The Hon. H. K. WATSON: No; one does not want to chew the cud. If the Bill has been fully explained and one approves of the proposition, that should be sufficient. It should not be necessary to go over it three or four times. If anyone has any doubts about the worth of this agreement, he should read that speech to which I have just referred, and re-read it. That will remove any doubts anyone could have as to the wisdom of this agreement.

In my view, the Government should be heartily congratulated on concluding the agreement which has pretty fair prospects, not only of preventing the extinction of the Wundowie industry, and the disappearance, or virtual disappearance of the town, but also of giving it a shot in the arm and, indeed, nearly doubling the output of this industry. On that score alone—the virtual doubling of the output of the industry, which is a remarkable thing—this agreement for the establishment by the company named A.N.I. of a foundry at a cost to the company of not less than $600,000 is to be commended. As far as I can gather—

The Hon. A. F. Griffith: It is $800,000.

The Hon. H. K. WATSON: No; the cost of the foundry to the company is $600,000. There will be 80 additional jobs which will bring the total work force up to about 450, which will support a community expected to expand from its present level of 1,200 men, women and children to approximately 1,500.

The Hon. R. F. Hutchison: You would say they got a very good bargain.

The Hon. H. K. WATSON: These considerations, to my mind, are much more important than the quibbles raised by Mr. Wise in respect of the various conditions and provisions of this complicated agreement which creates, as it were, industrial Siamese twins. I understand the separation of Siamese twins is a delicate and complicated surgical operation. One has only to read this agreement to see that the creation of Siamese twins is a complicated and verbose legal operation.

More than one speaker has referred to the clause in the agreement which gives the parties power to vary its terms. I would remind the House of this: In any agreement between parties, and without any provision in the agreement, they have the right mutually to agree to vary the agreement at any time. Two parties who have made an agreement may, at any time, if they so desire, and if they both agree, vary the agreement; and that provision simply spells out an accepted right and the usual right of any contracting party.

There is just this one point: Inasmuch as the agreement, so far as an outright sale is concerned, requires ratification by Parliament, it probably would be an act of courtesy if, in the event of any substantial alteration being made to the agreement by the parties, the Minister of the day were to advise Parliament accordingly. I think that would be helpful; but to suggest that if the parties want to make some trivial alteration to this complicated agreement it has to come to Parliament each time for the alteration to be approved is ridiculous. That proposition has only to be stated for one to realise it is an absurdity and an impractibility. I would leave the thought with the Minister that, if at any time the agreement is varied substantially, Parliament could at least be advised of the alteration.

In lighter vein, I join with Mr. Wise in his quibbles and draw attention to clause 16 of the agreement. In my opinion, the draftsman has not shown much imagination in this clause. For example, he says that the company shall have a lease of the premises for a term of years at the yearly rental of one peppercorn, if demanded. I would have thought he might have said, instead of one peppercorn, one ladle of hot metal or one ductile iron casting. I think either of these items would be more readily procurable at Wundowie than one peppercorn.

With those remarks I heartily support the Bill.

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

House adjourned at 7.59 p.m.

Legislative Assembly

Wednesday, the 7th September, 1966

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CONTENTS—*continued*

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

QUESTIONS (11): ON NOTICE

M.V. "CHALLENGER"

Damage to Boats and Moorings through Excessive Speed

1. Mr. DUNN asked the Minister for Works:

   (1) Is he aware that on Monday afternoon the 29th August, 1966, the M.V. *Challenger* proceeded upstream past the Swan Yacht Club (Inc.) and Aquarama Pty. Ltd., both of Riverside Drive, East Fremantle, at a speed considerably in excess of that allowed under regulations and that as a result many boats and moorings suffered damage?

   (2) Will he ensure that every effort is made to enforce all boats using the river to strictly observe the speeds as laid down for the various parts of the river?

   Mr. ROSS HUTCHINSON replied:

   (1) Yes.

   (2) Yes.

CARAVAN PARKS

Compliance with Model By-laws: Effect on Starhaven Caravan Park

2. Mr. GRAYDEN asked the Minister representing the Minister for Local Government:

   (1) Is he aware that—

   (a) the Starhaven Caravan Park at Scarborough cost considerably more than $50,000 to construct and its present day construction costs would be in excess of that amount;

   (b) the park was constructed in conformity with the local authority by-laws which existed at the time;

   (c) it is one of the most attractive and efficiently run caravan parks in Australia;

   (d) the park is designed to accommodate 28 caravans;

   (e) caravans at the park are a minimum of 15 feet apart;

   (f) if the provisions of the model by-laws relating to caravans were enforced, less than 14 caravans could be accommodated at the park?

   (2) If "No" to (a), (b), (c), (d), (e), and (f), will he ascertain the facts in respect of the matters referred to?

   (3) As the proprietor of the park is prepared to make available his account books to prove that he would be forced out of business if the provisions of the model by-laws were enforced, will he consider this evidence with a view to amending the model by-laws to make such permanent provision for existing caravan parks in respect of minimum site areas as is necessary to ensure that these parks are not forced out of business?

   Mr. NALDER replied:

   I wish to make an explanation in reference to this question. I understand the Minister for Local Government has had a discussion with the honourable member, and at this stage the honourable member does not require that this question be answered or proceeded with.

PASTORAL LEASE No. 395/1014

Inspection

3. Mr. TOMS asked the Minister for Lands:

   (1) Have any inspections been made to pastoral lease 395/1014 issued on the 1st October, 1954, to see if the conditions of lease were being complied with; and, if so, when were the inspections made and what were the findings of such investigations?

   (2) When is the next inspection to be made and when will the result be known?

   Mr. BOVELL replied:

   (1) and (2) A comprehensive inspection is now being carried out with a view to providing extra land to make Avalon station lease 395/1014 an economic unit.
   No definite date can be given as to when this inspection will be completed.

YOUTH OF WESTERN AUSTRALIA

Youth Council and Youth Clubs: Availability of Funds

4. Mr. HALL asked the Minister for Education:

   (1) What funds have been made available to the recently formed youth committee for furthering youth activities in this State?

(2) What number of youth clubs are functioning in—
(a) metropolitan area;
(b) country districts?

(3) What financial assistance has been given to youth clubs in—
(a) metropolitan area;
(b) country districts;
and what amount has been made available to each club?

Mr. LEWIS replied:

(1) In 1965-66, $40,000. 1966-67 is still under consideration.

(2) (a) 40.
(b) 30.

(3) (a) and (b). No assistance was given in 1965-66 direct to a youth club, but Maylands Youth Centre was allocated $8,000 and Boyup Brook Youth Centre $10,000.

RAILWAYS

Perth-Albany Services: Curtailment

5. Mr. HALL asked the Minister for Railways:

(1) Is it the intention of the Government to bring about a reduction of the passenger train service between Perth and Albany by curtailment of week day passenger services?

(2) If it is the intention of the Government to curtail week day passenger services, what will be the alternative passenger services to and from Perth, and the proposed times of departure and arrival?

Mr. COURT replied:

(1) There is no current intention to curtail services.

(2) Answered by (1).

ROADS

Yanchep-Two Rocks: Properties Served, and Reasons for Construction

6. Mr. GRAHAM asked the Minister for Works:

Respecting the road from Yanchep Beach northwards to Two Rocks—

(a) What is the length of the road?

(b) How many properties does it serve and what are the names of the owners of such properties?

(c) How many houses are served—
(i) permanently occupied;
(ii) temporarily occupied?

(d) For what reasons was the road constructed?

(e) Were any requests made for the road to be built?

(f) If so, by whom?

(g) What is the authority (section of Act) for the expenditure?

Mr. ROSS HUTCHINSON replied:

(a) Four miles.

(b) It serves a 40-acre reserve and the Widgee Pastoral Company property.

(c) (i) Nil.
(ii) Nine houses and 4 beach shacks.

(d) The road was constructed to provide access for crayfishermen and tourists.

(e) Yes.

(f) Minister for Fisheries and Fauna and the Department of Industrial Development.

(g) Main Roads Act, section 32 (1) (a) (iii).

VETERINARY SURGERIES

Classification under Town Planning

7. Mr. DAVIES asked the Minister representing the Minister for Town Planning:

(1) Are veterinary surgeries considered in the same category as dentists' and doctors' surgeries for the purpose of town planning?

(2) If not, how are they considered and what is the reason for any differentiation?

Mr. LEWIS replied:

(1) Although the categories within which these uses are to be included are for the consideration of individual local authorities in the preparation of their planning schemes or by-laws, it is generally considered for town planning purposes that veterinary surgeries should be in a separate category from doctors' and dentists' surgeries.

(2) Generally they are dealt with as special uses requiring the consideration of the local authority on their individual merits after opportunity has been given to the public for lodging objections. This is because they could damage the amenities of adjacent or nearby properties.

Mr. J. Hegney: You are not too sure of that answer.

Mr. LEWIS: I am not too sure that the word "uses" in the answer should not be "users." I did not take the precaution of reading this answer after it was handed to me this afternoon.

DENTAL CLINICS

Finance and Staff

8. Mr. DAVIES asked the Minister representing the Minister for Health:

Further to question 22 of the 6th September, 1966, can he advise—
(a) the amount of any finance made available to each of the

dental clinics from other than the State Government for the years ending the 30th June, 1965 and 1966;

(b) the source of such income;

(c) the staff and classifications of staff at these clinics on the 30th June, 1965 and 1966?

Mr. ROSS HUTCHINSON replied:

(a) Excluding patients' fees—

	1964-65	1965-66
	$	$
Perth Dental Hospital (includes $758 non-recurring revenue for aerodental equipment) ...	1,734	886
Fremantle Clinic	2,004	2,114
North Perth Clinic	600	600
Victoria Park Clinic	600	600

(b) Local government authorities.

(c) I have had a schedule prepared which I propose to table for the information of the honourable member.

The schedule was tabled.

BUNBURY HARBOUR

Slipway Construction

9. Mr. WILLIAMS asked the Minister for Works:

(1) When is it likely that work will commence on the construction of the slipway in Bunbury Harbour?

(2) Where is the selected site for this slipway?

(3) Has the necessary machinery and equipment been—

(a) supplied;

(b) ordered?

(4) When is it anticipated this unit will be ready for use?

Boat Building Site

(5) Has a site yet been allocated for boat building purposes; if so, where?

Mr. ROSS HUTCHINSON replied:

(1) Site construction will commence in December, 1966. Steel fabrication for the slipway and cradle has already commenced.

(2) At the southern extremity of the reclamation associated with Nos. 1 and 2 land-backed berths.

(3) Necessary machinery and equipment have been ordered.

(4) It is planned that the slipway will be ready for use in May-June, 1967.

(5) The Bunbury Harbour Board has reserved a site for boat building immediately adjacent to the slipway.

10. *This question was postponed.*

T.A.B. BETTING TICKETS

Erroneous Issue: Wagers, Investment Tax, and Non-payment of Winning Bets

11. Mr. TONKIN asked the Minister for Police:

(1) Does he agree that what is purported to be a bet made under the Betting Control Act is not necessarily one because the Chairman of the T.A.B. has so declared it but it is required to have been made and accepted in accordance with the provisions of section 5 of the Betting Control Act and to have the essential element that the person making it does so as consideration for an assurance, undertaking, promise or agreement, express or implied, that upon the occurrence of a certain result he will be paid?

(2) As the Betting Investment Tax Act imposes a tax of 3c upon only each bet which is made in compliance with the Betting Control Act, what authority has the T.A.B. to collect investment tax upon other than such legal bets?

(3) As he has admitted the existence of a standard practice by the T.A.B. to require payment of investment tax upon bets which had no chance of winning (because of the arbitrary decision of the board not to pay in the event of the bet being on a winning horse) is it not clearly established that either there has been illegal collection of investment tax or dividends have been withheld in breach of covenant?

(4) Will he have a statement prepared in respect of all tickets erroneously issued and for which agents have been made liable for payment of both stakes and tax since the establishment of the T.A.B., to show—

(a) the total amount of bets involved;

(b) the total amount of investment tax collected;

(c) the total amount withheld by non-payment of winning bets?

Mr. CRAIG replied:

(1) I am not prepared to answer this question on the information stated therein, particularly as the question seeks an expression of opinion on a question of law and could thus be classed as inadmissible. However, if the Deputy Leader of the Opposition can furnish me with complete details of any bet made under the Betting Control Act that the Chairman of the T.A.B.

has declared as not being a bet, I am prepared to give the matter further consideration.

(2) None.

(3) It is possible that in asking this question the Deputy Leader of the Opposition has been confused by the answers given to questions 11 of the 17th August, and 3 of the 24th August, 1966. It is standard practice for the person in charge of the totalisator agency to account to the board for the amount of all bets, including the tax thereon, on tickets issued and not cancelled prior to the running of the event concerned. Where, however, the board subsequently determines that a bet should be treated as a cancelled bet, then the person in charge of the totalisator agency is normally given a credit adjustment for the amount of such bet and the tax thereon. In one particular case, the agent sought a decision on the day of the race and was informed—

(a) that he could not pay the bet as a winning bet;

(b) that he was to treat the ticket covering such bet as a cancelled ticket and that he had permission to adjust his return accordingly.

Thus, the board did not receive the amount of the bet or the tax thereon.

(4) No records have been kept from which such a return could be compiled. However, from recollection it is believed that in all there have been four cases in which tickets issued by mistake on winning horses and returned for cancellation have been treated as cancelled tickets after the running of the events concerned on which—

(a) the total amount of the bets not retained by the board was about $20;

(b) the total amount of the investment tax, which was not collected by the board, was about 20c;

(c) had the bets not been treated as cancelled, the total payout would have amounted to about $1,300.

QUESTION WITHOUT NOTICE

TRAFFIC LIGHTS

Main Street-Scarborough Beach Road: Right-hand Turns, and Median Strip

Mr. W. HEGNEY asked the Minister for Police:

(1) Referring to my question of the 24th August last, will vehicles travelling east along Scarborough Beach Road be permitted to make a right hand turn into Brady Street at the eastern end of the median strip located immediately west of the junction of Scarborough Road and Main Street?

(2) What is the length of the median strip referred to?

Mr. CRAIG replied:

(1) It is considered that such a movement would constitute a "U" turn, which is prohibited at traffic light controlled intersections.

(2) Approximately 340 feet.

BILLS (7): THIRD READING

1. State Housing Act Amendment Bill.
   Bill read a third time, on motion by Mr. O'Neil (Minister for Housing), and transmitted to the Council.

2. Farmers' Debts Adjustment Act Amendment Bill.
   Bill read a third time, on motion by Mr. Bovell (Minister for Lands), and transmitted to the Council.

3. Builders' Registration Act Amendment Bill.
   Bill read a third time, on motion by Mr. Ross Hutchinson (Minister for Works), and transmitted to the Council.

4. Industrial Lands (Kwinana) Railway Bill.
   Bill read a third time, on motion by Mr. Court (Minister for Railways), and transmitted to the Council.

5. Country High School Hostels Authority Act Amendment Bill.
   Bill read a third time, on motion by Mr. Lewis (Minister for Education), and transmitted to the Council.

6. Agricultural Products Act Amendment Bill.

7. Fruit Cases Act Amendment Bill.
   Bills read a third time, on motions by Mr. Nalder (Minister for Agriculture), and transmitted to the Council.

MITCHELL FREEWAY

Re-examination of Proposed Cutting: Motion

Debate resumed, from the 31st August, on the following motion by Mr. Tonkin (Deputy Leader of the Opposition):—

> It is the considered opinion of this House that the section of the Mitchell Freeway which is to pass in front of Parliament House should not be in cutting as is at present proposed, but in tunnel, and accordingly the Government is requested to have the proposal re-examined with a view to its alteration.

MR. BRADY (Swan) [4.44 p.m.]: I welcome the opportunity to make a few remarks in support of the proposition of

the Deputy Leader of the Opposition as it appears on the notice paper. For many reasons I consider it necessary that the proposal be re-examined, and I think members, having regard to information which has been put to members over the last nine or 10 years, will realise that these reasons are valid. It is very bad planning to provide for a 40-foot deep ravine or, as one member called it, a chasm in the heart of our city and in front of Parliament House. This cutting will be 500 feet to 600 feet long and 100 yards wide, and even at this late stage it should be avoided, even if we have to adopt the proposal in the motion.

All members of Parliament should give this matter very close attention because all 80 members have some responsibility in this matter, and, if it is further considered now, some very bad planning might be avoided in the future. The planners to date have done the best they can, having regard to what they feel are the possibilities. However, I would remind members that by the end of this century, which is only 33 years away, it has been estimated that the population will have increased in Western Australia to over 1,500,000, and quite a big proportion of that number will be in the metropolitan area.

To bisect this City of Perth, as is proposed under the plan, is wrong, because it spoils the city, which has been described as the "City Beautiful." I would remind members that in recent weeks a model of this new proposal has been placed on the first floor in this House; and I think the majority of members feel, as I do, that it is wrong to have a distinct cut 40 feet deep in the heart of the city—and this is going to be the heart of the city, if it is not already so.

All members must accept some responsibility in this matter; because, although we may ultimately have to accept the present proposition, if we give it sufficient consideration we may ensure that the same mistakes are not made in the future, and will thereby obviate difficulties in other parts of the metropolitan area. I hope to quote from a number of articles and booklets on town planning to demonstrate that it is very necessary that members study this problem a second time.

I personally feel it is a great pity a model was not displayed in the House some three or four years ago. Members who are opposed to altering the plans at this stage are only of that opinion because they feel it is too late and too costly to do so. Some of those reasons I believe can be discounted, and presently I will indicate why. I would remind members that within the next 33 years, as I said before, the population in Western Australia will be over 1,500,000 and, without doubt, the majority of that number will be in the metropolitan area.

These people will be coming to the cit for various reasons—for work purpose: for health purposes, for sickness reason: for business reasons, and as tourists an V.I.Ps. Let me deal with the last on first; that is, the V.I.Ps. From tim to time, this Parliament House is single out for special attention when Royalt visits this city. From the viewpoint of th general public, what could be worse tha the fact that only a few hundred peopl can approach the front door of our Par liament House when it should be possibl for thousands—if not hundreds of thou sands—to view whatever activities are tak ing place at Parliament House and to se the personages who visit here from tim to time?

I am reminded of the visit of Her Majest the Queen Mother, which was only about months ago, to this Parliament Hous There could not have been any more tha 300 or 400 people who were permitted t come to the front of Parliament House i order to view the Queen Mother on he arrival and departure.

A lot of people regard the proposal t have the Mitchell Freeway running acros the front of Parliament House as if th city indulged in acute business activit for 365 days of the year. In actual fac there are 52 Sundays, 52 Saturdays, an approximately 11 or 12 public holiday In future years, it could well be that ther will be more public holidays. Therefor for approximately 80 or 90 days a yea there could be people who might want t meander around the city, and even aroun Parliament House and the recreation grounds, parks, and gardens which coul well be established. I think we should vie this matter mainly from the point of vie of the general public and not from th point of view of what could be done fo motorcars running along the Mitche Freeway.

I think that the people's concept is th main consideration in this planning an I think that this has been lost sight of b the planners. It is because of the latte possibility that I am so keen to voice m view. I think some planners becom obsessed with their planning and the own importance. This is strongly evide in the various concepts of planning in th city.

A few years ago, I advocated overwa for the safety of pedestrians here. I w told—in some cases, by the planners them selves—that this was not possible. I fir saw these overways for pedestrians i Hobart, and it would seem that these ha proved functional because another five six have been built since I was there. I addition, in Melbourne a further overwa has been built; I think it is over the King Highway. Indeed, the latest planner f the City of Perth is visualising overwa here. From the foregoing, it would appe that some planners do consider th pedestrians must be catered for.

In regard to this problem of the Mitchell Freeway, I feel that in the immediate vicinity of Parliament House there are going to be thousands and thousands of people coming and going. Some will be permanent residents; some will live in flats; and some will work in the vicinity of Parliament House. Just a few hundred yards from Parliament House is a huge multi-storied building. From discussions I have had, the public feels that this is going to be the pattern for this area in front of King's Park.

I now proceed to another aspect. In 1955, or 1956, we, in Parliament, were handed what was called, "The plans for the metropolitan region, Perth and Fremantle." Those plans contained an atlas, and the atlas shows how the town planner viewed the position. On looking at the atlas, one had no indication that there was to be a 40-foot deep ravine, chasm, or gorge—whatever one likes to call it—in front of Parliament House. At the same time we all received a report and page 77 of this report contained three plates. These plates illustrate a plan to scale of the Mitchell Freeway between St. George's Place—which is where the archway stands—and Parliament House. A sketch was also included, and this sketch shows steps and an approach—perhaps it might have been a pass, or road—to Parliament House. Cars are depicted travelling both ways in front of Parliament House. Footpaths are shown on the site where the archway is now situated. A monument, or plinth, is shown where the archway stands together with pedestrians moving around the base of it. Gardens and lawn are also depicted.

To some extent, we were misled into believing that these gardens would run down from Parliament House to St. George's Place. We were also misled into believing that people would walk, take recreation, or take repose within a few hundred yards of Parliament House in an area which I estimate to be about three acres. I have made this calculation on the basis of a length of 200 yards and a width of 100 yards.

What an immense relief these three acres would represent in the summertime for those thousands of people who have to move around the city under very difficult climatic conditions. In addition, this area would afford relief to those people who were visiting the city on business, because they would be able to come to this space in front of Parliament House and so escape the rigours of the city proper.

I visualise a plan along those lines. I refer again to the two plates which showed the plan of the Mitchell Freeway and the sketch depicting how the town planner viewed the future position. Incidentally, this sketch showed multi-storied buildings on both sides of Hay Street up to St. George's Place. If multi-storied buildings are erected, it seems natural to conclude that thousands of people will be moving in and out of those buildings. Many of them would house specialists and doctors of various kinds. What greater relief and assistance could be afforded to the people who may have to visit those professional men from time to time than a resting place which was only a few hundred yards from where they may be visiting? In addition, the Mount Hospital is quite close by.

I have spoken of the relief which would be given through these gardens and lawns but I feel there could be other advantages as well. On page 77 there is a third plate and this shows an illustration of the existing approach. At the foot of this page appears this statement—

> St. George's Terrace looking west to Parliament House: The existing view should be compared with sketch and plan showing Parliament House as a fitting terminal feature to the finest and most important street in the State.

So, instead of having gardens, lawns, and a monument, what we will have at the end of the finest and most important street in the State is a ravine, chasm, or gorge, according to how one views the cutting in front of Parliament House. So, for my part, I want to avoid that occurring if it is at all possible.

As every member knows we have a State with an area of 1,000,000 square miles. As States go Western Australia is probably one of the biggest in the world; and, at the moment, we have a population of approximately 800,000 people. It seems the town planners are planning the City of Perth along the same pattern as Los Angeles, San Francisco, London or some other overseas city. That thought must have been uppermost in their minds when planning Perth; because invariably one reads that many of these town planners, before commencing on some new plan, have just returned from a visit to Europe, America, or some other country.

In a young country like Australia, and particularly in a young State like Western Australia, we should profit from the mistakes that have been made in large overseas cities; and, in trying to plan for the future, we should establish cities in line with a policy of decentralisation so that eventually we will build up satellite cities in other parts of the State. I thought decentralisation was the policy of some of our political parties. I thought it was their policy to decentralise and build up provincial cities in Western Australia, but if we continue to plan as we are doing at the moment that policy will certainly not be followed.

I remind members that the population of very many large cities overseas is increasing at a tremendous rate. I was watching TV the other evening and saw a

feature film on Stockholm, and the narrator stated that that city had trebled its population to 1,000,000 in 50 years. The authorities in Sweden are now planning provincial cities around Stockholm, and a similar trend is taking place in Ottawa, Canada. In Ottawa the town planners are planning the building of eight or 10 towns around that city. A similar trend is being followed in London. We should be able to learn a lesson from the town planners of other cities, and realise that unless we plan in the proper manner we will have more of these chasms and gorges appearing in the heart of this beautiful city. When I say that, I am trying to compare Perth with the cities of Adelaide, Melbourne, Sydney, and Brisbane.

During this debate we have heard there are one or two underground tunnels in Sydney carrying vehicular traffic. I have not been through those tunnels, but I have travelled on the underground railway in Sydney. With the construction of such projects the planners seem to have overcome the engineering difficulties associated with underground tunnels; but I know that near Circular Quay in Sydney, particularly in the area near Princess Street, there are walls 30 feet to 50 feet high which are most depressing, particularly as they are built in limestone. A similar wall has been constructed at a spot just outside Brisbane along the river road. I do not wish to see a similar tragedy occurring in Perth, especially right in the heart of our beautiful city.

Therefore, we must pay greater attention to ascertaining what our town planners are thinking. Are they thinking in terms of just catering for motorists and vehicular traffic; or are they thinking in terms of trying to plan the city and beautify it for the benefit of human beings in general?

The increased cost of building a tunnel instead of an open cut has been raised during the debate. The £1,500,000 or £2,000,000 it might cost to redesign this particular project would be money well spent having regard to the fact that we will be the custodians of the freeway when it is finally constructed, and that this cutting is to be made immediately in front of Parliament House.

To assist members to try to conceive what is planned, and what cost is involved, I will now quote from the 38th Annual Report of the Main Roads Department. I quote the following from page 15:—

> The Mitchell Freeway Project, estimated to cost £8½ million, is being constructed to relieve traffic congestion in the Perth central city area and to form part of a proposed inner loop freeway system. It will consist of a multi-lane carriageway together with associated bridges, embankments, retaining walls, on and off ramps, and adjacent street improvements.
>
> As the whole Project is too complex to complete in one operation, it will be constructed by contract in three sections:—
>
> Contract No. 1 will comprise the section between Mount Street and Wellington Street.

I will not quote contracts Nos. 2 and 3 because we are not immediately considering them, but I will quote another paragraph to indicate to members the number of vehicles which will pass up and down the freeway and which could cause traffic congestion, excessive noise, and fumes. The paragraph reads—

> The construction of the embankments for the South-West Interchange over very soft organic silty clays by mid-1968 is the key to the completion of the Mitchell Freeway Project in 1970. Sand drains are being driven into the soft clays to ensure rapid drainage of water from the silty deposit with the twofold purpose of increasing its strength so that it can support the high embankments which are up to 36 feet high and to limit or if possible eliminate, settlement of these embankments once the Freeway is put into service.

I will skip a few lines in the next paragraph to quote the following to indicate what is actually taking place:—

> A contract for the supply and delivery by truck of 500,000 cubic yards of fill is almost completed and tenders have been called for the supply and delivery of a further 500,000 cubic yards. Filling is being supplied at an average rate of about 3,000 cubic yards per day. About 2.5 million cubic yards will be required in the area. Under the influence of the weight of this fill, so much water will be squeezed out of the soft clay that it will cause the fill to settle more than 20 feet under the higher embankments.
>
> Sand draining and consolidation work in the South-West Interchange area have required, and will continue to require, the vacation of existing roads and the diversion of traffic to specially constructed temporary roadways clear of areas required for permanent construction. Various design controls were exercised to provide roadways with higher capacity and comfortable operating condition to cater for the heavy traffic flow of some 6,000 vehicles per hour . .

That is what is visualised by officers of the Main Roads Department for the south west interchange, and it will mean that 90 per cent. of those vehicles will be passing in front of Parliament House. I could continue reading the remainder of that paragraph, but instead I will pass to page 16 to quote the following:—

> The preparation of contract drawings for Contract No. 1 was complete

and the development of the design for Contract No. 2 is making good progress.

Contract No. 1 consists of 1,600 feet of eight to ten lanes wide freeway, two ramps, three bridges and over 6,000 feet of retaining wall.

Just let members visualise that! Continuing—

All the drawings for the roadway construction were completed and the quantities calculated.

I will pause at that point to allow members to realise fully the money that has been spent already on desecrating this area. I do not think any other word can appropriately be applied. It is a desecration of this beauitful area to allow the construction of a freeway eight to 10 lanes wide so that motor traffic can pass in front of Parliament House.

The SPEAKER: The honourable member has another five minutes to continue his speech.

Mr. BRADY: Thank you, Mr. Speaker, I would point out that the model displayed on the first floor of Parliament House shows that the freeway is to consist of 14 lanes—four leading into Hay Street and 10 to the south-west interchange; and, to my amazement, if we can rely on the model, there is to be only one lane around St. George's Place. I cannot visualise only one lane being able to cope with the traffic around St. George's Place. At present I think there are three or four lanes in that vicinity.

I do not know whether the engineers have in mind that this traffic will be diverted down to the freeway. However, the more I see this proposition taking shape the more I am convinced that a revision of the plans should be made. Should we erase what is to be a scar on the beauty of the city and provide more parks, lawns, and gardens for the benefit of the people; or should we let posterity try to erase what we are now about to sanction? The problem of noise, fumes, and traffic hazards should be thoroughly investigated if we are really seeking town planning as we visualise it. I visualise three acres of beautiful gardens and lawns properly landscaped.

As far as I am concerned as a member of Parliament, if gardens, lawns, shrubs, trees, and other suitable amenities are provided for the general public, would like to see the Barracks Archway remain as some reminder of the past. In that building could be displayed a plan of the old Barracks as they were before they were demolished. However, to allow the archway to stand at the point where eight to 10 lanes of traffic will be passing, is a ridiculous proposition.

The SPEAKER: I draw the honourable member's attention to the fact that when I told him he had only five minutes left, I was looking at the wrong hand on the clock. In fact, the honourable member has another quarter-of an hour in which to finish his speech.

Mr. BRADY: Thank you Mr. Speaker. I will round off my remarks by saying that in 1954 it was estimated that about 9,000 vehicles were coming into the vicinity of Parliament House.

Mr. Hawke: You have another 15 minutes.

Mr. BRADY: I thought the Speaker said 15 seconds. Thank you very much, for advising me of the position, Mr. Speaker. I have here a chart prepared by, I think, the statistician's department, which shows that between 9 a.m. and 5 p.m., approximately 9,000 cars came into and left the city. That was 12 years ago. I think it is safe to say that today the number of cars coming into and leaving the city would be double that figure.

We are told it is too costly to spend £1,500,000 or £2,000,000 to beautify this area, and reclaim for the benefit of the general public what could be three acres of beautiful park land. This could be used for recreational purposes, and so on. I would advise the House that at the moment there are plans before the powers-that-be in this State to establish four or five acres underground at the Perth railway station.

What will that cost? It will cost many millions of pounds. Already approximately one-third of that area is underground, as it were, with buildings constructed over it, and I do not think this has caused a great deal of heart-burning. If we consider the length of the Horseshoe Bridge, we will get some idea as to what this part of the freeway will cover, and the number of vehicles that will use it 24 hours a day. We will find that the entire railway station will be covered by a suitable roofing material; and, as I have said, one-third of the three or four acres is already under cover.

The Government, however, visualises establishing underground facilities at the Perth railway station to permit the top part of it to be used by commercial and business interests generally. If it is good enough to visualise that that can happen in a few years time, I think we are entitled to feel some justification to have a covered overway over the Mitchell Freeway in the vicinity of Parliament House.

If that were done we could hand down to posterity something of value rather than something that could become, in my opinion, an eyesore. We should not leave it to posterity to do the best it can with the situation. I support the motion moved by the Deputy Leader of the Opposition. If we gain nothing else from the motion it may at least save some bad planning in other parts of Western Australia, and prevent us from ruining other cities in the future.

MR. MAY (Collie) [5.19 p.m.]: As a member of the Joint House Committee of Parliament for many years I know this subject has been discussed time and time again. Although no definite resolution was made in connection with it, it was obvious from the remarks made by members of the House Committee that they regarded this as a very important question, and one on which all members of Parliament should express an opinion, whether they were on this side of the House or on the other

No member in this Chamber should be tied down to supporting the view taken by the Government in this matter. It is most important that we visualise what is likely to happen in the years to come, after the final decision is made as to whether this work should be done by means of an open cut or by a tunnel.

This time last year I was privileged to be in England. I do not know whether members can visualise the River Thames. If they can they will know that Essex is on one side of it and Kent is on the other side. Since my last visit to the Old Country, a tunnel has been constructed under the River Thames in order to save the traffic travelling all the way over the bridges to London, and back along the Essex coast and *vice versa*.

It was apparently quite a simple matter to construct this tunnel; there was no difficulty about it whatsoever. I do not know whether the Minister for Transport travelled through the tunnel, but I did so on several occasions. It is electrically lit, and it is really worth seeing. I would like to see the proposition suggested for the area at the bottom of Parliament House follow the same lines as the tunnel to which I have referred.

I do not know whether the Government members have experienced the same difficulty, but I know that when we have a meeting in our party room on the second floor it is very difficult to hear what is being said because of the noise of the traffic down below. It is not difficult to imagine just how much greater the noise will be once the open cut is completed and the traffic flows freely through it.

That point appears to have been overlooked when this matter was considered. When the Minister spoke he said there would not be much noise to speak of; that we need not be afraid of the noise that is likely to be created. I do not know how the Minister can express that opinion, because I think we all know just how much noise we get from the traffic down below.

It must also be appreciated that at the moment we are not getting nearly the volume of traffic passing within the vicinity of Parliament House as we will once the open cut is put through. I feel that the sloping ground from Parliament House to St. George's Terrace should not be broken by an open cut; there should be a sweeping vista of gardens and lawns. The Government, on the other hand, feels that this area should be broken by an open cut.

We should all express ourselves very definitely on this matter. I for one am prepared to support the motion before the House. It is most important that we give this matter urgent attention now. I am rather surprised that the members on the Government side of the House have not got up to express themselves in this debate.

I am sure that if the proposal for the open cut is proceeded with, those members who will be here for some time—and most of us hope to be—will regret not having expressed themselves in order to help the Government make up its mind whether this work should be done in open cut or in tunnel. So I hope members on the other side of the House will get up and tell the Minister what they think about it. I am voicing my opinion in the main as a member of the House Committee.

As I have already said, we have discussed this matter very often, and I know we have all come to the conclusion that it would be a terrible thing to allow an open cut to be constructed past Malcolm Street and on to Hay Street, as is proposed at the moment. This should be done by means of an overway, and the area should be landscaped accordingly. I support the motion.

MR. BICKERTON (Pilbara) [5.25 p.m.]: I would like to add a few brief remarks to this debate. I was absent from the House when the debate on this matter was in progress earlier, and also during the introduction of the motion; and I was not here when the Minister spoke in opposition to the motion.

Mr. Ross Hutchinson: And you would not have learned much from the Press.

Mr. BICKERTON: That is so. As a matter of fact, newspapers were not available to me, anyway, so it did not matter very much. I have, however, carefully read in *Hansard* the remarks of all those who have contributed to this debate. In particular, I have studied the remarks made by the Minister.

Mr. Bovell: They were most informative.

Mr. BICKERTON: The motion merely asks for a review of the situation. It does not in any way commit the Government to a course of action. Indeed, I think it is a very reasonable motion; and to remind members what it is all about, I will read it to the House. The motion states—

> It is the considered opinion of this House that the section of the Mitchell Freeway which is to pass in front of Parliament House should not be

> in cutting as is at present proposed, but in tunnel, and accordingly the Government is requested to have the proposal re-examined with a view to its alteration.

I do not think a more reasonable motion could have been put forward; nor do I see how anyone could construe this as being a party motion in any shape or form. Surely we are discussing, in effect, the future of Western Australia, with particular regard for that portion of land in front of Parliament House which is bordered by Malcolm Street and Hay Street, and considering whether it should be a gaping open cut, or parkland which could be used by the people of this State for many years to come.

The Minister dealt with the motion under the headings of capital cost, annual cost, damages to the contractor, delay in completion of the work, traffic operations, appearance, and traffic noise, together with general comments on the other points raised by the Deputy Leader of the Opposition, who introduced the motion.

The Minister said that in 1962 his consulting engineers estimated it would cost $1,700,000 to cut and cover the area in front of Parliament House. The Minister gave us a recent estimate prepared by the engineers in his own department of a later cost of $2,600,000. He also supplied an additional figure to cover other matters such as ventilation, substations, auxiliary lighting plants, backfill over tunnel, landscaping, internal wall and ceiling treatment, and reticulation; and this figure was to be $1,100,000.

He therefore arrived at the total cost of $3,700,000 for covering the freeway. How he arrived at that figure can be discussed in more detail a little later on. I think it is interesting to note that during his speech, the member for Balcatta interjected and said—

> Have you the figures for the open-cut so that we can measure them against the figure of $3,700,000.

The Minister replied—

> I have not the exact figure, but it is just over $2,000,000.

The difference between these figures is $1,700,000. By a strange coincidence the identical figure was given as a rough estimate of the cost in 1962 by an independent consulting firm. Using the Minister's figures, the cost of doing the same work has apparently nearly doubled. I find it hard to believe that in four years the cost of this proposed capping of the freeway in the area under consideration should double.

The Minister has apparently accepted these figures. I do not know whether he has queried them or whether they were just given to him. However, I cannot help but feel he simply called for a set of figures to justify the open cut; and it does not appear to me that he asked the experts for a set of figures which would justify the tunnel. The Minister failed to tell us why the cost has doubled in four years. Wages have not doubled in that period; and I do not believe the cost of materials has doubled. I very much doubt if the contractors would agree their tender prices had doubled in four years. Why then should we have this sudden increase in the cost of carrying out a reasonably simple engineering operation?

When I use the word "doubled" I am comparing the cost given to the Minister at the present time by his engineers to do the job with the cost figure which was previously supplied to the Minister by a consulting firm of engineers. At this stage I am not bringing in the additional matters to which the Minister referred, such as lighting, ventilation, tiling, ceilings, and all the fancy stuff he introduced.

In my book he obviously mentioned those items to make the figure appear as high as possible in the hope of getting as little support as possible for a tunnel from the members of this House.

Mr. Ross Hutchinson: If I had not obtained the detail you would have wanted to know.

Mr. BICKERTON: Of course I would have.

Mr. Ross Hutchinson: I tried to be honest.

Mr. BICKERTON: Surely the Minister would have had to obtain the details in view of the arguments put forward by the Deputy Leader of the Opposition. I also remind the Minister that he happens to be in the privileged position where he can obtain these details without any cost to himself; and, if any other private member of the House had that facility at his disposal, no doubt he could give the Minister some very interesting figures.

Mr. Bovell: How much does it cost to ask a question?

Mr. BICKERTON: I am upsetting the Minister for Lands, and I do not like doing that at any time. I would not like to think I was the cause of his having any internal troubles whatsoever. We can only criticise the Government on information supplied to us; and the Minister for Works would have reason to complain if I were criticising him in regard to figures someone else gave to him; but I have been using gentlemanly language in regard to his figures, so what more can he expect?

I now refer to some remarks in the speech of the Deputy Leader of the Opposition which are contained in *Hansard* 5, page 512. I am referring to portion of a letter which the Minister for Works wrote

to the Deputy Leader of the Opposition. It says—

> Dear Mr. Tonkin,

Apparently at that stage they were on good terms. Continuing—

> I refer to your letter of the 24th June in which you requested estimates of costs in regard to the Mitchell Freeway. The information you sought has come to hand as of today's date.
>
> I advise that the Main Roads Department's consultants, De Leuw Cather and Co., advised the Department in 1962 that, based on simple cut and cover type of construction with three feet of fill on the roof to permit gardening and landscaping, the cost of covering the Mitchell Freeway in front of Parliament House was estimated at approximately $1,700,000. It should be noted that this cost was exclusive of landscaping, lighting and ventilation, and yet it approaches the total cost of the No. 1 Contract now under construction, which is approximately $2,016,000.

The point here is that the Minister said, "It should be noted that this cost was exclusive of ventilation." Of course I am not in a position to know what was asked for by the Government at the time it requested a price from these consulting engineers. The statement that the cost does not include ventilation is made by the Minister; it is not the statement of the consulting engineers. It could be that the consulting engineers did not include the cost of ventilation because they considered ventilation was not necessary. In the remarks I have read, the Minister has not made out a good case to show why ventilation is necessary in the tunnel. I take it that in this matter he has blindly expanded the advice given him without asking his experts whether a tunnel of some 500 feet or 550 feet—that is not a great distance—would require ventilation.

Mr. Ross Hutchinson: Obviously if it did not require it, it would not be put in.

Mr. BICKERTON: How does the Minister know? The Minister has asked for a set of figures and has been given the ceiling price, but we have no information from any independent consulting engineers to say that ventilation is necessary.

I find that when Ministers receive advice from their experts which does not suit them, they very readily obtain further advice from outside experts in order to make a comparison; but in this case no such thing has been done. We are expected simply to accept the word of the Minister when he says, "Obviously, if ventilation had not been necessary, it would not have been mentioned." I do not accept that.

Adverting to the extract I read from the letter written by the Minister to the Deputy Leader of the Opposition, you will notice, Mr. Speaker, that the $1,700,000 quoted by the consulting engineers to cap the freeway also includes the backfilling of the sand on top of that capping for the purpose of landscaping; yet if we refer to the Minister's speech in regard to the additional cost above the Main Roads Department's estimate, we find that it includes ventilation, a ventilation substation, lighting, auxiliary power plant, and backfill for the tunnel.

I cannot let the Minister have it both ways. First of all, he wants to subtract this from the original quote and then add it to his own figure. The $1,700,000 quoted by the consulting engineers allowed for the backfill. I would imagine this could be a considerable item—probably one of the most costly in the list of additional items which the Minister mentioned. Yet he is prepared to give us this list of items as reasons why we cannot have a capped freeway or tunnel in the area to which we are referring. If I am given a set of figures and a set of statements—I guess all human beings are somewhat similar—and find one or two to be wrong, I feel it is reasonable to doubt the authenticity of the lot. That is how I feel about the figures which have been given. They have been loaded against the motion.

I am not saying for one moment the Minister did not simply and honestly ask his advisers what he was going to do about this motion before the House and request that they give him some comparative figures; but I do say that if those particular advisers had already made up their minds there was to be an open cut in this area, it would be like Caeser appealing unto Caeser. They would go out of their way to put up a case for the Minister, which, as far as they were concerned, would prove beyond doubt—provided the Opposition was silly enough to accept it—that a tunnel was completely out of the question.

I would have liked the Minister to make sure that all the information given to him was authentic, because that is the only information we can go on. As I said previously, we are not in a position to pay for independent advice. The Minister should have queried the figures when they were given to him.

I would now like to clear up another point arising out of portion of the Minister's speech on this motion. I quote from page 610 of *Hansard* of this current session. A further interjection was made by the member for Balcatta; and I notice that that honourable member interjected fairly frequently. Apparently you, Mr. Speaker, were not in the Chair that evening. The member for Balcatta interjected by saying—

> So the difference would be about $1,500,000?

He was, of course, referring to the difference between the cost of an open cut

and a tunnel. The Minister replied, "an additional $3,700,000."

It would cost an additional $3,700,000. What I would like to know, Mr. Speaker, if you will allow the Minister to interject, is this: Does he really mean that the difference in cost between the open cut, as is intended, and a capped open cut, or tunnel, would amount to that figure? Does the Minister mean to try to convince us that to put a cap over this open cut—taking into consideration such things as the retaining walls, lighting, landscaping, and so on, which will have to be carried out in any case whether it is an open cut or not—will cost that much money? The only difference is the cap, and one of the important differences between this cap and the construction of a bridge is the fact that the cap would not have to carry heavy loads. It would have to carry only three feet of fill. So the stress on the actual cap would not be as great as would be the case if the structure had to carry heavy transport.

I still do not hear from the Minister whether the figure of $3,700,000 is, in fact, the difference in cost between the capping and tunnelling. I take his silence to mean that he has been convinced by his advisers that if he goes ahead and puts in a tunnel in place of the open cut, it is going to cost the taxpayers an extra $3,700,000. The Minister obviously knows; and I say that would be a lot of rot, absolute rot; and I am not an expert on earthworks or the building of bridges. It is just too silly to contemplate that the difference between an open cut and a tunnel would be $3,700,000 when we bear in mind that much of the structure which would be used for the construction of a tunnel would be used for the construction of an open cut. I refer to lighting, retaining walls, landscaping, and many other things. The only difference would be whether it was capped or left open.

Neither the Minister nor his advisers could convince me that the capping would cost $3,700,000. To strengthen my point I ask members of this House to visualise the Narrows Bridge project. All members will remember many of the difficulties that were encountered in the construction of this bridge and the alterations to the contract because of unforeseen circumstances. As we all know, the contractors had difficulty with the foundations. However, it is a terrific structure and it was built to take heavy loading. The completed cost of that structure was $3,400,000.

The Narrows Bridge cost $3,400,000 after allowing for increases in costs, yet the Minister comes up with the figure of $3,700,000 to put a cap over an open cut in front of Parliament House. I do not mind so much his quoting the figures, but what hurts me as a member of Parliament —and so too is the Minister a member of Parliament—is that he would allow someone to put this over him. Surely the Minister would ask an expert how he arrived at that figure; surely he should have told the expert to go away for a couple of days and put the quote down on paper. I venture to say that before the expert left the room he would say that he had had another thought and the figure was probably only about a quarter of the one mentioned. Either that, or the Minister has deliberately accepted the figures for the sole purpose of getting the backing of the members of the House so that the motion will be defeated.

Whether I am an expert or not does not come into it, but I would say to the Minister that I would be quite prepared, if he could arrange it—and I think this would show his faith in the project and show his interest not only in the taxpayer but in Western Australia as a whole—to attend a round-table conference between the experts who have given him this information and a deputation from those who consider a tunnel more desirable—even though they be laymen. If the Minister would arrange this round-table conference and have a *Hansard* reporter present to take down the discussion, such report could be printed. The report could then be distributed to every member in this House before a vote is taken on this motion. I think the outcome of the vote would be entirely different from what it obviously will be if taken on party lines—which apparently will be the case.

It is ridiculous to think that this House could be treated in such an off-handed way by having just a bundle of figures thrown at members with the explanation that they come from experts who know. Surely we are here to look after the interests of our electorates and the people of Western Australia as a whole. I repeat, for the *Hansard* record, that I do not believe the capping of the Freeway in front of Parliament House would cost $3,700,000. In fact, I think if that figure was bandied around the world there would be so many contractors wanting to do the job we would not be able to knock them back with a stick.

Members will recall—because it occurred only recently—that a situation of this nature arose in connection with whether or not Harvest Terrace should be closed. Members will also recall that the reasons for the closure put forward by the experts appeared almost insurmountable at the time. Yet, as a result of a general, or annual, House meeting—and perhaps it was fortunate that one was due about that time—all members of Parliament who were interested were addressed by the experts. Those experts gave us their opinions honestly, and yet the members of this House decided that, experts though they were, portion of Harvest Terrace should be closed. The experts in turn said that it was not insurmountable and that it could be done. In fact it became a small problem once the firm decision was made.

If a firm decision had been made in the same way, or made even now, that a tunnel should be constructed in place of an open cut in front of Parliament House, the experts would not lose five minutes' sleep over it. The Minister expects us to believe all the statements he makes to the House. I believe he made this one quite honestly, but the amount of homework he did on the matter, and how much he bluntly accepted, worries me. One statement the Minister made was that such a change would hold up the work for two years.

Let us not be elementary; we are not children. We have a Government on the other side of the House which is forever letting us know of the great achievements in the north-west. I go along with those achievements, and I think that members have read about some of them in the papers. If they have not they have missed out on their papers. There have been supplements on the achievements in the north-west. A number of projects have just been completed, and members were able to inspect one project which included 180 miles of railway line—the heaviest in the world. There was also the loading port at King Bay capable of handling millions of tons of iron ore a year. At the end of the railway line a mine has been opened with huge excavations, treatment plant, and screening plant; and all this in 12 months.

However, the Minister tells us that to change what is going to be an open cut into a simple tunnel, with a cap over the top for a distance of 530 feet, is going to hold up the job for two years.

Mr. May: I wish you would not call it an open cut!

Mr. BICKERTON: If the Minister fell for that one, he would fall for anything. There were also a couple of matters raised by the member for Perth when he spoke in support of his Minister. On page 620 of the current *Hansard* he had this to say—

> The Minister has listed no less than eight different reasons against the proposal contained in the motion before the House. The most compelling reason for opposing the motion is the time at which this House has been invited by the Deputy Leader of the Opposition to consider the matter. It seems to me rather extraordinary that at the eleventh hour a proposal should come from a man such as the Deputy Leader of the Opposition, who was the Minister for Works in the Government when the complete Stephenson Plan, and the whole of the plan now being carried out before our very eyes, was put forward and debated.

The point I want to make is that the member for Perth complained about the time at which this matter was brought forward by the Deputy Leader of the Opposition. Could the member for Perth tell us how much sooner the Deputy Leader of the Opposition could have brought this matter before Parliament? He moved the motion on the first private members' day of this session. How could the Deputy Leader of the Opposition have spoken sooner? Reference was made to the subject during the Address-in-Reply debate, but the motion was introduced as soon as the Standing Orders of this House allowed it. Prior to that its introduction would have been impossible.

The time is not too late to do something about this matter. There is plenty of time to make alterations to the scheme; and, if there be some delay and some additional cost, does it matter; because when the project is completed it will stand as a monument to those who where responsible for it rather than as something we will regret for the rest of our days?

The member for Perth mentioned the archway, and I think he almost said he was for its retention. However, he could not see how the archway could be retained with a tunnel. Good heavens, I am not an advocate for the retention of the archway, but if I was, I believe a tunnel would strengthen my argument for its retention! It would be possible to have a parkland in front of Parliament House so that the archway would lead somewhere.

It has even been proposed by some people that this relic of the past be dismantled and placed at the entrance to a park. Surely, for those who want to retain it, it is already in position to be the entrance to a park.

I have made my point of view clear previously: I am not for the retention of the archway. I think the member for Perth, when he says that the archway should be retained, would have a better argument if the archway led to a parkland. That seems to me to be the most logical argument anyone could put forward.

Mr. Jamieson: He is a good two-up player.

Mr. Bovell: Don't you like stone walls?

Mr. Davies: What's that Jackson?

Mr. Bovell: I thought there was a little bit of stonewalling going on.

Mr. BICKERTON: I have only a few other comments on matters mentioned by the Minister. One of his other reasons for not favouring the building of a tunnel was because of the ventilation. I will admit that if a tunnel were built it would need to be ventilated; although, because of the size of the tunnel in this instance, I do not think it would be necessary.

Mr. May: It is not that long.

Mr. BICKERTON: Admittedly an open cut would not need to be ventilated, naturally, but if a tunnel had to be ventilated

a substation would have to be built. However, I believe that in a tunnel of this size no ventilation would be required.

Lighting was another point brought forward by the Minister. The freeway will have to be lit, whether an open cut is used or whether a tunnel is built in front of Parliament House; and I submit that, as regards lighting, there would not be a great deal of difference in cost in either case. I would imagine that if a tunnel were built the lights would be on for 24 hours a day; whereas with an open cut they would be alight for only 12 hours a day. Therefore the difference in cost would only be the sum required to pay for the extra power consumed during those 12 hours; and, after all, I do not think the Government pays excessive rates for the power consumed in such circumstances. Both of the organisations concerned are Government departments, anyway, and the costs involved would probably be only book entries.

I think the Minister was scraping the bottom of the barrel for reasons to oppose the building of a tunnel, instead of an open cut, when he put forward the suggestion that lighting, and its cost, was a point in favour of an open cut, particularly in view of the few extra hours' lighting that would be involved. Also the lights in the tunnel would add to its attraction.

The backfill over the tunnel is something with which I have already dealt, and this was allowed for in the consultative engineers' original price. Therefore no additional cost is involved in that connection.

The next point was in regard to landscaping. Goodness me! Can the Minister get his experts to supply us with the difference in cost between landscaping over the top of a tunnel and landscaping for an open cut? If there is any difference at all, I would think it would be in favour of the tunnel; because the only costs involved if a tunnel is built would be in connection with the planting of lawn on an area 600 feet by 300 feet. However, even if it costs a little more to landscape the tunnel proposal than the open-cut proposal, it is no reason why a tunnel should not be built. If it is the reason, then the Government is being very economical about the way it runs the country! I would suggest to the Minister that two or three trips north would soon straighten out his ideas in this regard.

As regards the wall and ceiling treatments, one must admit that with a tunnel certain costs would be involved. However, the open cut, although wall treatment would not be involved, would require retaining walls and they would have to be maintained. We could not have weeds and scrub growing all over the place. Therefore I do not think a great deal of extra cost would be involved on this item.

The next point dealt with reticulation, and I doubt very much whether there would be much difference in cost whether we had an open cut or a tunnel. I certainly do not think there would be any additional costs if a tunnel were built in preference to an open cut. Those are the reasons given by the Minister initially; and his main reason for not agreeing to the proposition of the Deputy Leader of the Opposition was because of the annual costs. The annual cost of maintaining a freeway through a tunnel would exceed very little the maintenance cost with an open cut.

As regards the next point—"damages to contractor"—this could be very real; but, on the other hand, few contractors would not come to a reasonable compromise at this stage of the construction of the Mitchell Freeway, in view of the fact that further contracts will have to be let later on.

The next point discussed by the Minister was the delay in the completion of the work, and I have already dealt with that aspect. Even if the building of a tunnel took a few extra months, or may be 12 months, it would still be worth while proceeding with the project.

The SPEAKER: The honourable member has another five minutes.

Mr. BICKERTON: Thank you, Mr. Speaker. I will try cutting it down to 2½ minutes.

Mr. May: You have not dealt with the noise aspect yet.

Mr. BICKERTON: The Minister then dealt with traffic operations. All I could read into the Minister's remarks on this point was the fact that a tunnel would prevent weaving. That was his main point. A little less weaving about in traffic lanes would not do any harm, whether in a tunnel or on a highway. However, that was one of the reasons given by the Minister for favouring an open cut.

The Minister cannot convince me that the appearance of an open cut in this particular area would be better than the appearance of a tunnel which had been covered, grassed, landscaped, and made into a beautiful park. I would have thought that was one of the points which would be raised by this side of the House —the question of appearance—instead of by someone who was opposing the motion.

As regards traffic noise, I am fifty-fifty with the Minister on this. He says the noise will come out both ends, but with an open cut the noise will come up both sides. The noise that emanates from this Chamber is nothing to the noise we will have from the open cut. I have said all I wanted to say, but I sincerely hope there are sufficient members in this House who will support the motion. However, I have my doubts. I often wonder whether I should form a back-benchers' association to deal with all legislation which is non-party.

Mr. Jamieson: You would not get any members from the other side.

Mr. BICKERTON: We might get a few volunteers so that when some matter which is definitely non-party is brought into this House it can be treated in that way instead of on party lines, as happens now. In this case the Minister opposed the motion and then placed those who support him in the position where they had to stick by the Minister's statement and oppose the motion, irrespective of whether it was good or bad.

MR. TONKIN (Melville—Deputy Leader of the Opposition) [6.7 p.m.]: When I launched this motion I went to some pains to endeavour to create an atmosphere in which a subject of this nature might be considered completely on a non-party political basis. However, it is obvious from the trend of the debate that I failed in that regard, and the motion will be considered on a party basis so far as Government members are concerned. I would say that no attempt has been made on this side of the House to bind any member to support the motion. Every member on this side is free to make up his own mind about it and to vote for the motion on its merits. I had hoped that the subject could be considered in that way by members on the Government side, and I regret very much that that has not been done.

When a proposal is submitted to a Government there are four ways in which it may be dealt with: it may be rejected; it may receive consideration; it may receive careful consideration; or it may receive very careful consideration.

Mr. Dunn: What about very very careful consideration?

Mr. TONKIN: When a matter receives consideration it is a very perfunctory operation—we all know what sort of consideration that is. When something is carefully considered, that connotes that a reasonable amount of time is taken in properly weighing up the arguments for and against. When a question receives very careful consideration I would assume that requires every possible aspect being weighed.

What is the most important factor in this question so far as the Government is concerned? In this regard the Minister said—

> The cost was the important factor.

The member for Perth said—

Mr. Ross Hutchinson: Where did I say that the cost was the important factor?

Mr. TONKIN: In the letter you wrote to me.

Mr. Ross Hutchinson: Read the section to me if you please.

Mr. TONKIN: Very well. This is it word for word—

> The cost was the important factor.

Those are the Minister's words and I will guarantee them.

Mr. Hawke: Guilty or not guilty? That is the question.

Mr. Ross Hutchinson: It should be "an important factor."

Mr. TONKIN: The member for Perth said—

Mr. Bovell: Have you got the letter?

Mr. Ross Hutchinson: It should have been. "an important factor."

The SPEAKER: Order!

Mr. TONKIN: May I have an opportunity to proceed with my line of argument?

Mr. Ross Hutchinson: By all means.

Mr. Bovell: The argument is on one word.

The SPEAKER: Order!

Mr. TONKIN: I would argue one point at a time, but that does not suit the Minister for Lands. The member for Perth said—

> The cost factor is a most vital matter.

Despite the fact that the Minister has emphasised that the cost is an important matter, and the member for Perth has said it is a vital matter, no proper attempt was made at any time to ascertain properly what the cost of a tunnel would be.

Mr. Bickerton: Never.

Mr. TONKIN: This vital factor—this important factor—was never at any stage properly ascertained. Then, can it truthfully be said that this question has received very careful consideration?

Mr. W. Hegney: No.

Mr. TONKIN: In 1962 all the Minister got was a rough guess from De Leuw Cather and Co. which, according to later information, proved to be millions of dollars out. We are now expected to believe that a covered underway, less than 600 feet long, will cost $5,700,000 to construct; and the Minister was quite hurt when the member for Balcatta questioned that figure. As the member for Pilbara has pointed out, the complete cost of the Narrows Bridge, taking into consideration the additional cost involved because of the difficulties which were met in connection with the foundations, was $3,400,000. Yet we are expected to believe that to construct a covered underway less than 600 feet long will cost $5,700,000. I just refuse to believe it; it just does not make sense.

We are also told it would take two years to construct and it would delay the building of the freeway for two years. Why, the department must contemplate using a boy with a barrow!

Mr. Bickerton: A boy without a barrow.

Mr. TONKIN: Just imagine the great State of Western Australia advertising to the world that it will take two years to build a covered underway less than 600 feet long!

Mr. Hegney: The State on the move!

Mr. TONKIN: What a wonderful advertisement for our capacity!

Mr. Hawke: A great lurch backwards.

Mr. TONKIN: It is something I refuse to accept, and it is an insult to the intelligence of members of Parliament to put that up to them seriously.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. TONKIN: We were considering the cost of the suggested covered underway, and I was endeavouring to establish that the figure mentioned by the Minister was not acceptable, because, by comparison with other works which were completed not so long ago, it seemed to be out of all reason. If it were not for the fact there have been indications in recent days that the Government is very short of money I would have thought it contemplated facing this project with gold and studding it with diamonds; because that is the only way in which this figure of $5,700,000 could be reached.

To use his own words, the Minister indicated that a very rough preliminary estimate of the cost was all that he went on when he concluded that a tunnel should not be built. How a very careful consideration of any project of which the cost was a vital factor could be undertaken on a rough preliminary estimate is just beyond me. So I think we can disregard any suggestion that this proposition was subjected to careful analysis. It looks to me as if somebody made up his mind very early that this was to be a cutting, irrespective of any other consideration, and that was that.

I am wondering whether any consideration was ever given to the fact that the land which will be destroyed in this instance is very valuable. From time to time Governments and local authorities are obliged to spend money in order to establish open spaces and gardens; and if this land did not belong to the Government, and the Government wished to acquire it to use it for gardens—it is an admirable purpose in this setting and this locality—I think it would cost something in the vicinity of $2,000,000 to buy. So this cutting will remove from possible use by the community land which is worth approximately $2,000,000 if it had to be purchased. Surely that should be a consideration in a matter of this kind.

With a city like Perth, which will have a very large population, it is difficult to estimate properly the real worth of a garden area in that locality. Here we are throwing away the opportunity to have it on what has been nothing more than a perfunctory consideration of the question. It might very well be that although no proper consideration was given to this question, the decision could still be the right one, as the Minister claims. He says the Goverment is satisfied that this is the right decision; but on the arguments advanced here I do not think it would satisfy very many people that it is the right decision. Personally I think it is a bad decision, and one which we will regret.

I wish to say a word or two in rebuttal of the argument advanced by the member for Perth.

Mr. Hawke: Which argument was that? I do not remember him putting one forward.

Mr. TONKIN: The member for Perth adopted an attitude which I understand is frequently adopted by lawyers when they have a weak case; that is, in inverse ratio to the strength of the case, they attack the credibility of the witness. They endeavour to browbeat the witness and destroy him when they have no case otherwise.

Mr. Ross Hutchinson: I have heard of that tactic before.

Mr. TONKIN: So the member for Perth devoted a good deal of his argument to try to discredit me; and one of his criticisms was that I had made a decision in connection with the building of the Narrows Bridge, which decision I subsequently repudiated. I have read that to err is human, and I do not believe that any person who sincerely believes that he has erred should lack the moral courage to admit it. So my failure in the eyes of the member for Perth is that I consider I had made a mistake and I admitted it publicly. If that is something for which a person should be blamed then I take full responsibility; but I have not much admiration for a person who is proved wrong and who knows he is wrong, but who will not admit he is wrong. I would far rather have a person who, because of events which have transpired from the time when he made his decision, comes to an entirely different conclusion and, having done so, is prepared to admit it. I say again, as I have said before publicly, that if I had been able to foresee what would follow from the siting of the Narrows Bridge where it is now sited I would not have agreed to it.

Mr. Ross Hutchinson: You did not give very careful consideration to the matter.

Mr. TONKIN: Not being born with such foresight as would enable me to envisage this mound of sand, I did not appreciate at the time what was involved in the original decision; but I do now. I am doing my best to prevent certain events from taking place which I do not regard as inevitable, and which if wiser counsels are allowed to prevail can be altered.

One must remember that time does not stand still, and in this modern age ideas are changing rapidly. I understand that

now there is a strong body of opinion which believes there should be a separation of pedestrian activity from mechanical activity, and that idea is being put into operation in certain parts of the world; but we in Western Australia have not caught up with it. So it could very well be that this mistake, which I frankly admit, does not necessarily involve the implementation of the Stephenson Plan in every detail.

I tell the member for Perth that our Government did not dot every "i" and cross every "t" in the Stephenson Plan. We accepted it in principle, leaving the way open for a variation of detail, according to the increased knowledge which one would expect to be accumulated in the succeeding years.

One of the factors which appalled the member for Perth was the supposed delay of two years which he readily accepted—two years to build a 600-foot tunnel. He said the delay hung heavily on his mind; so it would on mine if I accepted a delay of two years for the building of the tunnel, but I do not. I think the period is ridiculous.

The member for Perth has an advantage over many members inasmuch as he enjoyed a university education, and in his training he would be equipped to analyse and to discriminate. I should say—and I do him no injustice in this—that because of his education and training he ought to be ahead of most of us in his power to analyse and discriminate.

Let us see how he analyses this motion before us. He reduces it to a very simple equation, and to his trained mind this proposition is nothing more than a question of adding a few more flowers and shrubs to the area surrounding Parliament House. He simplifies it to such an extent that this question—whether we will destroy some acres of land in this locality, or whether we will cover over what will be an unsightly cutting—can be reduced to the simple proposition that it is only a matter of adding a few more flowers and shrubs to the area surrounding Parliament House!

Mr. Bickerton: He should have given us a dissertation on the birds and the bees.

Mr. TONKIN: I ask whether you, Mr. Speaker, are prepared to agree that the member for Perth with all his training, is so poor in analysis and so weak in appreciation of the factors which matter as to come to such a conclusion as an expression of an honest opinion.

It is my view that he only gave expression to those words, not because they represent his honest opinion, but because he thought by giving utterance to them he would further discredit the Deputy Leader of the Opposition. He complained that no time was given for a proper consideration of this question. I deny that. As the member for Pilbara has pointed out, I moved as early in the session as I could have done; and I ask the member for Perth through you, Mr. Speaker, when he first became aware that the freeway was to go through in this locality in cutting. When was the first public announcement made of this intention?

As the Government is at pains to cover up what it intends to do to the extent of refusing to make available to members plans which are seen in many places, is it any wonder that time elapses before members are in a position to take any action in connection with proposals which are under consideration or intended? I lost no time in drawing the Government's attention to what our party thought about this proposal, and in asking for a reconsideration; and, when the correspondence was unsatisfactory I put the motion on the notice paper for the purpose of dealing with it at the first opportunity.

It is true that quite a lot of work has been done, but I have known of other works to be stopped in order to make alterations —many of them—and I can see no reason why the contractor should not get to work somewhere else, whilst new plans are being drawn up for a covered underway in this locality.

Argument does not count for much in Parliament. It is numbers in the final analysis which decide questions; although, as I have said before, majorities prove nothing; they only decide matters for the time being. I am of the very firm opinion that one day this freeway will be covered over; and it will be a much more costly proposition to do it then.

I have one final statement to comment on; and when I heard this, I was highly amused. The Minister seems to anticipate being able to derive a good deal of pleasure from standing on the outside of the cutting looking over the fence and seeing this exciting spectacle of traffic racing past beneath.

Mr. Davies: A tourist attraction?

Mr. Bickerton: He might fall in one day!

Mr. TONKIN: I would derive no such enjoyment from such a spectacle. I would far rather replace that open cut, with this mad racing of traffic, by putting it out of sight and providing a lovely area where people could be encouraged to come to enjoy the sights of Perth in the fresh air provided by open space. But those who derive pleasure from this racing around of traffic, this exciting spectacle which appeals so much to the Minister, appear likely to get it. However, I think the time is not far distant when they will be agitating to do something to cover it up.

I am regretful of the fact that the Government's decision was made long ago on insufficient data and that no real attempt was made to give serious consideration to

this proposition. So we have to accept the fact, but it is the Government which must take the responsibility.

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

Ayes—15

Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Davies	Mr. Rhatigan
Mr. Hall	Mr. Sewell
Mr. Hawke	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller)*

Noes—19

Mr. Bovell	Mr. Marshall
Mr. Cornell	Mr. Mitchell
Mr. Court	Mr. Nimmo
Mr. Dunn	Mr. O'Connor
Mr. Durack	Mr. O'Neil
Mr. Grayden	Mr. Runciman
Dr. Henn	Mr. Rushton
Mr. Hutchinson	Mr. Williams
Mr. Lewis	Mr. Crommelin
Mr. W. A. Manning	*(Teller)*

Question thus negatived.

Motion defeated.

BILLS (2): RETURNED

1. Painters' Registration Act Amendment Bill.
2. Main Roads Act Amendment Bill.

Bills returned from the Council without amendment.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [7.56 p.m.]: I move—

That the Bill be now read a second time.

The terms of this Bill have been recommended by the Barristers Board and are supported by the Law Society of Western Australia. Its purpose is to set out the qualifications required of a person for admission to practise in this State as a legal practitioner, an expression defined in the Act to include both barrister and solicitor.

Representations were received two or three years ago from the United Kingdom for recognition in this State of qualifications, firstly, as a Scottish solicitor, and, secondly, as an English barrister. They were considered but not favoured by the Barristers Board.

The board thought, nevertheless, that it would be better if there were uniform qualifications for admission throughout Australia and on two occasions endeavoured to secure recommendations for this purpose through the Law Council of Australia, but without success. The board, therefore, itself reviewed the whole question of qualifications for admission in this State, having regard to qualifications recognised elsewhere, to the question of reciprocity, to the board policy that a proper administration of the law requires the services of a profession learned in the law and possessed of some practical experience in its administration, and to the standards required of our own students.

Most persons admited to practise as legal practitioners in this State are now graduates of the University of Western Australia. Such persons have done a four-year law course and then, after graduation, have served two years articles and passed further examinations in technical subjects prescribed by the Barristers Board.

This system has been entirely satisfactory. Its operation was facilitated by amendments to the Act made in 1948. Prior to that time certain qualifications obtained abroad—for example, the qualification of English barrister—were regarded as sufficient qualification for admission in this State, subject to compliance with formalities.

A person could, however, then qualify as an English barrister within three years and this provided a "back-door" method, whereby students who could afford to qualify as an English barrister could thereby qualify for admission in this State in three years instead of taking the six years required to qualify through our local University, followed by articles. The 1948 amendments encouraged Western Australian students to qualify locally.

This Bill makes no substantial change in the law in its application to local graduates. The main effect of it will be to make changes in regard to qualifications obtained in other States and countries. The present law has been found too liberal in some cases and too rigid in others. The systems of law in the various countries constituting the British Commonwealth are each, to varying degrees and in different areas of the law, developing independently.

One can no longer say that, because a person has been admitted to practise as a solicitor in England or any other common law country, he is necessarily fully competent to practise as a legal practitioner in this State. He will probably be adequately qualified in certain areas of the law, but may not be in others. To admit such a person to practise here as a legal practitioner, without further qualification, could be unsafe, and to ignore his qualifications altogether could be unfair. Cases have occurred where a person possessing qualifications which are not fully recognised in this State, but are in Victoria, has, on the strength of those qualifications, become admitted in Victoria and then, on the strength of the Victorian admission, has become qualified for admission in Western Australia.

The solution offered in this Bill is to give the Barristers Board a discretion to judge each case upon its merits, with power in any particular case to require the applicant for admission to take such fur-

ther examinations or to serve such further period of articles as may be necessary to make good such deficiencies which, for the purpose of legal practice in this State, appear to exist.

Debate adjourned, on motion by Mr. May.

BILLS OF SALE ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [8 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to extend existing provisions in respect of the registration of bills of sale out of time.

In section 10 of the Act, the periods during which bills of sale are required to be registered are clearly set out and the varying periods are related to proximity to the City of Perth, or otherwise of the place of execution of the bill. I shall not detail these; suffice to point out that, in the case of a bill executed at a place not more than 30 miles distant from Perth, registration is required within 10 days. Bills executed within 50 miles of the municipalities of Albany, Southern Cross, Coolgardie, Kalgoorlie, Menzies, Geraldton, or Cue must be registered within 14 days. Where the bill of sale is a hire-purchase agreement, the period is 30 days in respect of the areas previously referred to. The period within which registration must be made is further extended in respect of more remote areas.

In the case of omission to present for registration a bill of sale or affidavit for renewal within the time prescribed under the Act, it is at present necessary for application for registration or renewal to be made to a judge of the Supreme Court. The judge is empowered under section 13 to, at any time, order such omission or misstatement to be rectified by extending the time for registration or by filing a supplementary affidavit, and so on.

Representations were made to the Minister for Justice by the Law Society some time ago that the registrar under the Bills of Sale Act be empowered to register bills of sale out of time.

There is some merit in this proposal and members will see that, in clause 4 of this Bill, there is a provision for adding a new section 13A to the Act, giving power to the registrar to extend the time for registration or renewal of registration of a bill of sale.

The Bill does not take away that power from a judge but, concurrently with the power of a judge, it is proposed that the registrar under the Bills of Sale Act can extend the time for a period not exceeding seven days on application being made to him by the grantee of a bill of sale, or his agent, if the registrar is satisfied that the omission to present for registration, register or renew registration was unavoidable, accidental or due to inadvertence. The registrar's power must, however, be exercised within three months after the time the bill of sale should have been presented for registration, registered or renewed.

The provisions in the Bill further enable the applicant to go to a judge if the registrar refuses his application, and the judge may, accordingly, extend the time if he thinks fit. There is provision also for the registrar to refer any application for extension of time to a judge where he has any doubt or difficulty in respect thereof.

The Bill also protects the rights of third parties that are acquired between the prescribed time for presentation for registration or renewal of registration and the time the bill of sale is actually so presented or renewed.

Representations were made last year by the Westralian Farmers Co-operative Limited that legislation be brought down to include the words "spraying of crops and/or materials for spraying" in that section of the Act enabling a bill of sale to be registered without giving notice of intention to register it if it is taken over crops. This is evident, of course, in order to bring this in line with modern practice.

Section 17P of the Act enables a bill of sale over wool or stock and crops sown or growing upon land mentioned in the bill of sale, where such bill of sale is granted to secure repayment of the purchase money of seed, fertilisers, bags or twine for use of the grantor in putting in, taking off and harvesting such crops, to be taken without giving notice of intention to register.

The amendment in clause 5 of the Bill extends these provisions for the purpose of *inter alia*, securing the repayment of the purchase money of spraying material for those crops or of the cost of spraying those crops.

The thirteenth schedule of the principal Act contains a list of fees payable in respect of bills of sale. Consequent upon the insertion of the new section 13A in the Act, a fee of $4 has been inserted in this schedule as the fee required on the lodging of an application to the registrar for the registration out of time and this fee includes the affidavit in support of the application.

Debate adjourned, on motion by Mr. May.

CEMETERIES ACT AMENDMENT BILL

Second Reading

MR. LEWIS (Moore—Minister for Education) [8.5 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend that section of the Cemeteries Act that empowers the trustees of a public cemetery to enclose the land and lay it out in a suitable way. Additions to the Act by way of amendment have been made to allow the trustees to develop a cemetery more in keeping with modern trends.

On a recent visit to the Eastern States, the Secretary of the Cemeteries Board inspected cemeteries over there and, as a result of his recommendations, it has been agreed that some of the facilities established in modern cemeteries elsewhere in the world will be incorporated in the Pinaroo Cemetery.

This new cemetery is situated on approximately 700 acres of land 17 miles from Perth, in the Wanneroo Shire's district. It is about two miles from Wanneroo Road, with its back boundary along the Mullaloo Beach Road. Although it will be some years before space at Karrakatta is finally exhausted, plans can be put in hand for the development of the Pinaroo Cemetery along proper and modern lines.

Approaches have been made to the Government by private companies seeking approval to establish private cemeteries. The type of cemetery envisaged by these firms is a lawn or park type wherein headstones are horizontal and do not project above the surface of the ground. Cemetery plots would be paid for by instalments prior to death with a fee sufficient to cover maintenance of the grave in the future. An insurance policy is arranged for the person purchasing the plot to ensure that, on death, the plot would be paid for.

This scheme is a sound one and will place the cemetery board in a better financial position if fees are prepaid in this way. However, it is not the desire of the Government to allow private companies to enter into this field. There have been some undesirable features associated with the funeral and cemetery business elsewhere in the world, notably in the United States of America, where it is a highly organised and lucrative enterprise involving estates and bereaved persons in considerable expense. The Karrakatta Cemetery Board considers that such privately-owned cemeteries would not be in the best interests of the people in this State.

Mr. Hall: Hear, hear!

Mr. LEWIS: However, the board is in agreement with some of the better features of these privately-owned cemeteries being introduced into the new Pinaroo Cemetery.

By the provisions of this Bill, the trustees are given authority to develop a lawn-type cemetery with tombstones, headstones, nameplates, etc., that must be in compliance with the by-laws. The Bill provides for the making of by-laws by the trustees to prescribe the maximum size of monuments, tombstones, etc.; to prescribe fees for the maintenance of plots, with provision for the purchase by instalments of a grant of an exclusive right of burial; and prescribe for the entering into agreements as necessary to undertake maintenance of the plot for a number of years or in perpetuity. It would be made possible by an insurance policy arranged through the trustees, to provide security for the due payment in the event of the applicant's death.

In case members might chide me for being very brief, I would like to explain that this is not my Bill—I am really introducing it on behalf of the Minister who usually represents the Minister for Local Government. I commend the measure to the House.

Debate adjourned, on motion by Mr. Toms.

POISONS ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [8.11 p.m.]: I move—

That the Bill be now read a second time.

Twelve months have elapsed since the Poisons Act was proclaimed and the advisory committee has suggested several amendments which would improve the administration of the Act. There is also the unresolved matter of cultivation of opium poppies.

There is no law in this State prohibiting the growing of opium poppies. Commonwealth jurisdiction does not cover matters arising within the State. The Commissioner of Police and the director of Agriculture both support the proposal to legislate, and favour the inclusion of this subject in the Poisons Act.

There may be good reason to permit the cultivation of opium poppies and other plants from which narcotics can be derived, and an outright prohibition is not proposed. It is intended that persons engaged in the cultivation, sale, distribution, or supply of any plant from which a drug of addiction may be obtained shall be licensed and shall keep such books and records and supply such information as may be prescribed or required by the Commissioner of Public Health.

The principal Act requires wholesalers, manufacturers, and retailers of poisons to obtain a license. Other persons may be granted a permit to secure supplies for industrial, educational, or research purposes. Licenses are issued by the commissioner according to a simple procedure. Permits are granted on the advice of the advisory committee. This committee meets irregularly and at considerable intervals and this involves applicants for permits in long delays. The committee recommends that all permits be issued by

the commissioner in the same way as licenses are processed.

Section 34 (1) of the principal Act was intended to prohibit the sale of prescribed poisons to persons under the age of 18 years, and to strangers. The wording of this section is widely misunderstood and it has been reframed to clarify the position. It is intended to repeal subsection (1) of section 39 of the principal Act, as the matter dealt with in that subsection is adequately covered by section 22.

Before a new drug is allowed to be released for sale, the manufacturer must apply to have it listed in one of the eight schedules. Until the committee determines its classification the provisions of the Act relating to poisons will apply. An anomaly occurs where the committee decides that a drug is innocuous and need not be placed in any schedule. The Act does not provide that such a drug is released from control as a poison. It is intended to correct this anomaly. The list of drugs published by the United Nations now uses the term "diacetylmorphine" to refer to the drug described as "diamorphine" in section 41 (2) of the principal Act; and, as the Act was being amended, the committee felt that this point could be adjusted without inconvenience.

Section 50 of the principal Act requires all poisons containers to be labelled "poison" with the exception of stocks in use in pharmacists' dispensaries. A review of other establishments, such as chemical laboratories and analysts' premises, indicates that the exemption should be extended to them also, and it is proposed to give the Commissioner of Public Health power to grant exemptions from labelling.

Debate adjourned, on motion by Mr. Hall.

BREAD ACT AMENDMENT BILL

Second Reading

MR. O'NEIL (East Melville—Minister for Labour) [8.16 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend all monetary references in the Bread Act to corresponding amounts in decimal currency; to alter the hours for the sale and delivery of bread; and to delete an obsolete reference to road board districts.

In a number of sections in the Act money values are stated in terms of pounds, shillings, and pence. Although it is not the main purpose of the Bill, opportunity is taken to change these references to dollars and cents. As this is simply a machinery amendment I am sure members would not wish me to enlarge further on this aspect of the Bill.

Members, particularly those who represent electorates in the metropolitan area, will no doubt recall that quite recently—on Monday, the 6th June, 1966—for the first time in 12 years fresh bread was available on a Monday holiday to metropolitan housewives. Whilst there was no door-to-door delivery, this fresh bread could be obtained in certain classes of shops. This development, which I am sure was welcomed by everyone, was the result of a consent agreement between the bread manufacturers and the Bakers' Union.

The Act prescribes that bread shall be made or baked for sale only during the hours specified in the award covering the areas comprising a radius of 28 miles from the General Post Office, Perth, and a radius of eight miles from the principal post office, Kalgoorlie. As a result of amendments to the Bakers' (Metropolitan) Award on the 10th May, 1966, the time for the commencing of the baking of bread in these areas has advanced from 3 a.m. to 1 a.m. on Mondays, and from 4 a.m. to 2 a.m. on Tuesdays to Thursdays.

The aim of this alteration, which was the result of the consent agreement between the bread manufacturers and the Bakers' Union—to which I have already referred—was to allow more time in which to make, cool, slice, and wrap bread; and also to allow the full range of different types of bread being produced for loading into vehicles making the first delivery of the morning from bakehouses.

To achieve this objective it is necessary that deliveries of bread should not commence by the vehicles leaving the bakehouses at any time earlier than that which prevailed before the award was amended. It has, therefore, been requested by the master bakers, the Bakers' Union, and the Transport Workers Union, that arrangements be made to amend the Bread Act to observe these delivery hours. The Act at present provides for delivery to commence at 6 a.m. on Mondays to Fridays; and at 5 a.m. on Saturdays. But these times of commencing delivery are modified by a section of the Act which prohibits the delivery of bread at any time within three hours of the time fixed in the award for commencing baking.

With the award as it was prior to amendment, the effect of the section was to make the times of delivery not earlier than 6 a.m. on Mondays; 7 a.m. on Tuesdays, Wednesdays, and Thursdays; 6 a.m. on Fridays; and 5 a.m. on Saturdays.

The hours of delivery prevailing before the amendment have been retained by the exercise of the power of the Minister under the Act to grant authority to observe substituted hours for those prescribed for the delivery of bread.

The proposed amendment to the Act will alter the hours at present specified for the sale and delivery of bread; it will incorporate provisions that delivery of bread shall commence by vehicles leaving the respective yards or depots on Mondays and Fridays not earlier than 6 a.m.;

on Tuesdays, Wednesdays, and Thursdays: not earlier than 7 a.m.; and, on Saturdays, not earlier than 5 a.m. Bread delivery will cease at 7 p.m. on each of these days.

As a result of changes to the legislation dealing with local authorities, references to road boards in the Bread Act were deleted by a 1962 amendment. One section of the Act, however, still contains a reference to the district of such a board, and as this term is obsolete, it is proposed to amend the Act by deleting this reference. I commend the Bill to the House.

Debate adjourned, on motion by Mr. W. Hegney.

EVIDENCE ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [8.22 p.m.]: I move—

> That the Bill be now read a second time.

This Bill was introduced by the Minister for Justice in another place and passed. Its main purpose is to facilitate the admission in evidence of photographic copies of documents.

Members passed a Bill along these lines in 1964, restricted in its application to the production of photographic copies of documents and material held by the Library Board, so long as such documents were certified by the board as being certified copies of the originals. I mention this in passing for members will, no doubt, recall our having dealt with certain aspects related to the production, as evidence in court, of photographic documents under certain circumstances.

Lest there be any confusion between the 1964 Bill and this piece of legislation, I quote from a 1963 report of a subcommittee of the Victorian Chief Justice's Law Reform Committee as follows:—

> It will thus be seen that the problem is not one of legislating for the acceptance of photographs as opposed to printed, typed or hand written copies, for this is already part of the law. It is rather one of legislating for a means of perpetuating the testimony which would render the photograph admissible under the best evidence rule.

In this connection, I refer members to clause 5 of the Bill.

I mention that in 1960, the Victorian Employers' Federation and the Victorian Law Institute made representations to the Attorney-General with a view to the appropriate Statute being amended to enable micro-film records being more readily admissible in court as evidence.

This latter is the main purpose of this measure and the Bill, which I am now introducing, emanates from a suggestion made to the meeting of the Standing Committee of Commonwealth and State Attorneys-General which was held in Adelaide in July, 1963, that there should be legislation to facilitate the use of photographic copies of documents as evidence in courts of law.

Subsequently, the standing committee adopted this suggestion and instructed its officers to prepare a Bill which would serve as a basis for uniform legislation throughout Australia. A final draft of the Bill was presented to the standing committee at its meeting in Melbourne in July, 1965, and was then adopted.

Victoria has already passed the Bill into law under the title of Evidence (Reproductions) Act, 1965, and it is expected that the Commonwealth and the other States will do likewise in the near future.

As already indicated, the main idea behind this measure is a desire to facilitate the production in evidence of photographic copies of documents. As the law stands, a photographic copy of a document may be produced in evidence, provided that the original has been lost or destroyed and evidence is given that the copy is a true likeness of the original. These requirements must normally be met by the *viva voce* evidence of witnesses having direct knowledge of the facts; and, with regard to the latter requirement, the witness will normally have to state he has checked the copy with the original.

Such requirements obviously discourage acceptance of the practice which is becoming increasingly desirable in certain sectors of business and Government administration of micro-filming routine documents and then destroying them. It also prevents the production of photographic copies of extant documents, even though a properly-authenticated copy is perfectly satisfactory as evidence and production of the original may be most desirable. In this connection, I instance documents which are in continuous use or irreplaceable.

Three categories of copy would be admitted. Firstly, copies of documents in the official custody of courts and officers of the Crown, such as the Registrar General or the Registrar of Titles. Secondly, copies of routine business documents that have been destroyed—and, I might mention in this connection that "business" includes public administration—and the third category would cover micro-film copies of routine business documents that are still extant providing that they have been made on a machine approved by the Attorney-General.

I further enlarge on this by pointing out that a copy within the first category mentioned will be admissible so long as it bears what purports to be a certificate by the person having official custody of the original to the effect that it is a photograph of the original. Copies in categories

two and three will be admissible on production of an affidavit or copy thereof made by the photographer and adverting to certain specified circumstances surrounding the taking of the photograph. Photographs of routine business documents will not be admissible unless the originals have been retained for sufficient time to permit revenue officers to carry out necessary checking. Photographs made in other States or in territories of the Commonwealth and admissible in evidence under the corresponding legislation in those jurisdictions will be admissible in this State.

The court or person acting judicially to whom a photographic copy of a document is submitted may reject it as evidence, notwithstanding that it was made and tendered in accordance with the Act, if he feels, on any reasonable inference from the surrounding facts, that its admission would be inexpedient in the interests of justice.

The aforementioned idea of reciprocity does not prevent incidental changes being made for the purpose of adapting the accepted draft to particular State requirements. Consultation already had with the Assistant Commissioner of Stamps, the Chief Justice and other authorities in this State indicated that some such amendments to the model draft Bill to meet our own requirements would be desirable.

This measure, then, is similar to that of the Victorian Act, which is based on the model Bill, except as to the form, drafting style, and changes to meet local requirements, particularly in the matters I am about to mention.

Clause 12 introduces new section 73K, which states that a reproduction made through the medium of a negative shall not be admitted as evidence in any proceedings unless the court is satisfied that the negative is in existence at the time of the proceedings and that the document reproduced was in existence for a period of not less than two years after the document was made.

At this point I would mention the period is one year in the Victorian Act. In this Bill the period is two years. This was changed, at the request of the Assistant Commissioner of Stamps, for the reason that section 117 of the Stamp Act, 1921-1965, allows two years from the time of the committing of an offence under section 39 of the Stamp Act for the taking of a prosecution for the offence.

Clause 15 introduces section 73N which reads—

> A presumption that may be made in respect of a document over thirty years old may be made with respect to a reproduction of that document admitted in evidence under this Division in all respects as if the reproduction were the document.

The period is 20 years in the Victorian Act. It is 30 years in this Bill because Victoria already has reduced the period from 30 to 20 years under section 58 of the Evidence Act, 1958, of Victoria in respect of the presumption relating to certain documents. The presumption, by a general rule of law, is that—

> A document thirty years old, that is, a document dated thirty years back, proves itself if produced from 'proper custody' as an 'ancient' document.

This period still applies in Western Australia.

Clause 21 introduces section 73U, which provides that where a document is chargeable with stamp duty under the Stamp Act of 1921, a reproduction of the document is not admissible under the new legislation in any proceedings before a court unless the reproduction of the document shows or establishes, to the satisfaction of the court, that it was duly stamped in accordance with that Act.

This provision is not contained in the Victorian Act. It was drafted to protect the revenue, and at the request of the Assistant Commissioner of Stamps. It provides for the exemption from stamp duty of the reproduction of a document when the original is duly stamped, and from the necessity of stamping any affidavit or statutory declaration used for the purposes of the Act.

Clause 52 introduces section 73V to empower the Governor by proclamation to exclude any particular document or class of documents from the provisions of this Act. This amendment has been suggested by the Master of the Supreme Court and supported by His Honour, the Chief Justice. His Honour, particularly, wishes the established probate practice to be protected.

Section 53T of the Victorian Act is not included in the Bill, as it appears that what that section does in the Victorian Act is already covered by section 5 of our existing Evidence Act, providing as it does a protection that the Evidence Act itself does not derogate from existing powers, but is accepted as an addition to any powers, rights, or rules of evidence existing at common law, or given by any law at any time in force in the State not inconsistent with the provisions of the Evidence Act.

In conclusion I might remark that, while the best proof of what is contained in a document is its production in its original form, this is not always possible, with the resultant adoption of the "best evidence rule" enabling a copy to be admitted as evidence, when it can be shown that the original was lost or destroyed, and that the copy submitted is a true copy. In the matter of a photocopy, the normal practice in the face of doubt would be to require

the photographer to give verbal evidence of the circumstances surrounding the copying, even if this be to the extent of requiring a statement by him that the normal photographic process was adhered to and that nothing was done to interfere with the accuracy of the result.

In the event of the photographer being unable to be present, however, there would be no way of proving the authenticity of the copy and, accordingly, some other means is necessary to enable the advantages of the micro-filming process for instance, to be effectively used. This process is widely used these days; yet, in the event of the destruction of the original document, though micro-filmed, supporting evidence is required.

The Bill is accordingly commended to members as a progressive piece of legislation permitting the effective production of the results of modern processes as evidence in court for the better conduct of the business of the community.

Debate adjourned, on motion by Mr. May.

DEBT COLLECTORS LICENSING ACT AMENDMENT BILL

Second Reading

MR. COURT (Nedlands—Minister for Industrial Development) [8.34 p.m.]: I move—

> That the Bill be now read a second time.

This Bill has been passed in another place and has, as its objective, in two distinct directions, amendment of the Debt Collectors Licensing Act of 1964. Firstly, it is proposed to dispense with the requirement that an applicant for the renewal of his license must support his application with character testimonials; and, secondly, to clarify the law in respect of appeal procedures.

With a view to relieving members of the necessity to turn up the relevant section in the Act, I would inform members that section 8 (2)(a)(i) of the Debt Collectors Licensing Act, 1964, requires that an application for a license or renewal thereof shall be accompanied by testimonials as to the character of the applicant, signed by not less than three reputable persons.

Section 8(4) of the Act requires that, upon the receipt of an application for the grant or renewal of a license the clerk of the court shall notify the police who shall inquire into the character and suitability of the applicant to be a licensee and shall report in writing thereon to the court. There is thus no distinction in procedure between an application for a license and an application for a renewal of a license in regard to the foregoing.

I would point out, furthermore, that under subsection (9) of section 8, the applicant for a renewal of a license is not required to attend before the court hearing the application unless he is notified that the application will be objected to; but there is no other relief provided in the case of applications for renewal.

By way of explanation, I would instance that in the case of land agents, section 4(3) of the Land Agents Act requires the court to be satisfied that the applicant for a license is suitable for the purpose, but the matter of renewals of licenses is dealt with in accordance with regulations under section 5A; and regulation No. 4(1) provides—

> In the case of an application for renewal of a current license, the applicant is not obliged to lodge, together with the copies of the applications, any statement or particulars or any testimonial, unless the court having jurisdiction to hear the application, or the committee, so requires.

I suggest it appears reasonable that a similar provision should be provided in the Debt Collectors Licensing Act. The amendment contained in clause 2 of this Bill has accordingly been drafted and is commended to members for their consideration.

The brief amendment contained in clause 3 deals with the second matter mentioned; and, in this connection, I explain that under the Supreme Court Act, 1936, section 58(1)(e), the Full Court of the Supreme Court has jurisdiction to hear and to determine appeals from local courts. The Law Society of W.A. believes that this may be construed that a debt collector who is aggrieved by the refusal of a local court to grant him a license or a renewal of a license under section 8 of the Debt Collectors Licensing Act, or by an order of the court cancelling his license under section 10(2) of that Act, might have to appeal to the Full Court.

On the wording of the section, the Government's legal advisers do not consider this would be so. Nevertheless, in order to put the matter beyond doubt, the amendment contained in clause 3 has been drafted and this will clarify that the appeal would be to a single judge of the Supreme Court which, in view of the nature of the appeal, should be an adequate appeal tribunal.

Debate adjourned, on motion by Mr. Norton.

House adjourned at 8.38 p.m.