

# Legislative Assembly

Wednesday, 10th October, 1951.

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

## QUESTIONS.

### EDUCATION.

*As to Opening of School and Hostel, Halls Creek.*

Hon. A. A. M. COVERLEY asked the Minister for Education:

Will he indicate at what date he expects to declare the school and hostel at Halls Creek open to admit pupils?

The MINISTER replied:

It is not possible at present to indicate the date on which it is expected the school and hostel at Hall's Creek will be open to admit students.

Advice received from the Public Works Department indicates that construction has commenced.

### GOVERNMENT EMPLOYEES.

*As to Retention after Retiring Age.*

Mr. STYANTS asked the Premier:

(1) Because of the acute shortage of labour and particularly skilled labour available at present, has the Government given consideration to allowing certain employees, with the consent of the various departments, to continue working beyond the retiring age of 65 years, and receive their usual rate of superannuation or pension, plus whatever wages or salary they are entitled to?

(2) If not, will he have this avenue to retain a large volume of skilled labour for a limited period explored, and report to the House at an early date?

The PREMIER replied:

(1) (a) Employees are permitted to continue on beyond 65 years of age, subject to each case being dealt with on its merits.

(b) Contributors to the Superannuation Fund would, after reaching 65 years of age, receive their share of the pension for which they have contributed, but not the Government's share. Pensioners under the 1871 Act (i.e., free pensions) would not receive any benefit until they retired.

(2) This question will continue to receive consideration in the light of conditions existing as from time to time.

### OIL REFINERY.

*As to Site at Cockburn Sound.*

Hon. J. B. SLEEMAN (without notice) asked the Premier:

In view of the fact that the Minister for Works and his engineers have gone to the Eastern States in connection with the building of an oil refinery in Western Australia, is it their intention to put up, as one of the likely spots for its erection, Cockburn Sound, where there is plenty of land and water available?

The PREMIER replied:

I understand that several sites will be suggested to the company concerned, and it will be a matter for negotiation between the company and the Government as to which site will be selected, if any.

### STATE SHIPPING SERVICE.

*As to New Vessel for North-West Trade.*

Hon. A. A. M. COVERLEY (without notice) asked the Minister for Supply and Shipping:

Can she indicate on what date the new vessel will be available on the North-West coast?

The MINISTER replied:

I cannot give an exact answer today, but will endeavour to do so tomorrow.

### **BILLS (6)—FIRST READING.**

- 1, Muja-Centaur Coal Mine Railway.  
Introduced by the Minister for Education.
- 2, Farmers' Debts Adjustment Act Amendment (Continuance).  
Introduced by the Minister for Lands.
- 3, Lotteries (Control) Act Amendment.  
Introduced by the Chief Secretary.
- 4, Coal Mines Regulation Act Amendment.  
Introduced by the Minister for Housing.
- 5, Gas Undertakings Act Amendment.  
Introduced by Hon. J. B. Sleeman.
- 6, Agriculture Protection Board Act Amendment.  
Received from the Council.

### **LIME-SUPER MIXTURE AS FERTILISER SELECT COMMITTEE.**

#### *Extension of Time.*

On motion by Mr. Hearman, the time for bringing up the report of the Select Committee was extended for four weeks.

### **LEAVE OF ABSENCE.**

On motion by Mr. Kelly, leave of absence for two weeks granted to Hon. A. H. Pantou (Leederville) on the ground of ill-health.

### **BILLS (4)—THIRD READING.**

- 1, Building Operations and Building Materials Control Act Amendment and Continuance.  
Transmitted to the Council.
- 2, Potato Growing Industry Trust Fund Act Amendment.
- 3, Poultry Industry (Trust Fund) Act Amendment.
- 4, Noxious Weeds Act Amendment.  
*Passed.*

### **BILL—FEEDING STUFFS ACT AMENDMENT.**

Report of Committee adopted.

### **MOTION—SITTING HOURS.**

#### *As to Day-time Sessions.*

**MR. GRAHAM** (East Perth) [4.42]: I move—

That in the opinion of this House normal hours of sittings in future sessions should be held during the day time.

Members have expressed themselves on this question on a number of occasions, usually when the Premier is submitting the formal motion to establish the days upon which this House will sit. In addition,

there have been a number of instances where members have expressed themselves deliberately and, on occasions, by the submission of motions. It is interesting, I think, to recall that the Leader of the Opposition, within a month or so of his taking his seat in the Chamber, moved a motion seeking to have the House meet earlier for the despatch of business.

The Premier: The present Leader of the Opposition?

Mr. GRAHAM: That is so.

Hon. A. R. G. Hawke: And still in favour, too.

Mr. GRAHAM: The Minister for Health, in 1937, expressed herself quite strongly on the matter.

The Minister for Health: I have changed since.

Mr. Marshall: She is pretty strong over there.

Mr. GRAHAM: I think it is a matter that should receive the serious consideration of all members. This certainly cannot be classed as a party motion. It is one that affects personally and intimately every one of us, and I believe it also indirectly affects the manner in which we deal with the business of the State. I have deliberately couched this motion in general terms and avoided reference to any specific hours because it is likely that there could be many differences of opinion on that point, but I think it essential that we should make a declaration on the general principle of conducting our business, during the daytime or in the evenings. Members will note from the motion that I am endeavouring to establish the principle as far as normal sittings are concerned, because we must be realistic and appreciate the fact that towards the end of sessions and perhaps on other occasions it does become necessary to sit beyond normal hours.

Over a number of years the hour of 4.30 p.m. has been accepted as the time for the meeting of this House, although there have been occasions, due to certain circumstances, such as interruptions to the lighting system and so on, when there have been changes, but only temporarily. I dare say none of us knows the reason for the choice of that hour, which has become the general practice. My guess would be that it dates from the time when members of Parliament, in the main, had outside interests and their Parliamentary activities were merely a sideline. The attainment of a seat in Parliament was an occasion for congratulation; it gave a member some social standing and a position of prestige.

Mr. Cornell: Is there no social standing now?

Mr. Marshall: That was in days gone by.

Mr. GRAHAM: There is some social standing today, but I am making the suggestion that these matters will probably receive consideration by members. I make the point that the nature of the work of members of Parliament has undergone considerable change, particularly in recent years, and I should say dating largely from the time of the depression when members came closely in touch with the public generally because of the terrific hardships suffered by them. It is natural that, with the passage of time and the introduction of more and still more legislation, the lives and activities of individual members of the public will be more closely associated with members of Parliament and the work we perform.

So there is a change from those in the past being part-time legislators and present-day members who not only perform the function of legislators but also have far more duties and responsibilities to discharge for individual members of the public. In the matter of dealing with district requirements, from my own experience I cannot see how it is possible for a member of Parliament to fulfil his responsibilities on anything but a full-time basis. From my own experience I should say that I work an average of over 50 hours a week during the 12 months.

Mr. Manning: You will have the union after you.

Mr. GRAHAM: There have been a number of occasions when, due to pressure of work, it has been impossible for me to have even a week or two of recreational leave. It is generally realised that the hours of clerical workers and office workers range from 35 to 38, depending on whether they work a five-day week or not and accordingly, members of Parliament, in applying themselves to their responsibilities, are working considerably longer than the hours of a normal working day. Even admitting that it is the exceptional period when the House is sitting which contributes to the average number of hours, whilst I have not kept a close check of the hours I have worked I should say that I work far more than 35 or 38 hours a week during the period when Parliament is not sitting. In addition to that, as members have probably found from experience, it is practically impossible for a member, irrespective of what he does to get away from it, to escape his work. If he goes into an hotel he is confronted, more often than not, by a constituent who requires some favour to be done or seeks advice with regard to some matter.

The same story can be told in respect of those of us who are associated with sporting clubs. If we attend a social evening or a meeting of an association with which we are connected, the same thing applies. In other words, there is scarcely any prospect of a member getting away from his labours and enjoying a respite from his toil. For the life of me, I cannot

understand why, just because a person is a member of Parliament, he should be compelled, for a considerable period of the year, to turn night into day and to commence work, so far as parliamentary sittings are concerned, at a time when the great majority of people are about to cease their day's work. Moreover, the commencement of our day in this Chamber is, of course, on top of a full day's work already done. It is well known that the mental faculties of people tend to ebb towards the end of the day. Certainly, there is considerable recession apparent as the hours of night proceed.

Thus we are called upon to deal with important pieces of legislation at the very time when experience, based on medical research, has shown we are not as keen or mentally alert as we are during the more normal hours of the day. Is it any wonder, therefore, that members tend to become irritable and caustic on occasions? We know, too, from experience how this causes members to be drawn into making contributions to debates in progress, and on many occasions this leads to protracted discussions which I believe would not occur if sittings were held during daytime, when members were in better spirits and not nearly so tired. From observation, too, I should say that members will agree with me when I assert that as the hour gets later so members tend to become less interested in the business before the House, to become more unsettled and also increasingly anxious for the moment to arrive when the House will adjourn and they can retire to their respective homes.

The Premier: What about imposing a time limit on speeches?

Mr. GRAHAM: That is another matter that could be debated irrespective of the motion I am submitting, and I shall not discuss it at this stage. Surely members will agree with me that no one can be mentally alert after some 10 or 15 hours of work already performed. Then again, it will be agreed that very many difficult problems, worries and responsibilities are brought to us from time to time by those whom we represent. It has often been remarked, not only since I have been sitting on the Opposition side of the House—it was obvious from the point of view of appearances alone—that Ministers have shown signs of strain and worry. The same set of circumstances, I daresay, have been manifest on previous occasions, irrespective of the political complexion of the Government of the day. Surely it is wrong, and certainly not fair, that leaders in the public life of the State should be subjected to the strain that we are imposing upon ourselves in our desire to do night work in addition to day work.

I believe that the interference with the normal ordinary conduct of a man's life played a not insignificant part in bringing about the unfortunate demise of the

late Mr. Harry Shearn, the former member for Maylands. Not only are there the irregular hours spent in this Chamber but, as members know perfectly well, there are also the interruptions that are likely to be experienced at all times and on all occasions in the homes of members themselves. These inordinately and unnaturally long hours and the strain of the interruptions of which I have spoken, naturally take toll of the health of members generally. No one will claim that we are supermen.

In addition, the fact that we sit in the evenings three nights a week for approximately five months of the year involves the interruption of our family life. It is appreciated that country members, whose homes are in the rural districts, would not find it possible to return to their homes in the evenings, but at least they would have opportunities for relaxation and they would not be subject to longer hours of work than are considered basic for the great majority of workers.

Again I put the question as to whether it is fair or reasonable to expect members of Parliament to work both day and night. In addition to the nights we spend in giving attention to public matters in this Chamber, because of our positions it is necessary for us to be associated with a number of public organisations. In very many cases I daresay members, apart from the Tuesday, Wednesday and Thursday evenings that they spend in this Chamber, probably find that their Monday and Friday nights and, on occasions, their weekends, are interrupted by calls made upon their time. Obviously we cannot avoid that situation, but we can have some influence on the hours we spend in this Chamber. While my proposition is merely in the form of a motion, it will provide members with an opportunity to express themselves on the subject by voice and vote in order to indicate, as I hope they will, that members of Parliament are entitled to a better spin than they are receiving at the present moment and have received for very many years past.

It has been laid down by the courts that a period of seven or eight hours is the maximum amount of time that should be devoted to a normal working day. Notwithstanding that, members of Parliament, who occupy positions of the utmost responsibility, and who deal with most vital matters affecting closely so many thousands of people, are in the position that they impose upon themselves exceedingly lengthy hours, far beyond those laid down by legal tribunals after full and exhaustive inquiries. In the circumstances, anyone may be pardoned for wondering how it is possible for us to attend to the affairs of State after late sittings. I shall have something further to say on that point and also with particular reference to the toll that is exacted from Ministers.

Through the courtesy of the Clerk of the Legislative Assembly I have obtained particulars of the sitting times of other Parliaments in Australia, and I find that almost without exception they meet for the despatch of business earlier than is the case in Western Australia. In the Commonwealth Parliament the starting times are 2.30 p.m. on Tuesdays and Wednesdays and 10 a.m. on Thursdays. In New South Wales, Parliament meets at 2.30 p.m. on Tuesdays and Wednesdays and 11 a.m. on Thursdays. In Victoria the Assembly meets at 4 p.m. on Tuesdays and Wednesdays, and towards the end of the session earlier than that, and on Thursdays it meets at 11 a.m. In Queensland the starting time is 11 a.m. on Tuesdays, Wednesdays and Thursdays and in South Australia it is 2 p.m. In Tasmania, Parliament meets at 7.30 p.m. on Tuesdays and at 2.30 p.m. on Wednesdays and Thursdays.

In quite a number of cases, the Houses do not meet after tea except on particular occasions, such as when the Estimates are being dealt with, or towards the conclusion of the session. It will be seen therefore that we are imposing a great strain upon ourselves in Western Australia to an extent that is not done in any other part of the Commonwealth, and we voluntarily impose this burden upon ourselves to the sacrifice of our health, our temper, our families and, inevitably, the work that we perform in the interests of the State. Under the terms of my motion, we could still sit in the evenings when necessary, but there would be less likelihood that we would sit as late as we do now, and most certainly we would far less often sit after the tea adjournment.

So far as Ministers are concerned, it seems to me to be wrong that they are required to be in their offices at approximately 9 a.m. and, after a full day's work, of the greatest importance to the State, are then called upon to give the closest attention to business before the House until 11 or 12 o'clock at night, and sometimes later, afterwards being required to be back in their offices again at 9 o'clock the next morning. On quite a number of occasions it is necessary for them to travel to the country and leave the city before 6 or 7 o'clock in the morning. That surely is not right. That the present procedure has been followed for so many years, is no argument why we should allow it to continue. We should surely be a little more humane in our treatment of Ministers in respect of the strain imposed upon them—and to a lesser degree, but only in a matter of degree, on private members.

It is appreciated that Ministers have to be in their offices for considerable periods in order to attend to their departmental business. Not all the Parliaments in the Eastern States have separate Ministerial offices, attached to Parliament House, where they are able to consult with their departmental heads. But if it is possible in other parts of Australia for Parliaments to meet at least part of the time during the

day and for Ministers to be absent for great periods, surely it should be possible for that to be done in Western Australia. If the proposal contained in the motion is given a fair trial for a session or two and it is found from experience that Ministers cannot be absent for so long, surely the remedy is obvious. Instead of continuing to impose these burdens upon our Ministers, obviously it would be more proper to increase the number of Ministers.

As an illustration, we might take the Deputy Premier, who has control of such important departments as those of Education, Industrial Development and Child Welfare. I should say that Education and Child Welfare would be sufficient for any Minister who hoped to be reasonably familiar with the conduct of those departments, without his having another important portfolio, such as that of Industrial Development, thrown on his shoulders. The Minister for Works is also Minister for metropolitan water supply and country water supplies, and is in charge of the State Electricity Commission and a whole host of other concerns as well.

A great deal has been said on many occasions about bureaucratic and departmental control. Surely we could assist in getting away from that state of affairs if we had more Ministers, so that a closer watch could be kept on the departments, and Ministers be given an opportunity to become more familiar with the operations of those they control. This would remove, as my motion seeks to do, the tremendous burden upon them of being compelled on occasions to work 15 hours per day. If a Minister were unable to attend to all the requirements of his office in the event of Parliament meeting during the afternoon instead of only in the evenings, as at present, surely on such occasions it should be possible for him to return to his office where he could work without the interruption which occurs in the ordinary working day; and instead of 50 or 80 members being required to come back night after night to deal with business, only a handful of Ministers who had to study certain files and documents would be called upon to return to their offices. If that became too arduous, the solution would be the appointment of several more Ministers.

On the occasion when the number of portfolios was increased recently, there was no hue and cry of protest on the part of the public, because I believe all fair-minded people have a proper recognition of the work and responsibilities of the great majority of members and the time occupied in applying themselves to their duties. I am certain that the health of members is affected on many occasions by their remaining in the Chamber in order to vote upon certain measures, and to participate in certain debates when they are feeling off colour simply because it is their duty to be here. In fact, the right and proper place for them would be at

home in bed, or at least relaxing somewhere. We are not all free agents, as members realise.

A member does not make up his own mind as to when he shall go home, but it is necessary for him to secure the permission of his Leader or of the party Whip. Over a period of years, if members drive themselves in the way I have indicated—and I hope I am not overdrawing the picture—their health must eventually be impaired. No person in an important public position should be called upon to do that in transacting the normal business of the country. There is not one of us who, in a state of emergency, would not be prepared to work exceedingly long hours because of our interest in and the obligations we have to the people whom we represent.

In addition to the effect of the present state of affairs upon members of Parliament, there is also the effect upon the staff—the clerks and the assistants, the "Hansard" staff, the typists—and even the newspaper reporters. These people are compelled to stay here for all sorts of outrageous hours merely because we will add a night's work to a day's work already done. In addition to the effect on the staff, there is the matter of taxis or other means of conveyance having to be provided in order to take them to their respective dwellings, if the House rises at midnight or 1 or 2 o'clock in the morning, or some such hour, as has been the case in the past.

There is this too: Whereas perhaps certain members of the staff can make up the loss of sleep due to the long hours worked on the previous day by reporting at Parliament a little later the next morning, if a member of Parliament has appointments which were made days ahead, it is still necessary for him to keep those appointments. There is therefore no chance of his being able to secure some rest. I have taken out figures covering a number of years and I find that, averaged over the whole of a Parliamentary session, the Legislative Assembly works somewhat less than five hours at a sitting.

While I have not indicated in my motion any set hours, if we take for the purpose of argument that we should meet at 2.15 p.m. and adjourn at 6.15 p.m. as our normal hours, with the reservation that we sit after tea when circumstances warrant, it will be found that we would be working 12 hours per week—that is, working in the sense that the House would be sitting. By our sitting after tea on Tuesdays or Wednesdays for a few weeks towards the end of the session, the total number of hours would aggregate those at present occupied—namely, somewhere in the vicinity of 300 or slightly less for a Parliamentary session.

Accordingly, without any injustice or any thought of taking away any privilege of members in the matter of time allowed for speeches, the same amount of time would be available for the despatch of business. But because members would be in a better mood, on account of not being tired and irritable, as is inevitably the case under present conditions, quite a number of speeches and recriminations which occur at present would not eventuate, and it would probably be found in the aggregate that Parliament could deal with its business in a lesser period of time than is now the case.

The Chief Secretary: When would you have party meetings, committee meetings and so forth, in the forenoon or at night?

Mr. GRAHAM: That would be a matter for the parties themselves. They could meet in the mornings but, after all, bearing in mind that we sit only on Tuesdays, Wednesdays and Thursdays, the whole of Mondays and Fridays are available in addition to the mornings of Tuesdays, Wednesdays and Thursdays.

The Chief Secretary: Yes, but that would not suit country members too well.

Mr. GRAHAM: No. If the Chief Secretary would only allow me to conclude, I could suggest that Friday afternoon, particularly so far as country members are concerned, would be impossible, but if we genuinely made an attempt to overcome the present position, and altered our other arrangements, I am certain it could be done. After all, when we went through the blackout periods, alternative arrangements were made for the holding of party meetings and committee meetings, and I do not think anything suffered as a consequence.

Hon. A. R. G. Hawke: In fact government was much better in those days.

Mr. GRAHAM: I have indicated, broadly, the reasons prompting the submission of this motion. I repeat that when at the beginning of a session the Government introduces its motion setting out in detail the hours of sitting, that is the opportunity for members to agree or disagree with the hours as suggested. But what I want the House to do is to indicate to the Government that it favours, so far as is practicable, the meetings of Parliament being held during the day, while at the same time conceding that there are occasions when it is necessary to sit in the evenings. If that is one of the burdens of the position we occupy then, of course, we have to bear it. I conclude on the point on which I opened, that I want to establish the principle of day-time versus night-time.

My final word is to emphasise that it is not a fair proposition, either to private members or to Ministers, to expect them to work from 12 to 15 hours on occasions, and at the same time for them to be ex-

pected by the public to give proper consideration and attention to the various problems and issues raised by members of the public or, in the case of Ministers, by their departments or submitted to them by individual members. I hope and trust that members, generally, will give voice to their opinions on this subject. I need not emphasise that it is by no means a party matter. If members are happy and content with the present arrangements then presumably they will defeat the motion. At the same time, I ask them to have some compassion on Ministers. It is, as I stated, possible to make other arrangements to suit their convenience, and also to have some thought for those members who, possibly because of the nature of the electorates they represent, are called upon to work in a full-time capacity during the day. It is grossly unfair to ask any persons, in those categories, to work long into the hours of night, in addition to their day's work, attending to important legislative matters.

**THE PREMIER (Hon. D. R. McLarty—Murray)** [5.20]: This is not the first occasion on which an attempt has been made to alter the hours of sitting. Over the years a number of motions of a like nature to that moved by the member for East Perth have been brought before the House, and it has invariably been the practice of the Government to oppose them, irrespective of which party occupied this bench. This question was raised in 1937 when the present Minister for Health spoke on the motion moved by the then Premier, Hon. J. C. Willcock, in regard to the hours of sitting. The then Premier said—

Over many years attempts have been made to alter the hours of sitting. The member for Subiaco raised the question of having morning sittings. That idea was tried out over a period of two or three months, and proved to be extremely unsatisfactory. Very often we were almost short of a quorum. I do not know what happened to members, but frequently the attendance was less than one half the full number. The general consensus of opinion by those who had experience of the innovation was that it was unsatisfactory. Having had that experience, I have given no active consideration to the question of reverting to something that proved unsatisfactory.

Again, in 1933 the present Leader of the Opposition moved a motion similar to that which the member for East Perth has moved today. The Minister who replied to the motion then was the late Hon. Alex McCallum, and he opposed it, as did the member for Murchison who spoke at considerable length and expressed strong opposition to any proposal to alter the sitting hours. The member for North Perth also opposed that particular motion. As

members know, government is divided into two parts—the legislative part and the administrative part.

Mr. Marshall: Then there are the fractions.

The PREMIER: Yes. There is no question about the importance of the administrative part. With all due respect to members who have not had experience in Ministerial office, I think a number of them do not fully appreciate the amount of work there is on the administrative side, and how important it is. It is necessary that Ministers should have all the time possible for administration. When Parliament is sitting the work, of course, greatly increases because we have the legislative programme to see to, and deputations go on just the same. In addition, members of Parliament want to see Ministers, and many other matters crop up. So I regard it as essential that Ministers should have full time on the administrative side.

The member for East Perth referred to the sitting hours in other States. We, particularly the Ministers, in Western Australia, are in a different position from the Ministers in other States inasmuch as a number of them have their offices at Parliament House, and can continue with their administrative work there. When I was in London I found that all the senior Ministers had rooms at Parliament House, and very few of them were to be seen in the House of Commons unless there was some important debate in progress, or their particular department was under discussion.

Mr. Graham: Is there anything wrong with putting a few rooms on to this building for the use of Ministers?

The PREMIER: We cannot give consideration to that proposal at this particular time.

Hon. A. R. G. Hawke: You could turn the Legislative Council into Ministerial offices.

The PREMIER: I have no doubt that that idea makes a strong appeal to the Leader of the Opposition.

Hon. A. R. G. Hawke: I think it appeals to the Premier a bit at the present time.

The Minister for Education: It is not practical politics at the moment.

The PREMIER: As the member for East Perth explained, 4.30 p.m. has always been the time of meeting of the Parliament of Western Australia. He referred to the earlier days when parliamentary duties were not so onerous as they are now. But even down the years, successive Governments, irrespective of party, have accepted 4.30 p.m. as the most convenient hour of meeting. Personally I think it is the most convenient, and my colleagues agree.

I remember that we had some day sittings here some time ago, and I recall that members did not show much appreciation of those hours. Certainly the attendance during the day-time did not compare favourably with the attendances that we have with the present hours. There is no guarantee that if we did meet earlier, the House would rise earlier; it just depends on the circumstances of the debates. I am unable to see that any benefit would be derived from altering the present sitting hours. The hon. member also referred to the work of the ordinary member of Parliament. I know that the ordinary member these days—and in fact during all the years I have been in Parliament—leads a busy life. But as a private member I found that these hours were more suitable to me than those proposed in the motion.

Under our present system, members have the opportunity of getting around the Government departments, or attending to any business they want to, during the hours when the offices are open. From that angle alone, the present sitting hours are a great convenience to members.

Mr. Graham: How many hours a day do you think a member should work?

The PREMIER: That is at the discretion of the member. I do not think a member of Parliament can have any set hours, and he does not expect to have them.

Mr. Graham: Do you think it is fair to impose a night's work on top of a full day's work?

The PREMIER: It is a question of conforming government to the most convenient hours suitable to members and Ministers, and, I repeat, I believe the present hours are the most convenient. Again, private members, particularly when the House is sitting, study legislation and Bills, or are expected to study them; and that takes a lot of time. They have to delve for information and go to Government departments and many outside institutions as well. Members are able to get that information much easier during the hours that those offices are open than they would if they had to do it at a later hour. So I think that the present hours of sitting are not only more convenient to Ministers but also to members.

From time to time representations have been made to the Government to try to do something about Thursday sittings. It is claimed that country members in particular should be permitted to get away from the House on Thursdays and not be kept here until a late hour. The Government would be prepared to give some consideration to earlier sittings on Thursdays with a view to adjourning at tea-time. I think if I make that promise it should satisfy members and I hope that the motion will not be agreed to.

On motion by Hon. A. R. G. Hawke, debate adjourned.

**MOTION—RAILWAYS.***As to Welshpool-Bassendean Chord Line.*

Debate resumed from the 26th September on the following motion by Mr. Brady:—

That in the opinion of this House, an independent engineer should be appointed by the Government to hear and determine if the Bassendean Road Board's proposals regarding the chord line between Welshpool and Bassendean are more desirable in the interest of the State than those proposed by Chief Civil Engineer, Railways.

**MR. MARSHALL** (Murchison) [5.32]: I do not propose to have much to say on this matter but I am well acquainted with this area because I lived in that particular district for 18 years. In the circumstances I think that the request of the Bassendean Road Board is very reasonable. It surprised me to notice that on crossing the river the Railway Commission decided to neglect the use of the existing main trunk line, which runs east to a point indicated on the map drawn by the Bassendean Road Board, where it could then curve into the proposed running yards. I still cannot understand why all this line is to be laid and all this area resumed when we could, by using the existing railway, or that portion of it which is necessary, get the chord line into the proposed running yards.

Nothing the Minister said was effective so far as my viewpoint on this matter is concerned. Having regard to the doubtful nature of the proposal submitted by the Government I still think that it should agree to an inquiry by an independent engineer, who could express his opinion as to which of the two routes is the more economical and the wiser in the circumstances. I do not propose to argue about it but I still favour the idea submitted by the Bassendean Road Board. So I express my regret that the Government has apparently become adamant in regard to the appointment of this particular officer to make a report upon the matter. I cannot see why the Government opposes it.

Doubt does not exist in the minds of one or two members, but in the minds of many. I believe there is doubt in the minds of many members sitting behind the Government, and in such circumstances surely we are entitled to the opinion of an independent expert. There is no real reason why the Government should object to that. It cannot justify the objection on the score of expense or even on the score of time. So I do not know why it hesitates when so much doubt exists. We want to do the right thing on these questions. There is nothing parochial about the attitude of the member for Guildford-Midland.

The whole idea behind the motion is that we should get further expert advice. The two proposals could be submitted to this independent engineer who could make

his investigations and express his opinions by way of a report. Surely that is not asking too much. I still favour the idea submitted by the Bassendean Road Board because I am convinced it is the right way to do the job. Until I receive further advice and an expression of opinion from an independent engineer—one chosen for his special qualifications—I will still maintain that the proposal submitted by the Bassendean Road Board is the better one of the two.

**HON. A. R. G. HAWKE** (Northam) [5.38]: I support this motion. Like the member for Murchison I am very surprised at the attitude of the Government. For instance, I understand that it is employing, at the moment, an independent engineer to investigate—

The Premier: I have his report here.

**Hon. A. R. G. HAWKE**: The Premier already has the report of this independent engineer. Why the Government has refused to allow the same man to investigate the proposals put up by the Bassendean Road Board, I am at a complete loss to understand. It seems to me that the board's proposals would not take a great deal of inquiry by an independent engineer. He would not be required to be employed for more than an extra week thoroughly to investigate them. That action, if it were taken, would satisfy the road board and other people who have some doubt as to whether the proposal of the Railway Department is, in fact, a better one than that put forward by the local authority. On paper it would appear that the road board's proposal has a fair amount of merit. I know the attitude of the Railway Department—

Mr. Marshall: Don't we all!

**Hon. A. R. G. HAWKE**: —in connection with almost everything with which it deals and is associated. The outlook of the department is as cast-iron as anyone could imagine.

The Minister for Education: It has not been cast-iron in this case.

**Hon. A. R. G. HAWKE**: I am speaking of the general attitude of the Railway Department on almost every matter. I am sure the Minister for Education would not disagree, violently at any rate, with the general contention I put forward.

The Minister for Education: In this case they had to devise the best, most economical and least annoying route for the public and they were obliged to go very carefully into everything. They did that.

**Hon. A. R. G. HAWKE**: The department might have done so, but I would be inclined to think that it would stick hard and fast to the proposal which it initiated in the first place.

The Minister for Education: Of course, in the Belmont case, the independent engineer thinks they were right.

Hon. A. R. G. HAWKE: That is satisfactory but if it is so, why does the Government refuse to allow the independent engineer to investigate the other proposal?

The Minister for Education: I think I gave you two very sound reasons; firstly because everybody knows that the proposal of the Bassendean Road Board involves a curve that no engineer could possibly agree to.

Mr. Brady: Yet their own sketch shows one exactly the same right alongside.

The Minister for Education: It is not exactly the same.

Hon. A. R. G. HAWKE: If the contention of the Minister for Education is well based it would not take the independent engineer more than one day—

Mr. Brady: Hear, hear!

Hon. A. R. G. HAWKE: —to investigate and study that aspect and declare that the proposal of the Bassendean Road Board is impracticable, if indeed it is impracticable.

The Minister for Education: Yes, but if you are going to investigate everything put up by every engineer in the Government it is a pretty poor prospect.

Hon. A. R. G. HAWKE: No one has suggested that.

The Minister for Education: That is what we are coming to if we go on like this.

Hon. A. R. G. HAWKE: I do not think so.

The Minister for Education: I think the facts disclose that.

Hon. A. R. G. HAWKE: From his own experience the Minister for Education knows that on very few occasions have the public, or members of Parliament, asked that there should be an independent investigation into recommendations made by various Government engineers. I think that is a very rare occurrence.

The Minister for Education: Perhaps they have accumulated and have all occurred within the last 12 months.

Hon. A. R. G. HAWKE: I think there have been more cases in the last 12 months than in perhaps the previous 12 years. Nevertheless, the Government felt justified in employing an independent engineer to carry out a thorough investigation into the proposal submitted by the Belmont Park Road Board.

The Minister for Education: It was about the routes and not an engineering problem. Mr. Brisbane says there were no engineering problems involved in that route.

Hon. A. R. G. HAWKE: I should think there would have to be some engineering problems involved in almost any proposed route.

The Minister for Education: No major engineering problem.

Hon. A. R. G. HAWKE: The Minister for Education is now making a very much needed correction to his previous statement, because it would be obvious to anybody that there would be engineering—

The Minister for Education: Obviously.

Hon. A. R. G. HAWKE:—difficulties and problems associated with any proposed route for a railway, or even for a road for that matter. So I am at a complete loss to understand why the Government has been so stubborn in this matter, more especially if what the Minister for Education said a few minutes ago is correct. If the proposal of the Bassendean Road Board contains a major feature which is demonstrably hopeless then all the Government has to do is to ask Mr. Brisbane to have a look at it for an hour, or a day. If there is a major feature of the proposal which is unworkable then it will rule the proposal out unless that feature can be modified to overcome the objection. If that were done the whole thing would be settled to everybody's satisfaction. In the circumstances, I think that the Government would be well-advised, even at this late stage, to agree to Mr. Brisbane's giving up some of his time, skill and energy to an investigation of this matter.

MR. J. HEGNEY (Middle Swan) [5.45]: I propose to support the motion and, in doing so, I think that the request contained in the motion is a reasonable one. In his reply to the motion moved by the member for Guildford-Midland, the Minister representing the Minister for Railways laid particular emphasis on the difficulty about the engineer. That might be so, but I suggest that if the Select Committee for which I moved last session had been agreed to, a lot of the difficulties which have occurred in the meantime could have been more properly examined by that body and by engineers who were competent to express an opinion. Then there would have been no reflection on the engineer for the railways whose proposal Parliament recently adopted.

In his interjection, the Minister also said we cannot go on having engineers reporting on the work of other engineers as there would be no finality and it would be a reflection on the latter. We know that quite a number of engineers have been appointed to express an opinion in connection with the development of the harbour at Fremantle. We have reports by independent engineers almost ad nauseam in that connection. As a matter of fact, only last session, before the late Mr. Harry Shearn, the member for Maylands, died, one of the last proposals he put up to this Government was one urging that an independent engineer be appointed to report on Mr. Tydeman's submissions as there were certain features of them which were not satisfactory. The Government acceded

to that request, and an engineer was brought from South Australia to report on the Tydeman proposal. That report was submitted and some of it did not agree with the submissions made by Mr. Tydeman.

I am opposed to this proposition because I think time will show that it is necessary to build a line south of the river, and that the proper place for this railway will not be the location in which it is today, but between Midland Junction and Kenwick or Cannington. When the south of the river line comes to be worked in with the Bassendean proposal, it will be a cumbersome business. I know the Bill has become an Act but, when reasons were advanced why the proposal should have been accepted, on that occasion it was contended that if they had not gone on with it as quickly as they have done, the land sharks would have been at work.

This matter has been discussed since last Christmas between the Belmont Park Road Board and the Minister for Railways, and no resummptions have been made there yet. The same applies to the Bassendean area. I understand that resummptions have been made in Bayswater and that half the people have left their premises. But in these other areas the matter has been left undecided, and the argument therefore falls to the ground in the light of experience and the facts adduced in the last nine months. In the case of the Bassendean Road Board, there is no doubt so far as this proposition is concerned, whether the line should turn as suggested by the road board, or follow the proposal of the railway engineer. Before this was finalised, the proposal was discussed in Mr. McCullough's office with the Bassendean Road Board, and the member for Guildford-Midland and I were present at that discussion. The same proposal was put up and before it was confirmed by this Parliament it was wiped off. There were no engineers there to discuss the matter or review the proposal advanced and give any cogent reasons why it should not be agreed to. We were in a cleft stick. The Government accepted the advice of the railway engineer and brought down a Bill supporting the proposition, which was passed. Therefore I say at this stage the requests appear to be reasonable.

The Minister lays emphasis on the point that there was no comparison between the Bassendean proposal and the Belmont proposal, because one was an engineering difficulty and the other concerned the removal of the line. I would say to the Minister that in his reply to the Belmont Park Road Board he pointed out that the proposal of the Belmont Park Road Board had been considered but, because of its cost and the fact that it was a longer route than that advanced by the railway engineer, it was rejected.

The Belmont Park Road Board was very concerned about the damage that this railway would do by passing through its district, and its representatives eventually met the Minister for Railways. They had three conferences with him and there were considerable negotiations between the committee from the road board and the railway authorities. The final report of the Minister was that their representations were unsatisfactory. The Belmont Park Road Board were very annoyed, and called a protest meeting. It made further representations to the Minister in this House, the Deputy Premier, in the absence of the Premier, urging that an independent engineer be appointed to examine the merits of the proposal. Finally, the Deputy Premier agreed to that suggestion.

For the life of me, I cannot see why we should differentiate between the two local authorities. There is no doubt that the proposal of the railway engineer will do harm to the Bassendean district. I think the member for Guildford-Midland suggested that the loop should go through the acid chambers of Cuming Smith, but that suggestion was regarded as desecrating the holy of holies because it might affect the supply of super in this country. The interests of this district seem to be of less consequence than the proposal put up on that occasion. The Government should have another look at this and allow Mr. Brisbane, the engineer, to express his opinion on it. The Bassendean Road Board will have no alternative but to accept the decision, just as the Belmont Park Road Board indicated that it would be prepared to accept the decision as final. In my speech on the Address-in-reply I pointed out that this was a matter of Government responsibility and that it was not an engineering problem at all. It was a matter where the Government should have taken responsibility and obviated the division of the Belmont district that would have taken place. From what the Minister said by way of interjection, I understand Mr. Brisbane has confirmed the proposal of the railway engineer. If that is so, it means that Belmont will be divided diagonally and untold harm will be done to the district. The Government must take responsibility for that. It will do a lot of harm to this district, which is in close proximity to the city and, when the city expands and grows, I think the proposal to which we have agreed will have repercussions.

I support the request of the Bassendean Road Board. Portion of this line will pass along what is known as Hardy-rd. This is a good location for building activities and the Workers' Homes Board had a proposal to build workers' homes there. A proposal was put up to construct a decent road to open up that district. All those ideals now fall to the ground, inasmuch as the railway line will intersect between the river and the existing line. When the pro-

posal was advanced by the member for Guildford-Midland on behalf of the Bassendean Road Board, it was said that the proposal was to do away with the eastern line altogether. That was the information conveyed to us during negotiations. Evidently now it is not intended to do away with that line when the main line is placed north of Cresco's. Therefore the suggestion of the member for Guildford-Midland that the line should come across Whatley bridge and into the marshalling yard on the western end is a matter that should be examined by engineers. The request submitted by the Bassendean Road Board is fair and reasonable, bearing in mind that the Government did agree to its request.

**MR. STYANTS (Kalgoorlie) [5.57]:** I do not propose to put forward any opinion of which is the better route to follow, that proposed by the railway engineer or that proposed by the Bassendean Road Board. But I submit there must be quite a considerable difference of opinion as to which is the better route. It would not cost a great amount to have the opinion of an independent engineer on the two proposed routes.

**The Minister for Education:** The only difference of opinion in this case is between the laymen and the engineers.

**Mr. STYANTS:** I have worked over the Belmont line and the main line between Bayswater and Bassendean some hundreds of times, and it appeared to me that if there were no great engineering difficulties—I cannot see that there would be—the Bassendean Road Board's proposal has much to recommend it in that it proposes to go over the Belmont bridge in Whatley and connect with the eastern railway.

**The Minister for Education:** What about the ten-chain curve?

**Mr. STYANTS:** I do not attach any importance to the length of the curve. I have worked over hundreds of curves which would be more acute than is the one proposed at the Bassendean end of the marshalling yard. It must be remembered that no great speed would be developed by any vehicle or train approaching the goods yard because there would be caution signals, slow down signals and distance signals, which, according to the regulations, drivers must observe and bring their trains in completely under control. Once they pass the distance signal, which is usually 500 or 600 yards from the station that is being protected, no great speeds would be involved at any point of these curves, and therefore I feel there would be no danger of derailment. I believe that the difference is between a 10-chain and a 15-chain curve. On a 10-chain curve, a train may travel at 15 miles an hour without the slightest danger of derailment, and

that would be a speed much in excess of what would be permitted on entering the proposed marshalling yards.

I do not wish my remarks to be regarded as a reflection on our present engineers. I have no fault to find with their efficiency or ability, but we have many monuments in our railways to the inefficiency of past engineers. If members desire an example, let them consider the grades on the line to Chidlow, where for years it was necessary for the department, because of the acute grades surveyed up the face of the mountain, to keep a bank engine to assist the trains up the incline. I think two or three attempts were made to improve the grades, and an engineer, 20 or 25 years ago, surveyed a route around the valley and for an additional distance of one or 1½ miles between Wooroloo and Chidlow, succeeded in just about doubling the load that an engine could haul up that incline.

At Yarloop, a deviation in the line of some four or five chains or less enabled engines to haul 120 or 130 tons more than on the original survey. I could multiply instances by the score. I do not include grading in my condemnation of the inefficiency of past engineers of the department because that was really a matter of the policy of the administration of the day. Some of those responsible were not prepared to spend the additional money when the lines were originally constructed in order that better grades might be obtained. By deviating the line at Yarloop a matter of a few chains, it was possible to get a better grade so that in some instances the locomotives could haul 100 tons more than they could over the original survey.

It appears to me that the proposal of the Bassendean Road Board suggests a much more direct route, would involve less expenditure and would enable the railway to enter the main eastern line where the permanent way, drainage etc., have been provided. In addition to the more direct route and the lower expenditure, a redeeming feature is that the Bassendean Road Board's proposal would not involve the demolition of any dwellings. From what I can judge, the department proposes to carry the line over the Belmont bridge, proceed in a north-easterly direction, then turn, and this would involve the demolition of something like 15 houses.

I do not intend to express an opinion as to which would be the better route, but I believe that the only reason advanced by the department against the Bassendean Road Board's proposal is that it could not get into the marshalling yards because a 10-chain curve would be necessary. That contention would not stand investigation by an independent engineer. On the Collie, Bridgetown and Greenbushes lines, there are similar curves where

trains are restricted to a speed of 20 to 25 miles an hour, and that would be much in excess of what would be required or permitted to enter the Bassendean yards.

As one who has had 25 years' experience as a locomotive fireman and driver, I am satisfied that the contention that it would be impossible to enter the marshalling yards on a 10-chain curve would not bear investigation and would not be confirmed by an independent engineer. Therefore, in view of the fact that there is some difference of opinion and that there is evidently some ground for the difference of opinion, and that it would cost very little to obtain the opinion of an independent engineer, the Government would be well advised to approve of the motion.

**MR. BRADY** (Guildford-Midland—in reply) [6.6]: I wish to reply to some of the points made by the Minister for Education, representing the Minister for Railways, because I believe that he, like the Minister for Railways, has been misled in the matter. Only the Chief Civil Engineer's point of view has been considered and the desire of the Bassendean Road Board that an independent engineer should be appointed has not been given any consideration. The road board wrote to the Minister for Railways in June or July last and stated that, if the Government appointed an independent engineer, it would gladly accept his decision and that would be the end of the trouble. As I stated when moving the motion, it would not cost a great deal to engage Mr. Brisbane to give a decision.

I intended to make a point of the matter mentioned by the member for Kalgoorlie regarding the approach to the marshalling yards. I believe that the Minister for Railways and the Minister for Education have dealt with the question of the 15-chain curve on the basis that the line would be passing through open country. That would be the normal traffic curve and would be required to give normal railway working. There are regulations for the safeworking of traffic that must be complied with by drivers, firemen and guards. If they find the distant and home signals at danger, drivers must have their trains under control and must not exceed a certain rate of speed when entering marshalling yards.

When these yards are working normally, approaching trains almost invariably find both distant and home signals at danger, and drivers cannot exceed more than about five or six miles an hour. I have elaborated somewhat the point made by the member for Kalgoorlie because I considered it important. I have a copy of the rules and regulations before me, and there is no question that they require a driver to have his train under control when passing a distant signal and approaching

a home signal. The home signal, in turn, would be 100 yards from the marshalling yards.

When the Minister was speaking, he summed up my arguments under three headings—firstly, that the Bassendean Road Board had not been consulted since the passage of the Bill or, in other words, that its representations had been given insufficient consideration; secondly, that the board's proposal was stated by the department to be, from an engineering point of view, most unwise; and, thirdly, that the effect on certain people in the Bassendean area was such that steps should be taken to revise the proposal and appoint an independent engineer.

In a way the Minister did sum up the arguments I adduced when moving the motion, but he did not bring out some of the major issues that I raised. One is that approximately 250 or 300 building sites will be abolished if the line follows the route proposed by the Chief Civil Engineer. I also made a point that there would be two road bridges to carry the traffic now catered for by seven through roads. Members can easily visualise the congestion that will arise in that area if two bridges have to cater for the traffic now carried by seven roads.

Last year, with the member for Middle Swan, I led a deputation to the Minister for Works when the road boards concerned were trying to get extra revenue to do up the Maylands-Bassendean road. The traffic on the main road between Maylands and Bassendean is as heavy as that on the Great Eastern Highway between Rivervale and Guildford, and to expect that traffic to pass over two or three road bridges when today it has the alternative of using one of seven roads is most unreasonable and will result in the slowing down of through traffic—a most undesirable state of affairs from the point of view of the metropolitan area at this stage.

We were told by the Minister that the proposal of the Bassendean Road Board was totally impracticable, but in saying that the Minister merely quoted the opinion of the Chief Civil Engineer. Later on he stated that the Chief Civil Engineer had to bear in mind the time when possibly there would be a wide gauge railway connecting Kalgoorlie and Fremantle. At the present stage eminent engineers disagree on the question whether there is any necessity for a broad gauge line in this State; they believe that a line on the 3ft. 6in. gauge can meet all requirements for the next 50 or 100 years. Therefore I consider that the Chief Civil Engineer is drawing the long bow when he pretends to be providing for a broad gauge line in 20 or 30 years time, and I question whether it is necessary to adopt a 15-chain curve in anticipation of what will happen if a broad gauge line is carried through.

Since I introduced the motion, the Bassendean Road Board has handed me a plan which the Chief Civil Engineer supplied of the work proposed to be done. I have pinned the plan on the wall of the Chamber for members to see. If the Minister for Education and other members will look at the plan, they will see that right opposite to the point where the line will enter the marshalling yards and connect with the Bassendean-Midland line, there will be a seven or eight chain curve. Yet we are told that it is desirable to have a 15-chain curve in the marshalling yards. The plan shows that some of the curves proposed by the Chief Civil Engineer do not exceed 10 chains, but even on the existing plan submitted by the Chief Civil Engineer, there is an 8-chain curve going northward to meet the existing main line. I consider that the Chief Civil Engineer has an obsession in the matter of the 15-chain curve similar to what I was told affects the people in the Bassendean area.

*Sitting suspended from 6.15 to 7.30 p.m.*

Mr. BRADY: Before the tea suspension I was referring to the loss of housing sites that would be occasioned to the Bassendean Road Board District by the building of this proposed railway, and to the matter of road obstruction. I was stating that the Minister had not dealt clearly with these points. The balance of the Minister's argument can be summed up in this way; that the Government did not set itself out to inconvenience the Bassendean Road Board in particular, but that it so happened that that district was where it was decided to build the line. He also said that argument would follow no matter in what district the line was built, and he maintained that the compensation was adequate and that a slight deviation had been agreed to.

The Bassendean Road Board does not deny that the compensation offered to the people to be inconvenienced is adequate and, in fact, I agree that it is adequate, but the statement that the Chief Civil Engineer agreed to alter the line slightly in accordance with the wishes of the board is not quite correct. The fact is that the portion he did deal with is in the marshalling yards and is not in dispute in this case. The portion of line in dispute is that which comes from Belmont through the back of Bassendean and in between Cuming Smiths and Hadfields. According to "Hansard" the Minister at one stage did say that the board had been given the fullest consideration. I will read what the Minister said, in order to refresh his memory and perhaps at the same time cause him to make a slight correction. The Minister said—

There was a deputation to the Minister for Railways and the Commissioners and there were present members of the Bassendean Road Board,

members of the Protest Committee and members of Parliament. At that deputation a slight deviation of the line was agreed to, with the result that the west side of one street was taken instead of the east side.

I think there that the Minister meant to say that the south side was taken instead of the north side, though the effect is, of course, the same. As I said earlier, the slight alteration deals with the marshalling yards, and not with the chord line which is the portion that is in dispute. The Minister went on to say—

The original plan would have created a small isolated island of houses in an industrial area and that was corrected. The deputation was advised that further alterations could not be considered.

I think the Minister must have meant to say that the deputation was advised that further alterations could be considered, but, if he holds to what he is reported to have said—that the deputation was advised that further alterations could not be considered—one can understand why the representations from the road board and from me as member for the district, were given scant consideration, and why the request for an independent engineer was not agreed to. The Minister also made the point that weaknesses in the construction of railways in the past where small curves were to be found, were probably due to the fact that high costs were involved, but that the modern idea is not to follow that line of argument. He said it was rather to put in whatever was considered up to date in regard to curves. As I have said, on the existing plan, which is in the House, there is shown a curve which is to go into this modern railway, and it is a curve of only  $7\frac{1}{2}$  or 8 chains. It will link the north end of the chord line with the existing Bassendean to Midland line. I feel that, right on top of what the Minister said, that is rather a contradiction.

In conclusion, I will quote one or two other things that the Minister said, in order to prevent members misunderstanding the position. The Minister made the point that more resumptions would be required if the Bassendean board's proposals were accepted, but that can only be so if the Chief Civil Engineer and the independent engineer hold that a 15-chain curve is essential. I do not think the road board has at any time said that an 8, 10, 12 or 15-chain curve is required. All it has said is that, in its opinion, there can be a curve taken off the existing Perth-Midland line so that the marshalling yards can be connected through that curve. I, personally, have quoted various sizes of curves and the Minister may therefore have got the impression that the Bassendean Road Board had done so.

The board does not mention any particular size of curve, but only maintains that it should be given the right to have an independent engineer review its proposals so that he could then decide whether further resumptions were necessary. We argue that further resumptions are not necessary. The Minister said that this inquiry was a new idea on the part of the board, but in fact the board had the idea of such an inquiry for five or six months and the matter was raised in Parliament by me at the request of the board, which felt that only through Parliament could it get the justice that it was not receiving as the result of correspondence and interviews with the Minister. There is one vital point on which I do not think the Minister in this House has quite a correct picture. I will read this out carefully as I think it will have considerable bearing on his viewpoint. The Minister said—

In dealing with the question of costs, the hon. member said that the saving would be at least £100,000. He also alleged, if I understand him aright, that there was a considerable difference in length in favour of the Bassendean Road Board's proposals of the railway construction that would have to be done. My advice is this: Comparing the length of the departmental route with that proposed by the hon. member, the length of the former—that is the departmental route—

I would like the Minister to listen closely to this—

—is 2 miles 17 chains and that of the latter—that is the hon. member's suggestion—is 2 miles 27 chains, or 10 chains further.

So he is under a grave misapprehension in regard to what this means. He apparently assumed that the Bassendean Road Board wanted another 2 miles 27 chains of line built as against 2 miles 17 chains proposed by the Chief Civil Engineer, whereas in actual fact approximately 2 miles of that line is in existence at present and does not have to be built. It is only necessary to have a small curve at the north end and at the south end to connect up with that railway. It is anticipated that anything between £60,000 and £100,000 can be saved if the proposals of the road board are accepted, and, in view of the trend of loans and the views of the Loan Council at the present day, I imagine that such a sum of money would be very acceptable to the Government. In regard to my statement that the Chief Civil Engineer had not given the road board the latest details in regard to the bridges on the north side of the line, the Minister said—

The agitation, conferences and deputations and the like that have taken place have been the very things which have prevented an answer being given to the hon. member.

That was with regard to the traffic from the north side. I referred this matter to the road board, and it says that the loop-line proposals in no way affect the shifting of the station or the need to provide traffic access over the new route of the main line—

The Minister for Education: What is the good of preparing designs and specifications when everybody, such as you, is asking for alterations? It is better to wait until the whole thing settles down.

Mr. BRADY: That may be so, but I personally heard the Chief Civil Engineer tell the road board that he was going to build a road bridge for traffic approximately from the Bassendean station near to Cumming Smith's turn-off. Yet in the plan submitted to the road board on the 12th September last he shows a level crossing to go in and later the Minister, in this House, referred to the fact that the line is to be on a high bank, which is not desirable if the proposals of the Bassendean Road Board are accepted. The whole situation is confusing to the road board and to me as member. At all events, the Minister has not a correct understanding of the position as far as the line between Belmont and the marshalling yards is concerned. As I have already quoted, the Minister said—

My advice is, comparing the length of the departmental route with that proposed by the hon. member, that the length of the former—that is the departmental route—is 2 miles 17 chains and that of the latter—that is the hon. member's suggestion—is 2 miles 27 chains, or 10 chains further.

The fact remains that I do not advocate another 2 miles 27 chains of railway. If I estimate the position correctly, 27 chains is all that requires to be built and 2 miles of double line can be saved, so I think the Minister is slightly confused. In view of the plan which is in the House and the letter that the road board has sent to members, together with what I have said and what the Minister has said, I think members should be well apprised of the exact position and I am prepared to see the matter go now to the vote of the House. These are the points that I think members should keep in mind.

If my motion is carried the engineer, in finding that a 10 chain curve would suffice to do the job, would save for the road board approximately 250 housing sites. He would also save the loss of a considerable amount of revenue, which is a major thing in the administration of any road board today. There will also be saved approximately 15 houses that are likely to be pulled down to enable the chord line to be built.

The Minister for Education: Yes, and pull down others instead.

Mr. BRADY: I dispute that. If the Chief Civil Engineer's argument is upheld, and 15 chains is required for a curve—if that view is upheld by the independent engineer—the Minister's argument is correct and further houses will have to be pulled down. But assuming that the independent engineer stated that less than 15 chains were required, no further houses need be pulled down. Continuing with my argument, I have already made the point that there is as much traffic between Bassendean and Maylands now as there is along the Great Eastern Highway and therefore the slowing down of traffic will be avoided which will not be the case if the Chief Civil Engineer's plan is adopted. The proposal will save loan moneys to the Government and, as I have contended in this House and stressed to the Minister, the fullest consideration will be given to the proposal if an independent engineer is appointed. Everybody will be satisfied, as the board has indicated that it will accept an independent engineer's decision following which nothing further will be heard from it.

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

Ayes	19
Noes	21
Majority against	2

#### Ayes.

Mr. Brady	Mr. May
Mr. Coverley	Mr. McCulloch
Mr. Graham	Mr. Moir
Mr. Guthrie	Mr. Nulsen
Mr. Hawke	Mr. Tonkin
Mr. J. Hegney	Mr. Sewell
Mr. W. Hegney	Mr. Steeman
Mr. Hoar	Mr. Styants
Mr. Lawrence	Mr. Kelly
Mr. Marshall	

(Teller.)

#### Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Dame F. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Oldfield
Mr. Doney	Mr. Perkins
Mr. Grayden	Mr. Thorn
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Mann	Mr. Bovell
Mr. Manning	

(Teller.)

#### Pairs.

Ayes.	Noes.
Mr. Needham	Mr. Brand
Mr. Rodoreda	Mr. Griffith
Mr. Panton	Mr. Owen

Question thus negatived; the motion defeated.

### BILL—COMPANIES ACT AMENDMENT.

#### Second Reading.

Debate resumed from the previous day.

HON. E. NULSEN (Eyre) [7.41]: I have not had much time to study the Bill, but I have read it and it seems to me that the amendment will improve the Act generally. It will tighten up the various sections and will also afford greater pro-

tection for shareholders and the public generally. Further, it will make the legislation more uniform with the Companies Acts in other States and in the British Empire. The repeal of Sections 358, 359 and 360 I consider is warranted because they are peculiar to the Companies Act of Western Australia. Also, they were copied from the 1893 Act.

Some of the sections were taken from Acts passed even before 1893, so they are out of date and certainly do not conform with any other sections in the Acts existing in other parts of the British Empire. Therefore, in that respect the amendment will be of benefit in that it will relieve the registrar of burdens which are not necessary. Also, the deletion of the sections will prevent unwitting offences against the Act and, as the Registrar has pointed out and from what I can ascertain, there has hardly been a breach of those particular sections which were in the old Companies Act and also in the new Act recently passed. I have great confidence in Mr. Boylson, the Registrar, and I am sure he will not give anything away or include in the sections anything that may be detrimental to the shareholders or the public generally in this State. The accountants and accountancy institutes are also extremely jealous concerning the Companies Act and I consider that they, generally speaking, would not agree to anything that would be detrimental to the public generally.

There is an amendment to Section 37 as to which there has been a lot of controversy in this House. It is one which I have always favoured, but I had to give way in regard to it in the Bill which I introduced because I was frightened of losing the whole measure at that time. The then member for East Perth was terribly prejudiced as to private companies, and did everything possible to have anything relating to them deleted. The member for Nedlands at that time was also of the same mind and, to save the Bill, I agreed to the amendment allowing for a maximum of 21 members as against 50 which is the uniform number in the English Act and in the other Acts of the States within the Commonwealth.

I intend to give that amendment in the Bill my blessing because there is no harm in allowing a maximum of 50 members in a private company as against 21. In any event, as the Attorney General has pointed out, a company could register in the Eastern States and then register here as a foreign company. The maximum of 50 is universal throughout the British Empire, including New Zealand, and therefore I see no objection to the amendment.

In regard to the amendment to Section 71, which deals with the reduction of capital by companies, excepting "no liability" companies, it was pointed out by the Attorney General that those com-

panies are more speculative in their enterprises. Notwithstanding that, I cannot see any reason why they should be treated differently from other companies in regard to reduction of capital because I consider that a company wants value for its actual assets. If there is capital that should be written off then that capital is of no value. I would have liked the Attorney General to bring down another amendment to that particular section dealing with "no-liability" companies because such companies can issue to the limit of their share capital, then become insolvent and not pay their debts, which cannot happen with a limited company.

I would therefore like the Attorney General to ensure that a "no liability" company must pay its debts before paying out all its capital in dividends. Instead of dealing with the various sections one by one, which can be done in Committee, I consider that all the amendments contained in the Bill are quite worthy and will be an improvement to the Act. I remind members that I have had a great deal to do with this legislation because I introduced the Bill which took two or three years to get through, and that if there was anything in the amendments which was detrimental to the Act I would oppose them strongly. The Bill has my blessing.

Question put and passed.

Bill read a second time.

*In Committee.*

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

#### **BILL—MARKETING OF EGGS ACT AMENDMENT.**

*In Committee.*

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clause 1—agreed to.

Clause 2—Citation of principal Act as amended:

The MINISTER FOR LANDS: During the second reading debate the member for Melville raised a couple of points and the Committee stage was adjourned to enable me to make the necessary inquiries and provide answers. With regard to the suggestion that the appointment of deputies would increase the cost of the board, I find that there will be no extra financial cost involved. The most important point raised by the member for Melville had reference to the appointment of a deputy chairman. He was correct when he said that the Bill conflicted with Section 15 of the principal Act. I propose to move an amendment to deal with that phase when we reach Clause 4.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Section 12A added:

The MINISTER FOR LANDS: On the advice of the Crown Law officers, I move an amendment—

That in line 2 of Subsection (1) of proposed new Section 12A after the word "board" the words "subject to the provision of the second sentence in Subsection (2) of Section 15 of this Act" be inserted.

That will place the matter in order and, in effect, will leave the Act as it stands at present.

Hon. J. T. TONKIN: I take it that the intention of the Minister now is that a deputy will be appointed for each member of the board, including the chairman, and that instead of the man who is appointed as deputy for the chairman automatically acting as chairman in his absence, the members present will select one of their number to be the chairman. Is that the position?

The MINISTER FOR LANDS: First of all, I should explain that there will be no appointment of a deputy unless a member of the board is to be absent for some considerable time. If a member is to be absent for a week or so, there will be no deputy appointed. The section in the Act concerned sets out—

The chairman shall preside at every meeting of the board at which he is present. If the chairman is absent from a meeting the other members of the board present shall select one of their number to act as chairman at that meeting.

Hon. J. T. TONKIN: I am afraid the Minister's new proposal will not be very satisfactory in practice. He will not have in his possession the names of persons suitable for appointment as deputies should the occasion arise, unless he intends to make the appointment immediately of deputies for all members of the board. The Minister will not know whether the consumers' representative or the producers' representative is to fall ill. A more satisfactory procedure would be to appoint deputies as soon as possible, and the persons so appointed would know that in the absence of certain members of the board they would be called upon to act. If the Minister has to wait until a temporary vacancy occurs and then has to find a person suitable for appointment to act as a deputy, we might find meetings held before any deputy could be appointed.

I am afraid the amendment has been very hastily framed and ill-conceived in the drafting, and that not sufficient thought has been given to the structure and intention of the Act. It seems to have emanated from a sudden desire to find a deputy for someone who intends to leave the State almost immediately and, because no power exists to enable a deputy to be appointed, steps are being taken to give the Minister

the necessary authority to fill the vacancy that he has in contemplation. It is a most unsatisfactory way of dealing with legislation and the trouble will be on the Minister's own head if it does not work. All sorts of difficulties are likely to arise. This is the first time I have ever heard an amendment couched in such terms.

The Minister for Lands: This is how the Crown Law authorities drafted it.

Hon. J. T. TONKIN: They may be proud of it, but I am not.

The Minister for Lands: I think you introduced the original legislation.

Hon. J. T. TONKIN: Yes, I did and we made provision for a quorum of three being sufficient to conduct the business of the board, which comprises six members. We felt it was the business of members of the board to be present at meetings, and provision was made for leave of absence for a certain limited period. The amendment proposed by the Minister will encourage members to trip away on holidays and leave the business of the board to someone else to carry out. That is most unsatisfactory.

The Premier: But surely it would not encourage members of the board to trip away.

Hon. J. T. TONKIN: Does the Premier think it wise in connection with a board of this description to have persons making decisions who are only appointed for a matter of a few days? The good work of the board might be undone because of the action of some temporary appointee. This is not a tin-pot board running a temporary show. It has very substantial assets and has a very substantial industry under its control. If we are to have a responsible board like this one run from time to time by temporary appointees, it will be most unsatisfactory.

The Premier: But this does not imply that the deputies will be irresponsible persons.

Hon. J. T. TONKIN: I would not say they would be irresponsible persons, but they would come on to a board such as this without much knowledge of its previous operations. What opportunity would they have had to become familiar with the work of the board and its decisions?

The Minister for Lands: They could be ex-members of the board.

Hon. J. T. TONKIN: How many could be?

The Minister for Lands: There are egg producers who have been members of the board and have been replaced by others.

Hon. J. T. TONKIN: Does the Minister know how many ex-members are living?

The Minister for Lands: I have not gone into that.

Hon. J. T. TONKIN: I doubt whether there is more than one.

The Minister for Lands: I was hoping there would be more than one living.

Hon. J. T. TONKIN: We cannot fill vacancies with hopes.

The Premier: Would not deputies be placed on the board who had an intimate knowledge of the industry? Such a man would come on to the board and matters would be discussed with regard to eggs, and surely he would not have difficulty in following those discussions and coming to decisions, with all his practical knowledge?

Hon. J. T. TONKIN: If it were the Minister's intention to do as I suggested might be done, the position would be as the Premier has stated. But that is not the Minister's intention. It is not the intention immediately to appoint deputies for these members of the board. The Minister will not appoint a deputy, so we have been told, until a vacancy is about to occur; and so, without a panel of experienced men from whom to choose, he has immediately to look around for a suitable person who can fill the vacancy for the time being.

The Premier: But that should not be difficult, should it?

Hon. J. T. TONKIN: It would not be difficult to find a man, but it would be difficult to find one sufficiently familiar with the operations of the board to be able to give a reliable judgment on important matters which come up for decision. Surely the Premier will appreciate that a certain background is necessary to enable anybody to go on to a board, participate in the discussions, and make very important decisions. That is not achieved by appointing anybody whose name might occur to the Minister at any moment. The Minister has told us it is not the intention immediately to appoint deputies and have them in training and watching the position. Deputies will not be appointed until vacancies occur. Suppose we pass this Bill and no vacancy occurs for two or three months, so that no appointment of a deputy is made! Suddenly, one of the members falls ill, and a meeting of the board is to be held. It is then the intention straight away to appoint a deputy for one, two or three meetings. Where would he be found and what knowledge would he have of the business to be transacted?

The Premier knows that in most organisations where deputies are appointed they are known beforehand. Such a deputy is appointed and may not sit for weeks, but it is his business to make himself familiar with the work he will be called upon to do should occasion arise. But we are asked to allow the operations of this board to be run by persons who might hop in and out at the Minister's whim whenever a temporary vacancy occurs! That is a most unsatisfactory way of running an important establishment such as the Egg Marketing Board, which has not a

few thousand pounds' worth of assets but some hundreds of thousands of pounds' worth.

Mr. Hutchinson: Do you suggest that each board member should have a deputy?

Hon. J. T. TONKIN: If it is the Minister's intention to appoint deputies, they should be appointed at once. There should be a deputy for the consumers' representative and a deputy for the producers' representative, and they should be known beforehand, instead of waiting until a vacancy occurs. I would not take responsibility for what would happen under a set-up like that.

The Attorney General: Would not the Minister be likely to appoint a Government official?

Hon. J. T. TONKIN: No, because the Bill says that somebody must be appointed who is representative of a particular interest.

The Attorney General: It would be all right so far as the chairman is concerned, but not with regard to the others.

Hon. J. T. TONKIN: That is the member with whom the Government is least concerned. The real idea behind this move is this: The producers have all the time been endeavouring to get control of this board. They have made no secret of that. When we set this board up, there was a lot of argument about it in this House. I, as the Minister in control of the Bill, would not agree to giving the producers majority representation on the board because that would give them control of the industry, and we had had knowledge of the experience in other States where that had been disastrous to the industry because producers' representatives, on being elected, would be subject to outside pressure and, against their better judgment, would be obliged to come to decisions which would not be in the best interests of the State generally. To overcome that position, in the Bill originally presented to Parliament we provided that, of the six representatives on the board, three should represent producers but only two should be elected, the other being a nominee of the Minister, and therefore not subject to outside control.

That worked particularly well, but it did not suit those producers who wanted ultimately to obtain control of the board. So they put pressure on this Government, to which it yielded, to change the nominated member to an elected member. I am bound to say this to the discredit of the present Minister for Housing, that when this matter was being debated here he misled members by using erroneous figures with regard to an election which had previously taken place; and I believe that what the Minister stated on that occasion was responsible for the alteration to the Act being made, providing that the whole three producers' representatives should be elected.

Having reached that stage, some producers have seen that occasions might arise when one or more of their members is unable to be present, and they have always wanted full representation at board meetings. So they have asked the Government to provide that in the event of any of the producers' representatives being absent, another producers' representative can be appointed so that there will always be a full number in attendance. It seems to me they are more concerned about having full numbers present than about the qualifications or knowledge of such members. That is not the view we should take, because we must have regard to the welfare of the industry generally as well as that of the consumers and of the State as a whole.

We have been most fortunate in Western Australia in the way this board has operated. Such boards are in serious trouble in more than one other State. In one State, the trouble is so serious that a Royal Commission has had to be appointed to clear up the mess. That was brought about by the very weaknesses we foresaw here and guarded against. It would therefore be wrong and foolish for us to do anything which could weaken the structure of this board. We have already made one bad step in providing that the three members shall be elective, instead of providing that at least one of the producers' representatives shall be nominated and therefore not subject to outside pressure. We know how elected persons can be subjected to pressure. Members of Parliament who do not command large majorities can be more susceptible to pressure than those in seats where the margins are large; and in much the same way elected persons who wish to remain on boards know very well that, unless they fall in with the desires and wishes of those who elect them, they stand a very big risk of being replaced. So the logical conclusion is that they are susceptible to the arguments of pressure groups.

We are to have the position that, should any member be absent for any reason, somebody will be nominated in his place who will probably have very little knowledge of the operations of the board and of the struggles which have taken place within the board over various matters. Although I said we have been singularly fortunate in Western Australia in the way the board has been run, I know very well, and I think the Minister knows, and I hope the Premier does, that there have been matters discussed by the board which have been of serious import and the subject of very close voting. It is conceivable that some person with an axe to grind, because he sees some personal advantage to be obtained, could, in the absence of regular members of the board, have a decision made which would be contrary to the interests of the industry, and we have to guard against that possibility.

This idea of appointing a deputy if and when a vacancy occurs is unsatisfactory. I am not opposed to the appointment of deputies so long as they are persons with a proper knowledge of the industry, and do not have to be selected on the spur of the moment. Surely the Minister appreciates that at different times vacancies have occurred and it has been necessary to look around quickly for somebody to fill them, and it has not been easy to find the right man.

The Premier: I feel sure that when the hon. member was administering the department, if he had wanted a deputy he would not have had much difficulty in finding the right man.

Hon. J. T. TONKIN: I am telling the Premier I did have difficulty on a number of occasions in finding the right man to put on the board, though I had months to think about it. The Premier has been in that position, too. He has known for months that there have been jobs to be filled but he has not been able to get the right men for them. Has he the right man to take Mr. Dumas's place?

The Premier: No, not yet.

Hon. J. T. TONKIN: Of course not. I doubt whether the Premier will see him within the next month. If he had to fill the place suddenly he would have a difficult problem.

The Premier: I could find someone.

Hon. J. T. TONKIN: The Premier could go into the street.

The Premier: No. I have someone in mind.

Hon. J. T. TONKIN: Someone can always be found, and that is the danger I see here. On Monday morning the Minister might get a ring to say that the producers' representative is ill and a deputy is required.

The Premier: It would not be as sudden as that.

Hon. J. T. TONKIN: Why not?

The Minister for Lands: I have explained that a member has been away sick for a week, and it is not intended to appoint a deputy in that instance.

Hon. J. T. TONKIN: The Minister could not now, because he has not the power.

The Minister for Lands: This is to make provision for it.

Hon. J. T. TONKIN: When a vacancy occurs the Minister will have to appoint a deputy. Is it intended to appoint a deputy every time a vacancy occurs so that there will be full representation, or only to appoint one now and again?

The Minister for Lands: It is intended to do it when anyone has a long illness or goes away. A member of the board is going oversea for three months. It is not intended to appoint a deputy if a member is away for one or two meetings.

Hon. J. T. TONKIN: Is it expected that more than one person will be away at the one time?

The CHAIRMAN: Order! The member for Melville should address the Chair. The Minister can reply when he has finished.

Hon. J. T. TONKIN: We are entitled to know what is likely to happen under the Bill, which provides that the Minister may appoint a deputy for each member of the board. There could be six deputies.

The Premier: Is that likely to arise?

Hon. J. T. TONKIN: We never know what is likely to arise under this Government, which has used power it does not possess so it can certainly be expected to use power that is given to it. Under the Bill, six deputies could be appointed.

The Premier: An extremely unlikely happening.

The Minister for Lands: It would not happen in a hundred years, unless a plague occurred.

Hon. J. T. TONKIN: This Government made temporary appointments to the Transport Board when it had no power to do so.

The Minister for Lands: Yet the board is functioning all right.

Hon. J. T. TONKIN: The Government had to pass a validating Bill to make it all right.

The Premier: If the producers have an organisation which elects a representative, would it not be natural to consult that organisation with regard to a deputy if you wanted one?

Hon. J. T. TONKIN: That might make the position worse, because there would be someone as a member of the board, with no responsibility. He would be a temporary member, could do what he liked, and would then move out when the proper member returned, but the damage would be done. There is not much to recommend that. The Premier says it is unlikely that six deputies would be appointed, but it is not unlikely that three would be. So we could have the situation where the deputy members of the board could override the decisions of the regular members and possibly cause dislocation in the industry. The amendment is ill-conceived. It has been rushed in without proper thought about the implications because of a request from some quarter. The industry might suffer, and the responsibility will be on the Government. The Minister is not clear as to what is to happen with regard to the chairman; whether it is intended to appoint a deputy and whether that deputy shall be the deputy chairman.

The Minister for Lands: I have already said that the members of the board will elect their deputy chairman.

Hon. J. T. TONKIN: If that is so, is it intended to appoint a deputy for the chairman if the chairman is absent?

The Minister for Lands: Would they appoint a deputy chairman if he were there?

Hon. J. T. TONKIN: No. But this states that the Minister may appoint a deputy for each member of the board. Is not the chairman a member of the board?

The Minister for Lands: No. Well, he is, but he is nominated.

The CHAIRMAN: The Minister can reply when the member for Melville has finished.

Hon. J. T. TONKIN: The Minister says the chairman is a member.

The Minister for Lands: He is not an elected member.

Hon. J. T. TONKIN: If the chairman is a member of the board—and I cannot see how he could be otherwise—what particular interest does he represent? The Minister may appoint a representative of a particular interest. How will the chairman's deputy be selected? Will this be referred to the poultry association?

The Minister for Lands: I take it that, in the absence of the chairman, one member of the board will be elected.

Hon. J. T. TONKIN: That will not be possible under the Minister's amendment, because if he is already a member of the board he cannot be appointed a deputy for another member. That will not solve the Minister's problem. I think it is obvious that the various difficulties associated with the legislation have not been adequately considered. We are entitled to know precisely what is expected to happen upon the passage of this legislation, and I say the Minister is not in a position to advise us. If, however, he is, he can do so when I sit down. It is clearly stated here that the Minister shall have power to appoint a deputy for each member of the board, and there are six members. This means that the Minister can appoint six deputies, one of whom shall be the deputy chairman; but the Minister says the deputy chairman will not take the chair. What particular interest will the deputy chairman represent when he is on the floor of the board and not in the chair, seeing that the chairman does not represent any particular interest but is appointed by the Minister? Will the Minister answer that?

The Minister for Lands: Yes, when you give me a chance.

Hon. J. T. TONKIN: The Minister has his chance now.

The MINISTER FOR LANDS: The member for Melville goes all round the world and raises bogeys, and there is nothing in them. He was the Minister who introduced the legislation, and we are getting back to

Section 15 which he placed in the statute. What has brought this about is that one member of the board is going to the Continent, and he will be away for three months. He is a producer's representative, and the poultry farmers' organisation asked that a deputy be appointed in his place. This will not present any difficulty because the poultry farmers have their own organisation, which is most active. We have poultry advisers in the department who regularly visit the poultry farms, and they know the men who are capable of deputising on the Egg Marketing Board. Undoubtedly they would consult with the Minister in making suitable recommendations as to deputies. The Bill makes provision for deputies, but then Section 15 of the Act provides that the board shall elect a deputy chairman from one of its own number. I can see no difficulties in the administration whatever. The matter has been well considered.

Last evening the member for Melville raised the point that Clause 3 of the Bill conflicted with Section 15 of the Act. That will be corrected. I feel that otherwise the Bill is quite safe and that we will be justified in electing a deputy when a member of the board is absent for a considerable time. The hon. member says we should elect these deputies before the vacancies occur. We do not know when vacancies will occur. We do on this occasion, because a particular member of the board has said that he will be going to the Continent for three months. There is no intention to appoint a deputy when a member is ill, or is away for only a meeting or two. The Minister will use commonsense and reason. He will require proof that the member of the board will be absent for some time before he will appoint a deputy. Does not that happen with all boards? If a member of the board is away sick for one or two meetings the board will not worry about appointing a deputy but when we know a member is to be absent for some time, it is the intention to appoint one.

Hon. J. T. Tonkin: What about dealing with the point I raised?

The MINISTER FOR LANDS: I have.

Hon. J. T. Tonkin: What about the question of the chairman?

The MINISTER FOR LANDS: The chairman is appointed by the Minister and if the chairman is absent, and it is necessary to appoint a deputy provision is made in Section 15.

Hon. J. T. Tonkin: But what about the deputy for the chairman?

The Minister for Education: He is a deputy for the member and not as the chairman.

Hon. J. T. Tonkin: What interest will he represent?

The MINISTER FOR LANDS: Of course that will lie with the board, will it not?

Hon. J. T. Tonkin: No.

The MINISTER FOR LANDS: Yes, it will.

Hon. J. T. Tonkin: The board does not appoint the deputy.

The MINISTER FOR LANDS: Section 15 covers that aspect and the members appoint the deputy chairman.

Hon. A. R. G. Hawke: What about the deputy member for the chairman if the chairman is oversea?

The Minister for Education: In that case a deputy member is appointed to the board and the board itself will appoint its own chairman during the chairman's absence. Section 15 provides for that.

The MINISTER FOR LANDS: Subsection 2 of Section 15 provides for it and I think I have explained the position.

Hon. J. T. TONKIN: The Minister is not fair because he made no attempt to deal with the points I raised. The position is easy with regard to producers' and consumers' representatives when any member is absent, but where does the Minister get a deputy for the chairman? What particular interest does that man represent? At a constitutional meeting of the board there is a chairman with three producer representatives and two consumer representatives on the floor. But if a deputy to the chairman is appointed, he does not sit in the chair but goes on to the floor; but if a consumer or producer representative is appointed in his place, what position will the board be in?

The Minister for Education: The position contemplated by the Act when the chairman is away.

Hon. J. T. TONKIN: But not in the position contemplated by the Minister. The Act says that there shall be six members and if the chairman is away that leaves five. If a producers' representative is put into the chair that will leave two producer and two consumer representatives on the floor.

The Minister for Education: The same thing could happen if one was away and there was no question of deputies.

Hon. J. T. TONKIN: Yes, but what particular interest does the deputy for the chairman represent, because he is the man who will make the decisions?

The Minister for Education: He represents the interests set out in the Act.

Hon. J. T. TONKIN: The member who is appointed as deputy for the chairman will be in a position to exert considerable influence upon the decisions of the board. This is a difficulty that has never occurred to the Minister and he has made no satisfactory attempt to explain what

will happen in such a case. I am sure no thought was ever given by the Minister or the Government to the possibility of requiring a deputy for the chairman and the only reason for the Bill was that a producers' representative was going away and somebody was wanted to fill his place. I have no quarrel with the question of appointing deputies, because it is far better to have a full meeting of members of a board than that decisions should be made by a smaller number. But I can see the danger of calling in persons, from time to time, who are unfamiliar with the operations of the board. That is what could happen under this Bill. The chairman is a specially selected man and has to be impartial, and so representative of interests generally. That is why he is made chairman. If he is to be absent for any great length of time, is it a wise procedure to provide that a deputy shall be appointed, but that that deputy shall sit on the floor of the board and one of the ordinary members shall take the chair?

The Minister for Education: But the chairman has not two votes.

Hon. J. T. TONKIN: It does not make any difference.

The Minister for Education: Of course it does. The man who sits in his place will have the vote and will have the same interests in mind. If he had two votes I would take your view.

Hon. J. T. TONKIN: The Minister is always presupposing that there will be a full meeting of the board.

The Minister for Education: I am not.

Hon. J. T. TONKIN: If there were a full meeting of the board surely the Minister can see that in the circumstances the person who is appointed as a deputy for the chairman will not be in the same position as the chairman usually is.

The Chief Secretary: But that is a position you cannot escape.

Hon. J. T. TONKIN: If there is no particular virtue in having a certain person as chairman, why do the producers invariably elect one of their members to the chair when the chairman is absent?

The Minister for Education: I daresay there is some particular virtue.

Hon. J. T. TONKIN: Of course there is.

The Minister for Education: If your argument is sound, it will be equally reasonable to expect the board to elect its own chairman when the chairman is absent.

Hon. J. T. TONKIN: My argument there is that under the existing structure of the Act no deputies are appointed, and it is not likely that the chairman would be away for long periods. The only time he would be away would be because of illness.

The Minister for Education: If a deputy had been appointed in his place in such cases, the position would have been improved.

Hon. J. T. TONKIN: Not with the Minister's idea, because it is not contemplated that the person who is appointed as deputy for the chairman will take the chair.

The Minister for Education: With all good faith, I cannot agree with you.

Hon. J. T. TONKIN: I have explained my point of view and the Minister has not satisfactorily answered the arguments I have put forward, but of course he has the numbers to push forward with his amendment.

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

Title—agreed to.

Bill reported with an amendment.

### **BILL—PETROLEUM ACT AMENDMENT (No. 2).**

#### *Message.*

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

#### *Second Reading.*

**THE MINISTER FOR HOUSING** (Hon. G. P. Wild—Dale) [8.58] In moving the second reading said: This Bill was previously introduced into the Chamber on the 26th September last and later ruled out of order.

Hon. J. B. Sleeman: Have you received your Message yet?

The MINISTER FOR HOUSING: It is not my intention this evening to go through all of the second reading speech again, but I will pick out what I consider to be the two most important amendments in order to refresh the memories of members. The Bill is being introduced to permit two joint companies, the California Texas Corporation and Ampol (Australia) Limited, to explore for oil in the North-West of Western Australia. Representatives of those two companies came to Western Australia some two or three months ago, made representations to the Government, and put up certain suggestions. Some of these representatives returned to America and consulted their parent companies. The people concerned have now returned to this State and at present are in our North-West waiting, we hope, for the passage of this Bill, so that they may enter into an agreement with the Western Australian Government and so commence immediate exploratory work in connection with boring for oil.

The two provisions that I refer to are, firstly, an amendment to Section 14 of the principal Act which at present reads—

All helium discovered by any lessee of land held under a petroleum lease shall be the property of the Crown, and the person discovering the same shall forthwith report such discovery to the Minister.

The companies coming to this State are going to spend initially 1½ million pounds, which is a considerable amount of money. It is considered by the Government to be only fair and reasonable that if this very precious gas of helium be found, some recompense should be given to this company for having spent that capital looking for oil and possibly finding this very scarce gas. I mentioned previously, and I repeat, that experts say there is very little likelihood of helium being found in this State, but it is necessary to close the gate and it has been found desirable to add two further subsections to Section 14 of the parent Act, which will reimburse a reasonable amount to the company in respect of the discovery of helium and will also give the company the option to undertake such development as is necessary in its recovery. It is really giving the company the option either to carry on with the recovery of helium or to continue its oil exploratory work.

The other important amendment is to Section 63 of the principal Act which at present insists on a covenant by the lessee not to ship or export any crude petroleum to any place outside the State without the consent of the Minister. It is not known what type or quantity of oil may be found in the North-West. It could be the type of oil similar to that found in Tarakan. Some members will recollect the occasion during the last war when the island of Tarakan was taken by the Australians and great endeavours were made to see that the installations were not destroyed, because the oil found there was of such a quality that it could be poured immediately into the battleships of the Pacific fleet. At the same time, oil could be a type that is not used for refining but is put on to roads.

It would therefore be asking too much to pin this company down and, having given it the right to find this oil, to insist that it set up a refinery in Western Australia. As the company is putting a lot of money into this, the Government, in order to assist the undertaking, is going to ask the House to permit it to put up a refinery in some part of Australia, if need be. If it is necessary and if suitable oil is found, the company has agreed to erect a refinery in Australia. But there is nothing mandatory in this Bill, as there is in the parent Act. It will be of great benefit to Western Australia if oil is discovered, and I think everything should be done not only by the Government but by the people of Western Australia to encourage these people to find oil. I move—

That the Bill be now read a second time.

**MR. MARSHALL (Murchison) [9.5]:** Members are well aware that this is the second time this Bill has been presented to this Chamber, and therefore it is no stranger. At the outset I would like to say that I have given very close consideration to the measure, and I find that the Minister in another place and the Minister representing him in this Chamber have given correctly all the details that may be found in it. They are correct in every particular. But there are some amendments to which I would reluctantly agree if it were not for the importance that may be attached to the passage of this Bill. Up till the year 1936, the only provision we had in the way of statutes controlling prospecting, development or exploration in the production of oil was that placed in the mining statute of 1904. Seemingly, in 1936 interests prompted the then Government to give some consideration to providing a special Act controlling this form of production. So we have the present Act which has been amended on two occasions since its presentation and passage in 1936.

It seems strange to look at the situation now compared with some years previously. Endeavours successfully to produce oil in Australia, and particularly in Western Australia, seem to have been frustrated by a non-desire on the part of those whom one would expect to be vitally interested in its production. Of course, rumour has had it that they had no desire that oil should be found in Western Australia because of certain peculiar interests. Whether there is any truth in that I cannot say, but it is true that there was never any great enthusiasm by foreign companies so far as the production of oil in Australia was concerned. In 1936 we cut the State up into provinces and provided certain rights controlled by certain statute ramifications for the purpose of prospecting for oil. I cannot say how many provinces there were but they are particularly extensive in area, and I understand that Ampol (Australia) Ltd. has been operating under the provisions of that Act for some considerable time in an endeavour to carry on exploratory work in one of the provinces so defined.

Before I deal with the proposed amendments, I would like to make a general survey of the situation to justify my agreeing to the passage of this measure, because there are one or two provisions in it which I would strongly oppose if a Bill were brought down to so amend the Mining Act—that is to say, the Act which controls the development and exploration of the metalliferous mines of Western Australia. But when one reviews the situation and looks at the proposition broadly, if we are enthusiastically inclined to invite foreign companies to spend a colossal sum of money in exploring Western Australia for the purpose of successfully discovering oil, then I feel we must agree to the measure.

The situation of the British Empire in the matter of oil supplies is more or less tragic. Unfortunately, it does not produce sufficient to satisfy its normal needs, and one can imagine the great benefit that would result, not only to Australia but also to the whole of the British Empire, if a company were successful in discovering petroleum here. I have a cutting from a paper indicating that the British Empire is short of 5,000,000 tons of oil for normal use every year. That is a terrific shortage and it is certainly tragic at the moment, what with the uncertainty and discontent prevailing throughout the world and particularly in various areas where oil is being produced.

This makes the position of the British Empire all the more precarious and necessitates our doing everything in our power to encourage any company that has the wherewithal to explore to the full the territory of Australia, and more particularly of Western Australia, in the hope of discovering a gusher. Only because of that urgent necessity and the great importance that such a discovery would be could I support one or two of the proposed amendments. Taking the Bill generally, most of the amendments are of no great moment. As I have already indicated, only one or two of them are of major importance.

I may point out that under the Act there are three different stages to be observed by any individual or company wishing to explore and develop an area. The State is divided into provinces and the first step necessary for anyone wishing to explore is to apply for a permit to do so. This gives the right to carry on geological, geophysical and aerial surveys in the area granted, and that area may be extensive. Prospecting for oil is much different from prospecting for minerals, metals or coal. I am given to understand by experts that only by the granting of large areas where prospects are promising would any company be warranted in spending the requisite money in the hope of discovering oil.

Having carried out the geological, geophysical or aerial survey or all of them, the second step is that if indications warrant further expenditure, application must be made for a license to prospect. This gives further concessions, and rightly so, to carry on active prospecting such as boring and other forms of development which a company may decide to adopt to discover the value of the holding after prospecting for a considerable time in an area which is reduced as compared with that granted to explore. If, after prospecting, the company discovers possibilities, application must be made for a petroleum lease which—I am speaking from memory—is limited to about 160 acres, but, as with leases under the Mining Act, more than one lease may be held. I think the Act limits the holder to five leases. Thus we

have these provisions to control any individual or company desirous of testing the State for the presence of oil.

The first provision in the Bill relates to the discovery of helium. This is a strategic gas, and I understand from those in a position to speak authentically that it is not likely that the discovery of helium will be made. It is possible, but the chances are remote. Under the Bill, if helium is discovered while the holder is in possession of a petroleum lease, it must be reserved to the Crown, and rightly so in the circumstances, because it is a strategic gas and is an element of the argon group to be found in minerals, mineral waters and natural gases. It is a product of certain radio-active transformations, and one can gather that there is good reason for reserving it to the Crown. The provision in the Bill goes a little further than that in the Act by providing that, if helium is discovered in the process of prospecting under a license to prospect, then again it is reserved to the Crown.

The individual or company is to have the right, at the request of the Minister, to develop and explore a discovery of helium, but it shall be optional for the Minister himself to do it, and if the Minister takes this action, then compensation must be paid to the discoverer to the extent of the cost involved in finding it. I do not think anyone can complain of that.

This gas was originally used for aerial transport in lighter-than-air machines, but I believe that it is now used mainly in medicine and metallurgy. As it has some relationship to radio-active transformations, there must be something else of great value in the gas and consequently it is reserved to the Crown. I have no objection to that provision. I point out to the Minister that the wording of this provision may be read in two ways. I understand that the Minister for Education, with his trained mind, reads it in the same way as the Crown Law Department and, if the legal members of this House are satisfied that the Crown Law Department's interpretation is correct, I shall offer no further objection.

The next amendment in the Bill deals with that provision which enables the Minister to give notice to the holder of a permit that he must perform certain functions as part of the survey operations. I feel that this provision was taken from the Mining Act. It is very wise to provide that the Minister shall have some control over mining in all forms throughout the State. As a matter of fact, I think that, with regard to metalliferous mining, he should have more power than is provided in the Act, and should be able to issue directions for the purpose of ensuring efficient and economical development so that the whole of the mineral wealth can be secured for the benefit of this country. My experience many years ago in

the metalliferous districts was that gold companies working on the Stock Exchange picked the eyes out of some of our gold-mining propositions and then closed them down. There are several mines on which I worked which were closed down long before they should have been.

I agree that the Minister should have the power provided in the Act; but we have to remember that our departmental officers are not as well versed in the technique and mechanisation of prospecting for oil as is the case in coal recovery and metalliferous development. I am given to understand that the companies employ really expert technical men who are thoroughly conversant with the technique. The Bill simply alters the existing situation so that the Minister can instruct or direct but only in conformity with recognised principles of prospecting for oil. I think that that is the correct procedure because, as I have said, our technical officers are not as well versed in these matters as are those who have known no other occupation all their lives.

In the Act it is set out that the Minister shall have power to cancel a permit to explore forthwith if the holder offends against the Act or regulations. That is pretty drastic. It has to be remembered that in prospecting for oil or developing oil discoveries the work is done in the more remote and isolated parts of the State, and companies are cautious about incurring huge expenditure in exploration work in this industry unless they have some say over their own destiny. We find that Ampol Petroleum Limited is apparently not courageous enough to tackle this proposition financially on its own, and the California Texas Corporation is operating jointly with it. That indicates that considerable capital is involved in prospecting for oil.

It is provided in the Bill that if the holder of a permit breaches the Act or its regulations or fails to follow out instructions, instead of the permit being cancelled forthwith, the Minister shall give such holder 90 days in which to rectify the omission, and if that is not done within the time specified or the holder cannot provide him with a reasonable excuse, he will take action and cancel the permit. I do not consider that is too drastic. If a permit-holder has 90 days to make amends for some misdemeanour or for some action contrary to the regulations, which provide for all instructions of the Minister to be in conformity with the recognised principles of prospecting for oil, the provision is not at all drastic. It has to be recognised that these companies are involved financially to the extent of millions of pounds, and will probably lose the lot. We hope they will not, and that their efforts will be rewarded; but they may lose their capital, and they realise the fact. We must appreciate it,

too, and be generous and considerate in such restrictive laws as we might enact to control prospecting for oil.

The Bill also seeks to amend that provision of the Act relating to the duties of the holder of a permit in respect to the furnishing of quarterly returns. The Act provides that this shall be done in ten days after the expiration of each quarter. Permit holders also have to supply geological maps and reports of surveys of work performed. These have to be submitted to the Minister every quarter within ten days of its expiration. It has been pointed out, and I think every member will agree, because we are all familiar with the isolated nature of those parts of the State where prospecting for oil is carried out, that it is almost impossible for an individual or a company to submit a report in the time specified. Apart from that, it is impossible for permit-holders to submit within ten days of its completion plans and surveys of work performed.

It may take a draftsman anything up to two or three weeks even to draw up a plan and outline the surveys made. The Bill provides for extending to the individual or company concerned the right to submit a report within 30 days of the expiration of the quarter, and for the maps and surveys to be forwarded at a convenient period, or as soon as possible thereafter. There is a provision in the Act that demands that an individual or company shall start to prospect within a given period. I think that under the permit to explore it is six months and under the license to prospect it is three months. The people concerned must begin the work within those respective periods and must carry on continuously. I am given to understand that the companies object to the word "continuously" because they go into isolated parts of the State where labour is hard to obtain, and to which places it is difficult to transport materials and equipment. Of course they have to shift from place to place so that it is almost impossible for them to carry on continuously. They ask therefore, that the word be withdrawn. I think there is provision in the Bill which gives the Minister power to ease the situation, and at the same time keep some tag on the progress and development of the work.

In regard to cores, I am given to understand from geologists that it is not necessary to hold any given quantity of bore core. I am told that the experts who control the development of the bores know the country. Most of them, of course, are geologists. I can speak authentically on this subject so far as metalliferous mines are concerned. The geologists rightly say that certain strata cannot possibly contain anything of value, so far as oil is concerned. So, why keep 66 per cent. of it? I agree with that. They will only keep those parts which are of value so far as indicating the presence of oil is

concerned. Whilst we shall have our own inspectors on the spot—and I have no doubt as to the honesty of purpose of the companies—I do not think the provision is unwarranted, or that we can offer much objection to it.

The next provision deals with a portion of the Act under which the Minister has the right to instruct a company or individual in regard to the technical, material or practical side. Whilst that might be all right in the metalliferous mines, where our departmental officers are experts, or in the coalmining industry where we have experts to advise the Minister, when it comes to prospecting for oil I think we can give way to the individuals who have full knowledge of the work. The provision in the Bill is to ease the present situation, and the power of the Minister to instruct or direct in regard to operations, materials, etc., will be used in conformity with the practice carried out in all forms of prospecting for oil in other countries, or according to the recognised principles of prospecting for oil. So, I do not think we need worry much about that provision.

The next part of the Bill repeals Section 50 which gives the Minister power to cancel, suspend or prevent further exploration. Here again I am given to understand that the companies look upon the provision with a great deal of reluctance, and that they hesitate to take on the responsibility of prospecting with it embodied in the Act. Again, without wishing to tire the Assembly by repetition, I say it is obvious that, if we are to encourage these people who spend huge sums of money, we must concede this provision. I would not agree to giving away any such power in connection with metalliferous mining, but, having regard to the situation in which we find ourselves here and being desirous to do nothing to prevent oil exploration in the State, we can agree to this portion of the Bill.

The next provision is to amend that part of the Act which sets out that a lessee shall not assign, under-let, or part with possession of the land without ministerial sanction. The Bill proposes to add the words, "which consent shall not be unreasonably withheld." Under the Act a lessee can transfer his lease but the Bill will give him the right to assign, sublet, etc., and the Minister shall not unreasonably withhold his consent. There is not much in that provision to which we can take exception. The next proposed amendment concerns Section 63 which contains three different provisions for the purpose of exploring, prospecting and leasing.

The Bill contains a provision by which the Minister shall not cancel forthwith, but shall give 90 days' notice, and at the expiration of that time, the company or individual must have made amends, or submitted reasons to the Minister, for not

having done so. In other words, the Bill merely provides that the lessee shall get 90 days' notice before the Minister cancels his lease. If he has not done what is required of him, and gives reasons for not doing it, then the Minister need not be too drastic. There is nothing there that we can complain about very much. The next provision is almost on all fours with this. It asks for 90 days' notice on the third stage of development. The three stages are, firstly, a permit to explore, secondly a license to prospect, and thirdly a petroleum lease. This provision makes them all uniform.

The next portion of the Bill seeks to amend Section 65. Here there is a clerical omission. The word "petrol" is used instead of "petroleum." The anomaly is sought to be corrected. The succeeding provision is a little different. It provides that no lease shall be granted to any individual who is not domiciled, or to a company not formed, within the Commonwealth. That is pretty drastic and cannot be allowed to remain in the Act if we wish foreign companies to invest money in this State, and so the Bill contains provision that as long as the Government is satisfied that circumstances justify it, it is competent for the Minister to grant a lease even to a company formed outside Western Australia or an individual domiciled outside the State.

There is another provision with regard to Section 63 which contains the covenants and conditions set down in all petroleum leases. Some of them we need not consider, but the Bill seeks to amend that section in several ways. One of those conditions is that prospecting for anything but petroleum is permitted, and that obtains under the Act at present. Members who have been in this House for any considerable time will recall the granting of reservations to certain companies for deep alluvial mining purposes. We then provided that they could not exclude prospectors from their areas, but we also made provision to prevent the prospectors from interfering in any way with the mechanisation or works of those who held the reservations. This is a similar amendment to provide that prospecting may go on, but that the prospector may not interfere with or do anything to prevent the original holder of the area from developing his prospecting venture within that area.

Another provision is for power for the Minister to direct the lessee to work the lease in accordance with the regulations and to the satisfaction of the Minister. Again we find under this measure that the Minister does that, but according to the theory of practice recognised by all as being that involved in prospecting for oil. That is simply to give the same provision as we have referred to in Nos. 3 and 6. The next amendment provides that the lessee shall not ship or export crude oil,

and this is vital. In the amending Act of 1949 the new paragraph (e) in Section 5 reads—

A covenant by the lessee that so long as any petroleum or any product thereof obtained from any land held by him under the petroleum lease, can be consumed in Australia, he shall, if so required by the Minister, ensure that that petroleum and product thereof shall be disposed of only for consumption in Australia.

Then we have (f)—

A covenant by the lessee that he shall, if so required by the Minister, refine or cause to be refined in the State or some other part of Australia approved of for that purpose by the Minister, such of the petroleum produced from the land held by him under the petroleum lease as is required for consumption in Australia.

Those are two of the covenants—among many others—that are embodied in the parent Act, setting out the conditions under which oil shall be either exported or treated. I am given to understand that those provisions have been modified, giving the companies the option to refine anywhere, even outside Australia, oil that is to be consumed in Australia, but there is provision in the measure that the Minister may, in agreement with the company, have the oil refined in Australia, in so far as that part of it which is to be consumed within Australia is concerned.

I have read some correspondence from the companies to the Minister in relation to this matter and, although it seems hard entirely to abandon the provisions of the parent Act, we may force the companies to go elsewhere if we do not make some modification, because they say they could not contemplate the heavy expenditure that is necessary if they are to be under the obligations contained in the present wording of the statute. They point out that it is practically impossible for them to say what quality and quantity of oil, if any, will be discovered. They say that certain types of oil do not require refining at all, but can be used directly for firing boilers. Some sticky and tarry oils have been discovered which are useful only for road making and like purposes, and they require no refining.

The companies point out that they must know the quality and quantity of the oil available before deciding what plant is necessary to refine it. They might even discover oil in quantities so small as not to warrant the building of a refinery in Australia, or oil of a quality that would not justify the expenditure on a refinery yet, under the Act as it stands, they would have to go to that expense insofar as the oil to be sold within Australia was concerned. They go on to say that there are many anomalies that could arise under

the Act involving them in unjustifiably heavy expenditure, but they do not say they are hostile towards the establishment of a refinery in this State. They have already undertaken with the Minister that if they discover in sufficient quantities oil which has to be refined, they will give consideration to the establishment of a refinery. That is, of course, if one is not already established here by that time.

I am given to understand that it would take a considerable time to establish a refinery, but if they discover oil today or tomorrow—and I hope they do—under this provision they would immediately have to establish a refinery because we prevent them from exporting the quantity of oil which Australia wants to consume. These people pointed out that it is impossible for them to comply with this provision, and so they hesitate to carry on the process of exploration in this State until there is some relaxation in that provision.

Mr. Hoar: You are talking about the provision in the parent Act, are you not?

Mr. MARSHALL: Yes.

Mr. Hoar: Not that contained in the Bill?

Mr. MARSHALL: No, the Bill modifies it. The Bill proposes that they shall not be held down to that particular provision. To my mind that is perfectly reasonable because not one of us would be a shareholder in a company which was bound by such a provision as that, especially when it involves the expenditure of millions of pounds, with little return from such an investment because of the quantity and quality of oil, the location of the discovery, and many other factors.

Mr. Hoar: Once the quality and quantity have been determined, do not you think Western Australia should have the first responsibility of refining it?

Mr. MARSHALL: There is provision to that effect in the Bill.

Mr. Hoar: Only by option, is it not?

Mr. MARSHALL: Yes, it is quite optional. The companies can export it, process it and then ship it back to this country.

Mr. Hoar: Will not that increase the cost of the product to us?

Mr. MARSHALL: I am not a member of the company; I am only expressing my views and giving members an idea of what is in the Act and what the Bill purports to do. I understand that negotiations are now under way for the establishment of a refinery in this State, or at least in Australia. In the company's own interests it would not be a payable proposition to transport the oil away, refine it and then return it to Australia in a refined condition because of the competition from other countries. So those companies would readily establish a refinery, or use an already established refinery in Australia, if

the occasion arose. But they have pointed out the difficulties which they are up against under the provision in the Act as it now stands.

As the member for Warren says, it is quite optional for the company to establish a refinery but I feel certain that, if oil were discovered in Western Australia in sufficient quantities and of a good quality, the companies would honour their obligations. If the companies did not, then of course I do not doubt that the Minister would make it most difficult for them to carry on. However, that is one of the provisions that I do not like.

Mr. Hoar: I would sooner see it a little stronger in the Act. We should be jealous of our own wealth.

Mr. MARSHALL: I do not feel altogether enthusiastic about it, but I do not want to spoil this opportunity when we have a chance of a company spending millions on the exploration for oil in this State. I would rather have no refinery at all and oil discovered in Australia, and Western Australia in particular, than I would have an obligation upon a company to establish a refinery here and that company deciding that it would not push forward its developments for the prospecting for oil.

Mr. May: Has the State any control over the export of it?

Mr. MARSHALL: No. The Commonwealth has control over imports and exports. The provisions of this Act can be altered by any Parliament and if the companies do not honour their obligations—although I think they will myself—the Parliament of the day has the prerogative of stepping in and saying, "You have not honoured the undertakings you gave some years ago. You have discovered oil in sufficient quantity and quality to warrant the establishment of a refinery in Western Australia. As you have not done so, we will amend the law to compel you to do so."

The two provisions to which I have referred I reluctantly support, and I do so because I do not want to be a party to something which may injure the possibility of the discovery of oil in Western Australia. However, if any member wishes to amend it in any way, I will give consideration to such amendment. But frankly I do not propose to agree to any amendment which will shove aside for a further period the prospects of getting companies to expend millions of pounds—which I understand is involved in this form of prospecting—for the purpose of discovering oil in Western Australia. The value of a big gusher of oil in Western Australia could not be calculated and its importance to the Empire is immeasurable. So I agree to the Bill because I do not want to do anything which might dampen the enthusiasm of the California Texas Corporation and Ampol (Australia) Ltd. towards the search for oil in this State. I support the second reading of the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

Clauses 1 to 10—agreed to.

Clause 11—Section 63 amended:

Mr. HOAR: I want to be satisfied about some of the matters raised by the member for Murchison. From my reading of the clause, the lessee will not be compelled to refine oil, either in Western Australia or in any part of Australia, unless he so desires. It seems clear to me that it is entirely at the lessee's option. The situation regarding oil, both in Australia and throughout the world, is most serious, and it should be our responsibility to tie up any Act of Parliament relating to the sale of any possible deposits of oil in this country so tightly that Australia will be assured of receiving the full benefit of its wealth. If we have more than we require for our own needs, then let us export it. At the same time, we should have some say as to where that oil should be exported. There would be no argument about exporting it to any part of the British Empire, but if this company, which is apparently prepared to spend up to 1½ million pounds in Western Australia, is connected internationally with some cartel or ring that is in the habit of exporting oil to countries which may be alien to us, and in the course of time, enemy to us, we should be particularly careful.

I would like some assurance from the Minister that there is to be a complete and definite tie-up in regard to the activities of these companies, provided they find oil of the type that needs refining, and that should any be found inside Australia the Minister will have power to say just where the oil experts should go or whether we are to make a gift of this oil to some private concern which has brought money here from overseas. We do not want to treat this matter too lightly in these times when important issues may arise over oil.

I am reluctant to grant an open cheque to companies to deal as they wish with oil that may be found within our shores. I heartily approve of the company's investing money in this State to discover oil, but I do not approve of legislation allowing oil to be exported without our having any say as to whether it shall go to friend or foe because of business interests. We know that the profit incentive recognises no nationality. I am speaking from ignorance as to the Act. There may be ample provisions in it to allay my fears, but if there are not I want the Minister to ensure that Australia, and Western Australia in particular, has not been in any way jeopardised or harmed as a result of an agreement with an outside company.

The MINISTER FOR HOUSING: The Commonwealth of Australia is covered under the Bill because it implies in the amendment that oil must be refined in Australia; not necessarily Western Australia, but within the Commonwealth if need be.

Mr. Hoar: At the lessee's option?

The MINISTER FOR HOUSING: Yes.

Mr. Hoar: He need not refine it unless he wants to.

The Minister for Education: The option is between this State and other parts of Australia.

Mr. Hoar: I would like the Minister to read the clause again.

The Minister for Education: That has been done, on many occasions before today, but the whole dispute was that the companies wanted their own determination as to whether they would refine it here or anywhere else in this country.

The MINISTER FOR HOUSING: The hon. member should realise that it is not too often that companies will come to this State and say, "The first sum of money we will invest for the discovery of oil is £1,500,000, with possibly more to follow." As he probably knows we have had already companies operating in the North-West, including Freneys, working with bits and pieces and they have got nowhere. Only recently the Freney Oil Company approached the Commonwealth Government for a further grant in order to continue drilling for oil. When the directors of these companies first proposed coming to Western Australia they were most emphatic that they were not prepared to do so if they were tied down to this State alone. They are prepared to refine in Australia, but not necessarily Western Australia itself.

Mr. MARSHALL: I endorse the convictions held by the member for Warren. However, I consider it is the constitutional prerogative of the Commonwealth Government to control exports and imports. We have little or no constitutional jurisdiction as to that, but I point out to the Committee that we are repealing paragraph (f) of the existing section. Whether that is correct constitutionally or not, I do not know. If the companies signed an agreement to say they would not export crude oil and the Commonwealth Government said, "You can if you wish", I do not know whether that covenant would still hold at law so far as the agreement embodying it is concerned. However, I am pointing that out for the information of the member for Warren.

Mr. Hoar: Thank you.

Mr. MARSHALL: We are repealing that paragraph and that gives them the right to export. However, we still confine them to doing two things. For example, under paragraph (e) of Subsection (1) it is set down that petroleum and by-products

thereof shall be disposed of only for consumption in Australia. So if the company is required by the Minister under the existing law not to sell oil outside Australia, if it produced only sufficient to supply Australia's needs, in those circumstances Australia would come first. Paragraph (f) of the section, introduced by the amendment passed in 1949, reads—

A covenant by the lessee that he shall, if so required by the Minister, refine or cause to be refined in the State or some other part of Australia approved of for that purpose by the Minister, such of the petroleum produced from the land held by him under the petroleum lease as is required for consumption in Australia.

Under that the company would have to refine the amount of oil or by-product produced which Western Australia or Australia could consume.

The Minister for Education: In either case where the Minister told them, as is provided under the existing law, to which they objected very strongly.

Mr. MARSHALL: I agree to the amendment reluctantly, and to the contention put forward by the member for Warren. Of course, the company has the right to say, "You keep your proposition; we will not be tied to it" and then where would we be? Back where we were 20 or 30 years ago! Whatever the decision the Ampol Petroleum Co., or the California Texas Corporation come to in regard to an Act it can be assured that all other companies will adopt a like attitude. I fear the clause because what happened in regard to the export of scrap-iron to Japan could be repeated here.

We could continue exporting oil in normal times to a country which, in abnormal times, could use it against us. That is what the hon. member feels and so do I. I think it is the prerogative of the Commonwealth to watch that aspect. Constitutionally speaking, we have no jurisdiction over exports. While I agree with the member for Warren I would never agree to these provisions if it were not for the circumstances that prevail, and rather than stifle the opportunity to have our country explored for the purpose of producing oil I must subscribe to it.

Hon. E. NULSEN: I would like to be satisfied on that point. I am not sure that I do not agree with the member for Warren to a great extent. Clause 11, of the Bill says—

(b) (d) A covenant by the lessee to work the land in accordance with recognised oilfield practice and in compliance with the regulations, unless exemption or partial exemption is granted in such manner as may be prescribed . . .

(c) (f) A covenant by the lessee that, if so required by the Minister, the lessee shall, at his option, refine or cause to be refined, or offer for sale for refining—

(i) in the State within a time to be mutually agreed between the Minister and the lessee, or

(ii) elsewhere in Australia.

But it is an option—

The Minister for Education: An option as between Western Australia at a time to be agreed, or elsewhere in Australia.

Hon. E. NULSEN: Or in any other country.

The Minister for Education: There is no third place.

Hon. E. NULSEN: As long as that is quite clear! That option had me a little tangled and I was not satisfied with it. It would be dreadful if we found oil here and it was allowed to be exported. As the member for Murchison has pointed out, the Commonwealth has control over exports and that would supersede anything that we have here.

Clause put and passed.

Clauses 12 and 13, Title—agreed to.

Bill reported without amendment and the report adopted.

## **BILL—LIBRARY BOARD OF WESTERN AUSTRALIA.**

### *Second Reading.*

**THE MINISTER FOR EDUCATION** (Hon. A. F. Watts—Stirling) [10.15] in moving the second reading said. This Bill has much the same ultimate intention as the measure that was introduced in 1948, namely, the setting up in Western Australia of a library board in order to co-ordinate, improve and develop library services in this State. But it differs very considerably in many important aspects from the measure of 1948 which, of course, was not passed. Particularly does it differ in that it makes no provision whatever for the repeal of the Public Library and Museum Art Gallery Act, nor does it affect the constitution of the Trustees of the Perth Public Library under that Act. In consequence it can be scrutinised, I think, entirely apart from that point of view and only because of the desirability of extending, improving and co-ordinating library facilities in Western Australia to a far greater degree than they have hitherto been developed.

At the time the matter was discussed earlier I quoted some extracts from a paper on public libraries in Australia, "Present Conditions and Future Possibilities," which was published in 1947 for the Australian Council for Educational Research by one L. R. McColvin, city librarian of West-

minister, England, and honorary secretary of the Library Association of Great Britain, in which he was not complimentary, rather was he condemnatory, of such facilities as had been provided in this country and more particularly in this State, in regard to the provision of free lending libraries. I think there is no doubt whatever that as the years have progressed there has developed a far greater public conscience, and a far greater public demand for facilities of this nature. But there has by no means been an improvement of the provision that exists commensurate with the demand.

Were that demand one by people who were eminently capable of providing for themselves the literature, not only which they desire to read but also which it is desirable for them to read from the point of view of their improvement and culture, it would be all right. But the situation is, of course, that there are today vast numbers of people yearning for knowledge and mental development who are quite unable, especially in these time of rising costs and the very considerable expenditure necessary for the provision of such things, to cope in any way satisfactorily with the problem. Uncoordinated reading of literature that one may pick up as one passes through the world in all probability does not achieve the improvement of the individual who reads it. It is necessary to some degree at least that the literature that is available should be of the type that is of value, and there should also be some leading along the right road, where it is practicable, of the people who are the users of that literature. Of course, I am not suggesting that there should be great restrictions on the desire of persons who wish to read more and more, but I do suggest there should be some leading along the right lines so that at least the better types of literature are freely available to them. That, I think, applies more particularly to the younger generation of our community.

A little has been done in recent years, but it has been very little. There has been nobody in Western Australia who has really been entrusted with the job; there have been no recognised means of facilitating or directing the raising or expenditure of money for this purpose; there has been little or no activity on behalf of local authorities; there has been very limited activity on the part of Governments, and in consequence, the McCollvin report is pretty well as true as it was when it was written five or six years ago.

So this Bill proposes to make a commencement in order to alter that state of affairs. I may say that, some short time ago, I submitted to the Chief Justice, Sir John Dwyer, as Chairman of the Trustees of the Perth Public Library, information concerning this measure, partly because I thought it desirable for him to be informed, and partly because the measure proposes

the chairman of the Perth Public Library to be a member of the library board. I am given to understand that the committee that deals with this sort of thing welcomes the introduction of such a measure.

It might be well to make some reference to the definitions in the Bill. One to which I wish to refer is an "approved body," which means an organisation that is not a local authority and that, under the provisions of this measure, elects and is declared by the Governor to be a body suitable for participation in such a scheme. "Local authority" means as usual a municipal council or a road board. A "nominee member" means a person occupying the office of a member of the board pursuant to the provisions of a clause of the Bill providing that certain institutions, which I shall mention later, are to nominate panels from which the Minister responsible for the administration of the measure, namely, the Minister for Education, will select persons who are to be nominee members of the board.

Ex officio members of the board will be certain persons occupying public offices, who will hold their membership of the board by virtue of the offices held by them. I have already referred to an approved body, and there is a further definition of a participating body, which includes both a local authority and an approved body. A local authority will be under no obligation to come into any scheme that is formulated unless either the local authority itself elects to do so or its ratepayers, by referendum, direct it to do so. Thus a local authority will not be compelled to be a participating body unless it so desires or the ratepayers direct it. If it becomes a participating body, then there will be certain duties for it to take up that are clearly laid down in other portions of the Bill.

"Registered free library" means a library registered as a free library by the board, and it is intended that in order that the board may co-ordinate and in some degree control the activities of a free library, when a decision has been reached to establish one it shall be registered by the board.

The board is to consist of 11 persons in all. The first four will be the ex officio members who are to be the Under Treasurer, the Director of Education, the Director of Adult Education and the Chairman of Trustees of the Public Library, Museum and Art Gallery. Those people, I think, can be regarded as citizens holding very responsible positions either in the Public Service or closely adjacent to it who, by their knowledge and experience and by virtue of their offices, may be expected to be able to make a substantial contribution towards the knowledge and experience and successful running of such an organisation as a library board.

The remaining seven members are to be appointed by the Governor and will hold office for three years and be capable of re-selection. They are to represent the respective bodies mentioned in the Bill and will be—

- a person selected by the Minister from a panel of not more than three persons whose names are submitted by the City of Perth;
- a person selected from a panel of not more than three persons whose names are submitted by the Road Board Association of Western Australia;
- a person selected from a panel of not more than three persons whose names are submitted by The Country Municipal Councils Association of Western Australia;
- a person selected from a panel of not more than three persons whose names are submitted by the Local Government Association of Western Australia; and
- three persons selected from a panel of six persons whose names are submitted by the Library Association of Australia, Western Australian Branch.

It may be as well to distinguish between the Road Board Association and the Local Government Association. The Road Board Association comprises in its membership practically all the rural and a proportion of the metropolitan road boards. Its major position arises from the fact that it comprises nearly all the rural local authorities. The Local Government Association comprises most of the metropolitan road boards and nearly, if not all, of the metropolitan municipal councils. Consequently, there is no conflict or duplication of representation when one realises that the Road Board Association is almost entirely rural and the Local Government Association is almost entirely metropolitan.

Mr. Brady: What is the reason for providing that the City of Perth shall have a representative?

The MINISTER FOR EDUCATION: The City of Perth is expected to take a considerable amount of responsibility in this matter. It contains a substantial number of the people and may be expected to find library accommodation of this nature, and there would have been, under this Bill, a suggested representative of the City of Fremantle but for the fact that there is already on the statute book legislation dealing with the matter at Fremantle. It would not be wise to attempt to interfere with the legislation passed by Parliament two or three years ago on the motion of the member for Fremantle. Therefore no specific reference was made to Fremantle as otherwise there would have been. We felt that they had taken time by the fore-

lock to a very great degree in conjunction with the neighbouring local authorities of East and North Fremantle, in doing quite a considerable amount of this work already which could be expanded; and it would be far better for them if they should subsequently come within the purview of this legislation than that the legislation should affect them in the first instance. That is the reason they are not mentioned.

Obviously, therefore, the main fields for the expansion of this work are the City of Perth and its adjacent suburbs and the rural districts. It is for those reasons that the rural districts obtained representation both through the road boards and the country municipalities, because it can be conceived that the municipal centres are mostly in the more important country towns such as Albany, Geraldton, Bunbury, Kalgoorlie, Northam and the like, where a considerable fraction of the population resides, many times greater than that in the average road board district. The Bill provides that if these bodies do not nominate or submit a panel of names in time for the people concerned to be appointed, appointment may be made of persons to represent them, but it is not expected that they will not nominate. Members will recall that there is a similar provision in one or two other Acts on the statute book at present.

An ex officio member will not vacate his office, because there will presumably always be an Under Treasurer and a Director of Education, and therefore there will always be somebody to hold the office down even if only in an acting capacity. I think that the Interpretation Act provides that when a man is acting in a capacity of that nature he has all the powers and responsibilities of the person for whom he acts. So as there is always such a person as a Director of Education carrying on the duties of the office, there will always be somebody capable of attending to the affairs of the board so far as such an ex officio member is concerned.

But there is provision that if the nominee member dies, or if at the expiry of his three years of office he becomes incapable or resigns or fails to attend meetings of the board, his seat will become vacant. If, however, a man is appointed when he is a member of a local authority and, during his term of three years, ceases to be a member of that local authority, it is not proposed that he should vacate his office on this board during that period of three years; because he is not to be, except in one case, expressly representing any local authority but a body of such persons, and it is not to be said that if he is a desirable nominee on the 1st January, 1952, but ceases on the 31st May, 1953, to become a member of the particular local authority, to which he then belonged, he no longer deserves to sit upon the library board. I think the reverse would apply, because he would have acquired some knowledge and informa-

tion about it and be capable and useful to the end of his term. He may, of course, think fit to resign in the meantime, but he will not be compelled to retire because he ceases to be a member of the local authority to which he once belonged.

There is a provision in the Bill for the appointment of deputies. Having heard the member for Melville on that subject this evening, I shall leave it entirely to the House to decide whether it wants deputies or not. They can, in my view, be very easily dispensed with, but they may serve some useful purpose. When the suggested headlines of the draft of this Bill were put up by myself and the director, there was no provision for deputies. It was inserted on the advice of the Crown Law officers. But I can assure the member for Melville that if he can discover any sound reasons why that provision should not be included in the measure, I am prepared to have it removed, because my desire is to have a board that represents fairly those sections of the people who may be most capable of handling this matter. I do not mind whether they are deputies or otherwise, but I certainly do not want any misunderstandings in that regard to arise.

The Bill provides that the chairman of the board shall be elected annually by the board. He shall hold office for 12 months but will be eligible for re-election. There is a provision that five members shall constitute a quorum and all matters shall be determined by a majority of votes. If there is an equality of votes the question shall be regarded as determined in the negative, because the chairman is to be given no casting vote. He will have only one vote the same as every other member of the board. Then there is a provision for the board to appoint certain officers, and it is provided that although they shall not come under the Public Service Act they shall be entitled to certain recognition in regard to leave and superannuation and the like. It is all clearly set out in the Bill.

It is not provided that members shall be paid specified fees but such travelling and other out-of-pocket expenses as the Governor thinks fit. There are a number of machinery clauses in regard to contracts and agreements and how they shall be executed by the board. It is to be assumed that, as the thing develops, certain agreements and arrangements will have to be made by the board with those who are attempting to keep free libraries successfully in operation. As will be found in the interpretation clause, the Bill does not attempt to interfere with what might be called private enterprise libraries. For clarity, perhaps I had better read that provision. It is as follows:—

“Library service” does not include a library service conducted by private enterprise for profit.

It is meant to cover public free libraries for the betterment and improvement of the people of the State. The Bill gives to the board a corporate existence and the right to hold property and sue and be sued, and all the rest of the propositions that are usual in like cases. The duties of the board are quite numerous and include—

Assisting participating bodies in any scheme; advising the Minister and participating bodies on matters of general policy relating to any scheme; registration of free libraries if such libraries are approved by the board and are controlled by participating bodies; inspection of libraries and library services; the distribution of any grant of money made available by Parliament to assist free libraries and free library services; recommending to the Minister the allocation of any grant as between respective applicants; and the carrying out of such other functions in connection with registered free libraries as the Governor may from time to time direct.

The board may provide, control and manage libraries and library services, and it may provide for the training of persons to carry out the duties of librarians and library assistants. That, in the future, I suggest is one of the things which the board will usefully do. There is no question that if one is to be a successful librarian and perform the duties efficiently, one must have training. One must not only be capable of handling literature but must also have training in the best methods of distribution, management and control of books under one's care, and a great many ancillary matters. This may be one of the most valuable things that the board will be able to do. As a consequence, the board will be empowered to issue certificates of competency to persons qualified to carry out the duties of librarian and library assistant, and may cancel such certificates where, in the opinion of the board, the holder is no longer so qualified. It shall keep a register in which all these things shall be recorded.

The funds necessary for the carrying out by the board of its powers shall be derived from moneys that Parliament may appropriate from time to time, and such moneys as the board may borrow. The Bill contains provision for the board to borrow, with the approval of the Governor. These moneys, along with any appropriated by Parliament, will be paid into the fund to be kept at the Treasury and operated upon on behalf of the board. The proceeds of any sale, lease, mortgage, exchange or other disposal of real or personal property are also included. While it is not contemplated that the board shall acquire much real or personal property, if any, by normal purchase methods, there is a distinct possibility, as the legislation will not

be here for a matter of today and to-morrow, I trust, but for many years to come, that such property may be left to the board, which is a corporation and entitled to hold it, by persons either during their lifetime or by testamentary document to benefit the funds of the board and improve the possibilities of extension of its work. So it is necessary to have a provision in the Bill enabling the board to dispose of such property.

Then there is provision dealing with the proceeds of the investment of any part of the fund not required by the board and any bequests of money made to the board. It is proposed that by virtue of the Act an appropriation of £5,000 shall be made to the board to carry out the provisions of the legislation during the first year of its operation. It is intended, if the Bill is passed, to appoint a board as early as possible, and have it make some move in its task by the beginning of next year. The board will be given power to subsidise a registered free library conducted by a participating body to the extent of one pound for each pound expended by the participating body, and to recommend to the Minister the payment of additional grants over and above the subsidy referred to just now; and also, subject to the approval of the Governor, as I said a moment ago, to have power to borrow money for the purposes of the Act.

A local authority is empowered to raise rates for this purpose, that is to say, for the purpose of raising its share of the money required for the establishment of such a library. It is not required to raise rates, but is empowered to do so. I also point out that the local authority is not under any obligation under the Bill to go into any such scheme except by its own resolution, or a poll of the ratepayers. But when, by either of those means, a local authority has gone into the scheme, it may, in order to raise the funds it desires to contribute towards this service, impose a rate, and that rate is not to exceed one farthing in the pound on the unimproved capital value, or 2d. in the pound on the annual value, whichever is the one which the local authority uses.

The Bill then provides that the rates levied in pursuance of this provision shall be used by the local authority for the purposes of the measure and may, on such terms and conditions as the local authority thinks fit, be appropriated for payment as contributions to any other local authority for free library services rendered by the other local authority to the ratepayers or citizens of the first-mentioned local authority. It might be entirely undesirable—to quote two places that I know perfectly well, only 12 or 13 miles apart—to have free library services at Broomehill and Tambellup, but it might be desirable to have a library service at one of these places to serve both. In that case, the local authority at Broomehill could con-

tribute to the scheme at Tambellup, or vice versa, if both districts were in accord with the project and an arrangement made accordingly. That is the reason for suggesting that rates can be raised in one local authority and expended in another for the purposes of the Act. The Bill contains provision for tabling reports in Parliament, for the Auditor General to have power to audit the accounts, and so forth.

There is also power for the making of regulations, particularly dealing with one or two matters to be found in the last clause of the Bill, to provide for the conduct of any library or library service; to regulate the use and provide for the protection of any library service; to regulate the use and provide for the protection of any library and its contents; to provide for the lodging of a deposit, security or guarantee against the loss of or injury to any book, periodical, magazine, reading matter or other thing, whether of the same or a different kind from the foregoing, by any person using it; to authorise the officers and servants of any participating body conducting free library services to exclude or remove from any premises used in connection with any library or library services, persons committing any offences against the regulations; and to determine the number of books which may be borrowed by any persons or class of persons; and the period during which they may be so borrowed. Those are the usual types of regulations and rules applicable, I think, in cases of a like nature.

There are in the other States, notably Tasmania, library boards which operate on a basis quite similar to that contained in the measure, and they have met with a great deal of success. I firmly believe that in the course of time, given the same opportunity, the progress made will be equally spectacular and satisfactory to the development of our community; and that it will make a great contribution towards removing what is some backwardness, anyway, in Western Australia. It is only in recent times that members may have noticed the activities of what is known as the Child Book Council, which is endeavouring to set up a substantial fund in Western Australia in order that it might create the Lady Mitchell Children's Library. I do not know what success will attend its efforts, but I feel it will have a measure of success, and it is its desire if it should succeed in its intention, that a library board, constituted as is the one proposed in the Bill, should be able to supervise and contribute to its activities.

And so it seems to me that because of our backwardness, already unfavourably commented on, and because of the need of our community and the obvious public conscience that has been aroused, together with the desirability of extending and improving the facilities that are available to our people, the matter contained in this Bill is of considerable importance and so,

at least in general principle, this House should readily be able to agree to it. I move—

That the Bill be now read a second time.

On motion by Mr. May, debate adjourned.

### ADJOURNMENT—SPECIAL.

**THE PREMIER** (Hon. D. R. McLarty—Murray) [10.51]: I move—

That the House at its rising adjourn till Tuesday, the 16th October.

Question put and passed.

*House adjourned at 10.52 p.m.*

## Legislative Council

Thursday, 11th October, 1951.

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

### BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).

#### *Second Reading.*

Debate resumed from the 9th October.

**HON. G. FRASER** (West) [4.35]: I moved the adjournment of the debate, but unfortunately have not had time to study the Bill. I shall vote for the second reading in the hope of being given an opportunity to examine the provisions of the measure before it leaves the Committee stage. Probably there is nothing in the Bill to which exception can be taken.

Question put and passed.

Bill read a second time.

### *In Committee.*

**Hon. A. L. Loton** in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

Clause 2—Act to be read in conjunction with Main Roads Act:

**Hon. G. FRASER**: Will the Minister agree to report progress in order to give me and other members an opportunity to study more closely the provisions of the Bill? At first glance, it seems to be merely an annual measure, but I should feel more satisfied if I had time to examine it before the Committee stage is proceeded with.

The Minister for Transport: I offer no objection.

Progress reported.

### BILL—LAW REFORM (COMMON EMPLOYMENT).

#### *Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [4.38] in moving the second reading said: The object of this Bill is the abolition of the doctrine of common employment. I am informed that this is a doctrine against which many judges have inveighed, and its abrogation from the laws of Western Australia is strongly recommended by Mr. Justice Wolff, who has taken a very keen interest in law reform. It is a general rule of the common law that a master is liable for the acts, neglects and defaults of his servants in the course of their service, but under the doctrine of common employment, that liability is modified where the person injured by the servant is himself a servant of the same master.

The rule of common employment is that a master is not liable to his servant for injury received from any ordinary risk of or incidental to the service, including acts or defaults of any other person employed in the same service. The doctrine is that while a stranger can hold a master liable for the negligence of a servant, a fellow servant cannot do so because he has, of his own free will entered the master's service and has accepted the risks thereof. It is important to note the ambit of the rule. It is not limited to injuries from fellow servants, but extends also to other risks of service not caused by fellow servants, so that in reality the term "common employment" is a misnomer. The doctrine is a modern development in the English law, and has its origin in the conditions arising from the rapid growth of industrialism in England in the 19th century.

In the year 1837 a decision of the British Court of Exchequer held that the master was not liable in a case where a butcher boy was injured when the van in which he was travelling collapsed as a result of negligence in overloading. This established