

I will not be put off by being told that it cannot happen. I would prefer to see the administration strained rather than to see abuses being practised in what we regard as a democracy. I hope members on the other side of the House will examine their conscience and give me their support on the Bill I have introduced.

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

Ayes—17

Mr. Bickerton
Mr. Brady
Mr. Evans
Mr. Fletcher
Mr. Graham
Mr. Hall
Mr. Hawke
Mr. W. Hegney
Mr. Jamieson

Mr. Kelly
Mr. Moir
Mr. Rhatigan
Mr. Rowberry
Mr. Sewell
Mr. Toins
Mr. Tonkin
Mr. Norton

(Teller)

Noes—24

Mr. Bovell
Mr. Brand
Mr. Cornell
Mr. Court
Mr. Crommelin
Mr. Dunn
Mr. Durack
Mr. Elliott
Mr. Gayfer
Mr. Guthrie
Mr. Hart
Mr. Hutchinson

Mr. Lewis
Mr. W. A. Manning
Mr. Marshall
Mr. Mitchell
Mr. Nalder
Mr. Nimmo
Mr. O'Connor
Mr. O'Neill
Mr. Runchman
Mr. Rushton
Mr. Williams
Mr. I. W. Manning

(Teller)

Pairs

Ayes

Noes

Mr. May
Mr. Curran
Mr. Davies
Mr. J. Hegney

Mr. Craig
Mr. Grayden
Mr. Burt
Dr. Henn

Majority against—7.

Question thus negatived.

Bill defeated.

House adjourned at 11.30 p.m.

Legislative Council

Thursday, the 21st October, 1965

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

QUESTIONS (2): WITHOUT NOTICE

SITTINGS OF THE HOUSE

Thursday Nights and Suspension of Standing Orders

1. The Hon. F. J. S. WISE asked the Minister for Mines:

- (1) What are the Minister's intentions in regard to the likely length of sittings, and sitting days, from now to the end of the session?
- (2) As it is customary about this time of the parliamentary session to suspend Standing Orders to facilitate business, will he advise the House what he intends to do?

The Hon. A. F. GRIFFITH replied:

- (1) and (2) I propose to give notice of the customary motions next week asking for the suspension of Standing Orders. I also propose that the House shall sit on Thursday evening from next Thursday onwards.

The Hon. F. J. S. Wise: Inclusive?

The Hon. A. F. GRIFFITH: Yes; with the reservation that if we are able to make sufficient progress on Tuesday, Wednesday, and Thursday, up to dinner time, then sitting next Thursday night might not be necessary. I would like members to appreciate that it is desirable to try to maintain a balance of legislation between the two Houses; and, being responsible for the Government's legislative programme, I am constantly trying to watch to see that this occurs. At the moment the Legislative Assembly's notice paper is not very thick, if I might use that expression, but notice of some further Bills will be given there this afternoon, I think, and this will bring the matter back to a tidier state.

Even with the suspension of Standing Orders it would be the desire of Ministers, as has been the case generally, that members be permitted to secure the adjournment of the debates on Bills in sufficient time for proper consideration to be given. So far as Ministers are concerned this will continue to be the case. In order that we might make progress, however, it would be appreciated if unnecessary adjournments are not requested. I do not think this is an untoward request. So long as adjournments are considered necessary by members, they will be granted; but it would be appreciated if adjournments are put in the category of being considered necessary before they are moved.

2. The Hon. F. J. S. WISE asked the Minister for Mines:

I appreciate what the Minister has said in regard to due time being permitted for the examination of Bills following an adjournment. I take it that what the Minister wishes us to do is that, following a reasonable adjournment on a Bill, when next the item is called on, that item be completed as soon as practicable?

The Hon. A. F. GRIFFITH replied:

This is, of course, very desirable. There are times in the progress of legislation when it is required to report progress or to seek an adjournment. I simply suggest that in the interests of the administration of the business it would be appreciated if this can be avoided until it is necessary. This will enable us to get through our legislative programme more satisfactorily.

QUESTIONS (4): ON NOTICE INSTITUTE OF TECHNOLOGY

Official Title

1. The Hon. J. DOLAN asked the Minister for Mines:
 - (1) What is the official name of the Institute of Technology at Bentley?
 - (2) When will qualifications obtained by students at this institute cease being referred to as qualifications of the Perth Technical College?

The Hon. A. F. GRIFFITH replied:

- (1) The Western Australian Institute of Technology.
 - (2) When the institute has been officially constituted, and it is not known at this stage what the actual date will be.
2. *This question was postponed.*

HAMILTON HIGH SCHOOL

John Curtin High School Annexe: Use

3. The Hon. J. DOLAN asked the Minister for Mines:
 - (1) Will classes from the Hamilton High School be accommodated next year at the Princess May annexe of John Curtin High School?
 - (2) If the answer to (1) is "Yes", where will the first year students of John Curtin High School be accommodated?

The Hon. A. F. GRIFFITH replied:

- (1) Yes.
- (2) It is hoped that all will be accommodated at John Curtin Senior High School. However, it may be necessary to accommodate a small number at Princess May annexe.

LAND AT ESPERANCE

Reservation for Esperance Land and Development Company

4. The Hon. R. H. C. STUBBS asked the Minister for Mines:
 - (1) Has Crown land east of the eastern section of the Esperance Land and Development Company's present holding at Esperance been reserved for future use by that company in any way?

Release under Conditional Purchase Terms

- (2) If the answer to (1) is in the negative, will the Minister indicate if the area is to be released under conditional purchase conditions to individual applicants?
- (3) If so, when can it be anticipated the land will be thrown open for selection?

The HON. A. F. GRIFFITH replied:

- (1) No.
- (2) An area of approximately 343,000 acres has been set aside for future investigation.
- (3) It is not possible to indicate when this land will be available for selection.

DENTAL HYGIENISTS REGISTRATION BILL

Report

Report of Committee adopted.

ELECTORAL DISTRICTS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [2.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill which has been passed by the Legislative Assembly seeks to amend the Electoral Districts Act. Since the Legislative Assembly was first established changes have taken place in the number of members in that House. In the year 1899, nearly 66 years ago, the number of members was increased from 33 to 50, and this figure of 50 has remained unchanged since that year—1899. The population in 1899 was 170,000, but today our population in Western Australia exceeds 800,500. Notwithstanding an attempt by a previous Government in 1954 to increase the number of members from 50 to 52, no increase in the numbers has taken place from 1899 to 1965.

Should the yardstick by which the number of seats is to be determined be based on a population increase, then the number of seats would need to be more than doubled. This, of course, would not be reasonable, and much argument could, no doubt, be adduced on the question of a suitable number of seats. The Government, however, considers that generally speaking the number of 50 is not unsatisfactory but, due to the fact that a redistribution under the existing law would, it appears, decrease the number of seats in the Agricultural, Mining, and Pastoral Area and increase the number of seats in the Metropolitan Area, an increase has been decided upon.

The commencing point of this Bill, therefore, provides for an increase to 51 seats. An added reason for choosing the number of 51 is that whilst it cannot be concluded that this will happen, an odd number of seats will be less likely to result in a deadlock in the numbers of the Legislative Assembly.

Whilst the Bill amends the Electoral Districts Act, 1947-1963, the general principles of that Act are maintained but included are a number of variations considered necessary and desirable by the Government.

I would now like to explain in some detail the various clauses of the Bill and the effect of such clauses on the Act. Before proceeding to that point, perhaps I should say that it will also be necessary to introduce a Bill to amend the Constitution Acts Amendment Act to provide for the proposed increase in the number of seats to 51.

Clause 1, of course, Mr. President, is the short title. May I say at this point of time that I trust you will allow me to refer to these clause numbers, because in describing a Bill of this nature this is quite important. The Bill itself does not contain a great number of clauses, but the appropriate clauses and the effect on the amended sections of the Act are more readily understood if reference is made to them as I proceed. Clause 2 provides for the amending legislation to come into operation on the date on which the complementary Bill for an Act to amend the Constitution Acts Amendment Act is proclaimed to come into operation.

The next clause contains an amendment to the long title appearing in the heading to the principal Act. The portion of the title being taken out is redundant.

Paragraph (a) of clause 4 seeks to amend section 3 to provide that the commissioners' duties shall commence as from the date of the coming into operation of this legislation, and the issue of a separate proclamation for a redistribution of seats will not be necessary. Paragraph (b) of the same clause is to alter from 50 to 51 the number of electoral districts into which the State is to be divided by the electoral commissioners, and paragraph (c) contains a consequential alteration.

The amendments sought in clause 5 are to section 4 of the principal Act, which forms the basis of the commissioners' duties.

Paragraph (a) of this clause contains a provision altering the title of the North-West Area to the North-West-Murchison-Eyre Area, and paragraph (b) provides that the commissioners shall regard the Metropolitan Area as the area described as such by the electoral commissioners in their report on the latest redistribution of electoral districts, as published in the *Government Gazette* of the 14th December, 1961. Perhaps I should clear up this point. The latest report of the electoral commissioners was not in 1961; it was in 1964. However, the report to which I am referring of 1961 was the report in connection with the redistribution of both Houses of Parliament.

The North-West-Murchison-Eyre Area is defined under clause 5 as embracing the existing North-West Area; that is the area

encompassed by the districts of Gascoyne, Kimberley, and Pilbara, with the addition of the Murchison District less that portion of the Murchison District which lies south of the northern boundary of the municipal district of the Shire of Kalgoorlie. It is provided that the new North-West-Murchison-Eyre Area will, as its title implies, also include that portion of the Boulder-Eyre District located east of 123 degrees of longitude. It is considered that the vast expanse of the sparsely populated Murchison District should be attached to the existing North-West Area and the new area should also include the similarly sparsely populated portion of the Boulder-Eyre District located east of 123 degrees of longitude.

A small portion of the Murchison District immediately north of Kalgoorlie should, it is considered, be reattached to Kalgoorlie with which it has a community of interest.

In the final report of the commissioners published in the *Government Gazette* of the 22nd August, 1955, it was suggested that the Murchison District should be placed in the same category as the North-West Districts and have its boundaries fixed regardless of population. I think this is a sound piece of reasoning.

The Hon. F. J. S. Wise: They can be varied when Parliament decides.

The Hon. A. F. GRIFFITH: Of course; they can be varied by the introduction and passing of another Bill. That applies to every section of this Act.

It should be made clear that, except for the excisions from the Agricultural, Mining and Pastoral Area as set out in clause 5, the Metropolitan Area and the Agricultural, Mining and Pastoral Area as described by the Electoral Commissioners in their report published in the *Government Gazette* of the 14th December, 1961, cannot under this Bill be altered. The boundaries of the electoral districts contained within those areas may, however, be adjusted.

The purpose of this is to give to the commissioners the responsibility of adjusting the boundaries of the areas as defined in the Act. As I proceed with the introduction of this Bill I will tell the House how it will be done. It is in the machinery of the existing legislation.

The title "North-West-Murchison-Eyre Area," to say the least, evoked some criticism in the Lower House, but this title received a good deal of consideration when the Bill was being drafted, and it appears to the Government to be fully descriptive of the area which it embraces.

It was suggested that instead of being called "North-West-Murchison-Eyre Area," it might be better if it were called the "North-West-Eyre-Murchison Area."

The Hon. F. J. S. Wise: It would be more euphonious.

The Hon. A. F. GRIFFITH: The Murchison seat would lose its significance and it would tend to suggest that the importance of that particular area rests on Eyre rather than on Murchison.

The Hon. F. J. S. Wise: I think it is far better to have the name descriptive rather than as a remote area.

The Hon. A. F. GRIFFITH: I quite agree, and this title is descriptive. After all, that portion of the Boulder-Eyre seat which has been taken into the remote area is substantially the Eyre portion.

Clause 6 contains an amendment to paragraph (c) of section 5 to provide that in ascertaining the number of districts into which the Metropolitan Area and the Agricultural, Mining and Pastoral Area are to be divided, where each quotient includes the fraction of a whole number, the commissioners shall increase the greater fraction to the nearest whole number and disregard the lesser fraction in the quotient for the other.

Under the existing provisions, any fraction of a whole number is applied to increase the fraction in one direction only—the Metropolitan Area. The proposal in the Bill is considered to be more equitable as it deals with either situation. For instance, if working upon the quotient it is ascertained that the figure is 22.001, then under the existing legislation the number of seats in the metropolitan area has to be 23. It is considered fairer and certainly a more equitable proposition that this should not be so, and every metropolitan, mining, pastoral, and agricultural area, should give one to the other if the result of the quotient is more than half. If there is a movement in population this will automatically operate, but not in favour of just one portion of the country.

Clause 7 seeks to repeal and re-enact subsection (2) of section 7 to provide for the North-West-Murchison-Eyre Area to be divided by the Electoral Commissioners into the four electoral districts of Gascoyne, Kimberley, Pilbara, and Murchison, as they were determined by the Electoral Commissioners in their report published on the 14th December, 1961, excluding that portion of the Murchison District which lies south of the northern boundary of the municipal district of the Shire of Kalgoorlie, and including that portion of the Boulder-Eyre District located east of 123 degrees of longitude.

Paragraph (b) of clause 7 provides that the North-West-Murchison-Eyre Area shall be divided into two electoral provinces, one consisting of the electoral districts of Kimberley and Pilbara and the other of the electoral district of Gascoyne and the electoral district of Murchison as altered by the exclusion of the portion of the Murchison District situated south of the northern boundary of the Shire of Kalgoorlie and by the inclusion of the portion

of the Boulder-Eyre District located east of 123 degrees of longitude. This could have been left to the commissioners but, in view of their determination 12 months ago, it seemed logical to express it in the Bill. In fact, what the commissioners did 12 months ago was to divide this area into those two provinces.

Clause 8 empowers the commissioners to modify the boundaries of the electoral districts contained in the Metropolitan Area and the Agricultural, Mining and Pastoral Area and to designate or re-designate those districts. The commissioners are also empowered to modify the boundaries of the Murchison District as described in the definition of the North-West-Murchison-Eyre Area and may re-designate that district.

The next clause, No. 9, repeals and re-enacts subsection (2) of section 9 and empowers the commissioners to adjust the boundaries of the 15 electoral provinces. Each of the five electoral provinces in the Metropolitan Area is to consist of four or five complete and contiguous electoral districts and each of the eight electoral provinces in the Agricultural, Mining and Pastoral Area is to consist, as far as possible, of three complete and contiguous electoral districts.

At this point might I say in relation to the metropolitan area, as I said the session before last, the machinery of the Act, even as it will be amended by this Bill will still operate satisfactorily until there is an excess of 25 seats in the metropolitan area. At that time it will be necessary for the Government of the day to introduce legislation to correct that situation.

In these two areas each province is required to contain, as far as possible, the same area as it contained immediately prior to the coming into operation of the amendments envisaged in this Bill.

This provision is regarded as reasonable in view of the determination of the Electoral Commissioners made in 1964—no more change than is necessary should be made because of the recent determination of province boundaries. It will also preserve the identity of provinces for members of the Legislative Council who will retire in 1971 or later, as they will automatically continue to represent the provinces for which they were elected. It is not desirable that the identity of the provinces should completely change. Nor is it desirable, I think, for us to have to refer to the same machinery methods we had to resort to in respect of placing the 15 members of the Legislative Council into seats as a result of the action consequent on the 1965 election.

The Hon. F. J. S. Wise: It will be much simpler than that.

The Hon. A. F. GRIFFITH: It will, indeed, because no action will be necessary, but the desirability of retaining the identity of the province is quite necessary in order that we do not reach a situation in reverse; namely, a member representing province A until 1971, and it having, in fact, its identity destroyed as a result of the redistribution of boundaries within that province.

Clause 9 also enables the commissioners to adjust the boundaries of the two electoral provinces in the North-West-Murchison-Eyre Area so that they conform to the requirements of paragraph (b) of clause 7. Subclause (2) of clause 9 provides that the adjustment of the boundaries of any province does not affect a member of the Legislative Council who was elected for that province and who is due to retire in 1971, or such other member who is not due to retire next after any such adjustment. That would be the member who retired in 1968, and he will be entitled to sit and vote as though the amendments had not been passed, unless he is precluded by law from doing so.

Clause 10 contains a consequential alteration to section 10. As has already been said, no proclamation will be necessary for the first adjustment of boundaries, as the duties of the commissioners will commence as from the date the amending legislation operates.

Clause 11 repeals and re-enacts the provisions of section 11 in regard to the promulgation of the final recommendations of the Electoral Commissioners, and the requirements in regard thereto follow generally the existing section. Clause 11 is a more effective recast of section 11 of the Act.

As the specific purpose for which section 11A was included in the Act by the Electoral Districts Act Amendment Act, No. 69 of 1963, has now been fulfilled, clause 12 of the Bill provides for the repeal of the spent section.

Clause 13 seeks to amend section 12 of the Act in regard to future redvisions when Electoral Commissioners are so directed by proclamation. The new sub-section (2), as proposed by clause 13, provides that such proclamation shall be issued if—

- (a) both Houses of Parliament pass a resolution to that effect; or
- (b) the Chief Electoral Officer appointed under the Electoral Act, 1907, submits a report to the Minister of the Crown to whom the administration of that Act is for the time being committed by the Governor, that it appears from the rolls for the electoral districts made up for the last preceding general election for the Legislative Assembly, that the number of electors on each such roll in respect of

not less than eight electoral districts falls short of or exceeds by one-fifth or more the quota for those districts.

Under the existing Act, the proclamation was required to be issued on a resolution of the Legislative Assembly only. The Bill requires a resolution of both Houses, which should be the case now that the Legislative Council is elected on the same franchise.

The number of districts on which the report is to be formulated is to be increased to eight—five in the existing Act—to lessen the frequency of redistributions. This is a principle which has been previously propounded. Members may ask why eight was chosen as the number. The reason is that my research into three previous redistributions disclosed that in one case the number of districts out of balance was eight, in another it was nine, and in another 10. In view of the fact that the population of the State is rapidly increasing, five seats is by no manner of means sufficient, because it would bring about a redistribution of seats much too frequently, and therefore it was considered that the average of eight would be a suitable number.

When I say this was a principle that was previously propounded, I would explain that the legislation which was introduced by a previous Government in 1954 sought to provide that a redistribution of seats should not take place more frequently than every six years. The value of this is debatable, because a situation could arise whereby 10 seats could be out of balance, as they are now, but such a provision in the Act could prohibit a redistribution; and I think this is a better method of solving the problem.

Subclause (2a) of the Bill requires the Chief Electoral Officer to submit the report referred to within six months of the date of the polling day for the last preceding general election for the Legislative Assembly. The clause further provides for the making of the proclamation referred to within three months from the date the report is submitted by the Chief Electoral Officer, or forthwith after the expiration of six months from the date of the polling day for the last preceding general election, whichever is the later date.

The existing Act contains no period within which the Chief Electoral Officer's report should be submitted. Suffice to say that, from time to time, this has been a controversial point. The Bill prescribes this period as being within six months after the date of the polling day for a Legislative Assembly general election.

The proclamation of a redistribution is to be issued within three months of the report, or six months after the date of polling day, whichever is the latest date. These two actions will become mandatory, and will be clearly operated on the part of the Chief Electoral Officer, and also in

respect to the issue of the proclamation. This period is considered desirable to enable the finalisation of all actions on the rolls following upon a general election so that the redistribution will be carried out on a firm basis.

I heard it said that the Chief Electoral Officer could issue his report the next day following the general election. It has been suggested to me that he certainly could do this within 30 days of the date of the election. In fact, he could give his Minister a report on the state of the rolls before the election took place—before the rolls were compiled for the purposes of the election.

The Hon. R. Thompson: We usually get them 21 days before an election, do we not?

The Hon. A. F. GRIFFITH: That would depend on circumstances. Sometimes the period varies, as in the case of a by-election. However, I merely wish to make that point. The report the Chief Electoral Officer submits to his Minister simply shows the electoral strength of the 50 seats: that so many seats are out of balance, or that there are no seats out of balance, as the case may be. This is all the information we have to go on, so the Government is desirous that the Chief Electoral Officer should have more time in order that he can avail himself of all the necessary machinery in the department not only to ascertain accurately the state of the rolls, but also what the enrolment situation is.

Members will find that the rolls were prepared for the last election, and the enrolment figure was, from time to time, 408,000 odd. A short time after the poll was taken, the figure increased to something in excess of 408,000, but by the time the Chief Electoral Officer had sent out all the letters to those who did not vote, and gathered all the information from his presiding officers throughout Western Australia, the number on the rolls had increased to a figure between 408,000, and the figure to which the enrolments had previously climbed. This was the true position. About four or five months after an election—it usually takes about that period—we receive the statistical report on that election.

The Hon. R. Thompson: What is the cause? Is it due mainly to changes of address?

The Hon. A. F. GRIFFITH: Due to changes of address and to other factors. An elector might not vote, in which event a notice would be sent to him, but he might not answer. If he does not, then the Act provides that his name be removed from the roll. All this information takes a considerable time to gather. At this point of time we think the Government of the day will be in possession of all the facts relating to enrolments in the State.

The provision included in paragraph (c) of subclause (2a) sets down that the quota upon which the report is based is to be ascertained by the Chief Electoral Officer in accordance with sections 5 and 6 of the Act and is to be calculated by the Chief Electoral Officer on the number of electors on the rolls made up for the last preceding general election for the Legislative Assembly, and not the quota ascertained by the Electoral Commissioners at the redistribution, which, in fact, could have been several years previously.

What happens at the moment is that a report from the Chief Electoral Officer is submitted indicating that six seats are out of balance. In that event a proclamation might follow requiring a redistribution to be effected, and the Electoral Commissioners would be obliged to refer to the report in order to arrive at the quotas, but the figures in the report would not be for the year when the redistribution is to be made. It is only sound reasoning to say that quotas should be based on present-day figures.

Paragraph (b) of clause 13 contains a consequential amendment to subsection (5) of section 12. Paragraph (c) of clause 13 repeals subsection (6) of section 12 and provides that, on and by virtue of an Order-in-Council, the final recommendations of the commissioners to which the Order-in-Council relates will take effect and have the force of law only in respect of—

- (a) the general election for the Legislative Assembly held next after the date of the publication of that order;
- (b) general elections and by-elections for the Legislative Assembly held after that general election;
- (c) the general elections for the Legislative Council held next after the date of the publication of the Order-in-Council;
- (d) general elections and by-elections for the Legislative Council held after the general election mentioned in the preceding paragraph;

until the next succeeding division of the State into electoral districts and electoral provinces in accordance with the Act. This procedure may seem to be somewhat complicated, but in reality it is not. The four paragraphs (a) to (d) which I have just read out provide for all the eventualities which might occur. I hope and trust that members will remain in good health and will live to stand for their next election.

The Hon. R. Thompson: You are being very kind to us again.

The Hon. A. F. GRIFFITH: I am always kind to the honourable member. This clause is intended to deal with any situation which might arise in relation to

future elections or by-elections. Clause 13 also includes a provision repealing subsection (7) of section 12. The provisions of subsection (7) are no longer required. Clause 14 repeals section 14 of the Act as its provisions are no longer applicable.

As it is considered that the provisions in section 15 for any two commissioners to form a quorum should not apply, clause 15 repeals the whole of section 15. This means all the commissioners must be in attendance at the one time, and no question of a quorum will arise. No regulations have been made under this section and none are considered necessary. It is thought that the importance of the commissioners' deliberations should require attention by all three commissioners at the one time. Clauses 16 and 17 repeal the first and second schedules of the Act as their inclusion is now unnecessary.

I have gone to some length to explain the various clauses of this Bill and their effect on the appropriate sections of the Act, in order that members will have a clear explanation of this measure.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

CONSTITUTION ACTS AMENDMENT BILL (No. 2)

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Justice) [3.15 p.m.]: I move—

That the Bill be now read a second time.

This is a very small Bill, which does not require a lengthy explanation. It is the one to which I made reference in my second reading speech on the Electoral Districts Act Amendment Bill. The measure simply seeks to amend the Constitution Acts Amendment Act to provide for 51 members in the Legislative Assembly in place of the existing 50 members. No other explanation is required.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

JENNACUBBINE SPORTS COUNCIL (INCORPORATED) BILL

Second Reading

THE HON. L. A. LOGAN (Upper West) [3.17 p.m.]: I move—

That the Bill be now read a second time.

I should explain to the House that this is not a Government measure. It was introduced in another place by Mr. Lewis, and is being introduced by myself in this House, because we happen to be the representatives of the area which the Bill affects. To a certain extent I am introducing the Bill in a private capacity.

The Jennacubbine Race Club Incorporated is now defunct and it is desired, by the passing of this measure, to vest the assets of this body in the Jennacubbine Sports Council Incorporated.

The idea of forming a sports council for the district was conceived by various leading citizens, most of whom are former members of the race club. It is envisaged that the sports council will take over the former race course for the purpose of establishing a general sporting area within which all sports may have their grounds.

The idea was discussed and approved by a general meeting of citizens and I have been informed that no opposition was raised. The shire council has also expressed its approval.

The draft constitution of the new association has been prepared and approved by a number of sporting clubs in the area, and they have agreed to become the foundation constituent bodies. Included among the sports represented are football, cricket, tennis, hockey, and basketball. Membership will be open to any other sporting body wishing to join.

It is proposed, as already implied, that the council be incorporated under the Associations Incorporation Act. Steps will be taken to do this immediately the race club's land and other assets comprising some £600 in a bank at Northam can be vested legally in it. The transfer cannot be made other than by legislation.

To explain the position, I would point out that the rules of the race club provide that the president and other officers of the committee shall retire annually; also, that no member is competent to vote on any occasion unless he has paid his subscription for the current year. The last general meeting of members was held, I am informed, in 1953, and no committee has since been elected. No persons have paid subscriptions since that date, so no-one is eligible to vote at the present time.

As a consequence, the race club is defunct and there is no legal means by which it can be resurrected. This explains why legislation of this nature is being brought forward to resolve the dilemma.

Debate adjourned, on motion by The Hon. W. F. Willesee.

GOVERNMENT RAILWAYS ACT AMENDMENT BILL

Second Reading

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) [3.20 p.m.]: I move—

That the Bill be now read a second time.

The introduction of this Bill arises out of the transaction between the Western Australian Government and the Midland Railway Company, which was ratified by Parliament. The Bill deals specifically

with land and other assets acquired from the Midland Railway Company of Western Australia. All assets of the Midland Railway Company were vested in the Minister for Railways in accordance with deeds signed by the liquidator of the company on the 1st August, 1964.

There are included amongst these assets some mineral licenses granted by the company to mine various minerals from land previously owned by it. There was a time when these mineral rights followed the land and, in respect of some of these mineral rights, the Midland Railway Company retained them. Legal arguments between the Government and the Midland Railway Company have taken place from time to time regarding the exact ownership of certain mineral rights. But in purchasing the Midland Railway Company, the Government required, as part of the agreement, that all rights and privileges enjoyed by the company pass to the Western Australian Government Railways. This Bill is to regularise the mining transactions, as between the Railways Department and the Mines Department, by putting them into the department where they rightly belong.

The crucial date so far as the land titles and the division of mineral rights from the freehold title were concerned goes back to 1899. All land acquired before the 1st January, 1899, had certain rights which land allocated after that date did not have.

Under the construction agreement, which is commonly known as the Waddington agreement, and confirmed by the Guildford-Greenough Flats Railway Act No. 24 of 1886, approximately 2,500,000 acres of land were granted to the company. The major portion of this land has been sold and transferred to purchasers, but the company retained the mineral rights as a residual interest in the titles.

The company was, in addition, granted mineral rights under the War Service Land Settlement Acts of 1951-54. These mineral rights are now vested in the Minister for Railways and the present position is that there are two separate Government departments dealing with mineral rights; that is, my own department and the Western Australian Government Railways Commission.

The Mines Department, through its staffing establishment, is especially set up for conducting all dealings in minerals, whereas the Railways Commission does not have officers trained in mining matters. The present situation is that these mineral rights are held in respect of land owned by third parties and are not in respect of land vested in the Minister; and the minerals are not on land held or used in connection with the railway. Neither the Minister for Railways nor the Railways Commission has the power to deal with these minerals or to issue any leases or mining tenements with them.

This amendment provides for reversion in Her Majesty of all mineral rights that were formerly held by the Midland Railway Company of Western Australia and which are now vested in the Minister for Railways, pursuant to the agreement made by the liquidator of the company. These rights will be controlled by the Mines Department, and uniformity of administration will be ensured.

The Bill further provides that all property vested in the Minister for Railways by the liquidator of the company shall be vested in the Minister for Railways on behalf of Her Majesty and where such property is not required for the purpose of the railway, the Minister may sell, dispose of, or otherwise deal with it under terms and conditions as are considered necessary.

The Railways Commission, as an ordinary purchaser—in regard to the assets previously owned by the Midland Railway Company including the land—is in a different position to the Railways Department when it develops a railway through land resumptions and through funds that are made available in the ordinary way from loan funds and the like. There is, therefore, special provision in this legislation for land and other assets which are no longer required for railway purposes to be dealt with as circumstances dictate from time to time.

Summarised, the Bill clarifies the position in respect of mineral rights formerly held by the Midland Railway Company and vested in the Minister for Railways by virtue of the acquisition of the Midland Railway Company. It also clarifies the position in respect of the disposal of assets acquired by the Minister for Railways and the Railways Commission as a result of the agreement with the liquidator of the company.

Debate adjourned, on motion by The Hon. W. F. Willsee.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (Lower West—Minister for Health) [3.25 p.m.]: I move—

That the Bill be now read a second time.

This is a very simple measure and one which does a little more than the House thought had been done on a previous occasion.

While the parent Act sets up a Taxi Control Board to co-ordinate and control the taxi industry, the board which has now been operating for the past 18 months, has found from its inception that its general purpose cannot be fulfilled unless some specific power exists to control and regulate the operations of taxi-car drivers.

The board has been provided with certain powers under the Taxi-car Regulations of 1964 in an attempt to exercise some control over drivers of taxis as well as its control over taxi-owners. These regulations are identical with the Traffic (Taxi-cars) Regulations, 1964, which give the board and the Commissioner of Police, respectively, the power to require the operator of a taxi to do all things necessary for the comfort and convenience of passengers, not to demand other than prescribed fares and charges, and to be clean and to wear clothing which is neat in appearance.

It is not intended that the Bill should disturb the general power to examine applications and to test and license drivers of taxis given to the Commissioner of Police under the Traffic Act.

It might be mentioned that the board's regulations require every driver of a taxi operating in its sphere of control to wear an identity disc. This is considered necessary in the interests of passengers and the board's inspectors for the purpose of enabling identification of the driver.

To the extent, however, that the Taxi-cars Act, 1963, in its long title only refers to the co-ordination and control of taxi-cars and makes no reference to taxi-car drivers, it is considered that any other regulations as affecting drivers as distinct from owners of taxis and promulgated pursuant to the Taxi-cars Act, 1963, could be challenged as being *ultra vires* the existing Statute. The main purpose of the Bill, therefore, is to amend the long title of the Act and give the board specific power in respect of drivers of taxis as well as owners of taxi-cars.

The powers and duties of the Taxi Control Board are set out in section 11. It is proposed to amend this section to enable the board to include the registration of taxi-car drivers. This will enable the board to require all drivers of taxis to register and to renew such registration each year and be issued with some form of identification. At present, considerable difficulty is being experienced as drivers, when changing their employment or changing their address, are failing to notify the board of the change.

The Bill makes provision for payment of a registration fee of 10s. or such other fee, not exceeding £2, as may be provided. It is not intended at present to vary the fee of 10s. per annum, most of which is absorbed in the issue of the identity disc, but it may be necessary to increase the fee in the future.

It has been the policy of the Government for some considerable time to restrict the issue of taxi licenses as far as practicable to owner-drivers, and any transfers which are approved by the board are permitted only to persons genuinely engaged as taxi operators and who have been driving a taxi

continuously for a period of at least four months. The Bill contains a provision that the board shall not issue a license or permit a transfer to a person who holds two or more taxi licenses.

The board's inspectors, when they notice that a taxi, its meter, or equipment is in an unserviceable state, are required to report that fact to the licensing or registering authority. This is not a very satisfactory method of ensuring that early action be taken by the owner or driver of the taxi to have the necessary repairs affected. The proposed legislation gives an inspector the authority to require the owner to submit the taxi-car, within such time as he then specifies, to the authority by which it is licensed.

It also gives an inspector, where he considers that a taxi-car, whilst being operated in a control area, is so unclean as to be likely to mark or damage the clothing or luggage of a passenger, the power to direct the driver of the taxi to have the taxi cleaned within such time as he specifies. I am quite sure that all these matters will meet with the approval of the House and I commend the Bill to members.

Debate adjourned, on motion by The Hon. R. Thompson.

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 3)

Second Reading

THE HON. L. A. LOGAN (Upper West—Minister for Local Government) [3.33 p.m.]: This Bill is a small one introducing amendments I was not able to have included in the previous measure. Clause 2 provides for an amendment of section 231 of the Act which deals with a council's power to make by-laws in respect of metered parking and has been introduced at the request of the Council of the City of Fremantle to provide for the introduction of metered parking in that district; and it also provides for the imposition of modified penalties such as are now permitted under the City of Perth Parking Facilities Act. The amendments, generally, are similar to the provisions contained in the City of Perth Parking Facilities Act, but some slight variations have been made in order that the definitions may conform to the definitions in the Road Traffic Code.

Because of the introduction of modified penalties, the opportunity was taken to redraft this section of the Act to make it comply with modern-day language and to include the Road Traffic Code.

Clause 3 provides for an amendment to section 232 which provides at present for the regulation and control of the installation of petrol pumps. This amendment has been introduced consequent upon the judgment delivered in the Supreme Court in respect of a draft model by-law made under the provisions of section 232 which has

been declared *ultra vires*. At present there is no power which gives a council grounds for the absolute prohibition of a license.

The purpose of the by-law was to ensure that petrol pump installations were confined to land either set apart for that purpose under a zoning scheme, or by-law, or approved by the council with the concurrence of the Minister after allowing people the right to object to the proposal. The by-law also empowers a council to refuse to grant a license for petrol pumps, if, in its opinion, the district is already sufficiently served with petrol stations. Where there is zoning control, the council may refuse to grant a license for an unzoned property, but where the zone is poor or non-existent, it is possible for there to be numerous petrol stations all established alongside one another and competing for the business offering, whereas there could be opportunities a little further away.

The proposed amendments, therefore, provide for a council to have the right to refuse a petrol pump license where the district is already sufficiently supplied with petrol pumps, and for the consent of the Minister to be obtained before a petrol pump license can be granted on land not zoned under a scheme or by-laws, as a petrol pump site. These model by-laws, which were gazetted in 1963, had been subjected to close scrutiny by the oil companies themselves and had met with approval, except for the inclusion of industrial pumps; and, at their request, the reference to industrial pumps was taken out. The by-laws operated from then until recently when the court declared them *ultra vires*.

Clause 4 amends section 300 of the Local Government Act to provide that a council has the care, control, and management of water courses and will thus enable the council to remove obstructions when necessary. The necessity for this amendment was brought to notice by the Council of the Shire of Swan-Guildford which found that it had no authority to enforce the cleaning out of a water course on private land, and this authority was essential to prevent damage to the roads concerned.

Under the Rights in Water and Irrigation Act, the Minister for Works has power to control water courses located within the irrigation district created under the provisions of that Act. He also has power to control water courses which are specifically proclaimed for control purposes under that Act.

The proposed amendment grants control under the Local Government Act subject to the provisions of the Rights in Water and Irrigation Act, the Water Boards Act, and in direction of the Minister for Works. I have the necessary information should any honourable member require it during the Committee stage.

Clause 5 provides for an addition to section 650, which relates to evidence, to provide for the inclusion of additional items similar to those included in the City of Perth Parking Facilities Act, section 23. This provides that in any prosecution under the by-laws relating to parking, proof is not required in connection with the constitution of the parking region or the establishment of a parking station, until evidence is given to the contrary.

Clause 6 provides for the inclusion of a new section 669A which is similar to an existing provision in the City of Perth Parking Facilities Act which authorises joint regulation and control of traffic by the Commissioner of Police and the council where by-laws relating to parking regions are made.

Debate adjourned, on motion by The Hon. F. J. S. Wise (Leader of the Opposition).

LOCAL GOVERNMENT ACT AMENDMENT BILL (No. 2)

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (The Hon. N. E. Baxter) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

The CHAIRMAN: The amendments made by the Assembly are as follows:—

No. 1.

Clause 2, line 6—Delete “twenty” and insert “ten” in lieu.

No. 2.

Clause 5, line 32—Delete “twenty” and insert “ten” in lieu.

No. 3.

Clause 15, line 9—Delete “twenty” and insert “ten” in lieu.

No. 4.

Clause 18, line 9—Delete “twenty” and insert “ten” in lieu.

No. 5.

Clause 18, line 15—Delete “twenty” and insert “ten” in lieu.

The Hon. L. A. LOGAN: Members will recall that in the Bill, originally, the figure 10 occurred, which related to the percentage of ratepayers required for a referendum, to be valid. During the second reading debate Mr. Heitman queried that figure and said he thought it should be a larger one. When I replied I said that I preferred to see the Bill go through without amendment, but if he could induce a sufficient number of members to agree with his views that was his prerogative. I also said that as far as I was concerned I was not prepared to accept a figure greater than 20, and that was the figure agreed to by the Committee.

The Hon. F. J. S. Wise: You didn't really object to it did you?

The Hon. L. A. LOGAN: No. I said I would leave it to the Committee. However, the Legislative Assembly has amended the Bill to bring it back to its original form, and I really have no option but to move that we accept the Bill as it was when I introduced it. I move—

That the amendments made by the Assembly be agreed to.

The Hon. J. HEITMAN: I think members will recall why I moved these amendments. I thought 10 per cent. would mean that a minority group could call for a referendum, such as for a loan or anything else affecting a local authority. In such an event the local authority would be compelled to go to the expense of holding a referendum, and in some cases frivolous objections are taken by minority groups who object to being rated for the progress of a district. If we want to provide a deterrent to this sort of thing, at least 20 per cent. should be agreed to. After all, it is only one-fifth of the ratepayers. As far as I am concerned I could not agree to the Assembly's amendments and I shall vote against the Minister's motion. I thought the Minister gave me the option the other day of moving these amendments. Maybe the Minister expected this move by the Assembly, but I certainly did not.

Question put and negatived; the Assembly's amendments not agreed to.

Report, etc.

Resolution reported and the report adopted.

A committee consisting of The Hon. J. Heitman, The Hon. F. J. S. Wise, and The Hon. L. A. Logan (Minister for Local Government) drew up reasons for not agreeing to the amendments made by the Assembly.

Reasons adopted and a message accordingly returned to the Assembly.

Sitting suspended from 3.46 to 4.15 p.m.

EDUCATION ACT AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by The Hon. A. F. Griffith (Minister for Mines), read a first time.

BILLS (8): ASSENT

Message from the Governor received and read notifying assent to the following Bills:—

1. Registraton of Births, Deaths and Marriages Act Amendment Bill.
2. Bread Act Amendment Bill.
3. Jetties Act Amendment Bill.
4. Plant Diseases Act Amendment Bill.
5. Local Government Act Amendment Bill.

6. Builders' Registration Act Amendment Bill.
7. Rural and Industries Bank Act Amendment Bill.
8. Laporte Industrial Factory Agreement Act Amendment Bill.

FISHERIES ACT AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Deputy Chairman of Committees (The Hon. A. R. Jones) in the Chair; The Hon. G. C. MacKinnon (Minister for Fisheries and Fauna) in charge of the Bill.

The DEPUTY CHAIRMAN: The amendments made by the Assembly are as follows:—

No. 1.

Clause 8, subclause (5), paragraph (d), page 7—After the word "present" in line 12, add the following: "and if the numbers are equally divided on any question, such question shall be deemed to be resolved in the negative."

No. 2.

Clause 8, subclause (5)—Delete paragraph (e).

The Hon. G. C. MacKINNON: I move—

That amendment No. 1 made by the Assembly be agreed to.

The voting referred to is the voting of the advisory committees. These committees are advisory in nature and when this amendment was put forward I had it examined. It seems a reasonable proposition to me. I would not expect the people who were being advised to act on a matter which was as fine as this; so it is a little bit of Tweedledum and Tweedledee.

Question put and passed; the Assembly's amendment agreed to.

The Hon. G. C. MacKINNON: I move—

That amendment No. 2 made by the Assembly be agreed to.

The same argument applies to this amendment as to the previous one.

Question put and passed; the Assembly's amendment agreed to.

Report

Resolutions reported, the report adopted, and a message accordingly returned to the Assembly.

TRAFFIC ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed, from the 20th October, on the following motion by The Hon. A. F. Griffith (Minister for Mines):—

That the Bill be now read a second time.

THE HON. E. M. HEENAN (Lower North) [4.24 p.m.]: I think every responsible person in the community must be alarmed at the ever-increasing number of fatal road accidents in Western Australia. It is small comfort to realise this tragic aspect of our present-day way of life is by no means confined to this State of ours. The situation applies equally, or perhaps to a greater degree, throughout the other States of Australia and, I believe, the other parts of the world.

I think it is unquestionably a fact that Governments, experts in various spheres, and other well-meaning people and bodies are doing their utmost to minimise, and find an answer to, this serious problem. It is easy for the average citizen to make proposals; because I am sure all of us are deeply concerned, not only on behalf of the community, but particularly on behalf of our own immediate families. Therefore the problem is one that is very close to us all; and I am sure it does not leave our thoughts for very long.

Nowadays, the motorcar is no longer a luxury. I do not know what the percentage is of the population in this State that owns motorcars, but from my recollection of the figures, it is very high and climbing each year. It is a state of affairs which is a result of what is commonly termed the affluent society. We have a country which is developing at a great rate; we have fairly full employment and good wages; and it is comparatively easy, with the modern methods of time-payment and the like, for most of us to purchase motorcars.

When one realises that here in our own State we have the Government, the police, the Road Safety Council, and other bodies constantly studying this problem and doing their best to solve it, one is reluctant to come forward with any specific propositions. Those experts and well-meaning people are studying the matter and they are more competent than the average one of us.

The Government has, as is its duty, brought forward this Bill which it believes will be some contribution towards the solution of the problem. I am sure the Government is doing it in good faith and I think we all recall that the measure is here in compliance with an undertaking the Government gave to the people of Western Australia at the recent elections. At any rate, it is attempting to do something, and to that extent it deserves credit. A lot of people complain that no concrete propositions are brought forward, but this Bill proposes some specific moves which I sincerely hope will have the desired effect.

However, I cannot find myself at all enthusiastic over some of the propositions in this measure. The Bill proceeds on the hypothesis that by increasing penalties in certain cases people will be dissuaded to a

large extent from committing offences which are very serious and which are alarming. I find myself in agreement with Mr. Lavery, Mrs. Hutchison, and Dr. Hislop, and I am sure there are others who hold similar views. I do not think that the increasing of penalties to a rather alarming extent is going to achieve much. I think it might well react by causing more harm than good.

When we look around we find that within our present community there has been, in recent years, an alarming increase in the rate of juvenile crime. One particular crime which has been on the increase, and which is very common nowadays, is that of breaking and entering. It is a dreadful state of affairs when people's homes are broken into, their money stolen, and their goods pilfered; and it is fortunate that in many cases the people are not in their homes when these depredations go on because there is a chance that they would be hurt by these desperate and irresponsible elements in our community who have no respect for the law and no respect for their fellow citizens. They also have no respect for their parents.

I know that the judges are perplexed to know what to do with them. Apparently sending them to gaol is the only answer we have, but if the penalty for the offence is one year's gaol or two years' gaol, and it is increased to another year, does that act as a deterrent? I think experience shows it does not.

The Hon. A. F. Griffith: Why does Parliament increase penalties from time to time?

The Hon. E. M. HEENAN: I think because increased penalties, in certain cases, are the wages of sin. The fine for a parking offence is now £1. If it were increased to £2, I think it would undoubtedly be a deterrent and make us all more careful. If one does not put in his taxation return on a due date the penalty has to be paid. I think that this sort of penalty undoubtedly has some effect. In regard to the offence of drunken driving, which was dealt with by Dr. Hislop, if the penalty was increased even from £100 to £500, it would probably have an effect on making responsible people think more before drinking; and I suppose that is a strong argument there.

The Hon. A. F. Griffith: If I use your argument, it is a strong case.

The Hon. E. M. HEENAN: I doubt whether it would be for many people. However, I am trying to point out that judges have been inflicting severe penalties on the law-breaking element in our community. Penalties have become heavier yet the number of people brought before the courts seems to be on the increase. The logical deduction surely is that we are not finding the answer. Just take the

divorce rate as another case. It is on the increase all the time. Traffic offences, of course, are the most common.

As Mr. Dolan said, research is going on all the time, but I think we want more research among the youth bodies, such as those dealt with by Mr. Clive Griffiths. Research is the only hope of finding the ultimate answer to a lot of these problems.

What has worried me for a long time is the ease and facility with which boys of 17, 18, and 19 years of age can buy a secondhand motorcar, almost the same as they can buy a packet of cigarettes. I have pointed this out before. Those young men leave school and they receive good wages. In a lot of cases they apparently do not give much to their unfortunate mothers. They seem irresponsible about taking out insurance. They do not think of buying a block of land and keeping it for the day when they get married and want to build a home. I do not know why they are not taught the wisdom of these things. I know that when I come across some of these young men who have got into trouble over their motorcars, I always try to point out to them how foolish they are and how much better off they would be if they were to put the £100 down as a deposit on a block of land rather than on a car. It is surprising that in a number of cases they are impressed, and it seems to be the first time anyone has ever enlightened them in that way.

It is easy to point out the problem, but I think that we in Parliament should do something about the young people. We do not force them to make a will, and do not allow them to make a will. According to our law and way of thinking, they are incapable of having the responsibility of a vote in the country in which they live. However, at 17 years of age they can get a driving license and buy a motorcar and assume the responsibility of driving a car on the road.

The Hon. R. F. Hutchison: Quite right!

The Hon. E. M. HEENAN: They are permitted to sign contracts, and they go through an elementary course to obtain a driver's license, which is handed to them over a counter in much the same way as they would buy a shirt in a shop.

The Hon. H. R. Robinson: It is not quite as easy as that for them to get a license.

The Hon. E. M. HEENAN: Perhaps that may be an exaggeration. I am not aware of what is entailed in the present test for a driver's license. This question should be raised with young people who buy motorcars. The stage has been reached when we have to consider raising the age at which a person can obtain a driver's license, because these days a man who

buys a motorcar and who, in the first instance, has the obligation of purchasing it, then insuring it, keeping it in good maintenance, and driving it carefully, in my opinion, has to be a responsible, grown-up, mature citizen.

The Hon. A. F. Griffith: At what age do you think a person should be permitted to hold a driver's license?

The Hon. E. M. HEENAN: I do not know. I just make the general statement that the age should be higher than it is. I leave that question to people who are more conversant with the problem than I am. If I am sick I consult Dr. Hislop to find out what my complaint is. I do not know what to do to cure myself.

The Hon. L. A. Logan: Would he?

The Hon. E. M. HEENAN: That is my reasoning on the subject. We say that a person under 21 is not mature enough to make a will or have a vote. Yet, on the other hand, we say that any person, at 17, is mature and responsible enough to own and drive a motorcar.

The Hon. A. F. Griffith: If you increase the age at which a person is to be granted a driver's license, would you decrease the age at which a person is entitled to have a drink on licensed premises?

The Hon. E. M. HEENAN: No. I think my colleague, Mr. Strickland, is in favour of reducing the age at which a person should be entitled to have a drink in a hotel, but I cannot agree with him on that. It is all right for boys and girls under the age of 21, perhaps, to have a drink within their family circle, but to permit them to have free entry to hotels and clubs to purchase liquor is something which I would not consider wise. I may be regarded as being conservative in holding that view; but drink, unquestionably, is a serious social problem.

To many people it is a God-given pleasure. I am not one who would deprive any other person from having a drink. Drinking in moderation is one of the blessings in life, in my opinion. But once again, one has to be responsible and grown up in order to consume liquor wisely, and to control the custom of drinking which, when followed when one is not mature enough, can lead to trouble.

So I am on the side of the people who are doing their best to restrain anyone under the age of 21 from obtaining drink on licensed premises, although if boys and girls can have a glass of wine or beer at home with their parents it may be all to the good because, in the best element possible, they could, by this means, prepare themselves for what lies ahead.

In reverting to the Bill, I agree with some of the previous speakers that the increased penalties provided will probably not achieve very much. In fact, conversely, they could inflict great hardship.

When the average member of the community is fined even the minimum penalty provided in this Bill, in most instances he will not have it in his possession, and will be forced to sell some article he owns, or borrow the amount from his mother, his brother, or someone else in order to pay it. I think the best deterrent is to deprive an offender of his license.

The Hon. H. R. Robinson: That is being done.

The Hon. E. M. HEENAN: I know; and we should continue to do it to a greater extent. On many occasions people have approached me to assist them because they have been charged with speeding, failing to give way to the right, or some other traffic offence which is the run of the mill these days. Generally, such persons do not mind what they are fined, but they dread having their licenses suspended. They generally say, "If my license is taken away from me I will not be able to do this or that."

That they may be fined £20 or £30 is the least of their worries. Therefore, I repeat, the greatest deterrent to would-be traffic offenders is suspension of their licenses. Further, I do not like, in effect, instructing members of our judiciary by saying, "This is the fine you must impose against any offender." We should estimate the maximum fine that is to be imposed, and then place our trust, reliance, and confidence in the members of the judiciary to impose a suitable penalty for any offence, because it is for this duty they have been properly trained.

Our magistrates are carefully selected and, invariably, they are men of capacity, learning, and worldly experience. The principle embodied in this Bill represents a great departure from the old established one; that is, we deprive the members of our judiciary of the right and responsibility to deal with each case on its merits. In the main, it will be found that these cases are of varying degree. People commit crimes and offences which generally fall into various categories, and which vary in degree. Some offenders are far more culpable than others; some are far less blameworthy than others; and it is the function of the courts to assess each case on its merits.

By this Bill, however, we propose to tell the magistrate that in spite of what he thinks of any particular offence, he must act in a certain way. Usually the Minister mentions the Law Society when dealing with certain pieces of legislation, and I am always proud that he does so with respect and in a way which indicates he holds that society in high regard. Unquestionably, it is a responsible body, and one has great pride in being a member of it. I am not the spokesman for the Law Society; I am just a humble member, and I am not on the executive or the committee.

We have all read in the Press that the Law Society is critical of the provision to which I am referring. The Minister should applaud the views of that society, as he has done on many occasions. For instance, the Minister has very kindly deferred the third reading of the Wills Bill until he has heard the views of the society. The Minister has to be very careful and guarded before he departs from the principles which the Law Society recommends on the subject of minimum penalties. I know it is not infallible, but that is its viewpoint. I know that at times desperate cases require desperate remedies. The roads situation in this city has reached desperate proportions, and any action which will ease it ought to be undertaken. But let us not go to the other extreme, and find an easy way out by increasing the penalties—

The Hon. A. F. Griffith: You would not contend that the Bill seeks the easy way out?

The Hon. E. M. HEENAN: The Bill consists largely of increased penalties.

The Hon. A. F. Griffith: That is not the easy way out.

The Hon. E. M. HEENAN: Perhaps I could have used the word "simple." If the Minister increases the penalties, and so finds an answer to the problem, I am all in favour of his doing so. I might have expressed myself incorrectly, but I contend that the increasing of penalties is a very doubtful remedy. The thinking of some people is clouded.

The Hon. F. D. Willmott: Is slow.

The Hon. E. M. HEENAN: Their thinking is clouded, because they are obsessed with the glib references to drunken driving. One might drive to Rockingham and come across an irresponsible driver who pulls out of the line of traffic to overtake, and so drive on the wrong side of the road. Such a driver would be very lucky to avoid a head-on collision with another vehicle. This type of driver is irresponsible, inconsiderate, and very often of low mentality, but not necessarily drunk. It is a pity that more traffic police officers are not available to patrol our roads. I am sure that if there were enough the problem would be solved.

The Hon. A. F. Griffith: If more police officers were available, the problem of breaking and entering would be solved.

The Hon. E. M. HEENAN: I agree. There are other ways to prevent an irresponsible person from driving at speed and inconsiderately, and one is by cancelling his license. Perhaps in the first place he should not have been issued with one. Under the present method of granting licenses, an applicant undergoes a course of instruction, attends the traffic office, takes a test, pays the required fee, and obtains a license. The issue of drivers' licenses should be a formal occasion, in the same way as naturalisation certificates are

handed out. In the old days naturalisation certificates were handed over the counter, but now they are presented at formal ceremonies at which the naturalised persons are addressed and encouraged, and are made aware of the responsibility and the privilege of being Australian citizens. That is all to the good.

The Hon. H. R. Robinson: In the old days they used to go to court, and the naturalisation certificates were handed out by a magistrate.

The Hon. E. M. HEENAN: A person should regard the granting of a driver's license as a great privilege. He should realise that the community is satisfied that he has passed a certain standard of driving, that it reposes in him the confidence to drive a vehicle safely, and that he is expected to respect the rights of other drivers to ensure that he will not cause harm or injury. If these matters are pointed out by people of prominence—magistrates, the mayors or presidents of local authorities, members of Parliament, etc.—then the average young driver will be impressed when he is issued with a driver's license.

I would tell the applicants that it is a great privilege to be granted drivers' licenses. I would point out the heavy penalties which are imposed for offences, the serious obligations which they have to comply with, and what will happen to their jobs and their future if their licenses are cancelled. People would be impressed in that way, and something along those lines would be a contribution to solving the problem.

The Hon. H. R. Robinson: Before you sit down—

The PRESIDENT (The Hon. L. C. Diver): Order! Will the honourable member continue his speech.

The Hon. E. M. HEENAN: It is so easy to be critical. I give the Government credit for attempting to take some action. It is the duty of members to criticise Bills if they think criticism is justified. To sum up: I am on the side of those who believe that very heavy penalties will cause more hardship than good. I am on the side of those who say that the heavy minimum penalties prescribed in the Bill will circumscribe the judiciary, and will intrude into a well-founded principle that the magistrate be left to assess what the penalty should be. I am also on the side of those who urge the Government to continue research into this serious problem by encouraging the organisations and the well-meaning people who are devoting so much time to it.

I also urge the Government to be imaginative in other ways. Although I have not put up anything constructive in this regard, I urge the Government to examine the method of granting drivers' licenses. I suggest that they be issued at formal ceremonies where some atmosphere

which impresses young people is created—and young people are very impressionable. I think young people can be inculcated with the correct outlook in these matters.

Let us consider the situation which exists: Young people are able to obtain a car on the payment of £10 to £15 down, and drive it away. They assume very heavy financial obligations. In many cases lads of 17 or 18 years of age, who are not regarded as adults, assume these responsibilities. They do not own the vehicles for very long before they are required to insure and to register them again. Very often they drive the cars to the beaches or to the countryside, but they have little money for petrol. They may need a new tyre, but have not enough money to buy one, so they steal it, and the next thing they find is they have a serious conviction; and what a great hardship that is for everyone!

Those are some of the things which require attention. Parliament is not absolved from its duty in that regard. I would be in favour of raising the age from 17 to 18 or 19. I am also on the side of those who make wise efforts to prevent young people under the age of 21 from getting drunk. There again, we know that drink is dangerous. It is a good thing and a blessing; but it is also, in unwise hands, dangerous and can bring misery and trouble. Therefore as the law stands we do not allow people under the age of 21 to drink.

A motorcar is one of the blessings of the present age, but in the hands of an irresponsible or immature person it can be the cause of a lot of tragedy.

Personal Explanation

The Hon. F. R. H. LAVERY: I seek your leave, Mr. President, to make a personal explanation. I made a mistake in some figures last night.

The Hon. A. F. GRIFFITH: I do not wish to suggest that the honourable member should not have an opportunity, but all the clauses have to be dealt with in Committee, and the appropriate clause in the Bill may be a more convenient time.

The Hon. F. R. H. Lavery: I wanted to help *Hansard*, really.

THE PRESIDENT (The Hon. L. C. Diver): I think the Minister's suggestion would satisfy the requirements of the honourable member.

Debate (on motion) Resumed

THE HON. E. C. HOUSE (South) [5.18 p.m.]: I wish to support this measure. While I think that the increased penalties are a necessity, I consider it is doubtful whether they will be responsible for any marked reduction in the accident rate. In fact I think it is almost certain that the rate will go on rising, and I base that statement on the figures Mr. Dolan gave

us recently. One of the main reasons for this is the steep rise in the number of drivers licenses issued and in the number of new cars being put on the road.

It is obvious that a deeper look is needed and that a start should be made in an endeavour to educate the young driver on the main causes of accidents. This will have no immediate effect, but I think it is essential as a long-term policy. Both in the city and in the country it is frightening to witness the dangerous and careless acts which are continually being committed, and the lack of thought and consideration that is displayed by drivers for the safety of their own car and the safety of their passengers.

I think that selfishness and impatience are two features in the make-up of many drivers today. That there is not a greater number of accidents is due more to good luck than to good management or driving. Most drivers are quite unaware that they become accustomed to speed after a period of relatively fast driving and they fail to recognise corners soon enough and they take bends far too fast. They have no real knowledge of how to assess the general contour of the road.

The splitting up of these traffic offences into reckless, dangerous, and careless driving may be necessary from a legal point of view, but each one seems to be as bad as the other, and each one plays an equal part in accidents, or possibly the gradual leading-up to accidents. Restriction of speed in itself is not the answer and would serve little purpose. Different car types and driving skills are too varied for anyone to be dogmatic on speed; but careless, negligent, and dangerous driving is an entirely different matter. If speed must be incorporated in this, a safe speed should be set without compulsion, and anyone exceeding that limit, and considered dangerous, should be charged.

The Hon. J. Heitman: How would you police that?

The Hon. F. R. H. Lavery: The same as they do in France.

The Hon. E. C. HOUSE: All acts of laxity in driving are hard to police whether in the country or the city; but there is every evidence in the city that the patrolmen do act as a deterrent; and if patrol cars were roaming along the main highways the speed would at least be cut down.

I made the point that there should be no set speed limit, but that a person should be charged if he is driving dangerously. When we see a person driving we can see when he reaches a speed beyond which he begins to lose real control. Some people cut the corners and so on. I have had a fair bit of experience of country driving and I think it would be a help in reducing the accidents; that

is provided, as Mr. Heitman said, it could be policed. I notice in the police report that the four cars and two radar cars in the city are responsible for 70 per cent. of convictions.

There is a speed limit on utilities and trucks—and here Mr. Heitman might say I am contradicting myself a bit. The limit is 60 miles an hour for utilities and 45 miles per hour for trucks, but it is often very difficult to pass trucks and utilities, which exceed the speed limit. No cars patrol the roads they use.

There is a need to get through to drivers the little difference in time an extra 10 miles an hour means, especially when compared with the wear and tear on the car, the maintenance, and the petrol consumption which are all greater when driving faster.

We read of the high casualty rate on both city and country roads, more in an abstract way, and never think of it on a personal basis—that it could happen to us. I think if every time we entered a car we thought to ourselves that we could be killed, we probably never would be, because we would be far more careful.

Each person has his own pet idea on how this traffic problem should be tackled and solved, and after studying the police report and listening to experts' advice we realise how complex and difficult it is to point to a solution. With approximately 350,000 drivers on the West Australian roads, there is an increase of 25,000 licenses a year, and of those 25,000 approximately 80 per cent. of the drivers concerned are on probation.

Mr. Heenan advocated a special ceremony to present licenses. At the central traffic office in the city 30 to 40 licenses are issued every day apart from those issued in the suburbs. We would have to have almost a continuous ceremony. Because of the large number of new licenses being sought it is impracticable to have any enforced long training period before a license is issued, but I do think that a start should be made on an educational programme for drivers, and this start should be made as early as possible in a person's life.

Some of the teachers from the training college have attended the National Safety Council School with the idea possibly of commencing some instruction in the high schools to which they are sent. Unfortunately, however, they do not seem to have any real status and no policy has been laid down by the Education Department as to how these teachers should go about the training. It is important that this training should be included as part of the school curriculum.

The Hon. R. Thompson: Some teachers have been training for three years, but they have not utilised that training yet.

The Hon. E. C. HOUSE: I thank Mr. Thompson for his interjection. That is the point I am trying to make. Although these teachers are being trained, no use is being made of that training. It is the opinion of experts that education in driving is the only way to reduce this toll, and if this opinion is right—and it is logical to suppose it is—areas of land should be set aside on which driving courses could be mapped out incorporating all the possible hazards. This could be done not only in the outer suburbs, but in all the large country centres. I am sure that Apex, Rotary, and other like bodies would lend their support to the implementation of such a scheme. Even if at first only the hard core of offenders were catered for at these schools, this would be a start in the right direction. So many are not a menace on the road that it is possible that for some time—until the whole thing was built up—we could get away with just training the offenders. These measures would grow as time went by, but I do not think we should sit back and accept the accident rate as inevitable without doing something as soon as we possibly can.

The police report states that the road toll might lessen if motor vehicle designers and manufacturers put less emphasis on motor power and speed capabilities, and more on safety features. Of course the motor vehicle manufacturers maintain that safety is not a selling factor and that this emphasis on power and speed does have an influence on the mind of the purchaser. But this, too, could lead to false security. There is only one motorcar in respect of which a real study of this aspect has been made and in which safety features have been incorporated, and that is the Mercedes-Benz. The report also states that society has a right to protection, and that while fair play and justice is necessary, a balance must be kept. Personally I think that in many cases where passengers are concerned, the charge against the driver could be murder and not manslaughter.

The Press reports deaths, but I think the shocking casualties are just as bad. Of the 8,806 accidents listed in the report for the year, 2,856 resulted in casualties; and 3,804 in injuries to people. I was rather surprised to read the number of pedestrians who were killed. This figure was 34. Once again I think there must have been many injured as well.

The report also states that a lack of knowledge of bends and hills, and a lack of knowledge of how to handle them were the main causes of country accidents. I am convinced that an early start should be made to set up a scheme for the education of young drivers and of potential drivers.

It is interesting to note that this report mentions such a large number of juvenile offenders who were given the option of

attending these classes of instruction in lieu of a fine, and that very few of them had a second conviction. It was rather pleasing to see there were 300 volunteers and that 250 parents had accompanied their children to these schools.

The penalties are very necessary, but they can be a little unfair if we take into consideration income brackets; and they probably do not do much more than keep pace with the inflationary trend that we are experiencing today. If the Government is prepared to get to grips with the real cause of accidents, I know it will have the full support of the parents of the children. I think all the fines should go towards building up training centres and not be swallowed up in general revenue. Money is an important factor in establishing the training schools that we need; and not only will we need the money from these penalties, but we will need additional money.

There is a need for these centres, because this is a specialised world in which everything is done by thoroughly trained people; and the only way we can achieve anything is to set up these centres.

I do not think the traffic fines should be allocated to revenue either by Governments or by shire councils. There is evidence to make us believe that this does happen, because I have seen shire council budgets which have included large sums of money expected to be received from fines. This, in my opinion, is looking at the traffic toll in a mercenary fashion rather than in a desire to cut it down.

Mr. Heenan thought it might be a good idea to raise the age limit before a person could get a driver's license. I cannot agree with the honourable member, because I think it depends on the training that is given. During the war we had young fellows of 18 who were piloting planes in action. There is no reason, if a child starts young enough, why he should not, at the age of 17, be capable of handling a car properly. I support the second reading.

THE HON. A. R. JONES (West) [5.38 p.m.]: I will not delay the House for long as I feel this subject has received very good coverage. Theories have been expounded by this one and that one, and various remedies have been suggested. One phase of the matter, however, has not been mentioned, and I will touch on it. In the first place I agree with those people who said that the upgrading of roads was necessary, because at the present time we have in the country, particularly—and I suppose in the city and suburban areas too—roads that are too narrow. Some hills are so steep that if two cars travelling at speed meet, a smash can hardly be avoided. That is because of the very short distance over which the drivers can see from one point to another. I feel that what is being done at present is a move in the right

direction. These hills are being flattened so that visibility will be possible over greater distances.

We will all agree that the upgrading of roads is necessary; and of course we realise that it takes a lot of money to bring about the happy position we all wish to see. When we take everything into consideration we have second thoughts about the criticism we might otherwise have made on the imposition of the taxes recently levied in order to try to take advantage of the matching money from the Federal Government so that we can improve our roads to a greater extent.

I think a stricter examination of vehicles before licensing is one method which could be adopted with satisfactory results, and I am sure it would improve the present situation. It is easy for people to buy a broken-down old car, which should have been on the scrap heap long ago, license it, and then put it on the road. I think all secondhand cars should be examined not only at licensing time but also before they are sold in the dealers' yards. They should be examined by members of the Police Force or some other authority set up to do this work. These people should ensure that vehicles are in a reasonable condition and they could then issue them with a certificate of road worthiness. Dealers should not be permitted to sell vehicles unless they hold a certificate of road worthiness.

I also believe we should discourage car dealers from selling cars on too low a deposit. I think Mr. Heenan mentioned that young people are buying cars on a very low deposit. They have very little money; and after they have bought a car secondhand, and something goes wrong with it, they cannot afford to repair it. If, for instance, there was something wrong with one of the tyres, and they could not afford to buy another one, they could have a blowout which could cause an accident to themselves and involve other people.

All these things must be considered, and although it may be felt that whoever implements them may be a little harsh, I think it is very necessary to have stricter control in order to cut down on the huge number of road accidents. We have all said that with more policing of the roads by traffic inspectors in the country and police officers in the metropolitan area the accident rate could possibly be reduced. However, I wonder whether it would be a good policy to have every motorist operate as a voluntary patrolman; and I should like to quote an experience to show what I mean.

None of us wants to be a pimp, but when our lives can depend upon somebody else doing the right thing or the wrong thing, I think it is up to us to take an active interest in this matter. On one occasion I was driving along Stirling Highway—this was before the traffic lights were installed—and I came to an intersection. I was

clearly on the right of a driver at that intersection and I went to go across. However, the driver of this vehicle, which was a big truck, cut right across in front of me, and I had to brake very hard to stop. He grazed the front mudguard of my car but what made it even worse was that as he went past me he cursed me.

It could have been a serious accident and so I decided to chase him down the highway, which I did. He did not stop to see whether any damage had been done, and so I took his number. When I arrived at Parliament House I rang the Chief Inspector, Mr. Leahy, and told him of the accident. He said, "This is a very good thing that you have done, and we will send a man out to see this chap tomorrow morning and tell him that he has been reported for breaking the law." He then said, "If you had somebody with you to witness what happened, we would go ahead and prosecute him on the evidence that you have given us." I believe in cases like that those people should be reported.

If one has a witness to what has happened it makes it all the better, but in such instances I think drivers should be reported. Some are oblivious of their responsibilities, and I think policing by the public could play a big part in ensuring that these people were warned of what they were doing. If they continued on their merry way, committing breaches of the law, after they had been reported two or three times and warned, the police could take action against them. I think perhaps the time will come when we all will have to take a stand such as this.

The Hon. F. R. H. Lavery: The police are doing a lot of that type of thing now.

The Hon. A. R. JONES: I know there are several other things which could help improve the situation. The question of speeding has been mentioned a great deal, but I think the dawdlers on the road are just as dangerous. They may not be the direct cause of accidents on as many occasions as those who speed, but I have no doubt that the driver who dawdles along the road, sticking to the centre lane, instead of the left hand side, is a menace. I know they are entitled to drive along at 15 or 20 miles an hour, but they should stick to the left-hand side of the road to enable vehicles who wish to pass to do so safely.

I have had the experience of driving behind people who think they are doing the right thing by driving slowly and sticking to the centre of the road, but they leave no room for traffic to pass them. This means that the drivers behind them, who want to pass, become annoyed. I have done the same thing myself. One blows the horn a couple of times, becomes annoyed because the driver in front does not observe the courtesies of the road, and one finishes up by taking a risk and crossing the white line to pass. I believe the authorities should be more strict in

the policing of that type of thing where drivers are really obstructing the traffic. Sometimes one sees where a person is convicted for not sticking to the left-hand side of the road, but I believe there are many more who could be prosecuted if some attention were paid to that aspect.

There is another matter to which I think attention should be paid and that is the speeding up of the traffic at the lights and at intersections where "Stop" signs are erected. Quite often one finds, when stopped behind another vehicle at the traffic lights, that the people in the front car are yacking away to one another, and when the lights turn to green some seconds elapse before they become conscious of the fact. In some cases the driver has to start the motor and put the car in gear, and by the time that has happened the lights have changed to red. On other occasions only one or two cars can cross before the lights change, because of the slowness of the driver in the first vehicle and, as a consequence, all the cars behind miss out and the traffic banks up. Drivers want to wake up to their responsibilities in this regard.

The Hon. F. R. H. Lavery: And if you get off the mark too fast you are sent to a school.

The Hon. A. R. JONES: As has already been mentioned, a good deal of the trouble could be overcome by education not only of our young people but the older people also. There is always room for all of us to learn and to make sure that we do the right thing. Not only our young drivers but also our older ones should be sent to schools and be taught the right thing to do. The young people should be taught from an early age. This is easy in the country because on a 2,000-acre farm a child can go out with its father in a vehicle and be taught to drive without any worry. As a result, youngsters like that become competent drivers at an early age, but then they have to learn the courtesies of driving on the road and the rules and regulations involved.

In my view we should establish driving schools; and, as a good example of what can be done in this regard, I would refer to Japan. When I was there, it struck me very forcibly what excellent methods they have for teaching not only the younger people, but the older ones too, how to drive. In every city in Japan one finds an area set aside—it may be only two or three acres—for this purpose. Every hazard that one is likely to experience while driving a vehicle on the road can be found at these schools. Roads with steep hills, sharp bends, and all the other hazards with which one is likely to be confronted are provided.

Once a pupil has learned to change gears and is able to steer a car the instructor instructs him by way of an intercom unit. When the pupil does something

wrong the instructor tells him what has happened and what he should do to correct that fault. I was fortunate enough to be able to talk with an instructor who could speak English and he explained everything to me. We could with advantage adopt that system here. In Japan a driver is not given a license until he can produce a certificate from one of these schools to show that he is competent to hold a license. I think it is an excellent system and if it were adopted here we would be able to ensure that when our young people acquired licenses they would be competent to drive on our roads. This could apply even with provisional licenses. People must be educated and told what to do before they are granted licenses.

I trust we will be able to go further than the amendments proposed in the Bill to reduce the accidents on our roads. The Bill is not the complete answer to the problem, as the Minister knows. From some of the fines that will be inflicted by this legislation on offenders we may be able to finance the establishment of driving schools, or devise some different method to lessen the accident rate. If that is done we will be achieving something worth while. There is no doubt that we must put on our thinking caps to accomplish something that is realistic in the approach towards reducing the toll on our roads.

THE HON. A. F. GRIFFITH (North Metropolitan—Minister for Mines) (5.51 p.m.): The debate on this Bill has indeed been very interesting. The various subjects on traffic control that have been raised by members have, to say the least, been extremely wide and quite variable, which is what one would expect in a debate on a Bill of this nature.

Some members gave their unequivocal support to the measure, but others expressed doubt on whether it is the answer to the problem. However, every member who spoke agreed that we should continue our efforts towards solving this ever-growing problem, so it would appear that we have a good foundation on which to make a start. Mr. Dolan gave unequivocal support to the Bill in the course of an excellent speech, if I may say so, but he doubted whether the increased penalties provided in the Bill are the answer to the problem.

Mr. Strickland said that he thought government transport, in itself, may have accentuated the problems on the road. Mr. Lavery pointed out that there were not sufficient policemen to control the traffic and Mr. Heenan supported him in that view. To use a common expression, it may be very desirable to have more cops than robbers.

The Hon. R. Thompson: Did anyone say that there may be too many motorcars on the roads?

The Hon. A. F. GRIFFITH: No-one made mention of that, but everyone said that the number of motorcars on the road was increasing very substantially from year to year, and whether we realise it or not—I am not sure, but I think we do—the problem continues to grow each year, not only because of the increase in population but also, as I have heard it said, because of the affluent society in which we are now living and the ability of young people and others to purchase motorcars. So the problem continues to increase.

Mr. Lavery asked if I could arrange to have the traffic control films exhibited in Parliament House. I will put his request to my colleague, the Minister for Police, but I was hoping that they would be shown outside of sitting hours. I assure Mr. Lavery that I will bring his request to the attention of the Minister for Police in due course.

Mr. Wise thought the Bill would not cure all the ills on the road, and Dr. Hislop was of the opinion that the strength of our liquor had a great deal to do with the situation. With great respect to Dr. Hislop, I do not think it has very much to do with the situation, but what does have considerable bearing on it is the person who wants to drink too much alcoholic liquor, irrespective of the strength of it. It is the amount of liquor consumed by a person that is important and not the strength of it.

According to Mrs Hutchison the Bill was illconceived and hastily conceived and she expressed the hope that it would be withdrawn. However, we do not intend to withdraw it. It would have been to her advantage if she had remained in the House and listened to some of the comments made by her colleagues on the other side of the Chamber, because some of them were very constructive.

The Hon. R. F. Hutchison: My idea was to have a council established to deal with the problem.

The Hon. A. F. GRIFFITH: Mr. Heenan said he could not work up much enthusiasm for the proposals in the measure. To him I put the question of why we impose penalties and he gave me a fair answer. Generally, the reason we increase penalties in any legislation is that it is considered the existing penalties are not heavy enough, and that if they are increased they will serve to act as a greater deterrent. I am not in favour of minimum penalties. I recognise that they are not necessarily of much value and should not be applied in ordinary circumstances. However, these are not ordinary circumstances by any manner of means.

The Government finds itself in the position that it is obliged to ask Parliament to increase the penalties prescribed in the Traffic Act which are, in fact, severe, but to my friend and colleague, Dr.

Hislop, I would say—and here I include other members who spoke on this problem—that the question raised of these penalties being a hardship on some individual, his wife and his family, is recognised by me.

The Hon. F. R. H. Lavery: We were referring to financial hardship.

The Hon. A. F. GRIFFITH: Whether the hardship be financial or otherwise, the suffering does not commence there, but with the man's wife and family whom he should have considered before he committed the offence.

The Hon. J. Dolan: What about the hardship on the victim?

The Hon. A. F. GRIFFITH: Exactly! Nobody mentioned that. That is a very good interjection.

The Hon. F. R. H. Lavery: Do you think a fine of £200 will stop them? If you took a man's license away altogether it would.

The Hon. A. F. GRIFFITH: I do not know, but I hope that at least it will prove to be a greater deterrent to would-be offenders as I said during my speech on the second reading. The only desire of some people is to consume more liquor than they can hold and thereby reach a state where they not only place themselves in danger, but would also endanger the lives of others.

The Hon. F. R. H. Lavery: Dr. Hislop said they are alcoholics.

The Hon. A. F. GRIFFITH: They may well be, but that is another subject which can be dealt with in another form of legislation. A year or two ago we placed a measure on the Statute book which dealt with inebriates. There is now some scope within Alcoholics Anonymous for such people to obtain some treatment. Further, they are able to gain some help and treatment at the Karnet Rehabilitation Centre which was recently established. I repeat that excessive consumption of alcohol adds to the problem on our roads, but it is no use saying that, because a small percentage of the people break the law in this regard, we should do nothing about it.

The Hon. F. R. H. Lavery: You should take them off the road.

The Hon. A. F. GRIFFITH: The court has power to take them off the road and, when necessary, it does take them off the road. A great deal of my time is spent in reading letters from many people requesting me to act on their behalf for the Royal prerogative to be exercised to enable them to have their licenses returned to them. These letters are written by fathers, mothers, and all types of people. Invariably I advise them that section 23 of the Traffic Act was placed in the legislation to enable them to apply to have their licenses returned to them; because, in my opinion, their problem comes within the jurisdiction of the court, which can decide

whether a man's license should be restored to him. I am not going to make any excuses on behalf of the Government for this Bill. We know it is severe. It is intended that it should be severe. It is intended to be a warning to the people who are causing the death toll on the road; that they should take more heed; that they should have a little more regard if not for themselves, then for other people.

This is a question not so much of drinking, but of drinking and driving. As far as I am concerned a man can do what he will with himself, so long as he does not associate it with driving. I heard somebody suggest a method used by an individual who had enough sense to realise that driving associated with drink was dangerous: he would give the keys of his motorcar to someone else to take care of. That is probably a very sensible way of treating this particular matter.

We have covered the subject of roads; we have covered the subject of traffic laws generally; and we have talked about all sorts of things which may improve this situation. Many of these things are already being done. The probationary license system has been in existence now for some time, and I believe it is proving to be very successful. This legislation is not hastily conceived. The Police Department is doing everything it can, because nobody wants to see a continuation of this sort of thing.

There has been a suggestion in the trend of this debate that young people are very largely responsible for this state of affairs. I do not think that is right at all. The report of the Commissioner of Police is a very interesting document, and it has revealed that in connection with juvenile drivers there is a considerable percentage of people who get involved in driving and drinking at a juvenile age, but they are not completely and entirely responsible. There is only a section of these people who are.

The Hon. R. Thompson: It is usually in their first year of driving that accidents do occur.

The Hon. A. F. GRIFFITH: It is not correct to suggest that all youth are irresponsible. As a matter of fact I am sure the reverse is the case; that most youth are responsible. As is the case with adults there is, of course, a section of them that is irresponsible.

We should give this legislation a trial. We know the penalties are severe; they are intended to be severe, and if they act as a deterrent and reduce the death toll on the road, then we will have done something constructive in this matter. There is no purpose in my saying much more. The Bill, generally, has received support. I appreciate the reservations that some members have had when addressing themselves to the Bill, but I believe it will

be accepted in the knowledge that the Government hopes that the measure will improve the situation that now exists.

Question put and passed.

Bill read a second time.

House adjourned at 6.5 p.m.

Legislative Assembly

Thursday, the 21st October, 1965

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The SPEAKER (Mr. Hearman) took the Chair at 2.15 p.m., and read prayers.

CONDUCT OF THE HOUSE

Reading of Speeches and Articles, and Irrelevance: Statement by Speaker

THE SPEAKER (Mr. Hearman): Yesterday there was some discussion on the subject of Standing Orders, their interpretation, and whether or not they should be suspended. There does appear to be some misunderstanding in this Chamber regarding the reading of speeches and irrelevance; and, for the guidance of members, I propose to read the relevant section of the 17th Edition of *Sir Erskine May's Parliamentary Practice*. I refer to page 441 where, under the heading of "Reading Speeches", it states—

A member is not permitted to read his speech, but may refresh his memory by a reference to notes. The