

must exercise all the powers, privileges, rights, and remedies of the Crown. I would like a simple explanation as to what rights and remedies, or preferential rights and remedies, it will have as against private individuals; and likewise, what obligations will it be protected from, as against private individuals? I think it would help the House to have a clearer appreciation of this Bill if the Minister would be good enough to explain those points to us.

On motion by the Hon. R. C. Mattiske, debate adjourned.

House adjourned at 8.52 p.m.

Legislative Assembly

Tuesday, the 13th September, 1960

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

QUESTIONS ON NOTICE

MANJIMUP HIGH SCHOOL

Completion of Third Stage

1. Mr. ROWBERRY asked the Minister for Education:
 - (1) When will tenders for the third stage of the building of Manjimup Senior High School be called?
 - (2) As there is evidence that there will be serious overcrowding at this school by 1961, will he give an assurance that this stage will be completed by 1961?

Mr. WATTS replied:

- (1) and (2) As it is not anticipated that there will be any overcrowding at Manjimup Senior High School in 1961, it is not intended to undertake the building of the next stage during the present financial year.

CHAR AND COKE INDUSTRY

Establishment at Collie

2. Mr. MAY asked the Minister for Industrial Development:
 - (1) Will he state what stage he has arrived at concerning the application by the Griffin Coal Mining Company for a Government guarantee to assist the establishment of a char and coke industry at Collie?
 - (2) What is delaying consideration of this matter, which is extremely urgent from the State's point of view?
 - (3) Will he agree this matter is all-important to the State and the town of Collie; and if so, will he endeavour to hasten the finalisation of Treasury investigations?

Mr. COURT replied:

- (1) and (2) Treasury officers can make no real progress in their investigations until the applicant company supplies important information sought on the 9th August, 1960, with a subsequent follow-up.
- (3) The economic prospects of the industry and its significance to the State and the town of Collie cannot be assessed until the investigation is complete. The speed with which the investigation can be completed is largely dependent on the applicant company supplying the required information.

BROWN'S LAKE DRAINAGE

Effect on Water Table and Subdivisions

3. Mr. OLDFIELD asked the Minister representing the Minister for Local Government:

- (1) Has the experience of this last winter shown that the Brown's Lake drainage scheme has lowered the water table in the Drake and Russell Street areas of Morley Park sufficiently to permit of subdivisions on those areas?
- (2) If so, will he now agree to all subdivisions previously refused or deferred on the grounds of the water table being too high?

Mr. PERKINS replied:

- (1) Insufficient time has elapsed since construction to assess the effect on subsoil water levels.
- (2) Answered by No. (1).

TECHNICAL EDUCATION

Resumptions of Properties for New College

4. Mr. HEAL asked the Minister representing the Minister for Town Planning:

Cabinet having approved of the new technical college to be erected between James and Newcastle Streets, West Perth, will he indicate approximately when resumptions of private properties will be proceeded with between—

- (a) Francis and Aberdeen Streets;
- (b) Aberdeen and Newcastle Streets?

Mr. PERKINS replied:

No indication can be given at the present time.

POLICE PATROL CARS

Equipment with Cameras and Radar

5. Mr. GRAHAM asked the Minister for Transport:

- (1) How many patrol cars with plainclothes traffic police are operating in the metropolitan area?

- (2) How many vehicles are equipped with cameras to assist in the prosecution of traffic offenders?
- (3) Is there any intention to install radar equipment on any patrol vehicles in order to check on suspected speedsters?

Mr. PERKINS replied:

- (1) Four patrol cars; two on each shift.
- (2) Two.
- (3) No, not at present. We are awaiting developments regarding improved equipment which will distinguish vehicles, and also reports of satisfactory tests in other States.

BRITISH INDUSTRIALISTS' VISIT

Cost to State

6. Mr. GRAHAM asked the Minister for Industrial Development:

- (1) Respecting the projected visit of a group of British industrialists to Western Australia next month, is the State to meet any of the expense?
- (2) If so, what is the anticipated cost, and under what headings?

Mr. COURT replied:

- (1) Yes, from the Industrial Development Vote.
- (2) £7,985 divided between—
 - (a) Air travel to and from Western Australia by most direct regular service.
 - (b) Travel within Western Australia, including country visits to Albany, Bunbury, and Geraldton.
 - (c) Part of accommodation within Western Australia.
 - (d) Local incidental expenses.

The above figure is subject to current discussions with Qantas with reference to the fare rate for the "block" booking for ten persons.

EGGS

Number and Location of Grading Floors

7. Mr. HALL asked the Minister for Agriculture:

- (1) How many egg floors are in this State?
- (2) In which towns are they situated?

Consignments from Albany to Narrogin and Perth

- (3) Are eggs produced in the Albany district railed or road-freighted to the Narrogin egg floor?
- (4) How many eggs produced in the Albany district were railed or road-freighted to the Narrogin egg floor, per dozen, for the years 1957-58, 1958-59, and 1959-60?

- (5) How many eggs produced in the Albany district were railed or road-freighted to the metropolitan egg floor, per dozen, for the years 1957-58, 1958-59, and 1959-60?
- (6) Were eggs re-railed from the Narrogin egg floor to Albany to meet the local demand; and, if so, how many dozen eggs were sent to Albany from Narrogin for the above years?
- (7) Were eggs re-railed from the metropolitan egg floor to Albany to meet the local demand; and, if so, how many dozen eggs were sent to Albany from Perth for the above years?

Mr. NALDER replied:

- (1) Five floors.
- (2) Perth Metropolitan Markets, Fremantle, Narrogin, Bunbury, and Geraldton. There is a sole purchasing permittee who operates from Northam and who acts as an agent for the board.
- (3) Conveyed by rail.
- (4) —

	Year	Doz.
(a)	1957-58	1,560
(b)	1958-59	1,500
(c)	1959-60	330

Note: For all these queries the Albany District has been taken to include only Mount Barker, Albany and Denmark.

- (5) —
 - (6) —
 - (7) —
- | | Year | Doz. |
|-----|---------|--------|
| (a) | 1957-58 | 17,730 |
| (b) | 1958-59 | 19,680 |
| (c) | 1959-60 | 20,130 |
- | | Year | Doz. |
|--|---------|--------|
| | 1957-58 | 12,390 |
| | 1958-59 | 13,920 |
| | 1959-60 | 14,550 |
- | | Year | Doz. |
|--|---------|------|
| | 1957-58 | Nil. |
| | 1958-59 | Nil. |
| | 1959-60 | Nil. |

RACING

Attendance at Railway Stakes Meeting

8. Mr. JAMIESON asked the Treasurer:
 - (1) Is he aware that the stated attendance (*The West Australian*, the 29th December, 1959) was in the vicinity of 17,000 at the Railway Stakes meeting of the Western Australian Turf Club held on Monday, the 28th December, 1959?
 - (2) Is he aware that the amusement tax return for this meeting showed an attendance of only 6,641?
 - (3) How can such a large discrepancy between these figures be accounted for?

Mr. BRAND replied:

- (1) Yes.
- (2) Yes.
- (3) The Press report is only an estimate made on a very approximate basis either by a reporter or club official. This was the first of the "twilight" meetings which made estimating very difficult. It no doubt included all persons on the ground; whereas the entertainment tax return relates only to admissions paid at the gate. It excludes all annual tickets which are taxed on a yearly basis. Complimentary tickets and tickets made available to owners, jockeys, trainers, and attendants are also not included in the entertainment tax return. However, I would like to add that we are making further inquiries.

ELECTRIC CURRENT

Cost in Bunbury and Metropolitan Area, and Staff Transfers

9. Mr. FLETCHER asked the Minister for Electricity:
 - (1) Why are the metropolitan power station staff being uprooted from their established homes and employment and being transferred to produce electricity at an allegedly more efficient Bunbury station, in which locality electricity to the consumer is more expensive than in the metropolitan area?
 - (2) If in the Bunbury area electricity is more expensive to the consumer, is the electricity more expensive to produce?
 - (3) If so, why?
 - (4) If so, why not retain the staff and produce power in metropolitan stations, where millions of pounds capital outlay of public money has been invested in plant and equipment?

Increased Charges in Metropolitan Area

- (5) Since Bunbury-produced power appears to be more expensive than locally-produced power, is any metropolitan increase in charges imminent or likely?

Mr. WATTS replied:

The commission advises me—

- (1) Men have been transferred to Bunbury because they are required there and not in the metropolitan stations.
- (2) No.
- (3) and (4) Answered by No. (2).
- (5) Bunbury - produced power is cheaper than power produced in the metropolitan area.

SUBURBAN RAILWAY SERVICES*Curtailment, and Replacement by Buses*

10. Mr. BRADY asked the Minister for Railways:

- (1) In curtailing the evening suburban rail service was any consideration given to—
 - (a) running a railway road bus through to Bellevue, via Bassendean, or
 - (b) getting the Metropolitan Transport Trust to arrange a similar service?
- (2) If not, will efforts be made to arrange such a service?

Mr. COURT replied:

- (1) (a) and (b) The decision to make minor rearrangements to the evening suburban rail services was based on the lack of patronage of evening services and consideration of substitute road bus services would thus not be warranted.

The new schedule will provide seven train services on the Perth-Bellevue section between 7 p.m. and 11.30 p.m., and these are considered adequate to meet requirements. There are also ten services Bellevue-Perth between 7 p.m. and 12.9 a.m. The additional trains from Bellevue to Perth are the return of trains which departed from Perth before 7 p.m. and one service which runs from Childs to Perth.

- (2) No; but the situation will be kept under review.

WATER SUPPLIES*Provision on Unoccupied Land*

11. Mr. BRADY asked the Minister for Water Supplies:

- (1) Is the Water Supply Department putting in water services in areas where there are no houses erected, thus permitting subdivisions of land to be sold with all services; e.g., water, electric light, etc.?
- (2) If so, could he state what areas are involved?

Mr. WILD replied:

- (1) (a) It is not the practice of the department to finance and install water mains in anticipation of building development.
- (b) Under acceptable circumstances, and in a few instances, the department has provided supplies to newly-subdivided lands, subject to the subdividers prepaying the costs of installation, the

amount of reimbursement to the subdividers being governed by the number of new houses erected in relation to the length of main laid.

- (2) No installation of the type mentioned in No. (1) (b) is being made at present.

EXCESS WATER*Supply and Cost*

12. Mr. TONKIN asked the Minister for Water Supplies:

- (1) For the years 1957-1958 and 1958-1959, respectively, what quantity of water was supplied by the department as—
 - (a) domestic excess;
 - (b) industrial and trading excess; and
 - (c) shipping?
- (2) What price was charged for the water so supplied?

Mr. WILD replied:

- (1) 1957-1958:
 - (a) 2,595,978,000 gallons.
 - (b) 818,627,000 gallons.
 - (c) 92,492,000 gallons.
- 1958-1959:
 - (a) 2,479,186,000 gallons.
 - (b) 881,053,000 gallons.
 - (c) 96,434,000 gallons.
- (2) (a) 2s. per 1,000 gallons with a concession price of 1s. 9d. per 1,000 gallons if rates were paid prior to the 30th November in each year.
- (b) 1s. 6d. per 1,000 gallons.
- (c) Fremantle—4s. per 1,000 gallons, inclusive of services of departmental shipping attendants.
Cockburn Sound—2s. 3d. per 1,000 gallons. No attendants provided by the department.

STIRLING HIGHWAY MEDIAN STRIP*Accidents*

13. Mr. ROWBERRY asked the Minister for Transport:

- (1) How many accidents have taken place on that part of Stirling Highway on which the median strip exists—
 - (a) involving vehicles;
 - (b) involving pedestrians since the construction of the strip;
 - (c) for a comparable period prior to the construction of the strip?

Complaints

- (2) How many complaints have been received by the departments concerned since the inception of the strip from the following:—
- (a) Vehicle drivers;
 - (b) pedestrians;
 - (c) tradespeople on highway adjacent to strip?
- (3) Is it a fact that the deviations of the strip from the parallel with the sides of the highway follow the line that a vehicle would take in overtaking a stationary bus without restricting the traffic space for that vehicle?

Mr. PERKINS replied:

- (1) Since work was stopped and working gangs withdrawn from the site on the 27th July, 1960, the following accidents have been reported up to and including the limited period to the 2nd September, 1960, on the section of highway between and including Dalkeith Road and Rockton Road—
- (a) Involving vehicles — 11.
 - (b) Involving pedestrians — Nil.
 - (c) For the same period in 1959—
Involving vehicles — 12.
Involving pedestrians— Nil.
- (2) (a) Nil;
(b) Nil;
(c) 4.
- (3) Yes.

MINERS' LUNG DISEASES

Results of X-ray Examinations

14. Mr. MOIR asked the Minister representing the Minister for Mines:

- (1) Is he aware that some miners are now receiving advice from the Mines Medical Officer in the following terms:—

Your recent chest X-ray is normal and shows no evidence of any lung disease attributable to your work in the mining industry.

Signed—

Mines Medical Officer.

(This form replaces normal and reticulosis (F+) report.)?

- (2) Does this mean—

- (a) that miners who have previously been advised that the X-ray examination disclosed reticulosis (F+) have been so advised in error; or
- (b) that the miners so previously advised have returned to normal?

- (3) Will a miner whose X-ray examination discloses reticulosis (F+) be so advised in the future?

Mr. ROSS HUTCHINSON replied:

- (1) These reports are issued by the Public Health Laboratory and, basically, are not related in any way to the relevant Mining Acts. They have no legal significance and are not statutory reports. The form of the reports was discussed by the laboratory doctor with the A.W.U., Boulder, and a representative of the Chamber of Mines, Kalgoorlie, and both agreed that the new procedure was an improvement.
- (2) (a) and (b) Men previously advised that their X-ray showed reticulosis (F+) were not advised in error. They still have an X-ray which shows reticulosis, but re-appraisal, aided by improved technique and knowledge, has enabled the laboratory to decide whether it merely represents variations within the normal range, or is likely to be a pre-silicotic condition. Eventually, the laboratory hopes that refinements will enable it to be more certain in regard to the very early diagnosis of silicosis.
- (3) Miners previously diagnosed as reticulosis, who have been found to be actually suffering from other diseases, are either examined clinically or referred to their own doctors for investigation and treatment. It is hoped that the new system will replace and be more satisfactory than the former reticulosis notification, and it is not intended to resume their issue. The present wording is not final; and, in time, it is hoped that a simple formula will be found to express the laboratory's opinion in a way which will be completely clear to every worker.

QUESTIONS WITHOUT NOTICE

SLEEPERS

Type to be Used on Commonwealth Railways

1. Mr. BURT asked the Minister for Industrial Development:

- (1) Has he read an item in last Thursday's *Kalgoorlie Miner* referring to the intended use by the Commonwealth Railways of concrete sleepers?
- (2) Would he make necessary approaches to the Commissioner of Commonwealth Railways with a view to establishing a pilot plant for making pre-stressed concrete sleepers in Kalgoorlie?

Mr. COURT replied:

The member for Murchison was good enough to give me notice of this question. The answers are as follows:—

- (1) Yes. The report does not indicate that a firm decision has been made to use concrete sleepers on Commonwealth Railways.
- (2) Inquiries have been initiated to ascertain what the Commonwealth Railways propose. If the final decision is to use some concrete sleepers, the claims of Kalgoorlie will be pressed; but, at the same time, I should stress that I would be failing in my duty if I did not stress the significance of Western Australian hardwood sleepers in the matter.

LOCAL GOVERNMENT BILL

Copies for Local Authorities

2. Mr. TOMS asked the Minister for Labour:

On Thursday, the 8th September, during the discussion of a motion for the adjournment of the debate on the Local Government Bill, in reply to a statement by the Leader of the Opposition that he doubted very much whether any of the members of local authorities would know all about the principles in the Bill, the Minister stated that "Copies of the Bill are being sent out to all those local authorities forthwith". My question is—

- (1) Was that a correct statement; or
- (2) Is it not a fact that local authorities are to make application to the Government Printer for copies and same will then be supplied at a cost of 12s. 6d. per copy?

Mr. PERKINS replied:

I think I interjected, saying that two copies were being sent to each local authority. Unfortunately, I was misinformed, and only one copy is being sent.

Mr. Hawke: When?

Mr. PERKINS: The position is that one copy is being sent to each local authority! and if local authorities require further copies, they may obtain them from the Government Printer at 12s. 6d. each. I think there have been approximately 300 copies of the Bill printed. I consider this is sufficient. If there is a very big demand, it may be necessary to have

further copies printed and there may be some delay. But it is anticipated in the Local Government Department that 300 copies will be sufficient to meet all needs.

3. Mr. TOMS: Further to my question and the answer given by the Minister, will he indicate when the copies are to be sent out, or whether they have been sent out? I believe it was only yesterday that local authorities were uncertain as to when they would receive them.

Mr. PERKINS replied:

My information is that they are going to be sent out as quickly as possible. I hope they will be in the hands of local authorities almost immediately.

Mr. Hawke: Some time this year.

WATER RESTRICTIONS

Prospects for Coming Summer

4. Mr. OLDFIELD asked the Minister for Works:

Will he inform the House whether water restrictions will be imposed throughout the metropolitan area during the forthcoming summer; and, if so, to what extent it is anticipated these restrictions will be imposed?

Mr. WILD replied:

I thought I had made it fairly obvious to the House twice last month that I would, on approximately the 15th September, make a statement. I shall adhere to that intention, and a statement will be given to the Press about that date.

BETTING

Stamp Duty and Turnover Tax

5. Mr. EVANS asked the Premier:

- (1) Does a licensed S.P. bookmaker pay stamp duty and also turnover tax on tickets that have been written about horses that have subsequently been scratched from their races?

Disposal of Investment Tax

- (2) Should a punter be allowed to receive, when he redeems his ticket, the investment tax he originally paid on the ticket? Should the S.P. bookmaker, in the cases of scratchings and the face value of the ticket being redeemed, retain the investment tax?

Mr. BRAND replied:

I am not a betting man, and I do not know very much about that aspect of it. If the honourable member cares to put the question on the notice paper, he will receive an answer.

SUBURBAN RAILWAY SERVICES

Effect of Curtailment on Shift Workers

6. Mr. HEAL asked the Minister for Railways:

Recent reductions in the night train service involve a train leaving Fremantle at 11.15 or 11.20 p.m. which catered for many shift workers. Those shift workers have to wait a considerable time in order to get a train to their homes. Would the Minister review the position with a view to reinstating a train service soon after 11 p.m.?

Mr. COURT replied:

This matter has already been reviewed as a result of representations made by the member for Claremont. However, I am not sanguine that an amendment can be made, because in rearranging services it has been necessary to delete a train with a consequent adjustment of timetables right through. I can assure the honourable member that we are sympathetic to the problem of those who have to travel at that hour of the night, and full consideration will be given to the matter.

BILLS (2)—FIRST READING

1. Criminal Code Amendment Bill.

On motions by Mr. Watts (Attorney-General), Bill introduced and read a first time.

2. Architects Act Amendment Bill.

On motions by Mr. Wild (Minister for Works), Bill introduced and read a first time.

COUNTRY HIGH SCHOOL HOSTELS AUTHORITY BILL

Third Reading

On motion by Mr. Watts (Minister for Education), Bill read a third time and transmitted to the Council.

HEALTH ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health) [4.54]: I move—

That the Bill be now read a second time.

This is a rather important Bill. It is the first of two amending measures which I hope to submit to the House this session in connection with amendments to the Health Act. I consider it important enough not to include all of the amendments in the one Bill to be presented to the House as a composite measure.

This Bill deals with reducing, as far as one can by machinery legislation, the maternal mortality rate in this State. Section 336 of the Health Act provides for an inquiry into every maternal death occurring in Western Australia, and came into operation in, I think, 1938. It was introduced at that juncture because of the rather alarming number of deaths occurring to mothers in childbirth about that time. I will amplify that statement by reading a report later on.

The over-all intention of the section was to ensure that the highest professional skills were available to mothers; and, to a great extent, the section has served a useful purpose. However, its value has been limited; and, although this may sound a little anomalous in view of what I have said, to a large extent it has failed in its purpose fully to achieve a more complete reduction in the number of deaths occurring in childbirth.

The principal reason for the failure of the section, or the part failure of the section, was that in great measure it was punitive in the sense that it was designed to disclose negligence and, from that angle, there could be consequent legal action. At this juncture I think I should make a brief reference to section 336 because it may be of interest to the House, and to the honourable member who will in all probability take the adjournment of the debate. The first paragraph of section 336 reads—

Whenever any woman shall die as the result of pregnancy or of childbirth, or as the result of any complications arising from or following upon pregnancy or childbirth, the fact of such death shall be reported forthwith to the nearest stipendiary or resident magistrate by the medical practitioner and any nurse who were at the time of the death attending such woman.

Then there are two or three other subsections; and subsection (5), in its context, discloses the fact that the magistrate shall report the result of his inquiry and state whether in his opinion there has or has not been any negligence in relation to the death of the woman concerned.

That has been the principal reason why there has been a part failure of this section. In practice it has been found to be unwieldy and has never operated satisfactorily. It appears that because of the punitive measures that could be taken, the nature of the inquiries conducted have been inadequate, mainly because the parties concerned have felt the need to be guarded in their views.

In all the inquiries that have been made since the time the section was written into the Act—over 20 years ago—no negligence has been found. I feel it is important that any error made—or any lesson learned perhaps through an error made during childbirth—which may result in the death

of a mother should, if possible, be ascertained and fully and freely discussed with a view to the elimination of such an error in the future.

Mr. Nulsen: Is the Bill for the purpose of tightening up the administration of maternity homes or hospitals?

Mr. ROSS HUTCHINSON: No. If the honourable member will follow my speech through, he will see the full purport of my remarks. I admit that this is quite controversial, but I hope that it will secure the approbation of the House. This error should be freely discussed with a view to its virtual elimination, if possible, in the future. It is felt that a better way than the possible punitive measures employed in the past would be some form of education, together with the formation of a committee to implement that education.

This very important matter has exercised the minds of the medical profession and legislators the world over; and because of this a committee was formed some seven or eight years ago, headed by Dr. Snow, who is the Director of Epidemiology in this State. I feel an extract from the report of that committee will be of interest not only to members, but to the public generally, because it has such a close bearing on the legislation before the House. Accordingly I propose to read the relevant section of the report. It is headed "An extract of a report on the maternal mortality in W.A., presented to the Maternal and Infant Health Committee of the State Health Council, on April the 14th, 1953," and reads as follows:—

In 1937 an unusual number of puerperal deaths relating to child-birth at a private maternity institution in Perth, coupled with a high maternal mortality within the State as a whole, led to the introduction of a Bill to amend the Health Act. The object of the amendment was to provide for a magisterial inquiry into every death resulting from pregnancy or child-birth. It was duly passed in both Houses and was assented to on January 18th, 1938. The amendment became incorporated in the Act as section 291A but, due to a subsequent rearrangement of the Act, the amendment will now be found under section 336. In accordance with this section any medical practitioner or nurse who attends a woman dying as a result of pregnancy or child-birth, is required to notify the nearest magistrate forthwith. The magistrate, acting in conjunction with one representative nominated by the British Medical Association, and another by the Australian Trained Nurses' Association then decides whether an inquiry is necessary and, if so, proceeds to hold such inquiry in private. The persons holding the inquiry have the same powers as a coroner. Finally, the

magistrate is required to report the finding of such inquiry to the Minister for Health. He is required to state specifically whether "there has been negligence in relation to the death of the deceased woman," and he is authorised to submit appropriate recommendations.

The precise machinery or method of inquiry was not laid down and considerable difficulties were met with in the early stages.

Within a few months the measure was described by the appointed British Medical Association representative as "futile in the very large majority of cases," and a stipendiary magistrate concurred in this opinion. Soon afterwards, the matron of a country hospital, in more homely terms, described the legislation as "silly."

In practice, it appears that section of the Act has operated in the following manner, which seems to have evolved rather than to have been arranged:—

- (1) The deaths have been duly reported to the appropriate magistrates.
- (2) In some instances, statements have been sought and obtained by the police from the doctor, nurse and relatives.
- (3) The magistrate, in a few cases, has apparently decided that no inquiry is necessary.
- (4) In other instances he has referred the relevant documents to the Commissioner of Public Health for onward transmission to the medical and nursing referees nominated by respective associations.
- (5) The two referees have studied the documents independently and have expressed an opinion as to whether or not there has been any neglect. Occasionally they have asked for additional technical information before stating their opinions.
- (6) The documents, together with the referees' opinion, have then been returned to the magistrate through the Commissioner of Public Health.
- (7) In no case has neglect been found.

The general intention of section 336, when it was introduced 15 years ago, was to assist in the reduction of maternal mortality in the State. Its declared purpose was to uncover professional negligence if this occurred. At the end of these 15 years we find that—

- (1) The operation of section 336 has been accompanied by a reduction in the maternal mortality rate. Whereas in 1937

it was 4.18 per 1,000 live births; in 1951 it was 1.08 (provisional). Whether and to what extent magisterial inquiry has contributed to this reduction, are debatable questions. The advent of the sulphonamides and penicillin, increased hospital and other facilities, and an improvement in the quality of obstetric care independent of the inquiry, are factors which were probably much more effective in attaining the reduction, than the inquiry itself.

- (2) No professional negligence has been uncovered by section 336. The verdicts of the referees suggest that neglect has not been a factor in contributing to maternal death. On the other hand, inexperience and errors of judgment may have been factors in some of those deaths which could be considered preventable.

One can look back upon section 336 therefore with mixed feelings. At the best it can be claimed that it has been advantageous in three ways—

- (1) It has engendered a sense of security in the mind of the public, so that pregnant women are confident that reasonable skill and care will be exercised by their professional attendants.
- (2) It has served to keep doctors and midwives metaphorically "on their toes" in order to avoid the unwelcome aftermath of a magisterial inquiry with its attendant embarrassments.
- (3) It has revealed (in a more searching way than a formal death certificate) the root causes of maternal mortality, and will thus facilitate the intelligent application of preventive measures.

Nevertheless this report on magisterial inquiries furnishes an opportunity of examining the general position in regard to maternal mortality in the State, and of considering the administrative implications involved in any attempt at further reduction.

It would be difficult to challenge the contention that the maternal mortality rate can be further reduced. It is now over 1 per 1,000 live births. In more than one American State it is less than 0.5 per 1,000 live births, and the most recent figure for London was also less than 0.5.

Just how the reduction can be effected, however, is another matter. Obviously it required the closest co-operation between the Public Health Authority, the obstetricians, general medical practitioners and midwives.

I have read that report in full because it will show from the finding that there could have been value in section 336, but that it is a limited value. It also shows there has been a dramatic reduction in the maternal mortality rate to approximately one in 1,000 live births. We must appreciate, however, that in other parts of the world that figure has been cut by various means by 50 per cent.; and that is the aim of this legislation—to cut the maternal mortality rate by 50 per cent. and bring it down to 0.5 per 1,000 live births, or less.

The document I have read is very frank, and it makes interesting reading. The report was written in 1953; and we find that in June, 1958, the maternal deaths problem, together with the inadequacy of section 336 of the Health Act, was considered by the State Health Council, and a subcommittee, consisting of Professor Gordon King and Dr. Snow, was appointed to study the question and make recommendations. The main features of its recommendations are as follows:—

- (1) The retention of some form of inquiry into each maternal death;
- (2) The purpose of this inquiry should be educative rather than punitive;
- (3) The inquiry should be more detailed and more technical than hitherto.

The subcommittee therefore recommended that section 336 of the Health Act be repealed, and that the Act be amended to bring into being the educative Minnesota system in regard to obviating deaths in childbirth.

This amending Bill does not actually repeal section 336, but it virtually rewrites it. Besides rewriting section 336 to cater for this educative system, it adds a completely new section to the Act—namely, section 13A—which sets up and constitutes a maternal mortality committee. The heading of that section will be "Maternal Mortality Committee".

To give a little information in regard to the Minnesota system, I would say that that state of the U.S.A. has, for many years, enjoyed one of the lowest maternal mortality rates in the world. It is felt that is due, in the main, to the educative form of inquiry adopted there. Not so long ago Dr. Snow was overseas on study leave; and one of the tasks allotted him was to go to Minneapolis and there study this system. He came back believing that we should implement the system here.

Dr. Snow reported on what he had seen; and, as a result of his report, together with the findings of the subcommittee—from whose report I have just quoted extensively—the State Health Council requested that I endeavour to bring before Parliament a legislative form which would follow the Minnesota system.

I would like at this stage to make a feature of the fact that there are some who will find this controversial, because the cardinal feature of the Minnesota form of inquiry is that it is privileged or protected in the legal sense. I make no excuse for telling the House this, because it must be obvious why it should be so.

Under the Minnesota system, information, records of interviews, written reports, statements, notes, and other data procured in connection with inquiries are not admissible as evidence in court. It will be appreciated, perhaps, that this removes from those who are involved the fear of possible legal action. It is expected that at inquiries conducted under this form, answers and statements made will be completely frank and free. The precise circumstances culminating in the death of mothers may be more easily elucidated than has been the case so far. The outcome of such an inquiry will be communicated to the doctor concerned by the chairman of the Maternal Mortality Committee, together with such constructive comments as may prove to be of guidance to him in the future.

In addition, summaries of these cases will be made and will be published in the legal journal from time to time. These cases can also be used as illustrations in the teaching of medical undergraduates. Such a board has been effective in other parts of the world and is known as the Minnesota system, and we would do well to adopt it here.

Although this form of inquiry does not specifically include infant mortality rates, I see no reason why inquiries subsequently into this aspect cannot be incorporated. This Bill provides for the system to operate here. It seeks to amend section 336 of the Act accordingly, and a considerable portion of the Bill provides for setting up and constituting a maternal mortality committee in the manner laid down. However, I feel this aspect could be more fully discussed in the Committee stages.

I commend the Bill to the House. I realise that possibly the principle of the Bill is contentious, in that the inquiry would be conducted in a restricted sense. The names of the mothers involved in these cases will not be divulged; and it is to be hoped that by this means a further dramatic reduction of at least 50 per cent. in the maternal mortality rate will be achieved.

On motion by Mr. Nulsen, debate adjourned.

[59]

MARKETING OF ONIONS ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [5.20]: I move—

That the Bill be now read a second time.

This Bill takes the ribbon for being the smallest one to be introduced in this House during the present session.

Mr. W. Hegney: It has as much in it as some of the others which you have introduced.

Mr. NALDER: All that the Bill seeks to do is to change the word "seventeen" to "nineteen" and back-date the correction to the 9th day of January, 1946. In 1945, when the principal Act was amended, the intention was to amend section 19. However, in the original draft a typographical error occurred which read "seventeen" instead of "nineteen". Strangely enough the Bill passed through all hands, including both Houses of Parliament, unnoticed; and, ever since, the amendment has referred to section 17 which, of course, is completely wrong and does not make sense.

The Onion Marketing Board realised the error, and has not been inconvenienced in its administration because it has acted as if the amendment was to section 19, as intended. However, it is most desirable, and from a legal point of view essential, that the matter be corrected. It was really brought to a head when the Crown Law Department decided to reprint and consolidate the Act under the Reprinting of Acts Authorisation Act. Legal officers advised that this action could not proceed until the correction was made, and therefore recommended that this small Bill be introduced.

On motion by Mr. Kelly, debate adjourned.

STATE HOUSING ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [5.23]: I move—

That the Bill be now read a second time.

A perusal of section 6, paragraph (b) of the State Housing Act will reveal the definition of "worker". It sets out the income eligibility of a worker for assistance under that Act.

At the 31st December, 1959, the eligibility income was made up of the basic wage of £744 per annum, plus an additional amount of £369 per annum. As far as I can ascertain, this latter sum was more or less arbitrarily determined in 1950. This makes a total of £1,113 per annum.

The margins case determined by the Commonwealth Arbitration Court in mid-December, 1959, had the effect of increasing margins over the basic wage by approximately 22½ per cent. over-all. As a consequence of this decision, a number of hitherto eligible applicants ceased to be eligible under the Act.

The Government feels that as the margins were granted by the Arbitration Court, the amount of the increase—namely, £83—should be added to the additional amount above the basic wage—namely, £369 per annum. This would make the eligibility total £1,196 per annum, made up of £744 per annum as basic wage and £452 per annum as at the 2nd May, 1960.

The attention of members is drawn to the fact that this amending Bill allows for the eligibility income of a worker to be adjusted irrespective of the movement in the basic wage. This will avoid the necessity for continual reference to Parliament for eligibility adjustments. I must confess that on first reading the Bill I had some doubts as to whether it achieved that purpose, because of its wording; but reference to the legislation of 1951 removed my fears that the Crown Law Department was at fault in this respect.

On motion by Mr. W. Hegney, debate adjourned.

STAMP ACT AMENDMENT BILL

Second Reading

MR. BRAND (Greenough—Treasurer) [5.27]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to place the exemptions from the imposition of stamp duty on cheques on a proper basis, and to extend the concession to cheques drawn on certain accounts kept in trading banks.

Under the existing law a duty of 3d. is imposed on each cheque drawn by a customer on a bank account. The only exemption from this tax is granted to friendly societies for cheques drawn by them on accounts kept in Government savings banks. In recent years the exemptions have not been limited to those provided in the Act. The scope was extended by the then Government's direction, following the entry of banks, other than the Commonwealth Savings Bank, into the savings bank field.

The new savings banks were permitted to conduct duty-free cheque accounts for certain nominated types of organisations. Broadly these are of a charitable, community welfare, or patriotic character. The law was not amended to validate these exemptions. The extended concessions were permitted following representations by the new savings banks, which desired to be able to provide the same facilities for duty-free accounts as the Commonwealth Bank made available to its customers.

By virtue of the Commonwealth Bank Act, the Commonwealth Savings Bank is not subject to State stamp law and is therefore able to make its own decisions in regard to the concessions granted to its customers. Prior to the commencement of other savings banks, the Commonwealth Bank permitted only limited concessions. However, following the establishment of other savings banks, the Commonwealth Savings Bank extended the scope of these concessions.

Recently, further representations have been made to extend the exemption to all organisations of a non-profit-making character. In addition, the trading banks have requested that the same exemptions be given to their customers.

A survey has been made of the exemptions provided in the form of duty-free cheques in the other States of Australia. These range from extensive exemptions in some States to very limited exemptions in others. Broadly, the average field covered is under the groups set out in this Bill.

Conferences have been held with the solicitors making application on behalf of the banks and representatives of the banks. The trading banks are in agreement with the proposals. I understand that while the savings banks are in agreement with the principles and method of operation, they would like the scope extended to match that which is granted by the Commonwealth Bank; namely, to all non-profit organisations. However, as the State is not in a position to grant such a wide exemption or to control any exemption which may be provided by the Commonwealth Savings Bank, the proper course to obtain complete uniformity would be for the interested parties to make representations to the Commonwealth Government.

Under clause 3 of this Bill the groups of organisations qualifying for exemption are set out. It would not be practical to list each organisation; and, in any case, if this were done a number could be inadvertently omitted. Also, in the case of new organisations coming into being, amendments to the Act would be necessary each time. Consequently, it is proposed that the commissioner shall be empowered to issue a certificate to any organisation which applies and is eligible for exemption. On presentation of the commissioner's certificate at any bank, duty-free cheque books will be issued.

Clause 3 (2) extends the exemption to cover qualified accounts conducted in either trading or savings banks. Clause 4 adds the exemption to the relevant sections of the second schedule to the Act which sets forth the various stamp duties payable. Clause 4 (c) validates the existing procedure whereby completed withdrawal forms for savings banks accounts are not required to carry stamp duty as receipts.

The exemption provided by this Bill is proposed for worthy organisations which we all agree should be encouraged. The Bill has been designed to ensure the uniform application of the concession. As the exemption will be available no matter where the organisation banks, it will operate equitably as between the various banking institutions. I commend the Bill to the House.

Mr. May: Have you any idea of an estimate of the over-all amount which will be lost?

Mr. BRAND: No; I have no idea.

On motion by Mr. Hawke, debate adjourned.

CHEVRON-HILTON HOTEL AGREEMENT BILL

Second Reading

Debate resumed from the 6th September.

MR. HAWKE (Northam) [5.34]: On reading the long title of this Bill—and all the more so on reading the short title—one would not have any adequate idea at all of what is really involved in the proposals set out in the Bill, and those set out in the agreement which is attached, as a schedule, to the Bill.

Neither the short title nor the long title makes any reference to the State Government, the State of Western Australia, the Perth City Council, or the trustees of Christian Brothers' College. However, an examination of the Bill—and particularly of the agreement—makes it clear beyond question that those several organisations and persons are very much concerned in the total of the purposes which the Bill and the agreement seek to establish on a legal basis, thus making possible a practical achievement.

We have been told by the Premier that the hotel to be established on the land in question will initially contain 200 bedrooms, with the possibility that later the number will reach 250, and that this portion of the hotel, together with some other important portions, is to be completed at least a short period before the commencement of the Empire Games in Perth towards the end of 1962. The Premier went on to say that subsequently the number of bedrooms would be increased to 400; and later on again, to 600.

At the time, I took it for granted that these proposals regarding the greater number of bedrooms would find a place in the agreement. However, after a careful look through the agreement, I failed to find any mention of additional bedrooms to the 200 first mentioned by the Premier in his speech. Clearly, therefore, it would seem that the company will have a complete discretion as to the number of bedrooms additional to the 200 which will be constructed.

The Premier also told us that this will be a hotel of high international standard. Undoubtedly it will be; and so it should be. It is interesting in this regard to realise that the land on which the agreement proposes the hotel shall be constructed is—and has been all through—the property of the people of Western Australia: land which has been set aside and dedicated as a special reserve, and therefore belonging to all of the people. That is a very important thought to keep in mind in our consideration of this Bill and the agreement.

The proposal to hand the land over to a private company will mean that no longer will people of Western Australia generally have any access to the land or to any buildings which might be constructed upon it. In other words, complete legal possession of the land will pass to the company which is concerned in these proposals. Anyone who wishes, after the company has obtained legal possession, to go on to the land or into the buildings upon it, will be expected to pay out some money in return for whatever it is he wishes to purchase in the hotel.

There is no doubt that this hotel, when completed and open for business, will be a most expensive hotel—a sort of hotel into which neither the member for Murray nor I would be able to dare enter.

Mr. Brand: One would not, and one could not.

Mr. HAWKE: It is what I would describe as a "pound-a-minute" hotel. Every minute one is there one will be expected to fork out £1 at least. Therefore, most of us will be too scared to go into the premises when they are constructed and open for business.

We have been told by the Premier that after the company's representatives had had a look around our city they decided that this site—and only this site—was acceptable. No other site was any good. They would not be interested in any other site; would not take over or purchase any other site.

Mr. Brand: That is what we were told.

Mr. HAWKE: It was this site or nothing. I do not accept that as being the fact. I am not questioning that that is what the company's representatives said to the Government representatives; and one must admire the approach of the company's representatives. One must compliment them on their business acumen. When they laid down this dictum to the Government they certainly put the Government's representatives in a rather difficult corner. Here was a company willing to expend, say, £2,000,000—and in the course of time probably much more—in constructing a hotel and related premises; and it was saying to the Government, "Well, we will invest this £2,000,000 or more in Western Australia, but only provided your Government agrees to give us this land."

I feel confident in my own mind that had the Government said, "No; this land belongs to the people of Western Australia; it is controlled by a special Act of Parliament, and we cannot make this land available to you for hotel purposes, but we will be prepared to assist you to choose other suitable land," the company's representatives would have found, without a great deal of difficulty, other land which would have been suitable as a site for a hotel.

Mr. Brand: Don't overlook the fact that Parliament last year agreed that we should sell portion of that land to the Commonwealth Government, and the other for various purposes.

Mr. HAWKE: I am not overlooking that fact at all.

Mr. Brand: Therefore, it was not set aside for a public playground.

Mr. HAWKE: I did not say it had been set aside for a public playground. I said it was controlled by a special Act of Parliament.

Mr. Brand: Yes.

Mr. HAWKE: It has been said that the company, in deciding to build a hotel in Western Australia, has shown a great faith in the future of the State. I think it has shown some faith in the future of the State; but as I understand the position, this company has either already established hotels in the other capitals of Australia, or proposes to do so. It is a company which has, of course, world-wide activities. I am not sure, but I think it is American-based.

Mr. Brand: Hiltons are.

Mr. HAWKE: Yes. The fact that this company has been given this special area of land on which to establish a hotel, and all the rest of it, seems to me to give it some special advantages over and above similar classes of businesses which are already operating within the central City of Perth. Whether a Government, or Parliament, is entitled to do that is, I think, open to serious question.

I know that a lot of talk has been indulged in regarding this action of the Government concerning tourism. Evidently we are slowly, if not quickly, reaching the stage in Western Australia where every action of the Government which might be open to some criticism is to be buttressed up by talk about tourism; about the benefits of tourism. For my part I think what has been done by the Government in connection with this matter cannot be legitimately buttressed up by talk of that character.

I again make the point that it is a bit ludicrous to think this company would have refused to establish a hotel in the City of Perth had the Government not surrendered this particular piece of land to it. As I said at the beginning, there is more

than the company involved in this legislation. The Government is involved, and so also are the Perth City Council, and the trustees of the Christian Brothers' College. To some extent I doubt the wisdom of the trustees of the Christian Brothers' College in deciding to sell the land on which the existing college operates, and to establish a new college near the Causeway.

I would not profess to have any expert building knowledge; but normally I would think, as a matter of commonsense, that the site near the Causeway could be one which would—it certainly could—cause a lot of trouble and maybe a lot of expense to the trustees in the building of the college and its maintenance in years to come. However, that is entirely a matter for the discretion, judgment, and decision of the trustees; and doubtless they have investigated that angle quite thoroughly.

One very big feature in the agreement has to do with the airline terminal facilities which may be incorporated in the buildings which the company is to erect. The part of the agreement to which I refer reads—

The State agrees in principle to undertake that while the company maintains on the hotel site airline terminal facilities which in the opinion of the State are adequate for the needs of the City of Perth and unless and until a new concept accepted in at least one other Australian State favours a system of several composite airlines terminals of the type contemplated in subclause (1) of this clause to serve the needs of a city the size of the City of Perth the Government of the said State will not sponsor or assist in the establishment of another such airline terminal in competition with the company's airline terminal within an area having a radius of one mile from the hotel site for a period of twenty years from the date hereof.

I hope the word "concept" has some legal meaning; it sounds quite airy-fairy to me. However, that is not the point with which I am mainly concerned. The proposed new hotel will be trading on reasonably fair and equal conditions with other hotels in the central area of the City of Perth. If this hotel, or the company associated with it, is able to have airline terminal facilities established within the hotel, then clearly the company will be given very great trading advantages over and above those of other hotels in the vicinity. So the question arises, I think, whether the Government—on behalf of the State—and Parliament should do this.

Mr. Watts: It does not stop another airline company from opening a hotel; it only stops the Government from assisting it.

Mr. HAWKE: I understand that quite clearly. The fact that the Government assists this company to establish airline

terminal facilities, should they become established at this hotel, would give the hotel a very great trading advantage over all other hotels in the vicinity.

Mr. Watts: We do not assist it except by passing the legislation.

Mr. HAWKE: The Attorney-General says the Government does not assist it. Of course the Government assists it; that is part of the agreement.

Mr. Watts: It is not getting any money, anyway.

Mr. HAWKE: Of course it is not. A company of this magnitude, with all the tremendous financial resources it has at its disposal, would not want financial assistance from the Government. All it would want would be priority in location; and the Bill and the agreement propose to give it—absolutely top priority right in the centre of the city; right next to Government House; and right next to the river. In addition, many other things are mentioned in the Bill, including this part of the agreement about which I am now talking.

I should think the company overstepped itself considerably in asking for this provision to be included in the agreement; if, in fact, the company did ask for it. We are not aware whether the company asked for it; or whether the Government offered it; or how it came into being. I hope the Premier will tell us just how this idea developed, and just why the Government agreed to include it in the agreement. I think there is no justification for it at all.

If this hotel, on its own initiative and by its own organising abilities, can obtain the siting of airline terminal facilities at the hotel, well and good. But there is no need whatsoever, and no justification, for putting this provision in the agreement; and I hope that the representatives of the Government will discuss this matter with the representatives of the company, and try to get the company's agreement to the deletion of this particular principle from the agreement.

We find also that the Bill and the agreement together propose that in due course the City Council will be able to construct Terrace Drive, as it now exists, right through the Supreme Court Gardens and buildings, to Barrack Street in order to join up with what is known as the Esplanade. The agreement will also mean that Government House Gardens, as we know them at present, will become considerably confined. One would have thought that these grounds, together with Government House, would be regarded as having some degree of sacredness in relation to these proposals to establish or to assist to establish a new hotel in the City of Perth. But apparently nothing matters when the business of hotels is on the agenda; everything has to become secondary to the establishment of a first-class hotel, or a hotel of high-class international standard, as the Premier told us.

It is regrettable that a hotel should have been provided for on this land at all; and all the more regrettable that other associated features necessary to fulfil all the obligations of the agreement should have been made to fit in as the agreement would make them fit in should Parliament approve of the agreement. There were plenty of other suitable sites in the central part of Perth. The company might have had to pay more money for other suitable sites than it has had to pay for the site near Government House. However, that is not a matter for Governments or Parliaments to be concerned about, particularly when the company interested is tremendously wealthy as is, without any shadow of doubt, the one concerned with these proposals.

We find also that the publican's general license required for the proposed hotel plus the one license to cover the four restaurants which, I understand, will be associated with the hotel, are to be granted automatically. I quite appreciate the argument that if a company is to invest £2,000,000 in a hotel, it should not be expected to bind itself to do that, and then have to take the chance—not that I think there would be much chance—of subsequently going to the Licensing Court and depending on the decision of the court for the granting of the requisite licenses.

Nevertheless this does highlight the fact that smaller business people who have been anxious to establish smaller hotels in the metropolitan area, and in the country, have had their applications for licenses refused. It did not matter that they were going to invest all they had, even though it was only £250,000, to establish a hotel to assist in promoting tourism. That did not mean a thing. They had to go through the normal processes of law in relation to obtaining, or trying to obtain, licenses to sell beer and spirits. I remember that not so long ago an application for a license was made at Esperance in the district of the member for Eyre.

Mr. Nulsen: I was very sorry that the application was turned down.

Mr. HAWKE: A company with some £300,000 to invest in building a first-class hotel at Esperance, which is a centre with existing attractions, and an undoubted tourist potential, applied for a license, yet those people—small though they might have been financially—when they approached the Licensing Court and put up their case, had their application rejected. The same thing happened very recently south of the river.

So there is some ground here for criticism. It seems clear that, if some big company cares to come to Western Australia with a great deal of money to invest to establish a large-scale hotel—the charges in which, for beer, spirits, and accommodation, would be far beyond the

reach of ordinary people—that strong, wealthy company is able to prevail upon the Government not only to give it one of the most magnificent pieces of land in the city; but, also, automatically to give to it all the licenses required for the sale of spirits, beer, and so on in the hotel, and the four related restaurants.

I was extremely interested to read in clause 12 of the Bill that all the moneys to be received from the company in payment for the land are to be placed in the safe keeping of the State Government Insurance Office. That office is to guard the money and earmark it for the special purpose, later on, of assisting to meet the capital cost of new Government offices. I was pleased to notice that; because I feel—in view of the experience we have seen, and suffered in some respects, from members of the present Government—that the money would be very much safer in the hands of those who administer the State Government Insurance Office than it would be in the hands of some of the Ministers of this present Government. So I heartily approve of that part of the Bill.

All in all, there are some features which, as I have explained, are open to serious criticism; and my criticism has been directed towards those particular features. I have no intention of opposing the second reading of the Bill, even though there could be a reasonable amount of justification for doing that.

By way of summary, I criticise the Government for having made this land available. I refuse to swallow the bargaining threat—if such it can be called without giving offence to anybody—from the company that this land, and only this land, would be accepted by it and used for its purposes. I would not swallow that at all.

I am sure this company is not coming to Perth for the good of only Perth and Western Australia. It is engaged in the business of buying and selling liquors, beers, and so on. It is engaged in the business of taking in guests and of charging them sky-high prices. So clearly the company is coming here for the benefit, partly, of its own shareholders; and because it sees more than a possibility of operating a hotel and related facilities in this city at a profit for the shareholders of the company who supply the capital with which the company establishes concerns of this nature. Clearly, therefore, it comes here basically because its representatives see a good business opening in the city and in this State for one of their establishments.

The other points of criticism which I have mentioned are, I think, reasonably grounded. The item I want the Ministers to have a look at and to discuss with representatives of the company is the one which deals with airline terminal facilities. It is really foreign to this agreement and

should not have any place in it. It is bad in principle; and I should hope that, as a result of the negotiations which will be further carried on between representatives of the company and the Government, this part of the agreement, at least, will be deleted.

MR. MAY (Collie) [6.5]: I do not intend to debate at length all the aspects of the Bill, but I consider that something should be said in regard to the site on which this hotel is to be established. As I understand the position, the hotel is to be of considerable size. As a consequence, especially when it reaches its maximum capacity of 600 beds, the traffic associated with the patrons of the hotel will be terrific. Having regard to the present volume of traffic within the city limits, I am certain that when this hotel is established, it will create some of the greatest traffic snarls the city has ever seen. I am wondering, therefore, whether any consideration has been given to that aspect in the agreement between the Government and the company.

Mr. Brand: The widening of the streets is the answer to that.

Mr. MAY: The policy of this Government, or any Government, should be—from now on at any rate—to try to lessen the volume of traffic within the city limits instead of agreeing to proposals which will obviously increase the traffic problem manifold. This hotel would be better sited somewhere east of the river. It could have been established on the foreshore of the river at South Perth.

Mr. Jamieson: They tried for the establishment of a hotel there last year.

Mr. MAY: Instead of that, this large-scale hotel is to be built right in the centre of the city. I do not think it requires much imagination to visualise what its establishment will mean to the city of Perth, and when it reaches the size sufficient for it to accommodate 600 guests. One can imagine the traffic that will be travelling to and from the hotel and what effect it will have on the over-all volume of city traffic. All vehicles travelling to and from the hotel will have to pass through the city, and I wonder whether such a situation has ever been seriously considered by the Government.

Naturally, the company sponsoring the hotel would not be worried about it. It would be quite prepared to pull down the Treasury building, if necessary. However, I think the Government, when considering this matter, should have given some serious thought to that aspect of the proposal.

I have no particular objection to the hotel itself, although I am not in the least interested in hotels generally from the liquor point of view.

Mr. Bickerton: They are good to eat in.

Mr. MAY: If one has sufficient money to pay for the meal! However, if we must have another hotel, I think this fair city of ours is entitled to have one of the magnitude envisaged in the Bill. Of course, I am well aware that its clientele will be select; it will be for only those people who can afford the high tariffs that will be charged. The ordinary Tom, Dick, and Harry will not be in the race to stop there.

Sir Ross McLarty: Harry will.

Mr. MAY: I do not think Stewart will, either.

Mr. Bovell: Why pick me? I never said a word!

Mr. MAY: That is most remarkable! I can hardly believe that the Minister for Lands did not say a word. However, I think I can lay the blame for the intersection at the door of the member for Murray.

The SPEAKER: It was very disorderly of him.

Mr. MAY: Yes; I agree, Mr. Speaker. Unlike the Leader of the Opposition, I have no doubt the member for Murray will be one of the best customers of this hotel—not from the point of view of buying liquor, but from the point of view of the comfort it will give him, and for which I believe he can well afford to pay.

Mr. Sewell: Is that in the Bill?

Mr. MAY: I am of the opinion that every open area we have in the City of Perth should be closely preserved for the benefit of the general public. From that point of view and from the point of view of the accentuation of our traffic problems, I think the establishment of this hotel on the site selected is a great mistake.

In regard to the building of hotels in these modern times, I consider that some provision should be made for helicopters, but in this Bill and in this agreement I can see nothing about that. In the establishment of a building of this magnitude where a great number of people are going to congregate—which will also necessitate a great deal of travelling to and from the hotel—I think some consideration should have been given to the provision of suitable facilities and space for helicopters because that form of travel will undoubtedly be used a great deal in the near future. The Government should have given some thought to the position of this hotel; its possible use in later years; and the loss of the site to the detriment of the general public of the State.

If the Government is to continue with a policy such as this, the position will be reached when there will be no open areas within the city limits which can be used by the general public. I feel deeply about this question because I consider that the city is being cluttered up with the establishment of huge buildings. In my opinion,

many of them could be sited outside the city limits. In regard to other parts of the Bill, the Leader of the Opposition has already voiced my opinion, and I will support the second reading.

Sitting suspended from 6.15 to 7.30 p.m.

MR. JAMIESON (Beeloo) [7.30]: As indicated by the Premier when introducing this Bill, it is a legal complexity to say the least. I have no doubt that even if this Bill is passed this House will not have seen the last of it. There is one matter which I would like briefly to touch on. Quite a number of people are affected by the proposed resumption of Nelson Crescent in East Perth. I take it that this area is to replace the original parking area as proposed under the town-planning scheme—the present site of the Christian Brothers' College.

In those circumstances the Perth City Council has been bound to nominate some other area suitable for car-parking purposes in connection with the crowds that attend Gloucester Park and the W.A. Cricket Association's ground; and it has decided on the area bounded by Plain Street, Waterloo Crescent, Nelson Crescent, and the western end of Gloucester Park. That might well be a good site for such a purpose, but the proposal is going to disrupt the lives of a considerable number of people because it will interfere with their homes.

As most of the provisions of the Bill call for an early decision, I was wondering whether the Premier, in his reply, could indicate just how soon this land is likely to be required for car-parking purposes. At present it is very valuable; but with the blanket that is proposed to be placed on it, its value could drop considerably. That in itself would be quite unfair to the people who now occupy the land or own many of these valuable sites at the back of Queen's Gardens. The people concerned should be given a greater guarantee than is contained in this measure in order to protect their rights so that they will receive a just price for the land that will be taken over by the Perth City Council for the car park.

In regard to the new site for the Christian Brothers' College, I do not know whether the Cricket Association has an easement for the purpose of pumping water out of the ground, but no doubt some provision would be necessary for that purpose. When the high flood waters occur after a heavy winter, it is necessary for the Cricket Association to pump from a sump in the ground in order to keep the water below the surface of the cricket ground. It may not be generally known to most people that this ground is below the high-water mark. As a consequence, there is considerable seepage; and if it were not for the system of pumps and

drainage at present on the ground, it would, on many occasions, be covered inches deep in water.

I suggest that a very clear and concise agreement be entered into with all the people likely to be affected by the building up of the site proposed for the new Christian Brothers' College, as that might prevent the water from the W.A. Cricket Association's ground from being easily dispersed back into the river, as is now the case.

I have mentioned only a few of the complexities associated with the Bill. As I said earlier, we have not seen the last of this legislation. When so many things are attempted to be incorporated in one measure we usually find that something has been left undone which, at a later date, requires further attention. When an attempt is made to deal with transfers of land and adjustments of land from the other side of Victoria Park to Government Gardens in the one Bill, it could well be that something has not been covered; and the suggestions I have made to the Premier tonight should be looked at again before final arrangements are made with the people concerned.

Possibly the sites for the hotel and the parking area in the East Perth district are the most suitable available for the two respective purposes, provided they are effectively used. But I hope that the matters I have raised will be given consideration before a college is erected on the proposed new site. If the Christian Brothers are prepared to take the risk and the responsibility of building in that area, they will have to watch their own interests.

However, the Government should pay some attention to the interests of the residents in the area which it is proposed to blanket for a car park. I do not think they will be hard to deal with, and at least some fair and proper equity should be established as regards their rights in connection with this proposal, which has been necessitated by the Hilton hotel people desiring to come to this State.

The proposed site for the hotel has an excellent vista; and the company concerned is very fortunate that this Government is sympathetic in regard to making arrangements for converting a Crown site for private use. That has been fairly well covered by the Leader of the Opposition, and there is no need for me to go into it in more detail. The Government seems to think that the proposed hotel will increase the tourist potential of this State; and that there is, therefore, some justification for what it is endeavouring to do.

However, I would point out that it will probably not be many years before the Governor will require the Government to look into the possibility of transferring his residence; because a large building, such as the proposed hotel, will shadow the

grounds of Government House. It will shut out the sunlight for a considerable period of the day and will, no doubt, hide much of the green foliage which is now visible from that end of the reserve.

With those reservations I suggest that the Bill, at this stage, is worth supporting in order to see what the Government has in mind in regard to the matters I have raised.

MR. FLETCHER (Fremantle) [7.40]: I thought I heard some criticism from the other side as I rose.

Mr. Brand: We do not mind.

Mr. FLETCHER: Members over there may not be anxious to hear me, but I will not speak for long. It is not my intention to oppose the second reading of this Bill, but I would like to express my opposition to the siting of the hotel. I believe that those people who have gone before us did not intend that there should be a hotel in that locality. The land was selected by them for gardens and administrative buildings. But it is intended that this new building will overshadow the Supreme Court, the Arbitration Court, and Government House.

Mr. Brand: Hardly the Supreme Court; it is not that high.

Mr. FLETCHER: I do not think we are respecting the obvious intentions or wishes of our predecessors in regard to this land. It was, I am sure, their desire that it be used by posterity for the erection of public buildings and not hotels. The new building will overshadow Stirling Square and the public botanical gardens. No matter how lavish this proposed building is, it will still be, to use common parlance, a pub. It will be a commercial institution in the centre of a site which was established, as I said earlier, for public buildings.

Reference has been made to a heliport which would be used, I imagine, for the transport of guests from Perth Airport. I am wondering where this heliport is going to be located. If it is to be located in the vicinity of the hotel I am sure the Governor will not take very kindly to the noise that will ensue from the arrival or departure of helicopters, even if the heliport is situated further down on the foreshore or on land between the hotel site and the Governor's residence.

I consider the Government has done the public a disservice in encouraging the Chevron-Hilton group to establish a hotel on the proposed site. As I said before, it is not very dignified for the Governor to have to live in the shadow of a pub. We should respect him and his position more and should not put a building of this type in his backyard.

Mr. J. Hegney: They would not do that anywhere else.

Mr. FLETCHER: No. I suppose the obvious thing is for members opposite to say, "Where is the alternative site?" I have no doubt that alternative sites could be found; and quite attractive ones at that. As stated by my leader, private interests have imposed their will upon this Government and have said, in effect, "We will take this business enterprise elsewhere if you do not conform to what we want." I cannot put any other interpretation on the situation.

Mr. Brand: You were going well till you started this nonsense.

Mr. FLETCHER: The Government has bowed to private interests and has done a disservice to the public. In regard to an alternative site, I suggest an ideal position would be where the present Ozone Hotel is situated, or somewhere in that area. Some people will say that that land will be reclaimed at a future date because of the Causeway; but surely there are some desirable and attractive sites further along the foreshore. I feel the Government was very remiss in selecting the area it did instead of using the land for the purpose for which it was intended—public buildings and gardens.

Mr. Brand: They did, of course, suggest King's Park.

Mr. FLETCHER: I do not oppose the Bill, but I felt I must express my opposition to the siting of this proposed hotel.

MR. LEWIS (Moore) [7.45]: I am going to support this measure, but I do want to make a few comments about it, because there are some aspects of it about which I am not particularly happy. I appreciate the advantages of the Bill inasmuch as it proposes to bring industry to this State, and will enable to be brought into this State a considerable amount of outside capital—some £2,000,000, I understand—which will, of course, create a good deal of employment for local tradesmen, both in the building of the hotel and for ancillary industries. We must also bear in mind the running of the hotel. I should imagine that it will take a staff of probably up to about 200; and that, too, will create quite a lot of local employment.

It will also provide some other much-needed advantages to the Government in the provision of an area at Mt. Kenneth, and 5½ acres adjacent to South Kensington School, for much-needed extensions. But, at the same time, I have always visualised that area as a civic centre; and now that we propose very shortly to erect a town hall on a part of it—and still later, I hope, new law courts—I would have liked to visualise the whole of the area being given over to some public purpose.

I have had the pleasure—and no doubt most of us have—of seeing the north side of North Terrace in Adelaide and the fine lot of public buildings erected there. I think

that a similar area in the heart of Perth would do much to attract and interest visitors who may come to our fair city.

Mr. J. Hegney: And give it prestige.

Mr. LEWIS: In order to find a site for this hotel, we are going to bulldoze a school containing some 800 boys—a school from which, no doubt, many of our leading citizens—politically, professionally, and some in local government—received their education. In its place we are going to erect a hotel from which this State will receive no such advantages. In the years to come, we may erect law courts adjacent to the hotel, and I would say that a hotel alongside law courts would be out of keeping with the dignity, not only of the law courts but also of Government House and the town hall which will share the area.

Mr. J. Hegney: How will it affect the law courts?

Mr. LEWIS: It will not affect the law courts, I have no doubt. But from an aesthetic point of view I think it is a serious matter. I realise, of course, that the Christian Brothers' College has outgrown itself and wants extensions; and perhaps it is a reflection on our present-day thinking that while public money—and when I say public, I am referring to the shareholders of the Chevron-Hilton Hotel group—can be found to erect a hotel, it is not so easy nowadays to find money for educational purposes; and, of course, there is no question of the relative advantages to posterity.

From those points of view I support the Bill with a certain amount of sadness, because I think it is not a forward step to erect a hotel on such a site. I am not at all impressed by the argument that this is the only site. If it is the only site, then it is a poor lookout for any future hotel group that might wish to come to Perth.

I realise, too, that a hotel having 200 bedrooms now, and an extra 400 bedrooms at some time in the future, will cater for the needs of our Western Australian population for many, many years to come. I have no brief for the existing hotels; and they will have their own worries, and will have to deal with them in their own way. I should imagine that the total number of bedrooms of our three leading hotels would not be more than the 200 bedrooms proposed to be erected as the first stage of the Chevron-Hilton Hotel; and no doubt competition among the existing hotels will become particularly keen.

From what I can understand, our leading or better-class hotels in Perth are not full the whole year round by any means. There are certain times of the year—from August onwards, during the wildflower season and the Royal Show—when there is more demand for accommodation; but there are also times of the year when the position is very slack. What the effect of this new hotel will be on existing hotels, I

do not know; but it could result in several hotels closing down, or at least in some considerable unemployment among some existing hotel staffs.

It has been said from time to time that we have not got the standard of accommodation in Western Australia that we should have. Well, I do not know so much about that. I have stayed in some of the Eastern States hotels; and in some of the better-class hotels at times. Not for so very long, I am going to say; it takes a long pocket to stay in some of the better-class hotels. Nevertheless, I think our standards in Western Australia generally are not very far below those of the Eastern States, particularly for what I might term the middle-class tourist.

Concerning this question of tourists, I am afraid I am not so enamoured about the tourist possibilities of this State as perhaps the Minister for Tourists. I think that 80 per cent. of people who come to Western Australia today come here for business purposes.

A member: Hear, hear!

Mr. LEWIS: The balance of people who stay at our better-class hotels are usually the wealthier class of tourist; but the great bulk of our tourists, I am satisfied, are those people who have worked over the years; reached the retiring age or long-service leave stage; raised their families; and feel they can leave home and go on tour. And when such people get to the city they wish to visit, they do not want to spend too much of their substance on accommodation. They want something that is reasonably comfortable; somewhere they can leave in the morning after breakfast, go on tour, and possibly return at night for dinner. I would say that the bulk of those people will not stop at the Chevron-Hilton Hotel. As far as our younger tourists are concerned, I imagine they would prefer to stay more at tourist hostels and the like, where they can spend as little as possible on accommodation.

I feel we have to keep our feet on the ground as regards tourism and what we have to offer in Western Australia. I know we have wildflowers second to none; but when it comes to other attractions, I am satisfied they can be seen in greater abundance and much more conveniently in the Eastern States than they can here. I do not want to appear to be throwing cold water on that sort of thing. We want to encourage tourists as much as we can, but I do not think this Chevron-Hilton Hotel—and we have already had some inkling of what it is proposed to charge—is going to offer much advantage to the bulk of tourists.

I appreciate the advantages of the measure and therefore I am going to support it, but I do so with some misgivings. I hope it will turn out much better than I anticipate; that it will not result in the closing down of some of our existing hotels.

I do maintain, however, that there must have been other sites that, had there really been a need to find them, would have been found.

I have been down to the area. I visited it yesterday to have a look at it; and I would say that within a quarter of a mile of that site, further east and north-east, there are some very, very old buildings which could have been purchased for a much lesser sum, and that would have left this area free. I understand that, in the main, under the Stephenson plan our public buildings are not to be built down in the area. Personally, I would rather have seen it kept aside for public parks—which would have meant a beautification of that area—rather than used as a hotel site.

I had a look at the plans on the Table; and I estimate—and I think I am pretty correct—there will be approximately 602 ft. from the western edge of this hotel site to Government House. I had a look at Government House. I did not run a rule over it; but from a guess, I would say that to the first floor of Government House would be not more than 20 ft. from the ground. I have not yet been able to ascertain the proposed height of the Chevron-Hilton Hotel; but since it is to be of 23 storeys, I suppose we can say it will be at least 240 ft. high. We will have the spectacle of a 240 ft. building overshadowing—I think I can use the term—Government House.

I understand His Excellency is a farmer. He will find that the sun will not rise as early as it used to. It will not be seen until considerably later on in the morning. Most farming families get up by the sun and go to the bed by the sun—at least they used to.

I had the pleasure of looking over Parliament House at Melbourne. Around it are beautiful parks. When one looks to the north of Parliament House, in Spring Street, Melbourne, one sees the comparatively new I.C.I. building, which rather overshadows Parliament House; and I think it was a great pity, from an aesthetic point of view, that it was built so close. I think we, in the near future, will regret the fact that we have such a tall hotel building on an area of land which I, at any rate, would have preferred to see set aside as a civic centre.

MR. OLDFIELD (Mt. Lawley) [7.59]: In supporting the second reading of this Bill, I feel somewhat like the member for Moore, inasmuch as I think that possibly a better site could have been found from the point of view of the Government of Western Australia and the people of Western Australia, if not from the point of view of the directors of the hotel itself.

It may be argued that in certain other capital cities where the Chevron-Hilton group has made an entry, it has moved

out of town. The reason is quite obvious. In building the hotel at St. Kilda, the group built where the land was available; and I doubt very much whether in the larger capital cities of Australia one can get land, regardless of the price one is prepared to pay for it, on which to build a hotel of the magnitude and magnificence envisaged in the plans of this group—particularly having regard to the fact that something like £40,000,000 is being spent at St. Kilda.

The best judges of where the hotel should be built are the people who are going to build it; and no doubt had they been able to find sites readily available in the immediate environs of the cities in other parts of Australia, they would have built there instead of moving further out of town.

As the member for Moore has pointed out, there are a number of old buildings in Perth which will soon have to be condemned unless extensive and costly renovations are carried out; and there are a number of others which will be bulldozed down so that new and more modern buildings may be erected. However, we will probably be told in due course whether the company would have built a new hotel in Perth if the present site had not been available to it. Maybe the company was not interested in any site other than that shown in the Bill.

There is one facet of this Bill to which I would like to make reference. I think it is a dangerous precedent for Parliament to guarantee a hotel license. By the passing of this Bill we are, in effect, telling the Licensing Court that it must issue a publican's general license to this group. To my mind, especially in view of the stage through which the liquor industry in this State is passing at the moment, that is a most dangerous step. I trust that it will not rebound on Parliament at some time in the future. At present we have the spectacle of wealthy estates allowing hotel licenses in the City of Perth to lapse because of the parlous state of the industry.

No doubt the type of hotel where the license is being allowed to lapse is not the type of hotel which is profitable to the estate or company involved, and it is better to convert the building into arcades or shops than to continue having it conducted as a hotel. Such hotels are probably in a part of Perth where it is no longer fashionable for country people or overseas and interstate tourists to stay. Possibly, too, the hotels have reached the stage where they require expensive and extensive renovations to place them in such a condition that they would attract clientele of the class desired. Nevertheless, we continually hear rumours that further hotels, which are situated in the city block, or in blocks adjacent to it, are doomed.

Mr. Jamieson: I suppose the one at Bunbury will get a license, too.

Mr. OLDFIELD: That is a point, too. I understand the new hotel at Bunbury is to be established near the back beach, but it will be nowhere near any big residential areas. I do not know the geography of Bunbury well; but if the hotel is to be established where I believe it will be established, very few people will be living adjacent to it.

It is quite possible, as the member for Beeloo said, that Parliament will be presented with a Bill to grant that hotel a license, despite the fact that only within the last 12 months the Licensing Court has seen fit to reject an application for a hotel at Carey Park, which was designed to serve the requirements of that district. Carey Park is a new residential area which has sprung up at Bunbury during the post-war years.

I understand the people of Carey Park have quite a considerable distance to travel to a hotel to obtain liquid refreshments, or to spend an enjoyable evening with their friends. The town of Bunbury itself as a tourist resort is well catered for in the way of hotels. It has had a number of hotels for many years, but they do not altogether serve the suburban people.

In the last two or three months the Licensing Court also saw fit to reject an application for a publican's general license for a hotel to be erected at Manning Park. The people there would have to travel a considerable distance to a hotel, unless they crossed the river to the Raffles Hotel. All these things go to show that the court has consideration for existing conditions. Under the Act it has to consider existing conditions, and it must take evidence from people who wish to oppose the granting of any new license.

No doubt if the group under discussion had approached the Licensing Court in the normal manner, opposition would have been forthcoming from the Police Department and others. The Police Department might not have offered any opposition in this instance because the project had the Government's blessing; but no doubt opposition would have been experienced from the Australian Hotels Association on the grounds that the City of Perth is well and truly catered for, and that the requirements of the district are served by the existing licenses.

I agree that possibly the type of guest who will use this new hotel will not be the type who would normally visit Western Australia, and would probably not book into many of the existing city hotels. We all know that most of the guests of the hotel will be tourists, and that it will be catering mainly for the needs of visiting people who are booked into the hotel prior to leaving their own country. But we must also bear in mind that a large percentage of the working

population of the City of Perth who live or work near the hotel will use it as their hotel—or, as the member for Fremantle referred to it, as their pub—where they will adjourn after work for their evening drink.

Many of the local residents also will use it as a place at which to gather for social occasions and where they will be able to entertain their wives and friends at dinner or on festive occasions. Therefore this hotel will sell a considerable gallonage of liquor which would otherwise have gone to hotels which already exist in the City of Perth. Naturally it must have an effect upon the existing licenses; and although no doubt opposition would have been received from certain quarters had the company applied for a license, the matter has now been taken out of the hands of the authority concerned—the Licensing Court—and the court is being ordered arbitrarily to issue a license for the hotel.

I realise and fully agree that nobody should come to this State and invest £2,000,000 on the offchance that a license would be granted. Some guarantee must be forthcoming. But what happens in the normal circumstances is that when anybody wishes to outlay a considerable amount of money on a project such as this, provision is written into the contract that it will be agreed to subject to the Licensing Court granting a license. Had an application been made to the court in the normal manner I am sure the court would have issued—it would have had no hesitation in doing it—a provisional license enabling the company to proceed with the erection of the hotel.

Unfortunately we have put ourselves into the position where we as a Parliament are saying to the court, "You shall issue this license." We are flouting the authority of the court which we have set up; and, unfortunately, that is something which could rebound on us at some time in the future, if not the very near future. I wished to issue that warning, although I support the Bill because of the benefits which will undoubtedly accrue from the building of this hotel.

MR. BRADY (Guildford-Midland) [8.10]: I should like to have a few words to say about this matter because I believe that we, as custodians of the people's assets, have a responsibility to look at these agreements and consider their implications and ultimate effects on the people and the State as a whole. Being a bit parochial about the matter, I feel we should have a look at the effect of such agreements on our own electorates, too.

When this hotel is ultimately built at the corner of Victoria Drive and St. George's Terrace, I feel sure there will be big traffic jams in the vicinity of Adelaide Terrace. We already experience great difficulty in that area, even with the existing amount of traffic, and it is not hard to

visualise what the position will be when people are travelling backwards and forwards to this hotel and to the new town hall which the City Council proposes to build in that vicinity.

I think the traffic authorities in this State will have a big headache in regard to that area. However, I am pleased to note that the new drive, which will ultimately come from Victoria Square will, to some extent, give the people an opportunity of getting into Barrack Street and on to the Esplanade by some road other than St. Georges Terrace. Despite that, I still feel the authorities will be faced with big traffic problems in the vicinity of the hotel.

Like the member for Moore, I think that on an occasion such as this, one should mention the ill-balance in our social outlook as a community. We see £2,000,000 being spent on a project like this, and yet the Commonwealth Government is not prepared to give us much assistance in regard to educational facilities. The other night I asked the Minister for Native Welfare whether the Native Advisory Council had been promised help by the Government in its work of assisting natives. The native people badly want a hostel in the city, but the Minister could not give me any assurance with regard to the matter. Recently the Sisters of Charity made an application for assistance to build a home for women who may require overnight shelter.

I think we should look at these matters to see whether as a responsible body we are doing the right thing by the community in building hotels for millionaires when other sections of the community are in a poverty-stricken state. Although I intend to support the second reading I think one should have regard for these matters when £2,000,000 is being expended on a project such as this.

I do not know what is meant by the reference to an airport at the site of the proposed new hotel; but I take it that it would be a heliport which would cater for people being taken backwards and forwards to the aerodrome where the normal aircraft arrive and depart. If that is so, the company is looking well into the future. But I believe it is opportune to consider heliports; because even under the Stephenson plan, Professor Stephenson envisages a heliport being constructed on the other side of the Causeway on a site which was previously known as Burswood Island.

In considering the question of heliports in the capital city of Perth we are only doing what is being done in Melbourne and Sydney. It is advisable for anyone who is erecting a modern up-to-date building to think along those lines. But this will certainly add to the traffic jams and traffic hazards in that area; it will build them up.

I feel we must congratulate these people on looking so far ahead, in their proposal to build a hotel of this description, which will cater for wealthy tourists; because I can visualise only wealthy tourists as residents of the hotel in question. I believe the people concerned have great vision; because I have heard over the last 10 or 15 years of millionaires from America who, every now and then, charter an entire ship or liner to make a tour round the Pacific and other parts of the world.

What we tend to overlook today is that while normal aircraft at the moment travel at 450 to 500 miles per hour, within the next five or ten years, it is quite possible that they will be travelling at speeds of up to 1,000 or 1,200 miles per hour. I dare say that the principals of the Chevron-Hilton Hotels Ltd. will visualise the possibility of attracting tourists from Europe and America, who will take advantage of the fast-moving aircraft, and who will continue to Perth instead of remaining in Melbourne or Sydney. Accordingly, the management of Chevron-Hilton Hotels must be congratulated.

I would now like to turn to the agreement in the Bill. While this measure seeks to provide everything necessary to enable the agreement to be carried out, the agreement itself is the particular contract that sets out what is involved. Looking through the agreement over the weekend I noticed that, to some extent, the City of Perth and the State Government are looking a long time ahead; because it appears to me, from the agreement, that the day has been looked to when even the Supreme Court building may have to go, to make room for a drive through that area.

I suppose that, in one way or another, there are about 100 acres of land involved in the proposed agreement and located in various parts of the metropolitan area. Certain land is to change hands in Victoria Avenue where there is a school site. Certain land is to change hands in other parts of Perth; namely, the South Kensington School area. Generally speaking, the entire layout of the City of Perth in the vicinity of the Governor's residence will change. We will have a new town hall, flanked on both sides by gardens and lawns—which, of course, is most desirable.

Like other speakers, however, I believe that a site of equal value could have been obtained further out of the city. I recently undertook a tour along the Swan River with members of the Swan River Improvement Committee and I saw some excellent sites in the Mt. Lawley and Belmont area which, I feel, would be ideal for this project. The site on which St. Anne's Hospital stands is an excellent one; and that was chosen some 50 years ago by a man named Robinson. He saw what future lay in that land when selecting it for his own residence. Now it is occupied by St. Anne's Hospital.

On the other side of the river is the Sandringham Hotel; and in that vicinity there are some excellent sites which could be utilised. If those sites had been taken over, it would not have been necessary to pay so much for the land in the first instance; and the hotel would have been relatively close to the airport at Guildford. There would have been no need to worry about the heliport which, while it might seem an asset at the moment, could prove to be quite a headache. However, I am sure that the people who have drawn up the agreement contained in the measure have gone into the matter very closely. They must have done so.

In conclusion, I cannot help saying that the Commonwealth or State Government should have built something more worth while on the land now chosen as the site for the hotel, because that would have been more in keeping with the desires of the pioneers of this State. Like the member for Moore, I am sure that some of the old boys of the C.B.C. will have considerable heart-burning when they see their old school being demolished and replaced by a hotel. I am sure that none of them would ever have visualised a hotel replacing their school; and they will have some pang of regret when they see the hotel being erected, no matter how modern it may be.

The Christian Brothers' College has been in existence for about half a century, and it has done a great job for Western Australia. I feel that some State project or Commonwealth building would have been more in keeping, if it were built on the site chosen for the erection of the Chevron-Hilton hotel. However, I am quite prepared to support the second reading of the Bill because I am sure that the people who drew up the agreement did what they thought best for the State; and I think they should be supported.

MR. BRAND (Premier—Greenough—in reply) [8.23]: Firstly I would like to thank members for their indication of support of the second reading of the Bill. I will not delay the House by repeating all I said when I introduced the measure; but I would like to reply to a few of the points made by members.

The main bone of contention is the fact that the Government has sold—not given away, mind you, Mr. Speaker, but sold—a block of land next to Christian Brothers' College, and adjoining Government House lands, to the Chevron-Hilton group for the purpose of the erection of a hotel and tourist centre. The principals of the hotel were pleased to call it a tourist centre; I did not give it that name. They called it a tourist centre because they have in mind the tourist trade.

In spite of what the member for Moore has said, I would like to deal with this point of the tourist trade. We know that, throughout the world, all countries, large

and small—as large as America and as small as Ceylon—are going out of their way to attract the travelling tourists of the world to their countries; and they are spending very large sums of money to do just that. Even the small island of Ceylon has established a very large office in Colombo for the purpose of holding travellers who come off the ships for an extra day or two, so that they will spend their day-to-day travelling expenses on the island. Over a number of years that amounts to a large sum of money.

Accordingly, it is very natural that these people with wide international experience in the hotel trade have realised they must do more than merely provide a tower containing 200 modern bedrooms in order to attract people to patronise their hotel. They do not have in mind—and I do not think they intend to rely on—the persons who, by virtue of their incomes, cannot afford to stay there. They would have realised that even before they came to Western Australia. They would appreciate that, in this State, with a population of only 750,000, they would have to attract people from outside Western Australia, if they were to have the 250 bedrooms which they propose to construct now in the city of Perth.

Whilst it might be said we are placing over-emphasis on the tourist trade, this is being done only because in the past—and I am not blaming any particular Government—insufficient emphasis has been placed on this trade; and there has been insufficient recognition of the lucrative proposition it has proved to be to the island of Tasmania.

To those who remark that we have nothing here to attract tourists to Western Australia, I would say "Talk to the tourists themselves." They are the people who go to Wittenoom Gorge and see there the beauties which we Western Australians pass by unnoticed, because to us they appear commonplace; or because we do not appear to appreciate the difference. These tourists see something different in our climatic conditions; they see a State in which they can go from south to north and enjoy varying climatic conditions.

People who say we have no tourist attractions, are not quite up-to-date in their thinking and approach to the tourist trade, which is receiving such consideration—certainly special and favourable consideration—from countries throughout the world. Accordingly I feel that I am not so far off the track, nor is the Government so far off the rails, in trying to push forward the claims of this State on the tourist trade.

Quite spontaneously Mr. Redpath himself said that the decision to come to Western Australia was made because, as he put it, of the tourist flag-waving of the Government; simply because we were putting ourselves before the public. If we did just

that, we have achieved something. That, however, does not imply any criticism of our predecessors. This is a time, throughout the world, when people have become travel-minded, and are seeking new things to see and new things to conquer in the holiday sphere.

These people came to the Government and said, "We have had a good look around your city and we have two sites in mind. We would like to go to King's Park." The Minister for Industrial Development, Mr. Doig the Under-Secretary, Premier's Department, and later the Deputy Premier—I was away somewhere—saw these people. They explained that would be difficult, to say the least.

Mr. Bickerton: It would be easy from my point of view.

Mr. BRAND: But not from that of the hotel. However, they said that the alternative site should be the one we are now discussing. I want to say to members here who seem to be of the opinion that this land should be retained for this or that purpose, that in 1940, when the reserves legislation was considered and a Select Committee led by Mr. Wise was appointed, this site was set aside for the purpose of public buildings—just drab public buildings. They could be the most modern, but they would be merely public buildings, like many of the most up-to-date offices which have been erected in cities throughout Australia. The building of the State Insurance Office might well be the pattern of the structures which will house the Public Works Department, the Main Roads Department, and other departments; that is, a straight, upright building.

Last year a Bill to amend the Reserves Act was introduced in this Parliament, and it was passed without one voice being raised against the measure. The Government sought permission to sell portion of the land in question to the Commonwealth Government for the purpose of constructing a building to house the Taxation Department. That building could also be a very drab one. We sought permission to sell the balance of the land for an undisclosed purpose, and Parliament gave its approval.

Mr. Fletcher: I must have missed that debate.

Mr. BRAND: The honourable member must have, because he did not say anything. I am not at liberty to disclose the name or names of the companies which were interested; but the purpose the Government had in mind was the provision of a comprehensive terminal for the airline companies, and a hotel. Having had the approval of Parliament only a few months before, we were therefore justified in selling this land for a large sum—£225,000.

The Government was justified in agreeing to accept that price, and in setting that sum aside for the construction of

public buildings. It is not to be paid into revenue, but is to be used to provide Government buildings on the new site recommended by Professor Stephenson, Mr. Hepburn (the then Town Planning Commissioner), and the present Town Planning Commissioner. Any Government must be guided by experts in town planning, such as those.

One point that has been raised was that this area of land will be cut into, including the portion on which Government House is situated. It was the Perth City Council which asked the Government to hold up negotiations for the use of the land referred to, because it had a plan, which we have all seen, to beautify the area. The Perth City Council had a plan to ensure that the land was set aside for a civic centre.

The point which appealed to the Government for selling the land to the Chevron-Hilton group was that Christian Brothers' College—a school built on 3½ acres and housing 800 boys—was situated in an unsatisfactory area. The brothers of the school admit that, and they are very happy with the arrangements that have been made. The Perth City Council wanted to push the hotel to the end of this area of land. There will be a hotel on one side of this area and on the other side we will have another tall building of 18 storeys, which is in the course of construction.

When we are considering the privacy of Government House we should not overlook the fact that the Perth City Council has decided to build the town hall and the civic offices alongside this area. While we are aware that the council has planned to beautify the area, the fact remains that hundreds of people will be making use of those buildings when they are erected. If there is any problem of privacy at Government House arising from the construction of the hotel, there will surely be similar problems arising from the construction of the town hall. But I do not think there will be any such problem at all, and the Government has tried to ensure that the company will have every regard for the privacy of Government House.

It was contended that the sun would be shut out from the Government House grounds, and that the Governor would not be able to see it early in the morning. I have not had a case presented to show where the sun will rise; what time the Governor gets up; or whether he will see the sun when it rises.

Mr. W. Hegney: The sun rises in the east, so I am told.

Mr. BRAND: Coming from the honourable member, that statement must be right. Whilst the new 23-storey hotel will shut out the sunlight on that area for part of the day, it will not materially affect the grounds of Government House. As for the argument that the area of

land is being cut up, that is a matter for the future. In the agreement, the Government does not bind the Perth City Council in respect of what happens to the grounds; that will be for the council to decide. All that the Government has ensured in the agreement is that the Perth City Council will, in the first place, develop the area according to the town-planning scheme, in order to make it as beautiful as possible. The outcome in the years ahead—though hardly in our time—will be most attractive; and the area will be one of the most beautiful of any in any Australian capital.

The member for Moore referred to the construction of Government offices in North Terrace, Adelaide, and the location of the university buildings alongside. I know it is an attractive street.

Mr. Burt: Hotels are there too.

Mr. BRAND: That is so: In this State our university buildings are located in a much more beautiful setting. Our university is not situated in the centre of Perth but on its outskirts, and its setting can compare very favourably with the setting of any other Australian university.

We should be very pleased that a town plan was introduced, in the first place, by a Liberal Government and carried on by our predecessors, and that the plan is being adhered to. The agreement with which we are dealing does not in any way abrogate that arrangement. In fact, it will ensure that public buildings will be erected on Observatory Hill.

The Leader of the Opposition referred to the clause which covers the provision of air-terminal facilities. I want to point out there is nothing in the Bill which will prevent any party—if it is able to get a license to build a hotel in, say, St. George's Terrace—from creating similar air-terminal facilities. Seeing that we have requested the company to provide these facilities—we had them in mind in our previous negotiations with another company—and it is prepared to do so, as it has done in Sydney, we cannot support any scheme for the provision of similar facilities by another company.

Mr. Fletcher: Does this refer to the provision of a heliport?

Mr. BRAND: No, for the provision of air-terminal offices and buildings on the ground floor of the hotel, just as similar facilities are situated in the hotel buildings in other capital cities, where the offices of T.A.A., Ansett-A.N.A., and other airline companies are situated in a group.

There is nothing to prevent any hotel incorporating similar facilities. All that the Government agreed was that it would not support nor promote—because there is no need to—for the next 20 years within a mile of the hotel site a similar project. The Government has agreed not to promote or contribute financially to the cost

of similar appointments. That is fair enough. The Chevron hotel company would not agree to this condition coming out of the agreement, because it confers some degree of security. As the Bill indicates, the company has to come to some arrangement with the airline companies in this State before it proceeds with the provision of the air-terminal facilities.

Regarding the automatic issue of a liquor license, as the member for Mt. Lawley said, the company will be spending £2,000,000 on the project, and it wanted to be sure that it would be able to obtain a license. After discussion, the Government decided to include this condition in the agreement. I said during the introduction of the Bill that the premium for the license would be decided by the Licensing Court, and it could amount to thousands of pounds. That matter is still in the hands of the Licensing Court.

As for the traffic problem, that matter will be dealt with in due course, because not only St. George's Terrace and Victoria Avenue will be widened, but also Terrace Drive. No doubt some parking space will be made available in the grounds of the hotel.

Mr. Andrew: There should be.

Mr. BRAND: No doubt, in the interests of the patrons there should be. I want to point out that this hotel is being erected in the centre of the city; and that in Sydney a much bigger hotel is being erected also in the centre. The company's hotel in Melbourne is situated very near the Shrine of Remembrance. That seems to be the pattern of the location of these hotels.

Mr. Andrew: Have they not enough traffic congestion already?

Mr. BRAND: I have been to Melbourne, although not very often. There does not appear to be any more congestion in that city than anywhere else, although it does seem to have some traffic problems.

The member for Beeloo raised a point which, in fact, I had anticipated. I am referring to the situation of the houses of the people who dwell in the area suggested by the Perth City Council as the alternative site for the car park after the Christian Brothers' College has been established near the Causeway. The Perth City Council is responsible in this matter. It was the Council which made the first move in respect to shifting the college. In fact, it has provided a large sum of money to purchase the school to enable it to be erected on the proposed site, and I would imagine that it would have this matter well in hand. However, I will say to the member for Beeloo that I cannot see that area as a whole being converted into a car park for many years to come.

The same applies to the area originally set aside as a car park, because in that case there is a lot of marshy land which

would have to be reclaimed, and that would take a considerable time to complete. However, the point is noted; and whilst I cannot give any assurance, I am sure that the Perth City Council is aware that it will have to pay full compensation. I believe it has always been generous in connection with compensation for resump-tions.

As to the problem of draining the water from the cricket ground, I will give the House an assurance that I will see that is catered for.

Mr. Tonkin: These assurances are not worth anything! You have been told that before!

Mr. BRAND: The Deputy Leader of the Opposition is dealing with another matter.

Mr. Tonkin: I am dealing with assurances though!

Mr. BRAND: If the Deputy Leader of the Opposition does not want to believe me—

Mr. Tonkin: If you do not keep your word with regard to assurances in one connection, what do other assurances amount to?

Mr. BRAND: I am placing on record the fact that we will see that the cricket ground authorities will suffer no disadvantage in respect of their drainage problems as a result of the erection of the Christian Brothers' College in the area.

Mr. Tonkin: Assurances! That's a laugh!

Mr. BRAND: I would once again like to thank members for their support of this Bill. The Leader of the Opposition did raise a point about the problems of the erection of a school near the "Wacka" as it is known. I presume he had in mind the problems resulting from foundation difficulties; but I imagine that the trustees of the college will have studied those problems and obtained advice as to whether the land is consolidated sufficiently to carry the buildings necessary for the school; and no doubt will have fully accepted the responsibility of such erection.

I appreciate the co-operation of the House. We want this Bill to pass as quickly as possible in order that the company may proceed forthwith with the erection of this building. Christian Brothers' College will if necessary take action to demolish its science room and will obtain plans and call tenders for the construction of the college at the proposed site. That will result in employment and the expenditure of large sums of money from many sources—which, of course, will be in the best interests of the State.

One newspaper did make some comment about the town-planning area of the Causeway. We are adhering to the recommendation of Professor Stephenson and have in mind the erection of police headquarters in that area. It is also

intended to retain some of the land as a bus depot; but as far as the remainder of the area is concerned, it will be grassed and beautified. I am sure that it will in years to come present a very attractive approach to those people who enter the city from the Causeway.

Question put and passed.

Bill read a second time.

In Committee

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

INTERSTATE MAINTENANCE RECOVERY ACT AMENDMENT BILL

First Reading

Bill received from the Council; and, on motion by Mr. Watts (Attorney-General), read a first time.

BILLS (2)—RETURNED

1. Judges' Salaries and Pensions Act Amendment Bill.

2. Native Welfare Act Amendment Bill.
Bills returned from the Council without amendment.

POLICE ACT AMENDMENT BILL

In Committee

Resumed from the 8th September. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Police) in charge of the Bill.

Clause 4—Section 13 amended (partly considered):

Mr. BRADY: The other evening when this Bill was before the Chamber, I was making an appeal to the Minister because I felt that the doubling of a fine in respect of an officer of the Police Force who did not return the whole of the accoutrements of his position was not warranted. I was hoping the Minister would see his way clear to leave the section in the Act as it is at present worded, because members of the Police Force are governed by an Arbitration Court agreement or award, and to have further penalties imposed under the Police Act seems to be cutting across the democratic machinery of arbitration. I hope the Minister has given consideration to this aspect and will agree to leave the section as it is in the Act.

Mr. PERKINS: I must admit that I did not expect to go into Committee the other evening. I had intended to discuss in more detail with the Commissioner of Police the question of penalties. I have since had those discussions and have had the opportunity to examine the files more closely. I find that this matter has been

under discussion by Governments for a considerable period; and, as far back as 1957, a decision on the matter was made. The then Minister for Justice (Mr. Nulsen) mentioned in a minute to the Minister for Police—

I refer to Cabinet decision of 9th April, 1957, reading as follows:—

Cabinet agrees to the principle of doubling penalties where they have not been altered since the end of 1947.

There is an indication on the files that further consideration was given to this matter; and I find that the former Minister for Police, the member for Guildford-Midland, in another minute which I quoted to the Committee, apparently relied on that previous decision of Cabinet as indicated in the minute I read.

Most of these penalties were appropriate at the time the Act was originally passed, and it is obvious they should at least be doubled to bring them into line and make the penalties appropriate to the particular offence. As I indicated in my second reading speech, and as I think the member for Guildford-Midland fairly pointed out, many of the penalties are much more than doubled, and I can see now I will have to deal with them in detail as we come to them.

It seems to me that we should at least agree to doubling them; and as regards this particular clause, it appears that if it is sensible to have the section in the Act, and if there is a maximum penalty to be imposed, it should be as shown in this clause in order to keep it in line with the rest of the Police Act and other Acts of Parliament.

I am informed by the Commissioner of Police that administratively it is not terribly important—not as important as it used to be—because almost all police officers, if they cease to be members of the force, have considerable accrued pay coming to them. They have also long-service leave and other benefits; and if they did not return whatever equipment had been issued to them, naturally they would not receive their deferred pay or their long-service leave entitlements until they returned that equipment. Therefore, the penalty of £10 that we are discussing is a trifling amount compared with other penalties that could be imposed by the Minister for Police if an ex-officer of the Police Force did not comply with the law.

If we are to bring the penalties into line, it is desirable that we should follow the principle of doubling the main penalties in the Act; otherwise we are making a farce of attempting to deal with the question of penalties.

Mr. BRADY: I am sorry the Minister will not see fit to drop this clause. He keeps on repeating that the previous Minister for Police agreed to a doubling of the

penalties. I asked the Minister to quote the minute where I had dealt with this matter previously, and he could not do so.

Mr. PERKINS: I have the file with me now.

Mr. BRADY: Well quote to me where I agreed, as Minister, to deal with sections 12 and 13 of the Act and to the doubling of penalties.

Mr. PERKINS: I have quoted from this file I have in front of me where the previous Government agreed to the doubling of penalties in those instances where they had not been altered since 1947. I think the present member for Guildford-Midland was a member of the Cabinet at that time; and therefore the only conclusion I can draw from that is that it was accepted by all members of the Cabinet. This particular penalty had definitely not been altered after 1947, and therefore it must be one of those included in the legislation.

Mr. BRADY: The Minister is avoiding the question. I asked him to quote the particular sections. As a matter of fact, I do not recall ever seeing those sections dealt with in a Bill before. The Minister is jumping to a conclusion because he saw a minute on the file addressed to the Minister for Justice at the time which stated that Cabinet had dealt with this clause. What I am trying to convey to the Minister is that this Bill contains half a dozen new clauses which were never dealt with by the previous Government or by me as Minister for Police.

It is no use the Minister saying that we dealt with certain principles regarding penalties, because sections 12 and 13 were never sighted by me previously, as far as I can recollect. I want to keep the record straight. I do not want the Minister going outside of this Chamber and quoting *Hansard* reports of my having said certain things in 1956 and 1957, because I have not said them and have not agreed to them. The Minister has done me an injustice and he should apologise to me for having made the statement that I agreed to those things in the past. These clauses were never sighted by me, just as the other six clauses were never seen by me; nor were they in the Bill that was sent to the Crown Law Department for its perusal.

Mr. TONKIN: The Minister for Police has a strange way of supporting his arguments. He quotes a minute which shows that the previous Government agreed in principle with the doubling of penalties, and he immediately presumes that an agreement in principle means an agreement on specific application. I always understood that the requirement for the commencement of any consideration on any subject is an agreement on principle. Having obtained agreement on principle, one then proceeds to apply the principle to specific instances, and one may or may not agree with such application.

To try to blame the member for Guildford-Midland, who is the ex-Minister for Police, for all that is in the Bill, simply because the previous Government agreed to a doubling of penalties, is taking things much too far, and I agree with the member for Guildford-Midland that the Minister should apologise to him, to say the least. When the member for Guildford-Midland called upon the Minister to quote the minute on the file so that the Minister could prove his contention that his predecessor was responsible for initiating these propositions, he fumbled around and could not find the minute and left the impression that the ex-Minister was still responsible.

The CHAIRMAN (Mr. Roberts): Order! I cannot allow the discussion to continue in the manner in which it has. The Deputy Leader of the Opposition must keep to the clause under discussion.

Mr. TONKIN: I am sorry you did not arrive at that conclusion earlier, Mr. Chairman.

The CHAIRMAN (Mr. Roberts): I have been very lenient in allowing the Deputy Leader of the Opposition to go as far as he has.

Mr. TONKIN: To say nothing of the Minister.

The CHAIRMAN (Mr. Roberts): The honourable member will please keep his comments to the clause under discussion.

Mr. TONKIN: Certainly I will. But what is sauce for the goose is sauce for the gander, and Standing Orders should be applied without fear or favour, or I will have something to say about it. The point in regard to the proposal under discussion is that there is no departure from the general principle that was agreed upon previously. I have no argument about this clause in regard to the penalties; but I am with the member for Guildford-Midland in failing to see the necessity to retain this provision in the Act, as I am with a lot more which we will deal with subsequently.

The Minister is not entitled to say, because there was a general agreement upon the doubling of penalties, that one is in agreement with every provision in the existing law. That is the attitude adopted by the member for Guildford-Midland with regard to this clause in the Bill. He is not quarrelling with the proposal in regard to the doubling of penalties, but he is questioning the desirability of imposing a penalty at all for this so-called offence; and I share his view. As to whether the penalty should be £5 or £10, I agree that once it is established that it is desirable to impose a penalty for this offence in order to get somewhere near present values some increase in penalty is desirable and doubling it seems to be the method to meet the position.

However, that is not the point at issue at the moment. The point is whether this particular provision in the Act should remain and incur any penalty at all; and the Minister, on a previous occasion, sought to justify this by saying that the ex-Minister for Police tried to put this proposition before Cabinet; whereas he did nothing of the sort.

Mr. PERKINS: Perhaps I should make the point clear.

Mr. Tonkin: I should think so.

Mr. PERKINS: I do not want to argue the merits of this clause. Obviously if this Government or the previous Government thought that this clause was undesirable, the sensible thing would have been to take it out of the Act altogether.

Mr. Tonkin: You cannot find any detailed consideration of any of them, either.

Mr. PERKINS: It would be outside the scope of this Bill to move to take this out of the Act altogether. So we must assume the section stands in the Act either with the penalty of £5—as members of the Opposition wish—or with the double penalty of £10.

I have discussed this with the Commissioner of Police, and he thinks the penalty of £10 more appropriate. I am sorry if I misled the member for Guildford-Midland; but the question was one of penalties, and not whether this should remain in the Act or not. It would need a separate Bill to deal with the latter aspect. I hope the Committee will agree to double the penalty and make it £10.

Mr. W. HEGNEY: When discussing this clause the other evening I asked the Minister if he could give some indication as to the number of offences that had been committed by members of the Police Force under the section of the Act to which this clause refers. He has not seen fit to do that. He says the section under discussion was inserted in the Act in 1892. The section refers to a police constable who is dismissed from the force, and who does not hand in his accoutrements—saddles, bridles, and other equipment—and it states he is subject to a penalty of £5. Apart from that, he is subject to imprisonment with or without hard labour for a period not exceeding two months. Does the Minister say this should be increased to four months? Of course not!

Since the Police Act was passed there have been only isolated cases of members of the Police Force transgressing this section. So why tinker with it at all? If there were a number of such transgressions there might be justification for increasing the penalty. Circumstances have changed. Members of the Police Force are employed under an award of the Arbitration Act, and they are subject to its provisions.

Incidentally, I think the Minister mentioned long-service leave. Members of the Police Force are entitled to annual leave and long-service leave; and if they commit an offence against this section, such accrued payments could be in jeopardy. Unless the Minister can show that these breaches are a common occurrence, why fiddle with the provisions of the Act? I think the section should go out altogether; but in the meantime I will oppose the proposed increase in penalty from £5 to £10.

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

Ayes—24.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Naider
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Noes—22.

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nuisen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Majority for—2.

Clause thus passed.

Clause 5—Section 15 amended:

Mr. BRADY: In this case the penalty is being increased from £10 to £50, instead of being doubled. I know the clause relates to a very serious offence, but the Minister should follow the principle of doubling existing penalties.

Mr. PERKINS: I have discussed the details of this clause with the Commissioner of Police. His comment was that the penalty in 1892 for this offence was £10; but when we consider that a police constable in those days received a salary of 6s. per day, or approximately £2 2s. a week, whereas he now receives over £20 a week, the maximum penalty of £50 appears to be more equitable.

The clause merely provides for the maximum amount of the penalty, but the court has a discretion to fix any amount below the maximum. I agree with the commissioner that in order to retain this provision as a deterrent it is necessary to raise the maximum penalty to £50. In certain cases where a minimum penalty is provided I have taken steps to have the minimum removed. Following the principle of giving a discretion to the court in respect of the fixing of a penalty up to the maximum, it was decided to remove the minimum. In these cases the court

will have a discretion to impose a suitable penalty up to the maximum. Only in a very serious case would the maximum be imposed.

Mr. TONKIN: This is a proposal to increase the existing penalty of £10 to £50. I do not agree with the clause. Although the offence to which it is related is very serious, there is very little likelihood of a police officer, found guilty of the offence, remaining in the force. In the days when the police constable received 6s. a day it was not so much of a hardship for him to lose his job as it is today, when he receives more than £20 a week.

This penalty of the maximum of £50 is only a small part of the total penalty which the officer would suffer if he were found guilty. Section 15 reads as follows:—

Any member of the Police Force who shall take any bribe, pecuniary, or otherwise, either directly or indirectly, to forgo his duty, or who shall in any manner aid, abet, assist, or connive at the escape, or any attempt or preparation to escape, of any prisoner from lawful custody, or who shall desert his post, or assault his superior officer, shall for every such offence, without prejudice to any other penalties or punishment to which he shall by law be liable, upon conviction thereof before any two or more Justices, forfeit and pay a penalty not exceeding ten pounds, or may be imprisoned or kept to hard labour for any period not exceeding three calendar months.

Any officer who committed a breach of this section would not get away with a mere fine. It is almost certain that he would be dismissed from the force; and that is a far more substantial penalty. For those reasons I am not prepared to agree to the clause. The Minister might well adhere to the principle of doubling the existing penalties.

Mr. HEAL: A police officer who commits an offence under section 15 of the Act will no doubt lose his job or be imprisoned. That is a severe enough penalty without the additional penalty of a fine of £50 maximum. For that reason I move an amendment—

Page 2, line 11—Delete the word "fifty" with a view to substituting the word "twenty."

Mr. PERKINS: The principle of doubling existing penalties has been adopted; but where the commissioner has recommended a greater penalty, his recommendation has been agreed to. In every case where the penalty has been increased by more than twice the existing amount there is some justification.

Mr. J. HEGNEY: Have you any statistics to show how many of these cases have occurred?

Mr. PERKINS: No; and I am not interested. The fewer there are of these cases, the more effective is the deterrent. Looking through the draft Bill considered by the previous Government I notice that it agreed to the higher figure of £50. That was the draft Bill accepted by the previous Cabinet. However, in view of the points which have been raised, I agree to the amendment.

Mr. W. HEGNEY: The Minister implied that the previous Government agreed to certain proposals in a draft Bill. It should be understood clearly that the previous Government did not introduce a Bill to Parliament.

The CHAIRMAN (Mr. Roberts): I cannot allow the honourable member to continue in that strain.

Mr. W. HEGNEY: You allowed the Minister to introduce it.

The CHAIRMAN (Mr. Roberts): Order! The question is that the word "fifty" be struck out.

Mr. W. HEGNEY: I agree. Although the Minister said that he did not have any statistics of the number of cases which have occurred in respect of this clause, it is pertinent that he should endeavour to supply the information. I assume that only one or two cases have occurred over a long period. I do not think increasing the penalty to £50 will be a deterrent to the members of the Police Force.

It must be realised that before any person is accepted into the Police Force he must face up to certain requirements. He must produce references to the Commissioner of Police as to his exemplary character. He must be a man of high repute in the community; and if he had any blemish on his character, it is doubtful whether he would be accepted as a member of the Police Force.

The CHAIRMAN (Mr. Roberts): I cannot allow the honourable member to continue in this strain. The question is that the word "fifty" be struck out.

Mr. W. HEGNEY: I am advancing reasons why that word should be struck out, because I think the amount is excessive. I am comparing the penalty with the type of man who will be affected by it.

Mr. Perkins: I am prepared to agree to the amount of £20.

Mr. W. HEGNEY: Then I am satisfied. Amendment put and passed.

Mr. HEAL: I congratulate the Minister on the breaking down of his policy. I move an amendment—

Page 2, line 11—Substitute the word "twenty" for the word deleted.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6—Section 16 amended:

Mr. BRADY: In order to help you in your position, Mr. Chairman, I wish to advise that every other clause is going to be contested.

The CHAIRMAN (Mr. Roberts): Order! Does that mean every clause?

Mr. BRADY: Yes. The other evening the Minister was prepared to see people get ammunition and arms without a license under the Firearms and Guns Act. However, in this clause the Minister is going to do what he did in the previous clause—bump up the penalty from £10 to £50. I think the Minister will agree that in view of his performance the other evening in regard to the Firearms and Guns Act it is a most unreasonable penalty to inflict. I move an amendment—

Page 2, line 14—Delete the word “fifty” with a view to substituting the word “twenty.”

Mr. PERKINS: I am prepared to leave this to the Committee, but I would point out that this case is not exactly parallel to that which we previously discussed. In 1945 section 16A was inserted in the Act. That section contains a somewhat similar provision to that contained in section 16. At that time Parliament, in inserting section 16A, decided on a penalty of £50. If the proposed penalty of £50 for section 16 is broken down to £20, it must be remembered that nothing can be done about the £50 penalty provided in section 16A. An anomalous position will be created.

I do not think the penalty in this case is quite the same as that in the previous clause. In those circumstances I think the Committee would be making a mistake if it whittled down the penalty, which should be in line with that in section 16A.

Mr. TONKIN: The Minister's argument in connection with this clause confirms my belief that this Act should have been gone through carefully instead of the penalties just being amended. As the position is at the moment, there is too much mix-up. Some parts of the Act provide for quite serious offences, and other parts provide for trivial offences. For example, the Bill proposes that a man can be fined up to £50 for having in his possession some old shirt that belonged to a policeman. It could be a torn, discarded shirt that had belonged to a policeman; yet it is covered by this section of the Act.

Mr. W. Hegney: Or a school tie.

Mr. TONKIN: Provided that shirt had been issued to a policeman and the man who has it in his possession cannot give a satisfactory explanation as to where he got it, he is liable to a penalty of up to £50.

Mr. Ross Hutchinson: Would action be taken against such a person?

Mr. TONKIN: Yes, under some circumstances. We are not here to contemplate the possibility of whether action would or would not be taken by some hair-brained Minister.

Mr. Ross Hutchinson: One has to take a reasonable approach to things, and that is something you never do.

The CHAIRMAN (Mr. Roberts): Order!

Mr. TONKIN: Unfortunately we cannot always take a reasonable approach, because one would reasonably assume that an assurance given would be honoured.

The CHAIRMAN (Mr. Roberts): Order!

Mr. TONKIN: So it is not always possible to take a reasonable approach in this House. This section of the Act is a conglomeration. It provides for trivial offences; and it also provides for serious offences. They are all linked together.

I would regard it as a serious offence if a person who was not a member of the Police Force had a policeman's revolver and ammunition in his possession; but that is an entirely different matter from having a policeman's shirt in his possession.

Mr. Perkins: It depends on how he got it.

Mr. TONKIN: The same penalty is provided. Therefore, the Act should have been gone through carefully; and a lot of this archaic stuff should have been disregarded and the measure brought up to date. The Bill gets worse as we go along, as can easily be demonstrated. But we are limited to what is in the Bill, and we cannot do much about altering the provisions in the Act. The best we can do is to limit the penalties in the hope that at some future time the Minister will be able to go through the Act and delete a lot of its out-of-date provisions so that we can have a decent Act on our statute book—an Act that does not make a farce of the situation as it does at present. Therefore the best we can do is to agree to the general principle. We might double the penalty in this case, as we have done in the other circumstances; but I am not prepared to agree to increasing it from £10 to £50, in view of the fact that it covers a variety of penalties.

Mr. HEAL: I wish to support the deletion of this word. The Minister said, in support of the retention of the word “fifty,” that in 1945 section 16A, including a penalty of £50, was incorporated. That was 15 years ago, and no Government has found it necessary to alter it in the meantime. For that reason I do not feel it should be increased to £50 now.

Mr. PERKINS: I would point out that this section includes some very serious offences. As the member for Melville has stated, there are also included offences of a less serious nature. If we read section 16 of the parent Act, we would find that the offences mentioned are very closely

allied to the offences included in section 16A. So, if we are to be logical about this matter, we must obviously provide the same maximum penalty for the section as is provided for in section 16A. I therefore oppose the amendment.

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

Ayes—22.

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Molr
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. May

(Teller.)

Noes—24.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neill
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning

(Teller.)

Majority against—2.

Amendment thus negated.

Clause put and passed.

Clauses 7 and 8 put and passed.

Clause 9—Section 36 amended:

Mr. TONKIN: Here is an example of where the Minister has departed from the doubling principle, and in connection with which he promised to give us some explanation. I am waiting to hear it.

Mr. PERKINS: This clause relates to the refusal to subscribe the engagement of a special constable. The commissioner informs me that the section is seldom resorted to, but that since the necessity to engage special constables would occur in the case of national security, and so on, he believes the penalty is not unreasonable. That is the opinion of the commissioner and I see no reason to disagree with it.

Mr. TONKIN: I would think that the necessity to engage special constables would have been far greater in years gone by than it is now; and if £5 was an adequate penalty then, I fail to see that there is any justification for multiplying the amount by four now. We are only multiplying the other penalties by two. The Minister did not advance any reason to justify such a step-up in this case. To test the Committee, I move an amendment—

Page 2, line 24—Delete the word "twenty" and substitute the word "ten."

Mr. Perkins: I will accept that.

Mr. W. Hegney: Saved from a national calamity!

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10—Section 42 amended:

Mr. BRADY: With regard to this clause, the penalty has been lifted from 40s.—in other words £2—up to £20. I consider that to be a pretty drastic increase and I doubt whether we, as responsible parliamentarians, should agree to such a steep rise. Members will be concerned to know what it is about. As I understand the position, it is this: that a policeman may go into a public house, or a gaming house; and if he sees a person who is a reputed thief, or otherwise loose or idle, or a disorderly person, he may order that person to leave the place; and if that person does not, he will be fined £20 on conviction. I think that is drastic.

I think the Minister has got to be more realistic in regard to these matters. Sometimes one can turn a person into a disorderly or an idle person by adopting tactics of that kind. Sometimes people are unfortunate in the difficulties they get into, and they may spend a term in Fremantle gaol and hope to reform, and, in fact, intend to reform; but if they should afterwards go into a betting place and be ordered out, they are likely to be fined £20.

I think such persons would have the feeling that the police and humanity were against them, and they could easily turn into criminals. An increase from £2 to £4 would be a more realistic penalty. Some people are more unfortunate than others, and I do not think we should drive them into the ground. I therefore move an amendment—

Page 2, line 28—Delete the word "twenty" with a view to substituting the word "four."

Mr. PERKINS: Following the principle of minimum and doubling of penalties, I have a case to justify the increase from £2 to £20 as a maximum penalty. I would stress that it is a maximum penalty; and it would only be in extreme cases, of course, where the maximum penalty would be imposed. This is another point I have discussed in detail with the commissioner, and his comments to me are—

A penalty of £2 with no gaol sentence—

Members will notice there is no gaol sentence provided.

Mr. Tonkin: Do you think there should be?

Mr. PERKINS: I am merely saying that members will notice there is no gaol sentence provided. The commissioner's comments are—

A penalty of £2, with no gaol sentence as an alternative, was considered quite insufficient; and in view of the fact that there is no gaol sentence it is considered that the heavier monetary penalty is more equitable. £20 is not excessive to act as a deterrent for this type of offence.

The Committee may feel strongly about this, and consider that a smaller penalty should be imposed. I myself have no very strong feelings on it. I realise the increase is substantial, but I think the honourable member would be going too far in decreasing the penalty to £4. If he considers putting some other figure in, I might accept £10; but I do not like the suggestion of keeping the penalty so nominal.

Mr. TONKIN: This is another case where the Minister would have been well advised to have a look at the section in the Act. The Minister speaks about offences. The only offence is this: If a policeman wanders into a place where there is a game of skittles, bagatelle, rackets, or fives in progress, and he sees a person who has lately been in gaol, and he says—without that person committing any offence whatsoever—"Now, you, get out"; and if the person starts to question the policeman and refuses to get out, that is an offence under this section.

We all know that once a man has been in gaol a couple of times, he is under the eye of the police. And if he is found in a place where a game is being played and a policeman wants him to leave, all the policeman has to do is to tap the person on the shoulder and say, "Get out," even though the person concerned is doing not the slightest thing wrong. If the person refuses to go, he is guilty under this section; and it is for this that the Minister proposes the penalty that is contained in the Bill. I think the penalty might very well stay as it is. The Minister ought to read the section in the Act and see how out of date it is.

Mr. Perkins: I have read the section.

Mr. TONKIN: The section reads as follows:—

Any officer or constable of the Police Force may enter into any house, room, premises, or place where any public table, board, or ground is kept for playing billiards, bagatelle, bowls, fives, rackets, quoits, skittles, or ninepins, or any game of the like kind, when and so often as any such member shall think proper; and may enter into any house, room or place kept or used in the said Colony for any theatrical or any public entertainments, or exhibitions, or for any show of any kind whatsoever, whether admission thereto is obtained by payment of money or not—

So the position is that this person who is deemed to be idle and disorderly may have paid for admission; but if he does not get out when ordered to, he commits an offence. Where are we getting to?

Mr. Toms: To the police station.

Mr. TONKIN: The section continues—
—at any time when the same shall be open for the reception of persons resorting thereto, and may remove from

such house, room, or place any common prostitute, or reputed thief or other loose, idle or disorderly person who shall be found therein.

Idle in whose opinion? In the opinion of the policeman who chooses to go in at any time he likes and to say to a person, "Look, you, get on your way." And despite the fact that the person concerned may have paid for admission and is behaving himself properly, if he does not go he is guilty of an offence under this section. I am not going to support the clause.

Amendment put and passed.

Mr. BRADY: I move an amendment—

Page 2, line 28—Substitute the word "four" for the word deleted.

Mr. TONKIN: I move—

That the amendment be amended by striking out the word "four" and inserting in lieu the word "two."

The CHAIRMAN (Mr. Roberts): The honourable member cannot do that. Standing Order No. 374 states—

When there comes a question between the greater and lesser sum, or the longer or shorter time, the least sum and the longest time shall be first put to the question.

Mr. TONKIN: Mine is the least sum.

The CHAIRMAN (Mr. Roberts): That is my ruling.

Mr. TONKIN: I want to be clear on this, although I shall obey the Chair as one would expect. You, Mr. Chairman, said that the lesser sum should be put. I suggest to you that two is less than four.

The CHAIRMAN (Mr. Roberts): The member for Guildford-Midland has moved to insert the word "four" and I cannot accept the amendment of the Deputy Leader of the Opposition to insert the word "two."

Mr. TONKIN: Why?

The CHAIRMAN (Mr. Roberts): I have given my reason—Standing Order No. 374.

Mr. TONKIN: Because it is not the least?

The CHAIRMAN (Mr. Roberts): Because it is the least.

Mr. TONKIN: I thought you said you had to take the lesser one.

The CHAIRMAN (Mr. Roberts): I have given my ruling.

Amendment (to insert word) put and passed.

Clause, as amended, put and passed.

Clause 11—Section 44 amended:

Mr. BRADY: Much the same argument can be advanced in regard to this clause as was put forward in regard to the one we have just discussed. This covers the

case of where the police can apprehend a person on board ship or in a house for being drunk, and the fine is to be increased from 40s. to £20. I feel that is a drastic penalty to inflict in a case like that.

When I was Minister for Police a prominent citizen in Fremantle endeavoured to get the police to go on board ship, which they did, to arrest a man for being drunk. When the police got there they did not arrest the man because they felt he was within his rights being in that condition on the boat. The man complained to me and I inquired into the matter to see whether the police had acted correctly. I believe the fact that a man has his name and address taken by a policeman is a penalty; when he is served with a summons that is another penalty; and the publicity given to the case is another penalty, without any increase in the amount of fine. I move an amendment—

Page 3, line 5—Delete the word "twenty" and substitute the word "four."

Amendment put and passed.

Mr. TONKIN: I think we should do something about the term of imprisonment as well.

Mr. PERKINS: Make it 14 days.

Mr. TONKIN: I move an amendment—

Page 3, line 7—Delete the words "one month" with a view to substituting the words "fourteen days."

Mr. W. HEGNEY: I am not too happy about the amendment and I would like an explanation from the Minister in regard to this. The Minister desires the seven days shown in the Act to be altered to one month. The Deputy Leader of the Opposition has moved an amendment to make it 14 days; and, as far as I know, this is the first amendment in the Bill in which the period of imprisonment will be quadrupled if the Bill in its present form is agreed to. The offence under this section would be the same now as it would have been in 1892.

Mr. J. HEGNEY: There is no inflation there.

Mr. W. HEGNEY: I want to know why the Police Department want one month's imprisonment for this offence instead of seven days.

Mr. PERKINS: The comments of the Commissioner of Police on this matter are that it is considered desirable to relate the monetary penalty to that provided in section 42; and in view of the fact that, by recent amendments to the Justices Act, one day's imprisonment is accepted in lieu of the fine of £1, an increase in gaol sentences would be equitable. We have been trying to keep the gaol sentences in line with the monetary penalties

It has occurred to me that when an amendment is made to the amount of the fine we are liable to create anomalies between the fine and the gaol sentence; but on the other hand the courts have absolute discretion, and I feel there is no danger of injustice being done in that the courts would not impose a maximum penalty except in extreme circumstances.

Mr. TOMS: I am inclined to agree with the member for Mt. Hawthorn on this matter. When it comes to a question of increasing the fine, in view of monetary values it is reasonable and probably justified. However, when one considers imprisonment, unless the crime is of a more serious nature I think the term of imprisonment should not be increased. Despite the fact that we now have a shorter working week, the seven days' imprisonment when the Act was first passed, is still seven days' imprisonment. Therefore, I am inclined to agree that the penalty in the Act should remain as it is.

Amendment put and passed.

Mr. TONKIN: I move an amendment—

Page 3, line 7—Substitute the words "fourteen days" for the words deleted.

Mr. TOMS: To be consistent I must oppose the amendment because, as I have said, seven days' imprisonment imposed in bygone years is still seven days in these times.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 12—Section 51 amended:

Mr. BRADY: This clause seeks to amend section 51 which deals with mad dogs. If a person happens to own a dog which has rabies and it gets away, he will be liable to a fine of £20 instead of £5 if this clause is agreed to. However, in these days, a dog that is not affected by rabies could get away and bite someone, but the owner would not be subject to any penalty. Therefore, I move an amendment—

Page 3, line 10—Delete the word "twenty" and substitute the word "ten."

Amendment put and passed.

Clause, as amended, put and passed.

Clause 13—Section 52 amended:

Mr. BRADY: This is another clause in which it is proposed that the penalty shall be quadrupled. The relevant section deals with the prevention of obstruction of streets and thoroughfares in any city or town. In order to achieve consistency with the other amendments we have made, I move an amendment—

Page 3, line 13—Delete the word "twenty" with a view to substituting the word "ten."

Amendment put and passed.

Mr. BRADY: I move an amendment—

Page 3, line 13—Substitute the word “ten” for the word deleted.

Mr. LEWIS: I am surprised at the wording in the section which this clause proposes to amend, because part of it reads as follows:—

... and for causing all vehicles to proceed at a foot-pace—

The CHAIRMAN (Mr. Roberts): I cannot allow the honourable member to proceed on those lines.

Mr. Tonkin: What he is trying to say is very pertinent, all the same.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 14—Section 54 amended:

Mr. TONKIN: I know you will not allow me to discuss this other provision in the Act, Mr. Chairman, but it shows that a more careful consideration of the whole business is required instead of just considering these penalties. As the penalty is in line with the doubling principle we have accepted, I do not object to that aspect. I merely rise to point out that the same remarks which the member for Moore intended to make would apply to this clause.

Clause put and passed.

Clause 15—Section 57 amended:

Mr. W. HEGNEY: I would like some clarification from the Minister for Police who is in charge of the Bill, and who is also the Minister for Transport. Section 57 obviously refers to horse-drawn vehicles and horsemen in the early days. This clause no doubt has regard to motor vehicles. I would like to know whether the provisions in any Act are lacking now in regard to the imposition of a penalty for negligent driving. What is the reason for superimposing this clause, which obviously deals with motor vehicles, on this section which was drafted in 1892 for the regulation of horse-drawn vehicles?

Mr. PERKINS: I realise that there is an anomaly here, and what members have said about many sections of the Act being out of date is quite true. However, it is a colossal job to redraft all the sections in the Act at the one time; and when we have some sections to deal with it seems to be sensible to try to bring them up to date as much as we can. All this clause seeks to do is to make the Act conform with the Traffic Act.

Mr. TONKIN: This clause is putting drunken driving on the same plane as negligent driving, and I do not agree that it is on the same plane. Section 57 deals with negligent driving and does not deal with drunken driving.

Mr. Rowberry: Dangerous driving.

Mr. TONKIN: The section deals with negligent driving not with drunken driving.

Mr. Perkins: Or dangerous driving.

Mr. TONKIN: Now we propose to put into the Act the words contained in clause 15 of the Bill. It seems to me that to provide a penalty of £100 for negligent driving is to get out of balance. The Minister would have been well advised to have a separate section to deal with drunken driving if he wished to provide for it in the Police Act. These offences cannot both be put on the same plane. A person may be driving negligently—that is, without proper care—but it may not be a serious breach. He may have his attention distracted and may not glance to his right, but it is wrong to put that on a par with drunken driving. I am not prepared to accept such an alteration. The Committee would be well advised to vote against the clause. There is no justification for a penalty of £100 for what might be a mild offence of negligent driving. Obviously this is intended to cover drunken driving.

Mr. BRADY: I hope the Minister will take notice of the Deputy Leader of the Opposition. The words “drunken driving” do not appear. If members read what it is proposed to add to the relevant section they will see the full import of what is intended. There is something wrong with the Minister’s proposal, and I hope he will not persist with it. He should have another look at it; and to assist him I propose to move that he do now report progress and ask leave to sit again.

The CHAIRMAN (Mr. Roberts): Order! The honourable member cannot move that, because he has just spoken.

Mr. TONKIN: If the Minister proposes to insist on this, he should try to justify it. It is obvious that the amendment seeks to put the offence of negligence on the same footing as drunken driving, because it provides a penalty for the first offence not exceeding £50—I think that is the penalty for drunken driving—and a penalty not exceeding £100 for the second offence; and that is the penalty for drunken driving. I will take a lot of convincing that a person found guilty of negligent driving should be liable to the same penalty as a man convicted of drunken driving. There is no connection between the two whatever. There are negligent drivers who never touch alcohol, and it is wrong to lump them together. The Committee should reject this amendment. It would be different if the Minister could justify it, but I do not think he can. It must be remembered that the penalty will still apply to such horse-drawn vehicles as there are. Imagine a person driving a sulky down the road in a negligent fashion being subjected to the same penalty as a drunken driver of a motorcar. It is stupid in the extreme.

Mr. PERKINS: As I have said before, this is an old Act, and it would be a colossal job to bring it up to date. It

would take a lot of time to go through it, and considerable discussion would be needed here. It seems undesirable to have a different penalty from that provided in the Traffic Act for what is essentially the same offence.

The member for Melville has made a great play of that person who has been driving negligently, carelessly, or furiously. The result could be much the same for the victim of the resultant accident. As members we receive numbers of requests for increased penalties in respect of persons who act in an irresponsible manner when in charge of a vehicle. The member for Melville is exaggerating the position to produce an entirely farcical argument; because obviously the courts would have regard for the nature of the offence. It does not follow that a person must be drunk to drive in a negligent and furious manner. Alcohol could affect him to the extent that he is even more dangerous at that irresponsible stage than when he is drunk and may incur the maximum penalty.

So I must insist that we retain the same penalty in this Act for what is essentially the same offence in the Traffic Act. The Police Department always proceeds under the Traffic Act and it is possible that this may be a somewhat redundant section. But while it remains, it is desirable to have the same penalty as is provided for a parallel offence in another Act.

Mr. TONKIN: In fixing the same penalty for two entirely different offences we are now asked to regard them as equally serious. The maximum penalty is £50 in respect of a first offence for drunken driving. For a second offence the maximum penalty is £100. Here we are asked to fix a penalty of £50 in respect of the offence of driving a horse and sulky or riding a bicycle in a negligent manner. If a person is guilty of riding a bicycle negligently on a second offence, we are asked to regard it just as seriously as a second offence in respect of the drunken driving of a motorcar.

Parliament is asked to express an opinion on the relationship of these two types of offences. In fixing the maximum penalty of £50 for the first offence of drunken driving, we consider that it is the maximum that ought to be imposed. Are we now to say that the maximum penalty for the first offence of riding a bicycle negligently is also to be £50, and that in respect of a second offence on this charge the penalty is to be £100 and comparable to the penalty for drunken driving of a motorcar?

We ought to fix accurately the relationship between these two types of offences. I would place the seriousness of negligently riding a bicycle, negligently driving a horse and sulky, or negligently driving a motorcar on a much lower scale than that of drunken driving of a motor vehicle.

People have been charged with negligent driving of motor vehicles because as a result of failing to keep a proper lookout they were involved in accidents; but this type of offence is not comparable to the offence of drunken driving. The proposition before us is to place both these types of offences on the same level.

To my way of thinking, drunken driving of a motor vehicle is by far the more serious, because the person in charge of the vehicle does not know what he is doing and he is incapable of properly controlling the vehicle. On the other hand, in respect of negligent driving, there can be many degrees. It could be a simple case of carelessness when a person takes his eyes off the road for a second to look at a flower garden. He would be guilty of negligence if he was involved in an accident. The penalty for that offence should not be the same as that for drunken driving.

Progress reported, and leave granted to sit again.

House adjourned at 10.40 p.m.

Legislative Council

Wednesday, the 14th September, 1960

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