

myself to the proposed content in this amendment in seeing land used satisfactorily after much abuse, I am very regretful to think that we are going to see a party vote on this matter.

It is perfectly obvious we will see a party vote on something which should be considered only from a much broader angle. This is destined to leave in the hands of very undesirable tenants the control of many millions of acres of the best pastoral country in Western Australia—theirs to handle and to use according to their desires and not according to the law. That is how it will work out. We are going to give the foreign companies—if this amendment is not included in the Bill—the right, and all the advantages associated with that right, to hold this country with the ridiculous suggestion that they may make 3 per cent. on the use of their investment. That is utter nonsense.

There is a property on the Fitzroy that was sold for £124,000 on a guarantee of 8,000 cattle, the bangtail muster showed 13,000 for the muster, and subsequently they mustered 4,000 cleanskins and shot 4,000 bulls—cleanskins—and that it what this Government intends to perpetuate. That is a controlled property compared with many others. Is it any wonder that those of us who are near to this problem are worried about it; that it gives us cause for great concern; and that we are not prepared to let this matter go lightly?

I can assure you, Mr. Deputy Chairman, that whatever it costs me I will make very well known all that has transpired in argument on this clause and the attempt, or lack of attempt, to refute in this Chamber what has been said, and the vote taken in support of the circumstances that now exist.

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

Ayes—10	
Hon. D. P. Dellar	Hon. R. H. C. Stubbs
Hon. J. Dolan	Hon. E. Thompson
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. F. R. H. Lavery	Hon. F. J. S. Wise
Hon. H. C. Strickland	Hon. J. D. Teahan

(Teller)

Noes—12	
Hon. C. R. Abbey	Hon. R. C. Mattiske
Hon. A. F. Griffith	Hon. H. R. Robinson
Hon. J. Heitman	Hon. S. T. J. Thompson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. A. L. Loton	Hon. J. Murray

(Teller)

Ayes	Noes
Hon. G. Bennetts	Hon. J. M. Thomson
Hon. E. M. Heenan	Hon. A. R. Jones

Majority against—2.

Amendment thus negatived.

The Hon. F. J. S. WISE: Having ascertained the result of my previous amendment, I do not think it would serve any useful purpose if I moved the other amendments.

Clause, as previously amended, put and passed.

Clauses 22 to 25 put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 11.22 p.m.

Legislative Assembly

Wednesday, the 13th November, 1963

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

LETTER IN "THE WEST AUSTRALIAN"

Legal Aspect: Statement by Speaker

THE SPEAKER (Mr. Hearman): In regard to the matter of privilege I raised last week in connection with a letter published in *The West Australian* on the 7th November, 1963, the Solicitor-General has advised that he considers a *prima facie* case against the newspaper does exist under section 361 of the Criminal Code, but that a prosecution is not, in the circumstances, recommended.

My own personal concern is that the House should be protected against attacks. It may well be that the House considers that my action in this matter has been sufficient to assert the undoubted rights of this House. On the other hand I would not wish to be open to the criticism that I was unwilling to take action against an institution such as *The West Australian* newspaper.

It would be fair to say that *The West Australian* has made some effort to make amends. It did endeavour by editorial comment in the issue of the 8th November to correct the wrong impression it had created. The representatives of the newspaper also called on me on two occasions; and I received the following letter yesterday:—

The Honourable the Speaker,
Legislative Assembly,
Parliament House, Perth.

Dear Mr. Speaker,

I am writing in relation to the letter we published last week. On behalf of *The West Australian* I wish to assure you formally that there was absolutely no intention on our part in publishing this letter to reflect upon the conduct of your office.

Yours sincerely,
(Sgd.) W. G. LOH,
Associate Editor.

I do not propose to do anything further in this matter, unless it is the wish of the House.

BILLS (2): INTRODUCTION AND FIRST READING

1. Wheat Industry Stabilisation Bill.
2. Fruit Cases Act Amendment Bill.

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

QUESTIONS ON NOTICE

MEMBERS' OFFICES

Tests for Improved Lighting

1. Mr. GRAHAM asked the Speaker:

- (1) Will he arrange for tests to be made in members' offices with a view to determining the degree

to which the present ceiling electric lighting is below standard, and report the result of such tests?

- (2) If the existing lighting is shown to be deficient, will he arrange for the installation of a new type of fixture in order to reduce the strain on members' eyesight?

THE SPEAKER (Mr. Hearman) replied:

- (1) and (2) This matter falls within the province of the House Committee and I will take it up with that committee at its next meeting.

TRAFFIC ACCIDENTS

Number in Metropolitan and Country Areas

2. Mr. ROWBERRY asked the Minister for Police:

- (1) How many accidents involving damage to property or persons took place in the State for the six months ended the 30th September, 1963?
- (2) How many happened in—
(a) the metropolitan area;
(b) country areas?

Age Groups Involved

- (3) From what age groups did the drivers concerned come?
- (4) What percentage of the whole did the numbers from the respective age groups, to wit, 17-20, 20-30, 30-40, 40-50, 50-60, 60-70, 70 plus, represent?

Mr. CRAIG replied:

- (1) Road accident statistics are tabulated by the Commonwealth Bureau of Census and Statistics. The return for the quarter ended the 30th September, 1963, has not yet been published. However, the following information has been extracted from the published returns for the half-year ended the 30th June, 1963.

Total accidents in the State—

Casualty	2,029
Non-casualty	3,864

Total 5,893

- (2) (a) Casualty 1,445
Non-casualty 2,688

Total 4,133

- (b) Casualty 584
Non-casualty 1,176

Total 1,760

- (3) and (4) The returns do not include tabulations of the age of drivers involved in accidents, but only of persons injured in accidents.

INDUSTRIAL ARBITRATION ACT AMENDMENT BILL (No. 2)

Protests in Writing

3. Mr. FLETCHER asked the Chief Secretary:

Is he in receipt of any written protests from any organisations expressing opposition and hostility to the Industrial Arbitration Act Amendment Bill (No. 2)?

Mr. ROSS HUTCHINSON replied:

I am under no obligation to disclose the contents of my correspondence on this or any other matter. It is unfortunate that the honourable member is not present at the moment, but if he wishes to discuss this matter with me personally I may be able to give him the information he requires without breaching any confidence.

Mr. Graham: What is all this secrecy business?

Mr. ROSS HUTCHINSON: None at all.

Mr. Graham: Isn't it public interest? You ought to be thrown out of the House!

Mr. ROSS HUTCHINSON: Be your age!

COAL TENDERS

Finalisation

4. Mr. H. MAY asked the Minister representing the Minister for Mines:

- (1) Is he now in a position to announce the tenders for coal contracts submitted by the Griffin Coal Mining Company and Western Collieries of W.A. Limited?
- (2) If not, what is the reason for the delay?
- (3) Which company is holding up the finalising of the tenders, or are both companies responsible?

Mr. BOVELL replied:

- (1) A three-year contract has been completed with Western Collieries Limited for the supply of 360,000 tons per year of deep-mine coal for the railways and power stations and for 20,000 tons per year of gas-making coal.
- (2) and (3) Negotiations are still in course with the Griffin Coal Mining Co. Ltd. for the purchase for three years of 235,000 tons of deep-mine and 235,000 tons of open-cut coal per year, but some other points are not yet settled.

5. *This question was postponed.*

BIRD SANCTUARIES IN ALBANY DISTRICT

Mt. Gardner Area

6. Mr. HALL asked the Minister for Lands:

- (1) Has an area of land been set aside as a bird sanctuary in the Mt. Gardner area, Albany?
- (2) If so, when and what was the date of declaration?

Two People Bay

- (3) Have other areas been set aside at Two People Bay as bird sanctuaries?
- (4) If so, what areas have been set aside, and how many acres have been allocated?

Protection of Noisy Scrub Bird

- (5) As a bird sanctuary was to have been set aside for the protection of the noisy scrub bird, can he advise the House whether the noisy scrub bird still exists in the area of land set aside for such purpose?

Erection of Notices

- (6) Have notices been erected to warn the public that bird sanctuaries exist in the declared areas; and, if so, on whose authority were such notices erected?

Mr. BOVELL replied:

- (1) The department has under consideration the creation of a reserve at Two People Bay for the preservation of fauna to comprise an area of vacant Crown land together with several reserves which have been set apart for other purposes. The area, including Lake Gardner and Lake Moates, exceeds 10,000 acres.
- (2) The composite reserve has not yet been declared.
- (3) and (4) Other reserves in the vicinity include a 9,900-acre water supply catchment area and a 735-acre national park and water reserve along the Goodga River.
- (5) It has been reported that the noisy scrub bird exists in the areas mentioned in Nos. (1), (3), and (4).
- (6) I have no knowledge of any notices having been erected.

RENTAL HOMES

Payments by Widows: Effect of Pensions Increase

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

- (1) What rent would a widow, with three dependent children, pay in occupying a State rental home

prior to rent increase by Commonwealth Social Services in widows' pensions?

- (2) Would an increase in rent be made in such a case where the pension was increased; and, if so, what would be the amount of increase?

Mr. ROSS HUTCHINSON replied:

- (1) £1 11s. per week.
(2) Yes—11s. 6d. per week.

RESUMPTIONS AT KEWDALE

Area Involved

8. Mr. JAMIESON asked the Minister for Works:

- (1) With reference to question No. 12, on Tuesday, the 12th November, 1963, what total area of land is under notice of resumption?
(2) Will he lay on the Table of the House a sketch plan showing the proposed area of resumption and clearly define other vacant land within half a mile of the proposed resumption?

Mr. WILD replied:

- (1) 20 acres 3 roods.
(2) No such plan is in existence.

HOUSING AT COLLIE: VACANT HOMES

Number and Designation

9. Mr. H. MAY asked the Minister representing the Minister for Housing:

- (1) How many—
(a) State rental houses;
(b) State purchase houses;
(c) War service houses;
are unoccupied at the present time at Collie?
(2) How many of the above have been vacant since July, 1960?

Rental Loss

- (3) What is the estimated loss in rentals of the abovementioned houses since January, 1960?
(4) Does the State or Federal Government suffer such losses?

Rates Paid

- (5) What is the estimated amount paid to the Shire of Collie on these vacant houses in the nature of rates, and from what source is this met?
(6) What is the estimated amount paid to the Water Supply Department on these vacant houses and from what source is this met?

Cost of Repairs and Fire Protection

- (7) What is the estimated cost of re-repairing these empty houses and paying for fire safety measures, and who pays for these costs?

Mr. ROSS HUTCHINSON replied:

- (1) Houses unoccupied at present at Collie—
(a) State rental 55
(b) State purchase 38
(c) War service 2
(2) Only one State Rental home has been vacant since July, 1960.
(3) The estimated loss in rentals on State rental homes since January 1960 is £37,000.
(4) The State bears the loss in this case, and a claim cannot be made on the Commonwealth as there were no losses in the overall operations under the Commonwealth-State Housing Agreement.
(5) £1,450 paid to the Shire of Collie on vacant State rental homes. These are paid from Commonwealth-State revenue. Rates are not paid on vacant purchase homes.
(6) £2,850 paid to the Water Supply Department on vacant State rental homes. These are paid from Commonwealth-State revenue. Water rates are not paid on vacant purchase homes.
(7) £4,500 to £5,000 estimated cost of repairing and paying for fire safety met from Commonwealth-State revenue.

QUESTIONS WITHOUT NOTICE

MIDLAND RAILWAY COMPANY SHARES

Quotations in London

1. Mr. TONKIN asked the Minister for Railways:

Last week I asked some questions relating to the share prices on the London Stock Exchange of stock in the Midland Railway Company. The Minister was able to supply some of the information, but said he had been seeking later quotations. I now ask the Minister: Will he make that information available?

Mr. COURT replied:

In reply to the Deputy Leader of the Opposition, for the sake of regularity I will read out all the quotes that I have been able to obtain right back to the 1st

December, 1962. They are for unified ordinary stock in units of 100. The quotes are as follows:—

	£	s.
1st December, 1962	14	
21st January, 1963	15	
22nd January, 1963	16	10
1st March, 1963	59	
1st April, 1963	57	
1st May, 1963	53	
4th June, 1963	50	
1st July, 1963	52	
1st August, 1963	53	
12th September, 1963	85	
1st November, 1963	87	10

I should add that I have asked the United Kingdom Trade Commissioner to obtain confirmation from London of these and later figures.

TOTALISATOR AGENCY BOARD

Prosecution of Former Agent W. G. Donohoe

2. Mr. TONKIN: On the 22nd August I asked a series of questions regarding a T.A.B. agent in Fremantle who had been charged with certain offences against the Act. The Minister replied as follows:—

(1) The complaint of Allan Clarence Trigwell, of Fremantle, Detective, made the 26th day of July, 1963, at Fremantle that between the 1st day of July, 1962, and the 4th day of July, 1963, William Gerrard Donohoe having the management of a Totalisator Agency, to wit, Agency No. 23 situate at 8 South Terrace, accepted bets on horse racing from persons, such persons not having previously established a credit account for such bets in accordance with this Act, contrary to section 37 (b) of the Totalisator Agency Board Act, 1960.

(2) (a) to (j) Investigations in this matter are being currently conducted. In accordance with the well-established practice I am therefore bound not to comment at this stage.

Subsequently I asked the Minister without notice whether these investigations were likely to be protracted and whether he would supply the information at the conclusion of the investigations. The Minister replied that he did not think the investigations would be protracted and that he would answer the questions in due course.

From the 22nd August until now is a very considerable time. Several times since I have asked the Minister whether he had the information; and he said "No." I now

ask the Minister whether these investigations are still being carried out by the Police Department. If so, what is the reason for the very considerable delay, which is contrary to his original idea; and is he likely to be in a position to furnish the information to the House before the end of the session?

Mr. CRAIG: In reply to the Deputy Leader of the Opposition, the position is still the same, so far as I am aware.

Mr. Tonkin: I thought it would be.

Mr. CRAIG: Then why did the Deputy Leader of the Opposition ask the question?

Mr. Tonkin: Because you are stalling.

Mr. CRAIG: I am not stalling. There are certain circumstances which I am not prepared to divulge at this point of time. As soon as I am in a position to supply the information, I will undertake to do so, as I promised on the previous occasion.

DENTISTS ACT AMENDMENT BILL

Third Reading

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

TRAFFIC ACT AMENDMENT BILL (No. 3)

In Committee

Resumed from the 12th November. The Chairman of Committees (Mr. I. W. Manning) in the Chair; Mr. Craig (Minister for Police) in charge of the Bill.

The CHAIRMAN: Progress was reported after clause 3 had been agreed to.

Clause 4: Sections 23, 23A, 24, 24A and 25 repealed and other sections enacted—

Mr. GRAHAM: I move an amendment—

Page 2, line 40—Delete the words "prescribed by the regulations."

As I indicated during the second reading, it is an obvious weakness that it is not stated anywhere in the Act that there shall be a minimum age of persons to whom motor vehicle driver's licenses can be issued. I pointed out that the regulations provide that the age shall be 17 years, with the condition that the Commissioner of Police may grant extraordinary licenses to people of even more tender years.

I desire that Parliament shall resolve this matter. As it has been the custom for 17 years, I do not propose to alter that. I think it will make for tidy legislation for us to say that rather than leave it to

the Minister of the day—who, with the best intentions in the world, might decide that it should be 15 years or 22 years, or something of that nature—we should delete the words “prescribed by the regulations.” The clause says that the Commissioner of Police shall grant an application where the applicant has attained the minimum age prescribed by the regulations. I want to provide that the minimum age shall be 17 years.

Mr. CRAIG: I can quite understand the honourable member's desire to have the minimum age of 17 years included in the Act instead of its being prescribed by regulations, and I agree with him to a certain degree. He will later seek that certain other portions of the Bill be deleted in regard to the commissioner's power in respect of driver's licenses being issued to cover undue hardship or inconvenience.

As the House is no doubt aware, quite a number of licenses are issued to persons under the age of 17 years, particularly in country districts and in farming communities, where a farmer's son, say, at the age of 16 years can satisfy the police that he is capable of driving and that hardship is likely to be caused his family if he is not granted a license to assist in the production of the farm, and so on. The commissioner will grant a license in those circumstances. There have been a few granted in the metropolitan area, but I understand they would not amount to more than a dozen. I would agree to the inclusion of the age of 17, provided that the honourable member does not persist with his further amendments. I am referring to page 4, paragraph (b), which gives the commissioner discretionary power. I would like the honourable member to give me some idea of what he wants to do.

Mr. GRAHAM: There are other additional reasons for the amendment, but I am wondering if the wishes of the Minister can be met, too. I appreciate at least part of what he has told us. Perhaps, if this amendment is agreed to, I could add the words “of seventeen years” plus the words that appear in the regulation at present referring to an extraordinary license. I refer the Minister to regulation 20A.

Mr. CRAIG: Possibly that would be all right; but somewhere in the legislation we have altered the definitions, and I have really not had time to study the amendments on the notice paper. As far as I remember, we changed the definitions of “extraordinary” and “special” licenses. In other words, they have a different meaning from what was implied in the Act originally.

The more I listen to the honourable member the more cautious I become and possibly I should not agree to the age of 17 years being included in this part of

the legislation. There are so many hundreds of drivers who are under the age of 17, and who are granted special licenses to assist on farming properties. I think the regulations cover the position adequately, and I regret I am not now prepared to accept the amendment.

Mr. GRAHAM:: This is an extraordinary state of affairs.

Mr. Craig: That's nothing unusual.

Mr. GRAHAM: The Minister has introduced a Bill containing a number of amendments relating to the Traffic Act, and he has told us that the cardinal principle underlying the main amendments is to deal with the problem of youthful drivers. Joining with him in the spirit of the thing, I think it is commonsense and perfectly logical for Parliament, and not a departmental officer with the consent of the Minister, to decree the minimum age at which a person should be issued with a driver's license. The age of 17 years has been the practice, and all I am seeking to do is write that into the law of the land. At the same time, I defer to the Minister to the extent that I am prepared to insert the words that appear in the regulations at the present time, and which vest the Commissioner of Police with authority to grant licenses to persons under the age of 17 years in special circumstances.

Mr. Craig: Then move your amendment along those lines.

Mr. GRAHAM: Very well. I am prepared to express it in those terms, or to modify it to suit the requirements of the Minister. I can assure him there is no intention on my part to endeavour to put anything over him.

Mr. Craig: I appreciate that.

Mr. GRAHAM: In order to do that it will be first necessary to pass the amendment I have already moved. If that is agreed to I will then move an amendment along the lines I have suggested to the Minister.

Mr. CRAIG: I am agreeable to that, provided the honourable member carries it through by adding the words he mentioned.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—
Page 2, line 40—Substitute the following words for the words deleted:—
“of seventeen years unless in the opinion of the Commissioner of Police the denial of a license to a person of a lesser age would occasion undue hardship, in which case he is empowered to issue a license.”

Mr. CRAIG: I am agreeable to that amendment. I hope the honourable member understands my concern. I wanted to

cover the occasion where it would be necessary to issue a license to someone below the age of 17 years, and to make provision for that to be done.

Mr. GRAHAM: I not only understand the position, but I appreciate the Minister's co-operation.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

Page 3, line 3—Insert after the word "guardian" the words "to hold the class of license applied for."

This is one of two amendments. During the second reading I indicated to the Minister I was in agreement that if a youth is under the age of 18 years he should receive the consent of his parents or guardian; but if neither of those groups is present in Western Australia he could obtain the authority of his employer. In respect of the latter, my feeling is that the employer should not have any more say than any other citizens in the community, except in respect of employment. Therefore, if a young chap of 17½ years of age required a license to enable him to perform his duties as a driver, the authority of the employer would meet the case in the absence of parents or guardians. But because there is a young chap employed anywhere I cannot see that the employer should have any more say than any other citizen in the community.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

Page 3, line 6—Delete the words "applied for", with a view to substituting the words "essential for the purpose of his employment".

Mr. CRAIG: I am in agreement with the principle of the amendment, but I do not think it is necessary to delete the words "applied for". It would be sufficient if the word "if" were placed before the words that are proposed to be substituted, to make the paragraph read "if essential for the purposes of his employment".

Mr. GRAHAM: Very well; I will vote against the amendment and move another amendment subsequently.

Amendment put and negatived.

Mr. GRAHAM: I move an amendment—

Page 3, line 6—Insert at the end of paragraph (b) the words "if considered essential for the purposes of his employment".

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

Page 3, lines 7 to 11—Delete paragraph (c).

This paragraph contains a requirement for a person of the age of 70 years or more to establish that he holds a certificate from a medical practitioner showing that he is physically fit to drive a motor vehicle.

The Minister did not even attempt to make out a case why such persons should be treated in this manner. A person could be physically fit when he obtains his license at the age of, say, 30; and after a period of 40 years he may be suffering from some physical disability, but it is not essential that he should submit himself to a medical examination in order to obtain a certificate to show that he is fit to drive a motor vehicle. People of 70 years or more, in their own interests, tend to be more careful when driving a motor vehicle, and are not so accident prone as the younger members of our community.

If the Minister were giving some thought to ensuring that motor drivers generally were physically fit for the purpose of controlling their motor vehicles, then perhaps there should be some roster system whereby all sections of the community, irrespective of age, could be medically examined, because age is only one feature in regard to one's ability to drive a motor vehicle. Colour blindness and many other factors have been mentioned. The provision in question is very unfair to one section of the community, without any evidence being brought forward to support it. The R.A.C. virtually challenges the Minister by stating that he cannot produce any statistics to support such an amendment to the Act. I hope the Committee will agree with me in my attempt to eliminate paragraph (c) from this clause.

Mr. ROWBERRY: I support the amendment. It was amply demonstrated to the Minister yesterday that a diminution of accidents will not be brought about by a number of rules and regulations, but by the ability to police them. If this provision were brought into effect it would be most difficult to police. How is a man to demonstrate his 70 years of age unless he carries his birth certificate on his person? The member for Balcatta is moving an amendment to provide that even a license must be carried by the person who is driving a vehicle, and now here is another provision requiring a driver to carry his birth certificate. In addition, he has to carry a medical certificate. It will soon be a case of a driver having to carry so many medical certificates that one will not know which is which. In my opinion, the paragraph is not necessary.

Mr. J. HEGNEY: I support the amendment because I consider the paragraph to be unnecessary. People of 70 years of age or more should not be selected as one particular age group to be subjected to a medical examination. Statistics will show that traffic accidents which occur in this State are caused, in the main, not by the class of people mentioned in this paragraph, but by younger members of the community. We often hear of drivers suffering from heart failure and other ailments. But these complaints are not confined to older people; many younger men are struck down by them. Only the other

day a young man collapsed after appearing on television at TVW7, and he was only 30 years of age.

The only recommendation that has been put to the Committee in support of this paragraph is the statement by the Minister that the Commissioners of Police in conference in Eastern Australia considered it should be in our legislation. I am inclined to agree with the suggestion of the member for Balcatta that if it is considered that this class of people should have to hold a medical certificate to show they are fit to drive a motor vehicle, the provision should be extended to all sections of the motoring public, because that would be more equitable. All age groups should be physically examined. There is no justification for applying this provision only to those over 70 years of age.

People under the age of 70 could be suffering physical disabilities, such as the loss of an eye. If such a person already held a driver's license, the loss of an eye would not have to be reported to the licensing authority. All that a license holder has to do is to send along the fee on an application to renew his driver's license.

Mr. O'CONNOR: I support this amendment. Generally people over the age of 70 years are not accident prone, and it is not often that they are involved in motor accidents. It would impose unnecessary expense on applicants for driver's licenses to obtain medical certificates to show that they were physically competent to drive. Much of the time of police officers would be taken up in implementing the provision under discussion. Their time could be used to much better advantage in controlling speeding and other traffic matters.

Mr. GAYFER: I support the amendment, which proposes to delete proposed new section 23 (2) (c), for the reasons given by other speakers. I wonder if the position could be overcome by inserting before the word "ability" in line 12 on page 3 the word "continued."

Mr. ROWBERRY: A further aspect is the production of birth certificates. Not every person over the age of 70 years is able to produce such a certificate. In some parts of the world statistics of birth were not kept 70 years ago. In my experience as a member of Parliament I have had considerable difficulty in establishing the age of some people who were born outside Australia. I had to establish their ages to enable them to receive social service payments. Without a birth certificate it would be difficult to establish whether the age of an applicant for a license was 50 years or 80 years.

Mr. CRAIG: There is some slight confusion on this provision in the Bill. It only refers to persons applying for driver's licenses in the first instance. If an applicant is 70 years of age he will be

required under this provision to produce a medical certificate to indicate that he is physically fit to drive. Members seem to be confusing this provision with one further on in the Bill which requires the periodical physical examination of license holders over 70 years of age.

Mr. DAVIES: Are there many applicants over 70 years of age?

Mr. CRAIG: Not many; but this provision in the Bill will assist. Someone has to decide whether or not a person of 70 years of age or over, applying for a driver's license in the first instance, would be a menace on the road. This provision will entail no hardship. However, if members are opposed to it, I am agreeable to compromise by increasing the age to 75 years.

Mr. D. G. MAY: What would be the position of an applicant of 69 years of age applying for a license? Would he have to produce a birth certificate?

Mr. CRAIG: The police officers are very understanding, and would accept the age given by the applicant.

Mr. GRAHAM: This provision is to apply only to those making application for driver's licenses, and it will not apply to those applying for renewal of licenses. Members have expressed the view that age of itself does not come into the picture.

It is provided in this clause that the applicant must demonstrate his ability to control the class of vehicle for which the appropriate driver's license is sought. A person aged 30 years applying for a license in the first instance might be in greater need of a physical check-up than another of 70 years of age. The Minister should not persist with this provision.

Amendment put.

The CHAIRMAN (Mr. I. W. Manning): The "Noes" have it.

Mr. HAWKE: Divide! The Chairman is not on the Arbitration Bill now.

The CHAIRMAN (Mr. I. W. Manning): I shall state the question again. The question is that the words proposed to be deleted be deleted.

Question put.

The CHAIRMAN (Mr. I. W. Manning): The "Ayes" have it.

Amendment thus passed.

Mr. GRAHAM: I move an amendment—

Page 3—Insert after paragraph (c) in lines 7 to 11 the following passage:—

(d) is not addicted to alcohol or drugs to such an extent as to render him a danger to the public when in control of a vehicle on a road;

- (e) does not suffer from a mental disorder or from a physical disability that is likely to impair his ability to control a motor vehicle;
- (f) is not debarred from driving a motor vehicle under the law in force in any other State or in a Territory or other country; and
- (g) unless, in the opinion of the Commissioner of Police, by reason of the number of his convictions for offences (not being minor offences) under this Act or the regulations, the applicant should not be the holder of a driver's license.

Provided that the Commissioner of Police may refuse to issue or renew any driver's license, or he may cancel or suspend any driver's license, when in his opinion any person fails to comply with the provisions of paragraphs (d) to (g) inclusive.

(3) Where the Commissioner of Police decides to exercise the power conferred by the proviso to subsection (2) of this section, he shall give to the person thereby affected notice in writing of that decision, setting out his reasons therefor; and a person aggrieved by the decision may, within thirty days after the receipt of the notice, apply, by way of complaint, to a Court of Petty Sessions for a review of the decision.

(4) The court hearing an application made under subsection (3) of this section shall comprise a stipendiary magistrate and may, after hearing the parties, grant or dismiss the application; and, in granting the application, shall review the decision of the Commissioner of Police and make such order as it thinks fit.

Under proposed new section 23, on the application by a person for a driver's license the Commissioner of Police shall issue to the applicant a driver's license appropriate to the class of vehicle for which it is sought.

In the Bill it is provided that an applicant who has attained the minimum age prescribed in the regulation, has obtained the consent of his parents if under 18 years of age, has demonstrated his ability to control the vehicle, and has a reasonable knowledge of the traffic laws of this State, shall be issued with a driver's license. Further on in the Bill it is provided that if there are weaknesses in the applicant the Commissioner of Police may refuse to grant, may cancel, or may suspend a license.

It is just as important that an applicant for a license, in addition to being able to demonstrate his ability to control a vehicle and his knowledge of the traffic laws of this State, should not be addicted to alcohol or drugs to the extent of being incapable of handling a vehicle; should not suffer from a mental disorder or physical

disability that is likely to impair his ability to handle a vehicle on the road; should not have had his driver's license suspended in this State, in another State, or in another country, and still be under suspension; and should not have had a series of major traffic offences proven against him.

A person could be the worst driver in the State over a period of several years. He could allow his driver's license to lapse, and then subsequently make application for a renewal. I desire all the current disqualifications to be taken into account by the Commissioner of Police when the application for a driver's license is considered. The conditions outlined in my amendment are equally as important as, if not more important than, those now appearing in the clause.

I refer again to the condition that an applicant must demonstrate his ability to control the vehicle for which the appropriate driver's license is sought. It is possible for that person to be on his best behaviour for a few minutes; and, accordingly, the police officer testing him is unable to fault him. Therefore I believe that the factors covered by my amendment should be taken into consideration. This would help in the interests of road safety.

I trust that the Minister has had time to study this matter. If he has he will realise that the amendment does not affect the provisions already included further on in the Bill. It merely places certain of these provisions in a better position and intimates to the police that all these factors should be taken into account in the initial issuance of a license, as well as subsequently. Therefore I trust the Minister will find this amendment acceptable to him.

Mr. CRAIG: I did study this matter in the limited time available. Acting on Crown Law advice I cannot agree to the amendment. I appreciate the honourable member's point of view that the police must be satisfied that the applicant does not suffer from the disabilities referred to in this amendment. However, this particular portion of the Bill refers to the issuance of a license, and the points referred to by the honourable member are also covered in section 24, which provides that the Commissioner of Police may refuse to issue a driver's license on exactly the same grounds as referred to in the honourable member's amendment. However, under section 24, the applicant, if he is refused a license, has the opportunity of an appeal to the court; but in section 23—which is the section affected by the honourable member's amendment—no such right of appeal is provided. Therefore I must oppose the amendment.

Mr. GRAHAM: It is unfortunate, but I do not think the Minister has had an opportunity of properly studying the amendment, or else he does not understand it.

What are referred to as paragraphs (d), (e), (f), and (g) in my amendment are, in fact, paragraphs (b), (c), (d), and (e) in proposed new section 24, appearing on page 6 of the Bill. I have provided, in proposed new subclause (3), for the right of appeal, exactly as the Minister has provided in regard to proposed new section 24. Surely, if there are eight or 10 grounds on which the commissioner is empowered to reject an application, then all those grounds should be stated together. The Minister desires that in respect of half of them there should be the right of appeal; and, having added the other half, I am providing the right of appeal for them also.

I assure the Minister that my desire in these amendments is merely to make the legislation more effective and workable, and there is nothing mischievous in such proposals.

The CHAIRMAN (Mr. I. W. Manning): I think we will have to clarify the position. It would be preferable for the honourable member to move for the insertion of paragraphs (d), (e), (f), and (g) first. We could then deal with paragraphs (d) and (e) of the Bill, which will become (h) and (i), following which we could take the proviso and proposed new subsections (3) and (4) contained in the honourable member's amendment.

Mr. GRAHAM: I agree.

The CHAIRMAN (Mr. I. W. Manning): I will have to ask the honourable member to withdraw his amendment before the Chair.

Mr. GRAHAM: Very well; I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. GRAHAM: I move an amendment—

Page 3—Insert after paragraph (c) in lines 7 to 11 the following new paragraphs:—

- (d) is not addicted to alcohol or drugs to such an extent as to render him a danger to the public when in control of a vehicle on a road;
- (e) does not suffer from a mental disorder or from a physical disability that is likely to impair his ability to control a motor vehicle;
- (f) is not debarred from driving a motor vehicle under the law in force in any other State or in a Territory or other country; and
- (g) unless, in the opinion of the Commissioner of Police, by reason of the number of his convictions for offences (not being minor offences) under this Act or the regulations,

the applicant should not be the holder of a driver's license.

Mr. CRAIG: As I have already intimated, I have been guided by Crown Law on this matter. It is considered that the amendment proposed is not desirable. However, in view of the points raised by the honourable member, and to give me an opportunity of making a further study of them, I would prefer him to allow the Bill to stand as it is in connection with this particular clause. I will then arrange for an opinion to be obtained; and, if necessary, an amendment can be made in another place. I would like, if the honourable member intends to rise to comply with my request, an explanation as to why paragraph (a) of proposed new section 24—"is not of good character"—has not been included in this amendment.

Mr. GRAHAM: I will first of all indicate to the Minister that I will not persevere with my amendment, but will pass it to a colleague in another place. With regard to the explanation he seeks, I do not believe that a person's character should be a determining factor in the granting of a license to drive. Whilst I admit that this provision has been in the Act for many years, I do not believe that the test undertaken has anything to do with one's morals or ethics, or anything of that nature, except when that test is in connection with the granting of a license to drive a taxi or public transport of any kind. However, in connection with an individual driver's license, my feeling is that the character of the applicant is a feature which should not be taken into account.

The position is adequately met by the fact that the commissioner can exercise all of these powers where a person's record as a driver has been outstandingly bad. We are not concerned so much with a person's morals as with his capacity to handle a vehicle on the road. I trust my explanation will satisfy the Minister and, subsequently, his colleague in another place. I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. GRAHAM: I have a couple more amendments to move to this clause; but I do not intend to move them at this stage, because I want some information from the Minister. The Royal Automobile Club, amongst others, has expressed concern at declaring vehicle classes. The Minister might declare that if a person has a license to drive a vehicle with automatic gears, he may not drive a car with manually operated gears. The R.A.C. feels that would be stretching this matter too far.

Last night the Minister instanced a person who receives a license by driving a car with automatic gears, and then five minutes afterwards steps into a vehicle with manual gears. I can see there is the semblance of an argument on the Minister's part, but only a semblance. Let us

take the case of a person who applies for a motor driver's license and has a vehicle of standard design with a manually operated gear change. That person could receive a license and then five minutes afterwards step into a vehicle with four forward gears arranged in positions different from the normal positions. I have been driving cars for more than 20 years, and when I am in a vehicle of that nature I invariably miss one or other of the gears.

Again, comparatively recently I borrowed a light truck—it was less than 40 cwt.—and I seemed to be sitting about ten times as high up as I do in my own car, so that the nearness of objects, and the position of everything on the road, seemed to be affected.

If the Minister desires to get down to the *nth*. degree, and go into minute detail, he would need to provide classes for every type of car from the little "bug" to the large limousine. I do not know whether the Minister wants lines 1 to 5 of proposed new section 23A to remain. If he does, it will be necessary for me to move the amendments I have on the notice paper to enable motor vehicles to be classified in accordance with the classification already in the Traffic Act. However, before I move my first amendment, I would like to hear the Minister on this matter.

Mr. CRAIG: There is no intention of going into minute detail. The honourable member's amendment refers to a particular date—the 1st November, 1963.

Mr. Graham: Yes; that is to retain the existing classifications.

Mr. CRAIG: The police feel they would need to provide for any new type of vehicle that came on to our roads. I am not referring to vehicles with minute differences, but vehicles of different functional types. It is only in recent years that we have had the automatic gear type of car on the road; and we have recently read of developments in the turbine field. This provision is only to cover instances like that: it is not a case of regulating the classes of vehicles as minutely as the honourable member might suggest.

Mr. Graham: What about vehicles with automatic gears and those with manually operated gears?

Mr. CRAIG: They would have to be specified, because we will be having the two different types of licenses. It is intended that a person shall have a different license to drive a vehicle with automatic gears from the license he would require to drive a car with manually operated gears, unless he passes a test to drive a manual gear vehicle. If a person has an application rejected for a conventional gear type of car and then gets a license to drive an automatic type car, it does not necessarily follow that he is qualified to drive a conventional type vehicle.

Mr. Graham: What about a car with four forward gears? That is a departure from a standard vehicle.

Mr. CRAIG: If, as a driver, the honourable member is in the same class as I am, and can change gears in a conventional car, then he can manage quite well the vehicle with four gears.

Mr. GRAHAM: I do not think the Minister has met the position. I agree there could be new classes of vehicles for which there could be special licenses, and such being the case I suggest it would be appropriate to amend the Act. The Minister has now confirmed my fears and those of the R.A.C. that it is his intention to grant a license to a person to drive a car with automatic gears, that will not enable him to drive a vehicle with manually operated gears. I think that is cutting things too fine, and I shall have to move along the lines I have set out on the notice paper.

Before doing so, I point out that I chose the date—the 1st November, 1963—because the existing classifications which have been in existence for a period of years, are acceptable to the Minister and the police. If in five years' time, or 15 years' time, there is an entirely new type of vehicle, the Government of the day could, acting on the advice of its departmental officers, create a special classification. That is to say, the other types of driver's licenses would not qualify a person to drive that sort of vehicle.

My amendment will prevent the Minister, or his department, from going into the details which I outlined earlier and to which I take exception. In order to test the Committee, I move an amendment—

Page 4, line 2—Delete the word "may" and substitute the word "shall".

Mr. FLETCHER: I support the amendment for the purpose of asking what the significance is of certain portions of the Bill. I ask the Minister and the member for Balcatta whether this clause is not making provision for people to require certain alterations to be made to a vehicle so that paraplegics and other incapacitated persons may drive the vehicle. I wonder whether the member for Balcatta has thought of that aspect.

Mr. Graham: No. That is covered by paragraph (a).

Mr. DAVIES: I rose earlier, Mr. Chairman, to comment on paragraph (e) of subsection (1) of proposed new section 23. Am I in order in commenting on it now?

The CHAIRMAN (Mr. I. W. Manning): No; we are a long way past it.

Mr. DAVIES: How could I have spoken to it?

The CHAIRMAN (Mr. I. W. Manning): You would have had to rise before the member for Balcatta moved his amendment.

Mr. DAVIES: I did rise, but you asked me to sit down; and I had been up twice before.

The CHAIRMAN (Mr. I. W. Manning): I am sorry; I cannot help you now.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. CRAIG: I can only repeat what I said previously on the amendment; namely, that the police consider it should not be agreed to because any particular class of vehicle may make itself obvious to us and become available for our roads within a reasonably short time, for which provision could not be made in accordance with what is desired in the amendment. This would mean that before that class of vehicle could be licensed a period of 12 months would have to elapse before the necessary amendments could be made to the Act. On those grounds I cannot agree to the amendment.

Mr. GRAHAM: I put the proposition to the Minister, and he indicated that there should be two classes of license: one for a vehicle with automatic transmission, and the other for one with manual transmission. That is a little too finicky. If the principle is to place in a separate category every variation in the type of vehicle, or in the type of mechanism, instead of having classes A to G as at present, I think we will go right through the alphabet. For the information of members I will read what appeared in the *Daily News* on the 8th November. The Royal Automobile Club was commenting on the Bill and objecting to a certificate being required by an aged person; and, among other things, the following was said:—

The club had also carefully considered the section of the Bill relating to special classes of licence for drivers of vehicles with special characteristics, such as automatic gears.

Said Kiernan:—

Mr. Kiernan is the new President of the R.A.C. Continuing—

—“If it is the intention to require a licence holder to obtain an endorsement or an additional licence to drive a car equipped with automatic transmission, the club would oppose it.”

I do not know the membership of the R.A.C., but I think it is in the vicinity of 100,000.

Mr. Craig: It is 93,000.

Mr. GRAHAM: Accordingly, it would speak with some degree of authority. Because the president makes a statement on behalf of this association, it does not necessarily carry the endorsement of all its members, and is not necessarily correct. Nevertheless, we must have some regard for the statement made. Additionally, I have endeavoured to convince the Committee that the position is fundamentally

wrong, and that the present set-up has existed for many years, during which time I have not heard any complaints about it. If in the future an entirely new type of vehicle emerges—such as one that moves on a cushion of air—surely such a matter could be referred to Parliament in order to cover that additional classification.

On the ordinary vehicle, to ensure that a driver is capable of handling the car—principally the use of the accelerator, the brakes, and the steering mechanism—is surely more important than to legislate for various types of vehicles. The Committee should be influenced to some extent by the fact that this is not only my view, but that I am supported by the most responsible motor body in Western Australia. Accordingly, I ask the Committee to agree with me to let what is in existence remain and not give the Commissioner of Police, through the Minister, power to declare many types of classifications, one of which he has already indicated. Parliament should decide what it wants rather than that the matter should be decided by regulation.

Mr. CRAIG: I did not intend to speak again. I do so only to correct any wrong impression the member for Balcatta may have created concerning the Press statement by the R.A.C. I read the article; and from what I can find out it is an expression of opinion by the President of the R.A.C., who is, of course, a responsible man, but it is not the voice of the R.A.C. itself. All we are asking is that a person who qualifies for a driver's license in a certain type of car shall have his license endorsed accordingly, and until such time as he changes to the ordinary functional type of car he will continue to hold that particular license. I oppose the amendment.

Amendment put and negatived.

Mr. GRAHAM: I do not intend to move the two or three amendments which appear on the notice paper, following this one, because there is no point in doing so. However, I now move an amendment—

Page 7, lines 14 to 23—Delete sub-clause (5).

I do not think there is any need to weary members by speaking at length on this amendment because already the Committee has expressed its opposition to the provision that because a person has attained a certain age he is necessarily suspect of some disability which could preclude his being a competent driver. Such being the case, I will assume the opinion of the Committee is the same now.

Mr. CRAIG: This is what could be considered to be one of the contentious provisions in the Bill because it has reference to the re-examination of the aged driver

who attains the age of 70 years. I have an open mind on the provision; but my reason for inserting it was that it was the recommendation of the Australasian police medical officers, which opinion was also endorsed by the Commissioner of Police. I know that many in this age group would have strong objections to the provision; but at the same time we have in mind that it will tend to reduce the accident rate.

As has been pointed out, there is no statistical information available to prove that this group is one of the main contributory factors to accidents occurring. I agree to a certain extent with the member for Balclutha. Nevertheless, when one reaches the age mentioned one appreciates that one does not enjoy the health one did previously. It seems to me that action along these lines might be acceptable to certain types of people. I know if I reach the age of 70 years I would be willing to submit myself to an examination to prove my ability to drive as well as the fellow younger than myself. If many of this group adopted that attitude the objection might not exist. I have an open mind in the matter; and if it is felt in some quarters that as a compromise the age should be 75 years, I would be agreeable. Some of the other States have legislation similar to that proposed in this clause. I am prepared to be guided by the Committee on this.

Mr. ROWBERRY: Subclause (5) of clause 24 refers to the license holder conforming with the requirements of paragraphs (c) and (d) of subsection (2) of section 23 of this Act. But paragraph (c) referred to has already been deleted, so something else would have to be substituted.

Mr. Craig: That is only so far as new licenses are concerned. This deals with the renewal of licenses.

Mr. ROWBERRY: There is still nothing for the holders of licenses to conform to, because paragraph (c) of subsection (2) of proposed new section 23 has already been deleted.

Mr. GRAHAM: I thought the Minister would graciously accept the deletion of this subclause, in view of the fact that before tea the Committee decided rather overwhelmingly on the voices that it was opposed to the matter of a high-age condition being inserted in the legislation. If the subclause is to stay an amendment will be necessary, because paragraph (c) to which it refers will now be one dealing with the demonstration of the person's ability to control the class of vehicle for which the appropriate driver's license is sought. This, of course, is not the intention.

The position will be that if a person already has a license he must undergo a medical examination when he attains the

age of 70, but the person who applies for his license for the first time at the age of 70 will not be subject to that necessity. It does not make sense. The Minister will agree that the subclause we are debating makes no reference to the necessity for a medical test or examination, and therefore it is nonsensical and we have no alternative but to agree to its deletion.

Mr. CRAIG: The honourable member's contention with regard to the age of 70 is true, but this could be overcome by substituting the age of 75 if necessary. I said I was agreeable to a compromise. The Commissioner of Police should be given authority to use his discretion as he thinks fit for this particular age group. I would be agreeable to the age of 75 being inserted. Further in the subclause reference is made to a license holder satisfying the commissioner. He can satisfy him by medical examination or otherwise, but it does not necessarily imply that will be so. I would not like to see the subclause deleted.

Mr. GRAHAM: The Minister has overlooked the fact that paragraph (c) on page 3 has been deleted. The Committee removed the requirement of any applicant for a driver's license to obtain a medical certificate from a medical practitioner to say he was medically fit to drive a motor vehicle. There is no reference to that matter in the Bill, because it was deleted. So whether we put in 50 years of age or 99 years of age, there is still no reference to the person having to undergo a medical test. The reference will be to the person demonstrating his ability to control the class of motor vehicle, and that he has reasonable knowledge of the traffic laws. That was not in question; and it was not the intention of the Minister that he should undergo such a test. He is concerned about the deterioration in age, where a medical examination is necessary; and all reference to a medical examination has been deleted. So the subclause is nonsensical.

Mr. CRAIG: I cannot agree. Once the applicant meets the requirements he is given a license; and then, when he reaches the age of 75 years, he is expected to supply the commissioner with proof of his driving ability, or undergo a medical examination. That is in order. The deletion of paragraph (c) on page 3 has no effect on the subclause we are discussing.

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

Ayes—22

Mr. Brady	Mr. Kelly
Mr. Davies	Mr. D. G. May
Mr. Fletcher	Mr. Moir
Mr. Gayfer	Mr. Norton
Mr. Graham	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May

(Teller)

Noes—24

Mr. Bovall	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. I. W. Manning
Mr. Cornell	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. Nimmo
Mr. Grayden	Mr. O'Connor
Mr. Guthrie	Mr. Runciman
Mr. Hart	Mr. Wild
Mr. Hearman	Mr. Williams
Dr. Henn	Mr. O'Neill

(Teller)

Majority against—2.

Amendment thus negatived.

Mr. O'CONNOR: I would like to make reference to line 16 on page 7. The Minister has indicated that he is prepared to increase the age from 70 to 75 years.

The DEPUTY CHAIRMAN (Mr. Crommelin): I am afraid the honourable member cannot deal with that now.

Mr. GRAHAM: I move an amendment—

Page 10—Delete the word "or" in line 20, and subparagraph (iv) in lines 21 to 23.

This pertains to drivers who have been issued with a probationary license. The Minister proposes that where these people within a period of three years—that has been the period of suspension—commit certain offences, then their driver's licenses will be cancelled and it will not be possible for them to make an application for a license within a period of three months or such longer period if the commission of any offence has resulted in a suspension of the license for such longer period.

The Minister outlined some of the offences—members can see them by referring to the Criminal Code—such as car stealing, interfering with the mechanism of a car, altering number plates, refusing to give name and address to a policeman or a traffic officer, not stopping after an accident, and so on. With this, I am 100 per cent. with the Minister; but he goes on to say that the holder of one of these probationary licenses has his license suspended if he is convicted of an offence under any regulation that may be prescribed for the purposes of this section. I think that is opening the floodgates too wide.

Admittedly the Minister told us this was not intended to have application so far as minor offences are concerned, but the Minister did outline by way of example some 17 causes which he felt at this stage were deserving of the cancellation or suspension of the probationary license, in addition to any penalty that might be imposed by the court. With some of them I agree. For instance, racing with another vehicle, failing to give right-of-way, dangerous speeding, and unlawfully preventing another vehicle from passing. But a number of other points which he gave by way of example are unacceptable to me. One is the disobedience by the driver of the vehicle on the traffic control light

signal, notably the red light. In other words, one of these drivers with a probationary license being guilty of passing through the traffic lights when the signal is against him.

If every member were to honestly answer the question if addressed to him, "Have you ever accidentally passed through a light when the signal was against you?" I think most members, if not all, would have to plead guilty or admit to such a breach. There are certain breaches of the traffic law which can be committed more or less unwittingly. It is in cases of wilful disregard of the law where we should show no mercy. However, the all-embracing portion of the clause goes too far in my book.

The member for Beeloo mentioned failing to stop at a "Stop" sign erected at a railway crossing. I remember a previous Minister for Lands—who happened to be a Labor member—who was apprehended by the police because he got down to about 1½ miles per hour and then proceeded. He did not brake his car to the point of its being perfectly stationary before going through. Technically that driver, who at the time was a Minister of the Crown, was at fault and entitled to be booked. If he were subject to a probationary license, then it would be cancelled. I think that is getting too fine, and not being reasonable.

I must confess that if this subparagraph is deleted there is nothing to take its place and I would agree with the Minister there is a requirement for a special penalty, to wit, the cancellation of these probationary licenses. In some cases this is covered by the Criminal Code and several specific sections of the Act; but to allow the Minister to provide that for the breach of any regulation about which there could be violent differences of opinion amongst members is, I think, going too far.

If after consultation with his officers the Minister can list 6, 10, or 12, or whatever the number might be, particular matters in which he requires this action to be taken against the holders of probationary licenses, I will then support him, but I will not be satisfied unless he does have that list prepared. I know it will be exceedingly difficult for him to do that now. I will assist him if he will give some undertaking to attend to the matter in another place.

Mr. CRAIG: My intention, in the first place, was to include such offences in the Bill, but I was in a position where there were certain types of offences which I thought were contributing to the present position, and it would be necessary to have a list which would automatically lead to the cancellation of the probationary license. That information can only be obtained as a result of the statistical survey and research into it; and, of course, we

were not in a position to have that information at the time. Therefore, the Bill was worded in the way it is—that it will be prescribed by regulation.

I can follow the honourable member's objection to doing it this way, but the deletion of this part of the clause will defeat the whole object of the Bill unless we can replace it with the particular types of offences to which the honourable member and the Committee could agree as being those which would lead to the automatic suspension. We could be agreed on certain of these offences; and I do not think there would be any doubt in anyone's mind as to the seriousness of them and the fact that they should be listed. If it will satisfy the honourable member, I will take action in another place, but the list will have to be agreed to beforehand. If this is not done I would prefer the clause to remain as it is.

In the light of the research into the cause of these accidents, it might be desirable to include another type of offence. This means we have to wait for the following session of Parliament for that to be included. However, that is by the way. I will submit to the honourable member a list of the offences we consider should be included; and if he is agreeable, I will arrange insertion in another place.

Mr. GRAHAM: If this arrangement suits the Minister, I am prepared to ask the Committee for leave to withdraw my amendment so as to leave the subparagraph in the clause, contingent on the Minister giving me his assurance that the matter will receive attention in another place. I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. GRAHAM: It is my intention to add after the word "conviction" in line 40, page 10, the words "whichever is the longer." My contention is that this will remove any ambiguity. In other words, the holder of a probationary license shall have such license cancelled for a period of three months or the period for which the court suspended his license, whichever is the longer. If a license is suspended by the court for one month, the person concerned will still have to wait three months before he can obtain renewal of his license; but if the court suspends his license for six months, then he can only apply for it at the expiration of six months.

Mr. CRAIG: This position is covered both ways in line 34 down to line 37. It is already implied in this particular clause that the suspension must be for a minimum of three months, irrespective of what the court's decision is. If the suspension is for one month, the clause covers the position for three months; and if the court suspends a license for six months, that is also covered by the clause.

Mr. GRAHAM: I am trying to make the Minister's Bill more workable.

Mr. Craig: It is immaterial to me whether the amendment is accepted or not.

Mr. GRAHAM: I move an amendment—

Page 10, line 40—Insert after the word "conviction" the words "whichever is the longer".

Amendment put and passed.

Mr. DAVIES: I would like to comment on an early part of the clause, although I do not propose to move an amendment. I refer to page 3 of the Bill, subclause (e) where one of the requirements of obtaining a license is that the applicant shall have a reasonable knowledge of the traffic laws of the State. I feel that of all the amendments contained in this measure, this is the one that should have commanded much more attention than it was given. The requirement is only for a reasonable knowledge of the traffic laws.

What is the position at the present time when an applicant applies for a license? It is dependent on where and when he applies, and who the examining officer might be. We find there are different types of tests put to the applicant as to his knowledge of the laws of the road. I think it has been emphasised during this debate that there are two requirements to make a good driver. One is ability to handle the vehicle, and the other is that he shall know the rules of the road when he is in traffic.

At times I get a little confused myself, as possibly do other members. Pedestrian refuges have been established in St. George's Terrace. A considerable amount of doubt exists as to who has right of way. These pedestrian islands appear to hasten the traffic, but confusion still exists. This is one subclause that could have been amended to provide that people should have a comprehensive knowledge of the traffic laws of this State. The word "reasonable" means tolerable and fair, and it leaves a lot to be desired. If we do not know the rules of the road sufficiently, then we will not make good drivers. I do not wish to move an amendment, but I would like the Minister to give some consideration to this matter.

Mr. CRAIG: I have made a note of what the honourable member has said. One of the problems is that when a person goes for his license, he claims to have a good knowledge of the traffic laws of the State. But after he gets his license he forgets what he has learned and he makes his own traffic laws. When anybody applies for a learner's permit he can secure a booklet of our traffic laws. The National Safety Council has recently issued a commendable booklet which is available.

We recently passed a driving instructors Bill, which has now become law, and it provides that tuition should include tuition in all traffic matters. If the honourable

member has any suggestions to make in regard to the point he has made I will be pleased to see what can be done. It is only through the courtesy and consideration shown by both motorists and pedestrians alike that the traffic refuges are operating satisfactorily. If the honourable member can suggest any ways in which we can further educate new license holders, then I will be pleased to consider his suggestions.

Mr. DAVIES: We could possibly provide that applicants for driver's licenses should have a good knowledge of the traffic laws. If we provide that they should have a reasonable knowledge, then we are going to have only reasonable drivers. I think the words "comprehensive" or "good" would be much better.

I also consider that a form of examination should be established that would set a standard. We have all heard people say that they know a particular sergeant at a certain police station who gave them their driving licenses after they were required to drive only once around the block; and that they were not required to answer any questions. However, that does not usually apply to the major centres. I do not know whether anybody has been failed for failure to answer questions. This problem might apply more to country centres which do not have quite so many applicants for driver's licenses.

Clause, as amended, put and passed.

Clause 5: Section 26 amended—

Mr. GRAHAM: I would like the Minister to give his reason why there is this requirement for motorists to produce their driver's licenses within two days instead of three.

Mr. CRAIG: It is to conform with the National Traffic Code which lays down two days. This provision has been accepted by all States. It will not cause any hardship. A driver's license may be produced at any police station, and not only at the traffic office.

Mr. GRAHAM: I would like to know where we are going. It would seem there is to be a standard traffic code for the Commonwealth of Australia; and at this stage it would appear to me that the hands of this Parliament would be tied on what it deems to be necessary amendments. The Minister says that this is a standard requirement and accordingly Western Australia must follow. In my opinion that is bad in principle. The three days requirement has not, to my knowledge, created any difficulties; and I do not know that anything useful will be achieved by the proposed amendment. There is a record of every current driver's license held at the police traffic office in Perth and there are duplicates or copies in those areas where they have direct application.

Unless the Minister is able to provide some reason for shortening the period, I am not disposed to agree with him. I will not accept the fact that because the other States do certain things it is necessarily right. Members will appreciate only too well the shocking state of affairs that developed in Western Australia in the matter of giving way to traffic on the right. The rule was abandoned in this State for a period of some 18 months because the Minister, now deceased, felt he was doing the right thing in conforming with the Australian pattern. We found that Western Australia was following the State of Victoria and the other States were against us. After a period of almost two years of confusion—and there is still a carry-over—we returned to the situation which should never have been disturbed.

Members of this Parliament are better able to decide what is best for Western Australia, particularly in regard to those arrangements which suit us best. We might have a more leisurely way of life than the other States. We certainly have vaster distances than in other States. If we accept the amendment proposed in the Bill members could envisage all sorts of difficulties, especially in a State like Western Australia, where one might be hundreds of miles away from one's home and from the police station nearest one's residence. The Minister has been unable to offer any reason other than a "follow the leader" attitude. Why interfere with what has operated satisfactorily over the years? I hope members will vote against this clause, which seeks to alter the period from three days to two days.

Mr. CRAIG: The honourable member has not given me any reason why the period should not be reduced from three days to two days.

Mr. Graham: My reason is the distances involved in Western Australia.

Mr. CRAIG: My reason is that it conforms with the National Traffic Code. Do we not want to be in line with other motorists? When we travel to other States we are required to meet certain laws, and is it not better to know that similar laws apply throughout the various States? There is nothing wrong with the suggestion. If a person is involved in an accident, or in any other traffic matter, and he is asked to produce his driver's license, if he is a law-abiding citizen he will be happy to do so.

Mr. J. HEGNEY: I propose to vote against the clause. The three-day period is not unreasonable or unfair. If some other part of Australia makes a particular provision, that is no reason why we should disturb our *status quo*. The Minister did not indicate that the traffic police are concerned that the provision in the law had been flouted or that they had encountered difficulties in connection with the many

accidents that have occurred. He merely stated that the provision applies in the other States and that the National Safety Council had met and had suggested this provision. There is not sufficient reason why we should alter the period. If we did so, the National Safety Council might, at some later date, prefer to change the period to one day. There has been no indication from the Commissioner of Police that the present provision has operated adversely. The present provision is not unfair either to the police, or to those drivers who are involved in accidents. I oppose the amendment.

Mr. ROWBERRY: I suggest to the Minister that this reduction from three days to two days could react adversely against members of Parliament. If I was travelling from my home to Perth in a motor-car, and I was involved in an accident, even though I was not responsible for it, and I had left my license at home, I would not be able to produce it within two days. I would not be able to get back home again for four days, and therefore I would be guilty of an offence and could be fined £10 or be given three days' imprisonment.

Mr. COURT: It would be more peaceful than here.

Mr. ROWBERRY: I think the Minister should have another look at the proposal, because I cannot see any reason for it. The three-day time limit was originally inserted in the legislation to cater for people who were travelling around the State, and to give them an opportunity to produce their licenses. Therefore I think the Minister is being unfair, to say the least, and I ask him to have another look at it.

Mr. CRAIG: So far as the member for Belmont is concerned, I think he is off the track because he said the police had not recommended this. They have; it was as a result of a conference.

Mr. J. Hegney: You didn't tell us that.

Mr. CRAIG: I thought I gave sufficient reasons at the time, and if the honourable member had been awake he might have heard what I said.

Mr. J. Hegney: I am more awake than you are. Don't worry about that.

Mr. CRAIG: This was adopted as a result of a recommendation to the Traffic Advisory Committee, which is composed of members of the various police departments of all States of the Commonwealth.

Mr. Graham: But that is not Parliament.

Mr. CRAIG: At the conference they recommended to the advisory council, which is composed of various Ministers for Transport—

Mr. Graham: But only one of them has anything to do with us.

Mr. CRAIG: —that this recommendation be adopted. So far as the member for Warren is concerned he is covered by the

code, if he leaves his license at home, because it mentions "a reasonable explanation for such failure" to produce the license.

I cannot see why this proposal cannot be accepted. It will be in the interests of uniformity; but, apparently, some members do not want uniformity.

Mr. MOIR: I must enter my protest in regard to this provision. It is obvious from the Minister's explanation that the Traffic Advisory Committee only had in mind metropolitan drivers who may be involved in accidents in the metropolitan area. The position would be totally different where country drivers were concerned, and they were involved in accidents in the metropolitan area, or in some of the northern country areas, especially if they lived in the southern part of the State. For such people it would be a physical impossibility to produce the license within two days if the driver concerned had left it home.

This sort of thing happened to me last year. I usually carry my license in my wallet, but I left it at home on that occasion, and I was travelling to areas north of Geraldton. While I was in the metropolitan area I discovered that I had left my license at home and I went to the Police Traffic Branch and had a duplicate license issued. I realised what would happen if, unfortunately, I was involved in an accident. My license was issued in Kalgoorlie, and I renew it there every year; but a duplicate copy of every license is kept in Perth.

The average person who discovered that he had left his license at home, would probably proceed on his way without doing anything about it, particularly if he happened to be engaged on some urgent business. As duplicates are held at the traffic office surely it would be reasonable to ask that office to make a check if a person who is involved in an accident states that he has left his license at home! The traffic office could quickly make a check to see if the person concerned had been issued with a driver's license. Some commonsense must be used in these matters, and there is no doubt that the provision in this Bill could be very harsh on country drivers who were travelling in the metropolitan area, or on metropolitan drivers who were travelling in the country. I think it would be even reasonable to extend the time to seven days.

Mr. BRADY: As I said by way of interjection, I think Opposition members have been very tolerant with the Minister in regard to amendments to the Traffic Act. On this occasion the member for Balcatta has made a reasonable request and I think the Minister should accede to it and let the existing provision remain. I hope the Minister will try to do something to assist motorists rather than hinder them; because it looks to me as though we are building up a mountain of red tape; and

we will soon need an extra 100 police officers to police the traffic regulations. Surely the people are paying enough taxes, by way of license fees, and general taxes, without having the burden of the cost of extra policemen placed upon them.

Last year a friend of mine who was involved in an accident went along to the police station to report and produce his license, and he found the traffic office closed. It was the lunch hour. He could not produce his license and he forgot all about it. Subsequently he was prosecuted for not producing the license. That sort of thing is unrealistic, unpractical, and undesirable. The Traffic Department is becoming nothing more nor less than a department of vested interests. More officers are being appointed to look after more sergeants, and more sergeants are required for more policemen, and more traffic officers are required to police the sort of thing that is being introduced by this legislation.

Amendments such as these are creating red tape; they are creating more employment in the department; they are creating more telephone calls; they are creating more correspondence; and they are creating a lot of humbug. Even the amendments to the regulations will involve half a dozen men being employed during the next three or four months making the necessary alterations.

Last year, in trying to help a charitable organisation, I was unfortunately involved in an accident; and, subsequently, I received a summons to put in an appearance. The amazing part about it was that I went along to a certain firm of solicitors, representing the R.A.C., to try to prove that I was not guilty, and the officer I interviewed told me that one of the reasons why he was employed by this firm—he was not a legal man but was an ex traffic or police inspector—was because he had a comprehensive and up-to-date list of the traffic regulations which could not be purchased at that time. I tried to get a copy from the Government Printing Office, but I could not purchase one.

Mr. O'Connor: Did he get you out of trouble?

Mr. BRADY: It makes me boil when I see this sort of legislation going through. If a criminal were involved he could be out of Australia in two days before anything was done; but we have these sorts of restrictions for the average person. As members of Parliament, making the laws of the country we are supposed to be doing the right thing by the community. The right thing will not be done by the motorist by reducing the period from three days to two days. Let us be practical and instruct the departmental officers to do something to help the motorist instead of hampering him.

Mr. ROWBERRY: This clause does not refer to the traffic code of Australia, but only to section 26 of the Traffic Act of this

State, which provides that the driver of a vehicle when required by a police officer to produce his driver's license shall do so within three days of the demand at the police station nearest to where he resides. There should be a further amendment to extend the period of time.

Members are justified in opposing the clause, because the three days is the minimum period for people travelling in some parts of the State to return to the city. The Minister has not given any reason for altering the period from three days to two days. It is obvious this amendment is not viewed favourably by the public.

I cannot see how this amendment will alter the accident rate in this State. If there is a reason for reducing the period, it should be given. This clause will tend to harass the motorist and expose him to penalties unnecessarily. The only way to reduce the number of road accidents is to frame the Act and the regulations in a way acceptable to fair minded people.

Mr. OLDFIELD: I oppose the clause. In past sessions of Parliament it was mooted that the existing provision in the Act should be deleted. Every driver of a vehicle does not carry his driver's license with him. A person may be on holiday in the country, and may have left his license at home. If he becomes involved in an accident, or commits a traffic offence or parking offence and is requested by the police officer to produce his driver's license, he will be required, under section 26 of the Act, to produce his license within three days at the police station nearest to his residence.

A person on a holiday may go swimming in the morning dressed only in his bathing suit. Should this person commit a traffic offence or a parking offence and be requested by a traffic inspector or police officer to produce his license, he would either have to return to his hotel or caravan and produce his license subsequently to that officer; or alternatively within a period of three days to produce it to the police station nearest his residence.

I have discussed this question with high-ranking officers in the Traffic Branch, and I understood them to say there was no need for the existing provision in the Act. All that a driver has to do is to give his name and address, and that information can be checked against the alphabetical list of licensed drivers at the central traffic office. If a driver's license were mislaid, lost, or stolen, and that person committed a traffic breach he would be unable to produce it. Surely he does not commit an offence through failure to produce his license because it has been mislaid! As was stated, the period of three days would not matter to a person of criminal intent; but a law-abiding citizen should not be inconvenienced by being required to report at the nearest police station within three days.

Mr. GRAHAM: To test the views of the Committee, I move an amendment—

Page 11, line 24—Insert before the word "Section" the passage "Subsection (2) of".

If that is agreed to I propose to further move to strike out all words after the word "is" in line 25 and substitute the word "repealed". If those amendments are agreed to the clause will read—

Subsection (2) of section 26 is repealed.

The DEPUTY CHAIRMAN (Mr. Crommelin). What about the words "of the principal Act?"

Mr. GRAHAM: This Bill relates to the Traffic Act, and it could be nothing else. When I moved in this Parliament some four years ago for the repeal of section 26 (2) of the Act I stated that in my experience as Minister for Transport I had sought information from the departmental officers as to the need to require motorists to produce their driver's licenses under certain circumstances. Not one of those officers was able to give me the reason except to say that the practice had been followed for a long time.

In the old days when driver's licenses were issued in any one of several issuing offices there might have been some merit in that practice. But at present all licenses are issued from the Perth central office.

Mr. Lewis: A person can get a license through the Midland Junction police station.

Mr. GRAHAM: A reminder is sent by the Perth central office to every license holder in Western Australia when his license is due for renewal. There is in that office a complete record of every person in Western Australia who holds a driver's license.

If a person is suspected by the police of having committed a breach of some law and is apprehended, there is an obligation on him, on being questioned, to supply information relating to his name and address, and very little more. I cannot see why a person committing a breach of the traffic regulations should be required to produce his driver's license immediately, or within three days. The police already have a record of all license holders, and it should be sufficient for that person to give his name and address. If a person fails to produce his driver's license on demand, then under the existing provisions he will have to call within the specified period at the police station nearest his residence and produce his license.

He has to state that he has cited driver's license No. so-and-so, and that the information is required in connection with a certain accident. All that has to be undertaken by a police officer who should have more important things to do.

All the particulars, apart from the number of the license, have already been taken by the police officer inquiring into the accident or incident.

The position in the country districts is no different from what it was before, and members are aware that there is constant communication between the central traffic office and the various units throughout the State of Western Australia, in respect of driver's licenses.

Naturally enough, I am not in a position to divulge the names of the senior police officers who considered with me that this was a ridiculous requirement. The publication *News Review* agreed wholeheartedly with the viewpoint I expressed and, indeed, commended me for having moved the amendment in 1959.

There is no necessity for this whatever. Why should we adopt the procedure merely because other States in Australia have done so? The whole position is absurd and ridiculous and must be occupying a terrific amount of time of the officers, as was mentioned in a slightly different manner by the member for Swan.

There are many other breaches of the law which are far more important and which require no production of a document by the person involved, and yet the police are able to handle the situations quite adequately. As I mentioned the other evening, the Perth City Council has been able to sustain convictions against not hundreds, but tens of thousands, of people in respect of parking, and the Perth City Council does not require the production of a driver's license. Is this Government one completely of boards, red tape, regulations, and restrictions?

Mr. W. Hegney: Yes!

Mr. GRAHAM: Or does it, as it prates, believe in allowing the utmost freedom of the individual provided there is no encroachment on community life? The Minister has the advantage over me, because not only is he Minister for Transport, as was I, but he is Minister for Police, and is in a position to know that this provision is not necessary because it is not necessary in connection with other breaches of the law.

Had the fates been kinder at the beginning of 1959, I, as Minister, would have introduced this legislation, and I very much doubt whether the Opposition at the time would have opposed it. I am certain that it would have been carried by members of the other place.

I believe the position is clear, and I appeal to the Minister not to be led along willy-nilly by the decision of someone else. Let us be a pioneer in this matter and perhaps induce the other States to follow our progressive moves.

Mr. CRAIG: I am sorry the member for Swan is not here, because I want to reply to the statement he made. He said I am

not co-operative; whereas members of the Opposition have co-operated with me in connection with this Bill. I want to remind him of the fact that I have accepted quite a number of amendments proposed by the member for Balcatta.

Mr. Rowberry: The only Minister who ever has.

Mr. CRAIG: Thank you. Had the member for Balcatta given me notice of this amendment, I could have obtained the opinion of the Police Department. However, my own personal view is, firstly, that, as has been pointed out—I think by the member for Mt. Lawley—most members carry their license with them or have it in their cars.

Mr. Graham: Most drivers do not.

Mr. CRAIG: There is no reason why they should not do so, unless they use a number of vehicles. I am sure that if a driver was not able to produce his license within two or three days, and he explained the reason, it would be accepted. Most members who have spoken gave the impression that the police are checking up on everyone's license. Of course, they are not. It is only when a motorist is involved in some accident or breach of the Act that he is asked to produce his license as a means of identification.

Mr. Cornell: But don't you think three days is much more convenient for the rural resident than two days?

Mr. CRAIG: The honourable member would probably want a week.

Mr. Cornell: Anyway, I am going to vote against it, so you can take it to a vote if you want to.

Mr. CRAIG: I am persisting with this because it was a recommendation made to me by the commissioner, which I was prepared to accept. If members think three days is more acceptable than two days then let them vote accordingly. I am not pushing anything on them at all. Members have co-operated and I appreciate it. They may please themselves how they vote on this matter, but I intend to persist with my view.

Mr. OLDFIELD: The Minister stated the majority of people carry their license with them. I challenge the Minister to produce his.

Mr. Craig: It is in my car.

Mr. OLDFIELD: It is easy for the Minister to say it is in his car. I daresay if we went out there it would not be there.

Mr. Craig: That is taking it a bit too far!

Mr. NORTON: I think the Minister is being a little hard in regard to this clause. I want to draw his attention to the haulage transport drivers who travel sometimes from Perth to Wyndham. If they were

involved in an accident, it would sometimes be quite impossible for them to produce their license, even within months, to a particular police station. These days the central office has a record of all licenses and inquiries would result in the appropriate information being provided. I believe the whole idea of having to produce a license within three days is out-moded.

Mr. GRAHAM: I wonder why the Minister, who has been very co-operative this evening, cannot think for himself instead of having to refer back to his officers. If a driver commits a parking breach in William Street, Perth, south of the Horse-shoe Bridge, there is no need to produce a driver's license, but if that same driver commits an offence 100 yards north of the bridge he is required within three days to produce his license to the police station nearest his residence. How ridiculous is that! The Minister wants to perpetuate that situation. Nothing is achieved by it, and he has not told us why he is insisting on the clause.

I have already mentioned that there are a hundred and one other Statutes under which persons can commit breaches of the law, but they do not have to produce a piece of paper within a stated period. Why then is this provision necessary?

When we have regard for the number of accidents which take place, we realise that there must be hundreds of thousands of people each year who are obliged to go to police stations to produce their licenses, and the police officers have to occupy their time in taking down a whole lot of details. I suggest to the Minister that instead of many thousands of man-hours being devoted by police officers to unnecessary paper work, they could be doing a far better job by being out on the beat and seeing to some of the young hooligans who abound in the streets; or perhaps they could be patrolling in motor-cars or on motorcycles to induce motorists to behave themselves while driving on the roads.

I hope members will agree that whether we make the period two days or 10 days, or any other time, the position will still be only half met because there is really no occasion for persons to produce their licenses when the police already have carbon copies of the licenses in head office and also in the district offices.

At one time the driver's license was in the form of a booklet and it contained the endorsements of the driver's offences. But those days are no more. Under the present arrangement the motorist receives a piece of paper as notification of his license and it is also a receipt for the money he pays. The information concerning his license is in the hands of the Police Department in head office.

This is such an obvious proposition to support that I am surprised the Minister does not agree to it; and I will be doubly surprised if he can convince the rank and file of his supporters that what I am suggesting is not the correct action to take.

Mr. FLETCHER: There is so much confusion and loud talk that I do not quite understand the position. What is the purpose of the amendment?

Mr. GRAHAM: At the moment if a person is asked by a policeman to produce his motor driver's license immediately and he does not produce it, he commits an offence for which there is a penalty of £10; except that there is a saving proviso that if he produces the license within three days he escapes the penalty. The Minister proposes to reduce the period to two days. My amendment seeks to delete the subsection which requires a person to produce his driver's license at any time.

Mr. FLETCHER: In support of the amendment, I ask the Minister if he remembers my saying last night that there were insufficient traffic constables in the Fremantle area to police the locality properly.

I suggest to the Minister that if he agrees to the amendment he will make it possible for fewer policemen to be chairborne and more to be motorbike-borne for the purpose of better policing our roads. If the Minister looks at the amendment in that light, he will see that it is reasonable; and I ask him to refer it back to his department so that he may discuss it with his senior officers.

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

Ayes—23

Mr. Bickerton	Mr. Kelly
Mr. Brady	Mr. D. G. May
Mr. Cornell	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. H. May
Mr. Jamieson	

(Teller)

Noes—21

Mr. Bovell	Mr. Hutchinson
Mr. Brand	Mr. Lewis
Mr. Burt	Mr. W. A. Manning
Mr. Court	Mr. Mitchell
Mr. Craig	Mr. Nalder
Mr. Dunn	Mr. O'Connor
Mr. Grayden	Mr. Runciman
Mr. Guthrie	Mr. Wild
Mr. Hart	Mr. Williams
Mr. Hearman	Mr. O'Neill
Dr. Henn	

(Teller)

Pairs

Ayes	Noes
Mr. Evans	Mr. Nimmo
Mr. Curran	Mr. I. W. Manning

Majority for—2.

Amendment thus passed.

Mr. GRAHAM: I move an amendment—

Page 11—Delete all words in lines 25 and 26.

Amendment put and passed.

Mr. GRAHAM: I move an amendment—

Page 11, line 24—Insert after the word "is" the word "repealed."

Mr. CRAIG: How do I go about giving notice of a further amendment? Because I would prefer to have the previous position restored. I would like to have restored some of the words that have been removed.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 33A amended—

Mr. GRAHAM: Members may recall that in 1959, at the behest of this Government, an amendment was made to the Traffic Act to provide that where a person had his license suspended he could make application to the court for a conditional license; that is to say, to allow him to drive a motor vehicle under restricted conditions. This clause seeks to allow that principle except that no person may make an application for one of these conditional licenses until at least one month of the suspension period has elapsed.

I indicated yesterday evening that this could have most unfair results. People lose their licenses because they attempt to drive under the influence of liquor; but, in addition, others breach many more traffic regulations, so emphasis should not be placed on what is commonly called the drunken driver. Let us suppose two drivers have their licenses suspended for three months. Driver A uses his vehicle for pleasure only and by his license being suspended he is inconvenienced only to that extent, which is quite proper. Driver B depends on the use of a car to earn his livelihood. He may be engaged in a one-man business, or he may be employed driving a vehicle for a firm, or a bus for a transport company. In such cases driver B would not only be denied the use of his vehicle at weekends for pleasure, but he would also run the risk of losing his job. Therefore, I cannot see anything wrong with such a driver being granted a conditional license to drive a vehicle for the purpose of his employment between the hours of, say, 8 a.m. and 6 p.m.

I agree with the Minister on the provision concerning probationary licenses; but in respect of those who have licenses granted in the ordinary way the matter should be left to the court, which can make the conditions as rigid as it is possible to make them. The other week I appeared in the police court on behalf of a woman who had her driver's license suspended for a month or two months for driving through the traffic lights when the red light was

against her. This is an unfortunate circumstance that could happen to any one of us.

This woman, who is a widow, is employed as a cleaner in one of the departments under the control of the Minister for Police and is required to be at work by about 6 a.m. Public transport is not available at that time because she lives in Wanneroo Road; and as she works in the city, she must either hire a taxi to get to work—which means she would virtually be working for nothing—or she would have to call upon her daughter—who works until midnight every evening—to drive her to work.

Is it reasonable that such a woman should be denied the use of her vehicle to transport her to work? In my opinion she would be entitled to be granted a restricted license. I do not think we should be influenced to a great extent by what is said by magistrates from time to time, because often a license is granted in one court and cancelled in another. The court has complete discretion on whether it should restore a license on a conditional basis, and therefore we should leave the matter alone.

I have placed some amendments on the notice paper with a view to correcting the situation; but I feel that because of the totally different circumstances as between one offender and another, the object of our legislation should be to make the degree of hardship equal in cases that could be regarded as identical, and not for one merely to lose the use of a car for pleasure, and for another to be liable to lose hundreds and perhaps thousands of pounds because a car is essential for his work. Some equity should be shown.

This is what was included in the Traffic Act Amendment Bill (No. 4) of 1959; namely, to allow the courts complete freedom in granting or refusing to grant a license and imposing whatever conditions they so desired after taking into account the safety of the public, the character of the person concerned, the circumstances of the case, the nature of the offence, the conduct of the person concerned subsequent to the conviction, and the degree of hardship and inconvenience which would otherwise result to that person and his family if the court refrained from making the order. Such a provision is for the guidance of the magistrate.

The magistrate can grant a restricted license, or grant it in whatever way he pleases after hearing all the evidence. The Minister should leave the legislation as it stands. I therefore ask the Committee to vote against the clause.

Mr. CRAIG: Once again, probably for the last time, I must disagree with the honourable member. The purpose of the amendment is to apply the minimum of one month's suspension of a license when

it has been imposed because the driver has committed a traffic offence. It is felt that a person who commits an offence of such seriousness that it warrants the suspension of his license should be aware of the consequences before he commits the offence and should be expected to pay the penalty accordingly.

I know that members agree with certain articles published by *The West Australian*, and in this connection I want to quote a portion of a leading article published by that newspaper which states—

When drivers break the law the penalties, in the form of license suspensions, should be severe enough to cause them inconvenience that they and their friends will remember.

It is the penalty that they must remember; otherwise there is nothing to say that they will not commit the offence again. To my way of thinking the position is becoming a little farcical. In other words, an appeal can be made to the court for a license to be restored in some form or other, particularly in cases of hardship, as has been pointed out by the member for Balcatta.

The court, in its discretion, will grant a license. Not all appeals are upheld, but those that are run into several hundreds. The appeals entail a considerable amount of work beforehand by the police officers and the court officers. If this clause were agreed to, possibly the member for Fremantle might be satisfied because some of the policemen now engaged on these appeals could be relieved of this duty and could concentrate their efforts in his area.

In Bunbury only recently a driver was charged with drunken driving, which is regarded as being one of the most dangerous offences of all, because a drunken driver may possibly cause the death of another person. In this case he applied for the restoration of his license, and got it back within one day of committing the offence.

Mr. Graham: On a restricted basis.

Mr. CRAIG: The point is that he got his license back, and this makes the whole position farcical. It is the considered opinion of the police and of the magistrates that a minimum of one month's suspension should apply. There are times when the offences are so serious that the magistrate considers the driver's license should be cancelled; that the person in question is a menace; and that the only way to impress his responsibility upon him is not only to fine him but to suspend his license. What is the use of imposing a penalty if it is not to be carried out? The opportunity is there for the convicted person to make application to the court for the restoration of his license on a restricted basis. Those who break the traffic laws, and who constitute a danger to others to the extent that the magistrate considers

the offence warrants not only a fine but the cancellation of the license, should serve at least one month of the sentence imposed by the court.

Mr. GRAHAM: Let me take the Minister as an example. If he committed a breach which causes the suspension of his license for a period, the Minister would suffer no inconvenience, because whether he was going to his office or anywhere else, all he need do is press a button and a clerk would appear, and there would be a large black shiny limousine about 25 feet long waiting for him.

Mr. Craig: What would I do if I were a private member?

Mr. GRAHAM: For his business and his personal use the Minister has a car at his disposal. A person of some opulence would be able to hire a taxi, or one of those exclusive cars with a driver. He would suffer no inconvenience. The person who does not use a motor vehicle for the purpose of his livelihood would suffer inconvenience for a period of some weeks, or months, in respect of his social activities only. But in the case of the worker it could mean that he would lose his job, which might depend on his being able to drive. The businessman would be able to hire a vehicle, but that would not be possible for the working man. He would suffer a burden of penalty over and above the others.

Why impose a penalty that has a trivial effect upon some people, but a tremendous, and possibly a tragic, effect upon others, because it might mean the loss of a man's job. I concede that the offence of drunken driving is a serious one. I do not disagree with that. But why should one person escape with practically no inconvenience, while the other fellow loses his job? Because of this variation I think it should be left to the discretion of the court. In the case of the person at Bunbury whose license was suspended one day and restored the next, it was competent for the magistrate to dismiss the application, or to make the restrictions and conditions as hard as possible. Because it is impossible to legislate for individual cases this matter should be left to a competent authority to come to a conclusion completely unfettered.

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

Ayes—24

Mr. Bovell	Mr. Hearman
Mr. Brand	Dr. Henn
Mr. Burt	Mr. Hutchinson
Mr. Cornell	Mr. Lewis
Mr. Court	Mr. W. A. Manning
Mr. Craig	Mr. Mitchell
Mr. Dunn	Mr. Nalder
Mr. Gayfer	Mr. O'Connor
Mr. Graham	Mr. Runciman
Mr. Grayden	Mr. Wild
Mr. Guthrie	Mr. Williams
Mr. Hart	Mr. O'Neill

(Teller)

Noes—21

Mr. Bickerton	Mr. D. G. May
Mr. Brady	Mr. Moir
Mr. Davies	Mr. Norton
Mr. Fletcher	Mr. Oldfield
Mr. Hall	Mr. Rhatigan
Mr. Hawke	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. H. May
Mr. Kelly	

(Teller)

Pairs

Ayes	Noes
Mr. Nimmo	Mr. Curran
Mr. I. W. Manning	Mr. Evans

Majority for—3.

Clause thus passed.

Clauses 7 and 8 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

BILLS (3): RETURNED

1. Taxi-cars (Co-ordination and Control) Bill.

Bill returned from the Council with amendments.

2. Bread Act Amendment Bill.

3. Parks and Reserves Act Amendment Bill.

Bills returned from the Council without amendment.

AGRICULTURAL PRODUCTS ACT
AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [9.59 p.m.]: I move—

That the Bill be now read a second time.

There are two separate measures to be dealt with in this Bill. The first measure deals with the marking, branding, or labelling of bales, bags, or packages of wool. This marking must indicate clearly and legibly the identity of the producer of the wool.

The purpose of the amendment is to make it an offence for anyone to consign or remove wool, or cause or permit wool to be consigned or removed, if it has been sold, or is intended to be sold, unless the wool producer's identity is clearly indicated on the bale or package. A penalty of £20 is already provided in the Agriculture Products Act for anyone committing a similar offence in relation to other products.

Bales of wool forwarded to agents for sale at auctions are usually marked in such a manner that they can be readily identified. However, when wool is sold to private buyers the bales are not necessarily marked in this manner, or at all. This presents difficulties in the detection of stolen wool or wool that has been sold illegally. Also, marking of bales of wool will assist their recovery should they become detached from a consignment when in transit, such as falling off a truck or some such conveyance. This amendment has the support of the Farmers' Union and all others concerned in the wool industry.

The other matter that is contained in this Bill is an amendment designed to extend, for a further two years until the 31st of December, 1965, legislation that was passed by Parliament last year, amending the Agriculture Products Act. The legislation, at the request of the Western Australian Fruit Growers' Association, enabled a committee known as the Apple Sales Advisory Committee to be set up. This committee was to determine the size and quality of specified varieties of apples which should be sold on the local market. This measure was designed to control the sale of apples so that inferior fruit would not be marketed.

As was clearly stated last year, the amendment provided that it should operate only until the 31st December, 1963. This was in order to give the committee a trial period of operations; also the experience gained would provide factual information for use when deciding whether or not a marketing scheme is necessary.

During this past year, in spite of a heavy crop in 1962, returns to growers for good quality fruit have been much better than in previous years. It is for this reason the Western Australian Fruit Growers' Association has requested that the operations of the Apple Sales Advisory Committee be continued for a further two years, until the 31st December, 1965.

In order to comply with the request of the people concerned in the fruit-growing industry, I commend this Bill to the House.

Debate adjourned, on motion by Mr. Kelly.

House adjourned at 10.2 p.m.

Legislative Council

Thursday, the 14th November, 1963

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