

Sir CHARLES COURT: He believes in his party philosophy so fully he cannot resist rising to the bait. One can see his hackles go up. I will say quite frankly that we on this side admire the way the Minister sticks to his principles. There is no doubt where he and Joe Chamberlain stand; they are opposed to everything in which we believe. At least people understand what the Minister believes in, and it is not an atmosphere in which private enterprise can function with confidence. I think the Minister sums up my thoughts more adequately than I can by his reaction to this situation.

I have made my points in introducing the motion. The public is thoroughly fed up with the method of administration by this Government.

Mr. Jamieson: The Leader of the Opposition is talking to the wrong people; he should mix in a wider circle.

Sir CHARLES COURT: I reiterate: It is not the so-called tycoons and "big business", it is the rank and file of the work force who are anxious and who want a change of State Government. They want to see an election tomorrow—and so do we.

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

Ayes—23

Mr. Blaikie	Mr. Nalder
Sir David Brand	Mr. O'Connor
Sir Charles Court	Mr. O'Neill
Mr. Coyne	Mr. Reid
Dr. Dadour	Mr. Ridge
Mr. Gayfer	Mr. Rushton
Mr. Grayden	Mr. Stephens
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. R. L. Young
Mr. W. A. Manning	Mr. W. G. Young
Mr. McPharlin	Mr. I. W. Manning
Mr. Mensaros	(Teller)

Noes—23

Mr. Bateman	Mr. Hartrey
Mr. Bertram	Mr. Jamieson
Mr. Blackerton	Mr. Jones
Mr. Brady	Mr. Lapham
Mr. Brown	Mr. May
Mr. Bryce	Mr. McIver
Mr. Burke	Mr. Moller
Mr. Cook	Mr. Sewell
Mr. Davies	Mr. A. R. Tonkin
Mr. H. D. Evans	Mr. J. T. Tonkin
Mr. T. D. Evans	Mr. Harman
Mr. Fletcher	(Teller)

Pairs.

Ayes	Noes
Mr. Runciman	Mr. Graham
Mr. Thompson	Mr. Taylor

The SPEAKER: The voting being equal, I give my casting vote with the Noes. Question thus negatived. Motion defeated.

COMMONWEALTH CONSTITUTION CONVENTION

Appointment of Delegates: Council's Message

Message from the Council received and read as follows:—

The Legislative Council acquaints the Legislative Assembly in reply to Message No. 74 that it has considered

the invitation to participate in the proposed Convention to review the operation of the Constitution of the Commonwealth of Australia and has agreed to this proposal. It has further resolved to appoint the following members to represent the Legislative Council—

The Hon. W. F. Willesee
The Hon. R. Thompson
The Hon. A. F. Griffith
The Hon. I. G. Medcalf
The Hon. L. A. Logan.

The Legislative Council agrees that the Honourable the Premier be authorised to inform the Government of each other State of the Commonwealth, and of the Commonwealth, of the resolution.

AGE OF MAJORITY BILL

Returned

Bill returned from the Council without amendment.

House adjourned at 11.51 p.m.

Legislative Council

Thursday, the 17th August, 1972

The **PRESIDENT** (The Hon. L. C. Diver) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.35 p.m.]: I seek leave to take questions at a later stage of the sitting.

The **PRESIDENT:** Leave granted.

WESTERN AUSTRALIAN PRODUCTS SYMBOL BILL

Third Reading

Bill read a third time, on motion by The Hon. W. F. Willesee (Leader of the House), and returned to the Assembly with amendments.

LAND DRAINAGE ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.37 p.m.]: I move—

That the Bill be now read a second time.

Clause 2 of this Bill proposes an increase in the value of minor works, from \$1,000 to \$5,000, which may be carried out without meeting the formalities required by the Act in connection with major works—such

as making available to the public the plans, advertising in the Press a description of proposed works, and obtaining an Order-in-Council before commencement of construction.

This amendment takes into consideration inflationary increases which have occurred since the limit of \$1,000 was set in 1941. The clause also deletes a paragraph which when recently studied in detail, following a court decision, was found to be meaningless as it was impracticable to meet the obligations imposed by it.

That paragraph imposes an obligation on any drainage board and on the Minister to obtain a certificate from the engineer-in-chief that the proposed works will be of sufficient capacity to carry off all waters which may be reasonably expected to flow into such works from its particular catchment area, and that a reasonably sufficient outlet to the sea has been provided.

It was this requirement which moved a judge of the Supreme Court to award damages against the Minister for Water Supplies following the flooding of the Harvey River in 1964. Even though this requirement has been in the Act since 1925, an engineer-in-chief's certificate has never been procured and it is considered that no engineer would be prepared to give the certificate unless allowance were made in it for abnormal flooding, though this may occur only at rare intervals.

Were the requirements of the Act as now laid down met, the cost of drainage works would increase significantly without any real benefit to the public or to the department. It has been the practice to design drainage works having regard for the damage that will result from over-topping for flows with recurrence intervals of from two to 50 years and this has proved to be adequate except in isolated instances.

Clause 3 refers to claims for compensation arising out of construction and use of a drain and provides that in considering a claim there should be allowed as an offset against any claim for damages the benefits derived from that drain. Consequently, it is provided that any compensation for damages payable to any person be reduced by the amount by which the property has been enhanced in value by the drainage works and the value of any benefit arising out of the construction, use and maintenance of the drainage works—which is fair and reasonable. This provision is similar to that contained in section 38(d) of The Rights in Water and Irrigation Act.

Clause 4 has been drafted to regularise the situation arising out of the practice in the past of not obtaining certificates from engineers-in-chief, and paragraph (b) of clause 2 is consequential to the amendment contained in paragraph (c).

Debate adjourned, on motion by The Hon. R. J. L. Williams.

WHEAT PRODUCTS (PRICES FIXATION) ACT AMENDMENT BILL

Second Reading

THE HON. W. F. WILLESEE (North-East Metropolitan—Leader of the House) [2.41 p.m.]: I move—

That the Bill be now read a second time.

A committee, known as the Wheat Products Prices Committee, was constituted in January 1972 under the provisions of section 6 of the Wheat Products (Prices Fixation) Act passed by this House in 1938.

I mention in passing, that the Chief Secretary when explaining the measure to the House informed members that the Bill which proposed the legislation resulted from an agreement reached at a conference of Premiers held in Sydney in August of that year, which agreed that a stable home consumption price for flour and bread should be fixed in the various States at such a level as would ensure growers that price, and at the same time prevent exploitation of the consumer.

The principal Act was most recently amended in 1964 with effect that the Governor may from time to time constitute a committee under the name previously mentioned. The present committee comprises the Auditor-General, who is the Chairman, Mr. G. E. Ledger and Mr. D. W. Cooley.

The committee, as a result of an approach by the bread manufacturers in the metropolitan area investigated the price of bread in February of this year and as a result of its recommendation a price increase of 1c per loaf was granted in the case of five varieties of bread.

Four months later—that is in June of this year—a further application was made by the bread manufacturers for an increase in the price of one variety of loaf but this was not recommended.

It is considered that in order fully to assess the costs and make recommendations regarding the price of bread the price of its basic ingredient, namely flour, should also be examined.

At present, although flour is defined as a wheat product in the Act, valid recommendations can be made only in respect of bread, bran and pollard. The reason for this is that in section 15 of the Act it is prescribed that in spite of any recommendation which the committee may make the price of flour must not be fixed below a minimum of \$22 a ton or above a maximum of \$27 a ton. Those were the prices fixed in 1938.

The present-day price of flour used in the baking trade is \$102.50 per ton, which renders the provisions of the Act incongruous at this point of time, when it is accepted that the Act is designed to allow

of investigations into the cost of the production of wheat products with a view to fixing their prices.

The amending Bill now before the House is designed to delete the minimum and maximum prices at present rendered static to the conditions of 1938, but completely out of step with present day money values. Accordingly it is proposed to substitute for the static price range still maintained in the Act the words—and I quote—"the prescribed price." This will allow of the flexibility necessary to keep the section in line with changing times and values, so avoiding the necessity for amending the section to relate the maximum and minimum price limits to changing costs of flour production.

As a commodity, flour is the main ingredient of bread and the Act will enhance the authority of the committee to extend its investigations into the production of this commodity and assess a fair price for it. The committee will then be in a position to base its recommendations concerning the price at which bread should be sold on the costs of all factors involved in its production, thus obtaining the objectives of the original legislation.

Debate adjourned, on motion by The Hon. J. Heitman.

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) BILL

Second Reading

Debate resumed from the 1st August.

THE HON. I. G. MEDCALF (Metropolitan) [2.46 p.m.]: This very important Bill which has been introduced by the Government will have the effect of changing, by Statute, the persons who are entitled to benefit under the wills of people who die and leave wills governing the distribution of their assets. It will also have the effect of altering the provisions of intestacy in respect of people who do not leave wills and who depend upon estates being distributed in accordance with the Statutes of Distribution.

In other words, the measure is a departure from the previous law which stated that, in certain limited cases, people who leave wills cannot have their say after death and people who do not leave wills will have their estates administered under the Statutes of Distribution; that is, administered according to the law—what the law lays down for the distribution of their assets will apply. This Bill will alter that.

The measure before us provides that in future any person who comes within the particular categories will be able to disturb the will of a deceased person and change the provisions of the will. Consequently, the estate of that person will be distributed in accordance with what the court lays down. In addition, those people who do not leave wills will not have their estates

administered according to the Statutes of Distribution, but will have them distributed according to what the court says is the proper distribution.

In a sense, the Bill is not revolutionary in that it simply replaces the Testator's Family Maintenance Act. In 1939, this Parliament passed the Testator's Family Maintenance Act which provided that a widow, widower, children of the deceased, and a divorced wife, who was in receipt of maintenance, should have the right to dispute a person's will. Consequently if a testator was a little difficult or vexatious and left a will from which he excluded his wife or children, that will could be upset if the court came to the conclusion that the wife or the children were entitled to share in the estate.

The Bill before us will enlarge the number of people who can disturb a will. In future, not only will the widow, widower, or children of the deceased, be able to upset a will, as has been the case in the past, but also the parents and grandchildren of the deceased and any other persons who have a moral claim, as specified in the Bill, even if they are not, in any sense, related by blood or by marriage to the deceased.

So the effect of this Bill will be to greatly enlarge the number of people who can upset a testator's will. In addition, where a person does not leave a will, it will enable these people to claim they are entitled to special preference, one may say, as against the people who would share according to law.

The Testator's Family Maintenance Act, 1939, which is to be repealed by the Bill before us, is a very good Act and has stood the test of time. It was only once amended—in 1962. This Act contains 13 sections only and I would say that most lawyers and law students become firmly aware of its provisions. It is one of those rather outstanding Statutes which law students take considerable note of because it has been the means over the years of correcting a lot of wrongs where a difficult or vexatious testator, perhaps wanting to get even with his relatives, including his wife and children, after his death, tried to cut them out of his will. In proper cases this Act has enabled a widow or children to obtain a reasonable share of the assets of the deceased.

The Testator's Family Maintenance Act is very frequently used by the legal profession and it is quite an easy matter to issue a writ and upset a will provided one can prove a claim under the requirements of the Act. To summarise the Act, it requires that one has to show that a widow or a child of a deceased has been left insufficiently provided for in respect of maintenance or provision for education or advancement in life. If one shows that the will should be upset, the subsequent order made by the court has the effect of a codicil to the will.

It is a good Act and it has its counterpart in practically every part of the British Commonwealth. The originating Act probably came from New Zealand but it has now been copied in many places including Canada, the United Kingdom, and all the States of Australia.

We are proposing to repeal the Testator's Family Maintenance Act and substitute another one which, as I say, enlarges the number of people who can claim and extends the claim to intestacies as well. I support the principle of the Bill. I believe this principle is correct; it has been hallowed by time and a lot of judges.

It has been recommended by many people that in these times we should consider extending the category of persons who may apply to have a will set aside. This matter was referred to by the Law Society from 1963 to 1965. I happened to be a member of the law Reform Committee of the society in those days. In 1965 the then president of the society, Mr. J. M. Lavan, as he then was, made a recommendation to the then Minister for Justice, the present Leader of the Opposition, that the Testator's Family Maintenance Act should be amended to allow parents of a deceased to make a claim in proper cases and also to enable the grandchildren of the deceased to apply if their own parent was dead. In other words, if the father or mother of the grandchild who was the son or daughter of the deceased had died, the grandchildren should be able to claim more or less in lieu of their deceased father or mother.

The Law Society also recommended that this Bill should be extended to cases of intestacy, that is, in a *bona fide* case where it was considered just that a person should be given greater protection than the law allowed. These recommendations were forwarded by the then Minister, The Hon. A. F. Griffith, to the Law Reform Committee set up by the Government. The committee was asked for its views and it prepared a working paper which is the basis of the Bill which the Government has now brought to the House.

I must say at the outset that the Law Reform Committee has gone considerably beyond the recommendations made by the Law Society in 1965 and the Government has accepted its submissions. In fairness to the Law Reform Committee, I should say that it referred its recommendations back to the Law Society and again asked the society to look at them. In 1968-69, after examination, the Law Society agreed with certain parts of the submissions but disagreed with other parts. The Law Society, and, in fact, the council of the Law Society, said that they approved of the provisions being extended to *de facto* wives but would not go beyond this. They approved of the categories being extended to include grandchildren where the parent was deceased but they would not go beyond that. On this occasion they did not agree

that the provisions should be extended to parents. I report this purely as a matter of history of the discussions between people who had a lot to do with administering the law on this subject. This gives us a background to the new proposals.

The Minister in his second reading speech said—

As with the Testator's Family Maintenance Act this new legislation does not confer any right to share in an estate. The only right conferred is to make an application to the Supreme Court for an order for provision of adequate maintenance and support of the family and dependants of deceased persons, out of the assets of the deceased persons' estates.

I do not quarrel with that statement; it is perfectly true. This Bill does not say that these people can claim out of the estate as of right, but it does say that we can extend the number of people who may apply to the court and that it is up to the court to make provision.

Although the Minister's statement is technically correct, in practice unfortunately the experience of many lawyers has been that courts take the view that if someone is named as a claimant and there is no reason why he should not share in the estate, then he will be allowed to share irrespective of whether or not there is a very strict requirement for his support or maintenance. This has been brought home to me on a number of occasions when I have been rather surprised at the trend of events—not so much in Western Australia, but in other States which have a similar law.

The Hon. W. F. Willesee: The same law as we are proposing?

The Hon. I. G. MEDCALF: No, the law we are repealing. There is nothing similar to the law we are proposing. New South Wales is the case in point, and this is quite relevant to the discussion because it illustrates what we are proposing to do. In New South Wales, if a person is one of those listed—that is, a child of the deceased or a widow or widower—then he or she is 50 per cent. home, or half way there so far as the court is concerned. The court does not worry very much about whether any money is needed for support and maintenance in life.

In other words, if a person is named as one of those who can claim, the court has a sympathetic view towards him or her. Unless someone else can show that the person claiming is unworthy, the court is likely to find that the testator's will should be upset. I mention this because I believe we should bear in mind that a person is entitled to dispose of his own assets. If a person has built up some assets it seems to me he ought to be entitled to bequeath them as he pleases by his will.

Whilst I agree we should allow proper protection to a widow or a child who has been deliberately left out when they need assistance, I think we should be careful about extending that principle indefinitely; otherwise we will reach the stage at which the law was many hundreds of years ago when it was not possible for a person to leave a will; when it was not possible for a person to leave his assets or estate under a will at all.

His estate had to pass to the person called the heir at law, the person laid down by the law as being his heir—his eldest son in fact—and in addition some of his estate had to go to the feudal baron who in that society happened to be in a state of lordship over him.

The Hon. Clive Griffiths: It still goes on.

The Hon. I. G. MEDCALF: I was not going to enter into the subject of probate duty this afternoon. In those days I repeat it was impossible for a person to dispose of his estate, and it was only by the good offices of the lawyers and the Lord Chancellor, assisted by the Ecclesiastical Courts that it was possible to devise a system of trusts whereby a person could defeat the laws of the land and leave his estate to the people to whom he wanted to leave it—his wife or other children, quite apart from the eldest son.

This state of affairs took some hundreds of years to develop and now it is unfortunately true that we are going in the opposite direction. We are apparently going round in a circle and coming back to the stage where a person can be circumscribed as to whom he can leave his estate, because we are proposing to include a number of people who are not related to the deceased by blood or marriage.

The Hon. G. W. Berry: It will not be his own.

The Hon. I. G. MEDCALF: It will not. This is unfortunately one of those things about which we should be warned. I do not for one moment suggest that the Testator's Family Maintenance Act is not a good thing; I believe it is, because there are cases where the widow or the child is virtually left out of a will, when they should both perhaps be left with something for their maintenance, benefit and support in life. That is the case at the moment.

I believe there are parts of this Bill which are good; which will extend that principle in the right way. But do not let us go too far. We are reaching the stage of bringing in non-relatives; those who are not related by blood or marriage, and we are allowing them—and I will come to this in a moment—under clause 7 to upset the will. I think we may be going too far.

Accordingly I believe we should come back to the premise, subject to what I have been saying, that a man is perfectly entitled to leave his assets by his will to whom he likes. If he has accumulated those assets surely he knows best how they should be distributed.

It often amuses me to hear the arguments and quarrels that take place among the relatives after a man dies. When I say it amuses me I do not mean it makes me laugh, but it does make me philosophical when I see arguments and quarrels taking place and particularly when I am told by people—as we are all told at some time or other—of the unfairness that has been worked on them by the deceased leaving them only a quarter of the estate rather than half the estate.

What earthly right have such people to somebody else's estate, unless they need it for maintenance and benefit, or unless they are children of tender years, or unless they have a disability? They have no right to claim another person's property.

The Hon. W. R. Withers: What about a mistress who is getting a bit long in the tooth?

The Hon. I. G. MEDCALF: I believe we should not be led into what I feel is a false view; one into which I think we could quite easily fall. This has nothing to do with party politics, because people from all political walks of life fall into this trap and suggest that a man should not be permitted to dispose of his assets; that these should be arranged by the State.

I have heard good members of the Liberal Party say this. I have heard members from all political parties say that the State should be given the say; indeed there are many continental countries which suggest and practise this. It has taken many hundreds of years to develop this law of this land which permits a person to dispose of his estate.

The Hon. W. F. Willesee: We must allow for the abnormality of the mind as the years go on.

The Hon. I. G. MEDCALF: If we look at this Bill we find we are now including grandchildren in its provisions. When the Law Society was having its discussions with the Minister a few years ago grandchildren meant legitimate grandchildren. Under the recent legislation passed by Parliament, to which we all basically agreed, grandchildren now include illegitimate grandchildren and adopted grandchildren. I do not object to illegitimate grandchildren and adopted grandchildren being included in the provisions of the legislation, nor do I object to their being given the status of legitimate grandchildren, because both I and the other members of this House supported the measure.

But we must appreciate that when we are talking about grandchildren being permitted to disturb somebody's will we are talking about adopted and illegitimate grandchildren. Let us pause for a moment and see what that means in practice. It means a person makes his will and leaves his estate to, say, his children. One of his children, however, may be an adopted child who perhaps did not turn out the way it was hoped he would; unfortunately something went wrong and he went around the country, left the rest of his family and perhaps fathered a lot of illegitimate children around the country. It is more than certain that some of those illegitimate children he sired would not have been known to the original grandfather, but they would be entitled to upset his will, as against his widow, his children and anybody else, including even a charity.

The grandfather may have left his estate to a worthy charity and yet all these people can come in and if they can establish their claim as grandchildren, and prove they are grandchildren of the grandfather in question, they can upset his will. They can do so providing, of course, they can satisfy the court that they require part of the estate for their maintenance, education, support, or advancement in life. As I indicated earlier, it is not very difficult to do that; not in the case of young people. Maintenance, education, support, and advancement in life covers a multitude of things. It does not mean only that a person needs it for his board and lodging; it also includes his future prospects and his establishing the need for money to buy a future business or something similar.

If we let in grandchildren I suggest that we must provide some qualification. This is necessary because we must not forget we are including the illegitimate children and adopted children of a testator who could possibly have an argument and be in conflict with the testator's widow, or perhaps with a worthy charity, or with anyone else who may be left something in the will in question. They will be arguing over their grandfather's will.

What obligation has a grandfather to provide for his grandchildren? I suggest he has no legal or moral obligation to do so, unless a parent, who was the child of the grandfather, is deceased. If a child of the grandparent, who is the father of the grandchildren in question, is deceased and the grandchildren are left without a parent then I readily agree they should be covered.

The Hon. A. F. Griffith: Many grandfathers do not need any incentive to look after their grandchildren.

The Hon. I. G. MEDCALF: I readily concede that if a child of the grandfather is deceased, then the grandchildren—who

are the children of that deceased child—should have the right to make a claim; but why should we allow the grandchildren whose parents are living to have a claim? The parents have a prime responsibility to look after those children. If the parents want to do so they can make a claim themselves. I believe the grandchildren should be restricted to those whose parents have predeceased the deceased.

I know the Minister will raise an argument against me on this issue, and no doubt he will say, "It is all very well to bring in the restriction, but what about the parent of the grandchildren in question who dies after the deceased grandfather, and what about those parents who are experiencing bad luck or who are ill?" I appreciate there are difficult cases, but a line has to be drawn somewhere.

This is in line with two opinions which have been given by the Law Society—one by Mr. Lavan who was president of the Law Society in 1965, and one by the society itself in 1969 after it had the advantage of reading the paper of the Law Society Committee on which this Bill is founded.

I believe we must draw the line at the children of the deceased. Where the child of a testator has died we should allow his children to bring in a claim, but not those grandchildren whose parents are alive.

As for the parents of a deceased, I think there is good reason to allow the parents of a deceased person to make a claim; but there would not be many cases where such parents would claim they were entitled to a share in the estate of their son or daughter. I would go along with that provision, although in other jurisdictions this has been restricted to cases where there is no widow or somebody else with a prime claim. In those circumstances the other jurisdictions have agreed to let the parents in provided there is no widow.

The Hon. W. F. Willesee: I think that is fair enough.

The Hon. I. G. MEDCALF: I am prepared to allow the parents to bring a claim, and therefore I go along with the provision in the Bill. However, I would ask the Minister to give me an answer to the question which deals with the parents, and this is covered by the provision in clause 7 (1) (e) of the Bill which states—

- (e) a parent of the deceased, whether the relationship is determined through lawful wedlock or adoption, or otherwise;

This is one of the parties who are entitled to make a claim. I am wondering why the phrase "whether the relationship is determined through lawful wedlock or adoption, or otherwise" has been used. It seems odd that the parents of an adopted child can claim in the estate of that child.

Would not that be an incentive for people to adopt children who were heirs or heiresses?

The Hon. W. F. Willesee: On the other hand the parent could have devoted a lifetime to an adopted child.

The Hon. I. G. MEDCALF: Yes. It could be a very fortuitous circumstance where parents have adopted such a child. I am wondering why the phrase I have mentioned has been included. It would be sufficient to merely say "a parent of the deceased" because, as I understand the position, under the present law the parent of a deceased includes a parent by adoption. I do not think it is necessary to include the illegitimates. I am not asking for the phrase to be deleted, because I do not think its retention will make any difference, but I would like the Minister to give me some explanation.

The final point I wish to make deals with clause 7(1)(f). This states—

- (f) a person who at the time of the death of the deceased was being wholly or partly maintained by the deceased, who was ordinarily a member of the household of the deceased, and for whom the deceased, in the opinion of the Court, had some special moral responsibility to make provision.

These are the moral claims, and the people concerned do not have to be related to the deceased by blood or through marriage. They need only be partly or wholly maintained by the deceased, having been ordinarily members of the household of the deceased, and the court thinks there is a moral responsibility on the deceased.

Let us visualise the people whom this category includes. In my view it includes any person who is normally supported by the deceased either wholly or partly. It would include a housekeeper who is not fully paid; for example, a housekeeper who is a pensioner living in the household and is doing some of the housekeeping and is in receipt of a pension. It would include such a pensioner's child who spends one or two nights or perhaps the weekend in the household, and who receives free meals and accommodation during such occasions.

The Hon. W. F. Willesee: Do you mean the child of the housekeeper?

The Hon. I. G. MEDCALF: Yes, or a companion. It could include the step-children, the *de facto* wife, the *de facto* husband, or any number of *de facto* wives or *de facto* husbands.

The Hon. D. J. Wordsworth: What about the children of the housekeeper?

The Hon. I. G. MEDCALF: Yes, they are included.

The Hon. D. J. Wordsworth: Legitimate and illegitimate children?

The Hon. I. G. MEDCALF: Legitimate or illegitimate, because there is no distinction. It could include a great number of people who are able to upset a person's will. It think the provision goes too far, and we might regret it if we pass the Bill in its present form. I can see that this proposal is well intentioned. I firmly subscribe to the view that it is well intentioned on the part of the Government and the Law Reform Committee which put the proposal to the Government; but I still think it is going too far to allow so many people to have the right to upset a person's will, as against the rights of the wife, the children, and other parties including charities whom the testator wants to benefit.

It seems to me that in the next 20 to 50 years we will have many more wills in Western Australia in which the money is left to charity. Generally speaking this has not been an affluent State, compared with some of the other States and other countries. We have the spectacle in many other countries of large bequests being made to charities.

We have the Hackett bequest to the University, and a number of others of that sort, but they are pretty few and far between. However, I believe that large bequests will become more common. I can think of nothing better to which a testator can leave his estate than some worthy charity. I do not see why any number of people should be allowed to upset the will because they happened to be partly or wholly maintained by the deceased at the time of his death or were members of the household of the deceased for whom the deceased, in the opinion of the court, had some special moral responsibility to make provision.

I have no quarrel with the court but, generally speaking, the court takes the view that if one is mentioned as one of the people who could benefit, then one is half-way there. That is why I believe we should adopt a fairly strict view.

We should come back and think about what the testator wanted and we should give that gentleman—who is not present to speak for himself—a little bit of say in his affairs. It is all very well for the court to divide up his estate but I think he should have some say in that division. Allowing the court to make a just decision, we should allow the testator to decide because he often knew best whom he wanted to benefit, and who best deserved some benefit. I do not think we should be too quick to change his intentions.

Another factor is the delay which occurs in the distribution of an estate. If we allow all these people in, there will be unnecessary delays while the claims are heard. We have to bear in mind that delays hurt people tremendously. Already people complain about the length of time it takes to distribute estates. Time is

taken by the probate authorities and the provisions of this Bill will mean additional time because the executors will wonder just who is likely to make a claim.

I believe we should do something about the *de facto* wife. I do not even extend that to a *de facto* husband, but a *de facto* wife is really a proper wife in all but law and she should be entitled to consideration whereas, at present, she is not. If the intention of clause 7(1)(f) is to bring in the *de facto* wife—and I believe it is—I would go along with that but I suggest we restrict it to the *de facto* wife.

The Hon. L. A. Logan: Should there not be some qualification on the length of time she was a *de facto* wife?

The Hon. I. G. MEDCALF: That is a good question and it has been raised in the Workers' Compensation Act. I think that Act lays down a qualification of two or three years. If we were to insert, "*de facto* wife" in paragraph (f) it would read as follows:—

a *de facto* wife who at the time of the death of the deceased was being wholly or partly maintained by the deceased, who was ordinarily a member of the household of the deceased, and for whom the deceased, in the opinion of the Court, had some special moral responsibility to make provision.

That would cover the point raised by Mr. Logan. There should be some qualification for a *de facto* wife, because although a man can have only one wife lawfully, he can have any number of *de facto* wives, Mr. President, in this society. I am not referring to you personally, Mr. President. However, a citizen can have any number and it can be seen that half a dozen *de facto* wives might make a claim and that would be extremely embarrassing to some people. Of course it would not be embarrassing to the deceased.

The Hon. W. F. Willesee: I think priority would rest with the *de facto* of the moment.

The Hon. I. G. MEDCALF: Perhaps we could establish a system of registration of *de factos*, the first *de facto* to put in a caveat on the estate. Of course I am joking, but there could still be more than one *de facto*.

The Hon. W. F. Willesee: Once a *de facto* gets the sack she is out. The new one takes over next morning.

The Hon. I. G. MEDCALF: I suggest we should extend this provision to cover *de facto* wives. If that is the intention of clause 7(1)(f) I would go along with it provided we could restrict the provisions to *de facto* wives and exclude all those other people.

The Hon. L. A. Logan: What about the *de facto* who might have lived with the deceased for many years, but who was replaced by a second *de facto* wife only six months before the testator died?

The Hon. I. G. MEDCALF: That would leave the court with a nice little problem to decide. I would not be able to answer that question. If paragraph (f) is amended to allow for a *de facto* wife the provision will be limited to the one who is partly or wholly maintained at the time of the death of the testator. If a man discarded a woman who had been living with him for many years I think the court would have a sympathetic view towards her when comparing the position with a woman with whom the testator had taken up only a few weeks before his death.

This is a difficult area which has been introduced by the Bill. I am trying to limit the provisions of the Bill to a *bona fide de facto* wife. The thought suggested by Mr. Logan has raised the real difficulty of the Bill. We are only discussing *de facto* wives at the moment. Just imagine what will happen when we get to housekeepers and their children—legitimate or illegitimate—and the rest of the people who can come in under this provision. They will not have to be relations. It has been said that the road to hell is paved with good intentions, and so is this Bill! A testator, after his death, is singularly ill-equipped to contest a claim by those who would be allowed to come in under the provisions of this Bill and upset his intentions.

I support the Bill but with the reservations I have indicated. I would be glad if the Minister could answer the question I have raised. I would like to mention also that I propose to put some amendments on the notice paper in respect of the specific matters I have mentioned.

Debate adjourned, on motion by The Hon. L. D. Elliott.

LAND AGENTS ACT AMENDMENT BILL.

In Committee

Resumed from the 2nd June. The Deputy Chairman of Committees (The Hon. F. D. Willmott) in the Chair; The Hon. V. J. Ferry in charge of the Bill.

Clause 2: Section 4 amended—

The DEPUTY CHAIRMAN: Progress was reported on the clause after The Hon. V. J. Ferry had moved the following amendment:—

Page 2—Delete paragraphs (a), (b) and (c) and substitute the following—

(a) by deleting paragraph (a) and substituting the following:—

(a) Where an application for a license, or for the transfer to him of a license is made—

(i) on behalf of a company by a director or an employee thereof, appointed in writing

by the company to hold the license on its behalf, and the company is—

- (I) authorised by an Act to apply for and obtain probate of the will of a testator; or
- (II) a pastoral company in respect of which an exemption granted under section eleven of the Banking Act 1959, of the Parliament of the Commonwealth, or that Act as amended from time to time; is in force; or
- (ii) whether on behalf of a company firm or otherwise, and the Minister has in writing requested a report from the Committee as to the circumstances of the case and the manner in which it might be dealt with,

the Clerk of the Court of Petty Sessions with whom the application is lodged shall cause copies of the application to be delivered to the Minister and to the Committee.

The Hon. V. J. FERRY: Members will recall that this Bill reached this Chamber during the autumn sitting. The circumstances of its arrival were a little unfortunate, in that we were asked to deal with it on the last day of that sitting.

The amendment I have on the notice paper is virtually a rewrite of the Bill. I believe an identical amendment would have been moved in another place had time allowed. In view of the pending closure of that particular sitting of Parliament, I believe the intention was to transmit the Bill here and replace clause 2 with the one contained in the amendment that is in my name on the notice paper. Therefore, the Bill is virtually being rewritten by the amendment which is now under discussion.

I make that explanation because of the mood of the debate which took place when the Bill was dealt with during the autumn session. Several members were not quite clear about the intention of the Bill or the relationship to it of the amendment under discussion. Their dilemma was understandable.

It will be observed that Mr. Medcalf has placed a further amendment on the notice paper. I believe Mr. Medcalf's amendment will make sense of the Bill, should the Committee see fit to pass the amendment I have moved. I request that the Committee approve of the amendment now before the Chamber to permit further debate to ensue and, perhaps, further amendments to be moved.

The Hon. A. F. GRIFFITH: I would like to make it quite clear at the outset that I was not one of those members who were uncertain about what the Bill contained, and I am grateful that, although the Bill arrived in this Chamber under the circumstances outlined by Mr. Ferry, we did not proceed with the Bill on that occasion. It will be recalled that we sat here until something like 6.45 p.m. while the Legislative Assembly waited for us to rise.

A very unusual situation prevailed wherein a private member in another place introduced the Bill, and it was then taken over by the Attorney-General and sent here in its present form with the Attorney-General agreeing to the Bill on the understanding that some amendments would be moved. As Mr. Ferry has indicated, time has given us the opportunity to have a further look at the matter, and I think we should feel satisfied that we decided not to deal with it hurriedly some weeks ago.

Mr. Medcalf has undertaken considerable research into this Bill and I believe the new clause he has placed on the notice paper will be a saving grace. As I said the last time the Bill was debated, it had been the aim of a previous Government, when I was the Minister for Justice, to try to update the Land Agents Act to provide a group of people who were qualified and knew what they were about in connection with the very important matter of handling thousands and millions of dollars of other people's money. I saw the Bill in the form in which it was presented to us as completely breaking down all the efforts Parliament had made over two or three years to improve this legislation. At the time, I was not very pleased.

The concept of the Bill now is that it will provide some relief in the circumstances that caused the introduction of the Bill, but Mr. Medcalf's proposed amendment will be seen to save the day at least to the point that a person who receives a probationary or preliminary license must satisfy the court that he is a person who is capable of holding it. I am prepared to support the amendment moved by Mr. Ferry, bearing in mind the amendment which will be moved by Mr. Medcalf.

The Hon. I. G. MEDCALF: When this matter was before the House in the closing stages of the last session, Mr. Ferry was good enough to agree to an adjournment so that it could be further considered because of the difficulties which some points posed to members at that stage of the sitting.

On looking into the matter since, I have discovered that the Land Agents Act is a very complicated Act. One has to dodge from one amendment to another and it is very difficult to find out exactly where we are with the proposed amendment. As a result, I have had discussions with Mr. Ferry and others, and I am happy to say we have reached agreement that it is

desirable that the amendment proposed by him should be limited to the degree set out in the amendment proposed by me.

In order to inform members, I will briefly deal with the matter contained in my amendment. It is to the effect that, under Mr. Ferry's amendment, an approved applicant would be liable to prove and establish to the satisfaction of a court that he was a person of financial fitness and integrity; in other words, although he had not qualified by examination, that he was nevertheless a person who was financially capable of acting as a land agent, receiving trust moneys from people, and paying out moneys when required, and was of a fit and proper character to be a land agent. That is an important safeguard and it is one of the purposes of my amendment.

Another purpose of the amendment is to allow a land agents' committee to have a right to lodge an objection to the court. It would, of course, be required to sustain its objection and satisfy the court that it had reasonable grounds. Reasonable grounds would not be merely endeavouring to protect other land agents in the vicinity or endeavouring to protect the profession; reasonable grounds would be that the person for some personal reason was not fit to be a land agent.

The amendment is to allow the court to be informed of all objections, either from the Minister, the committee, or any private individual. The final portion of the amendment provides that the approval of the type of person mentioned in Mr. Ferry's amendment—that is, the unqualified land agent—extends for only three years. At the end of that time the approval expires unless there are further grounds such as another death. In that three years the applicant should be able to qualify by passing the necessary examinations, forming a partnership with someone who is qualified, or taking into employment a qualified land agent, thus enabling him to receive a license in the ordinary course without going to the Minister. I agree with Mr. Ferry's amendment provided that my proposed amendments are also included in the Bill. I think this is a good Bill. I have discussed it with one or two prominent land agents who are connected with the land agents' committee, and they think this is a reasonable arrangement.

The Hon. R. J. L. WILLIAMS: I support this amendment because it covers an anomaly which has occurred. I merely rise to place on record the facts concerning a particular case. A land agent was accustomed to receiving a notification that his license was due to be renewed. When he received the notification he would pay the fee, as he would with his driver's license. The anomaly occurred when he was away on a short trip at the time his license was due for renewal. Had he been notified, his license would have been renewed automatically. Unfortunately, due

to some error no notification was sent out. This was admitted by the department concerned.

Consequently, the land agent returned from his trip and continued to operate for eight months before he found he had no license to do so. The amendments proposed by Mr. Ferry and Mr. Medcalf provide this gentleman with an opportunity to re-apply for his license and have it reinstated without the three-year qualification because now his case may be presented direct to the Minister. The Minister will have more discretion than he has at the moment. On those grounds, I support the amendment.

The Hon. W. F. WILLESEE: It seems to me that this is a reasonable tightening up of the situation. This Bill emanated from another place. I realise the discussions which were held were held with people who are concerned with the legislation, and on that basis I do not object to the amendment.

The Hon. A. F. GRIFFITH: I understood Mr. Williams to say that a person who failed to renew his license because the department did not send him a renewal notice will now be able to apply to the Minister and have his license reinstated.

The Hon. R. J. L. Williams: No.

The Hon. A. F. GRIFFITH: Possibly that is not what the honourable member meant, but I think that is what he said. However, I do not think that is the case. A land agent I know was accustomed to receiving notices from the department saying that his license had expired and that he should renew it. However, one year he did not receive a notice and did not realise his license was due for renewal. He found himself without a license. If that man is now free to apply to the Minister and receive a preliminary license, as I understand the amendments he will then be obliged to pass the examination within the next three years. Is that right, Mr. Medcalf?

The Hon. I. G. Medcalf: Yes.

The Hon. A. F. GRIFFITH: In that case I suggest to the Leader of the House that between now and the third reading stage he consult with his colleague, the Attorney-General, in an endeavour to clear up this matter. My comment to the person who spoke to me about this matter was, "It is your responsibility to renew your license."

The Hon. W. F. Willesee: I would think that is elementary in any business.

The Hon. A. F. GRIFFITH: Yes, it is. However, this gentleman had relied upon a Government department just as does. I am sure, the Leader of the House and every other member in this Chamber in regard to drivers' licenses, motor vehicle licenses, television licenses, gun licenses—in fact any licenses. In the case of this

gentleman, whom I will call Mr. Brown, the renewal was sent out, but it was sent to the wrong address and was received by the wrong Mr. Brown. His license expired before he realised it. I told him immediately to apply to the court for a renewal. In those circumstances I think the Act should be specific.

If for some reason or other a person who is qualified does not renew his license on the due date there should be some provision in this legislation to enable him to renew it subsequently. It seems to me that if the law is interpreted in the way Mr. Williams appears to interpret it a person who has been licensed for 25 or 30 years could find he is practising without a license because he was one day late in renewing it; and he could apply to have his license reinstated. But then, at a mature age, and having been a land agent for 25 or 30 years, he would be required to sit down and study in order to pass the examination. These are ludicrous and totally different circumstances from those which brought about the introduction of the measure.

This Bill was occasioned as a result of the death of the father in a family company whose son found himself without a license. He made representations to his member of Parliament who presented this Bill to remedy the situation. I object to this, not through lack of sympathy for that man, but because he expected to receive a license for nothing. That situation has nothing to do with those people who lose their licenses because they fail to receive a notification of renewal.

I consider that to be unfair. This was the reason, perhaps, for my becoming heated about the matter on the last day of our session. I was extremely disappointed that the Council did not see any merit in that circumstance. However, the matter will be rectified by this amendment, and that person will have to qualify. I would like the Minister to ask the Attorney-General to consider the remarks I have made to see whether it is necessary—I believe it is not—for a man who is qualified and holds a license and who for some reason or other does not obtain a renewal of his license on the due date, to be penalised as a result.

To draw a comparison, I know that a practising solicitor who does not renew his practising certificate on the due date cannot appear in court, but that does not put him in the position of his having to sit for his bar examination all over again. In fact, there are some legal practitioners who do not hold a current barrister's certificate simply because they are not required to appear in court. It is important that this point be examined, and perhaps in this Bill we could add something to enable such a man who is in a position of

being disenfranchised for any length of time—admittedly by his own action—to remedy the situation.

Sitting suspended from 3.55 to 4.10 p.m.

The Hon. W. F. WILLESEE: In view of the remarks of Mr. Griffith I would not like to try to reply without giving a considered opinion backed by advice. I feel the issue he has raised is not really related to the amendment before the Chair.

The Hon. A. F. Griffith: No. I did not say it was.

The Hon. W. F. WILLESEE: I know. I suggest we deal with the amendments and take the Bill to the third reading stage. I could then give my opinion on his query.

Amendment put and passed.

The Hon. I. G. MEDCALF: For the reasons outlined, I move—

Page 2—Add after paragraph (a) the following new paragraph to stand as paragraph (b):—

(b) by deleting paragraph (c) and substituting the following paragraphs—

- (c) Where an approved applicant is applying on behalf of a company referred to in subparagraph (i) of paragraph (a) of subsection (2b) of this section the provisions of subsections (4) and (4a) of this section do not apply in relation to the application and the provisions of subsection (5) of this section do not apply in relation to an application in the first instance for, or to an application for the transfer of, a license.
- (d) Where an application has been made by or on behalf of any person, other than a company referred to in subparagraph (i) of paragraph (a) of subsection (2b) of this section, and a certificate has been issued pursuant to paragraph (b) of this section, then—

the approval is not effective for any period in excess of three years, and no further certificate may be issued in respect of any other application by or on behalf of that person arising out of the same circumstances which shall have any validity after the expiration of three years from the date of the initial certification.

Amendment put and passed.

Clause, as amended put and passed.

Title put and passed.

Bill reported with amendments.

QUESTIONS (17): ON NOTICE

1. POLICE STATION AND LOCKUP

Laverton

The Hon. G. W. BERRY, to the Minister for Police:

What is the position regarding new Police Station and lock-up facilities at Laverton?

The Hon. J. DOLAN replied:

Extensions of the Police Station and Lockup will be made during 1973-74, subject to funds being available.

2. STATE FORESTS

Land at Walpole

The Hon. V. J. FERRY, to the Leader of the House:

(1) In respect to State Forest land in the region of Walpole not carrying commercial acceptable indigenous timber—

(a) to what use is some of this land now being put; and

(b) to what future use will the remaining land in this category be put?

(2) For what purpose will any other land in the region of Walpole under the control of the Forests Department be used?

(3) What is the policy of the Government in respect to the future use of idle Crown Land in the region of Walpole?

(4) Is it intended to release any Crown Land for agricultural purposes in the near future?

The Hon. W. F. WILLESEE replied:

(1) (a) Present uses are, protection of the tingle forests which are an important tourist attraction; protection of Eucalyptus ficifolia (red flowering gum), strategic fire protection buffers and trials of exotic commercial timber species.

(b) Strategic fire protection buffers and timber production, depending on the rate of development and the establishment of suitable markets.

(2) There is no other land under the control of the Forests Department in the Walpole Region.

(3) and (4) There is no significant area of Crown land within about 10 miles of Walpole Townsite.

3. LOCAL GOVERNMENT

Refuse and Litter

The Hon. CLIVE GRIFFITHS, to the Minister for Local Government:

(1) What Local Authorities within the metropolitan area have adopted the model By-law relating to the deposit of refuse and litter?

(2) What is the maximum penalty that can be imposed for a breach of this By-law?

The Hon. R. H. C. STUBBS replied:

(1) The following Councils adopted the draft in the years shown:

Shire	Adopted
Armadale-Kelmscott	1966
Bayswater	1966
Gosnells	1966
Kalamunda	1967
Kwinana	1966
Peppermint Grove	1965
Rockingham	1965
Wanneroo	1967
City	
Nedlands	1967
Perth	1966
South Perth	1965
Subiaco	1966
Melville	1966
Town	
Mosman Park	1966
Claremont	1965
Cottesloe	1966

(2) \$100: It should be noted however, that in 1967 section 665A of the Local Government Act was added. This section contains identical provisions to the draft model by-law except that the penalty prescribed is \$200. The provisions of the Act, of course, prevail.

4.

HOUSING

North-West: Eligibility

The Hon. V. J. FERRY to the Hon. W. R. WITHERS, to the Leader of the House:

(1) In view of the fact that the maximum qualifying income for a State Housing Commission tenant in the Metropolitan Area is \$100 per

week where State Housing Commission two bedroom flat rentals are \$13.50 per week, will the Minister offer equality to the Northern residents who have higher rentals, such as \$29.50 for a two bedroom flat in Karratha by the following calculation—If \$13.50 is 13½% of \$100 and if a \$29.50 rental is 13½% of a Northern pay packet then the maximum qualifying income should be \$218.52 less 20% of the Zone Allowance with a resultant allowable income of \$216.44?

- (2) If the Minister will not agree to the qualifying income, will he consider lowering the Northern rentals to city levels or explain the reason for discriminatory calculations against the Northern residents of this State?

The Hon. W. F. WILLESEE replied:

- (1) No.
- (2) The present rental policy of the State Housing Commission is not considered to be unfair to residents in northern areas of the State, or indeed in any other area remote from Perth.

Under existing practice, the base rent is calculated on notional capital cost of a similar dwelling erected at Geraldton, and this is a substantial benefit. Further, in assessing what rent is actually to be paid by a tenant in Northern areas, the first \$10 of each income into the household is deducted before determining from the normal rent—income scale of the rebate code of practice the actual rent to be charged. By the application of this system, no tenant is required to pay a rent which could be regarded as excessive in relation to the family income.

5. TRAFFIC

Seat Belts

The Hon. N. E. BAXTER, to the Minister for Police:

- (1) With reference to my question regarding seat belts on Tuesday, 15th August, 1972, and the reply to part (3) thereof that "Separate records are not maintained, but generally the penalties imposed by the Courts have been less than \$20", would the Minister ascertain and advise if some of the penalties imposed by the Court were \$5 and \$10?

- (2) If the Minister advises that he cannot obtain the above information, how did he ascertain the reply given?

The Hon. J. DOLAN replied:

- (1) The weighted average of penalties imposed by the Courts for failing to wear seat belts to 30th June, 1972, is \$13.57. Penalties imposed to date, range from \$2-\$20. Some penalties were of \$5 and \$10.
- (2) Records of penalties imposed by the Courts in respect of each type of offence under the Traffic Act and Regulations are not maintained separately and an extensive and costly search would be required to extract detailed information.

Samples have been taken to supply the information contained in (1).

6.

FISHING

Boat Facilities at Carnarvon

The Hon. G. W. BERRY, to the Leader of the House:

When is it anticipated that work will—

- (a) commence; and
- (b) be completed
- on fishing and prawning boat facilities at Carnarvon?

The Hon. W. F. WILLESEE replied:

- (a) Approximately January 1973.
- (b) In approximately 3 years.

7.

ORD RIVER SCHEME

Development of Packsaddle Plain

The Hon. V. J. Ferry for the Hon. W. R. WITHERS, to the Leader of the House:

- (1) In view of the statement made by the Minister for the North West concerning a loan of 1.3 million dollars for the development of Packsaddle Plain, will the Minister advise if an allocation of this amount has been made?
- (2) If not, when is development expected to commence with the use of the 1.3 million dollars mentioned at the opening of the Ord River Dam?

The Hon. W. F. WILLESEE replied:

- (1) No—Commonwealth approval is awaited.
- (2) Prior to the 1972 wet season.

8. TOXIC PESTICIDES

Treatment of Fruit and Vegetables

The Hon. I. G. MEDCALF, to the Leader of the House:

In the interests of Public Health and the consumers of fruit and vegetables which have been treated with toxic pesticides—

- (a) what legal provisions exist to ensure that growers of fruit and vegetables observe the prescribed time interval between treatment of their crops and harvesting;
- (b) what action is taken and by whom to enforce such provisions;
- (c) have there been any breaches of any such provisions;
- (d) have any proceedings been instituted in recent years against any persons caught offending;
- (e) if so what; and
- (f) is the Government satisfied that the interests of the consuming public are being fully protected?

The Hon. W. F. WILLESEE replied:

- (a) Food and Drug Regulations.
- (b) Sampling programmes by Department of Public Health, Department of Agriculture and the Commonwealth Department of Primary Industry.
- (c) None reported.
- (d) None.
- (e) See (c) and (d).
- (f) Yes.

9.

ABATTOIRS

Loan Funds

The Hon. N. McNEILL, to the Leader of the House:

- (1) For each of the years 1966-67 to 1971-72 inclusive, what was the total amount raised by loan by the Midland Abattoir Board?
- (2) For each of the loans so raised, what was—
 - (a) the amount of each loan;
 - (b) the source at which the loans were raised;
 - (c) the interest rate applicable;
 - (d) the term of each loan;
 - (e) the purpose for which it was raised; and
 - (f) the amount of each loan expended on the stated purpose?
- (3) What was the balance of loans outstanding at 30th June, 1966?
- (4) To what extent have loan funds been used to finance other than capital works at, or in connection with, the Abattoir?
- (5) To what extent have grants been made from—
 - (a) Treasury; and
 - (b) other sources—
 for (i) capital works expenditure; and
 (ii) operating expenditure?

The Hon. W. F. WILLESEE replied:

		\$
(1)	1966-67	390,000
	1967-68	435,000
	1968-69	544,000
	1969-70	1,209,000
	1970-71	3,808,000
	1971-72	3,053,000

(2)	(a) \$	(b)	(c) %	(d) years	(e)	(f)
1966-67	190,000	Treasury	5	54	Contractual payments on capital works	Expended as for (e)
	200,000	R. & I. Bank	5.875	25	"	"
1967/68	135,000	Treasury	5	54	"	"
	100,000	R. & I. Bank	5.875	25	"	"
	200,000	Motor Veh. Ins. Trust	5.875	15	"	"
1968/69	244,000	Treasury	5.2	54	"	"
	300,000	Motor Veh. Ins. Trust	5.875	20	"	"
1969/70	909,000	Treasury	5.2	54	"	"
	300,000	Motor Veh. Ins. Trust	5.875	20	"	"
1970/71	3,508,000	Treasury	5.5	54	"	"
	150,000	Motor Veh. Ins. Trust	7.4	20	"	"
	150,000	A.N.Z. Bank	7.3	10	"	"
1971/72	2,453,000	Treasury	5.5	54	"	All expended as for (e) except \$800,000 carried forward to 1972-73 for new effluent system and \$4,242 balance payments to other capital works.
	400,000	A.N.Z. Bank	7.3	10	"	
	150,000	S.G.I.O.	7.4	15	"	
	50,000	C.B.C. Bank	7.4	15	"	

- (3) \$3,399,757.
- (4) Nil.
- (5) (a) Treasury has made available \$693,493 for operating expenditure.
- (b) No grants received from other sources.

10. HEALTH

Tropical Medicine School

The Hon. W. R. WITHERS, to the Leader of the House:

- (1) Is the Minister considering the establishment of a school of Tropical Medicine in the East Kimberley?
- (2) If so, will the Minister advise of a possible date of commencement?
- (3) If not, will the Minister study the requirement by asking for advice from resident doctors in the tropical regions of this State and other doctors with experience in those regions?

The Hon. W. F. WILLESEE replied:

- (1) No.
- (2) Not applicable.
- (3) No.

11. *This question was postponed.*

12. EDUCATION

Kununurra School

The Hon. W. R. WITHERS, to the Leader of the House:

Further to my question on 11th May, 1972 regarding air conditioning of the Kununurra State School, and the reply that tenders would be called in late June or July, would the Minister advise when the tenders will now be called?

The Hon. W. F. WILLESEE replied:

Tenders close on the 29th August, 1972 and completion is called for in 8 weeks from acceptance of tender.

13. ABATTOIRS

Midland Saleyards

The Hon. D. J. WORDSWORTH, to the Leader of the House:

- (1) Are the Midland Saleyards open for the receipt of livestock at all hours?
- (2) If not, what happens to the stock which arrives shortly after the gates close, particularly as some stock has been on the road for over 12 hours?
- (3) For the comfort of stock in the interests of better meat and for the better utilisation of road transport, would the Minister investigate if it is possible to have an opening fee for late arrivals?

The Hon. W. F. WILLESEE replied:

- (1) No.
- (2) Stock remain in road transport in a special parking area provided by the Board.
- (3) Opening of the Saleyards for late-comers is not considered to be feasible in view of the necessity to ensure the cleansing of marshalling and drafting yards prior to the next day's sale.

14. DOG RACING

Legislation

The Hon. W. R. WITHERS, to the Chief Secretary:

- (1) In view of the unemployment situation in this State, is the Minister expediting the supplementary legislation on betting for the Greyhound Racing Control Bill so that the passing of the Bill may be considered as a possible way of boosting employment?
- (2) (a) Have any persons communicated with the Minister about the supplementary legislation for this Bill expressing a desire for expediency;
- (b) if so, how many?
- (3) When does the Minister expect to present the legislation?

The Hon. R. H. C. STUBBS replied:

- (1) Yes.
- (2) (a) Yes.
- (b) Numerous.
- (3) Within two or three weeks.

15. PASTURE AND SOIL SURVEY

Gascoyne River Catchment Area

The Hon. G. W. BERRY, to the Leader of the House:

Further to my question regarding the release of the report of the pastures and soil survey conducted in the Gascoyne River catchment area, will the Minister please give his reasons for not Tabling the report?

The Hon. W. F. WILLESEE replied:

The report is under consideration by the Pastoral Appraisalment Board.

16. *This question was postponed.*

17. POLICE STATION AND LOCKUP

Leonora

The Hon. G. W. BERRY, to the Minister for Police:

What is the position regarding new Police Station and lock-up facilities at Leonora?

The Hon. J. DOLAN replied:

Subject to funds being available, a new station will be constructed during 1972-73.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 9th August.

THE HON. V. J. FERRY (South-West) [4.25 p.m.]: The subject of traffic control is a matter of importance to both the Government and the Opposition. For this reason, the Liberal Party has devoted a great deal of consideration to this problem which has widespread influence right throughout the community. I refer, of course, to the fact that traffic matters affect all citizens, whether they be in one corner of the State or another.

Although the Bill before us is a very small one in size and in print, indeed it has far-reaching consequences, because the purpose is to permit the Police Department to take over and be responsible for control of traffic throughout the whole of Western Australia.

We all realise, I am sure, that the Police Department is responsible for controlling traffic in the metropolitan area and in a number of country shires which have requested that their areas be controlled by the Police Department. A number of other shires throughout Western Australia control traffic matters in their own right or, if they do not control them as individual shires, they are controlled under a regional traffic arrangement. It is for these reasons that I say the Bill, although small in size and in print, is one which will have a profound effect, I feel, upon almost every citizen in Western Australia.

The Minister raised a number of points when he moved the second reading and I will refer to some of them during the course of my address. Firstly, I say there is a great deal of similarity between the Bill and its intention—that is, to have a single authority controlling traffic throughout Western Australia—and the policy of the Liberal Party in respect of traffic control. The Liberal Party also believes in a single authority to control traffic, but there is one particular difference. Perhaps, too, there is a little more emphasis on some points in projecting one form of traffic control against another. Nevertheless, in simple terms, the Government on the one hand favours a single authority and, in fact, the Liberal Party also favours a single authority. I will mention the differences between the two systems during the course of my remarks.

My intention is to point out the benefits of an alternative system. I believe that traffic throughout Western Australia should be controlled under a new statutory authority called, "The Traffic Control Authority." I would like to draw attention,

particularly, to the three words, "Traffic Control Authority." I believe they are well chosen words because they imply what, I believe, an authority would carry out; that is, control of traffic. I am aware, as I am sure other members are equally aware, that various names have been suggested for authorities which may, or may not, be set up. Such names include, "highway patrols" and "highway authorities." My view is that the term, "Traffic Control Authority" does, in fact, convey what it purports to convey.

Many of the arguments which can be used in support of one system can be used with just as much force in support of the other system. They run parallel in many respects.

I would like to refer to the situation in Queensland. Of course, the Police Department controls traffic throughout Queensland as it does to my understanding in every other State of Australia except Western Australia. I would like to read from the transcript of a news item from the Australian Broadcasting Commission. It states—

It was suggested in Brisbane today that the standing of Police in the community would be higher if they did not have the responsibility for traffic control.

This is the view of the Acting Commissioner of the Queensland Police Force, Mr. Whitrod.

He was speaking to a Young Labor Conference in Brisbane.

Mr. Whitrod said he did not know the State Government's attitude, but he personally, was in favour of giving traffic control to some authority other than the Police.

He said that in New Zealand, traffic control was the responsibility of a special Traffic Department, separate from the Police Force.

As a result, the community has a higher opinion of Policemen.

Mr. Whitrod said it was known that friction between the Police and the public was caused mostly by enforcing traffic laws.

That is the opinion of the Acting Commissioner of Police in a particular State. I feel his opinion has a bearing on this debate and it certainly has a bearing on the comments I wish to make.

The Hon. S. J. Dellar: What is the date of that?

The Hon. V. J. FERRY: The 1st August, 1970. I wish to refer to the report of the interdepartmental committee appointed to inquire into the control of traffic in country areas, which is dated the 1st April, 1966. This report was referred to by the Minister in his second reading speech, and he said that the committee was set up in 1965.

The report contained a number of major recommendations and I would like to point out that the reasons for most of the recommendations can be equally used for one system of traffic control as against the other. The committee recommended that the Police Department should be the sole authority for the responsibility of the enforcement of the Traffic Act throughout the State, and on this point I differ. Another recommendation was as follows—

That, subject to the agreement of local authorities, the State assumes responsibility of traffic control equipment and housing provided by local authorities, with appropriate compensation.

On this particular point I believe that the local authorities throughout the State should have a greater say and responsibility in traffic control, including traffic control in the metropolitan area.

This Bill leaves a lot to be desired. I have referred earlier to its brevity. It makes no mention whatsoever about the future employment of traffic inspectors now employed by local authorities or local traffic groups under the auspices of the individual shires. No guarantee of employment has been given. The Government did give an undertaking that these employees would be catered for under certain conditions, but there is no grandfather clause in the Bill stating categorically that traffic inspectors now employed through local authorities will continue to be employed. This is not good enough. I would like the Government to place further emphasis on this point. Such a matter should not be passed lightly over as many traffic inspectors are employed throughout the State and if this Bill becomes law their livelihood could be in jeopardy. With all the goodwill in the world, some of these men would have difficulty in meeting the Police Department requirements. I believe a lot more will be said about this during the second reading debate.

It has been my happy experience over a number of months—in fact, going on for a year or two—to have enjoyed a tremendous amount of co-operation, liaison, and goodwill, with the Country Shire Councils' Association and a number of individual shires in respect to traffic matters. I have been fortunate in having received this response from local authorities and I believe a number of other members have had the same experience. With the exception of one outstanding point which I believe is not an insoluble problem and is still the subject of negotiation, I am happy to say that the Country Shire Councils' Association is in complete accord and harmony with the proposal for a separate traffic authority as set forward by the Liberal Party. I feel it has been quite an achievement to get to this particular point.

One aspect of traffic control which deserves particular mention—and I am sure everyone will agree with this—is the road safety factor. Whoever is responsible for traffic matters should make sure that road safety is high upon the priority list. I would venture to say this is probably so at the present time, but even greater emphasis must be given to it in the future.

In my opinion the Government has failed to answer a number of matters raised in the course of the debate in another place. I will not go into them now but I am aware that during the passage of the legislation in another place a number of queries were raised and I cannot find evidence of the queries being satisfactorily answered by the Government. I do not believe that the Government is expressing sufficient goodwill towards Parliament. Matters which are raised by way of query during the passage of legislation should be answered. The Government should endeavour at all times to satisfy members who raise queries. I sincerely hope questions will be answered in this Chamber.

I am mindful of very recent events which took place in this Chamber when in fact Parliament denied the Government the right to establish a Government laundry. Straight away the Government decided to establish a Government sponsored laundry in another way against the will of Parliament. I hope this measure we are presently debating will not give rise to the same attitude.

At this point it would be prudent and timely for me to elaborate a little on my beliefs for the proper control of traffic throughout Western Australia. I believe there should be a single authority to control traffic and because of the importance of traffic control and road safety, a new statutory authority called the traffic control authority should be established under the direction of the Minister for Traffic Safety. I emphasise this because of its importance to all citizens throughout the State—I believe it is of vital importance. The public expects greater attention to be given to road safety matters in this day and age. Everyone is affected. If some people do not travel the roads for one reason or another I am sure they have relatives or friends who use the roads and so they are affected although they may not physically use the road themselves. Therefore, I believe traffic control deserves a separate ministry to handle it—it is a very important social issue.

The authority should comprise a chairman and eight members—a total of nine. The membership should be made up of representatives of local authorities, the Main Roads Department, and the Police Department. The authority should be responsible for the training and supervision of traffic inspectors. I realise that the Police Department now covers this

sphere of activity and likewise, there will be a separate authority which will be responsible for recruiting the necessary traffic inspectors and training and equipping them to standards which will be acceptable under all the circumstances.

Further, I believe the authority should establish a research section equipped with a mobile and highly-qualified research team for accident investigation. Again this is to deal with road safety and I am sure the Minister will agree that this is in line with the Government's thinking, that research should be pursued with the utmost endeavour to try to pinpoint probable weaknesses in mechanical parts and driver faults. These weaknesses could then be analysed and suitable recommendations could flow from the research section to the community to prevent the recurrence of accidents.

The authority would be expected to assume responsibility for the inspection of vehicles whether new or used. It would also be responsible for road traffic and the overall supervision of such matters as crosswalks, road signs, and the like, in liaison with such bodies as the Main Roads Department and local authorities. Particularly in country areas where the police have assumed the responsibility for controlling traffic, I am aware that the responsibility for road signs and parking areas is undertaken by the local shires. To the best of my knowledge the police do not do this at all, but I believe it should be the responsibility of a properly constituted traffic authority so that there is no fragmentation of the administration of road usage and the control of traffic on the roads.

The authority should use the existing facilities of local authority buildings, offices, traffic officers, and other clerical personnel to avoid unnecessary duplication and unwarranted capital expenditure. We are all aware that a great deal of capital expenditure has occurred throughout the State for buildings and equipment and these should not be cast aside when traffic control is passed to the Police Department. There will be less wastage if this is done.

I would like to say at this point how much I appreciate the good work which has been done and is still being done by the officers of the Police Department and the local authorities wherever they are controlling traffic in Western Australia today. Despite the weaknesses in any one system or any section of the system, I believe that traffic is conscientiously controlled in nearly every respect whether by the Police Department or local authorities. I want to say that I do not detract in any way from the endeavours of these bodies—that must be understood. However I feel this is a most opportune time for

Western Australia to take the lead in tackling all matters relating to traffic control in a forthright and realistic way. I said earlier that traffic control in other States is the responsibility of the Police Department.

I believe we should contemplate a change throughout the whole of Western Australia; we should use our best endeavours to come up with what we hope will be a new approach to traffic control in the most economic and satisfactory manner.

The Hon. R. Thompson: Is there anything wrong with the administration in the other States?

The Hon. V. J. FERRY: I cannot answer that because I have not had an opportunity to study the administration in the other States.

The Hon. R. Thompson: Is there anything wrong with the policing in the other States?

The Hon. V. J. FERRY: I reiterate what I said about police officers and shire inspectors controlling traffic. They are doing all they can but that does not mean we cannot improve the system.

The Hon. G. C. MacKinnon: Have not there been some reports in the Press about traffic in the Eastern States?

The Hon. V. J. FERRY: There should be greater involvement with local authorities, and I particularly mention this in regard to clerical work. The Government of the day should encourage the activities of the local authorities in a number of fields; not merely in traffic control. Local Government authorities could be encouraged to accept a greater responsibility in public works and other matters.

At the present time local authorities have little confidence in the attitude of the Government. I have been talking to a number of people in the various shires throughout the country and I get the distinct impression that they are confused on innumerable matters and that they would welcome some positive action and direction from the Government.

One way in which to achieve this would be to involve these shire councils more directly under a Statewide system of traffic control. We know there is an awareness throughout the community, particularly in the country areas, where it is felt that centralisation in one form or another is detracting from the activities of local authorities and is preventing the local people from endeavouring to help themselves.

This Bill will in no way assist local authorities in the overall scheme of things. I feel that the reverse would be the case; it will detract from their standing in the community and cause some concern to the local authorities in their undertakings.

Accordingly I am convinced that the proposal I am projecting at the moment is worthy of some consideration by the Government. I hope the Government will not hasten with this legislation until all its aspects have been canvassed. I am sure that a number of good ideas and suggestions will be forthcoming from those speakers who follow me.

This is not an emotional issue; it is an issue which affects each and every one of us, and I believe it must be tackled in the fashion I have suggested. If we delayed the passage of this Bill for a reasonable period, I do not think it would be to the detriment of the people of this State. Traffic is now being controlled in one way or another and this will not change; but we could be more positive and come up with an acceptable system from which far-reaching benefits could flow not only to the State but to perhaps the other States of Australia.

It is possible that Western Australia may be able to come up with something that would be a blueprint for traffic control in other places. I hope we will give this matter our earnest consideration and apply to it our best endeavours.

The Hon. R. Thompson: You said you would like to see greater involvement by the local authorities in traffic control. Could you expand on that?

The Hon. V. J. FERRY: I could expand on it by referring in the first instance to the type of representation which I believe this authority should have; bearing in mind that it will be comprised of nine members including a chairman.

In this connection I feel that one person should be nominated by the Minister for Traffic Safety and he would be the chairman. There should also be a representative from the Country Shire Councils' Association; a representative from the Country Town Councils' Association; perhaps a representative of the Local Government Association; a representative of the Perth City Council; a member to be nominated by the Secretary for Local Government; a person nominated by the Commissioner of Main Roads, and a person to be nominated by the Commissioner of Police.

From this list members will appreciate there will be a broad spectrum of representation involving the local authorities, be they country or metropolitan, together with representation from the Main Roads Department and the Police Department.

To expand on that line of thought I believe that the local authorities in the metropolitan region and the local authorities in the country regions should be involved in the clerical work that may be necessary in the registration and inspection of vehicles and so on. They should be involved in the general scheme of things and recompensed by the Government for

their endeavours in this regard. In that way a greater awareness would be engendered throughout the community as this relates to road traffic matters and particularly to road safety; because the whole thing comes back to the individuals who make up the community. If we can transmit this principle to them in any way at all I believe we should do so. That is how I think the local authorities should be involved.

The Hon. R. Thompson: Would not this cause duplication, because at the moment traffic patrolmen play a great part in crime detection?

The Hon. V. J. FERRY: I am glad that question has been raised by Mr. Ron Thompson. He said that existing police traffic patrolmen are not engaged in traffic control but in crime detection.

The Hon. A. F. Griffith: There is nothing to stop them engaging in crime detection.

The Hon. V. J. FERRY: I believe these people should operate as a Police Force rather than as a traffic control force. With the growing complexities of everyday life it is necessary for the community to be provided with greater protection and I feel this would best be done through a very efficient Police Force which should not be bogged down with trifling traffic offences.

I do not suggest for one moment that the Police Department should have any power taken away from it in connection with the control of traffic; we should leave it to the discretion of the policeman to act as he thinks fit in an emergency. By taking traffic control away from the Police Department and vesting it in an independent authority we will strengthen its hand; the department will be able to employ its best efforts in the detection of crime, and the apprehension of those who offend against the law.

The Hon. D. K. Dans: If there is a fatality on a country road in an area where there is a traffic inspector who attends at the scene? Does the traffic inspector attend or do the police also attend?

The Hon. V. J. FERRY: My understanding of it is that the traffic inspector is called in when there is an accident, but when there is a fatality the police are also called in. Unfortunately I have come across accidents in the country where both traffic inspectors and the Police Force have been in attendance.

The Hon. J. Heitman: It has to be that way because the traffic inspector has no statutory power to carry out the work of the Police Force.

The Hon. D. K. Dans: I am asking a genuine question, because I do not know the position.

The Hon. G. C. MacKinnon: We would not believe that you would ask anything but a genuine question.

The Hon. V. J. FERRY: I have raised this matter because of the difference in the role that may be played by a full-time traffic inspector as against the role which may be played by a traffic inspector employed by the Police Department.

I feel the Police Department should be allowed the opportunity to attend what might be called legitimate police work, and in my opinion traffic affairs are not always legitimate police affairs, inasmuch as a person may cross a double line or cut a corner or fail to stop at a stop sign and while offending against a traffic regulation he is not committing a crime.

The Hon. J. Dolan: But he could kill somebody.

The Hon. V. J. FERRY: This could happen at any time by somebody tripping and falling on his head.

The Hon. R. Thompson: If your scheme were accepted would it not be costly and mitigate against local authorities?

The Hon. V. J. FERRY: I do not think this would affect local authorities adversely; I think it would help them. This would, of course, depend entirely on the attitude of the Government; it would be for the Government to make it work and for it to endeavour to bring the local authorities into this orbit so that they become involved and recompensed accordingly.

The Hon. R. Thompson: It will of course become more costly as it progresses.

The Hon. V. J. FERRY: I have no doubt that Mr. Ron. Thompson will make his contribution in due course and I am sure it will be worth while.

The Hon. A. F. Griffith: The Minister referred to the question of a death on a crosswalk but that, of course, could occur in the metropolitan area where traffic is controlled by the police.

The Hon. J. Dolan: It could happen anywhere.

The Hon. A. F. Griffith: That does not shift responsibility.

The Hon. V. J. FERRY: I would like to comment on a remark made by the Minister in his second reading speech when he spoke of a report of the Royal Australasian College of Surgeons and referred in particular to the National Road Trauma Committee.

I have the highest regard for the findings of this medical committee. But they did indeed come down with the firm opinion that road traffic control should be vested in a statutory body and that is exactly what I am expounding at the moment. I also said that the shire councils traffic authority should be disbanded. Following the discussion I had with the Shire Councils' Association and individual shires I believe that under a Statewide system traffic control in country

areas could be adequately served where the shires play their part, but only under a single system so that there may be uniformity of traffic control throughout the system.

Mention was made of the New Zealand system of traffic control. This is a combination of police control and control by some 17 local authorities. I do not advocate this should be implemented in Western Australia; though I do believe it should be Statewide in order that we may have a uniform code of traffic requirements.

The Minister also said that the moving of traffic was a proper police function. I would be prepared to debate this point. No doubt there are very good arguments both for and against. But the Minister went on to say that the car was just as lethal a weapon as a gun or some other weapon. For that matter a knife would be just as lethal a weapon in the wrong hands as would a cord that might be used for strangling. So that is not exactly a true analogy on the Minister's part.

I also refer to a report quoted by the Minister in connection with the Victorian Police Force which was made by Sir Eric St. Johnston. Among his many comments he referred to the qualities of the police and the duties they undertook and said that in his opinion he felt they endeavoured to carry out what was required of them. That is all very fine. I imagine every traffic inspector endeavours to carry out his duties wherever he may be employed.

The Hon. R. Thompson: Have you an answer as to why *The West Australian* has been advocating a single traffic control authority for the State?

The Hon. V. J. FERRY: I have not had occasion to discuss this matter with the Editor of *The West Australian*. In his speech the Minister also referred to the restructuring of the Police Department. He referred to the establishment of a traffic safety council, and this is in line with my suggestion of a traffic safety research council. He went on to suggest that a department of motor transport may be established.

I would like to dwell on the words used by the Minister. At the conclusion of his second reading speech he said—

Finally, it might be appropriate to refer to the fact that consideration has been given—and is continuing to be given—to the feasibility and practicability of separating from the Police Traffic Department the requirement of licensing of vehicles and handling of motor drivers' licenses. A new department could be created which, perhaps, could be known as the department of motor transport.

I do not believe it is good enough for the Government to come before Parliament and say something perhaps could be done. The Government should be firm in its conviction and declare in Parliament that it has a firm intention to do something, and a firm plan to put into operation. If the Government is sincere in its claim to restructure the traffic control system in this State it should be prepared to come forward with a firm line of thought. I say this Government is not really sincere in its views in discussing this matter in Parliament.

I referred earlier to what I believe to be a number of unanswered queries which arose in another place. I have a suspicion this Government expected Parliament to accept legislation or proposals merely because it says that Parliament should do so. I do not hold that view, and I am not impressed with the final paragraph in the Minister's second reading speech. If the Government is convinced that this is a good idea, it should say so and spell out its intentions, so that the people will be made aware of them.

The Hon. C. R. Abbey: It would be a good idea if the powers are spelt out.

The Hon. V. J. FERRY: I agree that this Bill tells us nothing except that certain powers will be conferred on the Commissioner of Police to enable him to do certain things throughout Western Australia; but it does not say how, when, or where they shall be done.

I realise that many steps can be taken by promulgating regulations, and I am aware of the problems that have arisen over such regulations. I would like the Government to declare firmly what it intends to do. It says that it is very concerned with road safety and traffic matters. I do not intend to give any statistics, and I shall speak on a broad principle, because one can play with statistics all night long and come up with a different answer each time. Unfortunately, it is a fact that people continue to be injured and killed on the roads, whether the traffic control be under the Police Department or shire inspectors. It does not influence me, that this line of thought has been projected into the debate. I am concerned with a uniform system which will be of maximum benefit to this State.

The Hon. A. F. Griffith: With only two clauses in the Bill, the administration of this law will have to be done through regulations.

The Hon. V. J. FERRY: My understanding of the Bill is that it empowers almost anything to be done by regulations. This Parliament has no control over regulations, except that we may move to disallow them where we consider that to be necessary.

It seems that the Government is waffling too much, and that is not good enough in a matter as serious as this. I consider that traffic control should be placed under the jurisdiction of a properly designated Minister. I hope the Government will not proceed hastily with this measure, and will dwell on the points which have been and which, no doubt, will be raised in this debate.

The Hon. A. F. Griffith: Regulations can be disallowed even after they have been in force for four or five months.

The Hon. V. J. FERRY: I believe this is the time and place to analyse where we are heading with traffic control; and this is where we determine whether we can come up with a blueprint which is acceptable to the rest of Australia.

I repeat the point I made earlier: If there is some delay in the passing of this measure, traffic control will still proceed under the existing circumstances throughout the State. Therefore I hesitate to give the Bill my blessing until I have been given further assurances by the Minister; and there will have to be very good reasons given before I am prepared to support it.

THE HON. L. A. LOGAN (Upper West) [5.06 p.m.]: In case I may be misunderstood in my opposition to this measure I want everybody to be perfectly clear that I am just as concerned with traffic accidents and the road toll as anybody else. To a certain extent I disagree with what Mr. Ferry has said. He said there was nothing clear in the Government's intention. The Bill is definite in what it says. The Government proposes a complete takeover of traffic control from the country local authorities.

In his second reading speech the Minister took up a great deal of his time in dealing with some alternative system; and Mr. Ferry has done the same. To me this aspect is irrelevant to the Bill. The Bill is fairly explicit, in that in one clause it provides that the police shall take over traffic control from the local authorities at a certain date to be announced in the *Government Gazette*.

It is on the police control of traffic in the country that I express my views in relation to the contents of the Bill. I do not believe that a complete takeover of traffic control by the police has been proved to be necessary, or that this Bill will achieve what is intended to be achieved. In my view that is not the answer.

The dictatorial attitude of the Minister for Police and the insulting and unfounded criticism of country shire and country traffic officers made by the member for Fremantle certainly have not been conducive to good public relations; in fact, their actions have created very bad feeling throughout the State. This is not a very

good starting point if police control of traffic throughout the State comes into force.

If the Minister thinks that I am drawing the long bow, I should make reference to a letter which he wrote to the Shire of Swan in which he said—

As the appropriate Minister it is my obligation to carry out the Government's policy as indicated. The 'take-over' plan is being prepared and when completed will be implemented.

At present there is no necessity to debate the pros' and cons' of the question.

The Hon. A. F. Griffith: Who sent that letter?

The Hon. L. A. LOGAN: That letter was sent by the Minister for Police to the Shire of Swan.

The Hon. A. F. Griffith: Did he sign it?

The Hon. J. Dolan: Of course I signed it.

The Hon. A. F. Griffith: Did the Minister say it was not his letter?

The Hon. J. Dolan: I certainly did not.

The Hon. A. F. Griffith: I beg your pardon.

The Hon. L. A. LOGAN: Also, in a letter I received from the Shire of Coorow, the following appears:—

The Minister for Police and Transport has indicated that he is not prepared to discuss the matter with Local Authorities and that he intends to carry out the Government's policy as indicated.

I think that vindicates what I said in regard to the dictatorial attitude of the Minister.

We then come to what Mr. Fletcher had to say in another place. Two reports appeared in the Press concerning the statements made by that honourable member in regard to this matter. One was published in the *Daily News* of the 8th April and another appeared in the *Daily News* on Thursday, the 30th March. Outlining his point of view, Mr. Fletcher made two statements which appeared in the Press. He said a great deal about local authorities and their traffic inspectors whom he called bushrangers and a few other names. He also said this—

I mentioned two cases which related to relatives of mine. I did so because in order to convince members opposite one needs to provide irrefutable evidence from a reliable source, and not merely hearsay; because members opposite always regard one's statements as dubious.

Let us look at one or two of the statements he did make. First of all he said that his son and his nephew had been fined \$30 for exceeding the speed limit by a few

miles an hour. At the same time he also said that before parting company with the traffic inspector his son paid out \$30 on the spot. Let us compare that statement with the statutory declaration which was signed by the traffic inspector concerned and witnessed. In doing this we should bear in mind the penalties imposed for committing this particular offence. They are—

Speeding: Exceeding speed limit by 10 m.p.h. or less—Penalty \$15.

Speeding: Exceeding speed limit by more than 10 m.p.h. but not more than 15 m.p.h.—Penalty \$30.

Let us now see whether the member for Fremantle's son was exceeding the speed limit by only a few miles an hour and whether he paid the fine on the spot. The traffic inspector's statutory declaration reads as follows:—

At approximately 4.00 p.m. on this date,—

That is, the 6th January, 1972. Continu—

—I observed a vehicle travelling South on Great Northern Highway, Bullsbrook, it appeared to be exceeding the zoned limit of 40 m.p.h. I watched this vehicle enter the Radar Beam and the reading of 52 miles per hour was held by the meter.

I do not know whether you, Mr. Deputy President, would consider that 12 miles an hour over the speed limit is only a few miles in excess of that limit. I continue to quote—

I then held out a sign with the words "STOP" Traffic Inspector printed thereon.

There is no need for me to read the entire contents of this declaration, but I will quote this part—

I told the driver the speed checked by Radar was that of 52 m.p.h. and he was in a 40 m.p.h. zone, did he have his licence please.

The driver produced his licence and gave the name of Dr. David Rowley Fletcher of c/- Fremantle Hospital, Fremantle.

This person is also known to me through sporting activities, but as he was exceeding the zoned limit by 12 miles per hour, in a Built-up area having a large number of children resident, I felt that I could not justify any leniency towards the defendant, despite the fact of knowing him personally. A traffic infringement notice for exceeding the limit by 10 miles per hour but not more than 15 m.p.h. was issued with a penalty of \$30 in accordance with the provision of the Traffic Act and its associated regulations. The infringement notice was subsequently paid on 18/1/72.

That certainly does not tally with the statement that the fine was paid on the spot.

The honourable member in another place who made statements in regard to this matter is the man who claims to be the convener of the Labor Party Traffic Committee. So I repeat that this type of action is not conducive to good public relations.

I believe that if the Minister for Police and the members of his party tried to encourage a little more co-operation between the police and the local authorities it would tend to improve the situation, instead of the Minister holding up his finger and saying to them, "We are going to do this, and never mind about you."

The Hon. G. C. MacKinnon: Do you think there may be a little bit of spite in this Bill in view of what you have just read to the House?

The Hon. L. A. LOGAN: I am not aware of all the member for Fremantle said in another place, but statements by him have appeared in the Press which are contrary to what is contained in the statutory declaration.

The Hon. A. F. Griffith: I take it that this argument you are telling us about was put forward on the basis that because of that the police ought to take over traffic control in the country?

The Hon. L. A. LOGAN: Yes, that was the argument that was put forward.

The Hon. A. F. Griffith: It is a point of view; you must admit that.

The Hon. L. A. LOGAN: As a matter of fact, this is just another insult to local government, because, in effect, by seeking a takeover of traffic control in the country by the police the Government is saying to the local authorities, "You are not capable of controlling traffic inspectors so we will have to control traffic in the country by members of the Police Force." It is also an insult to the traffic inspectors themselves, because, in effect, what is being said to them is, "You cannot work properly with the local authorities, but you can work properly under the control of the Police Department."

The Hon. A. F. Griffith: I am glad to hear you say that. I thought that they had not justified their action at all. I did not think they would tell the local authorities anything.

The Hon. L. A. LOGAN: I am saying that, in my opinion, it is an insult to the local authorities and the traffic inspectors to say, in effect, "You cannot hold the traffic inspectors because they are not doing their job," and then, in the next breath say, "When the police take over the traffic inspectors in the country they will do a better job."

The Hon. G. W. Berry: Do local authorities employ fruit-fly inspectors?

The Hon. L. A. LOGAN: I do not know much about that subject so I had better not discuss it. To bolster up his arguments the Minister quoted from the report by the traffic committee, and I think that possibly we could look at a few other statements that are made in that same report.

The following is portion of a letter sent by the Country Shire Councils' Association to the Minister for Police, and deals with the interdepartmental committee's report:—

3. The outstanding fact arising from the report is that the Interdepartmental Committee has ascertained that there is no real evidence to justify the claim that a change in the Traffic Control would bring about a reduction in the Accident Toll. The Committee mentioned in Paragraph 1.5 of this report that;

"Much of the public discussion of this question and indeed the concern expressed by the Government in initiating this enquiry centred around accident prevention and the rising road toll."

The Committee in Paragraph 1.6 of this report states that,

"What became clear was that insufficient data exists upon which valid comparisons can be made of the accident rate in Metropolitan and Country Areas and between this and other States. In these circumstances it would be insupportable to attempt to use comparative accident rates as a measure of Traffic Control performance."

I could not agree more; but the committee has stated those things and it is on the recommendations of that committee that the Minister now bases some of his arguments for traffic takeover. Mr. Ron Thompson referred to *The West Australian*. However, the letter continues—

Even the West Australian newspaper, which has urged for some time that the control of traffic should be a police matter, when invited to state its reasons for its thinking was forced into admitting that there was no certainty of improvement. In its submission appearing on pages 43 and 44 it uses the following words:

"Nor do we believe that mere transfer of control, without proper strengthening of the resources directed towards road safety, would have a dramatic effect on the road toll."

Although *The West Australian* has advocated this for a long time it admits it cannot prove it would be effective. The report reads—

"Virtually no information emerges from these investigations on which firm conclusions for remedial measures can be based . . . However on the evidence available, and particularly that indicating the high proportion of single vehicle accidents, it cannot be implied that improved enforcement on the open road would immediately bring about a reduction in accidents."

All the way through the report it states that there is no evidence whatever to prove that a police takeover would have any beneficial effect on the road toll in Western Australia.

The Hon. C. R. Abbey: Certainly not on the single-vehicle accidents.

The Hon. L. A. LOGAN: The doctor was trying to indicate that the majority of accidents, particularly single-vehicle accidents, was due to either drugs or alcohol.

The Minister tried to emphasise that Western Australia was the only State with the present traffic control system. Consequently I feel that some comments regarding the situation in the other States may not go amiss at this stage, bearing in mind that five of the six States of Australia have police traffic control. The Governor-General addressed the National Road Safety Symposium held on Thursday, the 16th March, 1972 and, when dealing with Australia as a whole and not only Western Australia, he said, among other things—

In the last ten years more than 30,000 Australians were killed and three-quarters of a million were injured in road accidents.

Surely such a loss of life, such a cause of distress and pain and bereavement, such a waste of resources is tragic for our Nation.

He is dealing with Australia, five of the six States of which have police control. He continues—

One of the most frightening aspects of the tragedy to my mind is that so many of the victims were innocent and unintended victims.

Young people were a high proportion of the victims. I'm told that one-third of all persons killed were under the age of twenty, over half of the deaths were people between fifteen and twenty-four years of age.

This is really tragic but it occurs under police control. Later on he said—

To put it in its starkest form, a bad driver can kill an innocent victim on a perfect road driving a perfect vehicle.

How true. To continue—

Now the faults of driving may be many. We all have our theories about which are the gravest faults: driving when sleepy, driving when under the influence of drink, driving with one arm around a girl,—

We often see that here even in the metropolitan area which has police traffic control. To continue—

—driving with a troublesome dog sniffing down the driver's neck or with irritable children clambering all over the seats, driving when distracted by thoughts about other things, driving with two fingers on the steering wheel and both eyes on the passing scenery,—

He was apparently thinking about girls in mini skirts. Continuing—

—driving while rummaging in the glovebox for a shopping list.

You know there are lots of dangerous conditions in a driver other than those that a breathalyzer can detect.

And then there are many other faults such as driving too fast or driving too slowly, driving in the wrong position on the roadway, driving when dazzled by the sun, inattention, slow reaction to an emergency, lack of efficiency when handling the controls, a foot on the wrong pedal. There are gross faults and there are minor faults, wilful faults and faults of inexperience.

These are all accidents which occur even under police control.

The Hon. Clive Griffiths: But how the devil can those accidents be affected by who is in control of traffic?

The Hon. L. A. LOGAN: The police have control. We are told they have the control in five out of six States, but all these accidents are occurring.

The Hon. Clive Griffiths: Do you think that in areas where local authorities have the control those problems do not occur?

The Hon. L. A. LOGAN: I did not say that at all, but the Minister is trying to say that by police takeover he will stop them, but he cannot prove it, of course.

The Hon. Clive Griffiths: I cannot see the relevance.

The Hon. L. A. LOGAN: There is a lot of relevance. I have two other quotations I wish to make from the address by the Governor-General, the first being as follows:—

Some of these faults are of a kind that might be subject to regulation, but many of the faults cannot be removed by better traffic laws, by better roads or by safer vehicles. They can only be corrected by drivers.

The Hon. Clive Griffiths: That is right.

The Hon. L. A. LOGAN: My final quote from the address is as follows:—

It is a problem of people; of the quality and character of people and of the public behaviour of people, one towards another.

I believe these are pretty relevant statements. On the 14th April, 1972, the Acting Minister for Shipping and Transport (Mr. Ralph Hunt) said—

To see people, especially young people, killing themselves in this way is a terrible reflection on our way of life.

Again, these people are being killed under police control.

The Hon. J. Dolan: Did he say that?

The Hon. L. A. LOGAN: No, I did.

The Hon. J. Dolan: I thought so. I thought Mr. Hunt was a responsible fellow.

The Hon. L. A. LOGAN: The Minister can have his say directly.

The Hon. J. Dolan: I will.

The Hon. L. A. LOGAN: I repeat that the following was in a news release by the Acting Minister for Shipping and Transport:—

To see people, especially young people, killing themselves in this way is a terrible reflection on our way of life.

I added the remark that these people were being killed while under police control.

The Hon. J. Dolan: Thank you.

The Hon. L. A. LOGAN: A submission from the Shire of Swan includes the following:—

- (i) The Acting Chief Commissioner of Police in Victoria, Mr. R. Jackson described Victorian drivers as:—
irresponsible, impatient and incompetent.

Mr. Jackson further stated that the Victorian Police were working on a plan to cut the road toll by a new approach to traffic supervision

- (ii) The Chief Secretary of Victoria, Sir Arthur Rylah:—

We are at our wits' end to know what the answer to the traffic problem is—or even if there is an answer.

At that time Sir Arthur Rylah was Deputy Premier of a State which was under police control. The submission continues—

- (iii) The Minister for Transport in N.S.W., Mr. Morris:—

Australia could learn from the very effective traffic policing system operating in New Zealand.

Let me now refer to what a police officer in this State had to say in the *Daily News* of the 4th June, 1971, when the following appeared:—

I am having to take officers off important work. This means investigation into serious crime is falling behind.

Superintendent Neilson said, my men were obliged to work long hours on weekend duty and were incurring large sums of overtime. To pick up their work lag they had to work overtime. This comes at a time when we have Government instructions to cut down on overtime costs.

And yet the Government wants to enlarge the area of work for the Police when they cannot even do the job which they now have. The submission continues—

Mr. Wedd said that there were three big challenges he had to face during his term as Commissioner. These were the possibility of violent demonstrations, the highly educated criminal and the state's mounting road toll.

Despite the problems already associated with criminals, the Government wants to take policemen away from this work and send them to the country on other duties. I do not think I need go any further; our own officers are concerned with the situation.

Most members have been inundated with correspondence from many people, including country shires and country associations. I think it would be a good idea to read to the House some of the comments made. A comment from the Shire of Swan was as follows:—

At present the function of Local Government has been geared to the present volume of activities of Councils. Any reduction of these functions will result in unused capacity of buildings, equipment and staff.

This is pretty general right throughout country areas. The Geraldton Retail Traders' Association wrote as follows:—

The proposed transfer would, no doubt, mean that licensing administration would be centred in the metropolitan area resulting in not only a reduction of citizens in rural communities with the loss of employment by those at present handling these matters but also a further decline in job opportunities in the future, a problem that is already causing concern in country centres.

The transfer of traffic control administration to the metropolitan area would have an adverse effect on the commercial and economic life of the country centres as business, such as the sale of vehicles, uniforms, etc. would be directly affected and the loss of administration staff and their

families would mean that many business establishments would suffer indirectly as their departure would have an adverse effect on a great variety of commodities.

A letter from the State Secretary of the Municipal Officers Association of Australia was sent direct to the Minister himself, and reads as follows:—

I am instructed by my Association to inform you of its opposition to the absorption of Traffic Control by the Department of Police from Local Government.

My Association is of the opinion that despite numerous approaches to your goodself no firm proposals on the protection of the industrial rights of all Officers affected, or likely to be so, have been forthcoming from your Government and this has played a major part in their opinion.

I am also directed to point out that Traffic Officers are not the only ones to be affected and that many clerical staff involved in Traffic Control will either lose their jobs or suffer a reduction in salary. Shire Clerks, Assistants, Treasurers and Engineers will definitely be affected due to the loss of revenue as their salaries bear a direct relationship with the amount of revenue the Authority receives. The base grade clerical officer who does the clerical work of the Traffic Office will find it most difficult, if not impossible, to find further employment in the country and who thus may be required to re-settle in the metropolitan area at considerable cost. These questions have not received answers and my Association has no alternative but to declare its opposition.

I think I should read a comment from *The Geraldton Guardian*. Perhaps it is good to know that we have at least one newspaper which does not fall into line with *The West Australian* when it comes to dealing with the control of traffic in country areas. I will quote part of the leading article as follows:—

A takeover would be the negation of the principles of decentralisation. Decisions on country traffic control would be made in Perth, where the person making them would not have the firsthand knowledge of the locality concerned.

The article continues—

Council traffic inspectors are employed by the council to provide service for the community and should they prove unsatisfactory they can be dismissed—as has happened. It would be interesting to see what action would be taken—and after what period—if a council reported to the

Commissioner of Police that a patrol man was not giving satisfactory service.

I think that is pretty valid. The article concludes—

The country death toll cannot be the true reason for the proposed takeover. In the background looms the suspicion that the main objective is to exploit a previously untapped source of revenue for the State Government.

So, Mr. Deputy President, I challenge the Minister to prove to me, and to this House, that if policemen had been controlling traffic throughout this State whether any one of the accidents which have occurred would have been prevented. I guarantee the Minister cannot prove that to me.

The Hon. J. Dolan: Who could prove anything to you?

The Hon. L. A. LOGAN: The Minister is trying to argue that the police takeover of traffic in country areas will help the situation. He cannot prove to me that if the police had been in control any one accident would have been prevented.

I will mention some of the accidents which have occurred. In *The West Australian* of the 10th May, 1972, an article appeared under the heading, "Family dies", and in part read as follows:—

All six members of a family were killed in this station waggon when it collided head-on with a truck near Melbourne last night.

That occurred in Melbourne where the traffic is under police control. I refer to a New South Wales headline, "Crash Kills Five." The article reads—

Sydney, Sun: Five people were killed and two others seriously injured today when two cars collided on Pacific Highway south of Taree, on the N.S.W. north coast.

I emphasise that there is police control in New South Wales. Another headline is, "Family of Five Die in Queensland Crash." The article reads—

Brisbane, Sun: The six people killed in a head-on collision on Mitchell Highway near Charleville yesterday were a grazier and a young family of five from Townsville.

Queensland, too, has police control.

The Hon. J. Dolan: Now tell us about the Kambalda road.

The Hon. L. A. LOGAN: There has been more traffic control on the Kambalda road than on any other road in Western Australia.

The Hon. W. F. Willesee: And more deaths.

The Hon. L. A. LOGAN: Yet, accidents still occur on the Kambalda road. As the Minister says, there have been more deaths. I could guarantee that if police take over traffic control, the number of

patrols on that road will be decreased, because no other road in Western Australia has been patrolled more regularly than the Kambalda road.

The Hon. G. C. MacKinnon: Is the Minister suggesting that patrols would alter the accident rate on the Kambalda road?

The Hon. J. Dolan: Mr. Logan was giving a number of examples of what has happened, in the way of fatalities, in States where the traffic is controlled by the police. The Kambalda road is controlled by the shire. I am merely pointing out that the accidents happen anyway.

The Hon. G. C. MacKinnon: The inference to be drawn is that if they were under police control there would not be so many accidents.

The Hon. J. Dolan: Not one bit.

The Hon. L. A. LOGAN: The argument all the way through has been that police control of traffic will reduce the number of accidents, and I suggest it will not.

The Hon. Clive Griffiths: Are you suggesting that police control has something to do with causing these accidents?

The Hon. L. A. LOGAN: How many accidents happen in the metropolitan area and in other areas which are under police control?

The Hon. Clive Griffiths: The same number, probably.

The Hon. L. A. LOGAN: I say that to give police the control of traffic in country areas will not reduce the road toll. Consequently, there is no reason for the police to take over the activities of the country traffic authorities.

The Hon. Clive Griffiths: I think it is more traffic control.

The Hon. L. A. LOGAN: Another Sydney headline was, "Five Die in Road Crash." I think at the time one car was travelling at 70 miles per hour over a bridge. I refer to an accident at Kununurra, to come closer to home. This occurred on the 25th June when five people were killed. Kununurra has police control of traffic.

The Hon. A. F. Griffith: There are many accidents on the Kambalda road which are difficult to explain.

The Hon. J. Dolan: They are all tragedies.

The Hon. L. A. LOGAN: Another headline from the 29th May is, "Four Die on W.A. Roads in Weekend."

The Hon. J. Dolan: I get mentally upset over every one.

The Hon. L. A. LOGAN: One of the four accidents occurred in Albany Highway, Cannington. Another occurred at the corner of Birdwood and Westminster Streets, Victoria Park. The third occurred

at Girrawheen, and the fourth in Welshpool. In addition, on the same weekend two people were injured in an accident which occurred in Scarborough Beach Road.

Consequently, I hope the Minister will not pursue the argument that the road toll will be reduced if the police were to control traffic in country areas. There is no basis for arguing in this way.

The Hon. G. C. MacKinnon: I think you have convinced him.

The Hon. L. A. LOGAN: I come back to another heading in the *Daily News* which reads, "Three die as car crashes into South-West Culvert." The accident happened about 6.00 a.m., near the 108-mile peg, almost opposite the Waterloo Hall. The country shire council controls the traffic in this area. Will any member attempt to tell me that, had the police controlled the traffic in this area, they would have been there at that time on that morning? It is a fallacious argument.

The Hon. J. Dolan: Which shire controls Waterloo?

The Hon. L. A. LOGAN: I think it is Harvey.

The Hon. J. Dolan: That is not under police control. What is wrong with you?

The Hon. L. A. LOGAN: I do not think the Government should create ill-feeling throughout the State, as it is doing with this measure. We are not talking about an alternative system at the moment but, instead, complete takeover of traffic control by the police. I think the Minister would be better advised to engender further the co-operation that exists between the police and the country traffic authorities. I know many places where there is very good co-operation between the two. In consequence of the limitation on the statutory rights of a traffic inspector, often the police help quite considerably. Members would have to go out and see this co-operation for themselves to appreciate what is going on. I am sure the co-operation should be fostered.

Finance is the only reason why some shires have handed over the control of traffic to the police. If the Government were to give \$5 for every vehicle licensed in the district, instead of \$4 for the first 1,000 and \$3 for those after that, this would almost satisfy the requirements. The job could be done properly from the local authority point of view. There is no need whatsoever for police to take over traffic control.

The Hon. Clive Griffiths: Are you suggesting they are not doing the job properly?

The Hon. L. A. LOGAN: I am not suggesting that. I am saying that traffic control has been handed over for reasons

of finance only. If we take away the financial problems they will do the job more effectively.

The Hon. G. C. MacKinnon: They are doing it at a loss.

The Hon. L. A. LOGAN: I have one other point to make. Some considerable time ago the control of country traffic was taken out of the hands of the Minister for Local Government and put into the hands of the Minister for Police. This was a detrimental move.

The Hon. W. F. Willesee: How long ago was that?

The Hon. L. A. LOGAN: I could not say offhand. I am simply saying that it was done. I do not blame anybody, but I say it was the wrong thing to do. When I was Minister for Local Government, I found I lacked the necessary authority to make some local authorities wake up to their responsibilities. The first suggestion I make at the moment is that we should hand the control of country traffic back to the Minister for Local Government, because that is his direct task. Secondly, we should increase the amount returned to local authorities on vehicle licenses to at least \$5. It may be necessary to give them more to enable them to do their job properly. Let us co-operate on this matter instead of creating throughout the State ill-feeling which is most unnecessary. If we can work in a spirit of co-operation we could well go some way toward reducing the road toll. I oppose the measure.

Debate adjourned, on motion by The Hon. J. Heitman.

House adjourned at 5.48 p.m.

Legislative Assembly

Thursday, the 17th August, 1972

The SPEAKER (Mr. Norton) took the Chair at 11.00 a.m., and read prayers.

BASSENDAN No. 2 TOWN PLANNING SCHEME

Subsidy for Deep Sewerage: Petition

MR. BRADY (Swan) [11.02 a.m.]: I present the following petition from the ratepayers concerned in the Bassendean No. 2 town planning scheme:—

To the honourable speaker and members of the Legislative Assembly of the Parliament of Western Australia in Parliament Assembled.

We the undersigned petitioners being citizens of the Bassendean Shire (District of Swan) do hereby

pray that Her Majesty's Government of Western Australia will assist in the development of the Bassendean No. 2 Town Planning Scheme by the providing a subsidy for deep sewerage as required by the appropriate government authority. The subsidy to cover the full cost of the deep sewerage throughout the entire scheme.

Your petitioners therefore humbly pray that your honourable House will give this matter urgent consideration and your petitioners as in duty bound will ever pray.

I certify that this petition conforms to the rules of the House. The petition has been signed by me and contains 153 correct signatures.

The SPEAKER: I direct that the petition be brought to the Table of the House.

RIO TINTO MINING COMPANY

Iron Ore Proposals: Tabling of File

MR. J. T. TONKIN (Melville—Premier) [11.03 a.m.]: Yesterday I gave an undertaking that I would table the file on the Rio Tinto Mining Company's iron ore proposals. I now submit the file for tabling. *The file was tabled (see paper No. 288).*

ACTS AMENDMENT (ABOLITION OF THE PUNISHMENT OF DEATH AND WHIPPING) BILL

Introduction and First Reading

Bill introduced, on motion by Mr. T. D. Evans (Attorney-General), and read a first time.

FUEL, ENERGY AND POWER RESOURCES BILL

In Committee

Resumed from the 15th August. The Chairman of Committees (Mr. Bateman) in the Chair; Mr. May (Minister for Fuel) in charge of the Bill.

Clause 9: Powers of the Commission—

Progress was reported after the clause had been partly considered.

Clause put and passed.

Clauses 10 to 13 put and passed.

Clause 14: Members of the Fuel and Power Commission—

Mr. NALDER: When speaking to the second reading I predicted that the representative of the State Electricity Commission would probably be the general manager or the chairman. Later on, I think the Minister indicated by interjection that it would probably be the Chairman of the State Electricity Commission. Can the Minister indicate whether that is so, and whether the representatives of the