Legislative Council

Tuesday, 16th October, 1956.

CONTENTS.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor and Administrator received and read notifying assent to the following Bills:—

1, Commonwealth and State Housing Agreement.
2, Gas Undertakings Act Amendment.
3, Criminal Code Amendment (No. 1).
4, Wheat Marketing Act Continuance.
5, Bills of Sale Act Amendment.
6, Agriculture Protection Board Act Amendment.
7, Licensing Act Amendment (No. 1).
8, Entertainments Tax Act Amendment.
9, Municipality of Fremantle Act Amendment.

QUESTIONS.

TRANSPORT.

(a) Lifting of Road Restrictions.

Hon. A. R. JONES (without notice) asked the Minister for Railways:

Following upon my question with regard to transport of stock, asked without notice at the last sitting, will he inform the House—

(1) What advice did he receive when the matter was referred to the Railway Department?

(2) Did he take steps to have restrictions lifted on road transport of stock for the time being?

(3) Is he aware that the Railway Department is still unable to cope with the removal of stock, and that stock agents and private individuals have to wait up to 10 days after sales to have stock transported by rail?

The MINISTER replied:

I can supply answers to the questions asked by the hon. member. The Railways Commission has advised that it is able to move all stock, provided that the application for wagons to be moved to wherever they are required is submitted in reasonable time. As to the transport of stock by road, I would advise the hon. member that there are no restrictions whatsoever on the movement of livestock by road.

(b) Amplification of Reply.

Hon. A. R. JONES (without notice) asked the Minister for Railways:

From the answer given by the Minister, am I to understand that there are no restrictions whatsoever on the movement of livestock by road? In other words, nothing is required to move stock by road irrespective of where a person is and irrespective of whether he is a carrier or a farmer? I was under the impression that a permit was required and that it took some two or three days to obtain such permit.

The MINISTER replied:

The information I have received from the Transport Board is to the effect that since 1948 there have been no restrictions on road transport of livestock, no matter who is the owner of the stock.

STANDING ORDERS COMMITTEE.

Report Presented.

Hon. W. R. Hall brought up the report of the Standing Orders Committee.

Ordered: That the report be printed and its consideration made an Order of the Day for the next sitting.

BILL—PROFITEERING AND UNFAIR TRADING PREVENTION.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd October.

HON. J. G. HISLOP (Metropolitan) [4.45]: I will not oppose this Bill in any way, because I think local authorities should be given power to assist fully, within their means, in the care of the aged within their boundaries. I would not even have risen to speak on the Bill had I not said certain things previously on the Perth City Council's appeal for £50,000 for the establishment of centres for the aged. My criticism at that time was due to the fact that the word "centre" would appear in all

the literature, newspaper and other propaganda printed to support the collection of this £50,000 for the care of the aged people.

My contention was that no large centre was necessary, and that the money should be spread so that the aged people did not have any great distances to travel to their respective centres. I understand that a great deal of harm has been caused on account of the word "centre" being emphasised as against the word "centres." Therefore, whilst the Bill merely gives a council power to assist in the provision of accommodation for the aged, I hope that the municipalities will not get the idea that the establishment of some large organisation in the centre of their boundaries is necessary for the care of these people.

Recently I read a letter in "The West Australian" which emphasised that the desire was to build centres and not one large centre. As long as we have the correct idea on the caring for the aged people, and on the way we should provide these amenities, I see no objection to this Bill. I merely emphasise once more that I consider that before a centre of this nature is built or before even a council is granted blocks of land on which these amenities are to be built, some survey should be made of the numbers of aged people living in a particular municipality and their ability to use the centres envisaged.

It is of no use having a large centre where there is a small number of aged people living, and a small centre where there is a large number of aged people living. A survey should be conducted of the various communities before the councils are given either a grant of money or a block of land on which to provide the buildings or amenities for this purpose. I stress once again that I do not think any central organisation is required other than perhaps an administrative centre for a number of centres scattered around the various special areas of the council's land or boundaries. Apart from those few remarks, I have no objection to the Bill, and I trust that the care of the aged will be enhanced by the right which is to be granted to local authorities by this measure.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [4.49]: I appreciate the remarks made by Dr. Hislop. The Bill extends this right to all local authorities and no one local authority is singled out. The building of either large or small homes in any area would depend on the local authority concerned. I would assume that no local authority would go to the expense of erecting a home until it was quite satisfied there were sufficient aged people in the district to use it. I agree that it would be preferable to have the small homes spread around the various districts rather than to have one central home in Perth.

But it is possible that in the larger centres like Perth and Fremantle some central establishment will be required to provide a resting place for the aged, although it is preferable to have small homes spread about so as to obviate the necessity of these people having to come into the cities or larger towns for their recreation. I presume that the Perth centre would have to be larger than the others to cope with the number of people who would be using it from the surrounding suburbs. However, we should be guided to a large extent by the view taken by the local authorities.

I am not very fearful that any local authority will overspend in this respect, because the finances of local authorities are limited. There is no danger of their erecting premises larger than are necessary. However, the suggestion made about the survey is a good one. Before proceeding with any scheme, the local authority concerned will have to consult the Department of Local Government, and that department would want to know the extent of the expenditure involved before giving any advice. There will be ample protection, if this Bill is passed, against wastage of funds in this regard.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 324 repealed and reenacted as amended:

Hon. J. G. HISLOP: I disagree that large centres are necessary in Perth and Fremantle. If the Chief Secretary had used the expression "centres larger than the rest" I might have agreed. I cannot see the necessity for large institutions, because it has been proved that aged people do not want to flock to large institutions if they have to travel long distances. If they are to use a large centre only when they come into town on pension days or on similar occasions, it would be most unwise to incur a large expenditure to provide such a centre. Those that have been used to the greatest extent are the smaller ones scattered around the suburbs. Further, they can be erected at lower cost and can be run by the local community. In this way we could develop a communal spirit.

Before a large organisation could be started in places like Perth and Fremantle, expensive land would have to be acquired; then after it was built the centre would have to be maintained at extravagant cost. I trust that when the local authorities do build such homes for the aged, they will bear in mind the fact that someone will have to maintain them. It is much better to get voluntary help than to have full-time assistance.

Hon. J. D. TEAHAN: I agree with the remarks of the Chief Secretary. The Department of Local Government is already assisting many organisations whose funds are limited. Except in the case of Perth and Fremantle, they will not be able to erect large centres. This measure will police itself, and local authorities will not be too anxious to spend a great deal of money on any scheme when their funds are restricted. Their action will be governed by the availability of funds. The local authorities in Kalgoorlie and Boulder move very cautiously when it comes to administration. I agree that a voluntary body of citizens would run such an institution far more efficiently than a paid one. It is better to start on some centre than to have none at all. If a start is made on one, other local authorities will follow.

The CHIEF SECRETARY: I agree that it is better to have a large number of smaller centres around the suburbs than to have a smaller number of large ones. What I had in mind was that a large centre in Perth would have to be built because it would have to accommodate more aged people. Take Fremantle, for example. I doubt very much whether it would be possible for the municipalities of North Fremantle or East Fremantle to build individual homes. It would be possible for them, in conjunction with Fremantle itself, to erect a home centrally situated to suit all three local authorities. In that case Fremanle would build one which would be slightly larger than the rest. That would be more useful. If it were possible, I would prefer one home for each centre; but from the financial angle, that might not always be possible. Rather than deny such a home to say, North Fremantle, it would be better to enable it to share a home with other local authorities.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—CORNEAL AND TISSUE GRAFTING.

Report of Committee adopted.

BILL—LICENSING ACT AMENDMENT (No. 2).

Recommittal.

On motion by Hon. N. E. Baxter, Bill recommitted for the further consideration of Clauses 2 and 3.

In Committee—Progress Arrested.

Hon. W. R. Hall in the Chair; Hon. N. E. Baxter in charge of the Bill.

Clause 2—Section 50 amended:

The CHIEF SECRETARY: I move an amendment—

> That paragraph (a) in lines 5 to 23, page 2, be struck out.

I must confess that when this matter was previously brought before the Committee I was too slow. I prefer to say that I was too slow rather than that the Chairman was too fast. I had intended to ask the Committee to consider this paragraph. I have had a good look at it, and it appears to me that it would be a retrograde step to allow the paragraph to go through. That is not my opinion only. As a matter of fact, the United Licensed Victuallers' Association is against the provision.

Hon. N. E. Baxter: Of Perth.

The CHIEF SECRETARY: I had a letter from the U.L.V.A. opposing this provision. The U.L.V.A. is the official body and it is opposing the deletion of the necessity to provide this accommodation. If that body does not consider any hardship is imposed on its members in having to provide the limited accommodation which the Act makes provision for, it would be very wrong for us to strike out the provision and allow licensed premises to be conducted purely as beer houses. I had a report, too, from the Tourist Bureau, which is also opposed to this provision. I think that those two bodies are of sufficient standing in the community to merit some notice being taken of their views. If we agree to this paragraph, we shall be going back 30 to 40 years. In my young days there were a number of these little places established around the city where I lived. They were just drinking houses, which provided no accommodation at all. And we referred to them as shy-poo shops. Now, after all that has been done by the Licensing Court to attempt to improve the accommodation in hotels throughout the State, we find that there is an effort to take us back, by one step, to those old shy-poo shops. Surely the accommodation insisted on under the Licensing Act is not too much for anyone to provide!

It is doubtful whether the hon. member who sponsored the Bill realises in just what a favourable position he would place certain hotels in comparison with others. It has already been pointed out, quite rightly, that a hotelkeeper who did not have to supply accommodation would be able to convert his premises into a luxurious drinking saloon.

Hon. G. Bennetts: And get the whole of the trade.

The CHIEF SECRETARY: Exactly—to the detriment of other persons in the same town who were not placed in so favourable a position by the court. He would have nothing else to spend the money on except the improvement of his premises from the drinking point of view.

Hon. N. E. Baxter: They haven't got money to spend, anyhow!

The CHIEF SECRETARY: The unfortunate individual who was not in that favourable position would still have to

supply accommodation and face that unfair competition from the man running a purely drinking saloon. The accommodation stipulated in the Act is little enough and should not be altered.

Hon. N. E. BAXTER: It strikes me that neither the Chief Secretary, nor the U.L.V.A., nor the Tourist Bureau has really gone into this matter to understand what it means. The Chief Secretary has mentioned how unfavourable it would be to one licensee if another were given the preference proposed under the Bill. But in moving his amendment, the Chief Secretary has dealt merely with paragraph (a) commencing in line 5 of page 2. That paragraph relates to the removal of certain words from the Act and the substitution of others. If members will look at the replacement they will find that there is little difference proposed as far as accommodation is concerned to what it is today. All that it is proposed to remove is the requirement of a minimum of two bedrooms and the abolition of the provision for stabling accommodation.

Furthermore, the matter is within the discretion of the Licensing Court, even under the Bill. The court could say to a publican, "You must retain your two bedrooms" or "You must have 100 bedrooms". The issue is not affected in any way. All that is done is to remove the minimum requirement of two bedrooms, and even that is entirely discretionary.

I fail to follow the Chief Secretary's contention regarding a man being placed in an unfavourable position. I would point out that this measure refers only to the case of two or more hotels in a locality. It does not refer to any district where there is only one hotel. Should one hotelkeeper be granted the right to conduct non-residential premises, he would have to pay an additional licence fee. The whole of the accommodation side of the business would go to the premises that were still residential in character, and the licensee of those premises would recover enough in that way to make up some of the loss being experienced today.

I am afraid that few people understand the situation which exists in the country. Recently I paid a visit to the hills areas where there are three small hotels which have to provide accommodation. There is the Mundaring Weir hotel, which should be a tourist hotel.

Hon. H. L. Roche: That would not be affected.

Hon. N. E. BAXTER: It is a rather big hotel, and the accommodation provided consists of 20-odd bedrooms. The place is never at any time anywhere near half full, yet all that accommodation has to be kept in good order every day of the year.

I repeat that this provision is entirely discretionary. It is for the Licensing Court to decide what is required. If it does not like the amending legislation, it need not do anything about it. The provision is far from dangerous, but it does give the court the opportunity to do something about country hotel accommodation, which it is not doing at present. It does not know whether in a certain district 10 people stay in a night at a hotel, or two, or 200. It would not have a clue. I think the Chief Secretary admitted that at the second reading.

Hon. Sir Charles Latham: And what are the books kept for?

Hon. N. E. BAXTER: The house register is kept for examination by the police. According to the statement by the court, passed on by the Chief Secretary, the court never looks at the books, or takes extracts, or gets a report on them. That shows how much interest it takes—

Hon. Sir Charles Latham: It is about time the court was abolished.

Hon. N. E. BAXTER: —in the accommodation side of the hotel. And I would think that applied to the city as well as to the country. If we can do anything to awaken the court to its responsibility, we will be doing some good.

Hon. H. L. ROCHE: I must confess that I find myself in agreement with the Chief Secretary.

The Chief Secretary: That is strange.

Hon. H. L. ROCHE: And unfortunate. I agree with him in his effort to remove this paragraph from the Bill. Speaking generally, more particularly of country hotels, I would say they are not making the effort to provide for the travelling public that they should make. Some are very good. But there are others that do not want people on the premises.

Hon. Sir Charles Latham: Except for a booze.

Hon. H. L. ROCHE: If the Bill is passed in its present form, those are the people on whom a benefit will be conferred.

Hon. Sir Charles Latham: And others will be encouraged.

Hon. H. L. ROCHE: Every one of those hotels would be quite prepared to pay £150 to dodge its obligations to the public under the Act. I am not defending the Licensing Court. On the Address-in-reply I said I considered that under the existing legislation the court had outlived its usefulness. We will have criticism and worry in regard to our licensing laws until such time as the Government gives us a chance to review the whole of our licensing legislation. I do not think this Bill will improve the hotels at all. These people have been given a licence primarily to provide accommodation for the travelling public and I do not see why

we should absolve them from that responsibility by the payment of £150 and thus leave them with the profitable side of the trade. Some of these hotels are only beer houses now. Some of them do not want travellers on the premises unless they are there to drink beer. I support the Chief Secretary's amendment.

Hon. G. BENNETTS: I, too, support the Minister, because I depend a good deal on country and city hotels for my accommodation. As Mr. Roche says, if one is not a drinker one is not wanted in some hotels. That affects me because I am a non-drinker. If we do away with the accommodation side of a hotel it will be bad for the State. Until recently many hotels in the Eastern States provided only bed and breakfast; and I know of one place in Sydney, even now, where one is not a welcome guest if anything more than bed and breakfast is wanted. If one demanded another meal, one would not be accepted as a guest for the next week.

Hon. N. E. Baxter: This Bill does not affect the city areas.

Hon. G. BENNETTS: But that is the sort of thing that could happen if this Bill were agreed to in its present form. We should endeavour to encourage people to go into the remote areas of the State, and the only way to do that is to make the hotels provide accommodation for them. If the Bill is agreed to in its present form, it will make shy-poo houses out of a lot of hotels. Those who will be permitted to serve only beer will be able to spend a lot of money on their bars. This will further improve their bar trade to the detriment of those who have to supply accommodation for the travelling public. I think the amendment is a good one and I hope it will be agreed to.

Hon. N. E. BAXTER: I think both Mr. Roche and Mr. Bennetts have put up a good argument in favour of the Bill and against the amendment. Mr. Roche said there are publicans who do not want the travelling public except to drink beer. In the whole of my experience I have never found that to be so, and I suppose I have stopped at more country hotels than either Mr. Bennetts or Mr. Roche. So I do not believe their statements. I do not think either of them has ever been refused accommodation at a hotel in his province. If they have been refused accommodation, there must have been some reason for it.

Hon. Sir Charles Latham: Would you say that you have not been refused a meal?

Hon. N. E. BAXTER: There may have been occasions in regard to meals, but not as regards accommodation. I have never been refused a meal or accommodation when I have arrived at a hotel at a reasonable time. The arguments put forward are a good reason why all clubs should be closed down, because they are purely beer houses. Wine saloons do not provide accommodation.

Hon. L. C. Diver: Will wine saloons have to provide accommodation under this Bill?

Hon. N. E. BAXTER: No; but we are granting more club licences.

Hon. G. Bennetts: The clubs spend their money in the town.

Hon. N. E. BAXTER: Only on their club premises, and to provide drinking accommodation for their members.

Hon. G. Bennetts: And amenities.

Hon. N. E. BAXTER: Very few amenities, outside those connected with the beer side of the trade, are provided. I am not against the clubs in this State, but we ought to be fair about it. Apparently the Chief Secretary, like a lot of others, is of the opinion that hotels are goldmines. Apparently the Government is of the same opinion, too, because it has introduced legislation to place on the statute book a further imposition on these people. Hotelkeepers have to pay a tax on their overall purchases. No other business, except transport, has to do that. This provision will not make it mandatory for the Licensing Court to grant an application. It will be granted only if the court thinks it should be granted. So I hope the Committee will not agree to the amendment.

Hon. F. R. H. LAVERY: In his second reading speech, Mr. Baxter quoted hotels in York. I have been informed, although I have been unable to verify it, that two hotels in York are of a high standard, but that the licensees of the other two will be delighted if they are able to close down their bedrooms and become beer houses. If such is the case, I will certainly support the Chief Secretary but if Mr. Baxter can refute it I will support his Bill.

The Chief Secretary: Do not tie yourself down.

Hon. L. A. LOGAN: I am inclined to agree with Mr. Baxter that the arguments put forward in favour of the amendment show why it is so necessary to agree to the Bill as it stands. Mr. Lavery's last comment about York supports that view.

Hon. F. R. H. Lavery: I asked a question.

Hon. L. A. LOGAN: I ask Mr. Lavery what he would do if no one wanted to stay at his hotel. Would he not want to close the bedrooms? If only 20 people were travelling a particular road, and there were four hotels in the town, irrespective of the type of accommodation offered, they could not induce any more people to stay at those hotels, because there would not be sufficient people travelling. The Chief Secretary mentioned the Tourist Bureau. If this Bill is agreed to, the tourist trade will not be

affected at all, because tourists are not likely to travel in areas which will probably be affected by this Bill.

The Chief Secretary: You do not know where this will operate.

Hon. L. A. LOGAN: To those who know, is it not obvious where the Bill is likely to operate?

The Chief Secretary: No.

Hon. H. L. Roche: Who are Mr. Logan's friends?

Hon. L. A. LOGAN: I have been told that I have no friends. I understood Mr. Roche to say that, because of the inability of the Licensing Court to do its job, he thought it might not be able to do this job either, if the Bill were passed.

Hon. H. L. Roche: I did not say that.

Hon. L. A. LOGAN: That is what the hon. member appeared to think. I might agree with him. I do not think the Licensing Court is doing its job properly. If it is not, let us change it and appoint somebody else who will do the job properly. As Mr. Baxter said, this measure would not make it mandatory for the court to grant an application. If hotels have endeavoured to provide accommodation and nobody wants it, what else can they do except close down the bedrooms? If a butcher has only two or three customers, he has to close down and let the other butcher take the business.

Further, the Chief Secretary said that if we allowed one man to sell beer only, the premises would become a beer house and the licensee would be able to provide a wonderful set-up for his bar trade. Is that not proof that the licensee is trying to give accommodation as well as provide for the bar trade but is losing money? I think the Chief Secretary's statement proves that the fellow who would be able to sell beer only would be able to give a wonderful service.

The Chief Secretary: At the expense of the other fellow.

Hon. L. A. LOGAN: No. What the Chief Secretary has said is a strong reason why this Bill should be supported. I oppose the amendment.

Hon. R. F. HUTCHISON: I must support the amendment. I think Mr. Logan put up a very weak argument, and the danger is in regard to the principle. The primary purpose of hotels is to provide accommodation and amenities for the travelling public. It will be dangerous to establish a precedent where we will have places throughout the country which will be turned into drinking houses.

It is all very well for members to say that the licensees cannot get people to stay in their premises. But they are supposed to provide the accommodation, and it does not matter whether people stay there or not. Under the Act that is an amenity which they have to provide for the travelling public, and I think that is the only reason why a hotel should be open, to provide amenities for the travelling public, whether by way of refreshments or accommodation. I have been refused accommodation and told a place was fully occupied, but discovered later that that was not so. It is easy to obtain accommodation at these hotels when the Licensing Court is on tour, but not quite so easy when it is not. It is difficult for women with children to obtain accommodation. It is equally difficult for the travelling public to prove that the bed or meal they may require is available.

The hotels should be compelled to provide accommodation for the travelling public. Western Australia is a young and growing State and these facilities will be required in a greater degree as time goes on. Members are rather drawing on their imagination when they talk about the staff that is necessary to provide this accommodation. The standard of accommodation is not as good as it should be, and our hotels are a disgrace. With the possible exception of Manjimup, there is not one country hotel that is really first class.

Hon. N. E. Baxter: That is not correct.

Hon. R. F. HUTCHISON: I cannot imagine the Licensing Court agreeing to the provision to do away with accommodation for the travelling public. I support the amendment.

Hon. N. E. BAXTER: I would like to point out that at York there are four hotels and the standard of accommodation is about equal at each; it is reasonably good. The situation will not improve until something is done to improve the lot of the hotelkeeper; at the moment he is suffering great loss and disability in having to provide unnecessary accommodation.

Hon. G. Bennetts: He would not have to set up his accommodation every night.

Hon. N. E. BAXTER: That is necessary according to the Act.

Hon. R. F. Hutchison: That is not right.

Hon. N. E. BAXTER: I happen to know a bit more than Mrs. Hutchison about this matter because I have stayed at every hotel throughout the wheatbelt, and, apart from that, I ran a hotel for three years.

Hon. R. F. HUTCHISON: Mr. Baxter is letting his imagination run away with him. Hotelkeepers do not keep all their rooms ready. I will admit the accommodation is reasonably clean. If there is a

town in Western Australia where there are too many hotels, it would not hurt anybody if we closed some of them down.

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

Ayes	14
Noes	12
Majority for	2

Ayes.

Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. J. D. Teahan
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. G. MacKinnon
Hon. J. Cunningham	Hon. C. H. Simpson
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. J. Murray
	(Teller.)

Amendment thus passed.

The CHIEF SECRETARY: The only thing to do now is to oppose the clause as amended. I had intended to allow paragraph (b) to stand, but it would not make sense because the Act mentions stabling, and we would have to leave the proviso in.

Clause, as amended, put and negatived.

Clause 3—Section 161A added:

Hon. N. E. BAXTER: I move an amendment—

> That after the word "year" in line 41, page 3, the following proviso be inserted:—
>
> > Provided that any person aggrieved by the imposition of an order made by such Justices under this section, may appeal to the Resident Magistrate exercising jurisdiction under the Local Courts Act in the district in which such order was made.

Members referred to the fact that there would be no right of appeal for a person who was suspected and against whom an order was given. If they think there should be some right of appeal to a higher authority than two justices of the peace, I feel it could be done by a resident magistrate.

THE CHIEF SECRETARY: I am taking the unusual course of supporting the amendment even though I shall oppose the entire clause. I admit there is a bit of yes-no about it. If the clause is eventually carried, it will be necessary to have something like the amendment contained in it.

Hon. A. F. Griffith: What is wrong with the whole clause?

The CHIEF SECRETARY: I will tell the hon. member when we come to it. I support the amendment, but I shall oppose the entire clause later.

Hon. F. J. S. WISE: I oppose the amendment and the clause in which it is to be inserted. I feel it is tinkering with a very serious matter. The principle as outlined in the draft of this clause to penalise any person buying liquor, whether he be a prohibited person or an aboriginal native, is one that requires a severe penalty. I would prefer to see adopted as a principle no option at all to a fine; but, on the first instance of a person found guilty of supplying liquor to a prohibited person or aboriginal native, six months' imprisonment without the option of a fine. For the benefit of the hon. member I can state my actual experience in the administration of such a law—a law which passed the Legislative Council of the Northern Territory, of which august body I was president for five years. When that law was passed, it received utmost criticism as being brutal, but it cured the offence.

Several people who were caught were imprisoned and many appealed to the Government, but I would not support any appeal even though they proclaimed their innocence. They protested about the manner in which the case was handled by the police, but they were kept in gaol and the offence diminished magically. No one wishes now to be caught and run the risk of receiving six months' imprisonment. My objection to this amendment is that it simply tinkers with a serious problem.

Hon. A. F. GRIFFITH: At first I was not in favour of this clause and, at the time, suggested to Mr. Baxter that he report progress and introduce something which would give the right of appeal. That he has done. I appreciate the remarks of Mr. Wise and, on consideration, think what he has said would be an excellent idea to prevent people from trafficking in liquor to aboriginals.

However, I think there is sufficient in the Licensing Act at the moment to convict such a person provided he is caught at the crime. This particular clause gives more power than that. It gives power to deal with a person reasonably suspected of trafficking in liquor to natives. It says "reasonably suspects any person of supplying liquor to a person prohibited under Section 160 of the Act."

Hon. F. J. S. Wise: Don't you think that is bad in principle?

Hon. A. F. GRIFFITH: It might be bad in principle, but the position is that there are people who traffic in liquor, particularly in the country; and they do it in such a way that the police know the trafficking is going on, but they cannot lay their hands on the culprit. Therefore, the culprit continues to go unpunished. If

the police had the ability to get these offenders and punish them in the way Mr. Wise suggests, I think it would be a good idea.

This clause—and I am subject to correction—provides that two justices may name a particular person who is reasonably suspected; and then it is up to the person, if he thinks an injustice has been done, to apply to a magistrate and say he has been incorrectly named; and there is no justification for this in accordance with the amendment. If we are going to attempt to cut down the supplying of liquor to natives, I think this might be worth at least a try to see whether something can be done along these lines.

Hon. E. M. HEENAN: This is a clause to which I take great exception on a couple of grounds. The first is that I do not like the idea of any person being tabbed or convicted on the suspicion of someone else, whether it be reasonable or not. If this is carried out, we are going to give power to the local policeman to go to two justices and say, "I suspect Tom Brown is supplying liquor to a person on the Dog Act or to the natives". I presume the justices will be fairly easily satisfied and will sign an order. The person is then tabbed or convicted, even though it is now proposed to give him a right of appeal. This will put him to the expense of appealing to a magistrate, who might come around in two or three months' time. That, I think, is a grave injustice and contrary to all the principles of common law in the ordinary course of justice.

Hon. H. L. Roche: What about consorting?

Hon. E. M. HEENAN: Policemen are not infallible. It is so easy in everyday life to suspect people of being unkind or talking about us or being malicious towards us, and so often these suspicions are found to be unjustified. We know that members of the Police Force go to extremes. Some are not as tactful, judicious or wise as others. We had a famous case recently.

Hon. H. L. Roche: Would they not have greater powers in the consorting Act?

Hon. E. M. HEENAN: Surely if anyone steals money, or assaults someone, or supplies liquor to the natives, it is the policeman's job to trace him down and charge him, and adduce evidence that will justify the charge! Surely it is the right of any citizen in this country to defend himself and point out that the policeman's charge cannot be sustained! Already, under Section 150 of the Licensing Act, anyone who supplies liquor to natives can be fined £100 or imprisoned for six months, or both. I do not know what the police are doing in other parts of Western Australia; but Goldfields members know that the police frequently do their duty, and so not many people supply liquor to natives on the Goldfields.

Hon. N. E. Baxter: That is a different opinion from that held by some other members.

Hon. E. M. HEENAN: Others can speak for themselves, but the records of the "Kalgoorlie Miner" show that what I have said is quite true.

Hon. H. L. Roche: The natives are not being supplied or the people are not being caught!

Hon. E. M. HEENAN: They are being caught and sent to gaol. From time to time one reads of some no-hoper who has supplied liquor to natives and has been sent to gaol. The magistrates do not tinker with them. It is easy to find a man if he is supplying liquor to the natives because the natives are the first to talk. If I were charged with supplying liquor to natives, I would like to have the opportunity of defending myself.

Hon. N. E. Baxter: You would have.

Hon. E. M. HEENAN: I realise this must be a problem in some of the South-West towns, and I must admit that I am not as conversant with the problem in those parts as some of the other members who have spoken. On the Goldfields drink plays a big part; but there is no problem with natives, although there are plenty of natives there. The point is that the police are on the job and obtain plenty of convictions. The problem does not exist; and it seems to me that in some of the other country towns, someone is falling down on his job. I do not want to let the policeman just go along and say, "Tom Smith, I have my doubts about you. I am going to be on the safe side and mark you off." If the person wanted to appeal he might have to wait a long time as the magistrate comes around only two or three times a year. I do not like this clause at all.

Hon. A. R. JONES: We are dealing with an amendment, not the clause. I cannot see anything wrong with the amendment in view of the proceedings which have taken place in this Chamber prior to this time. The amendment is a very good one. What led up to it was the fact that the person named never had any right or any title to ask anybody for consideration. No member can find any fault with the amendment, and any further discussion will apply after this amendment has been dealt with. I hope it will be carried, because it is vital in my opinion.

Hon. W. F. WILLESEE: I cannot see what value this amendment can have if the right of appeal is exercised when, in the first instance, the suspect is merely indicted on suspicion. I feel the magistrate would have to decide on fact. Therefore it would follow that he could not indict on suspicion. So, in the first instance, if a policeman could not bring proof that

a native had been supplied with liquor by a certain person, I do not see how the prosecuting magistrate would be able to say any more than "I suspect." Consequently, I do not think the appeal could be anything other than successful.

The CHIEF SECRETARY: Whilst I agree with every word said about the clause by Mr. Wise, Mr. Willesee and Mr. Heenan, I cannot follow their logic regarding the amendment. I agree with what Mr. Willesee said about it. If it comes to an appeal, the magistrate must uphold the appeal, because he will decide it on law and no proof could be established. If we oppose the amendment, and we carry the clause, we are depriving the individual of the right of receiving justice. I oppose the clause itself; but at least to ensure that if it is carried there will be a safeguard to the individual who has been unjustly accused in the first place—

Hon. A. F. Griffith: What does the Police Commissioner think about this clause?

The CHIEF SECRETARY: I do not know; I did not ask him. No matter what our feelings are, we must carry the amendment to safeguard the individual.

Hon. A. F. GRIFFITH: I would be most anxious to know what the Police Commissioner feels about the application of the clause. His men would have to deal with it, and I am wondering whether they would regard it as helpful or not.

Hon. Sir CHARLES LATHAM: I quite agree with the Chief Secretary. If the clause is passed this will give to the person against whom an order is made, the right to appeal. It might be two or three months before a magistrate goes to some of these small places, and the individual who wanted to appeal would have to wait that period or travel to where the magistrate has his usual sittings. If a person feels that he has not had a fair trial, he should have the right of appeal.

Hon. N. E. BAXTER: I ask members to consider that the proviso deals only with the right of appeal. If a person is convicted as a suspected person and is subject to an order which prevents him getting liquor in containers, he is to have the right of appeal. There is nothing else to consider at the moment.

Hon. J. McI. THOMSON: Although we are discussing the amendment, the question has been raised as to what the Police Commissioner may think about this.

Hon. Sir Charles Latham: He would surely agree to the appeal.

Hon. J. McI. THOMSON: Yes; but the clause and the amendment have been brought forward because the police officer in a certain district was of the opinion that a particular person was supplying liquor to natives. Because of his suspicions, the publican refused to supply this person with liquor. The individual interviewed the policeman and said he was refused liquor. The officer took the necessary steps to see that he was within the law, and he applied to the Crown Law authorities to ascertain the position. He was advised that although the person in question was under suspicion and was, no doubt, supplying the liquor to natives, he had to be supplied with liquor. I think the police saw the necessity for this, and I support the amendment because it does give the person under suspicion the right of appeal.

Hon. G. E. JEFFERY: I oppose the amendment. I think it is a strange way of doing justice that on the say-so of a police officer this situation can arise. Once a man in a country town has been named by two justices of the peace as being suspected of supplying liquor to natives, a certain social stigma would attach to him. Whilst this is not an indictable offence, what would be the position if subsequently this man was sold liquor by the publican, because then a penalty of £5 or seven days' imprisonment is provided? What would be the position of the publican; and what would be the position if, when the magistrate turned up, he removed the ban on the individual? I think this is most dangerous.

I live in Bassendean, a suburb where the native population gives as much trouble as, or more than, is experienced in any country town; but the police officers there have effectively closed the gap with respect to supplying liquor to natives. The residents of Bassendean used to be terrorised by the activities of a couple of hundred natives who used to come down grape-picking, etc. It is most dangerous to try to cover up the lack of success of the Police Force by allowing a police sergeant or constable to sit back in his office and say, "Someone is supplying liquor," and then name the man under suspicion.

What would be the position of the magistrate when sitting on appeal? The constable would merely have to prove that he acted in good faith, and that he suspected the man. If he did that, how could evidence be adduced to show that the individual was right in the first place? This is contrary to justice, and I oppose the amendment, and will ultimately oppose the clause.

Hon. A. F. GRIFFITH: The Committee finds itself in an unusual situation here. This particular clause went through on the voices.

The Chief Secretary: No. There was a division on this, or a strong vote against it.

Hon. A. F. GRIFFITH: My memory is that the clause went through on the voices.

Hon. L. A. Logan: We reported progress and asked leave to sit again.

Hon. A. F. GRIFFITH: Yes. Did not the clause go through on the voices, because the hon. member foreshadowed an amendment?

The Chief Secretary: There was a division on it.

Hon. A. F. GRIFFITH: I think the inclination is to take the clause rather than the amendment on the notice paper. For the moment we must be in the position mentioned by the Chief Secretary, that we are talking purely on the amendment. If there is any merit in the clause there can only be merit in it with the amendment that is on the notice paper.

Hon. E. M. HEENAN: The amendment reads all right at first glance; but if the clause is passed, we give power to the police officer to go to a couple of justices and say, "I have reasonable suspicion that Tom Smith is supplying liquor to natives." What is a reasonable suspicion? The two concientious justices, on reasonable suspicion, would make an order against the man. He might be a decent citizen, and that would be a black mark against him for the rest of his life. In a couple of months' time the magistrate might come along and, on the appeal of the man, decide that the policeman did not have reasonable suspicions. He does not prove that he is innocent, but that the policeman did not have reasonable ground for suspicion. All that the policeman has to prove is that he had reasonable ground for suspecting the man, and out goes the appeal. The policeman does not have to prove that he was guilty.

Hon. G. Bennetts: And the odds are usually stacked against that type of individual.

Hon. E. M. HEENAN: Yes. It is like the position under the Gold Buyers' Act, where a policeman can arrest anyone whom he reasonably suspects of having gold in his possession. This is a far-reaching and dangerous power. Although the provision for an appeal improves it, it does so only to a minor degree.

Hon. L. A. LOGAN: It is difficult to discuss the amendment without referring to the clause.

The Chief Secretary: I did.

Hon. L. A. LOGAN: There seems to be loose thinking on the part of members, when all that has to happen is for a police officer to say to two justices of the peace, "I suspect this man of supplying liquor. Let us put a ban on him." Before the man is banned, the police officer must have sufficient evidence to satisfy the two justices of his suspicions. Just to go to the two justices and say, "I suspect this man of supplying liquor to natives," will not be sufficient.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. L. A. LOGAN: Before tea, I was pointing out certain safeguards in the clause to whch this amendment refers. Before an order could be made against a person by the justices of the peace, the police officer would have to have a watertight case. I do not think two justices would agree to convict a person in their district unless they were satisfied that the information supplied by the police officer was correct. I support the amendment.

Hon. A. R. JONES: I agree that the police officer would need to have a good case before going to the justices of the peace with a proposal to put anyone on the prohibited list. Those indulging in the practice with which we are dealing are not commendable types but persons of no principle. They are the smart alecs who might try to make a livelihood in this way and who would deserve to be punished, and the unfortunate who, after a few drinks, is not responsible for what he does. If this amendment is agreed to, and it is found later to have caused some suffering, remedial action can be taken. I support the amendment.

Hon. A. F. GRIFFITH: Having refreshed my memory from the minutes, I would point out that I voted for the clause to give Mr. Baxter an opportunity to move an amendment that he foreshadowed. If this clause is not agreed to, there is nothing left of the Bill. If inquiries have been made from the police in regard to this amendment, we should be told about them; and if not, I feel that inquiries should be made, as the police will have to administer the legislation.

Amendment put and passed.

The CHIEF SECRETARY: I hope the Committee will not agree to the clause as I do not think this is the way to tackle the question. I see no sense in the measure, even as amended.

Hon. N. E. Baxter: But you are a bit dull.

The CHIEF SECRETARY: It would allow a man's liberty to be taken away, on suspicion.

Hon. N. E. Baxter: What liberty?

The CHIEF SECRETARY: The liberty to take a bottle of beer away from a hotel.

Hon. J. G. Hislop: It is one of the few liberties your Government has left us.

The CHIEF SECRETARY: The hon. member is supporting a move to take away a person's liberty.

Hon. G. Bennetts: The policeman might have a snout on the man.

The CHIEF SECRETARY: That is so. I do not think Mr. Baxter's research into the question has been sufficiently deep, and I consider that something more substantial than this measure is required.

Hon. J. G. Hislop: When?

The CHIEF SECRETARY: Anytime. Let us do nothing until we are sure we are doing the right thing. Under this measure the policeman would make a recommendation on suspicion.

Hon. N. E. Baxter: A reasonable suspicion.

The CHIEF SECRETARY: Can anyone interpret "reasonable"?

Hon. F. J. S. Wise: You cannot get reason from an unreasonable person.

The CHIEF SECRETARY: Of course not. I hope the Committee will not agree to the amendment.

Hon. A. F. GRIFFITH: I am not convinced that this clause is the answer, but I am surprised at the importance the Chief Secretary attached to the amendment. He told us what the Licensing Court thought of other provisions, but apparently this one has not been brought before that body. The Police Department is at the Government's disposal. What does that department think about this?

Hon. E. M. Heenan: Surely we should be able to work out this matter for ourselves!

Hon. A. F. GRIFFITH: We should be able to decide on the first two clauses; but, in good faith, the opinion of the secretary of the United Licensed Victuallers' Association was put forward, and we can take notice of that if we so desire. However, the Chief Secretary should have obtained the views of the Commissioner of Police and conveyed them to the Committee.

Hon. Sir CHARLES LATHAM: The clause does not apply to natives only, but also to those people referred to in Section 160 of the Act. There is grave danger in this provision. Doubtless members have had information about a woman who was incarcerated in an asylum on the certificates of two justices of the peace and a doctor who had not even seen her. She was placed in Heathcote and then in Claremont Mental Hospital; but she is now discharged, fortunately. A case such as that ought to be investigated. Under this clause a person could say, "I saw so and so do such and such," and there might be nothing in the statement. Parliament should not pass any legislation that may have a far-reaching effect, without having full knowledge of what might arise from it.

Hon. E. M. HEENAN: The freedom of the individual is at stake under this clause, and many people are of the opinion that in our present society we are losing a great deal of freedom. If a person does not conduct himself properly, he is placed under the Dog Act; and if any person provides drink to such an individual, the Licensing Act already provides a serious penalty. A man can also be fined £100, or six months' imprisonment, or both, for supplying liquor to a native.

Stealing is a grave crime and a problem in our community today. Large city stores suffer a great deal from shop lifting, even though they engage a special staff of detectives. Would any member care to see those detectives have the power to go to a magistrate and say, "I have grave suspicion that Mrs. So and So is stealing goods from Boans" and the magistrate issue an order that Mrs. So and So is not allowed to shop at Boans?

Hon. N. E. Baxter: He can issue a warrant to search her home.

Hon. E. M. HEENAN: Of course he can under existing legislation. A man might honestly and mistakenly believe that a certain individual is supplying drink to a native; but he would be committing a grave injustice if he had that man tabbed for so doing when, in fact, he was innocent. Although there is the right of appeal to the magistrate within three months, he would not have to find that a person was guilty. He would only have to find that the police had reasonable suspicion, and the appeal would be thrown out. In tonight's issue of the "Daily News" there is a small paragraph which states, "Suspicion is the companion of mean souls, and the bane of good society—Thomas Paine." In these days the rights of the individual have to be safeguarded.

The MINISTER FOR RAILWAYS: During the second reading, I mentioned that the Bill would be ineffective, and in my opinion a great deal of time and words have been wasted on it. This clause merely prohibits a licensee from selling liquor to a person suspected of getting rid of it to some other person not lawfully entitled to it. The clause provides that a man shall be fined £15 if he removes liquor from licensed premises for such a purpose. However, there is nothing in the Bill or in the Act to prevent a suspected person from handing it to his companion who returns it to him outside the licensed premises.

The Bill will merely cause a great deal of trouble. A policeman may be able to convince two justices of the peace that a certain individual is supplying liquor to natives; and as a result, that person is declared. But it still does not prevent his being in possession of bottled liquor. Mr. Griffith appeared worried because the Police Department had not been consulted on this clause. In my opinion, anyone reading the clause would not even consider that a sane Parliament would pass it.

Hon. N. E. BAXTER: Mr. Griffith expressed concern about the Police Commissioner not being consulted on this clause. I would point out that I consulted the Commissioner of Police who has had experience of what happens in the country. He is very happy about the provision contained in this clause. It was he who suggested the provision concerning the appeal to the magistrate. In this morning's Press there

was a glaring example of what happened as a result of a native being supplied with liquor. The newspaper report concerned a murder at Wooroloo. From all appearances it was caused as a result of a person supplying a native with liquor, yet apparently members are content to allow similar occurrences to continue.

The Minister for Railways: This Bill will not stop that.

Hon. N. E. BAXTER: It will, because at the moment the police cannot catch up with these people who supply liquor to natives. The principles of British justice have been referred to, but I could point to some of our legislation where a person can be charged for being on premises with intent to commit a crime. Is that not merely a suspicion of crime being committed? It is, and a person can be gaoled for that.

Hon. E. M. Heenan: Such a person is not convicted without proof.

Hon. N. E. BAXTER: A person can be convicted for being on premises with intent to commit a crime, and that is only suspicion.

Hon. E. M. Heenan: That person can prove his innocence.

Hon. N. E. BAXTER: He can be gaoled in this instance.

Hon. Sir Charles Latham: Would the Police Force have to wait for a person to commit a crime before being charged?

Hon. N. E. BAXTER: Are we to attempt to stop crimes being committed, or are we to pass legislation after a crime has been committed? This Bill is an attempt to prevent crime. The Chief Secretary pointed out that it was terrible to prevent a person from purchasing a bottle of beer; but I cannot go into a chemist's shop to buy a bottle of poison, and that is also a restriction. Liquor which is supplied to natives is just as much of a poison.

Even the provision relating to a prohibited person under this Act is similar to the clause under discussion. It says that a person has only to be in a position where he is likely to impoverish himself to such a degree, etc. The word used is "likely." It is merely suspicion where such a person is "likely" to do a thing. I have seen instances where the prohibition section has been brought into operation and the names of persons have been posted at the hotels. They have only to create a disorder on one or two occasions and they can become prohibited persons. Going through the legislation today we will find quite a few parallels.

The restriction in the clause will not prove to be a danger to any person of standing. Under the prohibition section of the Act, the names are listed in the hotels and everybody in the district knows them. Members have referred to such persons as being social outcasts. My experience is that in the country towns and in Bassendean, where the offence of supplying liquor to natives is mostly committed, nearly every person in the district is aware of the suppliers. The social status of those suppliers is indeed low. This clause is not aimed at persons with any social standing. It is aimed at those who have no social standing already. If they cared for their reputation they would not supply liquor to natives. If members desire to stop a situation which has arisen time and again in this State, they will support the clause and give the police the opportunity of straightening it up and preventing crime from being committed by natives.

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

Ayes	12
Noes	14
Majority against	2

Ayes.	
Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. L. Roche
Hon. L. C. Diver	Hon. J. M. Thomson
Hon. A. F. Griffith	Hon. H. K. Watson
Hon. A. R. Jones	Hon. F. D. Willmott
Hon. L. A. Logan	Hon. C. H. Simpson
	(Teller.)

Noes.	
Hon. G. Bennetts	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. G. MacKinnon
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. J. D. Teahan
Hon. J. G. Hislop	Hon. W. F. Willesee
Hon. R. F. Hutchison	Hon. F. J. S. Wise
Hon. G. E. Jeffery	Hon. F. R. H. Lavery
	(Teller.)

Clause thus negatived.

The CHIEF SECRETARY: I move—

That the Chairman do now leave the Chair.

Motion put and passed.

The Chairman accordingly left the Chair and the Bill lapsed.

BILLS (2)—ASSEMBLY'S MESSAGES.

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills:—

1, Rural and Industries Bank Act Amendment.

2, Evidence Act Amendment.

BILL—TRAFFIC ACT AMENDMENT (No. 1.)

Second Reading.

HON. A. R. JONES (Midland) [8.11] in moving the second reading said: I am introducing this Bill to amend the Traffic Act of 1919-55 with a view to doing two things. In the first instance, I want to make it a little harder to obtain licences and to make young people accept their responsibility when applying for licences

to drive motorcycles and motor-vehicles. In the second place, I want to try to make the penalties a little heavier so as to create a further deterrent to those who break the law under Sections 31 and 32 of the Traffic Act dealing with dangerous driving and driving while under the influence of liquor.

At the beginning of this session I asked some questions with a view to making some data available, but unfortunately no check was made of four questions which I asked, and I am not able to convey those figures to this House. The questions were—

(1) How many persons under the age of 21 years were convicted of negligent driving of motorcycles?

(2) How many persons over the age of 21 years were convicted of negligent driving of motorcycles?

(3) How many deaths occurred as a direct cause of the offences mentioned in No. (1) and No. (2)?

(4) How many persons received major injuries as a direct cause of the offences in No. (1) and No. (2)?

The answer was that the Government Statistician does not keep statistics in regard to this, so I could not get the information I wanted.

In answer to other questions asked it was revealed that serious accidents have occurred and drunken driving has continued. Very little change has taken place over the last five years. In 1951-52 there were 238 people charged with drunken driving; in 1952-53, there were 252; in 1953-54, there were 318; in 1954-55, there were 284; and in 1955-56, there were 264. Allowing for the increase in population and the greater number of licences which have been issued since 1951 and 1952, there still is an increase in the number of charges for that offence.

I also asked what number of deaths occurred as a result of accidents where drunken drivers were convicted, and the reply was that in 1951-52 there were 11; in 1952-53, there were nil; in 1953-54, there were three; in 1954-55, there were nil; and in 1955-56, there were five. There were not a great number of deaths as a result of drunken driving, but quite an alarming number of major accidents have occurred since 1951 as a result of drunken driving. In 1951-52, there were 56 major injuries as a result of drunken driving; in 1952-53, there were 55; in 1953-54, there were 53; in 1954-55, there were 31; and in 1955-56, there were 34. So there has been a slight decline there.

Nevertheless there are still too many people being convicted for offences under the Traffic Act—that is, for driving dangerously; and that includes speeding and drunken driving. So as the Act stands, it seems to be an insufficient deterrent; and it is time we took cognisance of that fact and increased the penalties, so that a convicted person would think twice before risking a further conviction.

It appears when one reads the newspapers that quite a number of the accidents that take place are the result of either negligent driving or carelessness, or are brought about by youths. It seems that a preponderance of the accidents in which young people are involved occurs to those of tender age, mostly between 16 and 18. My amendments to the Act are suggested with a view to protecting these young people against themselves, and persuading them to realise their responsibilities and the fact that it is necessary to learn to drive properly and to handle high-powered motorcycles correctly before they receive a licence.

At present Section 23 deals with people to whom the commissioner may grant a licence. There are five paragraphs in that section and, except so far as the drivers of commercial vehicles and passenger vehicles are concerned, no age whatsoever is mentioned. One would have to be 21 years of age in certain instances to obtain a licence to drive a commercial vehicle, but it is possible for the commissioner, if he deemed an individual to be a fit and proper person—though he might be only 10 years of age—to grant him a licence to drive a motor-vehicle.

Fortunately we do not have that occurring, and the age at which a licence is granted is restricted to somewhere around 16 or 17 years. In special circumstances, where a hardship might be created to a family if a licence were not granted to one of a lesser age, it is possible for a special licence to be granted for that person to drive on a particular road in a particular district at a particular time.

But there is really nothing in the Act which says that a person must be of a certain age before being granted a licence; and I have drafted my amendments after discussing this matter with many people, including Sergeant Salter, who is in charge of the motorcycle police in the Traffic Department and has the training of the men in that branch. Sergeant Salter has had 14 years' experience on the road, and is thoroughly competent to express an opinion in regard to the handling of motorcycles, and as to what should be the qualifications of a person desiring to obtain a licence.

One of the amendments which I propose is designed to give every encouragement to young people who have ideas of obtaining a licence to drive a motorcycle to join a recognised motorcycle club or the Safety Council Motor Cycle Driving School. That is a school recently set up by the Safety Council; and Sergeant Salter tells me it is doing an excellent job, and he is trying his best to encourage many of the motorcycle clubs to collaborate, and to operate on the same basis as the council so that

persons can learn to handle a motorcycle properly, learn the rules of the road, and be thoroughly conversant with the machine before approaching the commissioner for a licence.

The present set-up is that when a young person who has no licence to drive a car wishes to make application but cannot drive, he is issued, or can be issued, with a learner's permit. It is necessary then for him to have a licensed driver sitting alongside him in the car to instruct him and keep a general check on his driving during the learning stage. A permit can also be obtained by one who desires to learn to ride a motorcycle. But unless a sidecar is attached to the machine, nobody can accompany the learner, and someone has to take the responsibility of riding alongside him. While the Police Department issues permits under those conditions, it is not very happy about the matter, and feels that if people learned to ride at a motorcycle school they would have a much better chance of acquiring a knowledge of the rules of the road and the handling of a motorcycle and their general responsibilities.

So, generally speaking, the amendments proposed set out to make people more conscious of their responsibilities with regard to road traffic, and to try to educate young people to the point where they will be much better on the roads and will not run the risks which they apparently run at present. It is desired to influence young people who wish to obtain licences, to do the right thing, even though they may have only just left school, and up to the time when they reach the recognised age of 17 years, at which they can apply for a licence.

I shall now go through the amendments briefly. The first one proposes to amend Section 23. It deals with persons applying for a licence when they are under the age of 18 and relates to the riding of a motorcycle only, and not the driving of a car. It is provided that such folk must first obtain permission from their parents. The police office feels that that would be very desirable. At present it is not necessary for their application to be signed by anybody. They can just go to the Traffic Department and apply for a licence, although their parents might not be very happy about the situation. Consequently the suggestion is that the application of such a person should be signed by his parent or guardian.

The second proposal is that the commissioner may accept a character reference on the same application, signed by a responsible person who has known the applicant for some time. This could be either a magistrate, a clergyman, or some other responsible person recognised by the commissioner.

Hon. J. G. Hislop: Why do you refer to "renewal"? They would already have had the consent of the parents. Why must there be a renewal?

Hon. A. R. JONES: They may have had a licence previously, and if they apply for a renewal and they are not 18 years of age, it is required that they shall have a parent's consent. As I was saying, the second amendment deals with a character reference. The third provides that the commissioner may, in lieu of requiring the applicant to satisfy an examiner that he is qualified to drive a motorcycle, or to apply for and obtain a learner's permit as provided by Section 25 of the Act, accept the certificate of the Safety Council Motor Cycle Driving School, or of a motorcycle club approved by the commissioner, that the applicant is qualified to drive a motorcycle. The department is very anxious to encourage motorcycle clubs to begin, not only in the metropolitan area but in larger country towns, so that people will become more conversant with high-powered machines and seized with the importance of the correct handling of them.

Hon. G. Bennetts: Some of those who ride high-powered motorcycles should have a doctor's certificate, too.

Hon. A. R. JONES: I admit that some of them are not all there. I hope that members will agree that this amendment is a good one to insert in the Act, because I believe it would be a very good thing for young people to know that they could obtain a licence provided they went to a school and learnt to drive properly and thus received a certificate from the school, which would be recognised by the commissioner. In this way they would obtain all the information and instruction they required.

Hon. F. J. S. Wise: Are not most motorcyclists referred to as temporary Australians?

Hon. A. R. JONES: I think they are. Before proceeding to deal with proposed amendments to Sections 31 and 32, I would like to deal with proposed new section 28A. Section 28 of the Act says—

> No driver of any motor vehicle shall pass any horse being driven, ridden, or led, or any drove of animals, in such a manner or at such a rate as is likely to endanger the safety of such horse or drove of animals or the driver, rider, or leader thereof.

I propose to insert a new section 28A to prohibit a person carrying a pillion passenger until he has held a licence for a period of 12 months. The clause in the Bill, dealing with this aspect, reads—

> No person who has obtained a licence to drive a motorcycle shall carry any other person on a motorcycle, whether on a pillion or otherwise, until he has been the holder of such licence for a period of twelve months.

I think it is a good provision because it takes some time for a person to acquire balance when riding a motorcycle.

It has been pointed out to me by the police sergeant to whom I have referred that the first thing a young person will do when he obtains a licence is to rush away and get one of his brothers or sisters, or some other young person, to ride on the pillion seat. They have no idea of balance, and I have been informed that many accidents occur in the first few months of a person's holding a licence. This is because of inability to ride properly and also because of inexperience. If licences are endorsed in the manner prescribed in the Bill, I think it will be the means of saving life.

The second part of the new section 28A reads—

> No person when carrying another person on a motorcycle shall drive such motorcycle at a speed in excess of forty miles per hour.

I hope other members will agree with me when I say that this, too, is a good provision, because I am sure that when two people are mounted on a machine travelling on any road at a high speed and with only two wheels on their machine, the rider has very little control. I suppose it would be difficult to police; but then, of course, it is difficult to police all Acts.

Hon. J. D. Teahan: It would be a help.

Hon. A. R. JONES: Yes, and particularly when approaching the metropolitan area where the traffic becomes dense. I think it would be a deterrent and would be one means of keeping motorcyclists down to a reasonable speed while they were carrying a pillion passenger. It certainly would not do any harm and it would give the traffic authorities an opportunity of catching up with those who are flagrantly disobeying the traffic regulations.

Hon. F. R. H. Lavery: That speed of 40 miles per hour would be outside the metropolitan area.

Hon. A. R. JONES: It would be applicable on any open road. I do not say that all motorcyclists would adhere to the restrictions, but at least I think it would act as a deterrent if they knew they could be charged and probably convicted.

I also propose to introduce a new section 33A with the object of trying to make young irresponsible people a little more aware of their responsibility to the community. The new section that I propose reads—

> Where a person convicted of an offence under this Act is over school leaving age but under the age of seventeen years, the court before whom the person is convicted shall, in addition to any penalty inflicted on the person, disqualify him from obtaining a licence under this division of this Act until he attains the age of eighteen years.

The object is self-explanatory. If a person, when riding a cycle, flagrantly breaks the law, by riding without a light or without number-plates, etc., he should be taught a lesson. At present these young people are warned a few times by the local police before they are charged. But it is thought that if they are convicted, they should be taught a lesson, and the object of my new section is to prevent them from obtaining licences until they are 18 years of age. If that were known, I think many of our young people would become a little more careful, particularly if they wanted to obtain a licence to drive as soon as they were old enough.

Turning to the second provision, the Bill states—

> Where a person under the age of seventeen years is convicted of an offence, whether indictable or not, of which the unlawful use of a motor vehicle is an element, or in connection with which when the convicted person has made use of a motor-vehicle, the court before whom the person is convicted shall, in addition to any penalty or punishment inflicted on the person—
>
> (a) if the convicted person holds a licence under this division of this Act, suspend such licence until he attains the age of nineteen years; or
>
> (b) if the convicted person does not hold such a licence, disqualify him from obtaining such a licence until he attains the age of nineteen years.

Again the object is self-explanatory. I think all members will agree with me that too many young people are taking motorcars and driving them for their own enjoyment and pleasure and in some instances smashing them up.

Hon. J. M. A. Cunningham: Why handle them with silk gloves? Those people are stealing a vehicle worth £1,000. They are not just taking possession of it. It is stealing and should be treated as such.

Hon. A. R. JONES: The court has jurisdiction under another Act to deal with that aspect. This Bill proposes that they shall not be granted a licence, under such circumstances, until they attain the age of 19 years. In such circumstances a person of 14 or 15 years of age, if convicted, would have to wait some time before a licence could be granted. He can be convicted and fined for the wilful act of taking a motor-vehicle under another Act.

The idea of this is to act as a deterrent, because many young people will think twice and will say, "If I am caught taking this motorcar, or messing around with it and doing some damage to it, I will not receive a licence to drive a car until I am 19 years of age."

That, I think, would impose a check on many of these irresponsible young people, and my opinion is shared by those with whom I have discussed this provision. In fact, all these amendments have been put forward with the object of making those who perhaps are a little irresponsible think twice before they do something which will jeopardise their chances of receiving licences at the earliest opportunity. I hope that the majority in this Chamber will agree with the suggestions I have put forward and that they will pass this measure.

Section 31 of the Act reads—

> If any person drives a vehicle on a road recklessly or negligently, or at a speed or in a manner which is dangerous to the public . . . .

and so on. Following that subsection are the penalties; and at the moment the penalty for a first offence is a fine not exceeding £50, and for any subsequent offence, a fine not exceeding £100 or imprisonment for three months; and the court before whom the person is convicted shall in any case suspend any licence to drive held by the convicted person for such period as the court thinks fit. There has never been a minimum fine, and I have suggested, by way of an amendment, that there should be a minimum fine of £5 for a first offence, and a minimum fine of £25 for a second offence.

I have suggested a minimum of £5 for the first offence because frequently people get away without any fine at all when they are convicted of driving a vehicle recklessly or negligently, or at a speed or in a manner which is dangerous to the public. I have left the maximum at £50, but I want to have inserted a minium of £5.

Also in the Act at present there is a subsection which reads—

> Where any person convicted of an offence under this section is an employee, the court in deciding what penalty, if any, it should inflict upon such person, shall take into consideration any punishment proved to have been already inflicted upon such person by his employer in relation to the circumstances constituting such offence.

My amendment has been introduced in an endeavour to straighten out that subsection; and I wish to strike out the words "what penalty, if any, it should inflict" and insert in lieu the words "the penalty to be inflicted." My reason for doing so is that I think that if a person is convicted there should be a penalty.

Section 32 of the Act states—

> Any person who, when driving or attempting to drive, or when in charge of a vehicle in motion on a road, or when attempting to drive a vehicle on a road, or when in charge of a horse or other animal or drove of animals on a road, is under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle or the horse or other animal or drove of animals, shall be guilty of an offence under this Act.

In the past the penalties for a first offence have been a fine not exceeding £50 or imprisonment for three months, and the court, before whom the person is convicted, shall, in any case, suspend the licence. As a general rule the fine has been £40 for the first offence; and yet one often reads in the paper that a magistrate or a justice of the peace has fined a person much less than £40 or £45. That is beyond my comprehension, and my amendment is to bring the whole position into line and to provide a uniform fine throughout the State, no matter where a person may be charged.

I suggest that the words "not exceeding £50" be struck out and the words "of not less than £40 and not exceeding £100" be inserted in regard to a first offence. That would leave no option to the court on the minimum throughout the State and bring it into line with the general fine imposed in the metropolitan area. At present the fine is £40 or £45. In some cases, of course, £40 would not mean a thing, but a fine of £100 would probably give those people a jolt and remind them that they have a responsibility to the public.

Hon. G. Bennetts: What about suspending their licence?

Hon. A. R. JONES: That is done in any case. For a first offence I propose to provide a minimum fine of £40, and a maximum fine of up to £100 at the jurisdiction of the court. If a person is not sufficiently warned by a fine of £40 or £100, as the case may be, together with the suspension of his licence for a period of three months, and he happens to commit a second offence, I think it is high time that a heavier penalty was imposed. At present a fine not exceeding £100 or imprisonment for six months is provided, and I propose to make provision for a fine of not less than £100 and not more than £200.

If a person has had a warning and has paid a fine of £40 or £100 and had his licence suspended for three months, he should be reminded very strongly of his responsibilities if he comes up a second time; and I think that £100 is a satisfactory minimum, and £200 is not too

much as a maximum, provided the offence is considered to be serious enough in the opinion of the court. I propose to make the term of imprisonment a maximum of 12 months instead of six months and to suspend the driver from holding a licence. The Act provides for 12 months' imprisonment or for a term not exceeding two years.

Some members may consider these provisions to be very harsh; and others, like myself, may think they are not harsh enough. We know that for some people the loss of their licence and a fine of £100 will be a sufficient deterrent. But we have to look further than that and consider the damage that is done by these potential killers who drive vehicles while they are drunk. The records show that the number is increasing each year.

Hon. F. R. H. Lavery: What about the thousands that are not caught?

Hon. A. R. JONES: I do not know how it would be possible to deal with those people. I suppose all of us have done something wrong in our time.

Hon. F. R. H. Lavery: I am referring to the drunken drivers.

Hon. A. R. JONES: We can, of course, provide only for those people who are caught; if a person is not caught, it is not possible to punish him. For the third offence there is, at the moment, a fine not exceeding £200 and imprisonment for 12 months: added to that of course is the permanent suspension of the licence. When a person comes up for the third time for an offence, he should not be given a further chance; and my amendment proposes to cut out the fine and provide for imprisonment for two years without option and, of course, the permanent suspension of his licence.

Those are the amendments that are contained in the Bill, and I trust that members will study the Act, together with the proposed amendments, and give the matters to which I have referred serious consideration. We must do something to improve the present state of affairs. I have no doubt Dr. Hislop will be able to tell us of the number of beds that are filled each week at the Royal Perth Hospital as the result of motorcycle accidents. We know that very responsible people, who take every care, become involved in accidents, though it may not be their fault at all. But many people run a great risk and endanger not only their own lives but the lives of others as well, and I think it would be a good thing if they were made to realise their responsibility to the community.

As I said previously, it would be a step in the right direction if young people who wished to obtain a licence to drive a motorcycle were to attend recognised clubs and learn to handle their vehicles competently and drive in a safe manner. I trust members will support the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. F. R. H. Lavery, debate adjourned.

BILL—GERALDTON SAILORS AND SOLDIERS' MEMORIAL INSTITUTE ACT AMENDMENT.

Second Reading.

HON. L. A. LOGAN (Midland) [8.53] in moving the second reading said: The intention of this small measure is to alter the definition of "returned soldier" in the Act, so as to cover a person eligible for membership of the Returned Sailors, Soldiers and Airmen's Imperial League of Australia. There are only two small amendments and I think members will appreciate the reason for them. The present Act includes only returned sailors and soldiers, and it is the intention in this Bill to include airmen as well.

The memorial institute is a place known as Birdwood House and the name implies what it is. It was a memorial built to honour the fallen of the first World War; and since General Birdwood had such a lot to do with the Australian soldier, he was asked whether he would permit his name to be used for the purpose, and he graciously consented. Members who have had an opportunity of viewing Birdwood House will know that it is a fitting memorial. It is used at the present time by ex-servicemen of both the first and second World Wars.

To make sure that the institute is run effectively it is managed by a trust of five. At the moment this trust consists of the mayor of the Municipality of Geraldton, who is ex officio one of the trustees and the chairman. In addition, the trustees include two ratepayers of the Municipality of Geraldton elected by the council, which may at any time remove any of them from office and replace them when a vacancy occurs. These people may be councillors themselves. The other two trustees are appointed by the executive of the Geraldton Sub-branch of the Returned Sailors and Soldiers' Imperial League. The vacancy may be filled from those trustees if one occurs.

Unfortunately this does not give any reason why a vacancy may occur. I understand that one of the trustees has not attended a meeting of the trust for some considerable time and, in consequence, the trust is not able to function as well as it should. To overcome the problem, the intention is to provide that two trustees appointed under Section 4 shall cease to hold office on the 1st day of January, 1957,

and the vacancy shall be filled by the executive, which shall appoint one trustee for a period of one year and the other trustee for a period of two years, computed in each case from the 1st day of January, 1957.

There is a further provision which states that subject to paragraph (a) every appointment made by the executive to fill a vacancy occurring by effluxion of time shall be an appointment for a period of two years from the occurrence of the vacancy, but an appointment made to fill a vacancy occurring from any other cause shall be an appointment for a period being the balance of the term for which the former holder of the vacant office was appointed, and a former trustee shall be eligible for appointment.

The trustees of the present sub-branch has asked for the Act to be amended in this form, and I can see no objection to it. If it will provide for the better working of the trust, I am sure that members will agree that the Act should be amended. Birdwood House is playing a very important part in the social activities of R.S.L. members in Geraldton, and also of visiting R.S.L. members; and if these small amendments will help the trust to function more efficiently, I think they should be passed. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

House adjourned at 8.59 p.m.

Legislative Assembly

Tuesday, 16th October, 1956.

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