned, I do not know what all that is about. I support the measure.

MR. NALDER (Katanning—Minister for Agriculture) [6.14 p.m.]: As the members for Wellington and Narrogin have said, it was amazing, to say the least, to listen to what the Deputy Leader of the Opposition and the member for Merredin-Yilgarn had to say about this legislation. First of all I would like to tell members that there is no suggestion whatever that the present Controller of Abattoirs and Manager of the Midland Junction Abattoir is going to have the skids put under him. I have never heard such a ridiculous statement about a position which is as clear as any position could be. I do not think anybody could argue the point against the proposition we have put forward—

Mr. Tonkin: Is his salary to be reduced?

Mr. NALDER: —because we have a situation where a man has two positions; and, because of the growth of the State, and the growth of the Midland Junction Abattoir, it is necessary to do something about it. I mention the growth of the State because, in the last few years, our sheep population has doubled, and the member for Swan gave figures regarding the position at Midland Junction over the last few years. It is not possible for one man adequately to cover the two positions, and to suggest that it is, is just ridiculous.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. NALDER: The reason for this legislation, as has been stated, is the two points involved. Firstly, the Bill seeks to make it possible, should an abattoir area be required, for the matter to be debated in both Houses of the Western Australian Parliament. Under the existing Act, following a recommendation by the Controller of Abattoirs, approved by the Minister, the Governor can declare an abattoir area without any compensation being paid to the owner of an abattoir, whether that owner be an individual or a private company. It is therefore considered that this is an undesirable feature of the present Act and that it should be amended so that both Houses of Parliament can debate any recommendations put forward; and if it is considered necessary that an abattoir area should be declared, the decision rests with Parliament.

The proposal in the Bill approaches the position which has existed for many years; but it was not until a recent move was made to declare an abattoir area in a country district that the present position was realised. Therefore I am sure the House will agree that this is a necessary amendment. I do not think it was ever envisaged by Parliament that any Government should take over an abattoir area without paying compensation to the owner of any abattoir within that area.

Several statements made by various members of the Opposition who spoke on the second proposal in the Bill were completely untrue, and I want to correct them. For example, the member for Swan said the Government was bulldozing this legislation through Parliament without giving anybody an opportunity to consider it. I will tell the House what has transpired in leading up to the introduction of this Bill. The measure was placed on the notice paper on the 29th August, and last Wednesday evening I introduced the second reading.

Mr. Tonkin: That is the important point.

Mr. NALDER: If the Deputy Leader of the Opposition will wait a minute and be patient I will fully explain the position. I did not interject when he was making his speech, and I expect him to do the same while I am making mine.

Mr. Tonkin: What I said should not upset you.

Mr. NALDER: The second reading of the Bill was introduced last Wednesday evening and the member for Merredin-Yilgarn obtained the adjournment of the debate. I approached that honourable member and told him that if it were convenient the debate on the Bill would be continued on the following day. He said he thought it would be convenient, but would indicate to me whether it was convenient to him to continue the debate on that day. On the following day, and about half an hour before the debate was continued, I again approached the member

for Merredin-Yilgarn and asked him if he were prepared to continue the debate, and he said he was.

The debate was continued and the honourable member said he had to attend a function that evening and wanted to complete his speech before 6.15 p.m. This was agreed to. To allow the honourable member to hear what was said when the debate was continued, I spoke to the Deputy Leader of the Opposition and suggested that he could move for the adjournment of the debate and the Bill would be brought on at a later date. This suggestion was agreed to.

Members have had all the weekend to consider the Bill, and the debate was continued today. Therefore, for the member for Swan to say the Government is taking advantage of the suspension of Standing Orders to bulldoze the Bill through the House is completely wide of the mark; and, to me, is not fair and reasonable when the Government has given the Opposition every consideration to enable it to discuss the Bill fully. I want to make that point quite clear because some of the statements made by members of the Opposition are completely wide of the mark and are not fair criticism.

The Deputy Leader of the Opposition asked for some information on the rates which have been agreed to by the board, and recommended to me as Minister some two years ago. They were agreed to by me because, in my opinion, the rates recommended were a sound business proposition.

Mr. Kelly: By whom?

Mr. NALDER: By the board.

Mr. Tonkin: What is the business proposition?

Mr. NALDER: As an indication that it is sound and normal business practice, I will mention one or two Government instrumentalities which follow much the same procedure. If I wished to have a quantity of material transported by rail, I would be quoted so much per bag, if I wanted only a few bags carted. However, if I desired to have a ton of the same material delivered I would be quoted a better rate; and, again, if I wanted 10 tons delivered, I would get a better rate still. Similarly, any organisation or company that uses a large number of units of electricity provided by the State Electricty Commission obtains a cheap rate for that power. I do not have to tell you, Mr. Speaker, or any other member in this House, that this is sound business practice. Further, in practically any large business undertaking, commissions, rebates, and discounts are granted in an effort to encourage business.

In 1960-61, in fact, the Abattoirs Board recommended that the killing rates be increased, the reason being that the rates at that time were far below those charged by any other abattoir in Australia. Also, the board considered there would be a loss if the rates were not increased. Eventually, the Government agreed to the board's recommendation and the rates were increased. The board then submitted a proposal that there was a falling off in the stock being slaughtered at the Midland Junction Abattoir and it was thought that cattle were being diverted to killing works in other parts of the State.

So the recommendation was made, to encourage the master butchers in Midland Junction to slaughter their cattle at the Midland Junction Abattoir, that the more cattle put through the bigger the rebate that would be granted. This was a business proposal that brought results; but the Deputy Leader of the Opposition skirted around that. He said that in 1961-62 the works made a loss of £7,000, but if the rebate on killing charges had not been granted a profit would have been made. However, what about in the following year when the results of this new business proposal were shown? In that year a profit of £37,000 was made. I should say that was a realistic approach to increase the business of any organisation and sound business commonsense. I give the board full marks for recommending such a move and I would encourage it. We have proof, in black and white, that the proposition was sound.

Mr. Tonkin: Where were the animals being killed before?

Mr. NALDER: They were being killed at other abattoirs.

Mr. Tonkin: What is wrong with that?

Mr. NALDER: Nothing at all. But the board put forward this proposition to encourage master butchers to slaughter their cattle at the Midland Junction Abattoir and it brought immediate results. Cattle which apparently were being killed elsewhere were channelled back to the Midland Junction Abattoir because, in the following year, a profit of £37,000 was shown. I do not want any further proof that the board's proposal was sound business practice. I hope the position at the abattoir will improve still further. In fact, I do not have much doubt that it will, provided we have an average run of seasons; and I cannot see that we will not.

However, I have explained the position in refutation of the statement made by the Deputy Leader of the Opposition that these rebates were granted to cater for a few privileged people. Everybody concerned derived benefit from these rebates, and I would not be doing my duty as Minister for Agriculture if I did not encourage such a proposal in any department under my control.

The member for Merredin-Yilgarn said that this move had been made without anybody knowing anything about it. Here

again I can tell the member for Merredin-Yilgarn that he was talking without any knowledge of the position. He said that this was a bolt from the blue and no-one knew of it except in the last 24 hours.

Mr. Kelly: I was talking about the Bill.

Mr. NALDER: I am talking about the Bill, too. I can tell the member for Merredin-Yilgarn that the board members knew of this Bill many months ago; and before anything was done towards introducing it, the present controller and Manager of the Midland Junction Abattoir was given a copy of the Bill.

Mr. Kelly: Yes—the day before it was introduced to Parliament.

Mr. NALDER: I have evidence to show that a copy of the Bill was sent to the controller at least a fortnight ago from my office. The statements made are ridiculous, and have no vestige of truth in them. For members of the Opposition to make such statements indicates to me they are completely out of touch with the present position. I think everyone would agree that the Farmers' Union is a reputable organisation in this State, as representing the farmers of Western Australia and the many different groups to which they belong. That organisation approached me long ago about giving some consideration to the proposals contained in this Bill because it felt it was necessary not only in the interests of the representatives of the meat section of the Farmers' Union and the future development of this State, including the abattoirs, but also in the interests of the consumers. That information is correct, and I have the minutes taken at the deputation to prove it. I am not in a position to give the exact time, but it was at least five or six weeks ago.

Mr. Tonkin: What deputation was that?

Mr. NALDER: The deputation from the Farmers' Union.

Mr. Tonkin: What was the subject?

Mr. NALDER: Exactly the same as we are discussing, among other subjects. A recommendation was made by the meat section of the Farmers' Union to create the two positions outlined in this legislation. Members of the Opposition who say this legislation has been introduced without any consideration, without any representations having been made by anybody, without the board's knowledge, and without the knowledge of the manager of the board, are showing no sense of responsibility. They should know better when they criticise legislation such as this.

I can honestly say to the House that this is good legislation. The Government has accepted the recommendation which I have outlined to the House, and it would be criticised—and not long hence—if it did not take the requisite action.

With the growth of this State and with increased demand for meat—such as the demand which exists for our export meat products—we have to be alive to the situation which can be said to be developing hourly. I am reminded by the Minister for Industrial Development of a speech I made in this House in 1955 when I predicted there would be a great demand for sheep in this State. What is the position at the present time? We have never before seen the situation in regard to meat which exists at present, when there is a great demand for sheep, and also for meat products for export. The position has never been better, and the demand never greater. For the Opposition to sit back and say that the situation which was introduced some 12 to 15 years ago should continue to operate is ridiculous. We must pass this measure if we are to cope with the demand which will develop, and increase in the future.

I have nothing but the highest regard for the gentleman who was referred to this evening. He has knowledge on abattoirs and the handling of meat which is equal to that possessed by anyone in the Australian continent. The Government is not depreciating his position at all. In answer to the question asked by the Deputy Leader of the Opposition, the responsibility for creating the position of Controller of Abattoirs, and for the fixing of his salary, will rest with the Public Service Commissioner. If Mr. Rowland so desires, he can choose whichever position he likes to apply for—Controller of Abattoirs, or Manager of the Midland Junction Abattoir. It is not the intention of this Government, or the purpose of this legislation, to "smash"—using the expression of the member for Merredin-Yilgarn—anything. I have never heard of such a ridiculous statement.

Mr. Kelly: Your horns have been pulled in because of it.

Mr. NALDER: It is ridiculous to suggest that we are smashing the industry in Western Australia. It is the responsibility of the Government to deal with the situation as it develops, and the Government is fully aware of the present position. It moves with a great deal of confidence in introducing this legislation; and we know where we are going, because what we are doing is in the best interests of Western Australia.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Nalder (Minister for Agriculture) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 3 amended—

Mr. HALL: This clause, which seeks to amend section 3, has quite a damaging effect, and it surprised me to hear the

Minister elaborating at great length. This Bill will be the means of concentrating the control of abattoirs; but in the future development of the State we should look for the establishment of more abattoirs in the country. It is alarming to find Country Party members aligning themselves with this clause. With the concentration of population in the metropolitan area, and with its immense growth, the supply of meat for human consumption in this area will grow quite extensively.

Looking at the economics of establishing abattoirs in country centres, one of the benefits will be the decentralisation of industry. Abattoirs could be established in centres like Narrogin, Katanning, Mt. Barker, and Albany.

Mr. Brand: Does not this clause encourage that?

Mr. HALL: This clause will bring abattoir control under a central authority, and will prevent the establishment of decentralised industry.

Mr. Brand: How?

Mr. HALL: I have at least aroused the interest of Government members.

Mr. Bovell: I would like to hear the honourable member speaking to the clause in the Bill.

Mr. HALL: I want the Minister to listen.

Mr. Bovell: I have been doing so; but you do not know what you are talking about.

Mr. HALL: Under this Bill beasts will be encouraged to be sent to the central abattoir. It is sound economics to allow the killing to take place in country centres, and for the by-products to be treated there. Under this Bill the existing pattern of transporting beasts to the metropolitan area abattoir will continue; that practice will continue until such time as Parliament agrees to the establishment of abattoirs in other parts of the State. By the beasts being killed in country abattoirs the by-products would be treated there, and the carcases could be chilled and sent to the metropolitan area. By that means we would encourage the decentralisation of industry. For that reason I shall move for the deletion of the clause.

The CHAIRMAN (Mr. I. W. Manning): I would point out to the member for Albany that he would achieve his purpose by voting against the clause.

Mr. NALDER: It is evident the member for Albany does not understand the meaning of this clause. During the second reading I referred to the necessity to encourage people to establish abattoirs in country centres, and this clause is designed to achieve that objective. If it is necessary to declare an abattoir area, the Controller of Abattoirs would make a recommendation to the Minister, and the matter would be brought before Parliament. If the controller recommended that the abattoirs area be extended to cover the whole of the South-West Land Division, the Minister could accept that recommendation and declare that area to be an abattoir area, and it would come under the direct control of the Controller of Abattoirs. Similarly, he could recommend other centres to be abattoir areas; and if the Minister accepted the recommendation, such centres would also be declared abattoir areas.

The purpose of this clause is to ensure that when the Controller of Abattoirs recommends to the Minister that an abattoir area be established, the matter shall be placed before both Houses of Parliament. The matter can then be debated; and if the recommendation is agreed to by Parliament that area will be declared an abattoir area.

At present people in Narrogin have the right to establish an abattoir. There can be no interference by the Government, because that area has not been declared to be an abattoir area. The same remark applies to Albany, Manjimup, and any other town in the State, except the area within a radius of 25 miles of the G.P.O., Perth. At present anyone can establish an abattoir if he considers the proposition to be economic. There is no control except under the health regulations.

The member for Albany was wide of the mark when he said that the Government was not encouraging decentralisation of industry. It is encouraging decentralisation wherever possible, but it recognises that Midland is the central abattoir area in the State, and that the abattoir market there controls the prices that are paid throughout the State for fat stock.

Mr. TONKIN: The Minister said the Government was encouraging decentralisation wherever it could.

Mr. Nalder: That is correct.

Mr. TONKIN: The reason why the board has given a rebate on slaughtering charges is to stop slaughtering in country areas, and to encourage slaughtering to be done in the metropolitan area.

Mr. Nalder: It is nothing of the sort.

Mr. TONKIN: We shall see. I have here the annual report and financial results of the Midland Junction Abattoir. I quote—

> As a means of arresting the lower cattle figures of 1960 to 1961 considered to be due largely to the expansion of country-killed beef, the Board introduced during the year a rebate on cattle slaughtering charges on a sliding scale related to the volume of slaughtering by individual operators.

The reason was that there was a growth of country-killed beef, and the board did not like it because it wanted the killing

done at Midland. Therefore it granted a special rebate of some thousands of pounds to encourage people to bring the animals from the country to Midland Junction to be killed. Is that the way the Government encourages decentralisation? It is no wonder the member for Albany is confused over the proposal in the Bill, when the policy is in such conflict. Here is a proposal in the first place to make it possible for Geraldton to establish a privately-owned abattoir. That is the reason for this Bill.

Mr. Nalder: It is nothing of the sort.

Mr. TONKIN: Oh yes it is! I have known for months that the Premier has been in trouble almost every time he has gone up there, because of the difficulty of the people who wanted the right to establish a privately-owned abattoir.

Mr. Brand: I am in trouble all the time, not only in Geraldton.

Mr. TONKIN: That is the Premier's own fault.

Mr. Brand: I will get out of it.

Mr. TONKIN: It is still the Premier's own fault.

Mr. Brand: I do not want you to shed any tears over it.

Mr. TONKIN: I am stating the facts. The Premier knows full well that he was taken to task several times when he went up there.

Mr. Brand: By the mayor.

Mr. TONKIN: Exactly; and others who were interested in the establishment of an abattoir.

Mr. Brand: That is right.

Mr. TONKIN: Of course it is right!

Mr. Brand: Go on, then.

Mr. TONKIN: I would not be saying it otherwise.

Mr. Brand: Now you have spoilt a good speech!

Mr. TONKIN: Now, because of that difficulty at Geraldton, the Government has put that provision in the Bill to make it possible for country abattoirs to be established in specifically-declared areas.

Mr. Brand: Is there anything wrong with that?

Mr. TONKIN: No; it is a good idea. But the Government also countenances a policy to encourage beef away from the country districts to have it killed in the metropolitan area. One laughs at the other. If it is desirable to make it possible to establish country abattoirs, surely it is equally desirable that animals be killed in them!

Mr. Brand: In reverse, would you put up the price of killing?

Mr. TONKIN: So why give a special bonus to people who prefer to kill in country abattoirs, in order to encourage them to kill at Midland Junction? That is what I want to know, and it is a fair question.

Mr. NALDER: It is an amazing argument put up by the Deputy Leader of the Opposition. The Opposition has been commending the Manager of the Midland Junction Abattoir for the way in which he has brought the abattoir from a shambles —that was the word used—to its present standard.

The board at Midland has been given the responsibility by Parliament of running the abattoir as a business concern. If the board comes up with a proposal to improve the situation and to stave off a loss, what right have I to refuse? I know that if the Deputy Leader of the Opposition were in my position, he would not refuse. In fact, he would accept it with open arms and would argue that it was a sensible and reasonable proposition. I have enough confidence in the board to know it will run its establishment efficiently, and therefore I would encourage it do so.

This amendment is not in conflict with the Government's policy of increasing decentralisation wherever possible. We will encourage it, and we have done so. In the last couple of years an abattoir has been established at Harvey, and it is recognised as one of the best inland abattoirs in Australia. We have encouraged that.

Mr. Tonkin: You have encouraged the animals away from it, too.

Mr. NALDER: We are also encouraging the establishment of an abattoir at Geraldton. I hope that the Committee will agree to this clause.

Mr. JAMIESON: I oppose this clause for a reason other than those which have already been mentioned. I would rather the power to declare an abattoir remain with the Minister by regulation, in which case such regulation would have to be tabled at the next session of Parliament. The method adopted under this Bill is the wrong way to do it, and it is cumbersome. It might be desirable to declare a district in January for some reason. But under this Bill it would be necessary to wait until the next session of Parliament, when it would be placed in a motion before both Houses. Because this is the back-to-front way of doing it, I will oppose this clause, unless the Minister can indicate very strong reasons for this approach.

Mr. NALDER: The suggestion of the honourable member is not a practicable one. If the Minister had the power to make regulations to declare an abattoir area it would mean that an area could be established and arrangements made by the interested party for a building to be erected. The proposal could then come before the House and be disallowed. That would be a ridiculous situation. The situation as it exists is quite all right; but, if

difficulty is experienced in the future, the Parliament of the day could easily overcome it if it thought fit. I hope the Committee will agree to the clause.

Mr. HALL: The Minister has dodged the question. Under this provision the manager of the board will be given tremendous power—I would say a monopoly of power. If anyone wants to do something for the advancement of abattoirs, he will be subject to the approval of the board of management and the matter will have to run the gauntlet of both House. I do not believe this is desirable and I intend to vote against the clause.

Mr. H. MAY: The Minister has made one big mistake. He should have informed us during the second reading debate what he intended under this legislation. If he had explained the Bill more fully in the first place, we might have had a chance of understanding it. For the life of me, I cannot believe that the Minister is doing the right thing by encouraging more cattle to be killed at Midland Junction. In Western Australia there is only a certain number of stock killed every week; and if some of them are to be encouraged to Midland Junction, this must be to the detriment of decentralisation. That is the point I want the Minister to clear up.

Mr. NALDER: It is quite apparent that the honourable member does not appreciate what goes on in the country.

Mr. H. May: I have a fair idea.

Mr. NALDER: There are markets being encouraged in almost every centre in Western Australia.

Mr. H. May: We are talking about killing, not selling.

Mr. NALDER: Just wait a minute! These markets are being organised during each month. The master butchers are encouraged to go into the country areas to bid for the fat stock at these markets. Never have so many fat stock been sold in the country as have been sold during the last two years. If the master butchers are successful in purchasing stock in the country there is an encouragement for them, if they so desire, to send their stock to Midland Junction to be killed. In some instances they kill them in the country where they buy them.

Mr. H. May: I do not think so.

Mr. NALDER: They do; and I can give evidence of that. If the honourable member goes to the Harvey markets or the Brunswick markets he will find that many cattle bought at those places are killed at Harvey or Waroona, because the purchasers of the cattle do not worry about bruising or loss in transport. On the other hand, they might buy sufficient cattle to fill a bogey truck, and in that event they might consign the cattle to Midland Junction. They can please themselves,

I am sure that you, Mr. Chairman, would not want to see the present situation altered; and neither would any member representing a country constituency. We are encouraging the sale of stock in the area in which it is produced, and we are encouraging buyers to go into the country by making road and rail transport facilities available to transport the stock with the least inconvenience.

Mr. H. May: It is easy to say that.

Mr. NALDER: The honourable member does not seem to understand the position.

Mr. H. MAY: The Minister is not going to put that over me. He says the butchers go into the country to attend sales for the purpose of buying stock. But the stock is not killed in the country; it is brought to Midland Junction.

Mr. Nalder: Not in every case.

Mr. H. MAY: Do not try to put that over me! I know too much about it.

Mr. Nalder: You are ignorant of the situation.

Mr. H. MAY: Thanks for the interjection!

Mr. Nalder: There are hundreds of head of stock killed in the country areas.

Mr. H. MAY: I know.

Mr. Nalder: You are just saying there are not.

Mr. H. MAY: There would be many more if it were not for this rebate system at Midland Junction.

Mr. Tonkin: It is obvious.

Mr. Nalder: It is a matter of convenience.

Mr. H. MAY: The Minister talks of the sale of stock in the country; we are concerned with the killing of stock in the country. The buyers, rather than have the stock killed in the country, have them sent to the Midland Junction Abattoir and get the rebate. That is the point we are after. The Minister can twist that as he likes, but that is what is going on. The stock is being brought from the country, where it should be slaughtered, to Midland Junction.

Mr. JAMIESON: I am not satisfied with the Minister's explanation. Perhaps it is appropriate that the schedule should provide for abattoir districts and require an amendment when other districts come into being, rather than that the matter be dealt with by resolution of both Houses of Parliament. After all, what does that mean? If we carry a resolution expressing the opinion of both Houses, it is only an expression of opinion; it is not like an Act of Parliament.

If the Minister requires protection for the people who may set up abattoirs in the various centres, he should provide them with the protection of the law of the land, and not that of an expression of opinion of the Houses of Parliament. This seems

to me to be very much out of the run of the mill legislation and requires something definite.

The sponsors of the big projects that come along from time to time would not for a minute tolerate a provision like this in an agreement drawn up between themselves and the Government. They would want something definite, and that is what I am after. If we are to have this, surely it can be clearly defined in the Act. To have it amended by both Houses of Parliament would be no more cumbersome than the Minister's proposition, which will be only an expression of an opinion and not a law passed by Parliament.

Clause put and passed.

Clauses 5 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

BULK HANDLING ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

DENTISTS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 6th November, on the following motion by Mr. Ross Hutchinson (Minister for Health):—

That the Bill be now read a second time.

MR. NORTON (Gascoyne) [8.22 p.m.]: The Bill is a continuation of a measure which was brought down in 1894 when the dentists in Western Australia were first registered. Between 1894 and 1939 only two amendments were made to the Act, and then it was redrafted into the form in which it is at present. So far there have been only two amendments to the legislation.

The reason for redrafting the measure in 1939 was to make sure that dentists' assistants and apprentices were included in the Statute. At that time the University of Western Australia did not have a faculty of dentistry, and therefore our dentists had to get their training either as apprentices or as dentists' assistants. Now there is a faculty of dentistry at our University, and the necessity has ceased to have dentists' assistants and dentists' apprentices; and, by and large, the Bill sets out to delete from the Act all references to such assistants and apprentices.

The Bill, in itself, is framed very much on the same lines as the Medical Act, and it vests in a board the power to make rules and regulations to cover the various dental practices. In both dentistry and medical science, great strides have been made, and in past years specialists have been practising out in both faculties. Specialists are not covered in any way by the present Dentists Act, and the Bill makes provision for the appointment of specialists under the Act.

The board is to have power to say who shall and who shall not be specialists. I am rather disappointed to see that the Bill does not give any direction to the board as to who shall be appointed as specialists. It does not say whether a specialist is a man who has done a post-graduate course, or that he shall have specialised in certain branches of dentistry over a number of years. It simply leaves the board to make the rules and regulations governing the appointment of specialists.

The Minister told us that at the present time there are five specialists in the State. I take it the board would naturally, when it functions under the Act, register those people as specialists. The Minister said the idea of the legislation is to give some security to the public so that the people will not feel they are being taken down, as it were, by anybody setting up at random as a specialist.

As I understand the position at the moment, any dentist who wishes to do so can delineate himself as a specialist and carry on as such, irrespective of whether he has the qualifications some of us would like him to have. I feel that in this respect there should be something in the Bill to give guidance to the board when it is making its rules. I notice that in the Medical Act, too, the board is not given any great direction as to who shall or shall not be specialists.

The Bill also gives the board power to make rules governing undesirable practices. The Minister did not give us much information in this respect. He told us that in the Eastern States, I think it was, there had been some undesirable practices; and he instanced one or two cases, such as a dentist paying remuneration for direct or indirect introduction of patients, and of dentists personally soliciting or canvassing patients. The Minister said the restriction of such practices would be in the best interests of the public and the profession.

I am wondering how far the board will go in these matters. At present there are a number of dentists who operate, or do work, for various lodges, and these dentists give certain concessions to the lodge members. Would this constitute an undesirable practice?

Mr. Ross Hutchinson: No.

Mr. NORTON: There is nothing in the Bill or in the Minister's remarks to say that it would or would not be. The board could quite easily say that it was an undesirable practice. Here again I think the Bill should give some direction—I know it cannot give a full direction—to the board. One can realise that there are quite a number of undesirable practices, and it depends on the profession in which one is employed as to what one considers to be undesirable practices. I hope an undesirable practice is not one whereby a lodge dentist is not allowed to give concessions to lodge members; because it means quite a lot to a member of a lodge to get these concessions from time to time, particularly if he has a big family that requires an amount of dental work.

The Act also sets out who may and who may not work as dentists. This has reduced the field a little, inasmuch as it has lessened to a certain extent the amount of work a doctor can do. The doctor is now permitted to do extractions only where a dentist is not within 30 miles by the nearest route. Previously he could fit dentures, and do one or two other things. But now he can only do extractions to relieve pain. It is also pleasing to note that a private person in a similar circumstances can do an extraction to save a person pain if he feels competent to do so.

There is one provision which has me puzzled a little at the moment, and I refer to the fact that there are only two people who can assist a dentist in his work. One is a doctor, which is quite natural, and the other is a female nurse. With the development of medical science, and the expansion of the medical fraternity, we now have male nurses, and it is possible that a dentist operating at, say, Hollywood Hospital, might find a male nurse allocated to him to assist him in dentistry. What would be the position in a case like that?

Mr. Ross Hutchinson: Where is the reference to female nurses?

Mr. NORTON: In section 55 (d) of the Act. As a matter of fact it is mentioned twice in the Act. That is one matter that could be looked at so that, if necessary, male nurses might be permitted to assist a dentist. I am not sure why it is confined to female nurses, but perhaps the Minister could tell us when he replies.

We find that the Act also sets out larger penalties; but these seem to be more or less in keeping with present-day rates. On looking at the 1894 Act I find the penalties there were £20; so at present-day rates the maximum penalty of £100 in the Act is probably not terribly high. There is also provision for imprisonment in the 1894 Act.

The Minister told us there are still two dental assistants in employment in Western Australia; and whilst all reference in respect of dental assistants is being removed from the Act, a new provision has been added to protect these people, so that they can practise or be employed as dental assistants until they cease to work or pass on.

Section 50 of the Act has been completely rewritten, as the Minister said, to make it more easily understood. That is the section which sets out who is allowed to operate or practise as a dentist. It naturally strikes out the student, the recorded apprentice, or an assistant. They have all gone out of existence now, and are no longer included in the Act. Section 50 (1) (b) (iii) provides—

> A medical practitioner may perform any dental operation or service, other than any operation, treatment, or service, on or to a person in connection with the teeth, or as preparatory to or for the purpose of or in connection with the fitting, insertion, or fixing of artificial teeth, or the artificial restoration of lost teeth, or the mechanical construction of artificial dentures.

Under the amendment the fitting or mending of dentures, and so on, is prohibited. That means that in country areas, if a dentist were not available, a doctor, though he was capable of doing this work, would not be allowed to undertake it. The person concerned would then have to wait until he went to the nearest town where there was a dentist before he could have this work done. I think it would be right to allow a doctor in these remote and outlying areas to do such things as the repairing of dentures and so on, so that he might give the person some relief, as is the case with extractions.

Just why the Bill is so rigid I am not sure. There are a number of outback places where, in the past, doctors have done quite a bit of dentistry; and with the introduction of new plastics, and so on, many doctors would have a knowledge of repairs, and would be able to put the people concerned at ease quickly and save a considerable amount of travelling in the meantime.

There are one or two portions in the Bill which I think have been overlooked either by the Minister or the draftsman. Now that dentists' apprentices, and assistants have been taken out of the Act there is only one word required, and that is "register." Under the old Act the word "record" is in the definition, and practically everywhere this has been amended. It has, however, been overlooked in four places. But these are only minor cases. The Act says, "in the register of dentists." There is no need to refer to the register of dentists, but only to the register. That is all that is necessary. Perhaps the Minister might want to tidy this up in the Committee stage.

There are two amendments which I would suggest to the Minister with a view to tidying up the Bill, and these deal

with clause 18. Again the Minister will have to refer to the Act, because there are further words in the paragraphs to be deleted, and in each case they are much the same. The words in question are, "or off the record, as the case may require." That appears in section 30 (1) of the Act. Again, in subsection (2) of section 46 we have the words, "or the said record as the case may be." Those suggestions are made with a view to tidying up the Bill. With those few remarks I support the second reading.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [8.40 p.m.]: I would like to thank the member for Gascoyne for his support of the Bill. The honourable member raised a number of points of some interest; and he said he felt the Bill was remiss in not explaining rather more fully what was meant by undesirable practices. That might have something to support it; but I would point out that the board which is charged with the responsibility of guarding this profession is a responsible body, and we must be prepared to give it fluid power to enable it to operate the profession in these changing times.

I pointed out that specialties in the dental profession were changing from year to year, and from month to month, and it is wrong to delineate specialties in this legislation. The honourable member mentioned very quickly a number of amendments he would like me to consider. They do not appear to be of great consequence, but it would have been handy if he had placed them on the notice paper to enable me to have a quick check made with the Crown Law Department.

Mr. Norton: There was barely time.

Mr. ROSS HUTCHINSON: I know there are certain difficulties involved, but I would have been able to give a closer consideration to such amendments than perhaps might be the case tonight. The member for Gascoyne also mentioned the question of female nurses. I do not know whether he wishes to proceed with that aspect. Personally I can see no reason why a male nurse should not be included in the Act, and if the honourable member wishes to delete the word "female" in the appropriate context I would possibly agree to it.

Mr. Jamieson called attention to the state of the House.

Bells rung and a quorum formed.

Mr. ROSS HUTCHINSON: I do not think there is very much else I need say in this matter.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Ross Hutchinson (Minister for Health) in charge of the Bill.

Clauses 1 to 17 put and passed.

Clause 18: Section 30 amended—

Mr. NORTON: I move an amendment—

> Page 6—Insert after paragraph (a), in lines 23 to 26, the following new paragraph to stand as paragraph (b):—
>
> (b) by deleting the words "or off the record, as the case may require" in lines 4 and 5 of subsection (1).

This is a machinery amendment to bring the clause into line with other clauses. There is no need for these words, because they refer to dental assistants and apprentices.

Mr. ROSS HUTCHINSON: I cannot see a great deal wrong with this amendment as the words it is proposed to delete from the Act seem to be redundant. I would point out there are two assistants left who are still practising, but I think clause 32 of the Bill will cover those two assistants. I will not oppose the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 19 to 24 put and passed.

Clause 25: Section 46 amended—

Mr. NORTON: I move an amendment—

> Page 9—Insert after paragraph (b) in lines 7 to 11, the following new paragraph to stand as paragraph (c):—
>
> (c) by deleting the words "or the said record, as the case may be" in line 8 of subsection (2).

This amendment is similar to that which the Minister just accepted.

Mr. ROSS HUTCHINSON: I agree that it is similar and will not oppose it.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 26 to 32 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT BILL

Second Reading

Debate resumed, from the 6th November, on the following motion by Mr. Brand (Treasurer):—

> That the Bill be now read a second time.

MR. HAWKE (Northam—Leader of the Opposition) [8.50 p.m.]: This Bill proposes to alter the Superannuation and

Family Benefits Act in some nine particulars. Some of the amendments are quite important and others are more or less machinery in their character.

The first two amendments are related and they have to do with the eligibility of persons employed in what are usually known as board-managed hospitals to become members of the superannuation and family benefits fund, to contribute thereto; and to be eligible subsequently for pensions as laid down in the Act. As a result of amendments made to the Hospitals Act, 1930-37, it has been found that a legal doubt has arisen as to whether a number of those persons employed in board-managed hospitals are legally eligible to contribute to this fund; and the two amendments dealing with this part of the Act are calculated by the Crown Law Department to be capable of remedying the situation.

The first amendment alters the definition of "hospitals" in the term "department" as laid down in the definitions of the Act; and the second amendment, which is consequential, makes the appropriate alteration to the definition "employee" as set down in the section of the Act which deals with interpretations. As I understand it, the boards responsible for the management of the hospitals in question will still be liable to contribute their share of the pensions just the same as the Government is liable to contribute a share of the pensions covering employees in what are known as straight-out Government hospitals. There cannot be any objection to the two amendments to which I have just referred.

The next amendment deals with the period for which a subscriber would find himself due to subscribe before he or she would become eligible to participate in the invalidity benefits which are contained in the Act at the present time. Under the existing law, a person who joins the fund in Western Australia and continues to be a contributor to it in this State is liable for these invalidity benefits after he or she has contributed to the State fund for a period of at least three years. However, there is an obligation at present in the fact that employees who transfer from the Commonwealth service or from the service of any other State outside of Western Australia to the service of the State of Western Australia have to contribute to the fund here for a period of at least three years before they become eligible to enjoy the invalidity benefits.

The provision in this Bill aims to put all employees on the same basis. In other words, should any persons be transferred from the Commonwealth service to the service of the State of Western Australia, or from the service of any other State in Australia to the State service in Western Australia, and those persons so transferred have already contributed for a period of at least three years to the superannuation fund of the Commonwealth or of any of the Eastern States, then such period of contribution would count under our own State fund and they would not have to serve a further three years in this State and continue to make contributions to the State fund for a further three years to become eligible for the invalidity benefits. I think there is a reasonable amount of fairness and justice in that, and I could not imagine any objection would be raised to the amendment in this Bill which deals with that situation.

The next amendment deals with contributors who are eligible, because of an increase in wage or salary, to take out additional units of superannuation. Under the present law—where new contributors, or those who increase the existing number of units, so act—the commencing date for their contributions or their increased contributions is the date on which they make application to contribute, if they are new contributors, or the date on which they make application to increase the number of units if they have received a wage or salary increase.

However, the present law lays it down that a contributor, because of an increase in the number of units due to wage or salary increase, is allowed two months in which to pay in the increased number of units; in other words, to pay the increased fortnightly contribution. The difference is that in the first instance it applies from the date of application, and in the other, it applies from the date of eligibility.

The proposal in this Bill aims to put the third group, to whom I made reference, on the same basis as the first and second groups; namely, that the higher rate of superannuation contribution will date from the date of the making of the application and not, as now, from the date when the person became eligible, because of salary increase, to take out additional units of pension.

The next amendment has to do with pensions payable to widows. Last year, Parliament approved of a Bill which granted an increase in the pensions being received by widows; and because of some confusion in the law—some failure of last year's amendment to clarify a provision in the Act which lays down that the rates existing for widows shall remain at the 1960 level—the proposed increase, as set down in last year's amendment, has, I presume, been paid, but not legally paid with absolute assurance; and therefore it is necessary that the law in that regard be altered to enable the increased pensions to be paid legally, and presumably to legalise what has already been done under that heading, so that the situation will be cleared up from now on beyond any possible shadow of doubt.

There is a provision in the Act which lays it down that a contributor must pay at least 26 fortnightly contributions before

he becomes eligible for the maximum pension benefits to which he might be entitled. However, there is one group which is not covered adequately in legal terms in that regard, and there is a provision in the Bill to seal that situation up legally to make certain that every group of contributors will be on the same basis in regard to the making of at least 26 fortnightly contributions before maximum pension benefits will become available.

A further amendment deals with the staff of the London Agency—or as we know it more commonly, the Agent-General's Office in London. The staff of this office, as you would know, Mr. Speaker, come under our State Superannuation and Family Benefits Act. But from time to time there are alterations to an appropriate law in England, and I understand the members of our London Agency staff are not sure from time to time whether they are legally eligible to continue contributing to our own State fund so that they can obtain its benefits in due course.

The amendment provided in this Bill would appear not only to clear up the situation for the time being, but to cover the situation as it might be altered by action in the Parliament of Great Britain in the future.

Another provision in the Bill deals with pensions to widows, where the male contributor to this fund elects to retire at the age of 60, and who continues after the age of 60 and up to the age of 65. Under the present law, if such a person marries between the age of which he has elected to retire—normally 60 years—and he then continues in employment and marries before he has reached the age of 65—before he in fact retires from the service of the Government or the State—when he dies his widow would not be eligible to receive a pension of any kind under this fund. The amendment contained in this Bill proposes to make such a widow eligible for widows' pension benefits under the Act.

I have already mentioned the point about the increases given to widows under the law by the 1962 amendment, which to some extent was clouded legally by the 1960 provision; and I might mention there is another provision in the Bill which aims to lay down clearly that widows will receive approximately two-thirds of the husband's rate of pension at the time of his death, instead of one-half or fifty per cent. which is provided for in the law at the present time.

The other amendment with which I propose to deal has to do with the provident account which is established under the Superannuation and Family Benefits Act. This provident account or provident fund allows contributors to the superannuation fund itself to also make credit deposits into this provident account. The Premier, when dealing with this matter at the second reading, did not explain, so far as I can remember, the reason why contributors to the fund would make credit payments to the provident account. I understand the main reasons are to establish credit accounts in the provident fund to meet extra expenses which come when long service leave is available and for emergency purposes or foreseeable purposes from time to time.

Under the law it is necessary for a person to continue to make credit payments to the provident account for a period of five years before any withdrawal can be made by a contributor from the fund. This has apparently provided a loop-hole which some contributors to the fund and the provident account have appreciated and acted upon, because after the first five years of the deposit of credit accounts into the fund have passed, the persons concerned have withdrawn from the provident account all of the credits which they have paid in during the five-year period, and subsequently have paid in amounts and withdrawn them, and paid in and withdrawn them at will.

According to the information given to the House by the Premier when introducing the Bill, this has been used by the persons concerned to enable them to obtain far greater tax deductions under the uniform income tax system than would otherwise have been available to them. It is considered by the Government that this fund was never established for that purpose. It should not be used for that purpose, and so there is an amendment provided for in the Bill which will lay it down that following the first five-year period of payments into the provident account, and perhaps total withdrawal at the end of the first five years, a contributor will then have to contribute for a further five years before he or she would be eligible to withdraw any of the credit payments from the provident account.

Broadly, what I have said covers the amendments to the Bill as I see them. There is in one part of the Bill some wording which I want to discuss when the Bill goes into Committee. It is not important really, but I think some alteration might require to be made. It has to do with portion of page 3 of the Bill. However, I will content myself with mentioning that when the Bill goes into Committee. I support the second reading.

MR. BRAND (Greenough—Premier) [9.12 p.m.]: I would like to thank the Leader of the Opposition for further explaining the intentions of the Bill. As I pointed out when introducing the measure, the aim is to remove a number of anomalies, to strengthen certain points in the legislation which our legal advisers have found to be rather doubtful, and in general to bring the parent Act up to date. I will be only too pleased to clarify any doubts regarding the wording, as was

mentioned by the Leader of the Opposition. Although I may not be able to provide an answer tonight, I will certainly seek what advice I can on the measure and I will have the matter put right in another place.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Brand (Treasurer) in charge of the Bill.

Clauses 1 to 6 put and passed.

Clause 7. Section 63 amended—

Mr. HAWKE: I do not raise this question because I think it is of any great legal significance—probably it has none at all—but it is really a matter of wording. I refer members to paragraph (c). My thought is that the wording would be more clear and less liable to misinterpretation and misunderstanding if, taking the last three lines, it read—

> deemed to apply in respect of any male person who on or after the commencement of that Act is or becomes a pensioner.

I think we would be doing the wise thing if we altered it in that way. I do not mention it now to have it amended here, but it could be done in another place.

Mr. BRAND: I shall certainly take steps to have the amendment made in another place, and I thank the Leader of the Opposition for drawing my attention to the wording.

Clause put and passed.

Clauses 8 to 10 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr. Brand (Treasurer), and transmitted to the Council.

TRAFFIC ACT AMENDMENT BILL (No. 3)

Postponement of Debate

MR. BRAND (Greenough—Premier) [9.19 p.m.]: I did give an undertaking to the Leader of the Opposition, but by arrangement with the member for Balcatta I would like to deal with Order of the Day No. 6 before dealing with No. 5. Therefore, I move—

> That Order of the Day No. 5 (Traffic Act Amendment Bill (No. 3)) be postponed until after Order of the Day No. 6 (Midland Railway Company of Western Australia Limited Acquisition Agreement Bill).

Question put and passed.

MIDLAND RAILWAY COMPANY OF WESTERN AUSTRALIA LIMITED ACQUISITION AGREEMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Railways) [9.21 p.m.]: I move—

> That the Bill be now read a second time.

I think it is desirable and necessary that I should give some background information leading up to the negotiations that took place, and in fact I think it is important that I should give some of the history of the Midland Railway Company because it is part of the history of the State, and particularly in the area we know as the Midlands.

The Midland Railway Company of Western Australia was formed in 1890, and it constructed the railway from Midland Junction to Walkaway, a distance of 277 miles. It also received a grant of 3,319,464 acres of land. The line went into operation in 1895. Financially the venture was not a success, only nine dividends having been paid in the 70 years of operation, the last in 1945.

In 1946 a road bus passenger service was inaugurated and in 1948 a road freight service for urgent parcels, perishables and goods commenced. In 1955 the road services were extended to Badgingarra and in 1957, with the closing of the Government lines to Ajana and Yuna, road services in those districts were commenced.

The Badgingarra, Ajana, and Yuna services were not successful and ceased in 1960.

In 1952 an approach was made by the directors to the Government when they suggested a sale. Another approach was made in 1955, and the Government guaranted a loan from the Commonwealth Bank to the company of £600,000 in June, 1956. This loan enabled the company to plan improvements to the railway. Orders were placed for diesel locomotives and the relaying of the entire track was speeded up. Further loans amounting to £340,000 were guaranteed subsequently. The railway is now completely dieselised and only 31 miles of the 277 miles of track remain to be relaid.

The operations of the railway improved greatly as a result of the dieselisation programme and the rehabilitation of the track, and over the last few years the company has been operating at a profit.

To finance construction, the company issued debentures, the first issue being of £800,000 sterling; and the second, £600,000 sterling. It was not able to meet its obligations to the debenture holders, only about 14 per cent. having been paid in interest from inception. Debenture holders

accepted reversionary certificates in settlement of their claims for arrears of interest. These stood at £566,928 sterling at the date when negotiations commenced.

The company is satisfying the claims of the reversionary certificate holders in full by a composition of 2s. 4d. in the pound and this will be paid by the company before takeover.

The first debentures had been paid in full to the holders by 1962, and 3s. has been paid off the face value of each £1 second debenture.

The company has acted prpperly over its lifetime by utilising its small surpluses to keep the track and rolling stock in reasonable condition and has not made heavy payments to its directors, shareholders, or debenture holders. It has, in effect, saved the State Treasury considerable financial costs which would have been incurred had the State built and operated this railway over all these years.

I do not think I need to dwell on that aspect, because the state of the W.A.G.R. finances for many of those years is well known to members of this House.

In January, 1963, the directors made the present approach to the Government to purchase the company, based on a payment of £1 for each ordinary stock unit, repayment of the principal sum to debenture holders and reversionary certificate holders, and take over the assets and liabilities, including loans.

I think it is desirable that, for the sake of the record, and *Hansard*, I should read a letter addressed to the Premier by the Chairman on the 10th January, 1963. It reads as follows:—

> My dear Premier,
>
> The Midland Railway Company of Western Australia, Limited, of which Company I am Chairman, has, as you know, been associated with the development of Western Australia for more than 70 years. The company owns and operates approximately 277 miles of railway between Midland Junction and Walkaway together with a road transport service between Perth and Geraldton.
>
> The company's function in relation to its "land grant" has now practically ceased to exist, there is no prospect of raising additional capital in the normal way, and the company has had to call on your Government to guarantee loans to the company for considerable amounts to provide funds for essential renewals and capital additions.
>
> The proprietors (Unified Ordinary stockholders) have received no dividends since 1945, and since then (apart from interest payments aggregating 14 per cent. on the former income debenture stock) all the company's earnings and resources, in addition to certain borrowings, have been expended in renewing and improving its assets in Western Australia, to which end a total of approximately £stg.1,800,000 (£A.2,250,000) has been so expended during the past 12 years alone.
>
> We recognise that your State is entering a period of rapid expansion and that its transport system must keep pace. Through no fault of its own the company now finds itself in a position which offers little if any possibility of expansion or diversification and this difficulty is greatly accentuated by short-term loans for essential capital additions having to be repaid from earnings which are subject to taxation.
>
> We understand the policy of the Commonwealth and State Governments is for Government to own public utilities including railways. The company's undertaking is the only privately-owned railway in Western Australia, indeed, virtually the only one within the Commonwealth. This state of affairs prevents economies and considerable savings which could be made by integration into the State system and the unified control which would result from such integration.
>
> In view of these facts the board, with considerable regret, submit to you that the time has now arrived when in the interests of all concerned consideration should be given to the aquisition by the Government of the company's undertaking. To enable such consideration I am enclosing a statement showing the terms which my board would be prepared to recommend proprietors to accept.
>
> The company's financial position is shown by the accompanying balance sheet made up to the 30th June, 1962. This balance sheet indicates that the Unified Ordinary Stock (£Stg.593,162 —£A.744,400) is represented by net assets of approximately £Stg.1,910,000 (£A.2,400,000) which is approximately £Stg.1,320,000 (£A.1,650,000) in excess of the paid up capital. The assets are conservatively valued in the Balance Sheet and a recent valuation reveals that their value provides a further excess of approximately £Stg.600,000 (£A.750,000).
>
> If you should advise me that your Government will give consideration to and fully examine my board's proposal then I will request the company's local board to give your officers all the information you desire, and to cooperate in every way possible. Mr. John Dowson, the Chairman of the Company's local board, and our general manager, would be empowered to negotiate on all matters which do not require London board's decision.

No doubt an Act of Parliament would be necessary to validate any agreement which may be arrived at and I understand that this requirement could not be complied with befor July-August next.

Despite this, if an Agreement can be reached earlier and is approved by the Company's Stockholders, my Board would be satisfied to await Parliament's ratification.

This proposal is submitted to you subject to termination on 30th April, 1963, if an Agreement has not been earlier concluded, and is subject to approval of any such Agreement by the Company's Unified Ordinary Stockholders.

The terms of my Board's offer to you are as set out in the accompanying statement dated 10th January, 1963, and which I have signed as Chairman of the Company with the approval of my fellow Directors given at a properly constituted Board Meeting held on 9th January, 1963.

Yours faithfully,
(signed) Robert Adeane,
Chairman.

Accompanying that letter to the Premier was the statement setting out the company's offer to the Government and it reads as follows:—

In consideration of the Government acquiring (by a method to be agreed) all the Company's assets and liabilities—

(1) Holders of the Company's capital (£Stg.593,162 Unified Ordinary Stock) to receive, pro rata to their holdings, Government Sterling Bonds totalling £Stg.593,162 bearing interest at 5½ per cent. per annum and redeemable in twenty equal annual instalments.

(2) Holders of £Stg.566,928 Reversionary Certificates pro rata to their holdings, or their Trustees, to receive similar bonds totalling £Stg.65,907 or that amount in cash in full satisfaction and discharge of those Certificates.

(3) The Company's accrued obligation to its Executive Officers, Officers and Staff in Western Australia to be dealt with to the satisfaction of the Local Board, Government making available from the Company's resources or otherwise a sum of approximately £A.200,000 for that purpose.

(4) The sum of £Stg.50 000, from the Company's London resources to be put at the disposal of the present London Board to cover compensation to London staff and the London and Local Directors of the Company.

The method of acquiring title to the Company's assets and liabilities would clearly have to be agreed. It is likely this would need to be by process of the Government or its agent acquiring from the holders their holdings of Unified Ordinary Stock in exchange for the issue of the Government Bonds referred to above.

That summarises the proposal placed before the Government by the chairman of the company, and I thought it desirable to have it recorded, because there is a variation of that proposition in the final agreement that has been entered into by the Government and the company. This, of course, called for acceptance by the majority of shareholders, and now calls for ratification by the Parliament of this State.

On receipt of this firm proposal a committee of three senior officers, representing the Railways, Treasury, and Crown Law departments, was set up and allocated to the task of examining the proposal, and their report was submitted to me on the 11th April. The committee recommended acceptance of the proposal and stated—

(a) The value placed on the company's rail and road assets following inspection by Government railway offices, was £4,284,845 Australian.

I think I should refer to the method of valuation used because it is pertinent to the consideration of this proposal. I quote from the statement on this list of assets and liabilities—

It must be borne in mind that the valuation is of the assets as they stand and that if the permanent way were now being constructed it would not, for economies in operation, follow the present route, nor would the embankments, cuttings, vertical and horizontal curves be the same as they now are. The valuation has been based on asset value for operational purposes, the only exception being assets not required for that purpose, these being shown at estimated realistic value on the assumption that they would be disposed of.

Members will appreciate that the officers carrying out the valuation on behalf of the Western Australian Government Railways had to choose between what could be construed as residual value and value *in situ* on an operational basis, and in view of the discussions that had taken place, they considered that a valuation *in situ* on an operational basis was the one that should

be followed. The following is from paragraph (b) of the committee's recommendations—

(b) The liabilities and share purchase price which was originally requested be met to cover these assets were—

	£A	Total £A
Purchase of Unified Ordinary Stock, at par 593,162 at 20s. each	741,452	
Payment of Reversionary Certificate holders	82,384	
		823,836

To clarify those two points the position was that £A.741,452 was in respect of unified ordinary stock, and the remainder was in respect of payment of reversionary certificate holders. I will now tabulate the liabilities, commencing with loans, as at the 1st July, 1963. They are—

	£A
Debentures, the liability for repayment of which the State would be liable	629,000

It should be appreciated that the State Government, over a period of years, has become the guarantor for this company in respect of its main loans and mortgages. Continuing—

	£A	Total £A
Commonwealth Development Bank of Australia	420,000	
Other loans :		
Provident and Pensions Holdings Proprietary Limited	200,000	
E.S. & A. Nominees (Australia) Proprietary Limited	140,000	
		1,389,000
Payment out of company's London resources to U.K. directors and staff	62,500	
Payment of gratuities accrued to W.A. directors and staff	200,000	
Current liabilities estimated	90,000	
Company's Staff Rights	111,426	

That last figure refers to such matters as long service leave and other accumulated entitlements. Continuing—

	£A	Total £A
Incidental Costs :		
Training Staff in safe working	1,000	
Loss of productivity in taking over staff in excess of immediate needs, say 25 men at £1,200 per annum for one year	30,000	
Taxation Assessment Estimate :		
Years 1962–63 and 1963–64	30,000	
		524,040
		£2,737,782

This would have left a surplus of £A1,547,063; that is, the excess value of assets over price of unified ordinary stock and discharge of all liabilities.

The revised arrangement, following negotiations, and as now covered by the agreement to be ratified, means that the purchase price of unified ordinary stock and discharge of all liabilities would be reduced by about £224,884. This is made up as follows:—

	£
Reversionary certificates	82,384
Payment of U.K. directors and staff	62,500
Reduction in estimated liability for W.A. directors and staff	80,000

This increases the estimated surplus of assets to be acquired over the price to be paid for unified ordinary stock and liabilities to £A1,771,947. Any surplus of profits for the year ended the 30th June, 1963, after meeting taxes and cost of discharging liability on reversionary certificates and to U.K. board and staff would be added to this. It must be appreciated that the negotiations were undertaken on the balance sheet and accounts as at the 30th June, 1962.

Expressed in another way, the price of £A741,254 to be paid for unified ordinary stock is approximately 30 per cent. of the estimated net worth of the company's assets of £A4,284,845, less liabilities of £1,771,446, which gives a figure of £A2,513,399. These figures are significant because they give an indication of what could have been the position if compulsory acquisition had been involved, and the Government had been forced to acquire the undertaking compulsorily instead of by voluntary negotiation.

As members know, if there is compulsory acquisition involved, the method of valuing public utilities is very much in favour of the undertaking being acquired. I think successive Governments found that to be so with electric light undertakings in particular. I will continue with these recommendations—

(c) It was estimated that the road and rail services could both be operated profitably by the Railways Commission.

In this regard a table is of importance to Parliament. I understand there is no way of having a table incorporated in *Hansard* except by reading it, unless you, Mr. Speaker, can suggest some other method.

The SPEAKER (Mr. Hearman): No; I cannot.

Mr. COURT: Very well, I will make it as brief as I can. This is a statement prepared by a committee of senior officers from the Railways, Crown Law, and Treasury Department. This refers to a combination of road and rail services operated by the Midland Railway Company. The statement reads as follows:—

Midland Railway Company—Rail and Road Services

Results of Operating Compared With W.A.G.R. Estimate

Combined Services	Midland 1961–62	Midland Line Operated by W.A.G.R. (Normal Year)	W.A.G.R. Compared with Company
	£	£	£
Earnings : Rail	964,045	872,163	—91,882

I should explain here that one of the factors influencing this would be that the local users of the railway system would pay less under the W.A.G.R., because instead of what was known as the local rate system operating, as was the case

with the Midland Junction Railway Company, the through rate of the W.A.G.R. system would apply once the system became fully integrated. Continuing—

	Midland 1961-62	Midland Line Operated by W.A.G.R. (Normal year)	W.A.G.R. Compared with Company
Earnings :	£	£	£
Road	153,138	142,000	— 11,138
Total Earnings	1,117,183	1,014,163	—103,020
Operating Expenses :			
Rail	693,227	595,480	— 97,747
Road	131,134	96,924	— 34,210
Total Operating Expenses	824,361	692,404	—131,957
Net Revenue :			
Rail	270,818	276,683	+ 5,865
Road	22,004	45,076	+ 23,072
Total Net Revenue	292,822	321,759	+ 28,937

Now follow the important items so far as the acquisition of the railway is concerned. They are—

	£
Interest on company borrowing	80,000
Repayment of company's borrowings	150,000

I should explain that the officers who made this examination and who submitted the recommendation to the Government worked on the basis that there would be no call on loan funds for the purchase of the system; that it would have to be self-supporting; and that repayment of the debentures, as well as the Government bonds which would have to be given for the purchase of the unified ordinary stock, would be a charge against revenue on the earnings of the line. I understand this has been agreed to between the Treasurer and the Grants Commission as being an appropriate method to handle this particular transaction.

It will mean, therefore, that in acquiring this system the W.A. Government Railways will not increase its actual loan fund indebtedness for the purpose of the actual acquisition and the paying off, over the period of years provided for under the agreement, of the actual share purchases and the debentures and loans.

Further charges in this statement include interest on new capital borrowings £27,775; and depreciation on new capital assets £5,748. Under the heading of the Midland Railway Company's operations for 1961-62, there is an item of £35,163 for interest and depreciation. The total debt charges under the Midland Railway Company system is £35,163, and under the W.A.G.R. system £263,523, or an increase of £228.360. Members will appreciate that the high debt charges in the case of the W.A. Government Railways operations resulted from the desire to make all the capital charges for acquisition and payment of loans a charge against revenue, and not against loan funds.

The net operation surplus would be in the case of the Midland Railway Company for 1961-62, £257,659; and the W.A.G.R. system, after absorbing the capital charges, £58,236, or a drop of £199,423. The statement has been prepared on the foregoing basis in order to illustrate whether the payments—

(i) to unified ordinary stockholders

(ii) to reversionary certificate holders

(iii) to second debenture holders

(iv) in respect of principal and interest to the lenders

(v) in respect of interest and depreciation on the new capital expenditure for essential works.

could be met from operating surpluses of the Midland line and road service. The statement concludes by stating that it appeared this could be accomplished under normal conditions.

Since this statement has been prepared there have been some adjustments in wages. I understand they would absorb between £21,000 and £23,000 of the net operating surpluses shown here, after absorbing these capital payments. The recommendations continue as follows:—

(d) payment to shareholders and debenture holders should be made over 20 years at 5½ per cent. interest on reducing balances.

(e) The Government could authorise the Commissioner of Railways to carry on the operations of the company until liquidation; proceedings for which should be instituted as soon as purchase by the Government was completed. This was based on the assumption that the nominee company would be a public company. However, the Government arranged for the Rural and Industries Bank to perform this function.

After lengthy consideration, the Government decided to give its approval to the proposal, subject to the company settling the claims of the reversionary certificate holders, and the London staff—this to be on a considerably revised basis to the original proposal.

The Government was conscious of advantages, to the State, of the takeover and in this, had regard to the following factors:—

(a) It is one of the three remaining privately owned railways in Australia. The Emu Bay Company of Tasmania is gradually restricting its operations, and the Silverton Tramway Company of Broken Hill will, of necessity, review its position when standard gauge goes through its area.

(b) Integration in the Government system will bring free flow of traffic and economies of operation by avoiding marshalling at Midland and Walkaway, locomotives

and crews standing idle waiting arrival of trains from the other system, shunting and yard staff.

(c) The Western Australian Government Railways Workshops at Midland can absorb the maintenance work now done by the company and render unnecessary the company's workshop, storehouse, and offices at Midland.

(d) The land released at Midland will be available for a passenger terminal (with possible ancillaries such as shops, offices and other facilities) and will, with proper planning, improve the town of Midland.

(e) The accounting will be simplified by incorporation in the mechanised system of the Western Australian Government Railways.

(f) The interchange agreement, which pleased neither party, and the recording need therefor, will be avoided.

This interchange agreement has been the subject of much contention over the years and a perfect formula has not been agreed on. The W.A.G.R. has always felt that it was carrying more than it should under the agreement; on the other hand, the Midland Railway Company sometimes felt it was carrying more than its fair share. However, that agreement would no longer have any significance. To continue—

(g) The one administration will control both systems and there will be no new traffic or engineering districts or storehouses needed. The cost of the London office and board will be saved.

(h) The resources of the Western Australian Government Railways will be more readily available to aid in the development of the Midland, Geraldton and North-Western regions.

The development of Geraldton as a major railhead for the north and the greater use of the pick-a-back system Perth-Geraldton will be more effective under one control.

We are finding that already to be a necessity, in view of the V.L.F. traffic in the north. To continue—

(i) Fast freight services will be introduced.

(j) The transaction for acquisition will be financed from Consolidated Revenue Fund and not General Loan Fund.

(k) The mineral rights which had been the source of dispute between the company and the Government will be irrevocably the property of the Crown.

(l) Local users will get the benefit of at least £50,000 per annum from abandonment of the Midland "local rate" system of freight assessment.

(m) Other benefits include proceeds from sale of surplus assets and avoidance of interest subsidy payments to the company which would total £57,000 over the next four years.

Members will recall that when this last matter was before Parliament the Government had to agree to subsidise the interest for a number of years, when the last rehabilitation programme was being planned.

A factor which had to be carefully weighed was the possible call on loan funds for future rehabilitation work, as distinct from acquisition and repayment of loans. The investigating committee assessed the figure at £934,500 over five years.

It is now expected this figure will be much less and can be spread over a longer period, having regard for the amounts spent by the company in recnt years and also the supplies of surplus materials that will be available from W.A.G.R. sources. In any case it will need to be absorbed in the normal W.A.G.R. pattern of funds.

The commissioner favoured the integration of the Midland line into the W.A.G.R. system from an operational point of view. His only reservation about the proposed acquisition was in respect of the possible effects of road transport on the Midland system and the administration of the State Transport Co-ordination Act, if and when a direct coast road was developed. That, of course, is not in the immediate future; but it is something which cannot be ignored in the ultimate future.

The following is a short summary of the negotiations which lead up to the introduction of this Bill. I have had this prepared in conjunction with the Crown Law Department, because members will realise there are a lot of legal complexities in connection with these negotiations. I felt it was desirable they should be recorded in their proper sequence and form in *Hansard*.

The directors were desirous of the State acquiring the shares of the Midland Railway Company. The State was not very much interested in becoming a shareholder of the company, but was interested after a full investigation in acquiring the Midland railway and other assets of the company. The straightout sale of the railway and assets of the company was rendered impossible by the incidence of the income tax which would have placed a crippling liability on the company with a consequent lessening of net worth of the company so far as this State was concerned.

Consideration was then given to the State or a nominee of the State becoming sole shareholder of the company and then proceeding to liquidate and wind up the company. Members who are students of company law and taxation will appreciate the need for this rather long and roundabout way of handling this transaction which involves a limited liability company on the one hand, and the need to transfer its assets to another instrumentality.

It was conceived that if all the major creditors, secured or unsecured, of the company could be satisfied, and all the shares in the company acquired by or on behalf of the State, then the State would be in a position to put the company into liquidation and require the liquidator to distribute the assets of the company to the State in the form they existed, without any sale or realisation of those assets. This is known as a distribution in specie.

To achieve this ultimate aim—namely, liquidation of the company and distribution of the assets in specie to the State—two problems had to be coped with—

(a) the acquisition of all the shares in the company;

(b) the satisfaction or removal of the debts due to major creditors of the company.

A solution of the first problem was available under the provisions of section 209 of the English Companies Act. This section permits takeover offers or bids to be made. It provides, very shortly for a scheme or contract to be made involving the transfer of shares in a company, called the transferor company, to another company called the transferee company.

If the scheme or contract is, within four months after the making of the offer in that behalf, approved by the holders of not less than nine-tenths in value of the shares of the company, the transferee company may at any time within two months after the expiration of the said four months, give notice to any dissenting shareholder that it desires to acquire his shares, and unless the dissenting shareholder can prevail upon a court to order otherwise the transferee company becomes entitled and bound to acquire those shares on the terms on which, under the scheme or contract, the shares of the approving shareholders are to be transferred to the transferee company.

The significance of this is that if a small percentage of the shareholders stand out, either wilfully or negligently, there is machinery under the British Companies Act—as there is in Australia—for the acquiring company, in this case the Rural and Industries Bank, to legally acquire those shares on a fair and proper basis; in other words, in accordance with the main tenor of the scheme.

In furtherance of the above section an agreement was entered into between the directors of the company as vendors, and the Treasurer on behalf of the State as purchaser, and the R. & I. Bank as nominee. The interpolation of the R. & I. Bank was necessary, because the above section 209 requires that the offer to acquire the shares be made by a "company", whether or not a company within the meaning of this Act. It was considered that the commissioners of the R. & I. Bank, being a corporation aggregate would qualify as a company; and so the R. & I. Bank entered into the agreement as the nominal purchaser of the shares which will be held by the bank on behalf of the State.

Originally we were of the opinion that we would have to bring in an outside company which was skilled and experienced in this type of work, and which had international connections to handle this transaction. However, it was preferable, if possible, to keep it within the Government or its instrumentalities, and it so happened that the R. & I. Bank filled the bill admirably.

After the agreement had been finalised between the parties it was necessary for an offer to be made to all the shareholders of the company, offering to buy their shares at the same price, terms, and conditions as were offered to the vendors under the agreement. The consideration to be given to the vendors under the agreement for the sale of the shares was that for every pound worth of shares, R. & I. Bank stock to the value of £1 sterling, payable by 20 equal annual instalments of 1s. each bearing interest at £5 10s. per centum per annum sterling, would be given. The offer has now been approved by the holders of approximately 97 per cent. in value of the shares of the company.

With reference to the second problem, the main creditors or chargees of the company were—

(a) guaranteed debenture stock holders to whom was owed £592,360 sterling;

(b) reversionary certificate holders to whom was owed £566,928 sterling;

(c) three mortgagees of the company, namely, Commonwealth Development Bank, Provident and Pensions Holdings Proprietary Limited, and E. S. & A. Nominees Proprietary Limited.

The rights of the guaranteed debenture holders stemmed from a guaranteed debenture deed given by the company in 1911. In 1962 the guaranteed debenture holders had surrendered their security against certain assets of the company in consideration of the Treasurer guaranteeing the payment of the amount due on the guaranteed debenture stock. In 1960 the guaranteed debenture stock holders had agreed

with the company to accept payment on each pound of debenture stock at the rate of 1s. a year for 20 years, free of interest.

Under the agreement it was made a condition of the offer to buy the shares, that the guaranteed debenture stock holders would agree to release the company from all liability under the guaranteed debenture stock and to accept the direct liability of the Treasurer for repayment of the debenture stock. The consideration for this concession by the guaranteed debenture holders was an acceleration of six months of the payments of the remaining annual shilling instalments. As members appreciate, there must be some consideration—even if nominal—to make it binding.

A general meeting of the guaranteed debenture holders was held on the 7th October in accordance with the debenture deed, and the necessary majority approved of the arrangement. Option deeds giving effect to the approval by the debenture stock holders of the arrangement have been prepared between the trustees for the stock holders, the company, the Treasurer, and the Rural and Industries Bank.

The liability to the reversionary certificate holders was £566,928 sterling. It was a condition of the offer in the above agreement that the company would undertake the responsibility of discharging all liability to the reversionary certificate holders. There were several reasons why the Government did not want to be involved in this, and this was satisfactorily arranged. It has been done by the company agreeing to pay the reversionary certificate holders 2s. 4d. in the pound and this offer was approved and accepted on the 7th October by a general meeting of the reversionary certificate holders. Suitable option deeds have been executed between the trustees for the reversionary certificate holders and the company.

Approach has been made to the three mortgagees mentioned in (c) above. Their debts are already guaranteed by the Treasurer. Each of the creditors has agreed by letter to release the company and its assets from all liability and to accept in lieu thereof the direct liability of the Treasurer for the repayment of its mortgage debt.

The agreement provides that in addition to certain other conditions, the offer to parties in the agreement is conditional upon—

(a) its approval and acceptance by stock holders holding not less than 19/20ths in value of the issued capital of the company;

(b) the trustees for the holders of the company's reversionary certificates agreeing to release and discharge the company from all rights, claims, and interests of the said holders;

(c) the trustees for the guaranteed debenture stock holders in consideration of the payment to them of one shilling sterling on each stock unit of guaranteed debenture stock by the company on or before the 1st January, 1964, agreeing—

(i) that the liability for the payment of the moneys owed by the company to the guaranteed debenture stock holders be satisfied by delivering to the trustees R. & I. "B" debenture stock entitling the holders to sixteen annual instalments of one shilling sterling each for each one pound sterling stock unit, and

(ii) agreeing to discharge and release the company from all liability to the guaranteed debenture stock holders;

(d) the Australian Loan Council approving the issue guaranteed by the State of the R. & I. "A" and "B" stocks; and

(e) the passing and coming into operation of an Act to ratify the agreement.

Negotiations on the conditions (a), (b), and (c) have been successful, and meetings of the ordinary stock holders, the holders of the company's reversionary certificates, and the guaranteed debenture stock holders have been held and the necessary majorities have approved of the respective offers made to them.

It was part of the agreement reached between the vendors and the State and the R. & I. Bank that the stocks or bonds to be issued to the ordinary stock holders and the guaranteed debenture stock holders would be transmissible and registerable by a registry to be maintained in London. The Reserve Bank of Australia has agreed to make its registry in London available as the registry of the R. & I. Bank "A" and "B" stock and to carry out the duties of registrar of that stock so long as the conditions for the management and control of that stock are, generally speaking, the same as those obtaining in relation to Commonwealth Government inscribed stock or consolidated stock registered or domiciled in the United Kingdom. It is for this reason that the schedule dealing with these particular bonds is, for all practical purposes, in line with what the Commonwealth has for its inscribed stock registered on the London registry.

The Act is required, amongst other things, to ensure the necessary authorisation in the R. & I. Bank to create and issue the "A" and "B" stock and to undertake and carry out its commitments under the agreement, to authorise the Treasurer to

undertake the various guarantees set out in the agreement and in the deed with guaranteed debenture holders and later on with the mortgagees of the company, and to give necessary indemnities to the proposed liquidator to ensure the rapid and efficient liquidation of the company.

Now, that deals mainly with the legal side of this very complicated transaction. I want now to refer to the employees' side, which is a very important part of this agreement. In negotiating the agreement the company was anxious to ensure that the employees of the company would as far as possible retain employment with the State railways or other State agencies on conditions, generally speaking, not less favourable on the whole than those which the employees enjoyed in their employment with the company. Amongst the conditions to be considered is the seniority to be accorded to each of the employees taken over by the State. It is necessary for the Act to validate any arrangement arrived at between the negotiators for the parties on the question of the employees' conditions and seniority.

It is hoped that conditions of service, including seniority, will be resolved by negotiation between unions, the company, and the W.A.G.R. commissioner. If these negotiations fail—and I hope they do not—provision is made for special appeal machinery to a stipendiary magistrate. For obvious reasons it was necessary to limit the period during which appeals could be lodged. The period in the schedule to the agreement (page 18, clause 5) is three months from vesting date.

I invite the attention of members to this appeal machinery. It was no good leaving the matter in the air if negotiations broke down between the unions of the Midland Railway Company and the unions of the W.A.G.R., and the executives of the company, together with the commissioner of the W.A.G.R.; and it was felt that the only satisfactory way to deal with the matter was to allow a time during which the employee could, if he felt aggrieved, appeal to a magistrate. For obvious reasons it was necessary to limit the period during which this appeal could be made; otherwise a ridiculous situation could arise which would cause uncertainty both to the Midland Railway Company's employees taken over, and the employees within the W.A.G.R.

Mr. Davies: Are magistrates sitting alone?

Mr. COURT: Yes. It was felt this was desirable in this case. We have had discussions with the union and the suggested name of a magistrate has been discussed. In this case we are concerned about getting a magistrate entirely acceptable to the unions concerned; because, as far as the Government and the company are concerned, it is not of the same significance as it might be in ordinary cases. However, on this occasion it is mainly a matter between the employees themselves.

It was suggested, I understand, at one stage, that employees coming over from the Midland Railway Company to the W.A.G.R. would come over in their existing classifications, but at the bottom of the classifications. That would bring about some anomalies, and in certain cases would bring about some injustice to some of the older employees of the Midland Railway Company. However, we hope the matter will be worked out at the union level between the respective unions concerned and the commissioner.

The commissioner, of course, is in a rather extraordinary position in this matter, because today certain employees belong to him; and tomorrow those employees plus another group will belong to him. From the day they come over, he will have loyalty to them both. The same applies to the unions. The union, which is at present responsible for the employees of the W.A.G.R. will, on the day the Midland men come over and become part of that union, have general loyalty to the whole of the membership. That is why we had to restrict this appeal period, because if it went on any longer that 90 days, there could be difficulties within the railway system and the union itself.

Mr. Davies: Is that 90 days from the date of the agreement?

Mr. COURT: It is 90 days from the vesting date which is, as the name suggests, the date on which the railway system becomes vested in the commissioner.

Mr. Jamieson: When is that anticipated?

Mr. COURT: I could not be precise, because there is detailed legal machinery to be undertaken to get this company into liquidation and transfer the assets from the company into the railways; but it will be done as quickly as possible.

Mr. Jamieson: What would the goal be? The 31st December?

Mr. COURT: I think that would be impracticable. The legal formalities alone would take several months; but it will be done as quickly as possible. To overcome this position, it will be found in the Bill that provision is made whereby the W.A.G.R. can operate this railway under lease and then, for all practical purposes, it is a railway within the meaning of the railways Act; and that will again facilitate the quick integration of this system into the W.A.G.R. In other words, we will not have to wait until all the formalities of liquidation are completed before the system can operate under the W.A.G.R.

Mr. D. May: Are all unions in accord with the one magistrate?

Mr. COURT: We have not reached a final decision on the magistrate. However, we do not anticipate any difficulty

I think it would be unfair at this stage to press me to disclose the name of the person contemplated.

Mr. Oldfield: You have not thought about Sir Alex Reid, have you?

Mr. Brand: He does not happen to be a magistrate.

Mr. COURT: Appeals in respect of seniority are covered by clause 13 of the Bill in which the period for reaching agreement is 60 days from vesting date. I mention this as a particular item, because members will see in the schedule which forms part of the agreement, as distinct from the schedule to the Bill, that there is a special provision dealing with the general employee conditions, but within the actual Bill itself—in clause 13 to be precise—are the conditions in respect of seniority; and they have been dealt with as two separate factors, because I think it will be realised that in the final analysis there are two separate problems to be dealt with; the first is the integration of the man into a classification and the system; and the second is the seniority within that system.

Mr. Rowberry: Will these employees have the same protection as the employees of the State Building Supplies?

Mr. COURT: I think that interjection is completely irrelevant. The provisions in respect of employees are very clearly stated in the agreement and Bill.

Mr. Davies interjected.

Mr. COURT: The magistrate cannot receive appeals after this period; but, of course, he does not have to consider them before this date is over. He has to deal with them as expeditiously as he can. He can receive appeals up to that date, and he will define the method of hearing the appeals. We must trust him in this matter and also in regard to the type of people who can be brought before him to give evidence in favour or in opposition.

Mr. Davies: It will be left to the magistrate entirely?

Mr. COURT: Yes. I think it is very clearly set out both in the agreement and in the Bill. In regard to appeals in respect of seniority, these are covered by clause 13 of the Bill in which the period for reaching agreement is 60 days from the vesting date. The employee has 30 days in which to request that his seniority be determined by a magistrate if agreement is not reached within this 60 days.

I just want to make these final observations. There are approximately 500 employees in the Midland Railway Company and I think it would be very remiss if I did not make some comment on the way they have, together with their management and their directorate, operated this system.

It is well known that they functioned as a tightly-knit group in this comparatively short stretch of line from Walkaway to Midland Junction; and they are, as a team, largely responsible for the fact that this railway company was able to carry on as well as it did at a time when the W.A.G.R. was facing extreme difficulties in functioning and at a time when it was functioning at very heavy deficits.

Over the years they have built up an *esprit de corps* within their system, and it does reflect well on their management and directorate as well as on the men themselves.

I think it is acknowledged that sooner or later this position had to be brought to a head. It is obviously better to deal with the situation now by negotiation, than find ourselves confronted with the position where the Government would, in the interests of maintaining a transport system, have had to resort to acquisition or resumption.

Paradoxically, it would have cost a lot more—two or three times more—to acquire this railway compulsorily than to acquire it by negotiation, because once a system like this is acquired by compulsion, it is subject to the normal formulae used for the valuation of public utilities, and the cost would have been much greater than is provided under this agreement.

The integration of the system so far as we are concerned achieves many advantages. It will give a better freight service; it will give more economical operation; it will give lower freight costs to local users; the interchange agreement becomes redundant; we will have greater flexibility of operations; we will have a greater flexibility in determining future rail transport policy; the Midland township can be redeveloped.

The Midland Railway Company land and buildings are something of an embarrassment to the Midland local authority in its efforts to redevelop the town, and that position will be overcome if this change takes place.

Mr. Brady: Has all the Midland land been taken over? The company had some private land apart from the railway.

Mr. COURT: All the assets, including the property in William Street, will be acquired. Any property owned by the company becomes the property of the Government after the liquidation is complete.

There are, of course, some assets that will be redundant; and it is up to the Government to decide whether it will convert them into cash or put them to some use. But all the assets, no matter what type, become the property of the purchaser; because as one becomes the proprietor of the unified ordinary stock, so one becomes the owner of all the assets of the company.

Mr. Jamieson: You would not consider this a venture into socialism, would you?

Mr. COURT: No.

Mr. Brady: Why do you say there will be a better freight service in view of the fact that the W.A.G.R. is already providing a service?

Mr. COURT: The point is that once we integrate this railway into the W.A.G.R. system it is possible we will have faster trains, and presently we will do away with many of the delays that take place; and the marshalling problems both at Midland and Walkaway are real problems in the operation of this system.

Mr. Hawke: You will have to do a lot better than you have done with the Northam road bus service.

Mr. COURT: We will do all right with this one.

Mr. Hawke: It is an absolute shambles.

Mr. COURT: Another point that is important is that we have been able to acquire this under negotiations and arrangements made by the Treasury without calling on loan funds for the acquisition of the shares or the repayment of the loans that have been enumerated. I think that apart from all other considerations this is in the interests of the W.A.G.R. and, above all, in the interests of the overall transport system of the State.

Debate adjourned, for one week, on motion by Mr. Hawke (Leader of the Opposition).

MIDLAND RAILWAY COMPANY OF WESTERN AUSTRALIA LIMITED ACQUISITION AGREEMENT BILL

Message: Appropriation

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

TRAFFIC ACT AMENDMENT BILL (No. 3)

Second Reading

Debate resumed, from the 6th November, on the following motion by Mr. Craig (Minister for Police):—

That the Bill be now read a second time.

MR. GRAHAM (Balcatta) [10.19 p.m.]: Before dealing specifically with the Bill, may I be permitted to say that I think it is a great pity that when numerous people attend Parliament House, and are obviously interested in a particular measure, there is such a delay in dealing with that measure and accordingly they are frustrated and disappointed.

Mr. Ross Hutchinson: The work of Parliament must go on.

Mr. GRAHAM: That is so; but the Government placed such stress on this matter that it is a pity the public—unfortunately we do not have sufficient of them here—have to be disappointed; particularly as after this Bill is disposed of, there are four other measures to be dealt with before we reach the one that members will readily recognise.

This is the third Bill this session to amend the Traffic Act. That Act, as members are aware, is a most complicated and comprehensive measure which, I should say, it is impossible for members of the public to understand and appreciate. It is difficult even for members of Parliament, who are called upon from time to time to study it, to be in a position to appreciate its many aspects.

I might mention—for perhaps the third or fourth time—that more than five years ago when I was the Minister for Transport I issued instructions that a commencement should be made on the abbreviating and simplifying of the existing Statute. It would appear that no progress has been made in that direction. Indeed the position has been complicated by the whole series of Bills that have come before Parliament not only this session but in several previous sessions as well. The Traffic Act comprises about 150 pages and the traffic regulations about 250 pages.

Mr. Rowberry: Where did you get those from?

Mr. GRAHAM: I have a way. Members will agree that it would be a mammoth task for any member of Parliament, familiar as he is with the reading of Statutes, to become even reasonably acquainted with the contents of the Act and the regulations. Yet if a motorist is to escape the displeasure of the law, there is more or less an obligation on him to have some knowledge of the great bulk of the regulations and the sections of the Act.

Therefore I appeal to the responsible Minister to see if he can do something to spur his advisers and departmental heads into attending to the job of doing something to abbreviate and simplify our traffic laws.

I think, too, that I indicated on another occasion that I have seen the code of one of the States of America, and it comprises pages totalling far less than one-quarter of what the motorists of this State are expected to assimilate.

It is not my intention to speak at great length on this measure, because I have submitted to the Clerk quite a number of amendments which I regard as being essential in order to make the Bill a more workable proposition. Therefore many of the remarks which ordinarily I might make on the second reading will be reserved until the Bill reaches the Committee stage; if that be the will of this House.

Whilst acknowledging the concern of the Minister with regard to the ever-growing toll of the road, more especially among the younger generation, I feel that

I am entitled to say that the Minister's lack of application and drive has accentuated the problem. On previous occasions I have indicated that, in my view, the Minister and his department, or departments, have gone "Stop" sign happy. "Stop" signs have been erected in their hundreds throughout the metropolitan area.

As members will be aware, stop signs are virtually a signal to those persons travelling along the road protected by the signs that they have a license to ignore a cardinal rule of the road; namely, the rule to give way to the traffic approaching on the right. Whilst undoubtedly a "Stop" sign does have an effect at the particular intersection concerned, in my considered opinion it also has the effect of transferring the accident potential to succeeding intersections where there are no "Stop" signs; and it has the effect of encouraging motorists in the belief that it is not necessary on all occasions to defer to traffic approaching from the right-hand side.

For the life of me I am unable to understand the erection of these signs at a number of points. Other members have given examples; and I quote one at the corner of Royal Street and Main Street, Osborne Park, where there is a "Stop" sign when one approaches Main Street from the east. I will guarantee it is possible to have a completely clear view of the road for at least a quarter of a mile; and there is no obstruction whatsoever on the left hand side. Why a stop sign is erected at that intersection, I do not know.

In my view this is clumsy thinking; this is the easy way out so far as the Minister and his department are concerned. I think a more businesslike approach requiring, except in most exceptional circumstances, a close adherence to the rule of giving way to traffic approaching on the right, would result in far fewer accidents; and, or course, we are aware from statistics that in the metropolitan area the danger points are at intersections and junctions.

I feel, also, that far too little attention is given to the requirement of the motorist to keep to the extreme left of the road. There seems to be a feeling abroad, particularly where there is a white line down the centre of the road, that as long as the vehicle is kept to the left-hand side of the white line, that suffices and conforms with the traffic regulations. Of course it does nothing of the sort.

We find that in many cases there are roads sufficiently wide—roads which have been widened recently at considerable expense—to enable, with careful driving, three lines of traffic in both directions. Yet, because of the considerable number of people who hug the centre line, it is absolutely impossible for a vehicle to overtake those that apparently care nothing for the traffic regulations. In such cases, of course, the motorist behind becomes impatient and awaits an opportunity to dart through, and inevitably he must cross to the wrong side of the road. He is then in the pathway of traffic approaching from the opposite direction. These are not casual occurrences, but are, by and large, the order of the day; and it would appear that nothing practical is being done in regard to them.

I guarantee that in half an hour's driving in the metropolitan area I witness far more flagrant breaches of this requirement than are listed in a whole month of cases before the court by every one of the traffic inspectors who are on the job.

I refer again to the matter relating to "Stop" signs that I mentioned earlier; namely, the matter of not deferring to traffic approaching from the right-hand side. The motoring public, for their own reasons, have declared some roads to be major roads; but, of course, there is no such thing in the Traffic Act and regulations; but I will guarantee that on them there is not one motorist in a hundred who gives way to traffic on his right.

Anybody who is aware of what goes on—and I quote my own part of the world—will know that if one seeks to enter Wanneroo Road from the western side, and there is traffic flowing into Perth—in other words the approaching traffic is on one's left—in not one case in a hundred does that traffic pause. Indeed, as I have mentioned on a previous occasion the drivers step on the accelerator; make use of the car horn; shake their fists; turn their heads; and swear at the motorist who is endeavouring not to bulldoze his rights, but to seek some opportunity of entering the road.

Inevitably the motorist in the predicament in which he finds himself endeavouring to enter this self-declared main road, starts edging his way across the road, and before he knows where he is there are vehicles proceeding northwards from Perth, which means one is subjected to doing the wrong thing or being hit on the right-hand side of the vehicle, poised, as I say, and unable to break away through the motorists who are not giving way to the traffic on their right.

The Minister would be making a worthwhile contribution if he instructed his police traffic officers to give more attention to the cardinal rule of the road which, I repeat, is to travel on the extreme left of a roadway and, also, on all occasions to give way to traffic on the right. The Minister should do away with all the clumsy and unnecessary "Stop" signs.

I do not know whether members are aware of the fact, but under the Traffic Act as it now stands—and as it will exist with the passage of this Bill in its present form—there is no minimum age at which a person or child can be issued with a driver's license. There is no limitation

whatever in the Act. It just so happens that the regulation says that the age shall be 17 years; although even there the Commissioner of Police may issue a driver's license to a person below that age.

I feel that Parliament should make a determination in the Act, and it should not be a matter subject to the regulations. I am not making my submission here at this stage, but we might well ask ourselves whether 17 is a proper and appropriate minimum age; or whether it should be an age of 18 or 19 years, or something of that nature. Because 17 years was the proposition adopted and embodied in our regulations a number of years ago, that is not sufficient, in my opinion, to indicate that it is necessarily correct.

I would suggest there are many more vehicles on the road—much larger vehicles; more speedy vehicles—and I think an age and a period of recklessness is apparent today which was not in existence at the time the age of 17 years was first promulgated. When we come to a detailed consideration of the Bill perhaps we can give more attention to that matter.

It is proposed in the Bill that if an applicant has not attained the age of 18 years, he shall be required to obtain the consent of his parent or guardian, and if none of those people are present in Western Australia the consent of his employer. Here let me indicate to the Minister that I will agree to the employer proposition only if the obtaining of a driver's license is essential to the employment of the person involved.

I cannot see why, if a youth has neither parents nor guardians in Western Australia, his obliging employer should give his consent and enable the youth to tear round the city and suburbs generally joy-riding in a car. But if the driver's license is necessary to enable that young fellow to perform his duties as a servant of the particular employer, then, while we have the age limits which we have—in other words that a lad who is 17 but who has not yet attained the age of 18 years requires a license in order to properly fulfil his duties on the job—we should make that possible for him.

I have already admitted that we have a great problem confronting us with regard to youth at the wheel. Some of these young people are completely irresponsible; they are anti-social in their behaviour. It is bad enough when they indulge in their hooliganism around milk bars, hamburger bars, dance halls on the beaches, and that sort of thing; but when people of this category are let loose in the tremendously powerful and solidly-built vehicles such as traverse the road today, then it does indeed become a serious matter; because so many people—and I am thinking particularly of the pedestrians and more especially of children and those people who are aged or who suffer some physical disability—have little or no chance, or prospect, because these young people care not one iota for practically any law of the land; and when they have this tremendously powerful weapon or armanent at their command they become a real meance.

On the other hand quite a considerable percentage of the younger generation are *not bad people; they are just irresponsible.* They are imbued with this spirit of youth and adventure; they have a courage which in many respects is commendable. Members will recall that during the war years it was the counterparts of these young chaps who were teenagers and who, by and large, were put in charge of the Air Force fighter planes. They were put in charge of these because they had no fear; because they had courage to the *nth* degree, and they would engage in all sorts of reckless exploits which older people would be disinclined to face. The latter would not be prepared to take a risk even in time of war, when, of course, so many people become dedicated. Thus the young people were selected, because it was recognised by our military authorities that they had a courage, a recklessness, a nerve, and a care-free attitude not usually found in older people.

It is these same young people, or their counterparts, who are decent young citizens, but who have this gay adventurous spirit which, unfortunately, is being applied not, I repeat, because these young people are bad, but because they are young.

I was interested in yesterday's issue of *The West Australian*. I think it tells a story in itself. There is a column and a half devoted to accidents, and I will read no more detail than the ages of those who are affected. I will read them all in order to give the complete picture. The ages of the people concerned were 17 years in the first case, where the lad was killed. The ages of the others were 21 years, 19 years, 20 years, 19 years, 21 years, 24 years, 21 years, 19 years, 18 years, 21 years—there was a young man whose age was not stated—then 19 years, 20 years, 18 years, 39 years, 47 years, 26 years, 16 years, 14 years, and 21 years.

I think those ages in themselves tell the story and show that the great majority of those involved in traffic accidents, be they drivers or passengers, are young people. The statistics, of course, generally bear out the story. As the Minister indicated the other night, of the 20,000-odd people who apply each year for driver's licenses for the first time, aproximately two-thirds of the applicants are persons under the age of 30 years.

This, therefore, is a youth problem. I approve in principle the move of the Minister in introducing this legislation to provide for probationary licenses for a period of three years, under which if certain

requirements under the Act and regulations are breached the probationary license is cancelled, and where the Commissioner of Police cannot entertain another application within the period of three months, or a longer period, if there be such penalty imposed by the court in respect of the specific breach of the regulations.

I find myself at divergence with the Minister, however, when he suggests that these probationary licenses will be cancelled under certain headings—with which I have no disagreement—but additionally for the breach of regulations not yet specified. I feel that Parliament should have a look at the breaches; because of the 17 or so examples the Minister gave the other evening I find myself wholeheartedly behind five, only half hearted in connection with two others and opposed to the rest. As there would no doubt be a great divergence of opinion of members on both sides of the House—because this is surely not a party Bill—I think we are entitled to know, and indeed to lay down, the points—other than of the ordinary cancellation of licenses—in connection with which there shall be specific application to those persons who drive under the probation scheme. More of this when we reach the Committee stage.

There are other provisions in the Bill which are directed at the older section of the community. I think all of us acknowledge that there comes a time in everyone's life when his faculties and reactions slow down. That change, of course, is gradual, but it has a noticeable or appreciable effect at different times, and at different ages, in accordance with the type of person concerned.

Mention has been made, by way of interjection, of a certain gentleman aged 74 years who aparently, in the opinion of this Government, has all his mental faculties. What his physical reactions are like I do not know. The Minister has not made out a case to establish the necessity for particular controls or restrictions on people of mature age. His proposition is that when a person attains the age of 70 years, every three years, at his own expense, he shall be the subject of a medical examination. After he attains the age of 80 years he will submit himself to medical examination every 12 months in order to certify as to his physical fitness and his ability to handle a motor vehicle as a consequence.

I think it will be found that as a person ages he becomes more careful in his driving; that he tends more and more to observe the traffic code—the rules of the road—till eventually he and/or his family and friends arrive at the conclusion that it is time he ceased driving altogether; and he does that for his own protection.

I notice the Royal Automobile Club is concerned about this intention of the Minister and has suggested the Minister has no real basis—no statistical evidence—to show that the older generation—those who have attained three score years and ten and those who have passed beyond that age—warrant particular attention under this legislation. Therefore I suggest the Minister might well leave this matter alone; and I indicate to him now that it is my intention to move for the deletion of the clauses which pertain to this particular point. I have already indicated experience has shown that good sense prevails. These are not young reckless dare-devils. They are people who have had experience and who are slowing down, not only their own movements, but the movements of their motor vehicles.

You, Mr. Acting Speaker (Mr. W. A. Manning) would know of the fact that there are several members of this Parliament who are in excess of 70 years of age, and I do not know that their ability at the wheel suffers by comparison with anybody else. Accordingly, I repeat, if the Minister wants to give special attention to this section, then he must submit some tangible evidence in support of his thoughts.

I am pleased to see that the National Safety Council has been recognised under this Bill and that a certificate of competency issued by that body will be officially recognised. I am wondering again—and I have expressed this opinion before—whether the Government, because of all that is in favour of a proper behaviour on the roads, should not vote some more financial assistance to the National Safety Council for the purpose of ensuring that people undergo, not a five minutes test at the hands of a police officer, but that they undergo a course of driving when they are suffering perhaps from a little hangover from the night before, when they are suffering a little bit of a liver, or when, because of attending on a number of occasions, some of the novelty wears off so they can be seen in proper perspective. In other words, they are behaving normally.

The Commissioner of Police will tell the Minister, if he has not already told him, that even the most selfish and ignorant driver imaginable is capable of restraining himself for the five minutes or so that he has a police officer with him conducting his test, which is a very simple one. Whilst my proposal may have application to the metropolitan area only, surely it would be worth a trial to see whether the persons of different types of mentalities and temperaments who undergo a course over a period in the ultimate do not turn out to be more responsible drivers than those who learn in the normal way and make contact with officialdom for, as I have said before, a few minutes only prior to receiving a driver's license.

If it costs an additional £50,000 or £100,000 per year, what is that compared with all the time taken up by police officers investigating and going into the details of

accidents; and the hundreds of thousands of pounds worth of damage done to vehicles; the tremendous costs of hospitalisation; the human suffering and lives lost? All of those are factors which cannot be counted in pounds, shillings, and pence; and if this proves to be successful—and I think it would be an improvement on the existing system which might have been all right a generation or so ago—it could be spread to the principal country centres.

I repeat: The sum of money necessary would be insignificant as compared with the tremendous cost at the present moment, if it effected anything like a reasonable falling off in traffic accidents. In other words, an improvement in driver behaviour. The Minister can fortify himself on that point, because I think I am right in saying that, in its earlier days, the National Safety Council ran a motor cycle driving and instructional school; and over a period of several years only one of the motor cyclists was engaged in an accident, and then the fault was not his. I think the result of that instructional training scheme was something akin to what I have just pointed out.

Therefore we have proof in our own State of the effectiveness of a comparatively long period of driving and training, at the expiration of which a certificate of accomplishment or attainment could be granted by the National Safety Council which, provided other factors are in order, would serve as the basis for the police to issue a driver's license for the various categories of vehicles. In respect of these categories or classes of vehicles again the Royal Automobile Club of Western Australia is a little concerned. I must confess that from my reading of the Bill I am unable to make up my mind as to whether it is the intention of the Minister to clothe himself with powers to make classifications of vehicles on a different basis from that which pertains at the present moment.

It is my intention to test him on this point by making the definition of class of vehicles that which is listed in the Traffic Regulations at the present moment; or, as I will state in my amendment as at the 1st November, 1963. The Minister will remember that in the *Daily News* of the 8th of this month, the Royal Automobile Club wanted to know, amongst other things, whether with these classes of vehicles—there are some other words which do not readily come to mind—it was intended to differentiate between vehicles with automatic gears as against those which are manually operated. If the Minister is able to satisfy me in Committee, I will not persevere with my amendments.

There are only two other minor points which I will indicate now to the Minister so that he can give some consideration to them in anticipation of reading the amendments which I am placing upon the notice paper. One is a requirement that hereafter motorists, when called upon by the police, will be obliged to show their driver's licenses—if they have not the licenses with them—within two days of being asked so to do. Under the existing Act, motorists are given three days in which to conform with that requirement. The Minister did not indicate any reason for the shortening of the period of time.

I told him a couple of years ago—I think it might have been his predecessor—when I sought to amend a provision in the Traffic Act, that the Perth City Council was able to institute proceedings against countless thousands of motorists, and there is no requirement whatsoever for a motorist to produce his driver's license. Why, therefore, is there this insistence on the part of the police? I am repeating myself; but several years ago in private discussions with police officers, they considered it to be so much boloney, and there is really no need for it. There is a complete record of every current driver's license held by the Police Department in its Perth office, apart from the duplicate records which are held in certain country centres. I think that as there are so many requirements asked of the motoring public generally, if we can simplify and overcome some of these obligations, it will have been worth while.

Mr. Ross Hutchinson: It is possible that the driver is not the owner of the car.

Mr. GRAHAM: That might be theoretically possible, but I have not heard of a case where the Perth City Council had any difficulty in that regard. In any event, there are a hundred and one ways in which the police can take appropriate action on the rare occasions where somebody, if he dared, misrepresented himself as being somebody else. Indeed, that does happen at the present moment.

The next matter I wish to refer to is another comparatively minor one. Under the existing Act a motorist can have his license suspended for a period and this, of course, does not apply only to anyone driving whilst under the influence of liquor. However it is possible for such a person to apply for a conditional license. That is to say, he can apply for permission, by way of example, to drive his vehicle between 8 a.m. and 6 p.m., Monday to Friday. Because he may be driving a motor vehicle in his workaday world it is essential to his job and to his livelihood and the Minister now proposes that no application for a conditional license can be entertained until at least one month of the suspension has been served.

I think that, on reflection, the Minister will agree that is totally unfair. If a motorist who has committed a breach and had his driver's license suspended for three months normally uses his car for pleasure and family circumstances only, he is not

suffering any great hardship. He is losing a little of the joy of living, but that is part of his penalty for committing a breach. But the person whose livelihood depends on his driving a vehicle for his employer—or he could be a self-employed man—for certain limited hours during the day, should not be penalised.

I agree that he should be denied this privilege in the evenings, on weekends, and on holidays, but during business hours I think he is not entitled to be penalised to the extent where he would probably be out of a job for two or three months, as the case may be. Let the Minister think up some other device for stiffening the penalties where a driver's license is suspended rather than do this, which in my opinion, would cause a grave injustice to a certain section of the community. In other words, some would be far more heavily hit than others by applying this proposed amendment on a uniform basis.

I have spoken far longer than I intended, but as I did not have an opportunity of placing my amendments on the notice paper I wanted to give the Minister a little more time to ponder over them before we reach the Committee stage, which I hope will not be this evening. I support the second reading of the Bill, but it is my intention to move numerous amendments in Committee.

MR. CROMMELIN (Claremont) [10.59 p.m.]: I am not going to speak at any length on the Bill for, as the member for Balcatta has stated, it is not a political measure. Its one aim is to bring some relief to the accident rate and the death rate on our roads. At the same time, we should be somewhat satisfied in that over the last two or three years the number of deaths on the road has been fairly stable; and the same applies to the accident rate, although during that period of time there has been anything up to 50,000 or 60,000 new licenses.

This position has been brought about perhaps by publicity on the part of the National Safety Council, which, of course, owes its existence to the Government for finance, and to the police patrols on the road; although I would say that at the present time I personally would like to see more police patrols. The important part of the Bill is to try to curb the younger group of people from breaking the law. I have felt for some considerable time that the most common offence is speeding. In this regard I have also felt that the penalties imposed by magistrates on speeders are not sufficiently high. Indeed, they are never consistent, although in the last few weeks there appears to have suddenly come about a more consistent rate of fines.

Surely, if the speed limit is 35 miles an hour, then if we drive over that speed limit we are breaking the law. Although I have never been caught for speeding, I have been given to understand that on most occasions when we drive up to 40 miles per hour we receive a caution; but if we drive over 40 miles an hour we are liable to be fined.

The fines that are imposed in this State in comparison with South Australia are quite mild. I would favour a set penalty for speeding from 40 to 50 miles an hour of, say, £2 per mile over the limit. If we go over 50 miles per hour, I would favour a penalty of £4 per mile over the limit. In other words, if one is prepared to travel at 50 miles per hour, one would have to pay a fine of £25, taking into account a £5 penalty for the first five miles and £2 per mile. If one likes to drive at 60 miles an hour, one would have to pay a penalty of £65. If that were brought in, it would not be very long before speeding would drop considerably.

Mr. Graham: Wouldn't you agree that on certain roads it is dangerous to drive at 35 miles an hour and on others it is safe to drive at 45 miles per hour?

Mr. CROMMELIN: I certainly would agree. But that is not the point. The point is that the speed limit is 35 miles per hour, no matter where we drive. We must entirely divorce speed from dangerous driving. One could be a very dangerous driver travelling at 10, 20, 30, or 40 miles per hour. I am speaking solely about speeding. I would not give anyone a second chance. If he speeded to that extent on the first occasion, on the second occasion he should at least suffer the loss of his license for a period of time.

On dangerous driving I make no comment, except to say that in South Australia one is fined about £100 and one loses one's license for 12 months. For a second offence of speeding there is a set penalty of loss of license for three months. I think that would have a salutary effect on speeding.

Mr. Guthrie: Is there any reduction in the accident rate as a result of the South Australian figures?

Mr. CROMMELIN: I am quoting figures that were sent by the Attorney-General; but it would not take long to find out.

Mr. Guthrie: You could study the South Australian figures without his doing that.

Mr. CROMMELIN: I think most parents will be keen on the provision relating to provisional licenses. The provision would give a parent the power to refuse his son or daughter a license unless he or she was 18 years of age. There must be a lot of parents who show a great deal of hesitation before they consent to their children having a license. As the member for Balcatta said, young people being what they are, it is very difficult to refuse them. But how much do people regret it if they are unfortunate enough to hear that their

child has been killed or severely injured! So in that respect I think the legislation will be well received by parents.

There is a proposed provision giving the Commissioner of Police power to refuse a license. This is very necessary. That was demonstrated in a court case in Albany only last week where a man had been charged with dangerous driving on three occasions. On one occasion he had his driver's license suspended for 12 months. The maximum penalty the magistrate could impose on him for a drunken driving charge was three months. Surely to goodness a man with that number of convictions against him should never be allowed on the road under any circumstances!

Mr. Graham: The Commissioner of Police can take away his license if he wants to.

Mr. CROMMELIN: Yes, I know. The only other point I wish to mention is that we should go a little bit further in regard to identifying those drivers who hold provisional licenses. In some places they are forced to carry the letter "L" on the front and rear of their vehicle. The letter "L" could be all right, but the letter "P" for probationary, or the letters "P.L." might be better still.

The effect of this on an experienced driver is twofold. He has two reactions. Firstly, he thinks, "I am not going near that man or woman. He or she is only a learner. I shall be very careful." That is very good. Secondly, it gives the experienced driver an opportunity of realising that he is about to overtake a man or woman who has not had very much experience in driving. Consequently, he should at least realise this and perhaps show a little more courtesy towards the inexperienced driver. Therefore I would be very pleased if the Minister would give serious consideration to having probationary licensed drivers identified.

I am against the idea of granting a probationary license to those drivers who have had their licenses suspended. A similar Bill was introduced in the Victorian Parliament, but with the other additions. As a result of this, and a few other things, the Bill was lost. I think we should persevere with the proposed system for the time being and see how it works out; and if we find that the effect is not enough, some thought might be given to making suspended drivers go back on to a probationary license.

I could not agree more with the suggestion of the member for Balcatta that we should do more to provide for the education of drivers. However, in this respect we must face facts. The facilities which are available at the National Safety Council are taxed to the utmost limit at the present time. If the scope of the National Safety Council could be extended, and the idea that is prevalent out there could be extended to set up instruction classes at our high schools and secondary schools, we would be going a good deal further in attaining our objective, which is the prevention of accidents and deaths on the roads. It would cost money, but it is an objective well worth looking forward to. With those few remarks I support the second reading.

MR. ROWBERRY (Warren) [11.10 p.m.]: I, too, wish to give my support to the Bill. I believe it is an honest attempt to cope with the problem of reducing the accident rate on our roads. There are certain provisions in the Bill which will give power to the commissioner to introduce a probationary period of three years for anyone holding a license for the first time or renewing a license after a period of time.

I believe this has been tried with great success in other parts of the world, and is the current law in Ireland. Some of our chief members of the Police Force originated from Ireland, and they may have been home and discovered that this idea works very well; and so they have decided to institute it in Western Australia.

There may be other places in the world which have this idea. Although we are making provision to further control traffic, unless we make more endeavour to police the regulations and the Traffic Act, then I cannot foresee any diminution of the problem or any lessening of the number of deaths on the road.

I agree with some of the comments made by the member for Balcatta concerning the basic principles of driving. We should keep to the left of the road as far as is practicable at all times. We should give way to vehicles on our right. If everyone did that, then I am sure there would be a diminution of the number of accidents.

The honourable member who has just resumed his seat said that people should be fined so many pounds for every mile they exceeded the speed limit. In certain circumstances 35 miles per hour could be dangerous driving.

I was driving on Monday afternoon, and while I was coming back from Bunbury the traffic on a main road was being continually held up by vehicles which were doing no more than 30 or 35 miles per hour. Vehicles were constantly overtaken when it should not have been necessary. Those persons who were driving at 35 miles per hour were making it dangerous for other vehicles on the road who were driving at 50 miles per hour. It is not just a matter of speeding; it is a matter of circumstances in relation to speeding. A speed of 35 miles an hour could be dangerous when approaching intersections, at blind corners, and when approaching traffic entering a highway from the right. The Act provides that a speed of 35 miles per hour can be dangerous driving without

exceeding that limit. I feel that a new approach to the problem of speeding could be observed with advantage.

Not at all times, nor in all circumstances, does a speed in excess of 35 miles an hour constitute dangerous driving. For instance, on a stretch of the road between here and Kwinana, where the speed limit is 35 miles an hour, one's vehicle may be the only one for miles. If one looks in the rear vision mirror there may not be another vehicle in sight, and for two miles ahead, or, as far as one can see, there is no sign of another vehicle. Yet 35 miles an hour is the limit, and if one exceeds that one is breaking the law.

The law has to appear to be sensible to drivers if we are to get a proper application of it, and obedience to it. It must appeal, in all circumstances, to the drivers of vehicles. For drivers to know that exceeding 35 miles an hour, on a straight stretch of a four-lane road, when there are no other vehicles in sight, is breaking the law is not appealing to commonsense. I think there ought to be some provision in the Act, or the regulations, whereby the magistrate who tries the case can take into consideration the circumstances under which the breach occurred. I would recommend that viewpoint to the Minister.

I notice in the Bill there is a special provision made for certain age groups, and only the very young and the very old are to be discriminated against. I agree with the member for Balcatta that, as a man gets on in years, he becomes more careful; he does not enter into the spirit of racing with other vehicles on the road; he is not concerned because numerous vehicles are overtaking him on the road; his judgment becomes better although the efficiency of his eyesight and hearing is lessened.

Here let me say something about the eyesight test to which drivers are subjected. One is taken into a room and asked to read a chart upon which are delineated certain figures and letters. One may read an "n" for a "p", or an "r" for a "p"; or one may make a mistake in another letter. It is then decided that one's eyesight is defective.

I cannot follow that reasoning at all; because when a driver is on the road, and he sees a vehicle approaching him, he is not asked to say whether the vehicle is a Cortina, a Holden, or any other type of vehicle. All he has to ensure is that his reflexes jump into action quickly, irrespective of whether the vehicle coming towards him is an A, B, C, D, E, or F type. That is not important. The important thing is that he sees the vehicle coming towards him, and that his reflexes take the necessary action. So a proper test of driving ability and sight can only be undertaken under ordinary normal driving conditions.

As regards aged people, 70 and over, and the action to be taken against various groups, whether or not they should qualify for licenses should be determined by the accident rate applicable to those age groups. I have asked a series of questions of the Minister; but, unfortunately, they will not be answered until tomorrow. I have asked the Minister the accident rate and the number of accidents appertaining to certain groups. When the questions are answered I think we will find that the 70-plus group rates in regard to accident proneness will be very low. Therefore I can see no reason for this provision in the Bill. As one who is approaching the age of three score years and 10.

Mr. J. Hegney: You don't look it anyway.

Mr. ROWBERRY: It is not what one looks; it is what one is. I could elaborate on that but I had better not do so. As I said, as one who is approaching the age of three score years and 10 I find my reflexes are still as good as if not better than those of people 40 or 50 years younger and with whom I drive. They do not take the necessary action until seconds after my reflexes have told me that such and such a thing should be done. In my view there is no reason for taking punitive action against the 70-plus section of the community.

I think when one reaches the age of three score years and 10 plus, one has enough commonsense to know that one should give the game away. It may be assumed that persons over the age of 70 are more susceptible to strokes, brain damage, heart attacks, and such like; but are they? We find young people collapsing with heart attacks.

Mr. J. Hegney: A person of 32 collapsed the other day.

Mr. ROWBERRY: We find all ages being afflicted with thrombosis, which is largely the cause of breakdowns. There again, I think statistics would show the age groups where necessary action should be taken in the restriction of licenses.

There is one clause in the Bill which states—

> The Commissioner of Police may refuse to issue a driver's license, or may cancel, suspend, or refuse to renew a driver's license . . . .

This is a power the commissioner has always had, but the commissioner or his officers have simply said to the people who applied for licenses, and whom they felt should be refused, "You can't get one. Go and learn some more." Nothing more than that is said. However, under the provision in the Bill, the position will be improved inasmuch as the Bill states—

> Where the Commissioner of Police decides to exercise the power conferred by subsection (1) or subsection

(2) of this section, he shall give to the person thereby affected notice in writing of that decision, setting out his reasons therefor; and a person aggrieved by the decision may, within 30 days after the receipt of the notice, apply, by way of complaint, to a Court of Petty Sessions for a review of the decision.

That is a distinct advance on the present system, and it shows the applicant the problem he is up against.

I knew of the owner of a motorbike who was asked for his license, but he did not have it and he could not produce it. When I asked him why he did not have his license he said, "Because the police won't give me one." The poor chap did not know any better. He said, "I can drive this motorbike and I might as well drive it from my home into town and out again." Upon inquiry at the police station I was told that he could not get his license because his English was not good enough. What the language had to do with his ability to drive a motorbike escapes me altogether. I know it is necessary for motor vehicle drivers to know the regulations and the Act which control the driving of vehicles; but I wonder how many policemen, or how many members of Parliament, could answer all the questions that are likely to be asked regarding the Traffic Act and its regulations when one applies for a license.

There is no record of some of the regulations, and how the member for Balcatta got hold of his copy of the traffic regulations I do not know. I have tried to get them on several occasions but I have been unable to do so. If I want to study the regulations made under the Traffic Act I go to the local authority office when I am at home and I have a look at the copies there. There are no other copies in existence in the town. So I add my exhortations to the Minister that he endeavour to get the Act consolidated and the regulations brought up to date as quickly as possible. I support the Bill.

MR. MITCHELL (Stirling) [11.27 p.m.]: I just want to touch on one point that has not as yet been raised. We all seem to agree that the problem of youthful drivers is a very serious one. I believe that by introducing the Bill the Minister is making a serious attempt to straighten out the problem, inasmuch as youths will realise that the receiving of a license is not theirs by right, as it were, but the license is something to be treasured. In this way they may regard it with more respect than has been the case in the past. As regards the aged, whilst some members feel it is not fair to ask old people to undergo examinations, I believe that the responsible old people would be only too pleased to have an examination of their ability after reaching the age of 70 years.

However, there is one point to which I would like the Minister to give some consideration; whether it could be done under this Bill, or under another measure, I am not too sure. It is quite apparent that if probationary licenses are issued to young people, as their first license, many of those people will have the license cancelled for some indiscretion before they become of adult age. Quite frequently we see where young people have their licenses cancelled until they are 30 years of age, and they are debarred from driving until they reach that age.

In my view something should be done so that where a probationary license is cancelled, and the person concerned is under 21 years of age, the cancellation should take effect until that person reaches the age of 21 years. Then, at that age, another probationary license should be issued. I do not think it is reasonable for licenses to be cancelled for such long periods as they are in some instances at the moment.

I realise that in these cases the drivers must have committed many offences for their licenses to be cancelled for such a long period; but I think that if we looked back to our youth we would realise that if motorcars had been available to us, as they are to many boys and girls today, we might have had more serious troubles than we had in those days. I think if lads of 17 or 18 years of age have their license cancelled it should be only until they are 21 years of age, and then they should be given another chance.

When they reach the age of discretion they should be granted probationary licenses, because if their licenses are cancelled for a long period very often it deprives them of the opportunity to earn a living, and to my mind it does more than that; it puts temptation in their way to drive a motorcar because all their friends are driving cars and they consider they should be driving one too. Therefore, some leniency should be extended to them by granting them a probationary license for a period of years.

As every other member has done, I appreciate that the Bill is a sincere attempt to overcome the trouble which young drivers get into by not respecting the laws of the road and giving due regard to the rights of their fellow citizens.

MR. JAMIESON (Beeloo) [11.31 p.m.]: We can all give lip service to some way by which we can reduce our road toll, but in my opinion the most important factor required to achieve this objective is to improve our highways, and not to attack any particular group of motorists. It is true that the younger people in the community are more accident prone, but I am afraid the reason for that is that there are more of them driving vehicles on the roads that are regularly used than there are other drivers.

I do not want to appear to be irrational in regard to this measure by making these remarks and having representatives of the National Safety Council rushing at me from where they are now sitting. I do not think we will ever be able to achieve very much towards reducing the toll on our roads until an improvement is made to our road system. Even if we reduce by half the number of vehicles that are at present using the roads, we probably would not reduce the number of accidents by half.

However, we can always attempt to effect some remedy, and perhaps the Bill is a sincere effort to achieve this, along the right lines. I consider that the reasons given by the Minister for the conditions that will apply in regard to the cancellation of a provisional license are frivolous and quite unnecessary. I venture to say that at least one of the conditions which, if breached, would cancel a provisional license, is one that the Minister himself commits every evening when he leaves this Parliament late at night. If he says he does not commit such a breach I will follow him one evening and correct him.

However, the provision is an honest attempt to overcome this serious problem, but in my opinion the only real way to prevent accidents is to provide a number of limited access ways. Accidents, in the main, are caused by human error. The rare accidents that occur on the Kwinana Freeway are usually caused by human error, but they are kept to a minimum despite the reasonably high speed limit. This is due, mainly, to the fact that all the hazards which usually cause accidents are not present on the Kwinana Freeway. I also venture to say that there probably would not be such a stretch of highway so close to a city in any other part of Australia, with the speed limit which applies on the Kwinana Freeway, which has such a low rate of accidents. This freeway is used by drivers of all ages, and accidents are not caused merely by youthful motorists. It rather proves the multiplication of human error and the chances some drivers are prepared to take.

The Bill introduces many features which I do not like, and one is that the person who seeks to learn to drive will, under the Bill, have to nominate clearly his individual driving instructor. I do not think such a provision is fair even for a driving instruction school; that is, to require a particular driving instructor to be responsible for any individual. For various reasons that instructor may not be available to teach on certain days. There is no reason why, provided a person has a *bona fide* learner permit, the person coming within the scope of the legislation, and who is one deemed to be a capable instructor, should not be able to cope with the requirements of any learner at any time when that learner needs instruction.

The Bill also provides that the consent of parents is necessary when a person under 18 years of age applies for a license. Perhaps that could be extended because I do not think it will cause any harm. In many other instances a person under 18 years of age cannot enter into an agreement without parental consent. This applies in the case of hire-purchase agreements. Therefore, perhaps it would be a wise move if the clause were extended to provide that a minor at law is required to have his parents' consent to obtain a motor-driver's license. That is an extension of the provision which could be given further consideration.

In my opinion one of the most over-publicised features these days is that most of the responsibility for the high accident rate is placed on the younger drivers. I consider that the real reason is the environment in which they live and not the way they act when they are behind the wheel of a car. Also, we are not building up-to-date highways which are suitable for the high-powered vehicles which use the roads in this day and age. I have here a letter which I received from a friend of mine, who is also one of my constituents. He suffered an unfortunate experience recently by having his son—a new driver—involved in an accident which was not his fault. The accident occurred on a corner which has become notorious for accidents, and to give members some idea of the feelings of this parent, I propose to read at least portion of the letter. Among other things he said—

> As you are no doubt aware I recently bought a car for my son. I purposely got an expensive one with two thoughts in mind. Firstly, I wanted him to have a car he could be proud of, and secondly and more to the point I got him a safe vehicle so far as it is mechanically possible to do.
>
> He is a good driver, and the only thing that he lacks is experience on the road in the jungle of traffic as you and I know exists today.
>
> Experience is a thing we cannot teach, and we can only hope that the new driver can live long enough to weather the storm and gain experience at the same time.
>
> Only those who have experienced the shock of a sudden telephone message to say that a member of the family has been taken to hospital after a nasty motor accident can realise the full impact of this jungle warfare upon parents principally and also upon friends and relatives.
>
> Restricting speed limits and other safety measures may have a salutary effect upon some drivers, but the new explorer in the traffic jungle needs the help and guidance of other road users for a considerable time after he has

secured his right to take a vehicle on to the road without the help and guidance of an older and more experienced driver.

There should be a better way to protect a new driver than all sorts of restrictions which only annoy the older driver without having the desired effect on the accident potential of our roads.

Sometimes we older drivers get impatient at the MUG, as we are so eager to say of what is in most cases not a mug at all but a learner trying to live through the period between amateur and experience.

The set-up of the beginner is to get a learner's license, which is valid for two months. A learner does not know the dangers of the bitumen jungle until he has been mixed up in an accident. He only knows that he can steer a vehicle, and wants to get a driver's license as soon as possible.

From a parent point of view, the learner's license should run at least the two months—

Here I pause for a moment to mention that perhaps that is a valid point. Perhaps the initial driving permit is granted too soon. For instance, when a person turns 17, under the provisions of the Civil Aviation Act he can start training to qualify as a pilot, but regardless of when he becomes proficient within the number of hours required by the regulations he cannot obtain his license. Regardless of whether that flying pupil on his first trip in a plane proved he was proficient in handling the aircraft, he still could not obtain a license until he had completed the minimum number of flying hours required in his training course. Such a provision is well worth a trial in the traffic legislation; namely, that a learner must drive for a certain number of hours before he qualifies as a driver.

No doubt this would be a provision that would be difficult to police, but at least it would be a move in the right direction, even if it applied only to those people who conduct driving instruction schools. By that means it would have some effect on the learner-driver. This correspondence goes on to say—

—not just long enough for the learner to be able to say he can drive through all the gears and back up some handy lane. Experience on the roads with a competent driver for at least two months and a record of the miles driven would go a long way towards saying that a new chum was competent to have a try on his own.

In addition to the foregoing I feel that a big letter L should be compulsory on the vehicle (back and front) of the novice, and a severe penalty imposed upon the "Mug" driver who drives without this protection for at least 12 months. It is no disgrace to be known as a learner, and probably 90 per cent. of the road users would respect the warning and so cut down the serious accident toll.

The police should not have a great deal of trouble in making a check of accidents to see how many of our accidents have involved drivers with less than 12 months' experience.

If you think that there is some sense in this please use it. I would not like you to quote the case of Bill for his friend is still in Royal Perth in a bad way, and there is sure to be a court case.

Be tough on the new driver by protecting him and let the other drivers on the road know that a learner needs their help and sympathy and here is one who thinks that the accident rate will drop.

That is a letter written quite feelingly by a parent who has just had the experience mentioned in the letter; namely, the unfortunate occurrence of an accident to his son and being advised by telephone of what had happened. The accident was not the fault of his son. An examination of his son's vehicle seemed to indicate that the other driver had hit it amidships on the left-hand side which would tend to indicate that the other vehicle had not given way to the driver on his right. It would appear to me that there lies the crux of the story, as the member for Warren has indicated. If we removed the numerous signs that appear at the various intersections and strictly applied the hard and fast rule of giving way to the right, I think we would be getting somewhere towards reducing the number of accidents on our roads. Half of the accidents at the present time are caused by the unnecessary traffic signs erected along our roads.

No good purpose is served by saying that various committees in Australia have recommended that certain signs be adopted; they could be wrong, because in no State is any progress being made in the reduction of accidents on roads. Something should be tried to bring down that number, and one method is to make a strict regulation, such as giving way to the right.

In Canberra a motorist does not have to understand very many traffic rules, except that of giving way to the right. If a motorist does not observe that rule he will find other motor vehicles running into his. If a motorist fails to give way to the right the magistrate will see that he does not give way for a considerable period. This rule should be observed more strictly.

Half of the existing traffic rules and regulations cannot be explained adequately by the police themselves, because they are not capable of interpreting them. Even if they attempted to do so, they could be proved to be different from the legal interpretations if cases were taken to court.

The Minister should make a clean sweep of the "Stop" signs, which give encouragement to motorists to race along thoroughfares like Cambridge Street, with scant regard for motorists entering that street from side streets, because in nine cases out of ten there is a "Stop" sign at the side streets. That is neither fair nor reasonable.

If the Minister wants to prohibit entry from side streets into thoroughfares like Cambridge Street and Scarborough Beach Road—which I maintain is unnecessary in the case of some major thoroughfares—some inconvenience would be caused, but that would be preferable to the present method of traffic control. Such a step would not give effect to a measure such as this, without other action being taken.

Success could not be achieved by prohibiting young motorists from driving, because this category of driver multiplies like rabbits. Assuming that half of these young motorists were disqualified, not a great deal of impression would be made on reducing their numbers.

The only alternative is to consider the whole aspect of traffic flow and to minimise, if necessary, the speed limit on service roads, alongside of which houses are established. Traffic flow should be permitted at a greater speed, if necessary, on the limited access highways, but we will not get anywhere with the various provisions which appear in the Bill.

One of the points covered by the Bill is the issue of a specific class of license to cover vehicles with various attachments, such as automatic gears. I wonder if this provision will not confine motorists to certain classes of vehicles. I have been driving for many years, ever since I was taught to drive in the Army. Since then I have not driven, except on short occasions, any automatic-geared vehicle, but I see no difficulty in driving this type of vehicle. As a matter of fact, it is far easier to control. Where driving is simplified, there should not be any necessity for the obtaining of an additional license.

When a person is first issued with a license to drive a motor vehicle, and he wants to drive a tractor with a prime mover, which is more difficult to operate, I agree there would be some justification for him to obtain a license of a different degree. It is quite unnecessary to have a special license to drive a vehicle which can be effectively controlled.

Regarding the provision which requires people over a certain age to be physically examined to ensure they are capable of retaining their licenses, there is some justification in the proposal. To my knowledge there are several people who have worked in the building trades for some time, but who have lost the sight of one eye as the result of an accident at work. There is nothing in the records of the traffic office to show that those drivers had lost an eye, or had become physically handicapped. Under the present system a licensed driver does not have to report to the traffic office when he loses an eye, an arm or a leg, or that his physical capacity is not the same as when he was first granted the license.

Similarly, the sight test has some failings. Usually the applicant for a license is taken into a passage, and a cardboard is placed over one eye; he has to read the letters with the other eye. No regard is paid to colour-blindness, and I wonder what happens when a motorist suffering from colour-blindness comes to an intersection controlled by traffic lights. He would have to take the risk of another vehicle being at the intersection, so that he could follow the lead. In standard colour-blindness one of the greatest difficulties is to distinguish between red and green, and both those colours give a similar shade.

The Minister has not covered the physical difficulties which are most relevant. He seems to be worrying about the physical condition of people who might cause accidents because of their age, but usually this type of driver is very careful. The only accidents in which they are involved is when other motorists run into the rear of their vehicles because they are not travelling fast enough. In this Bill it is sought to control all drivers of motor vehicles, but no attention has been given to the physical effects that contribute to better driving, particularly in the metropolitan area.

One of the greatest problems is the high percentage of deaths which occur on roads outside the metropolitan area. I do not know how this problem can be overcome. One might ask whether physical attributes, such as human frailties and weaknesses, judgment and mistiming, are the causes of this class of accident. I hazard a guess that 10 per cent. of the accidents on country roads would be caused by drivers falling asleep over monotonous stretches of road. I do not know how that aspect could be overcome; certainly the imposition of regulations on motorists to take certain action at certain times would not be of much avail.

The Minister has set his eyes on certain control. He has regarded some offences as warranting discipline, and he has so provided in the Bill. I suggest that Ministers of the Crown are as guilty as teenagers in failing to stop at "Stop" signs, and in failing to give way to the right.

Mr. Craig: It applied in my case, and it will apply to every motorist.

Mr. JAMIESON: The Minister was lucky on that occasion. I do not know if he committed a breach of the regulations by travelling too far from the left-hand side

of the road, or by failing to stop at a "Stop" sign. The breach should depend on the extent to which the Minister abused the use of the road.

Last week during the early hours of the morning, after the House rose, I passed a large number of "Stop" signals on my way home. While I took every precaution and reduced my speed to the minimum, I did not stop completely at every "Stop" signal; I suppose the Minister and other members have acted similarly. Every person so doing commits a breach of the regulation, even at four o'clock in the morning, when a vehicle can be seen a great distance away because the roads are in absolute darkness.

Many of the conditions set out in the Bill are far too restrictive. If the Minister insists on drivers having to undergo a physical test after they reach the age of 70 years, then I submit that he should insist that all drivers should undergo a similar test every five years. Some members in this House are of that age; and others, who have retired, are still capable drivers. They have been driving for years and are careful; I do not see why we should interfere with their right to drive.

The way to improve the traffic position is not through the imposition of extreme provisions, as is proposed in the Bill, but in making the highways far safer than they are, and by reducing the number of intersections and other factors which cause hazards on our roads. The same remarks apply to country roads. More attention should be given to the elimination of dangerous corners and skid patches. However, by effecting such improvements the speed of vehicles would be boosted.

It is interesting to note that in the large number of accidents on country roads, the percentage of juvenile drivers involved is not as high as the percentage in the metropolitan area. That leads one to ask why the percentage of juvenile drivers involved in accidents in the metropolitan area is as high as it is. I maintain the reason is found in the terrific traffic confusion in the metropolitan area. Accidents occur here at greater frequency than on country roads, for this class of driver, because of the multiplication of human error. The confusion exists, and the human error is present, and not much can be done about that. Attempts can be made to minimise those factors, but unless traffic confusion is removed there will always be the occasion when cars collide and drivers are hurt.

Possibly this Bill attempts to do the right thing. But in many ways it does not go far enough, and in other ways it goes too far in imposing restrictive conditions. I support the Bill, but I hope the Minister will indicate before the debate is closed that he is not prepared to regard breaches of traffic regulations as reasons for the withdrawal of temporary driving licenses from those who have been holding such licenses for less than three years.

MR. HAWKE (Northam—Leader of the Opposition) [12.1 a.m.]: I wish to have a little to say in connection with this Bill. If words printed on paper in the form of amendments to the Traffic Act, and in the form of regulations issued under that Act, would reduce road accidents, then Western Australia would be very free from road accidents instead of having great numbers of them. Someone the other day made a most amazing discovery. He declared that drivers of motor vehicles were to blame for road accidents, and this was headlined in one of our newspapers. I should think when we have men like that in a community, the State should be very largely free of road accidents.

I am speaking now from memory, but I think we have had an average of one amendment to the Traffic Act every year since I have been in Parliament; and, in recent years we have had two, and as many as three, amending Bills to the Traffic Act in one session of Parliament.

Mr. Graham: There have been three this session so far.

Mr. HAWKE: Goodness knows how many regulations and amendments to existing regulations we have had! The member for Balcatta earlier this evening was generous enough—which is natural with him—

Mr. Craig: Do you want a division on it?

Mr. HAWKE: —to allow me to have a look at the Traffic Act and the amending Acts of recent years, and the bound volume of regulations.

Mr. Rowberry: Where did he get it from?

Mr. HAWKE: I thought when I looked at the hundreds of pages of closely printed words that it is no wonder motor vehicle drivers do not know quite where they are from week to week. I suggest it would be impossible for any but a small percentage of motor vehicle drivers in Western Australia to be able to comprehend any but a very small percentage of what is in the Act, let alone of what is in the regulations.

I feel we have over-legislated and over-regulated in regard to this problem. I am strongly of opinion that one additional traffic policeman in uniform moving around would do much more to reduce the rate of accidents on the roads than would the passing of an amending Bill to the Traffic Act or the making of some new regulations.

When I have spoken previously in this House in relation to road accidents, I have stressed the trouble which arises at intersections, and particularly at important intersections which are not serviced by any lighting system. I think it is at these

places a great deal of recklessness—if we can call it that—develops. One has only to stand at any intersection for a few moments, particularly at busy times of the day, to see a type of motor vehicle driver who just rushes up to the intersection and by virtue of rushing up and by virtue of giving no sign of slowing down, he banks on everyone else giving way to him; and in 99 instances out of a hundred, that happens. Therefore, that type of motorist naturally becomes somewhat of a bushranger on the road, who makes the pace, and who believes that speed is a great asset to him in getting from point A to point B in the least possible time. Because he gets away with it all the time, he is encouraged to go in for other excesses and to take other risks, even though, perhaps, he never at an intersection exceeds the 35-mile an hour limit in the metropolitan area.

However, I suggest that anyone who does maintain the 35-mile an hour speed limit in the metropolitan area at these intersections of which I have spoken, is a menace on the roads, and one who is likely to cause an accident at any time. Unfortunately, it is usually the other party in the accident who comes off worst. I have appealed to the Minister before to have these intersections policed, even if the policing activity is carried out only perhaps for an hour a day or an hour every second day.

I have had the experience myself of taking opportunity of the regulations and of the situation to go across an intersection where there is reasonable time to do so and where it is safe to do so, and on more than one occasion there has been this fast-moving motorist coming up. Because I have moved ahead of him and he is coming up and has to slow down from perhaps 38, or even 40, miles an hour to 37 or 39, he gives a couple of sharp toots on the horn, as much as to say, "What are you doing, you mug? Why don't you wait till I get across?"

Mr. Craig: He says more than that.

Mr. HAWKE: He probably does. I am glad the Minister has had similar experiences. I hope he has not been one of those who have said "more than that". I feel, if we can have more uniformed traffic policemen who would watch out for these situations and who would curb the potentially dangerous motor driver—if he is not an actually dangerous motor driver already—we might be making a very solid and practical contribution to reducing the road accident rate. I would have much more faith myself in road supervision and in actual supervision of motorists on the road, than I would have in amendments to the existing law or any additions to the existing regulations.

Another angle to which I have given attention in the past and about which I have spoken in this House is in relation to a driving test which is applied to a person when that person comes up for a test. I pointed out before that if a person wants to become qualified to drive a railway engine on set rails, where everything is in his favour, he has to go through all sorts of processes. Usually he has to start off as a cleaner in the Railways Department. Then he gets through to being a fireman on the engine; and after he has served a fairly lengthy period as fireman on the engine, in due course, he becomes a driver. I say there is far less risk of accident on the railways than there is of accidents on the roads, because railway trains run on set rails. They are protected with special signalling devices, and all the rest of it; whereas the motor vehicles on the road are manoeuvreable and one can be dashing one way and another dashing another way. The risk of collision is there almost all the time.

Even those who wish to drive stationary engines have to go through very severe tests and examinations. On the other hand, if a person wants to get a license to drive one of these powerful and dangerous machines called motorcars, motor trucks, or motorbikes—whichever it might be—he has to go through a comparatively short test. It is not a very difficult test by any stretch of the imagination. I suppose most policemen, when they are giving these tests to persons who wish to drive motor vehicles on the roads, try to be reasonable and a bit friendly, and, possibly, even a bit generous. As long as a person who applies for a driver's license puts up some sort of a show, then a license is issued.

Driving a motor vehicle these days is no easy job. It is not so much a matter of being able to drive safely oneself. It is a matter of being able to anticipate what some other driver who is not safe and who is not careful is going to do. In a situation of that kind even the safest driver in the world is likely to run into trouble.

In many accidents on the roads, unfortunately, the driver who is blameless often comes off far worse than the driver who is blameworthy. There was an accident at Northam the other day in which one driver went over the double white lines going around a curve and forced the other driver off the road and into a fence. The driver who was totally blameworthy just went on his way at 50 miles an hour, or whatever it was, leaving the driver who was blameless with a wrecked vehicle, and with bruises and a great shaking up in addition.

These amendments before us may achieve some good result. I certainly hope they will. I am sure the Minister is entirely conscientious, and in view of the greatly increased accident rate, including the deathrate, almost anything is worth trying in the way of new provisions. However, as I said before, I would have much greater faith in additional police in uniform who might be appointed by the

Government, than I would have in any new proposals to alter the law or to change the regulations.

MR. FLETCHER (Fremantle) [12.13 a.m.]: I have a few thoughts on this subject for the consideration of the Minister. I usually find myself opposing measures in this House, and it is rather refreshing to find one I can support at least in part. However, I would mention in passing, that I would much rather be discussing a Bill which is a little further down on the notice paper, as would others present also, I assume.

The annual increase in the number of vehicles registered does necessitate review or amendments of the Act from time to time. However, as far as the Bill is concerned, I do not wish to become involved in the give-way-to-the-right controversy. There are various interpretations—unfortunately, too many of them—where bluff, arrogance, and timidity are experienced at these intersections, head-on, side-on, and upside-down, on too frequent occasions. My interpretation is the best, I feel, and that is to give way to the right, and hope that others will do likewise.

The Bill as it affects the young is desirable, the three-year probationary period in particular. The tightening up of extraordinary licenses and the necessity to obtain parents' consent for an applicant under 18 years are commendable provisions. I think the power of the Commissioner of Police to suspend or refuse to renew a license will be used with imagination and discretion as it affects individual cases.

Starting firstly with the three-year probationary period, this could well apply to many young people. I would say the majority, on reaching the age of 17, seek a license to drive and, in doing so, cause unhappiness to parents, and sleepless nights as a consequence of the worry that their young are in danger because they are driving a vehicle at such a tender age. If parents had the opportunity of ensuring that their children served a three-year probationary period I am sure they would welcome it, and it would, in effect, be a rein of restraint on such young drivers.

As I said, the tightening up of the extraordinary licenses is desirable, and parents could justifiably withhold their consent in regard to a child obtaining a license. That is most desirable, not only from the point of view of a happier home-life, as a consequence, but also from the point of view of public benefit.

There is another provision in the Bill which requires special licenses for vehicles owned by handicapped persons. I assume that that is what is meant because it makes reference to automatic gears. I am not too clear on the point whether automatic gears are the orthodox automatic gears that are fitted to cars, or the modifications that are made for drivers who are physically handicapped. Some paraplegics, who do not have the use of their legs, drive cars and they have to have some manual control. I assume the provision in the Bill refers to that class of driver, and I would submit to the Minister that what is suitable for one handicapped person is not necessarily suitable for another. Therefore, it is desirable that the traffic department should have supervision over this class of driver, because of the disabilities they suffer, and not just issue a blanket license to any disabled person who wishes to drive a manually controlled car.

To revert to the young driver, one can only relate one's own experience and the behaviour that one notices on the road. Recently, on the Horseshoe Bridge of all places, a young driver with a carload of other young people, driving at about 30 miles an hour, did a complete turn on the middle area of that bridge. This caused concern not only to me, as a driver, but also to others who were nearby. Had I been a timid type of driver I could quite easily have run into another car in my efforts to avoid this young irresponsible driver. Others could have been involved as a consequence of the incident, and a chain reaction could have meant a multiplicity of vehicles being involved in an accident and untold damage being caused.

Again, in the area of Fremantle, I recently asked the traffic police to supervise, at about midnight, the area of South Street at the intersection of Carrington Street. It is an assembly point for young drivers who seem to have a predilection for Zephyrs, apparently because of their fast acceleration. These young drivers can push the accelerator to the floor and accelerate downhill, then along Hampton Road and around the block. They time themselves to see how long they take to complete the circuit, and they have a competition with their companions to see who can cover it in the shortest time.

For the edification of the Minister, the traffic department did send out traffic constables to police the area about midnight, and in the early hours of the morning. The incidents stopped for some little time, but have recommenced. I want to point out to the Minister the fact that the traffic departmen in Fremantle is understaffed and it cannot cope with this sort of thing in the Fremantle area.

This behaviour by young people creates annoyance to the local residents, fear in the hearts and minds of parents, and also in the hearts of drivers of other vehicles. It is a very sad and a bad practice.

One can only relate one's own experiences in relation to aged drivers, too. When discussing this subject the member for Balcatta and other speakers mentioned that many aged persons are good, capable, conscientious, and careful drivers. I would

agree with that, but their disabilities catch up with many aged drivers and I will relate one instance as I undertook to do. An aged resident of Fremantle—who, incidently, did not have a car, but had a driver's license—asked me to renew his license for him when I was in town. Apparently he thought he would be refused a renewal if he applied personally because he looked too old. I also assume that he had the idea that at some stage he might drive a car. However, the poor old chap died of old age a few days after I had to refuse him the favour of obtaining his license for him.

I mention these matters so that the Minister will know what can conceivably happen in other cases where aged persons obtain renewal of their license in the manner I have outlined. Other people obtain renewals for them even though many of them, obviously, should not be entitled to a license.

Mr. J. Hegney: You have only to write in, and enclose a cheque for £1, and you can renew your license. You do not have to attend in person.

Mr. FLETCHER: That may be so, and that is another aspect of the matter.

Mr. J. Hegney: You have only to post a cheque in and it will be renewed.

Mr. FLETCHER: Some aged people retain their licenses when their faculties are obviously impaired. Each case should be judged on its merits and the disabilities should be taken into account.

I can relate another instance in my area where an old person in a butcher shop was indulging in a difficult conversation. People were shrieking at him asking him why he did not get a hearing aid. Finally they got through the wax barrier and the old chap said that if he had a hearing aid he would have to listen to every silly B—who spoke to him, but without a hearing aid he could listen to what he wanted to hear. This man was obviously deaf; but he left the butcher's shop, got into a vehicle nearly as old as himself, and drove away. I waited for the crash, but evidently Providence was with him. That is the sort of person who is able to renew a license at the present time.

Under the provisions in the Bill I think the traffic department, would, as I have said, judge each case on its merits and take into account the disabilities of the persons concerned. The chap I have mentioned, who did not have a hearing aid, was a menace on the road, and I mention these matters for the edification of the Minister. Those are the thoughts I have on the subject, and any others I will leave to the Committee stage.

MR. CRAIG (Toodyay—Minister for Police) [12.25 a.m.]: First of all may I express my thanks to those members who have offered some comment on the Bill. After all, I think there are only three main features; and they are probationary licenses for all new license holders, re-examination of the age groups, and the minimum of one month's suspension. There was also a suggestion regarding the recasting of the reference to driver's licenses under one section of the Act.

One point that was obvious to me, and no doubt it was obvious to you, Mr. Speaker, was that members of this Parliament accept the responsibility of meeting the growing road menace, with so many fatal accidents occurring on our roads every day. We have tried to combat this menace in other ways and, as I said when introducing the Bill, it is regrettable that a Government has to bring in legislation of a corrective nature—corrective so far as motorists' behaviour is concerned—because I cannot help but feel that education is the crux of the whole problem. If we can only educate motorists along the line that we desire we would do much to overcome the problem. Although we do have facilities for that education, unfortunately motorists do not avail themselves of them.

Today we are doing our utmost through the National Safety Council to educate the youth of the community, because we know that within a few years the education that is given to them by the council through its instructors, or through the instructors at the schools, will prove of great benefit to the community as a whole. Also, those people who are being educated in this way today will be an example to other motorists.

The member for Balcatta suggested the first objective should be to redraft the Traffic Act and the regulations. That is one of the objectives, but it is one that cannot be attained hurriedly. One of the reasons why this redrafting has been delayed is because the adoption of the national traffic code has not yet been completed. This has been going on for some two or three years, but it is hoped at the forthcoming meeting of the Transport Advisory Council the code in full will be adopted. When that occurs we will arrange for the reprinting of the Traffic Act. I think there are about 150- odd pages in the Act alone, but we are hoping to condense it to conform with the national traffic code. This, together with the regulations, will be made available to motorists in a convenient booklet form which will enable motorists to carry the Act and the regulations in their vehicles. Also, most of the regulations and the Act will be applicable in other States of the Commonwealth.

I know the honourable member has a phobia regarding "Stop" signs. He has his reasons. He believes that "Stop" signs should be non-existent and the rule of "give-way-to-the-right" should apply at

all times. I agree entirely with him that that rule of the road should apply; but, unfortunately, there are so many motorists who simply will not observe the rule. Hence the reason for "Stop" signs.

Mr. Rowberry: If they do not observe one rule, will they observe the other?

Mr. CRAIG: The introduction of "Stop" signs at certain intersections has been followed by the accident pattern at that intersection falling considerably. The other point is that the Commissioner of Main Roads is actually the sign-erecting authority in the metropolitan area, and whatever signs he decides should be erected are erected, as a result of the research undertaken by highly qualified engineers in this particular aspect of traffic engineering.

The member for Balcatta referred to the problems of youth in regard to traffic matters. I cannot help but agree with the honourable member. It was certainly a good contribution to the debate. Because of high wages and the availability of high-powered old American cars at low prices, the youth of today has great temptation to assert himself in some way. Possibly it helps build up his ego as a result of his having some sort of power in his hands. I do not say that in all cases it is power deliberately used, but in exercising it they breach our traffic rules in a manner which we do not think is in anybody's best interests. It is not in the best interests of the community, or of the other motorists.

Reference was also made to the proposed regulations governing the cancellation of probationary licenses. I have given thought as to whether such breaches of the Traffic Act and Regulations cannot be included in the Bill, but I found it extremly difficult at the time, and felt the best way to overcome the difficulty was to include certain offences in the traffic regulations, some of which I referred to in my second reading speech.

I can assure the House it will not be a formidable list of offences, but only the most serious that will be included. Whatever offences are considered necessary to be added to the regulations from time to time will be added only as a result of statistical information of our accident pattern. Members will, however, have the opportunity of explaining their objections further in the Committee stages.

So far as the old people are concerned; the reason why this provision was included in the Bill was because of a recommendation passed at the Australian conference of medical officers and transport officers. It was also supported by the Australasian conference of the police commissioners. So, acting on the recommendations of those two responsible bodies, I included that particular provision in the Bill. No reflection was intended on this type of person, most of whom have already shown by example that they are far superior drivers, both in their conduct and manner of driving than many of the young people on the road today.

I did not realise there were so many people in this House who would possibly qualify under this provision. I was very unpopular as a result of it, and I was almost ostracised from my bowling club.

Mr. W. Hegney: You must have shown some bias.

Mr. CRAIG: So far as the National Safety Council is concerned, the member for Balcatta suggested that the Government should not be miserable in its financial assistance to the work undertaken by that body.

Mr. Graham: I asked you to be more generous.

Mr. CRAIG. The Government has not as yet refused any request from the National Safety Council for financial assistance to help it in its work. As the member for Claremont pointed out, the Council has quite an extensive programme ahead of it, but it will take some time before it can be given full effect to.

Another matter that has exercised the minds of some members is the question of the class of vehicles, particularly as it refers to the automatic-geared vehicle; the point there being that if a person goes for a license for the first time and he is taught to drive on an automatic-geared vehicle, it is intended by the provision in the Bill that the license should be endorsed "automatic-geared vehicle only."

It stands to reason that a person who learns to drive on an automatic-geared vehicle is not necessarily qualified to drive a conventional type geared vehicle. There is one case of a person who went persistently to a driving instructor, and because she could not obtain her license—the instructor would not pass her because of the difficulty she was having with the gears—she then went to another instructor who taught her on an automatic-geared vehicle, after which she obtained her license. It is for such reasons that the provision is necessary.

On the question of one month's suspension it is pointed out that where a person's income is involved he suffers a severe penalty as a result of the suspension. I can only say that such class of person must realise before he commits the offence that he will be faced with severe penalties if he is caught and summarily convicted. It must be hard in some cases, but what is the use of having a penalty if it is not to be applied? People who want to break the law, even though it involves conviction with a fairly heavy penalty plus the suspension of a license, must think of the consequences before they commit the offence. So I am not very sympathetic to amending that provision in the Bill.

Mr. Graham: I will see what I can do to convince you in the Committee stage.

Mr. CRAIG: The question of more police patrols was raised. I agree with the Leader of the Opposition and other speakers that if we could have more police patrols on our roads our accident pattern would possibly drop. On the other hand, I do not think any motorist would want to feel that, as he was driving along a road, he had a policeman trailing him a few car lengths behind, because he would develop the habit of looking in the rear vision mirror as he proceeded along the highway. I do not think we ever want to reach that stage, just as we do not want to reach the stage of coming up against a policeman every few yards we walk down the street. The citizens and motorists of this country want to feel they are observing the law, and they do not want any policeman to remind them of that fact.

Mr. H. May: Better on the road than in the bush.

Mr. CRAIG: The member for Claremont said that drivers on probation should have some identification on their vehicle. This does have some merit. I recall having made a similar suggestion at the conference of the advisory council, but certain reasons were put forward why it was not advisable.

The member for Warren suggested we should do something along those lines, because in Ireland a similar procedure was followed. I remember that when I was in Ireland push cyclists were compelled to wear yellow caps, which I think was an excellent idea.

The point was raised by the member for Stirling regarding the suspension of juveniles, which becomes cumulative, amounting to a number of years. The honourable member thinks this does not assist in the rehabilitation of the juvenile when he becomes an adult, because he knows he will not have his license for many years ahead. This matter is still under consideration. On the one hand it is felt that if we remove this penalty as it applies to juveniles we remove the deterrent for car stealing and the like. On the other hand, if it continues in the same manner, when the person reaches an adult age and requires his license he has the machinery of the court available to him, and he can apply for an extraordinary or a special license; or possibly for the remission of his suspension.

The member for Beeloo suggested a solution in regard to limited access highways. Here again I must agree with him, but these things cost large sums of money. I have no doubt the Main Roads Department is planning for the future.

Mr. J. Hegney: The Treasurer is getting plenty of revenue from increased taxation of the motorist.

Mr. Graham: Third party goes up in a few weeks.

Mr. Brand: Still less than the Labor State of New South Wales.

Mr. Graham: You follow Labor and you will be doing all right.

Mr. CRAIG: Again I thank members for their contributions. I have not answered at length all the points raised by members, because no doubt opportunity will be taken by them to refer to these matters in the Committee stages of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

Clauses 1 to 3 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr. O'Neil.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE ACT AMENDMENT BILL

Council's Amendments

Amendments made by the Council now considered.

In Committee

The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Water Supplies) in charge of the Bill.

The CHAIRMAN: Amendment No. 1 made by the Council is as follows:—

No. 1.

Clause 6, page 5, line 25—Delete the word "so".

Mr. WILD: It was originally intended that the nominee of the Local Government Association be a mayor, president, or councillor of a local authority. It was my view that even though he might be defeated at an election and would not be a member of a council, if he were satisfactorily representing the ratepayers, there was no reason why he should not be kept on. However, in another place it was considered that he could carry on for the balance of his term, but when his term expired, if he were not a member of a local authority there would have to be a fresh nomination. Therefore I move—

That amendment No. 1 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

The CHAIRMAN (Mr. I. W. Manning): Amendment No. 2 made by the Council is as follows:—

No. 2.

Clause 6, page 5, line 26—Insert after the word "appointed" the words "or reappointed."

Mr. WILD: I move—

That amendment No. 2 made by the Council be agreed to.

Question put and passed; the Council's amendment agreed to.

Report

Resolutions roperted, the report adopted, and a message accordingly returned to the Council.

LICENSING ACT AMENDMENT BILL (No. 2)

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [12.48 a.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to bring many sections of the Licensing Act up to date. The bulk of the amendments contained in this measure are similar to those contained in similar legislation introduced last session, which were obviously acceptable to members of both Houses of Parliament. Many of the amendments deal with the administration of the Licensing Act in matters affecting the general public. It may be well to refer to some of these again briefly. The use of the tin can has necessitated extension of the definition of "bottle."

The Australian wine and beer license is to be extended to include Australian spirits. There are provisions for improving amenities in wine saloons. Licensees of railway refreshment rooms will have the same trading hours as managers of refreshment rooms conducted by the department. Only *bona fide* lodger may in future purchase liquor on credit. Credit will not in future be available to *bona fide* travellers.

Important amendments concerning club membership which proved acceptable to Parliament last session have been retained. Other amendments are of more particular interest to the license, such as the redisposition of licensing districts based, at present, on electoral districts as they stood in 1921. The Bill removes anomalies in that regard. The hotel license is to be redefined as the limited hotel license because the premises of the publican's general license are invariably known as hotels.

Licenses may not in future be transferred to other than British subjects or granted to persons under 21 years; and there is to be a further provision that no person shall hold two licenses unless specifically provided for in the Act. There are provisions which will facilitate the transference of licenses—this with particular reference to newly developed and expanding country or suburban areas.

The Bill is explicit that a "resident" child may not frequent a bar, but that is not interpreted as including a guests' lounge or sitting room. The archaic provision with respect to inquests has been deleted. After giving further consideration to several of the contentious clauses, some aspects of which were not acceptable to Parliament, certain modifications were made in the preparation of the current Bill. The original provisions dealing with minimum club fees are not being reintroduced.

Members of both Houses had mixed feelings in the matter of the prohibition of the sale of kegs by clubs. Amendment of the Act in that direction is not now proposed. The unavoidably late presentation of last year's Bill contributed, I fear, to its ultimate fate while, at the same time, many aspects of licensing administration still under consideration were, of necessity, excluded from its provisions.

The holding over of this legislation to a later date has enabled the inclusion in the current Bill of quite a number of amendments which cover decisions on matters then still under consideration.

The sections affected are as follows. Section 14 has been deleted because of its being redundant to section 21 in the matter of the appointment of the chairman. Section 17 likewise is redundant to section 21 in the matter of quorums and is being deleted. Section 18 is being deleted because it conflicts with section 21. Its deletion clarifies that the chairman does not have a casting vote and the majority vote prevails. Section 21 is amended to obviate the necessity of making delegations to magistrates personally by name.

The amendment to section 27 confers power on the court to grant adjournments for longer than one month where the court thinks this is desirable. As previously mentioned, a new amendment prohibits one person from holding more than one license except where the Act provides otherwise. That is in section 28. An amendment to section 43 covers temporary licenses for stock sales to be approved by the Minister for Agriculture.

Canteen licenses may be granted in future when a canteen is within 20 miles of "an hotel license." This is in section 44D. The sale of liquor in canteens is clarified by an amendment to section 44F, in respect of persons who are lodging temporarily in the vicinity of a canteen for the purpose of transacting business with the main establishment. The amendment to section 47 is to obviate packet licenses and temporary licenses from premium.

It is desirable when application is made outside the metropolitan area for a license for a copy to be forwarded to the Licensing Court. The amendment to section 48 covers this requirement. Section 50 is being amended to grant the court power to order the provision of adequate accommodation and fixtures. Section 51A is

being amended to enable control over accommodation in wayside houses and to permit the chairman of the Tourist Development Authority to apply for improved facilities.

Last year's proposals to amend section 72 in the matter of minimum fees have been dropped and accordingly, minimum fees are to be retained. Section 69 is to be amended to provide uniformity in the period permitted for payment of the minimum annual fee after granting of renewals of licenses. They are to be paid as from due date.

Section 117 is being amended to extend to 12 months the time during which a complaint might be laid under the Justices Act regarding an offence concerning required structural alterations. The amendment to section 123 dealing with registers is considered most necessary in order that the court is well advised as to accommodation, and particularly as to temporary or make-shift accommodation made available to meet emergencies.

"Life member" was omitted from last year's amendment to section 183. It has now been included.

It has come under the notice of the court that some members of club committees, particularly of sporting committees, are not club members. The amendment to section 184 is being introduced to provide that all members of club committees are to be club members.

The amendment to section 196 is considered desirable in order to allow the court to extend the period for which a club may remove to other premises and to renew its certificate to that extent. The responsibility of clubs to submit plans of proposed alterations to registered premises is clarified by the amendment to section 212.

There is an important amendment to section 44E dealing with canteens in remote areas. This amendment removes the restriction on the issue of a canteen license to persons or companies exploring for oil. A case in point has arisen in the matter of caterers acting for three companies engaged in the erection of the American station near North West Cape.

Another aspect in that regard is covered by the amendment to section 122, which will permit of Sunday sessions at the canteen at North West Cape. Workers there are deprived of this amenity at present, which is common to the northern areas of the State.

The amendment to section 190 is complementary to that contained in the other financial measure amending the Licensing Act and dealing with section 201. As a consequence of these amendments, a statutory declaration will be required by clubs applying for registration, but not when applying for a renewal.

Members will recall having given a great deal of attention to the proposals submitted in the Licensing Bill last session and general concurrence was reached on most clauses. Those of doubtful value have been excluded from the current Bill, and in their place have been inserted many amendments, to which a great deal of thought has been given with a view to providing a more up-to-date Act. This has been achieved by adding new requirements and interpretations as necessary, on the one hand, while deleting extraneous matter on the other. The Bill is commended to members for their consideration.

Debate adjourned, on motion by Mr. Oldfield.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [12.59 a.m.]: I move—

That the Bill be now read a second time.

The Bill before the House provides for certain amendments to the Local Government Act, and members of this Chamber may expect further Bills from time to time because local government is by no means static, but is rapidly changing, just as conditions in the State are changing; and this makes it necessary that amendments should be made to meet changed conditions, or to provide for the alteration of provisions which have been found to be faulty.

There is nothing contentious in the Bill, and it is possibly a Committee measure rather than anything else. Briefly, the amendments which are contained in the 34 clauses of the Bill may be summarised as follows: The first amendment is simply a machinery alteration in clause 2 to provide in the section dealing with the division of the Act into parts for a change in the numbering of the sections.

The next amendment is to provide that where a local authority has changed its status from a shire to a town, or *vice versa*, or a shire has become a city, the council may continue to use the system of electing the mayor or president which was in operation before the change of status. This amendment is considered desirable in that an authority may wish to change its status, but does not consider it advisable to change the method of election.

Then follows an amendment to meet requests from local authorities that the council should have the right to supply a copy of the roll to each member of the council, free of charge; and, likewise, to each candidate standing for election. This is considered reasonable; and, in most cases, councils have ample copies of the rolls so that there is not actual additional expense.

A further amendment is perhaps an important one, dealing as it does with the persons who are authorised to witness absent votes for local government elections. At the present time the right to act as a witness is confined to certain specified persons, but Assembly electors are permitted to act in all districts north of the 26th parallel, and also in other districts to which the right to do so has been extended by the Governor. The new amendment will permit Assembly electors to act as authorised witnesses anywhere in the State without any order from the Governor.

The next amendment will be welcomed in those districts in which elections are fought on an undivided district basis, or where there are two or more seats to be filled in one ward at the one time.

The present provisions in section 127 (5) have not proved generally acceptable, and it is therefore proposed to substitute for that subsection a new one, which provides for what is called a weighted system of preferences.

Mr. Graham: What do you mean by not acceptable? Because seven Labor members were elected to the Perth City Council; is that the reason?

Mr. NALDER: The system proposed is somewhat similar to that used in the case of members of the University Convocation electing members of the Senate, and is also similar to systems used by certain friendly societies.

Briefly, the provision is that each preference is accorded a value. A first preference is regarded as being of the highest possible value, while the last preference of a voter is regarded as being of lower value than the first preference.

Mr. Tonkin: It sounds like the March hare system.

Mr. NALDER: In the case of three candidates, for instance, a first preference vote is regarded as being worth three times a third preference and the second preference comes half-way between the two in value. That is, the value of the three preferences would be regarded as being three for the first preference, two for the second preference and one for the third preference. If there are five candidates, for instance, the first preference would be regarded as worth five times the fifth preference.

For the purpose of simplicity, the new subclause provides that all votes recorded are to be regarded as votes against the candidate. The first preference vote therefore is regarded as one vote cast against that candidate and in a three-cornered contest the third preference is regarded as being three votes cast against the candidate.

Mr. Tonkin: Take away the number you first thought of.

Mr. NALDER: In a five-cornered contest a first preference is regarded as one vote against the chosen candidate and the last preference is five votes against that candidate. This may sound confusing, but in actual fact it is quite simple once the essential points are grasped.

The method of counting is that each of the figures on the ballot paper is regarded as being one, two, three, or more votes against the particular candidates involved. All the figures on all the ballot papers for each candidate are calculated, and the candidate who has the lowest number—that is, who has the most first or second preferences and the least last preferences—is regarded as being the first choice. The preferences for the other candidates are calculated in the same way by the number of total votes cast against those candidates as indicated by totalling the votes. All votes having been totalled, the returning officer declares elected to the first vacancy the candidate who has received the smallest number of votes against him as determined by the method set out, and he then continues declaring candidates elected, dealing secondly with the second lowest and so on until sufficient candidates have been declared elected to fill the vacancies.

This clause can be examined fully in committee and I can then let honourable members peruse samples indicating the method, if this is considered likely to be helpful.

The next amendment is an important one. It has been requested by the Local Government Officers' Association, and is supported by the associations representing the councils. It is to extend to traffic inspectors the same right of appeal as is at present provided in the Act for town and shire clerks, engineers, treasurers, and building surveyors.

Traffic inspectors, by reason of the type of their duties, must at times come into conflict with members of the councils, or their relations; and unfortunately cases do occur where, perhaps because of the lack of tact on the part of the traffic inspector, but also because of the natural reaction on the part of councillors to the threat of legal proceedings, it has been found that officers doing this work have been dismissed from their positions. It is therefore considered just and reasonable that they should be given the right of appeal and, as a result, section 158 is to be amended to ensure that they do enjoy this right.

A further amendment is to meet the request of the Country Shire Councils Association, that where a mayor or president is elected by the councillors he shall have a deliberative vote, but no casting vote, in contradistinction to the position of a mayor or president elected by the electors who has a casting vote only, and no deliberative vote.

The shire councils consider that as under the system of election of the president from among the councillors the person concerned represents a ward, the fact that he cannot exercise a deliberative vote when he is chosen as president means that his ward, and the electors of that ward, are deprived of the opportunity of adequately expressing their views in the council.

There is something to be said for this point of view; and, even though it means there will be two different systems of procedure for the chairman of a meeting of a local government council by making this amendment, I, nevertheless, feel that in the interests of harmony it is desirable.

Mr. Jamieson: You would not listen to that when I put it up.

Mr. NALDER: The next amendment provides power for a council, when appointing members of a standing committee, to appoint deputy members who can act when the permanent member is absent. The deputy, however, cannot act unless he is requested to do so by the person who is his principal.

The amendment following that is on similar lines and is in connection with advisory committees which are authorised under section 180; and the next amendment again is a similar one in respect of managing committees which are authorised by section 181.

There is a further amendment to correct a drafting error in the original legislation by merely changing the reference.

The next amendment is another one which is of importance to the farming community. At the present time local authorities, under section 281, are entitled to take gravel from a property for use within one mile of a spot where the property is entered, without having to obtain the consent of the owner. The council must, however, pay compensation for the gravel taken, provided it is the property of the landowner, but is not required to pay compensation in the form of an actual payment for the gravel itself in respect of the gravel which is used to repair the section of road abutting on the property from which the gravel is taken.

It is considered that this is unfair to the landowner concerned, and that the community at large, which in this particular case must be regarded as the shire council, should be called upon to pay for all the materials taken for road construction. The landowners has his land damaged by the removal of the gravel; and, as this is for the benefit of the community, the community should pay. The amendment, therefore, is to provide the right to compensation, and the value of the gravel taken, irrespective of whether it is used to repair the road abutting on the property or otherwise. The one-mile restriction, of course, will still apply.

The next amendment is in relation to the declaration of public streets, and provides that where a private street has had uninterrupted use for a period of not less than ten years, the council may request the Governor to declare it a public street, and the Governor may do so.

If the owner of the street has permitted the public to use that street without let or hindrance for a period of at least ten years, then it must be conceded that he has abandoned his right to regard the land in question as a private possession. Hence the council should be able to have the street made definitely a public street so that there can be no longer any question as to control.

The following amendment relates to subdivisions of land and is intended to tighten up a gap in the present legislation. Where a person subdivides land he is required to construct the streets before the lots can be sold; but if he chooses to sell the whole of the subdivision to some other person, then it has been stated that it is very doubtful whether the purchaser could be compelled to construct the roads as this was purely a matter for the original subdivider. The amendment, therefore, is to ensure that this gap will no longer exist, and a purchaser will be under exactly the same obligations as the original subdivider.

The next amendment is to correct a misspelt word.

Following this there is an amendment dealing with that section which authorises the council to provide in the streets certain amenities such as trees, tree guards, kerbing, flower gardens, statues, etc., and traffic devices. Advice has been received by the Local Government Department that a council could be held liable, even though there was no negligence, because the question of what "unduly obstructs the thoroughfares" is always a matter of opinion. The amendment, therefore, is to delete the reference to the need for the amenities concerned not unduly to obstruct the thoroughfare.

This means that the council will then be authorised to provide these amenities in the streets without the fear of an action for damages, unless the council can be shown to have been negligent. In the case of negligence no protection will be given to the council, but the amendment will ensure that the council is not mulcted in damages simply by providing an amenity.

The next amendment is a corollary to an amendment made to section 364 in 1961, which provides that in certain districts which the Governor has specified in an order, right to compensation for removal of buildings behind a newly-declared building line does not arise until the council orders the demolition of the buildings in front of the building line. It has been suggested that although the Governor has an implied power to issue the order, there is no specific power; and the purpose of the new amendment is to provide that power as specifically as possible.

A further amendment deals with delays by councils in passing plans for buildings, or in refusing to approve plans for buildings. Cases have occurred in which the council has simply failed to say yes or no, and the person wishing to build has therefore been unable to lodge an appeal, because the appeal could not be lodged until the council had, in fact, refused to approve.

The new amendment, therefore, is to ensure that when a plan has been submitted to the council, the council must make a decision one way or the other within 35 days, and if it does not do so the applicant may demand a decision within 14 days. If at the end of that extra 14 day the council has still not approved of the plans, it shall be deemed to have refused to approve, and the person concerned can then exercise his right of appeal.

Encroachments on streets by owners of adjoining buildings are dealt with in the next amendment, which faces up to the fact that there are certain decorative treatments on buildings, which although protruding beyond the face of the buildings for a small distance, and therefore protruding into the street, could not be regarded as encroachments in the true sense of the law, because they are always well above the level of the road.

The amendment, therefore, proposes to allow the uniform general building by-laws to authorise some degree of encroachment in the form of projections on buildings, and it makes it clear that decorations such as string courses, cornices, copings, etc., projecting not more than 9in., are not to be regarded as encroachments.

The next three amendments are to simplify the procedure of councils dealing with dangerous, neglected, or dilapidated buildings. At present, after having served an order on the owner, if the council wishes to go any further, it must publish an advertisement in a newspaper, and in the *Government Gazette;* and, if the owner still fails to take action, the council may then proceed to take the matter to court. The owner, of course, has the right of appeal to referees. In order to reduce the cost of dealing with this matter, the amendment to sections 403, 408, and 409 provides that notice may be served on the owner and the occupier by registered post, and a copy of the notice affixed on the outside of the building.

It is considered that this will afford ample cover to the owners and occupiers of the land, and certainly will reduce the expenditure of the councils.

The amendment also provides in respect of section 408 for the abolition of the power of the council to order fencing in a dilapidated property as an alternative to demolition or renovation. It is considered that it is of no use allowing fencing as an alternative as whenever an order is served, the building is so far dilapidated that either demolition or renovation is essential.

The Bill also seeks to amend section 433 of the Act, which authorises the making of building by-laws. The proposal is to give a definite and specific power to make by-laws limiting the number of buildings that may be built on a prescribed piece of land, and the extent to which that area may be built on. In other words, to provide for coverage restrictions and plot ratios. This power may be implied in some of the other paragraphs of the section, but it is thought wise to make it quite definite.

The next amendment in the Bill is to assist local authorities in the country to encourage builders, chief of whom would be the State Housing Commission, to build houses in the district for letting. Very often councils are of the opinion that if the State Housing Commission would provide a few houses, those houses would rapidly be let, but the State Housing Commission is not prepared to take the risk. It is therefore proposed to amend section 513 so that the council could give a guarantee to a builder, such as the State Housing Commission, in order to encourage the erection of the buildings, and could make up any deficiency from its municipal fund. This power has been requested by a number of country local authorities and it is considered desirable that they should have it.

A further amendment relates to ratable land and is to clear up a doubtful point. The amendment provides that where the term "occupied" is used, this means that the land is actually occupied and not simply deemed to be occupied by the owner simply because there is no other person in occupation.

There have been quite a few cases where doubts have been expressed as to whether a property, ratable or otherwise, because it is required as a prerequisite of exemption, should be unoccupied, and it was suggested that as the Act, by section 6, provides that the owner is the occupier of land where there is no other occupier, there can, in fact, be no such thing as unoccupied land. This amendment will clarify that point.

Provision is made in the measure to correct a mistake in section 538. It is also sought to amend the Act in relation to the occupancy of land, and to the rates imposed on land occupied by pensioners. As all members of this Chamber are aware, pensioners are not required to pay rates on the property which they own and occupy. Cases often occur, however, where a pensioner resides on one piece of land and has other allotments in the town or district which he does not physically occupy, and it is considered unreasonable that this land should be held out of public

use and rates allowed to accumulate, particularly as, in the case of vacant land, the rates could amount to more than the land was worth if they were permitted to accumulate for a long time.

The amendment is therefore to provide the exemption from rating only in respect of land which the pensioner actually occupies; that is, which he physically occupies to the substantial exclusion of other persons.

The next amendment is to correct a printing error; while the one following provides for a single debenture in respect of loans. The Act already allows the use of a single debenture, but it is considered desirable that a form of debenture should be prescribed, and the Act at present makes no authority for prescribing such a form. The amendment will permit the form to be prescribed.

A further amendment is to give a council definite power to invest, either for a short term or a long term, its trust funds or other moneys which are, for the time being, surplus to the council's requirements.

The next amendment seeks to bring section 660 into line with the provisions of the Limitation Act by permitting a judge to allow an action against the council. Even though the notice may not have been given or the action commenced within the prescribed time, if the judge is satisfied that there is a good excuse for failure to give the notice, or to commence to give it, in any case the council is not prejudiced by the failure.

A further amendment makes it quite definite that if a person drives a vehicle on a street which is closed for repairs, or in other ways damages the surface of any street, he commits an offence for which he may be prosecuted.

The final amendment is to ensure that persons applying for absent votes specifically declare that they are natural born or naturalised British subjects. The existing forms omitted this provision, and experience has shown that it is necessary to ensure that persons not entitled to vote are not enabled to obtain an absent vote.

It must be remembered that under section 45 of the principal Act, only those persons who are natural born or naturalised British subjects are entitled to be enrolled, and the clerk of the council should endeavour, when preparing any roll, to leave off the names of any persons whom he considers to be unnaturalised. Should, however, an unnaturalised person's name be on the roll and no objection be taken at the Revision Court so that the person concerned can vote at the polling booth, he can still be prevented from voting by putting to him the question whether he is naturalised, which is authorised by section 109. It is hoped to avoid happenings such as this and therefore the proposed amendment, relative to absent voting applications, is in line with the general provisions to prevent unnaturalised persons voting.

Debate adjourned, on motion by Mr. Toms.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

In Committee

Resumed from the 7th November. The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Wild (Minister for Labour) in charge of the Bill.

Clause 1: Short Title and Citation—

The CHAIRMAN (Mr. I. W. Manning): Progress was reported on the clause, to which Mr. Moir had moved the following amendment:—

> Page 1, line 8—Insert after the word "arbitration" the words "Court Abolition".

Mr. FLETCHER: I support the amendment but I regret the necessity to speak on it at this time in the morning. I find that the Bill was first prepared in a snide fashion by anti-union interests and we are now prepared for another day's work by those on this side of the Chamber presenting their opposition to the measure.

I support the descriptive amendment moved by the member for Boulder-Eyre. When the clause is read with the amendment inserted, even the Government members could not deny that the short title would then be a true statement of what the Bill seeks to achieve. Even a casual and brief analysis of the Bill would reveal just what it seeks to do. Its object is to sack the President of the Arbitration Court (Mr. Justice Nevile), the employers' representative, and the employees' representative; and the court, as we know it, will be destroyed. It surprises me that the Government has not smashed up the court furniture so that it can make a real job of the destruction of the court.

As I stated earlier, the court, with its imperfections, has come to be accepted by trade unionists. If agreed to, the Bill will abolish a public and trade union image. The unionists have come to accept the monotonous opposition by the employers' representative to any benefits that have been applied for by the workers.

We have accepted the employers' tactics of deliberate deferment. We know the reasons for the procrastination, and for the constant accumulation of court work. We know that the unionists keep asking the union leaders what has happened to their log of claims. We also know of the desperation among the trade unionists, the strikes that have taken place, and the remedy, which was to discipline the employers to prevent them deliberately frustrating trade unionists through the medium

of the court. It was necessary to bring home to the employers that the legal subterfuge indulged in with a view to procrastination was reprehensible.

Even if we accept the fact that the existing staff—including the President and the Conciliation Commissioner—could not cope with the backlog of work, the obvious remedy was to have appointed more staff rather than do what the Bill proposes—which is to destroy and create a dubious alternative, and in justification quote what was done by the New South Wales Government.

I know the trade unionists would rather accept a system introduced by a Labor Government, than the dubious alternative suggested by the Minister and the Employers' Federation, with the prospect of imposing on the trade unionists such people as Mr. Cort, and Mr. Kelly, who were responsible for the Bill. I know one of these gentlemen personally, having had negotiations while an employee of the State Electricity Commission. They are notorious for their opposition to union applications. They would grant nothing. They are conservative in outlook.

What concerns me is that a junior departmental officer has been responsible for compiling this Bill, and has torpedoed the President of the Arbitration Court, having been aided and abetted by this Government. It is tantamount to an office boy displacing the manager of an enterprise. The member for South Perth mentioned that the judges to be appointed would be impartial. We have had experience of impartiality when a similar dubious Bill was introduced in 1952. The unions know what happened as a result of the introduction of the penal clauses of that Bill. I pointed out what that legislation did during the metal trades strike. No wonder we, and the unions, are suspicious of this legislation. I support the insertion of the words, "Court abolition" after the word "Arbitration", as moved by the member for Boulder-Eyre.

Mr. W. HEGNEY: The various unions of this State have demonstrated their unqualified opposition to this Bill. Another important union known as the Federated Clerks' Union of Australia Industrial Union of Workers, W.A. Branch, issued a statement of opinions expressed and decisions made at a meeting held on the 31st October, 1963, as follows: —

> That the Brand Government be asked to postpone, or withdraw the Bill for an Act to amend the Industrial Arbitration Act, until such time as each and every item in the Bill can be carefully considered by the State Executive of the Union.
>
> That it be pointed out to the Government that it will be necessary for the Union to seek legal advice on some items in the Bill.
>
> That, as soon as possible, the Union approach the Minister for Labour and inform him that the Union finds many objectionable and menacing items in the Bill that indicate a threat to the well-being of members of the Union.

That F.C.U. wholeheartedly endorses the resolution carried at a special meeting held Tuesday, 29th October, of delegates to the Australian Council of Salaried and Professional Associations, and observers from kindred white collar worker organisations which include:—

> Expressions of serious concern at the hasty attempt by the Brand Government to rush such a major piece of legislation through Parliament without associations and unions of workers being given reasonable opportunity to consider the advantages or disadvantages of the Bill.
>
> The undertaking given by delegates and observers at the special meeting of the Australian Council of Salaried and Professional Associations to immediately alert their associations and unions of white collar workers.
>
> The opinion of the A.C.S.P.A. that the Brand Government should delay further parliamentary consideration of the Bill for the present.

The State council expressed its opinion as follows:—

> The secret moves by the Brand Government to confound associations and unions of workers and members of Parliament by the long furtive preparation of items of the Bill are to be criticised.
>
> The apparent deliberate action of Cabinet Ministers to hide the intentions of the Bill from the rank and file members of the L.C.L. and Country Party members, members of the Opposition in Parliament, leaders of the trade unions movement, wage earners, industrial associations such as the Australian Council of Salaried and Professional Associations, and the Trades and Labor Council, are to be severely criticised. Reference was made to various occasions when this Government has been considering the need for amendments to Acts of Parliament. Various organisations concerned in relation to the effects of any alteration to Acts, or introduction of new Acts, have been consulted and their opinions sought.
>
> Members of State Council of the F.C.U. were unanimous in condemning the Brand Government in introducing legislation which the Government claimed is intended to achieve certain

objectives, but which have the apparent scheme of using these objectives to introduce amendments to the Arbitration Act which are completely in excess of the so far stated intentions of the Government.

Opinions of State Councillors were voiced that the arbitration system in Western Australia was the most democratic set-up in Australia, or indeed the whole world, and most truly reflect the original conception of industrial arbitration as true blue worker representatives fought so hard to obtain during later years of the nineteenth century and the early years of the twentieth century.

State Councillors agreed that the existing W.A. system of industrial arbitration was the most progressive in existence. They had the opinion that the method of having a qualified judge of the Supreme Court as President of the Arbitration Court, with his knowledge of the law, was ideal, in conjunction with the fact that he had on either hand a representative of the employers, and a representative of the workers, who are experts in their fields of representation, with whom he could consult on industrial issues of importance to the whole community, before he makes his final decision. The decision of the Court depends, of course, on a majority decision. The President must have one of either the employers' or the workers' representative, on the Arbitration Court Bench to support his own deductions. Indeed, a combined vote of the employers' and the workers' representatives could nullify any decision that the President of the Court may desire to express in matters concerning industrial disputes properly brought before the full bench of the Arbitration Court.

This method is an outstanding democratic principle, and an example other States of Australia, and other countries of the world, could well consider and adopt.

The proposal to abolish the Arbitration Court and replace it with an Industrial Commission, was received with dismay by State Councillors. Councillors were of the opinion that the existing system in W.A. was far superior to the Industrial Arbitration Commission set up in the Commonwealth industrial systems and in some States.

It was expressed that if the Government is sincerely concerned about any undue delay in hearing and deciding industrial disputes under our existing arbitration system, all the Government has to do is to appoint one or more conciliation commissioners to handle the increasing volume of the work of the Arbitration Court.

State Councillors agreed that, instead of abolishing the right of employers or unions to apply for an Industrial Board to deal with certain industrial disputes when the court and its conciliation commissioners are overwhelmed with other cases, the Government should draw attention of employers and workers' organisations to their right to apply for an Industrial Board. The Federated Clerks' Union has, in the past, appreciated the provision in the Act to seek an Industrial Board, and has taken advantage of the provision.

In the brief time available the State Council considered the possible reasons why the Government is so rashly pushing this Bill before Parliament.

Some of the conjectures included:—

(a) The Government, under pressure from the Employers' Federation, the Master Bakers' Association, a handful of married female clerks who belong to the L.C.L., the Department of Labour and some other vested interests have introduced legislation to abolish the Court of Arbitration and by this action design to remove Justice Nevile from his present office.

(b) The new legislation will have the effect of deleting from Awards or Agreements any provisions that may be inconsistent with the new standards as limited by the amending Act.

A book could be written concerning the objectionable clauses in this Bill. State Council of the F.C.U. recognises that the proposed action of the Brand Government had been instrumental in welding together Industrial Organisations of white collar workers in opposition to a move by a Government which these workers consider detrimental to their interests.

It is no secret that, if the Brand Government autocratically forces this Bill through Parliament because of its narrow majority, there are many associations and unions of white collar workers who are prepared to organise an Australia-wide petition to the Crown that proclamation of the resultant Act be refused. Members of the State Council of the F.C.U. express the opinion that, if the Government is honest in its intentions, it should declare to Associations and Unions of Workers the exact interpretation of each and every item in the Bill. Perhaps there are misunderstandings that may be clarified. Perhaps it may be revealed that there is some merit in some items of the Bill. At the moment the whole of the items

of the Bill are considered with suspicion. For these reasons, and many other reasons, the State Council of the F.C.U. feels that the Brand Government should at least temporarily withdraw the Bill until such time as the items in the Bill have been fully explained to the white collar worker organisations.

It is felt that the Government should state its interpretation of the items of the Bill so that before Parliament decides the issue all parties will thoroughly understand its consequences. Unless this is done the attitude of the Government can only be construed as a deliberate affront, and contempt of the interests of the white collar section of the community.

Therefore, if the consequences of the resultant Act re-act against the Government, the Government must bear the responsibility of its own irresponsible action which may reflect in future in the outlook of white collar workers.

Yours faithfully,
(Sgd.) W. R. Sawyer.

Mr. Court: What was the date of that?

Mr. W. HEGNEY: About the 2nd of November. A precis of this document appeared in the *Weekend News*. What I have read out were comments of a drastic nature made by the secretary of the union concerned, yet two days later he was reported in the Press as having said—

> It was pleased that the Minister had clarified the Government's intentions on the Bill.
>
> With the proposed amendments, the Bill should make a valuable contribution to industrial peace in facilitating speedy approaches to the commission on all matters, Mr. Sawyer said.
>
> The union and other associations connected with the Australian Council of Salaried and Professional Associations were concerned at the unjustified industrial unrest fomented through the Trades and Labor Council on the measure.
>
> They wondered if this was brought about because Communist-controlled unions were associated with the T.L.C. Their influence in the T.L.C. was creating the unrest which apparently had the blessing of political Labor.

There is a great difference between the two statements I have referred to.

The CHAIRMAN (Mr. I. W. Manning): The honourable member's time has expired.

Mr. HAWKE: The subclause with which we are dealing is number (1). There are, in all, 159 clauses in the Bill. Obviously in a measure of this size there are major provisions and major objectives. The side note of this subclause is, "Short title and citation." The subclause itself is as follows:—

> This Act may be cited as the Industrial Arbitration Act Amendment Act (No. 2), 1963.

Obviously it conveys nothing at all, and there is not the slightest indication in the subtitle as to what the proposed substantial amendment to the parent Act is about. Therefore there is great merit in the amendment of the member for Boulder-Eyre to include two words which will indicate the major features and objectives which the Government and the Employers Federation have in mind, in presenting this Bill to Parliament for consideration.

If the amendment is agreed to the short title will read—

> This Act may be cited as the Industrial Arbitration Court Abolition Act Amendment Act (No. 2), 1963.

There is no shadow of doubt that the major objective is to abolish the Arbitration Court. Why is the Government not frank in stating its intention in the short title? It should clearly state that the major purpose is to abolish the Arbitration Court.

What is the Government afraid of, in opposing this amendment? Why does it not support the amendment and have the words included in the short title, thereby giving the people reading the short title a clear understanding of the objective of the legislation? Does the Government not want the people to understand clearly what the legislation is about? Does the Government not want the people to know that, in unison with the Employers Federation, it is out to destroy the Arbitration Court?

There is no reason or logical ground for opposing this amendment, unless the Government desires to cover up as much as possible its avowed intention of abolishing the court, as it is now constituted. There is every justification for the short title to be amended as proposed in the amendment. We often hear complaints about legislation not setting out the expressed intention, and here is a great opportunity for the Government to answer such complaints by declaring the major purpose of the Bill in the short title.

Is the Government ashamed of the major purpose of the Bill? Why does it object to this amendment which seeks to make the short title clear-cut? Every member opposite knows this Bill is designed to abolish the Arbitration Court. No Minister would be ruthless enough to say that that court would not be abolished should this Bill become law. Anyone who has studied the Bill, even casually, would be aware that should the Bill become law in its present form the Arbitration Court would no longer be in operation. This has not come about by accident; it is not a mistake in drafting. This is the prime objective of the Government, especially of the two Ministers

who have played a leading part in co-operation with representatives of the Employers Federation in putting this objective into the Bill.

The drafting in the Bill for the abolition of the court is crystal clear. It could not be misunderstood by anybody who has enough time and opportunity to go through all the Bill. However, why not let us be frank and honest and declare in the short title that the major objective of the Bill is to abolish the court, because I think we should be frank, honest, and straightforward in that regard. I have great pleasure in supporting the amendment put before the Committee by the member for Boulder-Eyre.

Mr. MOIR: From a reading of the title of this Bill I am quite sure not many members of the public would be aware of the direct proposals covered by its innocent title. They would not be aware that ruthless members of this Government are presenting to the Employers Federation a sacrificial offering of the Arbitration Court. One may even liken it to a burnt offering, because we are all aware that if this measure becomes law, the Arbitration Court will be a thing of the past.

I was interested on Saturday night to see presented on television the Minister for Industrial Development trying to answer some of the questions put to him about this Bill. In the first place, I was rather surprised to see the Minister for Industrial Development in that role. I would have thought the appropriate Minister would have been the Minister for Labor.

Mr. W. Hegney: He chickened out.

Mr. Court: No he didn't.

The CHAIRMAN (Mr. I. W. Manning): The honourable member will have to relate his remarks to the amendment.

Mr. MOIR: I will do that, Sir, because certain questions were put to the Minister about the Arbitration Court, and I gained the impression—as did other people with me—that the Minister looked very ill at ease. As a matter of fact, the remark was passed that he was batting on a very sticky wicket.

The CHAIRMAN (Mr. I. W. Manning): I cannot see what that has to do with the amendment before the Chair.

Mr. MOIR: I am endeavouring to connect my remarks to the amendment.

The CHAIRMAN (Mr. I. W. Manning): There is no mention of a sticky wicket.

Mr. MOIR: If I have to dot every "i" and cross every "t" I am afraid it will be hard for me to connect my remarks to the amendment.

Mr. Oldfield: I think Jim Coleman performed very well on TV.

The CHAIRMAN (Mr. I. W. Manning): Order!

Mr. MOIR: Direct questions were asked of the Minister in regard to the Arbitration Court and he mentioned that the purpose of the Bill was to take away the powers of enforcement from the Arbitration Court. I expect that you, Mr. Chairman, saw this telecast as you would be an interested member of the Government. One of the remarks made by the Minister was that his Government had always accepted the judgment of the Arbitration Court.

Mr. Hawke: Which they now propose to abolish.

Mr. MOIR: That was rather a remarkable statement in view of the fact that this Bill had been brought down, because if the judgment of the court had always been accepted by the Government, why the necessity for this Bill and the drastic provisions that are contained in it? I thought it was a wrong statement for him to make when he was questioned by the interviewer.

The Minister for Labour said a lot of the opposition to the measure was by Communists and those people who had a vested interest in industrial trouble. That is far from the truth, because the people who are opposing this Bill have a vested interest in industrial peace. The more industrial trouble there is, the harder these people have to work. Nobody works harder than the leaders of the industrial movement when there is any suggestion of industrial unrest.

We can assume that the abolition of the Arbitration Court would create industrial unrest. I think if you were able to speak, Mr. Chairman, you would agree that this is a very unwise step to take, especially when the system has over the years, by and large, given satisfaction. However, evidently some decisions of the Arbitration Court have not been to the satisfaction of members of the Government and of the Employers Federation and particularly that group referred to by the Leader of the Opposition recently as "the ruthless type of employers". Very fortunately for the members of the court, we live in a country where about the worst thing that can happen is to be sacked. If the members of the court had been living in some other countries, with this type of Government they might have been shot.

Mr. Graham: Hung, drawn, and quartered!

Mr. MOIR: Any Government which believes in letting the public know what it is doing should have not the slightest objection to this amendment. The Minister for Labour stated the other night that this matter had been under consideration for some time, going back two years in his case, and even further than that in the case of his predecessor. If this was so, why did the Government not take the

people into its confidence at the last election, particularly if it thought it was such a wonderful piece of legislation? But, what do we find? That the whole matter was nurtured in secrecy. As a matter of fact, the Minister seemed rather gleeful. He made a statement that it was the best-kept secret with which he had had anything to do.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. HALL: The amendment by the member for Boulder-Eyre is in keeping with the Government's action and policy. Even the Press has the idea that this legislation is designed to abolish the Arbitration Court. The following article appeared in *The West Australian* of the 25th October:—

> ARBITRATION COURT MAY BE ABOLISHED
>
> The W.A. Arbitration Court and the office of Conciliation Commissioner are to be abolished and replaced by an Industrial Commission and an Industrial Appeal Court under legislation introduced in the Legislative Assembly yesterday.

As the word "abolished" is the half-brother of abolition, the Government should have no compunction in accepting this amendment. When we realise the overall effect of the abolition of the Arbitration Court and the Conciliation Commission, we can feel the anxiety of the workers and the unions with which they are affiliated. It will abolish something for which they have been fighting since 1924 and before.

As we go through the Bill, the Government will realise the futility of having brought this measure before the House; but I can imagine the fear of the workers, because even at this late hour there are folk in the gallery who have waited all night to hear this debate continue. I can assure members of the Government that this Bill will be fought clause by clause, and we are justified in taking such a stand.

There is no need for the Government to go to such lengths to introduce a piece of legislation of this magnitude, when we all know the easy solution to the problem.

Mr. ROWBERRY: I also support this amendment. When legislation is introduced it is always necessary that it be given a name, and such name is generally accepted as being an indication of what the Bill contains. Therefore an amendment to the title of this Bill is definitely necessary.

The Minister has said that the Bill was kept a deep secret; that it was one of the best kept secrets in the history of his Government. It appears to me that the Minister has kept the Bill a secret from himself, judging by the way he has handled it in this Assembly. The Minister for Industrial Development apparently does not know very much more about the contents of the Bill, judging by his utterances. For instance, he does not know who has to deal with the penalties under the Act. He is of the opinion that the judges are to deal with them. The legislation says eractly the opposite. It says that the magistrates shall deal with the imposition of penalties. There is also a provision in the Bill concerning the setting up of commissioners where there can be the imposition of a penalty of £100.

The member for Stirling made a magnificent contribution—I nearly said a sterling contribution—but it had nothing to do with the Bill. He was merely irritated because the member for Balcatta accused the members of the Country Party of mooing and booing after the Liberal Party section of the Government.

The member for South Perth dealt with ancient history, as he generally does. It would not surprise me if he went back to Adam to find out what Adam said to Eve. I could tell him, and that would save him a lot of trouble. In my opinion there is room for serious consideration of this Bill. It has caused unrest and dismay among the industrial leaders and the members of industrial unions. It has caused industrial unrest among organisations that purport to look after the industrial conditions and wages of the people. They have all been deeply disturbed by this Bill.

The Minister for Industrial Development said it would be undemocratic if we allowed the Opposition to interfere and delay the processes of Government. I think it would also be undemocratic—and very much more so—if it were assumed that a very small minority of the people of Western Australia were to impose this sort of legislation upon the great majority of workers in the State.

The Minister has shown more knowledge of the Communist Party and of its members than he has shown of the Bill. He is *au fait* with all the members of the Communist Party who appear in the gallery. To my mind, that is a bit sinister. How did he come acquainted so well with all those members of the Communist Party?

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member must relate his remarks to the amendment.

Mr. ROWBERRY: At the start of my speech I indicated there was a great need for the reconsideration of this Bill, and the fact that the name of the Bill should be changed to bring before the mind of the Government the general purpose of the measure. I think the Minister does not know the contents of the Bill, but knows more about the Communist Party. It is time he made a study of the Bill and left the Communist Party alone.

It has been stressed during the debate on the wording of the amendment that the reason why these people are disturbed—and even an industrial organisation like the Nurses' Union is disturbed by this Bill—is that it is going to do away with—abolish—the Arbitration Court and the arbitration system as we now know it. All these organisations are seriously disturbed because of that.

The history of arbitration in this State is a history of great efficiency, and this efficiency has been held up throughout the industrial world. We are going to fight for our arbitration system to the last ditch; we are not going to allow it to be taken away willingly.

It has been said that one of the reasons for the abolition of the Industrial Arbitration Court is that its members are unacceptable; that the President of the Court is unacceptable to the Employers Federation. I should imagine that the Employers Federation would be the last organisation or body of people that should be consulted in this connection. Why were not those people who are vitally concerned consulted about this legislation before it was brought before Parliament? Why, if we wanted to change the arbitration system—which depends upon conciliation—did we set out upon an action which has disturbed so many people and caused so much animosity among those who are directly concerned?

Why get off on the wrong foot? If we have the honest intention of bettering a system, why not have all the necessary consultations so that the conditions that are to be imposed on the workers will be acceptable in the first place? Would it not save much time and worry, and much expense on the part of everyone?

Surely the Government does not mean to stick to the idea that the opposition to the Bill is unsoundly based, or has been stirred up by professional agitators, or by members on this side of the House for their own nefarious purposes! Surely we can be acknowledged to have some honest reasons for our opposition! The Government must be blind and deaf to all human considerations if it proceeds with this Bill.

So I support the amendment moved by the member for Boulder-Eyre, because it will give the Government a true indication—if it did not have it before; and I very much doubt if it has it now—of the contents of the Bill.

Mr. DAVIES: I rise to support the amendment.

Mr. Graham: It is abolishing the wrong court.

Mr. DAVIES: I think it is our duty correctly to express in Acts of Parliament what they mean. I sincerely believe that this Bill is one designed to abolish the Arbitration Court, and I think it is significant that there is no mention of the word "arbitration" in any of the interpretations that are set out in the legislation. When we look at the courts that are to be set up, and the reference to commissioners, there is nothing about arbitration. Therefore it is only right and proper that we should amend the title.

We should examine the position further to see that the words the Opposition propose to insert give the title its correct meaning. At the present time we have an Arbitration Court composed of a president, who is a legal man, and two lay members, one representing the employers, and nominated I understand by the Employers Federation; and one representing the trade union movement. The other court is under the jurisdiction of the Conciliation Commissioner who was appointed approximately 10 years ago, and who is acknowledged to have done a very good job. The awards he brings down must always be tempered by the fact that they can be taken by either side to the Arbitation Court.

Also, we must remember that arbitration refers to two sides. The idea seems to be abroad that the arbitration Act is solely for the trade unions, but it cuts both ways. The decisions of the Conciliation Commissioner must always be tempered by the knowledge that they are always subject to appeal to the full Arbitration Court. The Bill provides for the appointment of four commissioners who can sit separately and bring down decisions, or they can sit as a court of three listening to appeals from the decision of a single commissioner.

It becomes fairly obvious to anyone who who has had anything to do with arbitration that after a while a pattern starts to emerge and the decision of one commissioner will be very much the decision of the other commissioners. Eventually we find the principle applied in one court being applied in another court and, in effect, an appeal to the court would be like an appeal from Caesar to Caesar.

The other court provided under this legislation is the Western Australian industrial appeal court which will consist of three judges nominated by the Chief Justice. Its powers were laid down by the Minister in his famous 15-minutes speech. The industrial appeal court will be able to hear appeals from the commission on questions of law and jurisdiction. Secondly, it will be able to hear appeals from any decision of an industrial magistrate; thirdly, it will hear appeals from the certifying solicitor; fourthly, it will make orders for the prevention of improper use or concealment of union funds or property; and fifthly, it will deal with offences where the maximum penalty prescribed exceeds £100. Finally, it will deal with disputed elections in unions, and with secret ballots.

The main jurisdiction of that court of appeal is concerned with law; but if members examine the provisions of the arbitration Act, as they exist, and the provisions proposed in this legislation, they will find that the concept of arbitration, as we have known it for the past 50 years, and of which we have been very proud, will disappear and something entirely new will emerge. In view of the fact that the word "arbitration" is not mentioned, and it is not even implied, I think it is a very good reason why the amendment should be agreed to. We have to try to have the correct title for legislation.

A considerable amount of debate took place on this legislation last week and we twitted the Government that it had done nothing to justify its action, apart from the fact that the Minister in charge, and one other front bencher, spoke to the measure and certain Press publicity had been given to it when it was initially introduced.

We would have thought that if the Government did not believe that, in fact, the Arbitration Court was not being abolished it would go to great lengths to impress upon the public that we were trying to mislead the people. In point of fact the only major development since this was an advertisement which appeared in the *Sunday Times* dated the 10th November.

Firstly, before dealing with that advertisement, and pointing out that the Government has not tried to justify its action, I wonder why the authors of the advertisement did not acknowledge that they had published it. One person asked me who Mr. Ockerby was, who authorised his advertisement, and when I explained who he was, I was asked, "Why did not the Liberal Party acknowledge the advertisement in the same way as the Labor Party did when it published its advertisement?" There are many people who do not know who Mr. Ockerby is.

The CHAIRMAN (Mr. I. W. Manning): You must relate your remarks to the amendment. I cannot see any tie-up with the remarks you are making to the amendment before the Chair.

Mr. DAVIES: The point I was about to make was that the Government had done nothing to justify the measure it had brought down to change the arbitration system of this State, and we can only assume that it had agreed that the arbitration system of the State was to be abolished. I was referring to the advertisement published by the Liberal Party because, as you have noticed, Mr. Chairman, it is the Government, with its appendage called the parasite, which has been referred to as the Country Party,—

The CHAIRMAN (Mr. I. W. Manning): Order! I cannot let you proceed to speak in that light. You must relate your remarks to the amendment moved by the member for Boulder-Eyre.

Mr. H. May: I thought he was doing very well.

Mr. DAVIES: I cannot agree with you on that line, Mr. Chairman, and I thought you would have let me continue with my remarks.

The CHAIRMAN (Mr. I. W. Manning): I hope you are not reflecting on the decision given by the Chair.

Mr. DAVIES: No; I was just referring to the Country Party and I wanted to finish my remarks. I will point out again that this advertisement could no doubt be attributed to the Liberal Party—which is the Government—and it is something which it has done in an effort to justify its action with this Bill. However, it does not indicate in the advertisement that it intends to abolish the Arbitration Court, and that was the point I was trying to make. If the Government honestly believes that there is no need for the system it proposes to abolish, why is it ashamed to put its name on an advertisement? This returns me to the point where I was before.

The CHAIRMAN (Mr. I. W. Manning): Yes, and I think you had better have another look at it because I cannot see how you can tie up your remarks with the amendment moved by your colleague.

Mr. DAVIES: The amendment proposes to insert, after the word "Arbitration" the words "Court Abolition".

Mr. H. May: You are right on the dot, I would say.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. TONKIN: It is a basic principle of parliamentary draftsmanship that the short title of a Bill is succinctly to state the main purpose and theme of the Bill. The short title of this Bill does not do that and so it is proper it should be altered to conform with the basic principles of parliamentary draftsmanship.

The amendment would, I suggest to you, Sir—and you are a pretty discriminate judge in matters of this kind—be a great improvement on the wording of the Bill as it is before us. If you have made any study of the Bill, Mr. Chairman—and you have had ample opportunity to do so—you would have noticed long before this that the main theme and purpose of the Bill is the abolition of the Arbitration Court.

The other matters which the Bill seeks to achieve are incidental upon the basic framework which has been designed to get rid of the court, and the judge in charge of it, and to retire the two men sitting on the bench with him at considerable expense to the State. This is completely unjustified but it is aimed at the abolition of the court. In other words, the Government has found it necessary to clear

the decks; to clear the court and throw it out neck and crop in order that this new scheme based on ideas collated by the Minister when he was in the Eastern States can be introduced, and to enable him to bring a Bill here for that purpose. So why beat about the bush? Why give the Bill a title which is inappropriate? Why not be honest and say, straight-out, "Our purpose is to abolish the Arbitration Court because it has given judgments which are unacceptable to the Government, and we are so dissatisfied with what it has done that we have made up our minds to get rid of it and to put in its place a different system which is more acceptable to the Government?

This is not the first time this has been tried; not by any means. The Minister for Works and the Minister for Industrial Development were at some pains to show that this legislation is based on the Queensland legislation, but the same purpose was in the minds of the Ministers in the Queensland Government, and the Bill in that State was received in much the same way as this Bill has been received here, because it has resulted in a State-wide stoppage of trade unionists. That was because the idea of the abolition of the Arbitration Court was just as unacceptable to them as it is to the trade unionists of Western Australia.

Another illustration can be cited in regard to the Commonwealth where the Bruce-Page Government deliberately set out to abolish the Arbitration Court in so far as it applied to the Federal jurisdiction, with the exception that that Government wanted to obtain Federal control of the maritime unions which it proposed to keep out through the Transport Workers Act, and remove all other unions from the protection of the Commonwealth Arbitration Court.

You will find, Mr. Chairman, if you compare the Commonwealth legislation to which I have referred with this legislation that, basically, the intention is precisely the same, and once the objective is achieved by getting rid of the court and a new organisation is established which is more acceptable to the Government's wishes, a great deal has been achieved as far as the Government is concerned.

To say this is being done in the interests of the trade unions is completely to mislead the people, and to attain the desired objective by subterfuge. That is why we seek to alter the short title of the Bill, believing that if the Government succeeds in getting it carried and making it law, it should stand under its proper name, as a warning to all people in future elections as to what they might expect if they put Liberal Governments into office.

It would be a shame, Mr. Chairman, if you mistook the Bill in future years and you wanted to know its intention. To save you worry and concern in your electorate of Wellington, you should support us, because then you will have no doubt, as it will stand out as clearly as a missing tooth. You will know that its purpose was the abolition of the Aribtration Court.

It is well recognised that in the field of conciliation and arbitration Western Australia has been pre-eminent. We do not claim it has been 100 per cent. perfect. As a matter of fact, if reference had been made to the trade unions they would have been in a position to suggest to the Government worth-while improvements which would have materially improved the effectiveness of the existing arbitration law.

But, of course, the Government preferred to be furtive about it; to keep it a well-guarded secret, believing there was some merit in that course of action. As a result, we get an unsatisfactory Bill which the Government, under pressure, has already agreed to amend substantially, but not nearly enough to meet the requirements of those whose business it is seriously to object to obnoxious clauses. By no stretch of the imagination can we say that this Bill should have as its short title a name which does not indicate its real purpose.

We want to start off the right way. Let it be named for the thing it is, not for something it is not. Obviously it is an abolition Bill, to get rid of something and somebody, and to do it most effectively. We do not want the people to be misled, and that is why we think it ought to be named properly.

I listened to the Minister for Industrial Development trying to explain the Bill on television, and I think he was a hopeless failure; because he gave no indication of the true content of the Bill. In his usual blasé style he set out to impress the people that the Bill contained just what it did not; making out that everything in the garden was lovely when, of course, it was a woodpile full of niggers. So we want it properly named. The trade unionists are not misled about its purpose; they know its intention, and that is why they are determined to prevent it from reaching the Statute book.

I believe, Mr. Chairman, that if you were free to express an opinion—which unfortunately you are not, being in the Chair—you would not hesitate to line up with us on this side, and indicate your opposition to this proposition. How would you like, Sir, for example to see a Bill which was dealing with dairy cows called a Bill to destroy sheep.

The CHAIRMAN (Mr. I. W. Manning): That has nothing to do with the amendment; apart from which the honourable member's time has expired.

Mr. J. HEGNEY: I support the amendment. It is appropriate. We know it is intended to abolish the Arbitration Court as we know it. The Government has indicated that clearly. Accordingly the amendment will fit in admirably with the title

of the Bill. I have a copy of what Mr. Sawyer, the secretary of the Clerks' Union, had to say about the Bill, and what it would mean to his union if it became law. I understand a copy of his statement was given to the Press. Among other things he said—

> That as soon as possible the union will approach the Minister for Labour and inform him that the union finds many objectionable and menacing items in the Bill that indicate a threat to the well being of members of the union.

That was a dispassionate analysis of the Bill made in collaboration with his executive, indicating its effect if it became law. In this statement, which the Press did not publish, he continues—

> Opinions of State councillors—

those of his union—

> were voiced that the Arbitration system in Western Australia was the most democratic set up in Australia, or indeed the whole world, and most truly reflects the original conception of Industrial Arbitration as true blue worker representatives fought so hard to obtain during later years of the nineteenth century and the early years of the twentieth century.

After reading that, one would think he was a rabid Laborite. We could not have expressed the position better. Members will recall he was going to petition the Queen on an Australia-wide basis to prevent the Bill becoming law. The next day he capitulated, as a result of a deputation from the Trades and Labor Council to the Minister for Labour protesting against the Bill. It is amazing to see the somersault made by Mr. Sawyer, and it indicates he must have been got at overnight, in view of his complete change of attitude.

In the second reading debate a comparison was made with the steps taken by the Chifley Government, and it was stated that that Government appointed conciliation commissioners. The Government of Western Australia could by a simple amendment to the existing law also appoint conciliation commissioners, and so achieve its purpose. The Chifley Government did not abolish the Arbitration Court, and to this very day that court fixes the basic wage and determines the days on which an industry shall operate.

In this Bill it is not indicated what authority will fix the basic wage in this State, or determine the days on which an industry may operate. No power in this connection is to be given to the conciliation commissioners when they are appointed. It would be a retrograde step to pass the Bill in its present form, because it has already disturbed the industrial peace of this State, and has undermined the workers. When they see the Government attacking the Arbitration Court they lose faith in the impartiality of the new authority to be set up. It is genuinely believed that if this Bill becomes law the three new commissioners would definitely be biased against the workers.

The aspect uppermost in the minds of the workers in my electorate is what is to happen to the Arbitration Court. I told them what would happen, and they were very apprehensive. The amendment seeks to give a correct title to the Bill; and if it is agreed to the Bill will be known as the Arbitration Court Abolition Bill.

We should retain the Act as it is, and amend one of its provisions to enable more conciliation commissioners to be appointed. We should retain the industrial harmony which now exists, and we should not take any step which would provoke the workers into taking direct action. The other evening the Minister for Industrial Development referred to the hard-won rights of the workers. He is well aware of the great strife on the part of the workers to obtain the conditions which they now enjoy. They will oppose the worsening of those conditions very strenuously.

When the industrial history of this State is written and the text books on industrial matters are published, readers will be able to find the correct title to the Bill, and will know exactly what is happening at the present time. By its action, the Government is forcing the workers and the trade unions in this State to follow a certain trend. I am still a member of the Boilermakers' Union, and I am quite aware of how its members will fight to retain the conditions which they now enjoy. I know how they have fought for the shorter working week, and for improved conditions. I support the amendment.

Progress

Mr. BRADY: I move—

> That the Chairman do now report progress and ask leave to sit again.

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

Ayes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	*(Teller)*

Noes—20

Mr. Brand	Mr. Lewis
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Hart	Mr. Wild
Mr. Hearman	Mr. Williams
Mr. Hutchinson	Mr. O'Neil
	(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. Bovell
Mr. Bickerton	Mr. Crommelin
Mr. Evans	Dr. Henn
Mr. Sewell	Mr. Guthrie
Mr. Rhatigan	Mr. Burt

Majority against—1.

Motion thus negatived.

Mr. BRADY: I was hoping the Government would adjourn this debate until later today in order that we could give proper consideration to it. I support the amendment moved by the member for Boulder-Eyre. The Bill makes it clear that the Arbitration Court will be abolished because it substitutes for the words, "Court of Arbitration" in the interpretation, "Court", the words "Western Australian Industrial Appeal Court". Therefore, this Committee should do the right and proper thing and accept the amendment.

There is no resemblance in this Bill to the Court of Arbitration as we have known it in this State for over 50 years. At the risk of wearying members of the Committee I intend to go through the division of the Industrial Arbitration Act, which sets out the situation of the court. In part IV of the Act, section 44 reads as follows:—

> There shall be one Court of Arbitration for the whole State with the jurisdiction and authority conferred by this Act.
>
> The Court shall be a Court of Record, and have a Seal, which shall be judicially noticed in all Courts of Justice, and for all purposes.

This measure proposes to depart from that particular section of the Act. Section 45 reads as follows:—

> The Court shall consist of three members appointed by the Governor. One member shall be appointed on the recommendation of the industrial unions of employers and one on the recommendation of the industrial unions of workers, as provided by section forty-seven, and the third member shall be a person qualified to be appointed a Judge of the Supreme Court, appointed as hereinafter provided by the Governor to act in that behalf. Such third member shall be the President of the Court. The other members shall be called ordinary members.

It can be seen by members of the Committee that in accordance with this measure there is no reference to a Court of Arbitration as laid down in the parent Act. Therefore, the member for Boulder-Eyre has done the right thing to move his amendment so that the Bill before us will be appropriately titled, as is required by the Standing Orders of this Parliament. Section 46 of the Act reads—

> In the case of the illness or absence of the President at any time, the Governor shall nominate a person qualified as aforesaid to act as President during such illness or absence; and may from time to time appoint a Judge as deputy President of the Court, and in that capacity to exercise the powers and functions of the President. And in case of the absence of a member of the Court other than the President, by reason of illness or other cause, the Governor may appoint such other person as he may think fit to fill his place during such absence. Provided that a person so appointed may continue to fill that place until he has completed all inquiries commenced before him.

Section 47 says—

> Each industrial union may, within one month after being requested to so do by the Registrar, recommend to the Governor in the prescribed manner the name of one person, and from such names the Governor shall select two members, one from the persons recommended by the industrial unions of employers, and one from the persons recommended by the industrial unions of workers.

There is no reference in this Bill to that procedure being followed by the Government in the future. Here again is justification for the action taken by the member for Boulder-Eyre. Section 48 of the Act reads—

> If either division of industrial unions fails or neglects to make a recommendation within the aforesaid period, the Governor may thereafter appoint a person to be a member of the Court; and such member shall be deemed to be appointed on the recommendation of the said division of industrial unions.

There is no reference to that in this Bill which is another justification for the amendment. Section 49 reads—

> Forthwith after a full Court has been appointed, the names of the members shall be notified in the *Gazette*, and such notification shall be final and conclusive for all purposes.

That provision does not appear in the Bill. Section 50, subsection (1) reads—

> The tenure of office of the President shall be the same as in the case of a Judge of the Supreme Court; and he shall be entitled to all rights and privileges of a Judge, including pension:
>
> Provided that a President shall not continue in office after he shall have attained the age of seventy years.

That is the Act as it stands at present. There is no question about the fact that the Arbitration Court, as we know it, is to be abolished. Therefore, I cannot see why members opposite want to argue about it and try to maintain that the Bill does not intend to do so. Subsection (2) reads—

> Each ordinary member of the Court shall be appointed for a period of five years and until the appointment of his successor.

It is now intended deliberately to depart from that particular provision by cutting down the term of the members who constitute the Arbitration Court in Western Australia and giving them payment by way of compensation for the termination of their services. What more direct reference could there be in any Parliament to abolition? The very men who constitute the Arbitration Court in Western Australia are to be paid off!

Members opposite are making themselves look ludicrous in the extreme by sticking out the way they are; ultimately they will have to accept this amendment or something very similar to it. If they are enjoying the experience of stopping here until three or four in the morning to show how stubborn they are, and to prove to the Opposition that it cannot get the amendments through, the Opposition is just as determined to show that whilst the title of the Bill remains as it is at present, it is justified in moving this amendment in order that posterity will know exactly what has happened in this Chamber. Posterity will want to know why in 1963 this Government desired to abolish a court which had done so much for the people of this State.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. TOMS: You, Mr. Chairman, would be surprised if I did anything but support the amendment. I do so because I have not heard the Minister indicate yet whether he is prepared to accept the amendment. Of course I was out of the Chamber for a few moments and maybe he signified his intention during that time. If the Minister were to signify his agreement, at least there would be one piece of truth in the Bill, which is apparently going to be flogged through this House.

Mr. Hawke: He would also give the show away if he accepted the amendment.

Mr. TOMS: It is the duty of Parliament to indicate to the public the true nature of a Bill which is being placed on the Statute book. The majority of those on this side of the House have been brought up in the various trades and have seen the way the worker has advanced over the years through political action, and eventually through the arbitration system, which has worked perhaps not 100 per cent., but to the entire satisfaction of the workers particularly. Apparently it is not now working to the entire satisfaction of the members of the Government, because they seek to destroy the very basis upon which not only good employer-employee relations have been built in the past, but upon which also industrial peace in Western Australia has rested for many years. Western Australia, through its arbitration system, enjoyed industrial peace which I believe no other State enjoys, and, possibly, no other country in the world enjoys.

This brings me to the point I made during the second reading debate: that this measure rings very hollow to those who cast their minds back to March, 1959, when the Premier, in his policy speech, indicated that the intention of the Government was to encourage closer employer-employee relations.

Mr. Graham: Just words!

Mr. TOMS: They were not just words. They were not honest words; because the methods adopted since this Government has been in office has been anything but to assist better employer-employee relations. Indeed, the manner in which this Bill was brought before this House indicates the utter disregard that the Government has for the men who constitute the workers in industry.

The Minister himself went to great lengths—and apparently derived a certain amount of pleasure in doing so—to indicate that this had been the best-kept secret since he had entered the portals of Parliament House. If that is anything to be proud of, and he can get any satisfaction from it, then that is back to him. I believe that after the policy speech of the Government in 1959—wherein better employer-employee relations was claimed to be one of the objectives and one of the fundamentals of the Government's policy—to bring a measure such as this before the House, and then to claim that it was something of a tremendous secret, does discredit to the Minister and to the Government.

Surely the right and proper thing to have done was to carry out and fulfill the promise made in 1959 and to call together all parties interested in this measure, to discuss with them any problems that existed. Why, it has been indicated, and it has not been denied, that even the President of the Arbitration Court did not know a thing about this measure until it was dropped in Parliament House; and then he had to be telephoned and told what was in the Bill. The same thing applied to both the employer and employee representatives.

If the Government can tell me that is the correct way to have better employer-employee relations, then it has a job in front of it. I have always found workers to be men who are prepared to listen to reason; and, as the Leader of the Opposition indicated, it is only when certain unscrupulous types of employers get together that we have trouble and disruption in industry. So I believe that the member for Boulder-Eyre, in attempting to change

the title of the Bill, has endeavoured to put a bit of truth into this measure and to give it its correct title.

As the Deputy Leader of the Opposition said a few moments ago; I believe that you yourself, Mr. Chairman, would be impartial enough, were you out of the Chair, to support this particular principle. The other member on the Government side that I would expect to support the member for Boulder-Eyre is the member for Stirling. The other night he made a fine contribution to the debate, although he thought that members on this side of the House had indicated that there were no members on the other side who knew what was the meaning of work. I believe he was honest in what he said; and I hope that when the measure is put to a vote, his honesty will come to the forefront and that he will see fit to support the Opposition in its desire to have this Bill properly named before it leaves this Chamber and goes to another place. I have great pleasure in supporting the amendment moved by the member for Boulder-Eyre, and I hope this House will agree to it.

Mr. HALL: I rise again to support the member for Boulder-Eyre in his endeavour to introduce the words "Court Abolition." I do so because I feel that the Bill is not before the House in its correct form. We know that the real purpose of the Bill is the complete abolition of the industrial arbitration set-up as it exists today. I would draw your attention, Mr. Chairman, to Standing Order 260, which says that no clause shall be inserted in any such draft foreign to the title of the Bill, and if any such clause be afterwards introduce, the title shall be altered accordingly. I would like your ruling on that particular Standing Order; and also on Standing Order 261.

The CHAIRMAN (Mr. I. W. Manning): I am afraid that no ruling is necessary in connection with the Standing Order quoted. I think the honourable member had better proceed with his speech.

Mr. HALL: In my opinion the Standing Order definitely applies to this measure. It clearly refers to any draft foreign to the title of the Bill; and this Bill is not correctly before the House. It does away with the present arbitration court system. The Bill is an amendment to the Arbitration Act. It alters the Act by bringing in a commission and doing away with the present system. The member for Boulder-Eyre has attempted to introduce the words "Court Abolition" to give the Bill its right character.

Mr. JAMIESON: I join with the member for Albany in asking whether the Bill conforms with the Standing Orders referred to by the honourable member. It would certainly do no harm to amend the Bill in the way proposed.

In the course of the debate we have had very little indication from the Government as to its attitude. Silence is golden with the Government, and probably it will continue in silence for a considerable time to come. In supporting the amendment of the member for Boulder-Eyre, I would like to draw the Committee's attention to some of the reasons that the Minister for Industrial Development gave for causing the abolition of our present arbitration set-up, which now he is not prepared to go along with. He made mention of a wide field of matters that were associated with arbitration in many States. He indicated that similar legislation existed elsewhere, in justifying his stand for the abolition of the Arbitration Court.

The Minister told us no trouble had been caused by any such move to abolish any other tribunal in other States. This was a half-truth, because the Woolloongabba cricket ground in Brisbane has never had such a mass meeting, with so many people, as that day when there was a complete stoppage in the city in connection with legislation similar to this.

The Minister also indicated, among his reasons for abolishing the Arbitration Court, that there would be no penal powers for people to be worried about, as is the case under the present Act. But he would have to get the member for Subiaco, and a thousand Q.Cs. to interpret the position; because there is no clear provision regarding reference in any clause of the Bill.

Therefore it looks to me as though it is a hotch-potch piece of legislation. It has been badly drafted. That is why I think the title should be amended to make the position quite clear.

We have seen this Bill debated at various hours of the night, and there has been a good indication that the people of the State do not want this legislation. If the Minister is not happy about making a change to the title let him openly advocate an election on the issue and we will see how we finish up. Of course the Minister is in a safe seat and he would not worry, but some other members on the Government side might not be so happy about it. I am sure you, Sir, would want more time to get over the long sittings, so that you could get around your electorate.

As this Bill deals principally with the abolition of the Arbitration Court, let that be stated in the title. If members look through the Statutes they will find that where Bills have been introduced to abolish other Acts that has been stated in the title. In this case the amendment does not interfere with the Bill and it will clearly indicate what the measure intends to do. As the Leader of the Opposition said some time ago, that might let the cat out of the bag, and it might too clearly indicate exactly what the Government intends. The last thing the Government wants is to tell the truth, and nothing but

the truth, on the issue; but it is prepared to indulge in half-truths, and we are endeavouring to correct that by the amendment. For those reasons I support the amendment.

Mr. FLETCHER: The saying that one cannot tell a book by its cover is a trite but true one, and I think it applies equally to this Bill in respect of the title. The measure covers a multitude of sins which are not apparent under the existing title. The amendment is more descriptive of the purposes of the Bill.

The Minister said that the purpose of the measure is not to destroy arbitration. To counter such an assertion I refer members to clause 104, which amends section 104. Under that amendment the word "arbitration" is deleted throughout section 104. Clause 105, which amends section 105, also proposes to delete the word "President" and substitute the word "Commission". That is done to scrap the court, and the member for Boulder-Eyre is to be commended for his honesty in trying to make the title more clearly indicative of the purpose of the legislation.

We know the ulterior purpose behind the Bill, and so does the Minister for Industrial Development; because he could not face the camera when he was trying to delude the public recently on TV.

Mr. Hawke: Lucky camera!

Mr. FLETCHER: The Minister for Industrial Development appeared with the secretary of the Trades and Labor Council and made a very poor showing. Other members have mentioned that it will cost something like £14,000 to pay off the employers' and employees' representatives on the court. If they are to be retired—and they are part of the arbitration system—the Arbitration Court as we know it is definitely on the way out. Therefore, why does not the Government be honest and admit it? Why does not the title of the Bill suggest this expensive destruction of the court? We want unionists and members of the general public to know what this Bill seeks to do.

The member for Boulder-Eyre and we on this side of the Chamber are trying to rectify this state of affairs because, unless the title is amended, anyone searching for the Bill at a later stage would never suspect that under its present title there lies such drastic legislation. As a consequence, I support the amendment.

Mr. HAWKE: The time is long overdue when one of the two co-fathers of the Bill should say why they intend to vote against the amendment. It should be an easy matter for the Minister for Works who was proud to proclaim himself as father of the Bill, or for the Minister for Industrial Development to say why he intends to vote against the amendment. It has already been pointed out that the present short title of the Bill is hopelessly general and does not signify what is in the Bill. The short title could clearly indicate what the intention of the Bill is, and the amendment, in clear-cut terms, can set out that intention. So why not incorporate the amendment in the short title and clarify the situation beyond any doubt by incorporating the words "Court Abolition" in it?

The Minister for Industrial Development knows as well as we do that the major objective of this Bill is to abolish the court. If this amendment is agreed to, and the Minister wants to set up a new system of arbitration and conciliation, let him do that. However, let us be honest with the short title and inform the public, with the addition of two words, what the intention of the Bill is. I do not know who the mother of the Bill is, but at this stage the co-fathers have failed to justify the abolition of the Arbitration Court. However, all they have to do in dealing with this clause is to face up to what is a fair responsibility by inserting in the short title two additional words, or more, if they so desire afterwards, to indicate clearly what the intention of the Bill is.

If it is honest in the matter the Government does not lose anything by stating the intention in the short title, which is to abolish the Arbitration Court. The only possible reason why the Government will refuse to support the amendment is that it will completely give the show away. If the Government had not been pressurised into a situation whereby it had to agree to retire from the Arbitration Court the two representatives on it and to transfer the President to the Supreme Court for the purpose of introducing a new system to this State, we would not have seen this Bill, and would certainly not have seen a similar Bill before the next election. So I hope at this stage one of the co-fathers of the Bill will declare to the members of the Committee the reasons why they oppose the amendment to include in the short title the real purpose of the Bill.

Mr. Court: We gave you that reason the other night.

Mr. HAWKE: What was it?

Mr. Court: It was precisely stated the other evening.

Mr. HAWKE: I am asking the Minister what is the objection to the amendment.

Mr. Court: We do not want to waste the time of the Committee in the same way as you are.

Mr. HAWKE: Apparently the Minister does not want the public to know that this Bill seeks to abolish the Arbitration Court. Once the public knows that, and they are being increasingly informed about it every day, not only is this Government doomed, but also the Federal Government is doomed; because the introduction of the Bill, and especially the proposal to abolish the Arbitration Court, is having a very severe political reaction on many trade

unions and the public generally against the party to which both of the co-fathers of the Bill belong.

Mr. W. HEGNEY: The Leader of the Opposition hit the nail on the head when he said the Bill would not have been here had it not been for the fact that the Arbitration Court was to be abolished. The amendment is appropriate, because the Bill seeks to abolish the Arbitration Court. In the early pages of the Statute the Arbitration Court is mentioned, and its constitution and jurisdiction are set out. That is to be abolished. We have had no reason to justify its abolition. The Government realises it has made a blunder in introducing this iniquitous measure. It still has time to save face by withdrawing the Bill. If the Government wishes to amend the Act it should consult those vitally interested.

In *The West Australian* recently the Government made no secret of the fact that it was hostile to the Arbitration Court because of a certain decision made by the court—made after considerable evidence had been submitted to it by the secretary of the Bakers' Union—awarding a five-day week to the bakers. The Government seeks to abolish the Arbitration Court because it has made decisions which are not palatable to certain interests in the community. It has demonstrated spleen and a vitriolic approach to the President of the Arbitration Court, who has acted fairly. The Government has been furtive, and has adopted backdoor methods in seeking to remove him from the court.

During industrial disputes the men are advised to go to the Arbitration Court, which they do. The industrial set-up in Western Australia is to be envied when compared with that in other States and other countries. Because it has a majority of one, the Government tries to adopt a constitutional method to get rid of the Arbitration Court. I suggest it go back to its masters and tell them that the people of Western Australia will not swallow what has been put up to this Parliament.

Why has the Government taken this action? In spite of the Minister for Industrial Development saying that reasons were given last Thursday, no valid reason has been submitted; nor has it been proved to any extent that the Arbitration Court has failed in its duty in dealing with industrial problems. The Government has demonstrated on more than one occasion that it is anti-union, and that it will do all it can to weaken the trade union movement in Western Australia.

After much deliberation the Arbitration Court decided to write into certain awards the matter of preference to unionists, but because other interests in the community do not want this, the Government feels the only way to prevent it is by abolishing the court altogether. The wording of the Bill indicates that the Government has ulterior motives, not in the best interests of industrial peace. If the Government wanted to achieve its objective, all it had to do was to appoint one or two more industrial commissioners to the present Arbitration Court.

The Minister for Industrial Development said it was advisable to segregate the arbitral from the legal side of arbitration. We do not agree. We believe the present set-up is necessary to deal with industrial problems in Western Australia. After much agitation the Civil Service Association, in 1935, sought the right to approach the Arbitration Court in appeals against the decisions of the Public Service Commissioner; and after much effort a special section was placed in the Act of which the Civil Service Association has taken advantage. I understand that association desires the retention in principle of the present provision which gives it the right to appeal to a judge of the court. What does the Government propose to do in that case? The Arbitration Court has been in existence for 63 years. During that time certain amendments have been made to the Act, but the Arbitration Court has remained constituted of a Supreme Court judge, a representative of the workers, and a representative of the employers. It has done a wonderful job in the interests of industrial peace.

We get no pleasure in consistently urging the withdrawal of the Bill; nor are we arguing for argument's sake. We believe the court has fulfilled its function; and there has been no attempt over the years to alter its basis. But because of certain decisions it has made, the Government now seeks to abolish the court.

Another reason for the abolition of the Arbitration Court is that since 1953, on receipt of figures issued by the Statistician relating to the cost index, it has seen fit to make adjustments to the basic wage. I think there was only one occasioin when a reduction was made.

The Minister for Industrial Development said the reason which prompted the Government to introduce a Bill was its desire to bring the Act up to date, in line with 1963 thinking. I suggest that in view of the interest being taken by the workers of this State the Bill is more in keeping with 1863 thinking. The Government is not seeking to expedite the arbitration machinery, but to curtail the activities of trade unions. If the preference to unionists provision is abolished, and if power is not given to the new commissioners to determine the days on which work can be undertaken, then the industrial conditions of this State will be undermined.

While industrial peace is desirable, I suggest the passage of this Bill will not be conducive to industrial harmony. I suggest the Government withdraw the Bill

and do the honourable and wise thing, by approaching the Employers Federation, the Trades and Labor Council, and other organisations concerned with industrial problems, and seeking their views. If that were done I am sure a different Bill from the one before us would be presented. This Bill is antagonistic to the aims of the industrial movement.

I hear there is a move on foot to interfere with the teachers' tribunal. A few years ago the then member for Stirling introduced a Bill to establish this tribunal, the chairman of which is a legal practitioner. On it sits the representative of the department, and the representative of the teachers' union. This is a similar set-up to the Arbitration Court. What does the Minister for Education propose to do?

Mr. Lewis: You seem to be telling me these things.

Mr. W. HEGNEY: I do not mind giving the Minister some information. It is all in line with the constitution of the Arbitration Court. If the ridiculous change proposed in the Bill takes place, what will happen to the teachers' tribunal?

Mr. Lewis: This seems to be a favourite time of the day for fishing.

The CHAIRMAN (Mr. I. W. Manning): The honourable member's time has expired.

Mr. MOIR: I cannot understand the failure by members of the Government to explain the Government's view on this amendment. It is a minor amendment to the title, which does not affect its tenor, or defeat its objective. The amendment would certainly tidy the title, and would clearly indicate the objective.

Usually the Premier and the Minister for Industrial Development are not reticent on these matters, but on this occasion they have shown great reticence, and secrecy over this measure extends into Parliament. The Minister for Industrial Development did speak to this amendment the other evening, but he did not convey much information to me. However, over television recently he did attempt to explain this move to abolish the Arbitration Court, by saying it was desirable to divorce the tribunal which is to administer the penal provisions of the Act, from the tribunal to be set up to attend to conciliation and industrial matters. I suggest that the smooth working of the Act has resulted from the commonsense which has been displayed in administering it. Very severe penalty provisions are included in the Act, and it is only as a result of the wise administration that no great turmoil has been caused.

Under the Act the definition of a strike is—

> A cessation or limitation of work or a refusal to work by a worker acting in combination or under a common understanding with another worker or person.

When hearing cases involving strikes, the Arbitration Court would have great difficulty in showing leniency. The term "common understanding with another worker or person" is difficult to define. A worker might have a common understanding with his wife that he would not go to work the next day, or that he would sever his connections with his employer. According to the amendment made in 1952, which was introduced by a Government of the same political complexion as the present Government, that would amount to a strike. They have a tendency to get on to this sort of provocative legislation, as I think any fairminded person would agree.

I consider the Arbitration Court has carried out its duties so wisely that it has promoted industrial harmony in this State. If one looks at this measure one will find that the people charged with conciliation will also be in a position to charge people for breaches against this Act, if it becomes law, and refer the matter to the court that will be set up—the judicial court to decide on penalties and points of law. The people who will refer these matters will have no responsibility whatsoever. They will be passing the buck on to some other body.

The Arbitration Court has had the full knowledge to enable it to deal fairly with the worker and the employer. It knew it was in the interests of industrial harmony to keep in existence the best relations possible. We know that good relations are not maintained when harsh penalties are involved. I have not heard of the court using the provisions in this Bill where it could inflict a £100 penalty on a worker, or imprison him for 12 months, or impose both penalties together. The only thing I have heard in that regard was where the court imprisoned an employer for flagrant contempt of court. That might be one of the reasons why the provisions in this Bill will get rid of the Arbitration Court. No doubt that action of the court did seriously offend a section of the employers, and probably the Employers Federation.

We must remember that no matter how tolerant a court may be, it has to see that its directions are not contemptuously flouted, as happened in the case I mentioned. There must be no misunderstanding in the future as regards this Bill. We know that two members of the Arbitration Court are to be dismissed; and Mr. Justice Nevile will be dismissed from his position on the Arbitration Court bench, but allowed to transfer to some other work. Probably he will be hearing matrimonial cases or

something of that nature. The other two members of the court will be retired at considerable expense to the Government.

In answer to questions the Minister told us that the cost would be in the vicinity of £13,000. That makes me burn, particularly when I am told that new floor boards cannot be obtained for the Boulder school, because the Government is short of finance.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. ROWBERRY: I rise once more to implore the Government to accept this amendment because, in my opinion, it is making a grievous error in bringing this Bill before the Chamber so misnamed. Much has been said about the abolition of the Arbitration Court. If it were intended to abolish the Arbitration Court building I would agree with the move for it to be abolished. If the Arbitration Court is abolished—as indeed it will be under this Bill—what will happen to the members of that court?

The president will probably take up a position as a Supreme Court judge, and will deal with divorces, petty larcency, theft, and the sort of things that go before that court, and all of his experience, wisdom, and judgment which have accrued to him during the years of his association with the Arbitration Court will be not only lost to the industrial workers and employers of the State, but to the State as a whole.

The member of the court who has been appointed by the workers of this State has had a lifelong experience in industrial matters. He was an industrial advocate and connected with unions before he was appointed to the court, where he has served for quite a number of years. His experience, wisdom, and efficiency will be thrown overboard. The same will apply to the representative of the employers. He will not be thrown on to the scrapheap because he can go back to the timber milling industry in which he was previously employed, and so continue in creative employment. However, the representative of the workers will continue to draw his present salary and will probably devote himself to the growing of flowers.

The Minister for Industrial Development, who has gone out of his way to stand up for this Bill, is four-square for efficiency. When he set up his Department of Industrial Development, he endeavoured to obtain officers in that department who had a considerable knowledge of the job they were required to do. He fostered them and now trusts them and relies upon their judgment. However, in the case of this measure he is doing exactly the opposite. Only one person in this State who has industrial experience will be retained under the new set-up and he will be one of the commissioners. The others to be appointed will be completely new to the job and will have no knowledge of the way in which working people think. Possibly they will not even have industrial union experience and we can imagine what that would lead to. Could we blame the industrial unions and their leaders if they decided not to have a bar of the set-up, even if the Bill were passed? Has the Government an answer to what would happen then?

The situation must be tragic to every right-thinking industrial advocate who does his best to avoid industrial disputes. He knows the only ones who suffer from industrial disputes are those whom he represents, and their wives and children. The other party to industrial disputes—the employers—have the facilities and resources to withstand these disputes, and they exploit that fact to the full.

The Minister stated that the main purpose for this legislation was to facilitate and expedite industrial arbitration. I can tell the Minister that most of the obstruction in arbitration at present comes from the employer class. Because this class is saved thousands of pounds each week the conclusions of the Arbitration Court are delayed. The employer class delays deliberately. Under the legislation we could go on having appeal after appeal until the cows come home and no-one would get any satisfaction.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Progress

Mr. BRADY: I move—

That the Chairman do now report progress.

The CHAIRMAN (Mr. I. W. Manning): The question is that I do now report progress and ask leave to sit again.

Mr. BRADY: That was not my motion, which was that you do now report progress.

The CHAIRMAN (Mr. I. W. Manning): I cannot accept that motion.

Mr. BRADY: You must. You have no option.

The CHAIRMAN (Mr. I. W. Manning): The question is that I do now report progress.

Motion put and negatived.

Committee Resumed

Mr. BRADY: If progress is not to be reported, I want to continue to support the amendment moved by the member for Boulder-Eyre. On page 110 of the Standing Rules and Orders of the Legislative Assembly, No. 8 provides that the title of every Bill shall succinctly set forth the general objects thereof. The title of this Bill does not comply with that provision, because it makes no reference to the abolition of the Arbitration Court and that is definitely one of the objects of the Bill.

Earlier, another member—I think the member for Albany—raised the matter of public Bills and quoted item No. 260 on page 80 of the Standing Rules and Orders of the Legislative Assembly. This provision is not complied with either. As has been stated, this Bill intends to break down many of the principles of arbitration as we have known them for many years. Therefore I must continue to support the member for Boulder-Eyre in his amendment.

The Minister referred to the functions of single commissioners; so I cannot see where we can stretch that into being an arbitration court. I refer members to paragraph (b) of clause 7 in the Bill which refers to the name of the court being altered. We must agree that the member for Boulder-Eyre is on the right track in trying to state succinctly what the Bill sets out to do. The Bill is going to abolish the Arbitration Court and its personnel. The member for Boulder-Eyre, in moving the amendment, is on solid ground. I refer the Committee to *May* on Standing Orders. He states what shall be done in regard to a Bill, what shall be in a Bill, and what can be done during the Committee stage. One of the things that can be done in the Committee stage is to allow an amendment to the title of a Bill to set out exactly what the Bill proposes to do.

I cannot understand why the Government does not agree to the amendment. It is wasting the time of Parliament in allowing the debate to proceed when it could accept the amendment. I support the amendment and I hope it will be carried.

Mr. FLETCHER: I again support the amendment moved by the member for Boulder-Eyre. The Committee will be beginning to realise that we on this side of the House want the Government to admit honestly that it seeks the destruction of the arbitration system. The Government pretends that it is not the purpose of the Bill to destroy the present arbitration system. The Government is like the ostrich in that it has its head in the sand and from that vantage point it cannot see what the rest of the Committee can see, including the *Daily News*, which had the following introductory sentence in an article on Wednesday, the 6th November:—"Deletions in the proposed Act to replace the State Arbitration Court with an Industrial Commission."

The Press of Western Australia say that the Arbitration Court is to be replaced; yet the Minister and the Government say that it is not. Somebody on this side of the House recently rose to plead with the Minister to accept the amendment. I do not plead; and neither does the trade union movement plead. It requests the Minister, and I request him, to be honest in naming the Bill in the manner suggested by the member for Boulder-Eyre. The Government could redeem itself to some extent by accepting the amendment. Those who have had this legislation thrust upon them have to admit that the Government should entitle the Bill one which destroys the Arbitration Court.

The Minister, in his earlier remarks, stated that the Liberal Government had introduced arbitration reforms. He will no doubt excuse the trade union movement for arguing that this does not constitute an arbitration reform. Its purpose is to destroy arbitration. The Minister referred to great reforms. Great reforms for whom? Members on this side of the House have shown that the reforms which have been introduced have not been for the benefit of the trade union movement.

Mr. Ross Hutchinson: Do you consider this an important amendment?

Mr. FLETCHER: Yes, I do. Any amendment is important that will frustrate—and I admit that is what I am attempting to do—the Minister and short-circuit the legislation. I am not doing that lightly. I came up through the trade union movement. I believe in all those trade unionists who have come here in their hundreds to express opposition to this measure. We did not bring them here. The unionists have good reasons for their opposition to the Bill, and they have good reasons for being in the gallery. The Government offers palliatives to try to put off the opposition to the measure. It makes meagre concessions; but those concessions are not enough for the trade union movement.

Every Government should stand up to its obligations, the same as any individual, and should accept its responsibilities and not attempt to sneak legislation through the House at this hour of the morning under a subterfuge and with an incorrect title. That is why this matter is important. It is implied that we led unionists in relation to this Bill, but they came here because they object to it. They object to the Arbitration Court—with all its shortcomings, which have been admitted—being abolished.

All sorts of untruths have been put forward by the other side. Already there are penal clauses, on a State and Federal basis, under the Crimes Act, to deal with trade unionists, without imposing the provisions contained in this legislation. The Minister attempted to justify this legislation by telling us what the Chifley Government did in regard to court-controlled ballots. That legislation was introduced to cover the position where a union ballot was shown to have been improperly conducted. Then, and only then, was a court-controlled ballot held. However, under the Menzies legislation, even before a ballot

was held, any renegade from in or outside the union could request a court-controlled ballot. The Minister misled the House on that issue and tried to attribute to our splendid leader something that was not correct.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired. I would point out to members that Standing Order No. 141 states that a member who persists in tedious repetition can be asked to discontinue his speech. I have been pretty lenient and some members have spoken as many as four times. As far as I am concerned they are sailing pretty close to the wind and I would ask members to bear that in mind.

W. HEGNEY: I am glad you made that remark, Mr. Chairman, because this is a question upon which one can use multiple arguments without any reiteration or monotonous repetition. During the 10 minutes at my disposal I propose, with your indulgence, to bring another aspect into this question.

Mr. Ross Hutchinson: Excellent!

Mr W. HEGNEY: The Minister, when introducing the Bill, and during the course of his brief remarks, said that he had been to Queensland and studied the Queensland arbitration Act, and he had modelled certain provisions in the Bill on that Act.

Mr. Ross Hutchinson: You have said that before.

Mr. W. HEGNEY: I think the Minister had better stick to fluoride. The Secretary of the Trades and Labor Council of Western Australia communicated with his opposite number in Queensland regarding the legislation that was passed by the Liberal-Country Party Government in that State. This is an extract from the reply of the Secretary of the Trades and Labor Council of Queensland. The letter is dated the 9th November, 1963, and it reads as follows:—

> We are forwarding a copy of the Arbitration Act to you.
>
> Our council appreciates the problems that your trade unions face as the Brand Government under the guise of streamlining arbitration attempts to shackle the workers and their unions and create a more favourable situation for employers. Your telegram referred to the new Act being patterned on the Queensland Act, if this is so, then the unions are correct in fighting against all attempts to worsen the conditions of the Act under which workers and their unions operate at present. We had a big struggle in early 1961 when the Country-Liberal Party Government in Queensland carried through amendments to the Queensland Act.

We had been aware (about mid-1960) that moves were being made to amend the Act. Our 1960 Trade Union Congress carried a series of proposed amendments to this Arbitration Act. These were submitted to the Government—without avail. In late February 1961 (or early March) the Bill was introduced. Immediately there was a reaction from the trade union movement.

We had a deputation to the then Minister for Labour, which was a farce, in that insufficient consideration was given to trade union objections by the Minister.

On 10th March, 1961, we sent a letter to the Minister for Labour (this was after the farcical deputation) which set out our main objections. In this letter 10/3/61 the Trades and Labor Council called—

> for withdrawal of the Bill and asked that the Government confer with the trade union movement to remove provisions we considered inimical to the interests of the trade unions, and to provide a proper basis of conciliation in industrial matters.

And stated—

> the Bill was designed to shackle the trade unions to prevent workers securing legitimate demands. The Bill laid emphasis on compulsion and penalties and not on establishing adequate procedures of conciliation in industrial matters.

Pointed out—

> that the Australian Trade Union movement opposed interference of internal affairs of trade unions and opposed extension of punitive provisions against unions and workers.

We opposed the separation of judicial and arbitral functions, and suggested the better procedure would be to establish conciliation committees devoid of stringent and vicious penalties.

Further on he said—

> This meeting (12/3/61) decided to convene a State-wide stoppage on 15th March, 1961 (4 hours). The purpose of the stoppage was to—
>
> > Demand the withdrawal of the Bill to amend the Conciliation and Arbitration Act, presently before Parliament, which contains vicious penalties and restrictions against unions and unionists and attacks wages and conditions, and to call for a proper basis of conciliation devoid of compulsion and penalty.

The stoppage took place 14/3/61. There were various estimates of workers involved in the stoppage, some as high as 200,000.

> Meetings were held simultaneously in Brisbane, Ipswich, Maryborough, Bundaberg . . .

And a number of other places.

Mr. Graham: The Minister for Industrial Development said there were no protests in Queensland.

Mr. W. HEGNEY: The writer of the letter goes on to say—

> This attitude of our council since 1961 would indicate trade unions' dissatisfaction with many sections of the Industrial Conciliation and Arbitration Act in Queensland. We will continue to campaign for the improvements we think necessary and for deletion of obnoxious penal, restrictive and other sections that can be operated against the workers. We will continue with this policy.

This is a copy of a letter sent to the Minister for Labour in Queensland (The Hon. K. J. Morris), dated the 22nd March, 1961—

> We forward herewith our views on certain matters concerning the Bill at present before Parliament to amend the Conciliation and Arbitration Acts.
>
> At the outset we would point out that so far as presentation of objections that the trade unions have to this legislation is concerned, our deputation had one hour, which was reduced firstly by a late start, and secondly by the absence of the Minister in the House, for a period of approximately 10 minutes.
>
> Consequently the Trade Unions did not have adequate time to present to you the definite objections to many parts of the said Bill.
>
> We would reiterate our main request—
>
> > "That the Bill should be withdrawn by the Government and the Government should then confer with representatives of the Trade Union Movement with regard to removal of all provisions which the Trade Unions believe are against the interests of the Trade Union Movement and conciliation generally, and thus allow a proper basis of conciliation in industrial matters."
>
> We repeat the point of view put forward that the Bill is designed to shackle the Trade Union Movement in order to prevent the workers from securing legitimate demands.
>
> We pointed out that in the amendments to the Bill, emphasis is on penalties and compulsion against unions and workers and not in establishing adequate procedures of conciliation in industrial matters.

Then he went on to say—

> We object 1. To the deletion of these paragraphs as follows from the Act—

I will not read those paragraphs because there are 32 of them in the Bill. The letter from the Trades and Labor Council of Queensland to the Minister concluded by saying—

> We regret, owing to the short time given to the objections, we must now close by 5 p.m. tonight.

That was the time the Minister wanted the amendments. That will indicate to the Committee the Queensland legislation to which the Minister referred, and the Queensland trade union movement will not have a bar of it. I can also tell the Minister in this Chamber that the trade union movement in this State will not have a bar of the provisions in this Bill. The object of the amendment is to secure the correct short title of the Bill by including in it the word "Court Abolition" because the present short title does not line up with the definition as set out in the Act. This Bill wipes out the phraseology of the definition of the court in the existing Act altogether. Section 44 of the Act reads as follows:—

> There shall be one Court of Arbitration for the whole State with the jurisdiction and authority conferred by this Act.

Every member knows that there are three members who constitute that court.

Section 66 of the Act, which this Bill seeks to repeal, provides that the Arbitration Court shall have jurisdiction to hear all matters referred to it and yet we have the Minister telling us that there is to be an industrial appeals court established comprising three Supreme Court judges for the purpose of streamlining the arbitration system, when the President of the Arbitration Court already has supreme and complete power to deal with industrial matters, and an appeal can be made from the Conciliation Commissioner to the Arbitration Court and no further.

That largely satisfies the trade union movement in Western Australia, but if the Bill is passed with its present title it would be a misnomer because the court as at present constituted will be abolished by this Bill, the President will be transferred to other duties in the Supreme Court, and the two representatives on the court will be retired. So much reason can be brought to bear on a matter of this nature that there is no necessity to have any repetition. Should a member raise certain points it is not incumbent on any other member that he should not refer to the same points. As the member for Mt. Hawthorn, I am entitled to put up my argument in opposition to the Bill. If another member puts up a different line of argument and if I transgress to a certain extent, I can be

accused of repeating what he has already said. However, we intend to fight this Bill every inch of the way.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. H. MAY: I hope, Mr. Chairman, I will not be accused of tedious repetition when I support the amendment.

Mr. Hawke: It will not be as tedious as the silence of the Ministers opposite.

Mr. J. Hegney: How dumb they are, too!

Mr. H. MAY: After looking at the wording in the Bill and the amendment proposed, I think the amendment would uplift the Bill. Such a title in the Bill is too monotonous. Every Bill that is introduced has the same wording. It is rather interesting to note the attitude of some of the members on the other side of the Chamber. It is hard to tell whether they are alive or dead. It is no wonder that members on this side of the Chamber are trying to penetrate the haziness that has been created by those on the opposite side as they are at present scattered around the Chamber, and also outside the Chamber. I entered the members' room a while ago—

The CHAIRMAN (Mr. I. W. Manning): Order! You must relate your remarks to the amendment.

Mr. H. MAY: —to get some ideas about this amendment, and I could not move for Government members. Why I went in there I do not know because nobody was speaking on the amendment in there.

The CHAIRMAN (Mr. I. W. Manning): There is no relation between your remarks and the amendment.

Mr. H. MAY: I thought they were very much related to the amendment.

Mr. Hawke: They are something to do with the abolition of the court.

Mr. H. MAY: The members who are at present in the members' room are paid to do a job in the same way as we are. I am sure any one of them would be sacked if he tried to obtain a job in the Public Works Department or any other department.

The CHAIRMAN (Mr. I. W. Manning): Order! I am afraid the honourable member is now reflecting on other members. You must confine your remarks to the amendment before the Chair.

Mr. H. MAY: Very well. I heartily support the amendment. There could not be any mistake about the intention of the amendment after hearing all that has been said on it. I am prepared to stop here as long as is necessary to prove that what is being put forward by the Opposition is worthy of acceptance by the Government.

Mr. HALL: I would refer members to clause 6 of the Bill which deals with the construction of existing awards, agreements and orders. Conciliation outside the court has been my strong argument throughout this debate. When we trace the history of the arbitration system from 1824 to the present day it is surprising to find the number of difficulties that have been ironed out without reference to the court. This legislation will delete the provision in the Act which permits negotiation outside the ambit of the court. At the moment it is possible, very often, to reach agreement by negotiation.

Further in the Bill provision is made for a certifying solicitor to say what should be incorporated in the union rules. I would doubt that there is any man in the State with sufficient qualification to decide and certify what the union rules should contain. Those men who are at present occupying positions of responsibility in unions have great experience and sound knowledge in industrial matters, and they would be as good as any solicitor in the matter of drafting the rules of the union concerned. Under the Bill we find that the employers' representative and the employees' representative are to disappear. The unions are demonstrating their opposition to the Bill because of its dishonesty. It would be advisable for the Government to postpone consideration of this Bill until those vitally concerned have been consulted with a view to possible amendments being incorporated. The Government, however, is not prepared to accept any suggestions; all it seeks to do is to get the Bill through.

Reverting for a moment to the certifying solicitor. In the past the advocates have prepared the rules and conditions for workers which, when compiled, have been placed before the registrar. One can appreciate the anxiety of the unions when one realises that the Bill seeks to destroy the Arbitration Court.

The trade union movement has fought hard for certain rights and privileges, and it would be loth to lose the conditions that have been won. They have for instance been granted improved canteen facilities, sanitation facilities and the like, which they would not happily relinquish. We all know the humiliation they have suffered in their endeavour to secure these privileges. After the awards have been made, however, we have found the employers fracture and break the conditions time and again. The Government is trying to get away with murder, and we must do all we can to oppose the abolition of the Arbitration Court. I commend the amendment moved by the member for Boulder-Eyre.

Mr. GRAHAM: I have deliberately refrained from speaking and have listened attentively for more than four hours. My summing up of the situation is that we have heard nothing from the Minister for

Labour, or the Minister for Industrial Development, because they were beaten to the call. I reach that conclusion because the amendment moved by the member for Boulder-Eyre is so simple and logical that there is no valid reason to oppose it. I would be pleased to defer for a few moments to allow either of the Ministers mentioned to interject and say the speakers on this side of the House have been at fault, and that they—the Ministers—agree with the amendment moved.

Mr. Court: We gave it to you once on Thursday night. How many more times do you want it?

Mr. GRAHAM: Surely the voluminous arguments have had some effect upon the Ministry! I was delighted to see present here, until a very short while ago, a number of people who will be directly affected if this legislation ever disgraces the Statute book of Western Australia. Some are still present. I was pleased to note that some workers engaged in the baking industry called here on their way to work at 4 a.m. to lend support to the parliamentary Opposition. Notwithstanding the discussion during the second reading and the Committee stage, members opposite, with very few exceptions, have remained silent. One is entitled to expect the member for Bunbury, who represents a large number of workers, to express himself on the amendment, and on the proposal to abolish the Arbitration Court, and to remove some of the provisions in the Act which have worked very satisfactorily.

I am certain that it is principally on account of the opposition of the master bakers to the decision of the Arbitration Court that this legislation is before us. The Liberal Party has been very upset by the decision given in the baking industry case. We are aware of the attitude adopted by the Press, and the hostility of the Employers Federation. We have read about the condemnation of the Arbitration Court in the *News Review* which regards itself as being non-political. All the reactionary forces in the State have vented their criticism against the Arbitration Court for making that decision, in accordance with the charter granted to it. It is inevitable that the reactionary forces making up the Nationalist Party or the Liberal Party should refuse to accept arbitration and conciliation.

I remember when legislation was introduced in this Parliament, consequent upon the recommendations made by the Chief Justice, the President of the Arbitration Court, and the Public Service Commissioner that members of the Legislative Assembly be paid an annual salary of £1,000, and members in another place £900. It is significant that the members of the Liberal Party, and members of the Country Party in another place refused to accept that decision of the industrial tribunal set up by the Liberal-Country Party Government. It was necessary for the Government to effect some compromise. That occurred in 1948.

In 1963 we find the forces of reaction are not prepared to accept the decision of an independent tribunal, which has been in existence for many years. The answer of this Government is the introduction of legislation to thwart that institution, and to prevent it from awarding other benefits to the workers.

It is significant that protests have been made by the Clerks' Union, before a bit of double dealing took place between the D.L.P. and the Liberal Party. There were also protests from the Civil Service Association, the nurses' industrial organisation, the railway officers, and similar unions, which embrace members whose salaries, in some cases, run into thousands of pounds a year; and in the case of the top grade in the civil service exceed £5,000. All those workers are finding fault with this legislation.

I wonder if the Minister for Labour is still prepared to suggest that trouble is being fomented by the parliamentary Labor Party, and that the Communists are responsible for the strong opposition which has been expressed. I challenge the Minister for Industrial Development to deny that he endeavoured falsely to create the impression that there was no uproar, violent criticism, or hostility in Queensland when legislation similar to this was introduced. In fact, the largest industrial demonstration in the history of Queensland was brought about 2½ years ago when the Liberal-Country Party Government of that State introduced that legislation. That is the sort of impression which the Minister endeavoured to create; and apparently he has adopted the tactics of Adolph Hitler who believed that the bigger the lie, the greater was the prospect of the lie being accepted and believed. Of course the Minister excels in that sort of thing.

The CHAIRMAN (Mr. I. W. Manning): The honourable member must not continue along that line. He should confine himself to the amendment.

Mr. GRAHAM: With due respect I thought I was very definitely speaking to the amendment.

The CHAIRMAN (Mr. I. W. Manning): The honourable member cannot impute improper motives on the part of certain Ministers.

Mr. GRAHAM: I did not impute anything. I made a direct statement on the words falsely uttered by the Minister for Industrial Development in this Chamber.

Mr. Court: I did not say anything of the sort. You are manufacturing the words out of your mind.

Mr. GRAHAM: I have sat for more than four hours expecting a reply from at least one spokesman for the Government. If the Government chooses to ignore the rank and file members of the Opposition, it should give some heed to the views of the Leader of the Opposition and the Deputy Leader of the Opposition. They are responsible members, and they have held the positions of Premier and Deputy Premier of this State.

There is no gainsaying the fact that primarily the purpose of the Bill is to abolish the Arbitration Court. That cannot be argued against because this Bill does that very thing. I have a feeling in my blood and system that part of the reason is to get rid of Mr. Justice Nevile.

I will guarantee that no member who sits on the Government front bench is prepared to deny the fact that approaches were made by a representative of this Government to Mr. Justice Nevile asking him if he were prepared to give away entirely his functions with the Arbitration Court —I am speaking of some little time ago— and devote his time exclusively to matrimonial affairs and offences that come before the Supreme Court. That was the proposition of the Government, and for his own good reasons the president refused to back out of the job which he has discharged so honourably. Therefore the Government's reply is to introduce this legislation in Western Australia, with its wonderful record of harmony and peace in industry and freedom from stoppages and dislocations.

The Government feels it has an opportunity to wield the big stick for the purposes of putting the workers in their place. Unfortunately for the Government, this rotten piece of legislation is having the effect of bringing back home to the Australian Labor Party many of those who, over the years, have wandered from us. There is a greater feeling of solidarity and strength to defeat the enemy than I have seen at any time over the last 30 years when there was a general resolve to get rid of the Mitchell-Latham Government. That was done with mighty effect in 1933; and, in my opinion, 1965 will bring about a similar result so far as this Government is concerned. So, in anticipation, I now say farewell to the present member for Bunbury.

Mr. JAMIESON: The member for Balcatta reminded me of something dealt with by the Minister for Industrial Development in his defence of the move of the Government to do away with the Arbitration Court system. One of his chiaks of the working forces of the State was concerning a Labor Day parade some years ago when banners were carried expressing various opinions about the present judge of the Arbitration Court.

Why did the Minister dwell so long on this? Why did he make that a reason for the abolition of the court? I would remind the Minister that there is possibly more freedom of expression in the country of his birth than there is in this country.

The Minister does not like criticism of himself in these parades. He looks at them through the Cabinet window. He does not venture into the street because that would be *infra dig*. He put forward as a reason why he believed the workers wanted to get rid of the Arbitration Court the fact that they paraded a notice to that effect. One cannot always get one's own way so far as a tribunal is concerned; but the Arbitration Court has proved to be very satisfactory. Therefore it would appear to be fair and just that this tribunal should be allowed to continue to exist.

During the course of this debate, members on the other side of the House have spoken for only about 1¼ hours, and that would include the 17-minutes taken by the Minister to introduce the measure. Members on this side of the Chamber have a right to use every means possible to prevent this measure from becoming law. Surely it is the responsibility of the Premier to justify a measure such as this because of the public resentment against it; but he has not seen fit to defend the action of his Government. Apparently members of the Country Party do not want to disturb the rural workers.

Mr. Graham: The member for Stirling made a contribution.

Mr. JAMIESON: Yes; he made a few brief references because he was goaded to get on his feet by the member for Balcatta. When he made the classic statement that members on this side of the Chamber knew no more about the word "work" than was contained in a dictionary, that was absolute rubbish.

The CHAIRMAN (Mr. I. W. Manning): The honourable member will have to come back to the amendment.

Mr. JAMIESON: I am indicating, Mr. Chairman, that these are the only reasons that have been given for the abolition of the Arbitration Court. I support the amendment.

Mr. DAVIES: To my mind, the whole question boils down to this: Is there to be an Arbitration Court or is there not to be an Arbitration Court? This question I have dealt with before by taking the various interpretations that the Bill provides; but since then I have had a further look at the Bill; and apart from where it makes reference to the Arbitration Court as we know it at the present time, there is no use of the word "arbitration" in any of the clauses. Therefore I think we are

justified in saying there is to be no Arbitration Court. Therefore the amendment proposed is more than justified and I support it. The history of the Arbitration Act as we know it goes back to 1912; and although since that time it has been amended on some dozen occasions, never has the main court been altered to any great degree except in the method of dealing with the president. We know what is to happen to him on this occasion. He is to be kicked upstairs. It is of interest to note that on the 6th August, 1912, the president could be removed only by joint action of both Houses of Parliament. He was appointed for a period of seven years and one of the amendments since then made his appointment permanent. No doubt since then the Government has kicked itself because if that action had not been taken undoubtedly this legislation would not have been introduced.

We do not know whether the Government agrees that the Arbitration Court is being abolished. We believe it is and the reasons for the action of the Government have been submitted very effectively by the member for Balcatta. This measure has been introduced at the wish of a few employers as well as for other reasons best known to itself. One of the reasons the Minister told us the Bill had been introduced was that it was in accordance with the wishes of the A.L.P., and to justify his claim he read a statement by the then President of the A.L.P. in 1953, Mr. Harry Webb. He did not tell us in what circumstances the statement was made, but he led the House to believe that the abolition of the Arbitration Court as we know it would suit the Labor Party because of the statement made by Mr. Webb in 1953.

Of course, there are many people in the Labor Party who have different views. I am sure the Minister for Industrial Development could not indicate in the policy of the A.L.P. at that time, since that time, or at the present time, a statement to the effect that we require the president of the court to be a layman. Indeed I think it would defeat the purpose of the court because we must have legal men to deal with the many legal points raised. But, by the same token, in arbitration matters we must have, as well as legal men, the laymen who are experienced in various phases of public life—the employees on the one hand and the employers on the other hand.

Because of increased industry, and other factors, the position under the proposed new system will be no more improved than that under the old system. Therefore the Arbitration Court should be left as it is. However, if the Government is going to insist on proceeding with the Bill, the title must be amended in order to indicate just what the Bill proposes.

The Government has stated on several occasions that this legislation will streamline arbitration, but that is wishful thinking. This type of statement has been made by various Governments over the years since 1912. In fact, one of the reasons the Attorney-General of the day gave for introducing the Industrial Arbitration Act was that it was "for the purpose of banishing strikes forever from our midst." That was in 1912 and that is the type of statement that has been made by the Minister for Labour in this House during the last fortnight; but, more specifically, when he introduced the measure.

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member's time has expired.

Mr. BRAND: I do not want to add very much to what has already been said. The Minister for Labour, representing the Government, made it clear right at the very beginning of this debate that we were not going to accept this amendment. Whilst the Opposition has the right to use the tactics that have been used in respect of delaying the passage of this Bill, the Government also has the right to take whatever action it thinks fit within Standing Orders to get this legislation through. The Government did not introduce this legislation without accepting that there was going to be some difficulty, as there always is, in legislation of this nature.

Mr. Moir: You guessed pretty right.

Mr. BRAND: That is right. That is a profound observation on the part of the honourable member. Nevertheless, it would seem to me that, under Standing Orders, this could go on in Committee *ad infinitum*, and it is not the Government's intention to permit it. In the fulness of time it is going to give notice of a motion which will place some limitation on the time laid down for the Committee Stage and the third reading of the Bill.

Mr. HAWKE: On point of order, Mr. Chairman, the Premier laid it down that you, Sir, would compel speakers to keep to the amendment in their discussions. I would like to know whether the Premier is keeping to the amendment.

The CHAIRMAN (Mr. I. W. Manning): On listening to the reasons why the Government does not agree to the amendment, the Premier may continue.

Mr. BRAND: I have said what I wanted to say. I have been as much on the target as most members who have spoken today. We have opposed the amendment for the reasons given.

Mr. Hawke: What are they?

Mr. BRAND: This is an amendment to the Arbitration Act, whether it be a major or a minor amendment. So far as we are concerned, the short title is the correct one. The Government has taken its stand and it opposes the amendment.

Mr. Graham and Mr. O'Neill having risen to their feet.

Mr. GRAHAM: I move—

That the member for East Melville be not now heard.

Chairman's Ruling

The CHAIRMAN (Mr. I. W. Manning): The honourable member is too late. The member for East Melville has the call.

Points of Order

Mr. GRAHAM: Then I protest against your ruling, Mr. Chairman.

The CHAIRMAN (Mr. I. W. Manning): Order!

Mr. GRAHAM: If you will consult Standing Order No. 143, Mr. Chairman, you will see that I have certain rights.

The CHAIRMAN (Mr. I. W. Manning): My ruling is that the member for East Melville has moved a motion, and the Standing Order referred to does not cover it.

Mr. GRAHAM: The Standing Order provides that if any objection is taken to the ruling or decision of the Chairman of Committees, such objection must be taken at once.

The CHAIRMAN (Mr. I. W. Manning): Order! I have given the call to the member for East Melville. He has moved a motion. We must let him complete his motion.

Mr. Tonkin: What has he moved?

Mr. GRAHAM: On a point of order, Mr. Chairman—

The CHAIRMAN (Mr. I. W. Manning): Order! The honourable member will resume his seat.

Mr. GRAHAM: On a point of order—

The CHAIRMAN (Mr. I. W. Manning): Order! The motion of the member for East Melville has been moved and recorded.

Mr. J. Hegney: What motion?

Mr. Jamieson: The clerk anticipated it, then. What is the motion?

The CHAIRMAN (Mr. I. W. Manning): The question is that the House do now divide.

Mr. GRAHAM: On a point of order, Mr. Chairman, I have read the appropriate Standing Order No. 143, and I have protested against your ruling. The Standing Order lays it down that if any objection is taken to the ruling or decision of the Chairman of Committees such objection must be taken at once; and the objection having been stated in writing, the Chairman shall leave the Chair and the House resume.

The CHAIRMAN (Mr. I. W. Manning): What is the honourable member's point of order?

Mr. GRAHAM: That I have a right in accordance with Standing Order No. 116, which says "A motion may be made that any member who has risen 'Be not now heard.'" I cannot move that resolution before the member has risen. I was particularly hasty, anticipating what would occur after the discussion; and that is why I expressed myself before the member for East Melville had an opportunity of so doing.

The CHAIRMAN (Mr. I. W. Manning): That does not apply to Committee.

Mr. GRAHAM: Might I suggest, with all due respect, that he who occupies the Chair has several responsibilities, and one of them is to protect the rights of members. I repeat that if any objection is taken to the ruling or decision of the Chairman of Committees—and that is precisely what I have done—then there is a certain course for me to take, and a certain course for you to take, Mr. Chairman, which, after I have given you something in writing, is for you to leave the Chair.

The CHAIRMAN (Mr. I. W. Manning): I have taken the motion that the House do now divide.

Mr. GRAHAM: On a point of order—

The CHAIRMAN (Mr. I. W. Manning): There is no point of order.

Mr. GRAHAM: In all conscience, Mr. Chairman, you did not state the question; and therefore any member up to that point is entitled to rise on a point of order.

Mr. Ross Hutchinson: You are abusing Standing Orders.

Mr. GRAHAM: No I am not; I anticipated this action.

The CHAIRMAN (Mr. I. W Manning): Order! I am sorry, but I cannot take the honourable member's motion. It is not a point of order.

Mr. GRAHAM: On a point of order—

The CHARMAN (Mr. I. W. Manning): The honourable member will resume his seat.

Mr. GRAHAM: On a point of order, may I be allowed to rise?

The CHAIRMAN (Mr. I. W. Manning): No; the honourable member will sit down.

Mr. GRAHAM: If you will not follow Standing Orders, may I move to disagree with your ruling?

The CHAIRMAN (Mr. I. W. Manning): With what is the honourable member disagreeing?

Mr. GRAHAM: That I have not the right, as set out in Standing Orders, to object to your decision.

The CHAIRMAN (Mr. I. W. Manning): I have given a ruling that the motion for the member for East Melville stands, and that it has precedence over any other motion.

Mr. GRAHAM: I have taken objection to that ruling, which I am entitled to do—

Mr. Hawke: Surely!

Mr. GRAHAM: —because Standing Orders say so.

Mr. Ross Hutchinson: You took objection before the Chairman gave the decision.

Mr. Tonkin: Did you hear the motion moved?

Mr. Ross Hutchinson: Yes; I did.

Mr. Tonkin: Then you must be pretty clever, because he never said a word.

The CHAIRMAN (Mr. I. W. Manning): The question is that the House do now divide.

Mr. GRAHAM: On a point of order—

The CHAIRMAN (Mr. I. W. Manning): I have already pointed out that the Standing Order with which the honourable member is dealing applies to when the House is sitting.

Mr. GRAHAM: May I move that you do now leave the Chair?

The CHAIRMAN (Mr. I. W. Manning): No.

Mr. GRAHAM: Do you ignore Standing Orders, or do you accord with them? This Standing Order applies particularly to you, as Chairman of Committees. I do not think I should be urged, or coaxed, or intimidated from enjoying my basic rights as laid down in Standing Orders.

Mr. Ross Hutchinson: The member for Balcatta is begging to be thrown out.

Mr. GRAHAM: I appreciate that the Chairman might want time to reflect on this.

The CHAIRMAN (Mr. I. W. Manning): Standing Order No. 113 states—

> Every member desiring to speak shall rise in his place uncovered and address himself to the Speaker, and may, if he thinks fit, advance thence to the Table for the purpose of continuing his address.

Standing Order No. 115 states—

> When two or more members rise together to speak, the Speaker shall call upon the member who, in his opinion, first rose in his place.

I have ruled that the member for East Melville first rose in his place and was entitled to move the motion which I accepted from him. I cannot accept the motion of the member for Balcatta that he be not now heard, because he has already been heard.

Dissent from Chairman's Ruling

Mr. GRAHAM: Then in accordance with my rights under Standing Order No. 143, Mr. Chairman, I must move to disagree with your ruling. I have stated my objection in writing and it reads as follows:—

> I object to the Chairman's ruling that I was unable to move that the member for East Melville be not now heard after that member had risen as is my right under the provisions of Standing Order No. 116.

[*The Speaker Resumed the Chair*]

The CHAIRMAN (Mr. I. W. Manning): Mr. Speaker, the member for Balcatta has moved to disagree with my ruling regarding a motion he moved that the member for East Melville be not now heard. He has stated the objection in writing and it reads as follows:—

> I object to the Chairman's ruling that I was unable to move that the member for East Melville be not now heard after that member had risen as is my right under the provisions of Standing Order No. 116.

I gave the call to the member for East Melville, he being the member I first saw rise in his place. The member for East Melville moved that the Committee do now divide. The member for Balcatta then attempted to move that the member for East Melville be not now heard. I ruled that the motion moved by the member for East Melville stood, and that I could not accept the motion of the member for Balcatta that he be not now heard.

Speaker's Ruling

The SPEAKER (Mr. Hearman): On this question I think the Standing Orders are quite clear. The motion that the House do now divide must be put forthwith and without debate. Therefore, I support the ruling of the Chairman of Committees.

Dissent from Speaker's Ruling

Mr. GRAHAM: I regret the fact that before hearing me Mr. Speaker, you gave your ruling. Such being the case you leave me no alternative but to move to disagree with your ruling. I move—

> That the House dissents from the Speaker's ruling.

The Standing Orders provide that the Speaker—and this presumably would also apply to the Chairman of Committees—calls on the member who, in his opinion, first rises in his place. Because of a previous arrangement it is quite possible—and I do not dispute this point—that the Chairman of Committees first turned in the direction of the member for East Melville. But I would point out that before even the name of the member for East Melville was called, and certainly before the honourable member had given expression to anything, I proceeded to move that the member for East Melville be not now

heard. I would point out that whilst it says—and I repeat myself here—that the Speaker shall call upon the member who, in his opinion, first rises in his place, the very next Standing Order says—

> A motion may be made that any member who has risen "be now heard," or "do now speak," or "be not now heard."

The SPEAKER (Mr. Hearman): What is the number?

Mr. GRAHAM: Standing Order No. 116. You will appreciate, Mr. Speaker, that I am not likely to move that any single member of this Chamber be not now heard if he has not risen; in other words, if he has no intention of rising. I can only do it after he has risen. If he had not risen, and had not got the call, there would not be any need for me to move such a resolution. Accordingly, this Standing Order has been placed in our book of rules of debate so that if there be anybody rising to speak, and who is called, it is possible, if it be the will of the House, to deny that person the right to speak.

It is, let me say here and now, an extreme step to take in respect of any member, but I was perfectly well aware of the fact that the member for East Melville was going to move a resolution that would debar every member from further speaking on the matter.

Mr. W. A. MANNING: Mr. Speaker, I move that the member for Balcatta be not now heard. I claim the same rights as the honourable member has claimed to do this.

Mr. J. Hegney: Then I move that you be not now heard.

Mr. GRAHAM: You cannot interrupt the debate.

The SPEAKER (Mr. Hearman): Order! The member for Balcatta and the member for Narrogin will both resume their seats for a moment. I think the member for Balcatta must be allowed to continue, because the member for Narrogin would be interrupting his speech.

Mr. GRAHAM: Thank you, Mr. Speaker. I was well aware of that fact; and might I suggest it is a pity that the Deputy Chairman of Committees is not familiar with the Standing Orders. I suggest Standing Order No. 116 is there for no other reason than to cater for a situation such as developed some 10 minutes or so ago.

If the member for East Melville had not risen and got the call there would have been no occasion for me to move the motion which I did. If the Chairman of Committees, instead of calling on the member for East Melville had called on the member for Belmont, naturally I would not have moved my motion because there would have been no occasion to do so.

Mr. Lewis: Did you interrupt the member for East Melville?

Mr. GRAHAM: A member does not interrupt another member during the course of his address, other than to raise a point of order.

Mr. Tonkin: He did not make an address.

The SPEAKER (Mr. Hearman): Order!

Mr. GRAHAM: I think I have stated the case clearly; and with all respect I suggest to you, Sir, that it would be impossible for you to find any other solution or reason for that particular provision in our Standing Orders. I will read it again. It is as follows:—

> 116. A Motion may be made that any Member who has risen "Be not now heard."

I know I repeat myself by saying that if the Chairman of Committees had not called the member for East Melville, there would have been no occasion for me to so move. So it was only on the occasion that the Chairman of Committees called that honourable member, that I moved that the honourable member, "Be not now heard" and I think I have complied with the Standing Orders 100 per cent.

It is a pity that you, Mr. Speaker, somewhat precipitately, without full reference to the Standing Orders—and certainly without hearing the explanation of them made—gave the ruling you did, and I hope and trust you will reflect, and even at this stage rule that the point I have taken is one with which you concur, because in my opinion there could be no other decision.

The SPEAKER (Mr. Hearman): Is there a seconder to the motion?

Mr. ROWBERRY: Yes, Mr. Speaker, I second the motion. In doing so, I draw the attention of the House to Standing Order No. 161 in regard to the motion which is alleged to be before the House. I did not hear the Chairman of Committees reporting to you, and I wonder whether this motion was seconded, because Standing Order No. 161 reads—

> A Motion, "That the House do now divide", moved and seconded, shall take precedence of all other business,

The question is: Was this motion seconded?

The SPEAKER (Mr. Hearman): I understand it is not the practice to second motions moved in Committee.

Mr. I. W. MANNING: I support your ruling, Mr. Speaker As I saw it, the situation was that the member for East Melville rose and caught my attention, and whilst I was attempting to hear the motion he was moving the member for Balcatta attempted to interrupt on a point of order. I had to hear what the member for East Melville had to say before I could give my attention to the member for Balcatta, and I therefore

accepted the motion moved by the membe for East Melville "That the House do now divide".

In my view the motion was then before the Chair, and so the motion was correctly moved by the member for East Melville, and the point of order raised by the member for Balcatta could not then be taken as the motion had already been moved. Therefore, Mr. Speaker, I feel that the House, in order to follow the correct procedure, must abide by your decision.

Mr. O'NEIL: I feel the House deserves some explanation from me as to what happened whilst we were in Committee. I rose in my place and was given the call by the Chairman of Committees, and I immediately moved "That the House do now divide". It is possible—and I admit this—that there may have been many members on the cross benches who did not hear me speak, but this was brought about because the member for Balcatta rose to his feet and moved that I "be not now heard".

I suggest that the Chairman of Committees did hear me move "That the House do now divide", and I understand that the Clerk at the Table recorded my motion. Even if after I got the first word of my motion cut "That the House do now divide", the member for Balcatta interrupted me; in accordance woth the ruling you gave to the member for Narrogin the member for Balcatta was out of order. So unless the member for Balcatta moved his motion before the first word of my motion was out of my mouth, he was out of order.

Mr. Graham: He did.

Mr. TONKIN: The member for East Melville has claimed that he moved "That the House do now divide", but at that stage we were not a House, but a Committee, and the only motion that could be accepted by the Chairman of Committees was "That the motion be now put". The motion "That the House do now divide" is a motion put whilst you, Mr. Speaker, are in the Chair, and is taken by the Speaker and not by the Chairman of Committees. How could the House divide if at that stage it was in Committee and you were not in the Chair?

So I suggest, with all due respect to the Chairman of Committees, that the motion which the member for East Melville moved was out of order because we were not a House but we were in Committee, and therefore he moved the wrong motion; because you will agree, Sir, that the motion "That the House do now divide" must be seconded. A moment ago, when that point was put to you, it was pointed out that that motion should be made in Committee. That is the point I am now taking. Because we were in Committee the motion which need not have been seconded would have been the motion, "That the motion be now put," but if we had been in the House and not in Committee, then the motion, "That the House do now divide" would have required a seconder.

I submit to you, Sir, that we cannot escape the necessity of applying a seconder to the motion, "That the House do now divide" which the Standing Orders say does need a seconder, because we were in Committee. It seems to me that the solution to this problem is very simple; and that is, that the motion which the member for East Melville moved was not in order because he moved the wrong motion, and for that reason I think the motion by the member for Balcatta must be upheld.

Mr. ROWBERRY: On a point of order, Mr. Speaker, I direct your attention to Standing Order No. 165 which reads—

> If any of the Motions—"That the House do now adjourn,"—"that the debate be now adjourned,"—"That the House do now divide," or in Committee—"That the Chairman leave the Chair,"—"that the Chairman report progress,"—"That the Committee do now divide," be negatived, neither of these Motions shall again be entertained within the next fifteen minutes.

So that Standing Order plainly provides that the motion should have been, "That the Committee do now divide."

The SPEAKER (Mr. Hearman): The member for Balcatta has moved that my ruling be disagreed with. In the first place, I think *May* has made it clear that a presiding officer is entitled to alter verbiage in motions that are actually before the Chair. For instance, it happens quite frequently in the motion "that I do now leave the Chair", "that the House go into Committee" or with motions that various Ministers move.

May has made that quite clear.

The rules of debate generally which cover the conduct of the House also cover the Committee. Standing Order No. 372 makes that quite clear. Standing Order No. 161 says—"That the House do now divide", moved and seconded, shall take precedence of all other business. Standing Order No. 369 states that the motion in committee need not be seconded.

Mr. TOMS: I must support the contention of the member for Balcatta, merely from the point of view of explanation. When the disturbance took place I saw the member for East Melville rise, and immediately the member for Balcatta also rose, and the first words I heard were "I move that the member for East Melville be not now heard." Later we heard the words. "I move that the House do now divide." The member for Balcatta spoke when the member for East Melville was on his feet.

Mr. BRAND: All members on this side of the House quite clearly heard the member for East Melville move that the House do now divide. At the time, the member for

Balcatta was on his feet calling out, and that is possibly the reason why it was not heard on the other side. The Chairman of Committees turned and gave the call to the member for East Melville; and, as you said, Sir, the motion that the House do now divide should be put immediately. The Chairman of Committees was doing just that, and I contend that your ruling on this matter was quite in order.

Mr. HAWKE: The motion moved by the member for East Melville was "That the House do now divide", and that was the motion upon which the point of order was raised. It was also the motion upon which the member for Balcatta moved to disagree with the Chairman's ruling, and upon which the motion for disagreement with the Chairman's ruling was brought under your notice, Mr. Speaker, and for your decision.

The SPEAKER (Mr. Hearman): Standing Order No. 116 was the one raised with me by the member for Balcatta.

Mr. HAWKE: The fact that the presiding officer or the Chairman could alter the verbiage of the motion to bring it into conformity with Standing Orders was not acted upon; so the motion before the Committee, and before you, Sir, was that the House do now divide. I submit that was out of order, and it is now too late to put it in order.

The SPEAKER (Mr. Hearman): That is not the point of order the member for Balcatta put forward.

Mr. HAWKE: That is what I am putting forward.

The SPEAKER (Mr. Hearman): I cannot accept it now.

Mr. HAWKE: Then I will move it later.

Question (dissent from Speaker's ruling) put and a division taken with the following result:—

Ayes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	*(Teller)*

Noes—20

Mr. Brand	Mr. I. W. Manning
Mr. Burt	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Hart	Mr. Wild
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. O'Neil
	(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. Bovell
Mr. Bickerton	Mr. Crommelin
Mr. Evans	Dr. Henn
Mr. Sewell	Mr. Guthrie
Mr. Rhatigan	Mr. Cornell

Majority against—1.

Question thus negatived.

Committee Resumed

Mr. HAWKE: On a point of information, Mr. Chairman, can you advise what the motion is before the Chair?

The CHAIRMAN (Mr. I. W. Manning): The motion is that the Committee do now divide. Ring the bells.

Division taken with the following result:—

Ayes—20

Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hutchinson	Mr. O'Neil
	(Teller)

Noes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	*(Teller)*

Pairs

Ayes	Noes
Mr. Bovell	Mr. Curran
Mr. Crommelin	Mr. Bickerton
Dr. Henn	Mr. Evans
Mr. Guthrie	Mr. Sewell
Mr. Hearman	Mr. Rhatigan

Majority for—1.

Motion thus passed.

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

Ayes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	*(Teller)*

Noes—20

Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hutchinson	Mr. O'Neil
	(Teller)

Pairs

Ayes	Noes
Mr. Curran	Mr. Bovell
Mr. Bickerton	Mr. Crommelin
Mr. Evans	Dr. Henn
Mr. Sewell	Mr. Guthrie
Mr. Rhatigan	Mr. Hearman

Majority against—1.

Amendment thus negatived.

The CHAIRMAN (Mr. I. W. Manning): The question is that the clause be agreed to.

Mr. O'NEIL (East Melville): I move—

That the Committee do now divide.

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

Ayes—20

Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hutchinson	Mr. O'Neil

(Teller)

Noes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)

Pairs

Ayes	Noes
Mr. Bovell	Mr. Curran
Mr. Crommelin	Mr. Bickerton
Dr. Henn	Mr. Evans
Mr. Guthrie	Mr. Sewell
Mr. Hearman	Mr. Rhatigan

Majority for—1.

Motion thus passed.

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

Ayes—20

Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Gayfer	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hutchinson	Mr. O'Neil

(Teller)

Noes—19

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Graham	Mr. Norton
Mr. Hall	Mr. Oldfield
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)

Pairs

Ayes	Noes
Mr. Bovell	Mr. Curran
Mr. Crommelin	Mr. Bickerton
Dr. Henn	Mr. Evans
Mr. Guthrie	Mr. Sewell
Mr. Hearman	Mr. Rhatigan

Majority for—1.

Clause thus passed.

Progress

Mr. TONKIN: I move—

That the Chairman do now report progress and ask leave to sit again.

Motion put and passed.

[*The Speaker Resumed the Chair*]

Leave to Sit Again

The Chairman of Committees (Mr. I. W. Manning) reported that the Committee had considered the Bill, made progress, and asked leave to sit again.

The SPEAKER (Mr. Hearman): The question is—

That leave be given to sit again.

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

Ayes—20

Mr. Brand	Mr. I. W. Manning
Mr. Burt	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Gayfer	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Hart	Mr. Wild
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. O'Neil

(Teller)

Noes—18

Mr. Brady	Mr. Jamieson
Mr. Davies	Mr. Kelly
Mr. Fletcher	Mr. D. G. May
Mr. Graham	Mr. Moir
Mr. Hall	Mr. Norton
Mr. Hawke	Mr. Oldfield
Mr. Heal	Mr. Rowberry
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. H. May

(Teller)

Pairs

Ayes	Noes
Mr. Bovell	Mr. Curran
Mr. Crommelin	Mr. Bickerton
Dr. Henn	Mr. Evans
Mr. Guthrie	Mr. Sewell
Mr. Cornell	Mr. Rhatigan

Majority for—2.

Question thus passed.

House adjourned at 6.29 a.m.
(Wednesday)