

MUNICIPAL CORPORATIONS ACT AMENDMENT BILL

Personal Explanation

THE HON. G. C. MacKINNON (South-West) [11.23]: Could I seek your permission, Mr. President, to make a personal explanation?

The PRESIDENT: Yes, you may proceed.

The Hon. G. C. MacKINNON: I have been the subject of headlines in the country edition of *The West Australian* for alleging graft in local government, and for stating that there is a great deal of corruption in local government. The inference drawn from the article is that there is corruption in local government in this State. At the time the House was discussing the position of local government during the debate on the Municipal Corporations Act Amendment Bill, and what I said was as follows:—

I would like to stress the fact that, despite the fact that every local authority Act in Australia has this type of clause in it, there is far more talk, rumour, and proof of graft and corruption in local authorities than in any other form of government.

I wish to reiterate what I said during the Committee stage of the Bill; and that is that I believe local government in this State to be particularly clean. I still believe that many members are, quite innocently, leaving themselves open to accusations being made under this section of the Act. I mentioned, and I quote again—

... that every local authority Act in Australia has this type of clause in it, there is far more talk, rumour, and proof of graft and corruption in local authorities than in any other form of government.

I was referring to cases such as the widely-publicised situation in Bankstown, New South Wales; and I sincerely apologise to local authorities in this State if I did not make this sufficiently clear.

The PRESIDENT: Did you want to take any further action?

The Hon. G. C. MacKINNON: No; I do not know whether I can take any further action.

ADJOURNMENT—SPECIAL

THE HON. A. F. GRIFFITH (Suburban—Minister for Mines): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 11.25 p.m.

Legislative Assembly

Wednesday, the 19th August, 1959.

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

QUESTIONS ON NOTICE ORD RIVER SCHEME

Details

1. **Mr. NORTON** asked the Minister for the North-West:
 - (1) What type of soil is in the area of the Ord River scheme?

- (2) What is the anticipated cost per acre of—
 - (a) clearing;
 - (b) levelling;
 - (c) soil preparation to planting;
 - (d) irrigation ditching and furrow formation?
- (3) What kind of crops will be grown?
- (4) What is the anticipated—
 - (a) yield per acre of each crop;
 - (b) value of each crop per acre;
 - (c) market for each crop?
- (5) Are any weed pests in the area; and if so, what is the anticipated cost of control?
- (6) What insect pests are prevalent in the area and what is the anticipated cost of control?
- (7) Are there any other vermin or pests which are indigenous to the area?
- (8) What fertilizers are required; what would be their cost per ton; and what quantity would be used per acre?
- (9) What would be the cost per mile of fencing (labour and materials)?
- (10) Where would settlers be housed?
- (11) What would be the cost per square of building a house?
- (12) What would be the cost per ton of transporting the produce to the nearest port?

Mr. PERKINS (for Mr. Court) replied:

- (1) Heavy clay alluvial soil.
- (2) Precise costs will only be determined after actual initial farm development during the pilot farm stage. The following are the estimates:
 - (a) £1 per acre on the heavy clay alluvial soil.
 - (b) £4 to £8 according to location.
 - (c) £2 to £3 according to number of cultivations needed.
 - (d) £1.
- (3) In the first instance rice, safflower—and probably cotton—as the major crops.
- (4) (i) Rice.
 - (a) 1½ tons.
 - (b) £45.
 - (c) Western Australia initially and South-East Asia ultimately.
- (ii) Safflower.
 - (a) 1 ton.
 - (b) £50.
 - (c) Australian manufacturing firms.

(iii) Cotton.

- (a) Minimum 1,000 lb.
- (b) £60-£100 according to types.
- (c) Australia.
- (5) None that are not controlled by normal farm practices.
- (6) (a) Rice.
 - (i) Stem borer.
 - (ii) Leaf roller.
- (b) Safflower.
 - (i) Caterpillars.
 - (ii) Aphids.
 - (iii) Grasshoppers.
- (c) Cotton.
 - (i) Boll worm.
 - (ii) Cotton stainer bugs.

These pests have all been effectively controlled in research station experiments. Costs on a commercial scale basis will be ascertained more accurately during the pilot farm stage.

- (7) Kangaroos, birds, and dingoes.
- (8) Sulphate of ammonia—£52 17s. 6d. per ton—1 cwt. per acre.
Superphosphate—£26 16s. 6d. per ton—2 cwt. per acre.
- (9) If wallaby-proof fencing is found necessary—approximately £450 per mile.
- (10) Details of a settlement scheme will be drawn up when a decision is taken to proceed with reservoir construction. No major difficulties are expected.
- (11) £330-£360.
- (12) £2 10s.-£3 10s.

PENSIONERS

Fortnightly Statutory Declarations

2. Mr. HEAL asked the Treasurer:
 - (1) Is it necessary for a State pensioner under the Superannuation Act, 1871, to furnish a statutory declaration before each fortnightly pay is made available?
 - (2) If so, for what reason?
 - (3) As these pensioners are over 80 years of age, and any additional formalities are a burden to them, will he consider reverting to the previous annual declaration requirement?

Mr. BRAND replied:

- (1) (a) Pensioners resident within the State furnish an annual statutory declaration.

- (b) Pensioners residing outside the State are requested to submit the statutory declaration monthly.
- (2) The application for a monthly declaration for pensioners residing outside the State is to avoid excess overpayments in the event of death.
- (3) The death of pensioners resident in the State can be ascertained more readily than in the case of others resident outside the State; and, in consequence, more frequent declarations are necessary for the reason given in No. (2).

ARTIFICIAL RAIN-MAKING

Report by Dr. S. R. Savur

- 3. Mr. NORTON asked the Minister for Industrial Development:
 - (1) Has he received any information regarding the cheap and simple method of artificial rain-making which has been developed by Indian Meteorologist and Professor of Geophysics, Dr. S. R. Savur, a report of which appeared in *The West Australian* on the 28th March?
 - (2) If no report has been received, will he obtain one and advise the House as to its practical use in the North-West?

Mr. PERKINS (for Mr. Court) replied:

- (1) No.
- (2) The information will be obtained if possible and the honourable member advised.

STATE ENGINEERING WORKS

Dismissals and Notices of Dismissal

- 4. Mr. TONKIN asked the Minister for Works:
 - (1) How many employees have been sacked or given notice of dismissal at the State Engineering Works during this month?
 - (2) What is the total number sacked or given notice of dismissal from the State Engineering Works since the Government assumed office?

Mr. WILD replied:

- (1) 20.
- (2) 95.

MIDLAND JUNCTION WORKSHOPS

Calculation of Overheads

- 5. Mr. TONKIN asked the Minister for Railways:
 - (1) What accounting method is used by the Railway Department to determine the amount to be included for overheads when arriving at the cost of articles produced at the department's workshops?

- (2) If a percentage of direct wages is used, what is the percentage normally charged?

Mr. PERKINS (for Mr. Court) replied:

- (1) The provision made for overheads in connection with the Midland Junction Workshops is designed to recover the actual cost incurred, and is calculated and applied as a percentage on direct wages.
- (2) Normally 80 per cent.

IMPROVEMENT OF METROPOLITAN BEACHES

Financial Assistance

- 6. Mr. JAMIESON asked the Minister representing the Minister for Local Government:
 - (1) What metropolitan local authorities have requested financial assistance to improve the facilities and amenities in ocean beach areas, and what are the proposals put forward?
 - (2) Will the Government give consideration to setting up an ocean beach authority for the metropolitan region to co-ordinate planning of the improvements required?

Mr. PERKINS replied:

- (1) Over the past 30 years there have been from time to time requests for assistance to local authorities for the provision of amenities on beaches but no specific request appears to have been put forward except in a very few isolated cases.
- (2) The matter is receiving consideration.

METTERS LTD.

Staff Reductions, and Place of Origin of Manufactures

- 7. Mr. JAMIESON asked the Minister for Industrial Development:
 - (1) Is he aware that the firm of Metters Limited, Subiaco, have reduced their staff over the past 12 months, and would he ascertain the reason for this?
 - (2) Is he aware that a large quantity of goods which were formerly manufactured here, and distributed by this firm in Western Australia, are now being manufactured in the Eastern States?
 - (3) Will he also ascertain whether these goods are branded "made in W.A."?

Mr. PERKINS (for Mr. Court) replied:

- (1) Yes. Some staff reductions were made as a result of reorganisation.

- (2) This company is not manufacturing goods in the Eastern States which were formerly manufactured here for distribution in Western Australia.
- (3) Answered by No. (2).

STREET LIGHTING

Action by State Electricity Commission

8. Mr. BRADY asked the Minister for Electricity:

- (1) Is the State Electricity Commission taking any action through local governing authorities in the metropolitan area to improve street lighting with a view to reducing the accident rate to pedestrians, due to ill-lighted highways?
- (2) Will he state the action being taken?

Mr. WATTS replied:

- (1) Yes.
- (2) Designs have been completed; all are well under way for all major highways in the metropolitan area.

MIDLAND JUNCTION RAILWAY STATION

Date of Construction and Roofing of Platform

9. Mr. BRADY asked the Minister for Railways:

- (1) What was the approximate date of construction of the Midland Junction railway station?
- (2) Has consideration been given to covering the platform along its entire length to enable metropolitan and country passengers to entrain and detrain without getting wet during the winter months?

Mr. PERKINS (for Mr. Court) replied:

- (1) Approximately 1897.
- (2) Yes. Proposals have not been proceeded with, however, as it is considered that the cost involved would not be justified.

GREAT SOUTHERN RAILWAY

Reduction of Passenger Services

10. Mr. HALL asked the Minister for Railways:

- (1) Is there a proposal to reduce the passenger services on the G.S.R.?
- (2) Are the proposals being considered as follows:—
 - (a) Cancel Nos. 1 and 2 diesel services between Perth and Narrogin — Wednesdays

and Fridays; and Narrogin to Perth—Thursdays and Saturdays;

- (b) cancel all diesel services from Perth to Albany—Tuesdays and Saturdays; and Albany to Perth—Wednesdays and Mondays;

- (c) cancel No. 7 Perth to Albany—Mondays and Wednesdays; and No. 8 from Albany to Perth—Tuesdays and Thursdays?

Mr. PERKINS (for Mr. Court) replied:

- (1) All services will be brought under review, both freight and passenger.
- (2) There are as yet no definite proposals for either additions or reductions in services.

WORK FORCE

Numbers Employed and Unemployed

11. Mr. JAMIESON asked the Premier:

- (1) What was the total work force in this State (employed and unemployed) as at the 31st July, 1958?
- (2) What was the similar figure as at the 31st July, 1959?

Mr. BRAND replied:

- (1) and (2) The Commonwealth Bureau of Census and Statistics advises that the information required is not available.

MILK QUALITY

Experiments at the Wokalup Research Station

12. Mr. I. W. MANNING asked the Minister for Agriculture:

What experiments are in progress at the Wokalup Research Station into the problem of milk quality—

- (a) to determine the cause of a falling off in milk quality;
- (b) to determine what steps should be taken to lift the quality of milk?

Mr. NALDER replied:

- (a) The dairy cattle at Wokalup are being bred into two herds, one basically Jersey and the other Friesian, to enable accurate determination of the effect on the solids-not-fat content of milk of (i) breed; and (ii), feed.
- (b) The results of the above investigation will indicate what additional steps need be taken to maintain milk quality. There is no milk-quality problem at the Wokalup Research Station at the present time.

UNEMPLOYED*Number, and Total Dismissed by the Government*

13. Mr. GRAHAM asked the Premier:

- (1) What were the numbers of registered unemployed in Western Australia at the end of the months of April, May, June and July, 1959, respectively?
- (2) What was the number of unemployed as at July, 1958?
- (3) What is the total number of persons who have been dismissed by the present Government?

Mr. BRAND replied:

Incidentally, the Leader of the Opposition asked a question along similar lines; and, by the inclusion of the figures for March, the period of the Government in office will be covered. The answer to the question is—

- (1) and (2) Figures of unemployed applicants, with the comparable figures for 1958, are as follows—

	1959	1958
End of March	6,810	5,163
End of April	6,132	5,588
End of May	5,972	5,735
End of June	6,074	6,308
End of July	6,382	6,811

It will be seen that, while unemployed applicants decreased by 428 between the end of March and the end of July this year, there was an increase of 1,648 for the corresponding period of last year.

- (3) This information is being obtained and will be supplied as soon as available.

COLOMBO PLAN*Contribution of Wheat*

14. Mr. MAY asked the Premier:

Will he make representation to the Commonwealth Government in the direction of having at least a portion of its contribution towards the Colombo Plan being made by deliveries of wheat from Australia, with the object of providing more food for the starving millions in Asian countries, and, at the same time, relieving the surplus wheat situation which exists in Australia today?

Mr. BRAND replied:

Details of contributions towards the Colombo Plan are considered the purview of the Commonwealth and other contributing Governments.

QUESTIONS WITHOUT NOTICE**COLOMBO PLAN***Contribution of Wheat*

1. Mr. MAY asked the Premier:

In regard to question No. 14 on the notice paper, I think everybody knows the Commonwealth contributes to the Colombo Plan. What I asked the Premier was whether he would make representations to the Commonwealth to see whether portion of the money set aside by the Commonwealth Government could be used to send wheat to those starving people instead of supplying all money under the Colombo Plan. It would be a means of satisfying at least some of those people and at the same time of dealing with surplus wheat in this State.

Mr. BRAND replied:

The Commonwealth is the national Government contributing this money, and I feel that the points raised by the member for Collie are well known to the authorities in Canberra and to the Commonwealth Government. It would be their desire to do just what was suggested if it were possible and practicable.

MARBLE BAR POST OFFICE*Erection of New Building*

2. Mr. BICKERTON asked the Premier:

I assume that the Premier is aware that recently the post office at Marble Bar was burnt down. As this was a very important building, I would like to know whether he would be good enough to take the opportunity while the Minister for the North-West is in Canberra of getting in touch with him by phone and asking him to inquire from the Commonwealth Government when that building will be replaced and the communications restored for that area?

Mr. BRAND replied:

Yes. I will discuss the matter with the member for Pilbara to obtain further information; and if we can expedite the erection of the building, we will certainly do so.

UNEMPLOYED*Number, and Total Dismissed by the Government*

3. Mr. GRAHAM asked the Premier:

- (1) From what source did he obtain the figures relating to unemployment in Western Australia?

- (2) How does he reconcile 6,382, the number of unemployed as at July, 1959, given today (Wednesday) by him with 6,404 given yesterday (Tuesday) by him, and 6,982 given on Monday by the Commonwealth Labour Minister, Mr. McMahon?

Mr. BRAND replied:

- (1) The Commonwealth Employment Office.
- (2) I had the figures checked this morning; and in the first two numbers the honourable member quoted, there was a difference of 28. There had been an error made in that instance. As for the figures given on Monday by anyone else, I am not responsible, and can only reply to the honourable member in regard to the figures given yesterday and today showing a difference of 28.

Reason for Discrepancy in Figures

4. Mr. GRAHAM asked the Premier:

The Premier's figures show an increase over June of 308, whereas the Commonwealth Minister's figures show an increase of 908. As this is undoubtedly a matter of concern to very many people throughout Western Australia, I wonder whether he would make an approach to the Federal Minister in order to ascertain the reason for the discrepancy, because I am afraid all of us are at a loss to know whether to accept the Commonwealth figure or the figure supplied by the State Government. Would the Premier be prepared to do that?

Mr. BRAND replied:

Yes; I shall be only too pleased to ensure the House receives the information that is available on this matter.

BILLS (2)—THIRD READING

1. Government Railways Act Amendment.
2. Judges' Salaries and Pensions Act Amendment.

Transmitted to the Council.

KA RAILWAY WAGONS

Tabling of Papers on Construction

MR. TONKIN (Melville) [4.50]: I move—

That all files and papers relating to estimates for the construction of KA wagons, the calling of tenders for the construction thereof and the letting of a contract to Tomlinson Ltd., for 200 such wagons be laid upon the Table of the House.

There would have been no necessity for this motion, Mr. Speaker, if the right thing had been done by the Government in connection with my request. I regret very much that the Minister for Railways is not present; but it is not my intention to say behind his back anything that I would not say if he were here; and, as he will have an opportunity of reading in *Hansard* a report of what I will have to say, I suppose it will not matter a great deal that he is not here.

This motion, in addition to aiming at having the papers tabled, is for the purpose of establishing just what rights and privileges a member of Parliament has. I do not think anyone will attempt to argue that a member of Parliament is not supposed to be vigilant and to keep himself informed as to what is occurring in connection with the Government of his State. In my view, he owes that responsibility to his constituents—whether he be a Minister in the Government, a supporter of the Government, or a member in the Opposition.

The Standing Orders of this House provide facilities for members of Parliament to ascertain the necessary information, and democratic Government depends upon the continuation of those facilities; because as soon as we take away from the private member of Parliament the right to inquire and obtain information, we are taking the first steps towards the setting up of a dictatorship. There is nothing new in my desire to see papers—

Mr. Brand: Was there any refusal by the previous Government to make papers available?

Mr. TONKIN: I will deal with that in due course. I will say to the Premier, immediately that, so far as I am concerned, in nine years of ministerial experience I cannot recall—and I have thought earnestly about this—a single instance where I declined to give a member access to papers. There were times when, because the papers were of a personal nature, I declined to table them—in the interests of the people concerned—but I cannot recall a single instance, in the whole of my nine years of ministerial office, when I declined to give a member access to papers.

Mr. Brand: What would be the condition of showing them to the member of Parliament—that the information be not used?

Mr. TONKIN: The Minister for Railways declined to let me see these papers privately because he would not be present this morning when I would have seen them. He said he would like to be present, to discuss the papers with me; and I said to him, "What about your Under Secretary? Can't you leave the papers with him and trust him to let me see them?" However, the Minister said he was not prepared to

let me see the papers under those circumstances; and so I came to the conclusion that he had no desire for me to see them at all.

In order to show that it is not unreasonable for me to ask for papers under these circumstances, I propose to give a few examples of experience under the previous Government. The first example that I will give is taken from *Hansard* Vol. 1 of 1958 at page 856, where the Hon. David Brand was curious about iron ore and made a request for the papers. There we see the following:—

The Hon. D. BRAND asked the Minister for Mines:

Will he table all the departmental papers, particularly the agreement for the sale to Japan of 15,000,000 tons of iron ore from Yampi Sound, which were the subject of a motion moved in the Legislative Assembly by the then Premier, the late Mr. J. C. Willcock, on the 30th August, 1938?

The MINISTER replied:

There will be no objection to tabling the papers; but as there are a large number of files, it is suggested that it may be better for the Leader of the Opposition to peruse the papers at the Mines Department. There was, however, no agreement entered into by the Western Australian Government for the sale of iron ore to Japan.

Next, in *Hansard* No. 2 of 1958, at page 1038, the then member for Nedlands, Mr. Court, the present Minister for Railways, is shown as having asked the Minister for Mines a question, as follows:—

Mr. COURT asked the Minister for Mines:

Referring to the question without notice asked by the Leader of the Opposition on Wednesday, the 17th September, will he state when he proposes to table, as promised, all the departmental papers, particularly the agreement for the sale of 15,000,000 tons of iron ore from Yampi Sound, which were the subject of a motion moved in the Legislative Assembly by the then Premier the late Mr. J. C. Willcock, on the 30th August, 1938?

The MINISTER replied:

I do not know whether the Deputy Leader of the Opposition is introducing any fresh matter here. I have delayed tabling the papers requested by the Leader of the Opposition pending his return. Questions have been asked here from time to time concerning an agreement; but assurances have been given that there is no agreement. I will table the papers tomorrow.

I quote next from *Hansard* Vol. 1 of 1957, at page 319, where Mr. Court, the Deputy Leader of the Opposition, is reported as having asked a question of the Minister for Justice; and I would like here to remark that these papers were personal papers. The question and answer are shown in *Hansard* as follows:—

Mr. COURT asked the Minister for Justice:

Will he table all the files relating to the hospitalisation at Royal Perth Hospital—the 5th February, 1957—and other matters, including coroner's finding, in respect of Frances Christine Dean (deceased)?

The MINISTER replied:

Because of certain allegations which have been made but which are not connected with the hospitalisation at Royal Perth Hospital, I do not agree to table the files but I will arrange for the honourable member to peruse the files at my office should he so desire. Mr. Dean may at any time visit Dr. Anderson, the superintendent of the Royal Perth Hospital, and seek all the information he desires from him.

I quote now from *Hansard* Vol. 1 of 1957, at page 587, where Mr. Court asked, without notice, a question of the Minister for Justice, as follows:—

Will he reconsider his decision of the 18th July and table the files in connection with Frances Christine Dean, deceased?

The Minister replied:

No, only on a motion.

I would like to say, here, that the member for Nedlands availed himself of the opportunity to see the files. He went down and perused the papers and then subsequently made this request in the House.

Mr. Brand: Was that not in discussion with the Minister for Health at that time?

Mr. TONKIN: I do not see the point in that. I am stating facts. Firstly, the Deputy Leader of the Opposition requested the papers. He was told by the Minister he could see them in his office. The Deputy Leader of the Opposition availed himself of the opportunity to see the papers in the office; and after seeing them, made a further request that the papers be tabled. The Minister's reply was that he would table them only on motion.

On page 677, Vol. 2 of the 1957 *Parliamentary Debates*, the member for Nedlands moved for the papers, after having already seen them. He moved to have them tabled in order to meet the request of the Minister for Justice who raised no

opposition to the motion, and who subsequently tabled the papers. The Minister's reason for requesting the motion was that they were personal papers, and he felt that he would be justified in placing them on the Table of the House only if it were the will of the House that he should do so.

Mr. Brand: I appreciate that.

Mr. TONKIN: The member for Nedlands, the present Minister for Railways, who is denying me the right to see these papers, was the one who requested those papers; the one who was given the opportunity to see them, but who still wanted them tabled because he wished to make public the information on the files.

On page 3035, of Vol. 3 of the 1957 *Parliamentary Debates*, the member for Nedlands—the then Deputy Leader of the Opposition and the present Minister for Railways—asked the following questions of the Minister for Works, who happened to be me:—

- (1) Will he table the plan for the Albany regional hospital?
- (2) Have tenders been called for its construction?
- (3) If not, by whom is it to be built?
- (4) If tenders were called, what tenders were received and who was the successful tenderer?
- (5) If it is to be built by the Government day-labour system—
 - (a) will tenders be called for bricks, timber, steel work, etc.; or
 - (b) will these be supplied by State Building Supplies, State Engineering Works or other Government instrumentalities without tenders?

The Minister replied to those questions as follows:—

- (1) This is not possible as drawings are still under preparation.

That is, the plan could not be tabled because it was not then in existence. The reply to question No. 2 was "No." The other questions and answers relate only to the contracts and not to the papers.

On page 1871, of Vol. 2 of the *Parliamentary Debates* of 1957, Mr. Court asked without notice, for papers concerning coal contracts. He asked the Premier the following question:—

When does he propose to table the papers regarding the coal supply negotiations which were the subject of a motion recently?

The Premier replied, "Next Tuesday".

I now intend to quote from page 2284, of Vol. 2 of the 1957 *Parliamentary Debates* on which page appears a motion by the then member for Dale, the present Minister for Works, requesting the tabling of certain papers, without having availed himself of the opportunity of seeing the

papers privately. The offer had been made to the member for Dale for him to have a look at the papers privately. However, he declined, and he moved the following motion:—

That all departmental papers dealing with the calling of applications for the position of Under Secretary, State Housing Commission, and the rejection of the recommendation of the Public Service Commissioner to appoint the Chief Administrative Officer, Department of Agriculture, Mr. W. Hopkinson thereto; all departmental papers relating to the decision to reduce the status of the position of administrative head of the State Housing Commission from Under Secretary to Manager; all papers dealing with the calling of applications for the position of Manager, State Housing Commission, and the appointment of Mr. A. D. Hynam thereto should be laid upon the Table of the House.

There were a number of personal matters related to this question. But that did not stop the member for Dale, who had the opportunity to see these papers if he so desired, from moving for them in the House and, in the circumstances it would be interesting to see those who supported his request for the tabling of those papers. I will read that list of names a little later.

The Minister, in replying to the motion moved by the member for Dale, said—

I make the statement that the member for Dale, in moving this resolution, does not want the papers to be laid on the Table of the House. If he were interested and desired to see what had been done, he would have accepted the invitation extended to him to call at the office of the Public Service Commissioner. If he had done that and found anything offensive to him, or any improper thing done by the Government or anybody else, then he would have been in a far more commanding position, could have spoken with some more authority, and could have made out some case for the papers to be laid on the Table.

The present Minister for Railways, the then Deputy Leader of the Opposition, supported the member for Dale in his motion to have these papers tabled, well knowing that the member for Dale had not accepted the offer held out to him to see these papers privately. This is what the member for Nedlands, the present Minister for Railways, had to say—the words appear on page 2296 of Vol. 2 of the 1957 *Parliamentary Debates*—

This motion is divided approximately into two parts, which, in turn, are subdivided. The first part deals with the calling of applications for the position of under secretary to the State Housing Commission, and the

second deals with the decision to reduce the status of the position of administrative head of the State Housing Commission from under secretary to manager. As I said, those two matters are subdivided further; in the first place into the rejection of the recommendation of the Public Service Commissioner to appoint the administrative officer of the Department of Agriculture—a Mr. Hopkinson; and in the second case the appointment of a Mr. Hynam.

The Minister seems to pin his faith to the fact that the mover of the motion should have examined these papers in the Minister's office, or in the office of the Public Service Commissioner. All of us in this Chamber know that if one examines papers under those conditions, one is morally, if not legally, bound not to use that information. It is only in the most unusual circumstances that people avail themselves of that invitation. Very often on these files there are matters of a confidential nature and if we do see them, and it is known that we have seen them, and there happen to be leakages, no matter how innocent one might be one immediately becomes suspect.

A little later down the page he is reported as saying—

It rather intrigued me that the Minister implied from his remarks that he would have no objection to the member for Dale seeing the papers under the conditions he was invited to see them and using the information.

I would like to say that there is no objection—implied or otherwise—to a member of Parliament, who has seen papers privately, using the information he has obtained from the file unless it is in a section of the file which is confidential. Any member would respect that, and would not use that information. But he is at liberty to use any other information on the file; and, of course, he should use it if he feels that it is in the public interest for him to do so.

Now the Minister for Railways, in refusing me the right to see these papers, gave no reason for his refusal. He did give an excuse which I will read in a moment; but it was not a reason. In my view, there are only two circumstances in which a Minister is justified in refusing to allow a member to see papers or in refusing to table papers. The first is if they are private papers concerning a certain individual; and therefore, in tabling them, the Minister would be making information public which he feels should not be made public. In those circumstances, he would hesitate to place the file upon the Table of the House.

The other circumstance is where it can be shown that consideration of public policy require the papers not to be tabled.

The Minister would then be justified in taking that course; that is, on consideration of public policy. However, in all my experience, there was never any consideration of public policy sufficiently important to cause me to deny any member the right to see any papers which he had requested. It would be only in very extreme cases that that right would be denied to any member; because our democratic Government depends upon disclosing, as fully as possible, everything that is going on. That is why we require Estimates to be brought down indicating expenditure; that is why we require the tabling of reports of the activities of various departments.

Further, when special agreements are being made, it is usual for such agreements to be brought to Parliament and explained; and I refer particularly to the agreement in connection with the establishment in this State of the Anglo-Iranian Oil Company or British Petroleum—a matter of far greater importance and moment than any contract for the building of KA wagons. However, Parliament was called together especially for the purpose of being informed of the real nature of the agreement the Government proposed to enter into so that members of Parliament would be fully aware of the obligation the State would be undertaking.

Here is a case of the letting of a contract for the construction of 200 railway wagons. There is no more to it than that. It is no different from the contract to construct the Rural and Industries Bank. When I asked for the papers dealing with that contract, the Minister tabled them without any objection. He did not say that because it was a current contract I could not see the papers.

The excuse given by the Minister for Railways for not tabling the papers on this contract is set out in *Votes and Proceedings*, No. 17, of Wednesday, the 12th August, 1959. The question asked and the answer given, are as follows:—

Mr. Tonkin, pursuant to notice, asked the Minister for Railways,—

Will he table the papers dealing with the estimates for the construction of KA wagons and the calling of tenders and the construction of 200 such wagons?

Mr. Court replied—

It is considered undesirable to table papers of this nature, especially while a contract is current.

I daresay that hundreds of such requests have been made over the years for papers regarding a contract and estimates.

Can you, Mr. Speaker, imagine any papers dealing with the letting of a contract which could ever be made available for members to see if the Minister said, "You cannot see them whilst the contract is current?" What is the good of seeing them after the contract is completed? If a member wishes to see papers about a

contract after it has been let, of course the contract is current! Is that any reason for refusing to table the papers—the fact that the contract is current? The Minister might as well have said, "You cannot see the papers, because tomorrow is Wednesday."

Mr. Watts: It's not; it's Thursday.

Mr. TONKIN: I mean when the Minister was giving the answer.

Mr. Hawke: He gave the answer on Tuesday!

Mr. TONKIN: It would be just as closely related to the question. Fancy giving as his reason for not tabling papers that it is undesirable; or, phrased in another way, that he did not wish it. The papers could not be made available because the Minister did not wish it. Is that to be the reason? If the Minister can get away with that, the next thing we will have is the spectacle of Ministers getting up and refusing to answer questions, because they do not want to.

Mr. W. Hegney: They cannot answer them too well now.

Mr. TONKIN: It is the same thing. We will ask a Minister a question about something and be told, "I am not going to answer the question, because I do not want to." Could any refusal be less justified than this one: that "The papers will not be tabled because it is not desirable, especially during the currency of a contract."

So if any member wants to ask to see papers about a contract, then he should not expect to do so, because the contract is current. That is a fine reason is it not? It is the reason one would get in a kindergarten class. What is more, I say it is an affront to Parliament to submit such a reason; it is an affront to treat a responsible body of men in that way. I would also like to emphasise that when a member of Parliament asks a question in Parliament it is on behalf of the Parliament; and the answer is given, not to the member himself but to the Parliament. To tell the House that the papers cannot be made available because it is not desirable, and because the contract is current, is to treat the House with contempt.

Mr. Andrew: It looks as though he has something to hide.

Mr. TONKIN: One wonders what was the real reason that caused the Minister for Railways to adopt this course, and I propose to express my opinion about it. Before doing so, I would like to read questions and answers which led up to my asking for the papers. The first questions in connection with this matter were asked by the member for Guildford-Midland. I quote from *Votes and Proceedings*, No. 11, of the 29th July, as follows:—

Mr. Brady, pursuant to notice, asked the Minister for Railways,—

- (1) Will the Government Railway Workshops at Midland Junction supply wheels and axles

for use in the 200 KA railway trucks to be built by Tomlinson Ltd. for the Railway Department?

The Minister replied: "Yes." The next question was—

- (2) Are any other component parts or materials for the trucks to be supplied by the Railway Department or by the Government to Tomlinson Ltd?

To this the Minister replied—

- (2) Yes, draghooks, draghook pins and lubricating oil. Contractor advised in specification that other material can be supplied if desired ex Railway Stores at charge.

The next question was—

- (2) Will Tomlinson Ltd. pay the Railway Department or the Government for the component parts and materials to be supplied?

To which the Minister replied—

- (3) The tenders were called on the basis that the W.A. Government Railways would supply wheels, axles, draghooks, draghook pins and lubricating oil. Therefore tenders were submitted accordingly and the question of payment does not arise except for other materials which are available under mutual arrangement at charge.

This was followed by question No. (4), which reads—

What is the estimated value per truck of those component parts and materials?

The Minister's reply was—

£265 for wheels, axles, draghooks, draghook pins and lubricating oil.

Question No. (5) was as follows:—

Can the price per truck tendered by Tomlinson Ltd. be compared fairly with the estimate supplied by the Railway Department on the 25th March, 1959?

To which the Minister replied—

Yes.

The next question asked was—

What is the estimated cost per truck to the Railway Department of the 200 trucks in question, including the cost of all component parts and materials to be supplied by the Railway Department or the Government?

The Minister's reply to this was—

£1,067, plus £265 for items in No. (4), plus £8 W.A. Government Railways loan charges, a total of £1,340.

Question No. (7) was—

What was the departmental estimate per truck as supplied by the department on the 25th March of this year?

The Minister's reply was—

It is not desirable to give this information for reasons which the honourable member will appreciate. The tender price is lower than the estimate.

I followed those questions with some others, which are reported in *Votes and Proceedings*, No. 16 of Tuesday, the 11th August. My first question was—

Did the present Government obtain an estimate from the Railway Department of the cost of making KA wagons?

To which the Minister replied, "Yes." The next question I asked was—

Was this estimate higher, lower, or the same as the estimate which was given to the previous Government and which was mentioned in the announcement in *The West Australian* of the 24th July?

The Minister replied, "Lower." I then asked—

Were the same persons responsible for both estimates?

and the Minister replied, "Yes." My fourth question was—

If the estimate differed, what is the explanation for the difference in such a short period?

To this the Minister replied—

No satisfactory explanation has been given. In view of the results disclosed by keen tendering, it is obvious that the estimate given the previous Government is the more realistic and reliable one.

In my fifth question I asked—

Did the Commissioner of Railways recommend that the 200 KA wagons or any portion of them be manufactured by his department?

The Minister's reply was, "No." I then asked—

Was the Minister consulted in the matter and asked for a recommendation?

The Minister's reply was—

The decision to call tenders was made in consultation with the former Commissioner and before the present Commissioner was appointed.

The present Commissioner was only called on to advise and make a recommendation in respect of the tenders received.

My next question was as follows:—

Is there any arrangement or understanding with the Commissioner that a payment will be made to the Railway Department by the Treasury to compensate for the extra costs involved by having the 200 wagons constructed by Tomlinson Ltd. instead of by the railway workshops?

To this question the Minister replied—

No extra cost is expected to be involved and therefore no such arrangement was considered.

In my question No. (8) I asked—

In what year did the Railway Department last construct KA wagons, and what was the average cost of wagons then constructed?

The reply given by the Minister was—

In 1941; the cost being £250.

I then asked the Minister—

Will he ask the Commissioner of Railways if KA wagons can be constructed in the department's workshops for less than £900 per wagon and supply the answer to the House?

The reply I received was—

Yes. As requested this has been done and the Commissioner's answer is, "No."

In question No. (10) I asked the Minister—

Does the contract with Tomlinson Ltd provide for a variation in price by means of a clause covering "rise and fall"?

The Minister's reply was, "No." My next question was—

Does the Commissioner of Railways share the view expressed by the Government in *The West Australian* of the 24th July that "this price was considered to be most satisfactory"?

The Minister's answer was—

He has not been consulted on this point. He was only called on to advise which of the three tenders received should be accepted.

I then finally asked the Minister—

Will he assure the House that the letting of the contract for 200 KA wagons to Tomlinson Ltd will not result in costing at least £30,000 more than would be the case if the wagons were constructed by the Railway Department's workshops?

In reply the Minister said—

Yes, so far as it is practicable to give such an assurance without the actual experience of concurrent production in the two separate establishments.

I was so dissatisfied with those answers that I thought it was necessary to see the papers, and I asked to do so accordingly. In figures which I shall give the House

shortly, I will, I think, be able to demonstrate that the railway workshops can make these wagons for considerably less than a total cost of £900; and we are going to pay more than a total cost of £1,300 for them.

The Minister has assured me that he asked the Commissioner of Railways whether these wagons could be constructed in the workshops for less than £900. If the Commissioner of Railways did give the answer which the Minister conveyed to me, then I am beginning to wonder whether we have got the man that we thought we had; because in view of the figures that I shall quote, if this commissioner believes that we cannot manufacture wagons for less than £900, he must be lacking in capacity in some direction, anyhow.

These wagons were manufactured in 1941 for £250, when the basic wage, at the 26th February, was £4 6s. 11d. with a margin of £1 10s.; or a total wage to the men who would be engaged on the construction of these wagons of £5 16s. 11d.

The wage rose slightly in July so that the total wage with £1 10s. margin was £5 18s. It rose again on the 28th July with a margin still of £1 10s., so that the wage was £6 0s. 5d.; that is, £4 10s. 5d. basic wage and £1 10s. margin, making a total of £6 0s. 5d. Now let us take the basic wage of today with the margin. It is £13 8s. 7d. with a margin of £3 15s., which gives a wage of £17 3s. 7d. compared with a wage of £6 0s. 5d. So it is not quite three times as much.

If one applies experience with regard to the "C" series index and basic wage at one date compared with the "C" series index and basic wage at another and tries to arrive at an approximate cost of goods in the relative periods, one usually finds that if one applies the formula related to the basic wage one gets pretty close to the cost of the article. If there is any variation, it is usually that the price today is somewhat cheaper in relation because of improved methods of manufacture.

That is to say, if the cost of an article in 1941 was £10; and in 1959 the basic wage, with margin, was three times as much, the price of an article should be £30; but we frequently find it is only £24 or £25, because of improved methods of manufacture in the interim. Let us consider our experience with regard to a well-known product—the Holden motorcar. When that car came on the market about 1949 it was sold at a little less than £700. Today it sells at about £1,100.

Mr. May: With increased tax.

Mr. TONKIN: With considerably increased tax; and the increase in the list price is less than 50 per cent. in 10 years; whereas the increase in the basic wage between the two periods is something like 130 per cent. to 140 per cent. So it is not

unreasonable to assume on the face of it that if these wagons could be manufactured by the Railway Department in 1941 for £250, then they could be manufactured today for considerably less than the amount the State is going to pay Tomlinson Ltd.

Mr. Brand: With the same specifications and material?

Mr. TONKIN: Practically; and I would tell the Premier in regard to that matter—and it is worth looking into—that the W.A. Government Railway Workshops are constructing prototypes—they are making some modification to the KA wagons—which will be supplied to Tomlinson Ltd. for the contract. I would like to know who is paying for that work, and whether it will be a cost to the Railway Department or to Tomlinson Ltd.

Tomlinson Ltd. put an advertisement in the paper inviting sub-contractors to submit prices for a number of components for these wagons. They must have made pretty ample allowance in their tender price when they tendered not knowing what these things were going to cost them. It is my firm belief that this contract to Tomlinson Ltd. will cost the State at least £60,000.

Mr. Graham: Shame!

Mr. TONKIN: I have little doubt that these wagons could be manufactured in the Government workshops for substantially less than £900.

Mr. Graham: No wonder they won't produce the files!

Mr. TONKIN: Under the present arrangement the cost will be £1,340. If we take the difference roughly as being £400 per wagon, on 200 wagons the figure will be £80,000. I consider that £60,000 is a conservative figure. Are we justified in using £60,000 of the State's money to get wagons constructed outside; and, at the same time, putting up railway fares to increase railway revenue? If what I say is true, we will be deliberately increasing the capitalisation of the Railway Department by at least £60,000 upon which it has to earn interest.

In order to earn that interest, the Government has to increase railway freights and charges. We bring a Commissioner of Railways from overseas in order to stop the drift in railway finances and bring them nearer to balance; and the Government deliberately enters into a contract which will increase the capitalisation of the railways unnecessarily!

Mr. Wild: That is only your assumption.

Mr. TONKIN: Of course it is; and the Government is seeing that I get no opportunity of ascertaining whether I am right or wrong.

Mr. Wild: You would find you are wrong.

Mr. TONKIN: It is all right for the Minister to sit smugly and deny me the papers and also tell me that I would find I am wrong. Can we get a genuine reason why the papers will not be supplied if I am wrong?

Mr. Graham: What are they afraid of?

Mr. TONKIN: If I am supposed to be wrong, is there a genuine reason for refusing a request for these papers with regard to a contract that is let? Would you not, Mr. Speaker, think that the Government would hasten to present the papers to prove I am wrong?

Mr. Graham: You are not wrong.

Mr. Wild: We will in good time.

Mr. TONKIN: When the contract is completed, because we cannot see the papers while the contract is current. What is the explanation? Take any other article constructed in 1941 with the basic wage at the figure I quoted. Would one expect to pay more than five times as much for that article today? That is what this contract requires the Government to do. It will be more than five times what it cost the Government to construct these wagons itself in 1941. It is all right for the Minister for Works to sit there without advancing a single reason, and saying I am wrong. However, he has said that so often. He said it in regard to apprentices at the State Engineering Works until I proved he was wrong.

The important aspect of this matter is that I am not going beyond what are my rights as a member in requesting to see papers when there is no consideration of public policy involved and no personal question involved. Members opposite will not always be on that side of the House.

Mr. Graham: You can say that again!

Mr. TONKIN: There will be occasions, even with the best of luck in their favour—

Mr. Brand: Nothing to do with luck.

Mr. TONKIN: —when they will occupy seats on this side and they will desire to see papers.

Mr. Brand: You can have the same good old read that we are having at the present time.

Mr. TONKIN: I challenge the Minister for Works, the Premier, or any other member on that side of the House to point to a single instance where we denied access to papers under similar circumstances.

Mr. Brand: What about the coal agreement?

Mr. TONKIN: The Premier must have been asleep when I read the statement from *Hansard* about coal.

Mr. O'Connor: Didn't the Minister say you could see the papers?

Mr. TONKIN: The papers were made available; but the Premier has forgotten all about it.

Mr. O'Connor: I think the Minister for Railways advised you that you could see these papers.

Mr. TONKIN: He told me I could not see them.

Mr. Watts: Unless he was present, was it not?

Mr. TONKIN: Yes.

Mr. Watts: That is not saying you could not see them.

Mr. TONKIN: He did not say that I could see them if he were present.

Mr. Watts: The implication was clear.

Mr. TONKIN: The implication was not clear at all; do not worry about that! The Minister has no intention of making the papers available to me. What purpose is there in saying, "You cannot see the papers unless I am present, because I want to talk to you about them"? Could he not leave the papers, as is always done, with his Under Secretary; or does he not trust him?

If he desires that I should see these papers there is no reason whatever why he has to be present while I look at them. He could have half a dozen officers in his department even if he would not trust me with one.

Mr. Wild: Perhaps he might remember what you did in connection with an officer employed in the Housing Commission a few years ago.

Mr. TONKIN: You should be the last one to make a statement like that.

Mr. Graham: I'll say!

Mr. Wild: You should read in *Hansard* what was said at the time.

Mr. TONKIN: The Minister should be the last one, with his record, to make a statement like that. I will not go any further as I do not want to be personal.

Mr. Wild: I did not take an employee down to the Palace Hotel.

Mr. TONKIN: I will not be dragged into personalities.

Mr. Wild: There is nothing personal about that; you did it.

The SPEAKER: Order!

Mr. TONKIN: This matter ought to rise or fall on the fairness of the case. I revert now to the motion moved by the member for Dale, the present Minister for Works, who had an opportunity of seeing papers and did not take advantage of that opportunity; and who still moved for the papers. He was supported by a number of members whose names I shall read. The important point to remember is that no weight should be placed upon the interjection of the Attorney-General when he tried to convey the fact that the Minister for Railways would let me see these papers; because the last thing I said to

him last night was, "You will not let me see these papers"; and he said, "No, not under the circumstances."

Mr. Roberts: What were the circumstances?

Mr. TONKIN: They were that I was not free to choose what information I should be at liberty to use after having viewed the papers.

Mr. Roberts: Isn't that common practice. If you see the papers they have to be treated as confidential.

Mr. TONKIN: No; it is not.

Mr. Brand: Why did we get the answer so often that papers could not be made public, but members could peruse them in the privacy of the Minister's office?

Mr. TONKIN: I am sorry I have had to speak so long this afternoon and that the Premier has taken so little heed of what I have said.

Mr. Brand: I have listened to every word.

Mr. W. Hegney: But it did not register.

Mr. TONKIN: I told the Premier that the only two instances which would justify the refusal to table papers were: Firstly, when the papers were of a personal nature and could be damaging to the people concerned if the papers were unnecessarily made public; and, secondly, when it was a matter of public policy.

Mr. Roberts: I do not think that either of those points would have been applicable to the tabling of the papers in connection with St. Clair's Hospital, Bunbury.

Mr. TONKIN: Who refused that?

Mr. Roberts: You did.

Mr. TONKIN: Will the honourable member tell me that those negotiations with regard to a private individual were not of a personal nature?

Mr. Roberts: They were of a pretty public nature, too.

Mr. TONKIN: Why should the member for Bunbury seek to mislead the House in that way?

Mr. Ross Hutchinson: It all depends on who makes the rules for these things.

The SPEAKER: Order!

Mr. TONKIN: It does not depend on who makes the rules at all. It depends on one's interpretation of democracy; and whether members of Parliament are entitled to the information. If the Government could advance one valid reason for withholding these papers, there might be some grounds for agreeing with its action. But is it a valid reason to say it is not desirable? Is it a valid reason to say that they shall not be tabled because the contract is current? I have never heard anything more puerile than those excuses.

Mr. Brand: What if the Minister said there was something confidential to the private firm?

Mr. TONKIN: He did not say that; and I am not here to answer supposititious questions, but to deal with matters as they develop. The Minister did not say there was something confidential, because he could not. What can there be confidential about making up estimates for a job and calling tenders for it? If there is anything confidential in doing those things, then it is time we saw the papers. Tenders are supposed to be open to the public; and the conditions under which they are called, and the letting of them, are supposed to be available. How can there be anything confidential with regard to those things?

The point I want to emphasise is that there are in the House a number of members who voted for a motion for the tabling of papers when the honourable member who moved the motion had not availed himself of the opportunity of seeing the papers privately, but wanted them tabled. That is the important point. I have here the division list. The motion was moved by the present Minister for Works, the member for Dale, and it was supported by the present Minister for Railways; and although they had the opportunity to see the papers, they did not use that opportunity but moved for the papers to be tabled. These are the members who voted in favour of the tabling of the papers—

Mr. Ackland	Mr. W. A. Manning
Mr. Bovell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Crommelin	Mr. Thorn
Mr. Grayden	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Mann	(Teller.)

Mr. Ross Hutchinson: That is indicting us.

Mr. Graham: You are indicting yourselves.

Mr. O'Connor: Who voted against the motion?

Mr. TONKIN: The following members voted against it:—

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. Marshall
Mr. Evans	Mr. Moir
Mr. Gaffy	Mr. Norton
Mr. Graham	Mr. O'Brien
Mr. Hall	Mr. Potter
Mr. Heal	Mr. Rodoreda
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Toms
Mr. Lapham	Mr. May

(Teller.)

Mr. Brand: This was not a party vote, was it?

Mr. Roberts: There might be a complete switchover this time.

Mr. TONKIN: The question finally revolves about this point: Is my request unreasonable in the circumstances? It is a request to see papers regarding a contract of considerable public importance, where

the indications are that a substantial sum of money is being squandered; where, in ordinary circumstances, if there were nothing to hide, the papers would readily be made available. Think as one will, one cannot conceive of a valid reason for withholding these papers; unless it is to hide something.

There is nothing of a personal nature involved; there should be nothing of a confidential nature; and this contract should not differ from the Rural and Industries Bank contract, or any other contract. Yet the Government denies us the right to see these papers. Why? Because, we are told, it is not desirable for us to see them; and they relate to a current contract. If these are to be reasons for not seeing papers, then members should not expect to see the papers regarding any contract, once the contract is let, because we should not see papers if the contract is current. What a lot of nonsense that is!

Suppose our replies to the House had been: You cannot see the agreement in regard to the Chase Syndicate and the land at Esperance, because it is a current contract; you cannot see the papers for the contracts for coal to be supplied from Collie, because the contracts are current; you cannot see the papers about the Rural and Industries Bank, because the contract is current; you cannot see the papers about some school building, because there is a current contract. Are we going to accept that as a reason for not being informed on what is happening? If we are, we are going to allow ourselves to be reduced to a mere cypher.

Mr. Ross Hutchinson: It certainly applied to the Chase agreement. We were told by you that there was a lot of negotiating with the Government in regard to this agreement.

Mr. TONKIN: What is the point in that?

Mr. Ross Hutchinson: You were holding that up as an example.

Mr. TONKIN: The Opposition was not denied the papers.

Mr. Ross Hutchinson: Yes we were.

Mr. TONKIN: No; the members of the Opposition were not denied them. They were allowed to see the papers; so there is no point in what the Minister for Health is saying. He is endeavouring to show that those papers were withheld.

Mr. Ross Hutchinson: Only the agreement was given.

Mr. TONKIN: That is misleading the House.

Mr. Ross Hutchinson: You are misleading the House; or were.

Mr. TONKIN: No I am not. I am recounting what happened with regard to these contracts, and I am quoting figures which ought to make any responsible member desire to see what is happening.

With the basic wage in 1941 at the figure I quoted, these wagons were manufactured for £250. To be asked to pay £1,340 for them now, inclusive of wheels and axles, is a bit too much for me to swallow.

I make the definite charge that the letting of this contract to Tomlinson Ltd. will involve an excessive expenditure of at least £60,000. The point can easily be determined by getting from the Railway Department an estimate of the price at which it can construct the wagons. The department should know what it costs to construct the wheels and axles which it will supply. Its officers will also know what it will cost them to supply the dust covers. As a matter of fact, I can quote a number of the components, leaving very little else on which to get a price. So we can see whether we ought to pay £1,340 or not. The following items will be required:—four springs at £9 10s. each; vacuum cylinders at £48 each; four axle boxes per wagon at approximately £5 each; four brasses per wagon at £4 15s. each; brake blocks at £4 15s. each; brake hangers at £8 each.

Mr. Brand: Where did you get your information?

Mr. TONKIN: Ah! Not from the file. Now the Premier is starting to take notice.

Mr. Brand: I am; I am very interested. I was, for the same reason, interested in the questions asked yesterday by the member for Albany.

Mr. Hall: Research.

Mr. TONKIN: The list of items continues: Brake levers, £7; hook on to links and safety chains, £4 4s.; safety chain spring, 5s.; safety chain shackle, 16s. 6d.; safety chain eye bolt, £1 16s.; two buffers per wagon, £180 each; two sets of wheels at £116 each; and about £40 for dressed timber. That does not leave very much else.

Mr. Cornell: In view of that information, I think we want another Royal Commission into the railways.

Mr. TONKIN: This afternoon I asked the following questions with regard to railway overheads:—

- (1) What accounting method is used by the Railway Department to determine the amount to be included for "overheads" when arriving at the cost of articles produced at the department's workshops?
- (2) If a percentage of direct wages is used, what is the percentage normally charged?

These are the replies I received—

- (1) The provision made for "overheads" in connection with the Midland Junction Workshops is designed to recover the actual cost incurred, and is calculated and applied as a percentage on direct wages.
- (2) Normally 80 per cent.

If one takes notice of the information and figures I have given to the House; and if one keeps in mind the fact that these wagons were constructed for £250 in 1941, one can come to no other conclusion than that £1,340 per wagon is outrageous. That is why I think Parliament is entitled to see the papers.

If the Government is throwing away £60,000, and it is its policy, let it stand up to it, and not try to hide what it is doing by withholding the papers so that nobody will know anything about it. I do not deny the Government its right to put into operation a policy with which I do not agree, if the Government thinks it is right to do that, provided it does not attempt to hide its policy, or to run away from it.

If the Government is prepared to put a policy into operation, it should stand up to it and allow it to be investigated and looked at. If it is the Government's policy to give a contract to private employers for the construction of 200 KA wagons, let it do so and stand up to it, and not try to hide it, which is what is being done by the withholding of the papers in this instance. There is no single, valid reason which can be advanced for not allowing to be made public the papers in connection with the calling of tenders and the letting of a contract.

When Ministers bring their budgets to the House they are obliged to explain the various items concerned; and we have the opportunity of questioning them, an opportunity which is freely availed of in order that we can be fully informed as to what has transpired; and we are entitled to know what is transpiring with regard to these wagons.

I would think that in due course this is a matter which ought to occupy the attention of the Auditor-General. I would expect him to be interested in this if, on the face of it, it appears that money has been unnecessarily expended, thereby increasing the capitalisation of the railways, which are already over-capitalised. Surely this is a matter of public concern, and should be the concern of every member of Parliament, no matter where he sits! It is no answer to say that the papers will not be made available because it is not desirable, the contract being current.

I trust that members will view this motion as one which concerns them all individually, and they will not enable the Government, simply because it has the numbers, to deny what is only the right of every member—to see papers—unless there is some special and valid reason why they should not be tabled.

On motion by Mr. Brand (Premier), debate adjourned.

BILLS (2)—RETURNED

1. State Electricity Commission Act Amendment.
2. Foot and Mouth Disease Eradication Fund.

Without amendment.

CROSSWALKS

Disallowance of Regulation No. 231

Debate resumed from the 12th August on the following motion by Mr. Graham:—

That new Regulation No. 231 made under the Traffic Act, 1919-1958, as published in the *Government Gazette*, on the 23rd June, 1959, and laid upon the Table of the House on the 1st July, 1959, be and is hereby disallowed.

MR. PERKINS (Roe—Minister for Transport) [6.51]: This motion deals with what has been a most controversial subject in recent times. As members will recollect—they would not have much chance of forgetting it—some while ago, but since this Government assumed office, an alteration to the crosswalk regulation was gazetted which provided for some variation of the law. Unfortunately, the Press played up an angle of the regulation, which in my opinion indicated a wrong appreciation of the position and caused a certain amount of misgiving in the minds of some pedestrians. But I think that the situation has gradually ironed itself out.

While the controversy was still taking place, the member for East Perth gave notice of a motion to disallow the regulation which had been recently gazetted. Naturally, when a subject such as this is raised, there is a desire on the part of members to ventilate the matter; and in those circumstances, and even at that time, I was prepared to give the Opposition credit for really being concerned about the position. But in view of the attitude which the Opposition has taken in recent times to almost everything that this Government brings before the House, I begin to question the *bona fides* of some of the criticism which has been made.

I am inclined to think that the member for East Perth was not particularly anxious to proceed with this motion; and I think perhaps the position might have been that the Labour Party, at one of its Party meetings, in considering the overall position thought, "This is a question where the Government is under fire by the Press and it is a golden opportunity for us to jump in and put the boots in."

Mr. Graham: That is totally incorrect!

MR. PERKINS: I think the conversation might have gone something like this: "Well, Graham; you had better get busy on this. You have been mixed up with traffic in the past and you had better move

for the disallowance of the regulation." I can imagine some reluctance on the part of the member for East Perth to move the motion; however, he has come here—

Points of Order

Mr. GRAHAM: On a point of order, Mr. Speaker, is the Minister in order in imputing improper motives, and at the same time suggesting that a member, who happens to be me, has taken certain steps—which I have the right to do—under pressure? I am more concerned with the earlier part of it wherein the Minister ascribes improper motives for raising this question. I think the least he can do is to withdraw and apologise; and I would ask that that be done.

The SPEAKER: I take it the point of order is that the Minister is imputing improper motives to the honourable member?

Mr. GRAHAM: That is so.

The SPEAKER: Does the Minister understand the point of order?

Mr. PERKINS: I am afraid I do not, Mr. Speaker. I merely expressed my personal opinion; and if the Opposition want to press this kind of point of order and ask for a withdrawal of a comment such as I made, it is very much out of line with the attitude that they have taken in imputations they have made against members on this side at certain times. For some reason or other they are getting very thin-skinned. However, I do not wish to proceed further on that line; I am all for peace and quietness in the Chamber, and I shall not proceed any further in that way in view of the issues which are being raised.

Mr. GRAHAM: With your indulgence, Mr. Speaker, I think the matter should be cleared up.

The SPEAKER: The indulgence the honourable member has asked me to exercise is simply this: It is the Speaker's prerogative to decide whether or not words are objectionable. If I might be permitted to express a personal opinion, I would say that it had occurred to me, while the Minister was speaking, that I would have preferred him to deal more directly with the motion before the House.

However, I have frequently heard this sort of imputation from both sides of the House; and, therefore, in this case I cannot properly rule that the Minister's statement was objectionable, or that his attitude was objectionable, because the same sort of thing has been said so often in the past, and has been accepted. Therefore, I shall not uphold the point of order that the honourable member has raised; but I ask the Minister to confine himself to the motion before the Chair.

Mr. LAWRENCE: On a further point of order, Mr. Speaker, I would like the Minister to realise that he referred to "Graham". I do not know whether he referred to the ex-Minister, but he did mention the name Graham and I would ask him to withdraw it if it referred to the member for East Perth.

Mr. PERKINS: I did it only in the third person, and I was merely letting my imagination run riot regarding what had happened at a Labour Party meeting. I do not wish to pursue the matter any further.

Mr. Brand: I bet you couldn't imagine what would happen there!

Mr. W. Hegney: You could not imagine what would happen at Liberal-Country Party meetings.

Debate Resumed

Mr. PERKINS: In moving his motion, the member for East Perth dealt in some detail with the position regarding the signing of the paper on the file, and how he came to sign it. Perhaps to refresh members' minds I should read the relevant portion of *Hansard* so that there can be no doubt as to what was said. The member for East Perth said this—

I well remember going into the office when I became a Minister six years ago. I was pleased to note that the table was completely clean—that is to say, no matters had been placed aside by the outgoing Minister for my attention. I thought that that was a worthy precedent and one which I would endeavour to follow as far as possible. If the Minister refers to the file—if my memory serves me rightly, which I think it does—he will find that the submission from the Police Department was made to me approximately one month before the elections. If he remembers—as he probably does not—I was absent from my office for several weeks because of public business, and then on account of illness. Following that, we were beset with an election campaign.

Naturally there had been an accumulation of work; and many of the things that normally would have been attended to were left. After the election—indeed, on the first working day, the Monday—there were a whole lot of papers in my basket, including the file dealing with this particular matter. I wondered what course I should follow in connection with it. The submission from the Police Department was to the effect that the department desired a regulation to follow that in vogue in New South Wales. I marked the paper "approved." The Minister could quite justifiably assume—I suppose he could come to no other conclusion—that I had finally approved of the proposition.

Those were the words that the member for East Perth used. But unfortunately for the ex-Minister, the file disclosed an entirely different situation. On the relevant file there is a letter dated the 23rd January last, written to the department, which reads—

As a motorist who wishes to observe the law I seek your advice regarding driving technique at busy unpoliced crosswalks.

The position does not arise where there is a practically continuous stream of pedestrians and a motorist who waited until the crosswalk was clear would have a very long wait and cause considerable nuisance to traffic.

Frequently there will occur a gap in the stream of pedestrians and although the crosswalk is not completely clear there will be room for a motorist to proceed. Is he justified in driving over the crosswalk in front of pedestrians in this case (assuming he had stopped at the crosswalk and waited for the gap to occur)?

Less often the case arises where a motorist stops at a crosswalk and waits in vain for a gap in the stream of pedestrians. In such a case is the motorist justified in inching forward and trying cautiously to proceed over the crosswalk?

Finally, it sometimes happens that a motorist drives over the left hand side of the crosswalk when a pedestrian has just started to cross from the right-hand side. Is this objectionable when, as in the case of a wide street, there is obviously no danger to a pedestrian? This includes the case where the pedestrian obviously stops on the crosswalk to allow the motorist to proceed.

While I am a strong believer in courtesy and consideration for the pedestrian (I am frequently one myself), I think motorists need consideration by the public. The above queries are prompted by an honest wish to drive through the city carefully and sensibly and in accordance with the laws both moral and legal. I hope your advice will assist me to do this.

Yours faithfully,

(Sgd.) L. Brennan, Esq.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. PERKINS: Before tea I read out a letter from the file which dealt with traffic matters. It was from a Mr. Brennan who asked for clarification of the regulation on crosswalks and of the implications. It was dated the 23rd January, 1959.

In reply, the inspector in charge of traffic on the 29th January, 1959, wrote the following letter:—

Dear Sir,

I acknowledge receipt of your communication of the 23rd instant, and in reply I have to advise that Traffic Regulation 231 reads as follows, and is quite clear in its intention:—

The driver of every vehicle shall yield the right of way to any pedestrian crossing a roadway within any marked area or defined pedestrian crossing except to the extent that the movement of all traffic approaching, crossing or using such pedestrian crossing is being regulated by a police officer or traffic inspector or by traffic signals.

(Signed) Inspector in Charge of Traffic.

The next relevant item on the file is a minute dated the 13th February, 1959, from the Traffic Liaison Officer attached to the Minister for Transport, to the Commissioner of Police. I might explain that the present practice, as was the practice in the past, is for the Minister to have a private secretary, in addition to another secretary who deals specifically with traffic matters. Members with experience of ministerial duties will realise that these officers never take action except on the instruction of the Minister. That can be accepted as an axiom. I shall now read the minute, which is in the following terms:—

For the information of the honourable Minister I should be pleased to have the view of the Inspector in Charge of Traffic concerning the New South Wales regulation relative to right of way on pedestrian crossings as referred to on pages E and F of this file.

(Signed) Traffic Liaison Officer.

The next document is a minute addressed to the Inspector in Charge of Traffic from the Commissioner of Police dated the 16th February, 1959, and is in the following terms:—

For your views on this matter please.

Then we find a very important minute addressed to the Commissioner of Police, from the Inspector in Charge of Traffic, dated the 18th February, 1959. It reads as follows:—

I have studied the implication of the New South Wales traffic regulation concerning use of and right of way for pedestrians at crossings, and find it is in accord with my own views on the subject of pedestrian crossings.

Our own traffic regulations covering right of way on pedestrian crossings are 231 and 325, of which 231 is that mostly enforced and by which proceedings are usually commenced.

Both regulations are quite clear in their intention, and thus cause or should cause any motorist to yield right of way by stopping for any person who enters a marked or defined pedestrian crossing.

That is, of course, from kerb to kerb and over the carriage way for a length of 12 feet.

I am of the opinion a greater flow of traffic would continue if the provisions of the New South Wales regulations were incorporated in our regulations, in lieu of 231 and 325 with slight amendments appropriate.

Many requests are received at this office for advice as to the rights of a motorist travelling east, for instance, when a pedestrian steps off the kerb on the south side of a crossing to walk north.

There is absolutely no danger to the pedestrian. However, as the regulations stand, the motorist must yield right of way, thus obstructing the flow of vehicle traffic whilst the pedestrian crosses from south to north.

This branch uses some discretion in the application of the regulation and normally only takes action in circumstances as are applicable under the New South Wales regulation 67 (2) (b). This regulation reads as follows:—

Where a motor vehicle is approaching or is travelling upon a marked foot-crossing and a pedestrian is walking upon such foot-crossing, so that if both continued they would arrive at the same point together and collide, the driver of the motor vehicle shall lessen the speed of or stop the vehicle and allow such pedestrian to pass in front thereof.

I recommend consideration to amending our regulations by deleting 231 and 325 and inserting in lieu thereof a regulation on the following lines:—

Where a vehicle is approaching or is travelling upon a marked pedestrian crossing, and a pedestrian is walking upon such crossing so that if both continued they would arrive at the same point simultaneously, or a dangerous situation might be created, the driver of the vehicle shall reduce the speed of and if necessary stop the vehicle and allow such pedestrian to pass in front thereof.

The above, whilst not word for word the same as that recommended by the Australian Road Traffic Committee, is very similar. The alterations being considered more appropriate to this State. The word "collide"

being such that an actual impact would perhaps have to take place before action could be proved for an offence of failing to allow a pedestrian to pass, also a dangerous situation might easily be created unless some express provision was declared to try and prevent it. The term "vehicle" is used in lieu of "motor vehicle" as a cycle is deemed a vehicle in this State and is often the cause of accident on pedestrian crossings.

(Sgd.) Inspector in Charge
of Traffic.

The next item is a minute addressed to the Traffic Liaison Officer attached to the Minister, from the Commissioner of Police which reads as follows:—

Herewith please find for the information of the Hon. Minister for Traffic the views of the Inspector in Charge of Traffic concerning New South Wales regulation relative to right of way for pedestrians at crossings with which I concur.

(Sgd.) Commissioner of Police.
23rd February, 1959.

Now appears the most interesting item on the file; that is, the word "approved" and the signature "H. E. Graham" under that minute. The date against it is the 26th February, 1959, which was a month before the elections. That was the reason why I thought the member for East Perth might have expressed some reluctance to his fellow Party members in moving to disallow this particular regulation. I think I was justified in those circumstances in letting my imagination run loose slightly, and visualising the discussions which might have taken place in the Labour Party room when this particular matter was discussed.

Mr. Toms: You have an imagination.

Mr. PERKINS: That file gives the background to the matter contained in the motion before us. I did nothing except express amazement when the matter was raised in this House. I examined the file closely, and I found that the previous Minister for Transport had actually approved this regulation.

Mr. Graham: Approved the drafting of the regulation.

Mr. PERKINS: Of the actual regulation. The recommendation in the file is very clear. If the ex-Minister wants to go further into the matter, I might mention that this regulation is recommended as being consistent with the Australian Road Traffic Code.

Mr. Graham: Who signed the recommendation to Executive Council?

Mr. PERKINS: That came much later. All the action was taken on the minute signed by the former Minister.

Mr. Graham: The action to draft the regulation and nothing else. The action to give effect was begun by yourself.

Mr. PERKINS: The subsequent gazettal by Executive Council was given effect by myself.

Mr. Graham: And first of all the approval of the Premier.

Mr. PERKINS: It came at a later stage.

Mr. Graham: It was approved by yourself and not me.

Mr. PERKINS: The approval and subsequent action was taken on the advice of the former Minister. For the information of members I might read an appropriate minute dated the 27th April, 1959—which was after I assumed office. It is addressed to the Inspector in Charge of Traffic from the Commissioner of Police, and is as follows:—

In view of the fact that the proposed amendment has already been approved in principle by the honourable Minister for Traffic, please arrange for it to be promulgated when the next schedule of amendments is being prepared.

The necessary information should be extracted from this file and the papers then returned to the Main Roads Department.

(Signed) Commissioner of Police.

The reference to the approval by the Minister relates to the approval which I have already quoted, and which is dated the 26th February, 1959, signed by H. E. Graham.

I have some responsibility for this regulation also, because I did sign the subsequent gazettal notice. Of course I do not disagree with the regulation; if I did I would have changed it before now. What is annoying me somewhat is that the previous Minister is now trying to make out that he does not agree with the new regulation, and that the old regulation is better.

How he can do that in face of the fact that he initiated the investigation into the problem and obtained the report, after which he signified his approval, I do not know! How he could have the effrontery to come here and recommend that the House disallow the regulation is almost beyond my comprehension!

There is another point. I referred to this being in accord with the Australian Road Traffic Code. The ex-Minister very well knows that we are trying to obtain a uniform Australian basis in all these matters concerning traffic; and we set up this Australian Road Traffic Code Committee to the meeting of which approved officers, including those approved by the ex-Minister, were sent, and by which conclusions were reached and recommendations were made. The implication was that those recommendations would be carried into effect. What is the sense of our appointing that committee if, when we receive recommendations, we are not going to take appropriate action?

There is a further provision. The recommendations of this code committee go to the Australian Transport Advisory Council, a meeting of which I attended at Brisbane some time in May. I have no doubt that the former Minister for Transport attended numerous meetings of this council. I find on the files that this particular recommendation was approved by the Australian Transport Advisory Council at the time when the member for East Perth was Minister for Transport, and a member of that council.

Where are we going to get if that is the way we are to carry on? We spend money on setting up a council, and then we have the ex-Minister coming to this House and recommending that we disallow everything and throw to the winds everything of which he has already approved. I can only say that it is a most irresponsible action.

I thought it was necessary to deal in some detail with the background of this particular question, because it is one that has created considerable interest, and the Opposition has done its best to throw some blame on the present Government for whatever difficulties have arisen in regard to it.

Mr. Graham: That is totally false. The Opposition has not criticised you. Only one member has spoken—myself—and I did not. And that is pretty exceptional for me.

Mr. PERKINS: I was not referring particularly to debate in this House.

Mr. Graham: Where else have members of the Opposition criticised you?

Mr. PERKINS: I think I could recall some statements being made by some members on the Opposition side of the House.

Mr. Graham: I challenge you to find them.

Mr. PERKINS: At least some of the questions that were asked were criticism of this regulation. The implication was in the questions.

Mr. Brand: No doubt about that.

Mr. Graham: I challenge you to find them.

Mr. Brand: Look in the Address-in-reply debate.

Mr. PERKINS: There would be some difficulty at such short notice to find the references. I think the member for East Perth will agree that he is asking for something which is difficult to provide.

Mr. Graham: You know you could not find them, because they were not made.

Mr. PERKINS: There were questions asked to which I gave the answers.

Mr. Graham: It was the Press; not us.

Mr. PERKINS: There were questions asked in this House to which I gave replies, because I remember that the member for East Perth had approved of this particular regulation, and I remember at the time—

Mr. Graham: That is what you said.

Mr. PERKINS:—thinking that in the questions the implication was that the present regulation was undesirable. Getting back to the actual regulation itself—

Mr. Hawke: Don't do that!

Mr. PERKINS:—which, of course, is the principal point of discussion, I have kept a very close watch on the working of it, and have been receiving frequent reports from the best technical officers we have in this State dealing with this particular question. I am referring to the officers of the traffic section of the Police Department, and also the appropriate section of the Main Roads Department. The advice I am receiving from those officers is in accordance with what I have been observing myself. This is that as people are getting used to the new regulation, it is working quite satisfactorily. I feel we now have a regulation which we can ask the appropriate officers of the Police Department to enforce, and which provides protection for pedestrians as well as maintaining a reasonable flow of traffic in our streets.

I think it might be appropriate if I read an article on this matter from the *Road Patrol*. I did not want to feel that I was pushing my own opinions on the members of this House, and I thought I might read an article such as this to present the ideas of another observer as to how this particular regulation is operating.

Mr. Graham: That paper represents the interests of the motorists, not those of the pedestrians.

Mr. PERKINS: This is the leading article of the August issue of the *Road Patrol*—

There are indications of confused thinking in the spate of criticism of the new crosswalk regulation. The impression created appears to be that the pedestrian has lost basic rights which he enjoyed under the amended regulation.

Since the Minister's announcement of the new regulation and some time before its operation could be observed, there has been much adverse comment on its effect. At least in the early stages some hasty and ill-considered statements were made. With a lack of understanding of the application of the new regulation and no constructive suggestions other than the obvious one of police or signal light control, the critics choose to ignore a salient fact—that regulations similar in principle are operating satisfactorily with much greater volumes of traffic and pedestrians in Eastern States capitals.

In an examination of this matter it is necessary to consider the position which obtained prior to the passing of the amending regulation. Previously

the question of right of way at uncontrolled crosswalks was governed by two regulations, one (Reg. 231) relating to the responsibility of drivers and the other (Reg. 325) to the rights of pedestrians. Reg. 231, under which charges against drivers were laid, provided that, "The driver of every vehicle shall yield the right of way to any pedestrian crossing a roadway within any marked or defined pedestrian crossing except to the extent that the movement of all traffic approaching, crossing or using such pedestrian crossing is being regulated by a Police Officer or Traffic Inspector or by Traffic Signals." Reg. 325 provided that "Subject to the provisions of Regulation 324 a pedestrian in the act of lawfully crossing or having started lawfully to cross any road within a marked pedestrian crossing has the right of way over all vehicles including those making turns, until the pedestrian has reached the opposite kerb, and it is unlawful for the driver of a vehicle to fail to give such pedestrian the right of way."

With the amending of Reg. 231 there was a revocation of Reg. 325 as being both superfluous and confusing. The literal interpretation of the previous Reg. 231 gave to the pedestrian the right to exclusive use of a crosswalk for the time being—that is it was technically a breach for a driver to drive over any part of a crosswalk once a pedestrian had stepped on it.

Mr. Graham: That was never part of the regulation.

Mr. PERKINS: The article continues—

Obviously this was neither the spirit nor intention of the regulation since rigidly to enforce this interpretation would have resulted in the flow of traffic becoming hopelessly impeded. So, as a general rule, the regulation was administered with every regard to the pedestrian's rights short of exclusive use of the crosswalk. In other words the onus was on the driver to be certain that if he crossed he could do so without the slightest danger to any pedestrian using the crosswalk.

There was, however, need for a single regulation expressing clearly the respective rights of pedestrians and obligations of drivers in accordance with the practice generally observed in other Australian capitals. In other States the pedestrian has right of way over vehicles on crosswalks and the test broadly expressed, is that where there is danger of a collision a driver shall slow down or, where necessary, stop his vehicle.

The new Regulation 231 reads as follows: "(1) Where a pedestrian walking on a pedestrian crossing and

a vehicle approaching or travelling on that crossing are, if they continued on their respective courses, likely to collide on that crossing or to cause a dangerous situation, the driver of the vehicle shall reduce the speed of, or stop, the vehicle so as to enable the pedestrian to continue on his course without interruption. (2) Subregulation (1) of this regulation does not apply if the pedestrian has disregarded or failed to comply with a direction of a member of the Police Force, traffic inspector or traffic control light signal regulating or controlling the movement of traffic using, approaching or crossing the pedestrian crossing."

Mr. Bickerton: Who wrote that?

Mr. PERKINS: To continue—

It will be seen that on uncontrolled crossings, where there is even the risk of a dangerous situation arising, a driver is bound to reduce speed or stop so as to give the pedestrian right of way. If he fails to do so he is liable for severe penalties. In other words the pedestrian on an uncontrolled crosswalk retains, at all times, right of way over vehicles and the onus remains on the driver to take every precaution. If, however, it is perfectly safe to cross a crosswalk while a pedestrian is using it, then the driver may legally do so.

The new rule allows a commonsense application of the principle of priority which the previous regulation lacked.

Mr. Bickerton: The fellow who wrote that article ought to be Minister for Transport.

Mr. PERKINS: I can only say that the views expressed in that article are in accordance with my own.

Mr. Hawke: Good Lord! Heaven save the pedestrians!

Mr. PERKINS: I have been in some of the Eastern States capitals recently, and took the opportunity while there to see as much as I could of the application of the appropriate regulations in Melbourne, Sydney, and Brisbane. In each case, regulations somewhat similar to the present one in Western Australia were in force, in accordance with the Australian Traffic Code. I would say that in each State the regulation is enforced, the police being responsible for that.

The regulation is operating efficiently. Generally speaking, I feel that the motorists in Perth are showing at least as much courtesy to the pedestrians as are the motorists in other cities. I would go so far as to say that compared with Sydney motorists, the Western Australian motorists show a great deal more courtesy to pedestrians.

I think this all points to the conclusion that the regulation is a reasonable one. It is one that the Police Department is able to enforce effectively; and when that is done, and it is observed by both pedestrians and motorists, it does maintain a reasonable balance between the rights of pedestrians and the rights of motorists. I would emphasise that our particular regulation has an additional safeguard in it compared with the regulations in general use in the Eastern States and certainly that applying in New South Wales. I refer particularly to the addition, in our regulation, of the words "or to cause a dangerous situation". They are important, inasmuch as it could be difficult to prove, under the New South Wales regulation, that the motorist was at fault unless the pedestrian actually collided with the vehicle. Those additional words make our regulation watertight.

In moving this motion, the member for East Perth made various suggestions about the lighting of crosswalks, the policing of the regulation, the provision of traffic lights on crosswalks, and so on. That policy is being carried into effect; and as material becomes available and the appropriate officers decide that the work is necessary, it is carried out. We are also concerned with the lighting of pedestrian crossings; but the technical officers of the traffic engineering section of the Main Roads Department have emphasised to me that, if we simply floodlight pedestrian crossings, we may give the pedestrians a false sense of security; as, at certain times of the evening—and particularly when it is raining—shadows can be created, which make it difficult for the motorist to see the pedestrian.

I had an instance of this nature brought to my notice recently in a letter from a pedestrian, with reference to the pedestrian crossing from Forrest Place across Wellington Street to the railway station. This man said he was passing over the pedestrian crossing, and a motorist approached, forcing him to jump out of the way in order to avoid being run down. The motorist passed over the crossing and stopped; and the pedestrian went up to remonstrate with him about his dangerous action in not giving way. The motorist frankly admitted that he did not see the pedestrian; and I have no doubt that he was speaking the truth. Unless we provide entirely efficient lighting of crosswalks, we may—I repeat—only be giving pedestrians a false sense of security.

An experiment is being carried out at present with sodium lighting; because it is felt that if this lighting is installed near crosswalks, it will give more reliable illumination than is provided by any other lighting, and it will have the advantage of indicating to the motorist that, where he sees this distinctive yellow lighting, there is a pedestrian crossing. I believe

that it is only in a very small minority of cases that motorists deliberately run up on pedestrian crossings. I believe that there are a great many motorists who, like the one I mentioned in relation to the crossing over Wellington Street near Forrest Place,—

Mr. Graham: Have you watched the pedestrian crossings on the highways where there is high-speed traffic?

Mr. PERKINS: Yes.

Mr. Graham: It is entirely different from what one sees in the city.

Mr. PERKINS: Naturally there are variations; and in my experience of driving on those highways, the vast majority of motorists take appropriate care. I can assure the House that the Police Department is taking action to see that the regulations are observed. I can only emphasise that this regulation is one that can be enforced by the Police Department; whereas the old one was reported to the previous Minister for Traffic as being unsatisfactory. He accepted that ruling, and a new regulation was necessary.

I think members speaking to this debate will have to show that some more appropriate regulation than this can be framed; because the old regulation was unsatisfactory, and I think that the previous Minister will agree that that is indicated by the file. It is undesirable to accept any further variation of this regulation unless the additions are put to the Australia-wide body—the Australian Road Traffic Committee—so that the position can be kept uniform throughout Australia. There is a considerable interchange of motor vehicles and drivers between the States of the Commonwealth now, and it is desirable to avoid unnecessary variations from State to State.

I think members will agree that the present regulation is more satisfactory than that which preceded it, and I hope it will be allowed to stand until some better regulation can be suggested to cope with the problem.

Mr. Graham: Do you intend to table the documents to which you have referred?

Mr. PERKINS: I will table the file if members desire it, but would not like to leave it too long on the Table.

Mr. Graham: If it is tabled for the currency of this debate, that will be sufficient.

Mr. PERKINS: I am agreeable to that. *The file was tabled.*

MR. ANDREW (Victoria Park) [8.10]: I agree, with the mover of the motion, that this is a non-Party question; but that seems to have fallen on barren ground in the case of the Minister, because he referred to the matter having been considered by the Labour Party in

Caucus. I can assure him that this matter has not been considered in Caucus; and I tell him—as I have said in this House on a number of occasions—that we of the Labour movement have much more freedom in regard to matters that are before the House than have members of the conservative Party.

Mr. Brand: Don't talk such rubbish!

Mr. ANDREW: I would suggest to the member who made that stupid interjection that he check up on the *Hansards* over the years; and he will see that there have been more divisions among members of the Labour Party in this House than among members of the conservative Party or the Country Party; because we are not bound by anything except platform matters. We are therefore free to speak as we wish in this debate. I have taken an interest in this question, because it resulted in a great deal of publicity. The Minister, in speaking to the motion, never mentioned his Government's unofficial journal, the *Daily News*, and the attack it made on this regulation.

It was the *Daily News* which, in "Peep-show" by Kirwan Ward, ridiculed this regulation and created the confusion that exists in the minds of motorists and pedestrians. The new regulation did not work as well as the old one, owing to the confusion caused by the Press. There were a couple of prosecutions reported in *The West Australian*, in cases where motorists did not give way on the crosswalks under the old regulation. In this regard I asked the Minister a question. I asked him had he read in *The West Australian* of the 30th June, 1959, where two motorists had been heavily penalised for having failed to give way to a pedestrian on a crosswalk on St. George's Terrace on the 1st April; and his answer was "Yes".

I then asked the Minister whether a similar prosecution could be successfully launched under the new regulation governing crosswalks; and again his answer was "Yes".

Mr. Graham: You know how much notice we can take of the answers given in regard to the KA wagons.

Mr. ANDREW: Yes. But I have had this from other sources also, and I think the Minister's answer was correct. But I wonder why the Traffic Department has not prosecuted people under the new regulation and advertised the fact that they could be prosecuted under it, just as they could under the old regulation—

Mr. Graham: Because they cannot be prosecuted under it.

Mr. ANDREW: The position is that we had the old regulation applying in Western Australia; and, according to the best authorities available—I understand it was tested twice in the courts of England—if a

pedestrian had his foot on the crosswalk, a motorist could not lawfully cross. The authorities also said that if a pedestrian had crossed the line of where the motorist was approaching, the motorist still could not pass until the pedestrian had cleared the crosswalk.

Mr. Graham: Who gave that interpretation?

Mr. ANDREW: The Commissioner of Police. The members of the National Safety Council also agree with that statement; or at least they did not deny it when it was discussed at a meeting of that body.

As I have said, the old regulation caused a hold-up in traffic, because no motorist could travel over a crosswalk if any pedestrian had even only one foot on it. If such a regulation were strictly enforced, it would hold up traffic in the City of Perth for hours on end. As a result, the regulation was never observed strictly to the letter.

In my opinion, therefore, something had to be done and the new regulation was introduced which—according to the information I have from members of the National Safety Council, the chief of the Traffic Office, and others interested in traffic problems—provides that the pedestrian has just as much legal right on the crosswalks today as he had previously, with the exception that motorists are not held up if there is no danger of a collision between a pedestrian and a motorist on those occasions when a pedestrian has already entered the crosswalk.

Most of the confusion that resulted after the new regulation was introduced was instilled by the Press. In fact, the older I get the more astounded I become at the power of the Press. Ultimately, parliamentary authorities in Australia will be forced to frame a code of ethics which will have to be observed by the daily newspapers; otherwise we will not know where we will be. At the moment the Press can make black appear white, and vice versa, as it has done when publishing statements on this question.

To support my argument, I will now quote some extracts taken from the "Peepshow" column by Kirwan Ward, published in the *Daily News* of the 19th June, 1959. They read as follows:—

Well, friends, I sincerely hope I am wrong about this, but it seems to me that the new crosswalk deal is going to work out exactly as if the regulation had been framed by that carefree (and car-free) legislator, old man Rafferty himself.

Mr. Graham: They call him Perkins now.

Mr. ANDREW: Further down the column, this article continues—

—If you deprive the pedestrian of his right of way on a crosswalk then, surely, you're reducing that crosswalk

to exactly the same safety status as any other perilous patch of roadway. So, what's really happened, in the blunt terms of, survival of the slickest, is that crosswalks have been abolished.

Mr. Roberts: Is the author of that article an authority on traffic?

Mr. ANDREW: I am quoting from the "Peepshow" column by Kirwan Ward, whose articles appear in the *Daily News* and are well read by members of the public. Many people who read those statements would believe them. If the member for Bunbury could only get it into his mind that people believe what he said is correct! But according to my interpretation, and that of the traffic authorities in this State, such a statement is untrue; and the author of the article should have known better than to have had it published.

Mr. Graham: It is what the regulation says, though.

Mr. ANDREW: On the 25th June, 1959, in the same "Peepshow" column in the *Daily News*, the following appeared:—

It's vital that all traffic rules should be absolutely cut-and-dried beyond any possible misunderstanding. But, even after yesterday's pronouncements this crosswalk thing is badly confused and confusing.

Further down the column, published on that date, there appears the following paragraph:—

Watch the faces of the kids waiting to cross Stirling Highway. These aren't the faces of children who know they can trust their elders, they're the taut alert faces of children preparing to make a desperate dash over a jungle track terrified of the wild beasts who prowl the trail.

Mr. J. Hegney: That is pretty well true, too.

Mr. ANDREW: I admit that it is true. But what is the cause of this state of affairs? It is not due to the regulation being amended. It is due to the bad Press publicity given to it which, in effect, advises the motorists that they have a free and open season, and the pedestrians have to be pretty slick in getting over a crosswalk if they do not want to be struck by a passing vehicle. In effect, it means that the crosswalk is of no use to them. That is what they were told in the daily Press.

As a matter of fact, as one of the officials associated with traffic on the National Safety Council said, when another member of the Council asked him: "Does the pedestrian have just as much right on a crosswalk today as he did under the old regulation?" "Yes, of course he has." The official added "But I can't get my wife to believe that"; and several other members have said the same thing.

I must admit that my wife became very fearful of going over crosswalks after she read this rubbish that was published by Kirwan Ward in the *Daily News*. It put the fear of the devil into many people, and also caused great confusion. There is no doubt that since the new regulation was introduced there has been a great deal of confusion in regard to crosswalks; but it is not due to the regulation itself, but to the interpretation placed upon it by the Press.

I suggest to the Minister that the Traffic Department should prosecute motorists who do not give way to pedestrians on crosswalks. On many occasions I have pulled up in front of a crosswalk to allow a pedestrian to cross; and a car has shot through on my left, only to pull up very sharply to avoid a collision with the pedestrian.

Mr. Graham: That only proves that you should keep more to the left.

Mr. ANDREW: That only proves that the honourable member does not know much about driving.

Mr. Graham: Why don't you keep more to the left?

Mr. ANDREW: In my opinion there should be an all-out raid on motorists who do not give way to pedestrians on crosswalks. Quite often one will see a motorist waiting for a pedestrian to cross; and another motorist will not only creep up alongside him, but will go over the crosswalk at a fair speed which, if not causing a serious accident, could create a great deal of fear in the mind of the pedestrian. I understand the regulation in force today has been in operation in New South Wales for about five years. From the information I have received, it has worked quite satisfactorily in that State.

Mr. Hawke: Isn't that the city where they talk about the quick and the dead?

Mr. ANDREW: That is correct. But that applies, in many cases, to the motorists, as well as the pedestrians. I would have supported the member for East Perth if he had suggested a regulation that would be better than the old one.

Mr. Graham: What is wrong with the old one?

Mr. ANDREW: It was not efficient, and it needed amending.

Mr. Graham: What was wrong with it?

Mr. ANDREW: I am wondering who is making this speech—the member for East Perth or I?

Mr. Graham: We are not doing a bad job between us, are we?

Mr. ANDREW: I think it is possible that a regulation could have been framed with better wording. In other words, the regulation could have been set out in more specific terms so that there could be no dispute about it.

Mr. Hawke: What about getting the member for Subiaco to draft it?

Mr. ANDREW: He might take out one big word and put back another big word, and make it worse than it is. I merely wanted to express my views on this regulation, and to indicate that I cannot support the motion. Nevertheless, the Minister should have confined his remarks to the question under discussion, and not referred to members of the Labour Party; because, as I have indicated in my remarks, they have much more freedom than those members on the other side of the House.

MR. CROMMELIN (Claremont) [8.25]: To some extent we are now flogging a dead horse.

Mr. Graham: Dead pedestrians.

Mr. CROMMELIN: No, not dead pedestrians. I have not read of any being flogged in the last few weeks. Let us assume that the member for East Perth had still been the Minister for Transport. Would he have switched his ideas and introduced a motion to amend the regulation?

I listened to the speech made by the member for East Perth and that of the Minister for Transport, and I came to the conclusion that the member for East Perth was definitely in favour of amending the regulation; and from the little I know of him, I do not think he took any action when he was a Minister without giving very careful consideration to it. So I would unhesitatingly say that the Minister for Transport, when he introduced this new regulation, was entirely sincere.

Mr. Graham: But he did not do that.

Mr. CROMMELIN: We could agree that he amended the then existing regulation.

Mr. Graham: We could not agree on that either.

Mr. CROMMELIN: It was the honourable member's intention to agree with it.

Mr. Graham: Now you are not so certain.

Mr. Brand: Of course he is certain! It is there in black and white.

Mr. Graham: In fact, it is not there in black and white at all.

Mr. Brand: Give the Leader of the Opposition the file and let him have a look.

The SPEAKER: Order! The member for Claremont will proceed.

Mr. CROMMELIN: Perhaps the member for East Perth will agree with me when I say that the old regulation, had it been carried out according to the strict letter of the law, would have caused a traffic hold-up from one end of Hay Street to the other, because motorists would not have been able to travel freely to the city block. Even the ex-Minister for Transport found it necessary to have traffic pointsmen in the city block at the various crosswalks to

ensure a free flow of traffic. So he has made up his mind that, under the amended regulation, the same state of affairs existed.

He realised full well that in the city block of the metropolitan area, it was always necessary to have police control over busy crosswalks in such places where there were no traffic lights. In fact, as long as we have busy crosswalks in the city block, and in the metropolitan area, we will always require either traffic policemen or traffic lights controlling the traffic flow, no matter what regulation is introduced.

I do not think there are many citizens who deliberately drive over crosswalks with the intention of frightening pedestrians. I admit that there are a few irresponsible individuals who do that. I will go further and say that some drivers of motor vehicles deliberately commit such an act. Only the other day I was stationary at the traffic lights situated at the corner of Dalkeith Road and Stirling Highway because the red light was showing, and a car went straight past me against the red light. That motorist missed me by inches and did not even stop. However, wherever one goes, one will find motorists who have no respect for human feelings or the human suffering that they may cause by their foolish actions.

Mr. Lawrence: Did you take that motorist's number or report him to the police?

Mr. CROMMELIN: No; I did not, because he was going so fast I could not see his number, and I could not get my car started in time to follow him. He went out of sight too quickly.

Mr. Hawke: You should wear spectacles.

Mr. CROMMELIN: Not when I am driving.

Mr. Hawke: You should.

The SPEAKER: Order!

Mr. CROMMELIN: To digress for a little minute, Mr. Speaker—though this does have some relation to traffic; and perhaps the Leader of the Opposition would accept my offer—we have now, at the National Safety Council, a machine that has been purchased at considerable cost. It is a most ingenious machine. In a 10-minute test one can find out whether one is long-sighted, short-sighted, or colour-blind. Some of the people who have tried this machine have appreciated their defects, and they realise that while they might not need glasses for driving—even though they need them for reading—they are approaching a dangerous position. I would invite members to come down and take advantage of this machine. We would be very glad to give any member a test.

Mr. Brand: Is it a standardised machine?

Mr. CROMMELIN: Yes. We have heard the Minister—and the member for East Perth, last Wednesday—saying that these regulations should not have been brought in unless the opportunity had been taken previously to provide lights of a sufficient standard. I have been talking about the lighting problems on our highways for the last three years; and it is only now, I understand, that there is a possibility of getting the standard of lighting we require.

I do not think we could have afforded to wait that length of time before bringing in this new regulation to enable a reasonable flow of traffic. I am convinced that the new regulation, as it stands, does give protection to the pedestrian. As I said once before, when such a change was made in the regulation, it was up to the Minister for Transport, of this Government in particular, to give publicity to the fact in the paper through his own means; he should not have waited for a man like Kirwan Ward, or some other such type to do so.

When Kirwan Ward took the matter up, he played on the feelings of the people. Accordingly, whether it was right or wrong, had the Government published something sensible in that respect, the public would never have been in any doubt. To some extent that was where the trouble was created. The member for Victoria Park referred to this matter; and I will admit that at a meeting of the National Safety Council there were a number of police officers present who openly admitted that their wives and their friends were most concerned about the new regulation because the Press propaganda had made them hesitate and wonder whether they had their rights as pedestrians.

Mr. Perkins: We did publish a statement; but the Press came out with a headline to the effect, "Pedestrians Lose Their Rights." The result was the public never read the rest; they only read the headline.

Mr. CROMMELIN: Of course the Minister published it; but I am sure that if he had come back and impressed on the people that this was a regulation that protected the pedestrian, there would have been no cause for fear in their minds.

Mr. Hawke: He did not want to offend the newspapers.

Mr. CROMMELIN: I do not think the honourable member need worry about the newspapers.

Mr. Hawke: The Minister for Transport worries about them.

Mr. CROMMELIN: I will conclude my remarks by asking the member for East Perth to come straight out and say, when he replies, whether—if he were Minister for Transport today—he would go back and amend the regulation to what it was before.

I think that, as drivers of motor vehicles, we should observe the rules as they are laid down. The penalties can be made severe enough for the drivers who offend. I am sure the regulation has worked well; and provided the police take action which is strong enough, it will continue to work well.

MR. HAWKE (Northam) [8.35]: I congratulate the member for Claremont on the sensible approach he makes to the position of the ex-Minister for traffic in this matter. The approach of the member for Claremont is a commonsense and practical one, as compared with the very erratic approach which the present Minister made to the same subject.

Mr. W. Hegney: True!

MR. HAWKE: The regulation which is now in force was not even drafted when the ex-Minister—the present member for East Perth—left office. I think it will be agreed that it is quite an easy matter to accept regulations in theory, but that it is quite a sensible thing to alter an opinion after the regulation has been put into practice and given a trial.

Accordingly the member for Claremont is adopting a sensible course in asking the ex-Minister to explain, when he replies to the debate on this motion, whether he would, in the light of the practical experience of the regulation, have brought about some amendment to it had he still been Minister; or whether he would, in that circumstance, have abolished the present regulation and returned to the old one.

I have been opposed to this new regulation from the onset. I never saw it when it was in the theory stage at all; so whatever the present Minister for Transport might say about the ex-Minister for traffic could be applied to me. I ask myself why we have crosswalks at all. Why were they thought out and established in the first place? Surely the answer is that they were established to give the pedestrians a measure of safety which was not available to them previously. If that be so—and I am certain it is—then the crosswalk areas should be made as safe as possible for the pedestrians.

It should not be necessary to point out that the pedestrian, once he goes on the roadway—whether he is on a crosswalk or otherwise—is very vulnerable. As we all know, the motorist is safely encased in a steel cage, or room, on wheels; whereas the pedestrian has no protection at all: he is just flesh, and blood, and bone.

Mr. W. Hegney: And a bundle of nerves.

MR. HAWKE: So, without any shadow of doubt, the pedestrian requires all the protection in the world from motorists. Without any reservation at all, I am completely in favour of weighting crosswalks very heavily in favour of the pedestrians. We know that we live in an age of speed; in a period where speed is worshipped by

a great many people—worshipped far above the value they place upon human life, in the ordinary sense of the term.

If we look at this situation from the point of view of the motorist, we could possibly develop feelings of impatience that pedestrians are allowed on the road at all—whether they be on crosswalks or away from them. We know that a great many of the motorists are in a terrific hurry. If we checked on them, and asked them why they are in such a hurry, on many occasions they would not be able to give a rational or a reasoned reply. They are at the wheel of a machine which is very powerful, and which has a great potential speed in it. By a slight pressure of the right foot on the accelerator pedal, the speed of the vehicle is increased rapidly.

Once the motorist reaches a certain speed, he dislikes having to slacken that speed, or change down from top gear to second gear. One has only to watch many motorists going across intersections where there are no crosswalks, to appreciate that they have no respect either for pedestrians, or for other motorists. I was surprised to hear the Minister say—and he seemed to sympathise with the motorist concerned—that a motorist at a crosswalk from Forrest Place across Wellington Street to the Railway station property had created a hazard for a pedestrian; and that he had subsequently given as his reason, or excuse, the fact that he did not see the crosswalk. Surely that indicates the attitude of mind of the motorist concerned.

Mr. Roberts: Did he not say he did not see the pedestrian?

MR. HAWKE: Yes; which proves that he was travelling at great speed across the intersection—at a speed that did not leave him in proper control of his vehicle.

Mr. Perkins: In that instance he pulled up only three or four yards over the crosswalk; there was no question of speed.

MR. HAWKE: But if the person concerned had been on the crosswalk at the point at which the motorist crossed, the pedestrian would probably have finished up flat on his back 50 yards away. That is my argument. We are not entitled to take up the point of view of the motorist in this matter to any great extent. We are bound to promote the interests, welfare, and safety of the pedestrians, because they have no protection. They are vulnerable; but the motorist is, as I mentioned before, encased in a steel room, or steel body on wheels.

The Minister's attitude reminds me rather of a report I heard over the air some weeks ago when a motor truck and a boy on a push-bike came into collision. The report was to the effect that the boy on the push-bike had crashed into the motor truck. It is so easy to take the point

of view of the motorist, because we are all ourselves individual motorists. We all feel that the road belongs to us.

If we were honest with ourselves and with one another, I think we should almost say that when we are travelling at a certain speed and pedestrians start to cross the roadway we regard them as a bit of a nuisance. I have watched the behaviour of motorists in the city, and particularly on roads like Canning Highway and Stirling Highway; and the behaviour and attitude of many is greatly to be regretted, and is deserving of the strongest criticism and condemnation.

They have not any consideration whatsoever for the pedestrian; they do not regard him as having any rights at all. One can therefore readily understand the mental attitude and outlook of elderly people and young children who have to cross these highways as pedestrians. I am bound to say I would hate to have a young child of mine having to cross them frequently; and I am bound to say I would hate to have an elderly brother or sister of mine having to cross these highways frequently as pedestrians.

It is not exaggerating to say that a great number of these pedestrians approach the task of having to cross the busy roadways as pedestrians with a great deal of doubt and a great deal of fear. There is no shadow of doubt about that. After all is said and done, why should we worship speed? Why should we play up to those who want to tear along busy thoroughfares in built-up areas?

I know all motorists are not the same. I know a considerable number of motorists have regard for pedestrians and for other motorists, and go out of their way to make it easier and safer for pedestrians; but unfortunately, many others—all too many others—are concerned only with getting themselves, in their own motor vehicles, to a particular place as quickly as they can. I see nothing wrong with the old regulation except possibly that it did not give pedestrians enough protection, because it was not enforced as strongly as it should have been enforced.

Mr. Perkins: You have heard the letter I read from the file which I think may have been the cause of the previous Minister taking action. He asked for a determination, and obviously in the case he quoted the traffic could not have been shifted if the regulation had been interpreted literally.

Mr. HAWKE: It is not possible to enforce any regulation literally 100 per cent. We know that all regulations, like all laws, are worded in such a way as to be absolutely foolproof, as it were; but I ask the Minister for Transport to just think for a moment what chaos there would be in the State if every law and every regulation were to be enforced 100 per cent.

Probably there would be none of us here tonight; we would be at the Fremantle Gaol or Barton's Mill prison farm.

However, in my opinion, the old regulation could have been made even safer for the pedestrians by a more strict enforcement of its provisions; not by a 100 per cent. literal enforcement, but a stricter enforcement than there was. I am not at all satisfied with the enforcement of other safety regulations. I would like to bring that matter in for a moment by way of illustration. I wander around this city some days, and I am astonished at what motorists get away with. They get away with murder. One sees them double park near the corners of intersections; and in other places one sees the driver get out of a double-parked vehicle on the traffic side of the vehicle.

Mr. J. Hegney: You should see the taxi-drivers too!

Mr. HAWKE: I suggest to all members of the House that they wander around the streets and have a good look at what goes on. I say without hesitation that if it were not for the extreme care that some motorists take, there would be accidents every minute of the daylight hours and every minute of the night hours as well. I think motorists should be made to develop a regard for their own safety; for the safety of other people in other motor vehicles; and for the safety, especially, of pedestrians.

There is every reason in the world why that should be so; and there is no need, I think, to argue at length the reason why it should be so, because the main reason is the value of human life. If we allow some motorists to carry on as they do carry on, with little or no regard for the other motorists, or little or no regard for pedestrians, I think we are developing and encouraging a type of adult delinquency which is dangerous in the extreme.

It might very well be that much of the youth delinquency of which we complain, and which we regret, arises from the irresponsible attitude of all too many motorists. I do not know whether the thoughtless motorists are in the majority or not; even if they are in the minority, there are too many of them—far too many of them. These thoughtless motorists, these careless motorists, are involved in particular offences day after day and week after week. Their thoughtlessness and recklessness become a habit. It is just the same as smoking cigarettes or drinking beer. There is no shadow of doubt at all about my attitude in this matter.

As far as crosswalks are concerned, I never use them. I think they are more dangerous for pedestrians than some other places away from the intersections. I say that because, at the intersection, there is

the possibility of more than two lines of traffic, especially where no lights are provided. However, a reasonable distance away from an intersection, there are only two lines of traffic; and therefore the hazard for the pedestrians is lessened considerably. So, whenever I am in the city streets walking around, as I am fairly frequently, I cross the streets away from the crosswalks and away from the intersections.

Provided one uses one's eyesight and a bit of commonsense, one can cross the road in the manner which I have just indicated and be perfectly safe. If one uses the crosswalks at intersections at which there are no lights, one never knows which way the traffic is coming, because there are more than two lines of traffic at the intersections. I do not know whether this motion to disallow the crosswalk regulation will be carried or defeated; but whichever way it goes, I still think there is a very considerable obligation upon the Minister and upon his advisers to continue to consider this matter and other matters of road safety continually. I know that is the process which goes on.

If this regulation were to be disallowed, it certainly would not be the first time a traffic regulation had been disallowed. As a matter of fact, some traffic regulations which are still current legally have been allowed by the traffic police themselves to fall into disuse. It is silly to travel around in a car to some of the streets in the metropolitan area, because all of a sudden one comes to a corner and there is a stop sign. One goes along perhaps another 100 yards or 200 yards and comes to a much more dangerous intersection where there is no stop sign.

I do not know whose idea these stop signs were, but obviously they were put into operation in a most weird way. We know that the regulation which applied some substantial time ago in regard to major highways, where motorists coming on to the major highway had to stop, was abandoned.

Although I am a motorist as well as a pedestrian, and take advantage of the speed and convenience of travel which the motorcar gives, my sympathies, as I said at the beginning, are all with the pedestrian. Therefore, I think the traffic authorities, members of Parliament, and Governments should do everything within reason—even outside of reason to some extent—to safeguard the lives of those people who have to walk on the roads; because, when motor traffic is around, the pedestrians have quite a battle unless they are very careful and very quick. Obviously, a considerable number of aged people, and a very considerable number of young people, have to cross the roads.

So I support the motion for the disallowance of the current crosswalk regulation in the metropolitan area. I believe

the previous regulation offered more protection for the pedestrian; even though in so doing it might, to some extent, have slowed down traffic. I do not think the State suffered much by the slowing down of the traffic; but it did benefit to a large extent by the greater protection given to human life in the form of pedestrians on the roads.

MR. GRAYDEN (South Perth) [9.0]: I oppose the motion. The Leader of the Opposition, in his concluding remarks, stressed that his sympathies were all with the pedestrians; and for that reason he supported the motion. My sympathies are all with the pedestrians, but I intend to oppose the motion for that reason. I oppose it because I believe that if there is one way to obviate loss of life on crosswalks, it is to instil into pedestrians the idea that crosswalks do not provide the safety which is commonly supposed.

Mr. Brand: Hear, hear!

Mr. GRAYDEN: The member for Victoria Park earlier in the evening mentioned that Kirwan Ward made certain statements in his column. The honourable member said that Mr. Ward's remarks had been circulated through hundreds of thousands of homes in Western Australia; and he suggested that this destroyed the confidence of the pedestrians in the safety provided by crosswalks. I would think that was the best service that this daily paper could render to pedestrians.

The most complete refutation of the arguments put forward by the member for East Perth and the Leader of the Opposition is the fact that the Leader of the Opposition's own Government—the member for East Perth was the Minister for Transport in that Government—would, when requests were made to the Minister for Police to have crosswalks installed invariably answer that it was not prepared to install crosswalks because they gave to pedestrians a false sense of security; and that rather than obviate accidents, they actually led to accidents.

Many times I have, as a consequence of requests from the South Perth Municipal Council and other organisations, had occasion to write to the former Minister for Police and ask for crosswalks to be installed. At one time I asked for a crosswalk to be installed outside John Allan & Co's. premises at the junction of Canning Highway, Mill Point Road, and Berwick Street. Hundreds of people go to the John Wills super market there; and a large percentage of them cross to John Allan's, which is on the other side of the road. In addition, a great number of the residents in the area desire to cross Canning Highway at that point.

If ever there was argument for the installation of a crosswalk and traffic lights, it is to be found at that point. But each

time I have asked the police to make a count of the number of pedestrians crossing, and of the number of cars using the intersection; and each time that I have requested that a crosswalk be installed there, the answer has been that if a crosswalk were installed, it would create a false sense of security in the minds of the pedestrians, and the Government of the day could not see fit to install it for that reason.

As a matter of fact, I agree entirely with that argument; because, although crosswalks give legal protection to the pedestrians, they do not give physical protection in any way. The pedestrians cross blithely at those points, thinking they have protection; whereas often the motorist is entirely unaware that the crosswalks exist.

In his speech, the Leader of the Opposition stressed that in these days we are inclined to worship speed, and that motorists tend to disregard the safety of pedestrians; and he took the attitude that we should go out of our way to protect the pedestrian. I agree that we should protect the pedestrian; but we can do that by introducing regulations of the kind which are in dispute, and so destroying that false sense of security which the pedestrian has.

I have here a copy of a letter which I recently received from the principal of the Applecross High School. I wish to read it because it illustrates the fallacy of some of the arguments that have been advanced tonight. The letter refers to the crosswalk opposite the Como Hotel, in Canning Highway. A serious accident recently occurred at this crosswalk: a pedestrian was killed, and another seriously injured. In all probability the motorist who was responsible will face a manslaughter charge. As a consequence of that accident, the principal of the Applecross High School felt he should write to the Minister for Transport, to the member for Canning, and to me. This is the letter—

The tragic accident at the intersection of Canning Highway and South Street, Como, only serves to highlight the dangers of the crosswalk at that spot. May I quote my recent experience. I was driving towards the Causeway in the left hand lane. About sixty yards or so from South Street intersection, I was passed by a Holden station wagon. It pulled up ahead of me in the centre lane and I proceeded on in the left hand lane. As I came nearly abreast of the Holden I was horrified to see three pedestrians crossing in front of the Holden and approaching my car on the crosswalk.

I had assumed, erroneously, but I maintain, quite reasonably—that the Holden driver had pulled up because he was about to turn right into South Street. I had not noticed the crosswalk until I was so close that I could not possibly pull up in time, and my

view of the pedestrians had been masked by the station wagon until too late.

I have since noticed that "crosswalk ahead" has been stencilled on the road, but I did not see it at the time, and had not realised that I was approaching one. There is no crosswalk sign in front of the Como Hotel and my attention was on the traffic ahead, the Holden on my right front, possible pedestrians from the hotel on my left, and possible traffic turning left out of South Street into Canning Highway. There are limits as to what the eyes can take in and evaluate in the 1-2 seconds it takes to approach and cross an intersection.

I feel I was extremely lucky to avoid a serious accident which would not have been due to negligence on my part. I would urge (a) that the crosswalk be moved twenty yards or so north from the intersection, (b) that a crosswalk sign be erected on each side of the highway at this spot. I am writing this letter on school note paper to indicate that I am a mature and reasonably responsible citizen. I am sending copies of this letter to Messrs. Grayden and O'Neil. Trusting that you will have this matter investigated and improvements made.

(Signed) S. G. Demasson

(Principal).

Mr. Demasson was not involved in an accident, but he was so concerned at the near accident, that he wrote this letter.

If we were endeavouring to set a trap for pedestrians, we could not do it more effectively than to channel them into one section of a busy highway and give them the impression that they had complete security, and that they could cross at any time they wished to; and then fail to adequately warn the motorists that a pedestrian crossing existed. If we set out to draw a regulation for that purpose, we could not do it more effectively than by copying the old regulation. The new regulation removes some of the false sense of security that the pedestrians previously had. It is far better to introduce a regulation that will remove this feeling. The present regulation removes the main objection of the Police Department to the old crosswalks. I think that if, today, I applied for a crosswalk in South Perth, I would not receive from the department a letter saying the crosswalk would be a death-trap for pedestrians.

It seems to me that there is only one solution to the question of crosswalks—which are vitally necessary—and that is to light them adequately at night, and to mark them effectively in the day. The Minister did mention that there were difficulties in the lighting of crosswalks, and that it is undesirable to have lights

directly overhead. I could not agree more. But the same difficulties have been overcome at the Kwinana Freeway.

Next week, at the Kwinana Freeway, a lighting demonstration for the benefit of the South Perth councillors and the residents of the district will be held. The State Electricity Commission has taken steps to overcome the undesirable effects of lighting, whereby a pedestrian is obscured from the vision of an approaching motorist. The freeway has been lighted in a manner which will avoid this disability. As it happens, however, it will cause some inconvenience to the residents; and that is the reason for the demonstration.

One other point I wish to mention is that the safety position in South Perth is serious indeed. More attention is being paid to the demand for increased highway traffic safety aids than to any other matter. The residents are becoming increasingly dissatisfied with the failure on the part of successive Governments to do something to obviate the accidents which occur practically daily on Canning Highway.

It is strange to know that one can get into a motor vehicle and travel from here to Fremantle along Stirling Highway, and find that at practically every intersection one has to pass through traffic lights; yet one can travel from the Causeway to Canning Bridge—actually to Fremantle; although for the purposes of my argument, from the Causeway to Canning Bridge is sufficient—and pass through only one set of traffic lights, which are at Thelma Street, and which are manually operated. Yet thousands of pedestrians cross at the various intersections.

On that highway there is one man whom I know well; and for the last 20 years or so he has literally picked up dozens of injured people outside his garage. As a consequence, he has become practically a nervous wreck. Other people who live at danger spots on the highway are repeatedly called out to attend to accidents. They find people, whom they know, mutilated; and in some cases they find people actually killed. The question of traffic safety has become an obsession with them.

I asked the Minister for Transport to give the question of increased traffic safety aids, on the section of the highway to which I have referred, his urgent attention. This matter is causing the residents of South Perth a great deal of concern. Already there is talk of holding protest meetings, and so on. For us to continue to rely on the technicians of the engineering branch of the Public Works Department is a mistake. They have had ample opportunity to do something at the trouble spots in South Perth; and it is time some positive action was taken in that area. I oppose the motion.

MR. J. HEGNEY (Middle Swan) [9.15]: I propose to support the motion because I think the language of the old regulation was much more simple than that in the new one, and it left no room for doubt. When one reads the new regulation it leaves considerable doubt in one's mind as to just what it means. The old regulation reads—

The driver of every vehicle shall yield the right-of-way to any pedestrian crossing a roadway within any marked or defined pedestrian crossing except to the extent that the movement of all traffic approaching, crossing or using such pedestrian crossing is being regulated by a police officer or traffic inspector or by traffic signals.

When that regulation was in force, pedestrians knew that they could pass over a crosswalk with some degree of security, because there was an obligation on the motorist to take every precaution not to interfere with the pedestrian while he was on the crosswalk. However, the new regulation states—

Where a pedestrian walking on a pedestrian crossing and a vehicle approaching or travelling on that crossing are, if they continue on their respective courses, likely to collide on that crossing or to cause a dangerous situation, the driver of the vehicle shall reduce the speed of, or stop, the vehicle so as to enable the pedestrian to continue on his course without interruption.

It can readily be seen that the old regulation has more merit than the new one which has recently been gazetted. We all ought to be concerned about the safety of pedestrians, particularly when they are using crosswalks which are provided to enable them to cross a road without having to worry about the traffic.

From time to time an officer of the Police Force visits schools and gives lectures to the children on safety measures and the use of crosswalks, so that the children will have some confidence when they cross a road where crosswalks are provided. But under this new regulation the position is vastly different.

The children start to cross on the crosswalk, they see vehicles approaching them, and they panic when they realise that the motorists do not intend to stop. Instead of waiting for a vehicle to pass, the children immediately start to run, and that is where a lot of the trouble begins. A crosswalk should be a safe place for pedestrians to cross the road without having to worry about oncoming traffic.

There are several dangerous crossings in my district. There is one not far from where I live, in Beaufort Street at the corner of Dundas Road. The crossing there might as well be painted out for all the good it is. Motorists drive across it at high speed, and the position is definitely

dangerous. I would not venture to cross at that point until I saw that the road was completely clear, because motorists will not pull up to allow pedestrians to cross.

There is another dangerous crossing in the Bayswater district. I brought this matter forward in Parliament a few weeks ago and asked the Acting Minister for Transport to do something about it. Also, members will have seen some publicity in the Press in regard to the matter, both last Saturday evening and on other occasions. This crossing is at the intersection of Leake Street and Guildford Road, Bayswater.

In response to requests by the local Parents and Citizens' Association, the Traffic Branch painted a pedestrian crossing on the road for the benefit of the schoolchildren who cross from the east to the west side of the road to get to the two schools in the Bayswater district. Unfortunately, three or four serious accidents have occurred on that crossing. The trouble is that the engineers who work out these pedestrian crossings place the discs which warn motorists that they are approaching crossings too close to the crosswalks, and consequently they are of no value to oncoming motorists because they see them too late.

Furthermore, in this part of the Bayswater district there is a steep incline; and in order to travel over it motorists are inclined to speed. When they reach the top of the hill, they are almost on top of the pedestrian crossing. Consequently, children when they see a vehicle coming towards them and travelling fairly fast, panic and start to run instead of taking their time and waiting until the vehicle has passed. That is where the danger occurs.

To confirm what I have said, only yesterday I received correspondence from the Bayswater Road Board with reference to this crosswalk. I was forwarded a petition signed by more than 200 residents of the Bayswater district who reside in close proximity to this particular crosswalk. The petition is addressed to the secretary of the Bayswater Road Board and reads—

We, the undersigned residents of Bayswater, hereby petition the Bayswater Road Board to apply to the Main Roads Department for the construction of a pedestrian subway under Guildford Road in the vicinity of Roberts Street.

That is a street which lends itself to the construction of a pedestrian subway. The petition goes on—

This petition is being presented because of the ever-increasing accidents to children crossing Guildford Road, the crosswalks being of little assistance and the constant dread of parents whose children attend both the Bayswater State School and the Roman Catholic School.

One of the problems is that a vehicle may pull up at the crosswalk; but another vehicle will pass it, and anyone crossing the crosswalk is in danger of being hurt.

This is an important question; and in my opinion, the old regulation met the situation much better than the new one. If we could revert to the old one, people would have more security; and parents in particular would feel much happier about their children crossing the roads. For those reasons I support the motion.

MR. HEAL (West Perth) [9.25]: I do not desire to delay the motion, but I would like to say a few words in support of it. One of the important aspects of this matter is the drafting of the two regulations. I think members will agree that there are hundreds of regulations in Western Australia which are quite easy for an ordinary person to understand; and, because of that, they are of much more benefit in the long run than those which are difficult to interpret. Let us take the two regulations in question at the moment.

I am sure that you, Mr. Speaker, with your knowledge, could fully understand both the old Regulation No. 231 and the new one which has recently been gazetted. But some people who have not had such a good education would find the old regulation much easier to understand than the new one. The old regulation reads—

The driver of every vehicle shall yield the right-of-way to any pedestrian crossing a roadway within any marked or defined pedestrian crossing except to the extent that the movement of all traffic approaching, crossing or using such pedestrian crossing is being regulated by a police officer or traffic inspector or by traffic signals.

That regulation meant just what it said, and I think everyone found it easy to understand. If a pedestrian was walking across a pedestrian crossing in the city or suburban area, he had right of way over the motorist. I know that at times it is embarrassing and annoying to a motorist to see a pedestrian merely ambling across, taking all the time in the world. But I still think that crosswalks are designed for the protection of the public who use them; and no matter how annoyed a motorist might be in regard to the few people who do amble across, the old regulation gave full protection to the public.

Now let us have a look at the new regulation which has been substituted for the old one. It reads—

Where a pedestrian walking on a pedestrian crossing and a vehicle approaching or travelling on that crossing are, if they continue on their respective courses, likely to collide on

that crossing or to cause a dangerous situation, the driver of the vehicle shall reduce the speed of, or stop, the vehicle so as to enable the pedestrian to continue on his course without interruption.

I am sure that most members will agree that that regulation could cause confusion in the minds of many people.

The present position could be likened to a sporting arena where two players are chasing a hockey ball, or a football, and they have one eye on the ball and the other on their opponent; they are waiting for the other person before deciding what to do. In the same way a person using a pedestrian crossing in the city or suburbs has one eye on an approaching motorist and the other eye on the crossing. He might get halfway across, and he is not sure whether the motorist is going to stop; and so he does not know whether to go backwards or forwards. The same thing applies to the motorist; and this regulation thus causes considerable confusion because of its drafting.

Of the two regulations, the old one was much easier for elderly people, and those who have not had a good education, to understand. As I said before, crosswalks are designed for a special purpose—to give safety to people who are attempting to cross the road. I am sure we would all agree that in the main this new regulation would affect the elderly people or pensioners, who take more time to cross the road than the younger people. It is of little consequence if the flow of traffic is held up, as long as the safety of elderly people and children using the crosswalks is ensured.

I now refer to the criticism which was raised when the new regulation was introduced, especially in the *Daily News*. There were about half a dozen leading articles on the front page. I agree with most of what was written by the author. Those articles stressed the meaning of the new regulation. As the Minister stated, the new regulation did place greater fear in the minds of people than was intended. I hope that all future Press criticisms in regard to the new regulation will be on a practical basis.

There is only one way in which safety can be ensured at crosswalks in the metropolitan area; that is, by the use of traffic lights. By that, I do not mean the type of traffic light installed at the corner of Hay Street and William Street, where both the motorist and the pedestrian move when the green light flashes. The only successful method is to install the "Walk" and "Do Not Walk" lights at the crossings. When the "Walk" light flashes, the pedestrians are given the right of way, and they are assured of safety in crossing the road.

Another safe method is to station policemen at crosswalks to direct the flow of traffic. We have seen instances of this in the city area—outside London Court and at the Plaza Arcade in Murray Street. On most days these officers are stationed at those two crosswalks. I have often stopped to look at the procedure, and I found it to be satisfactory to motorists as well as to pedestrians.

It is amazing to see the greatly improved behaviour of motorists when policemen are stationed at crosswalks. One morning between 8.30 and 9 a.m. I watched what went on at a crosswalk in Hay Street where a policeman was stationed. On seeing him, the motorists showed every courtesy to the pedestrians. The presence of the policeman worked wonders and ensured the safety of children and elderly people using the crosswalk.

Mr. Perkins: The department cannot allocate more police officers for duty at crosswalks.

Mr. HEAL: I fully understand the position, because on many occasions I have made requests to the department for police officers to be stationed at crosswalks. I realise that there are insufficient officers in the Police Force to enable such duties to be performed. When the time comes, and there are more police officers available, I hope my request will be considered.

Much was said about consideration to be shown to pedestrians, as was pointed out by the member for South Perth and others. It is difficult to find a solution of the traffic problem which exists today in the metropolitan area. The greater the increase of cars on the road year by year, the greater the confusion on the Causeway during peak hours—which I hope will be eased by the opening of the Narrows Bridge—the more the population increases, the greater will the problem become. There is only one final solution, and that is a display of commonsense by both the motorist and the pedestrian, not only in the city but along the main highways in the metropolitan area. I ask members to support the motion.

MR. W. HEGNEY (Mt. Hawthorn) [9.35]: I wish first of all to indicate my support of the motion. I fully agree with the sentiments expressed by the Leader of the Opposition, and I shall not reiterate the arguments which were so ably put forward by him.

I feel I should make a correction at this stage of the unwarranted statement made by the Minister for Police when he spoke earlier this evening. He stated that the Opposition was opposing every move made by the Government, and that was why he treated the motion lightly. That statement is entirely unfounded. If one refers to the legislation which has been

introduced and passed in this House during the present session, one will find that some 15 Bills have passed the second reading, and 11 or 12 of those received almost unqualified support from the Opposition.

Mr. Roberts: That only proves how good is the present Government.

Mr. W. HEGNEY: The Attorney-General very tactfully introduced some measures—the Art Gallery Bill and the Museum Bill—and they went through with only one slight amendment. The same remarks apply to the Foot and Mouth Disease Eradication Fund Bill and to the Filled Milk Bill. That shows how unfounded are some of the statements by the Minister for Police. He said he was very annoyed with the attitude of the member for East Perth, and that he considered the motion had been submitted to this House in a facetious manner. That statement is not warranted.

The Minister was also annoyed when the Town Planning and Development Act Amendment Bill was being debated and would not agree to progress being reported; yet a little while later, when discussions were taking place, he moved for progress to be reported. If the Minister wants support from the Opposition, he should not antagonise members on this side. I agree that one is entitled to hold one's opinions, but one should not submit one's opinions in an antagonistic manner.

As was pointed out by the member for South Perth, the problem before us is very complicated. The Leader of the Opposition submitted a point of view in the interests of the pedestrian; the member for South Perth did likewise, although he held an entirely different view. That shows how complicated is this problem.

Personally, I approach this matter from the point of view that the pedestrian should be given every possible consideration. As stated by the member for West Perth, the population of Western Australia is increasing; and, consequently, motorcars are increasing in number. The time is ripe for motorists to show every courtesy and consideration to pedestrians. It has been contended that some pedestrians dawdle on crosswalks, but they are few and far between. It is of little consequence if a motorist has to pull up to a stop at a crosswalk to enable elderly folk or young children to cross over safely; that would mean three or four seconds to the motorist, and would not make much difference to the time of his journey.

I am concerned with the wording of the new regulation. At first sight it may be said to be a case of an irresistible force coming into contact with an immovable object. However, it is not quite that, because the pedestrian is about one mouse-power compared with the many horse-powers of the car. We all know from that who has the advantage.

The new regulation provides that if a collision is likely to take place, or if a dangerous situation is likely to arise, then the motorist must give way to the pedestrian. Should a case go before the court, the question of a dangerous situation would have to be determined in accordance with the circumstances of that case. In my view, the new regulation will lead to confusion. Many of us have seen what occurs at crosswalks, especially during the morning and afternoon. We see what happens to the schoolchildren and elderly people at the crossings when they are not attended by policemen.

In those circumstances, the House would be well advised to support the motion. I sincerely believe that is preferable to the new regulation, which is leading to so much confusion.

MR. OLDFIELD (Mt. Lawley) [9.43]: At the outset I might mention that this debate is as controversial and complex as the football rule applying to holding the ball and holding the man. One can have two minds on the subject.

Mr. Nalder: Who has got the whistle?

Mr. OLDFIELD: At the moment the Minister has. This is a controversial issue on which members can have two minds. It resolves itself into a question of weighing the facts as one sees them, and allowing oneself to be influenced one way or another by the evidence. To my mind neither of the regulations is good; I do not think either is satisfactory. I readily admit I do not think it is possible for a satisfactory regulation to be framed to deal with the problem adequately.

We have all had personal experience with our vehicles at crosswalks. We have seen how unsatisfactory was the old regulation, especially when a motorist was stationary at a crosswalk and was allowing a stream of pedestrians to cross. Just as the motorist was about to start off, some other pedestrian stepped in front and the motorist had to stop and give way again.

The distinction between the two regulations is that the new regulation has been framed to comply with the circumstances as they now exist, and with what is actually taking place. Under the old regulation, most motorists at the time were compelled to break the law by having to push their way through, if they wanted to get through the city.

In suburban areas it was likewise. Motorists generally went through crosswalks when they should have given way to pedestrian traffic. But if they had not done so, we would have seen traffic hold-ups which would have caused snarls with which the police would not have been able to cope. Therefore I feel that where the new regulation does comply with what has been in existence for many years, it could be good to that extent.

However, it must be realised that under the old regulation motorists went further than was allowed. This is the case in regard to all traffic laws. Motorists have always taken more advantage than they should have. By giving them more latitude under this regulation, they will be likely to take something further again, than the regulation permits. It has been common practice that as the volume of traffic increases, so must the speed increase to get rid of the traffic. We would have the spectacle of policemen using their discretion and closing their eyes to those minor breaches. We all know that if the traffic regulations were enforced we would virtually stop every vehicle in the metropolitan area.

The way I view the situation is this: Roads have been made for the use of vehicles. They have been paid for by the finance provided by the owners of the vehicles. However, it is necessary for pedestrians to cross them, so Parliament in its wisdom decided to provide crosswalks whereat pedestrians would be able to cross with legal safety, if not with physical safety. People talk about crossing in safety. I feel that crosswalks offer no protection whatever, physically, to any pedestrian. In fact, I would say that the majority of people who are knocked down, are knocked down on crosswalks.

The Police Department is opposed to putting in crosswalks near schools because it feels that the children would have a false sense of security. They would run straight across because it was a crosswalk, and they would feel safe. The only protection—or rather compensation—is that if they were knocked down on the crosswalk, they were knocked down unlawfully, and therefore had a claim against the motorist. So these crosswalks were established to enable pedestrians to cross the road at given points where the driver would know that there was a crosswalk clearly marked, and he was therefore compelled to give way to the pedestrian traffic.

So, if we are to afford legal safety and comparative physical safety, the regulation should be framed to that end. The old regulation did that. The new one gives a little too much latitude to the motorist, and we will possibly see more accidents at crosswalks now than in the past.

I feel that crosswalks are one of the greatest hazards for pedestrians because they are likely to think that they have safety; and therefore I do not believe that there should be any crosswalk in existence unless controlled by pedestrian lights, such as those in Barrack Street in the city, and in Thelma Street in Como. There are many of them in other parts of the world also; but so far as we are concerned, that is something for the future. It would be the only way we could hope to

deal with the existing situation. In the meantime, the volume of traffic will increase, as will pedestrian traffic; and we will be faced with these crosswalks, unprotected by lights, for many years to come. Therefore, I feel that we must have the tightest regulations possible to give the maximum safety to the pedestrian traffic.

Having listened to the debate, and after reasoning the problem out to the best of my ability, I feel that the motion moved by the member for East Perth is deserving of some measure of support. It is with reluctance that I support the motion, but I dislike the new regulation more than the original one.

MR. ROWBERRY (Warren) [9.51]: I am opposed to the new regulation because it increases the danger to a pedestrian and puts him in the same category as a vehicle. The wording of this Regulation No. 231 is merely a repetition of the wording of Regulation No. 190 which deals with two vehicles approaching one another at an intersection. It says that if they continue on their respective courses and are likely to collide at that crossing or cause a dangerous situation, the vehicle on the right has the right of way. But there is an element of doubt in the new regulation which should not be in any regulation which deals with human life. I submit that the former regulation could have taken care of all the situations that arise at present. I will admit that at certain pedestrian crossings in the city there is a hold-up of traffic. It will be found that there is at times a continuous stream of traffic across a pedestrian crossing. But I believe that this could have been taken care of by an addition or a proviso to the old regulation which reads as follows:—

The driver of every vehicle shall yield the right-of-way to any pedestrian crossing a roadway within any marked or defined pedestrian crossing except to the extent that the movement of all traffic approaching, crossing or using such pedestrian crossing is being regulated by a police officer or traffic inspector or by traffic signals.

The difficulty could have been overcome by an additional proviso that when a vehicle had stopped at a pedestrian crossing to allow pedestrians to cross, no further pedestrian should enter the pedestrian crossing while that vehicle was so stopped. That would allow the crossing to be emptied of people and the vehicles to proceed on their course. That proviso could easily be understood and policed and would take care of the rights of both parties.

I would also draw the attention of the Minister to the fact that in this new regulation there is a proviso or sub-regulation which reads as follows:—

Sub-regulation (1) of this regulation does not apply if the pedestrian has disregarded or failed to comply

with a direction of a member of the Police Force, traffic inspector or traffic control light signal regulating or controlling the movement of traffic using or approaching or crossing the pedestrian crossing.

That means, in effect, that the motorist has an open go to bowl over pedestrians who have made a mistake. For that reason, I am opposed to the new regulation and support the motion submitted by the member for East Perth.

MR. GRAHAM (East Perth—in reply) [9.56]: It is perhaps a good thing that from time to time we devote portion of our sitting period to the discussion of regulations made under statutes; because, as all members are aware, regulations are part of our system of law and they can be good law or bad law. If they are breached by members of the public, the offenders are subject to the displeasure of the law and can incur penalties, some of which are severe.

It is a matter for regret in respect of this matter that the Minister introduced an element which I was hopeful would be completely avoided. It will be noted by a reference to *Hansard* that the first interjection which was made when I introduced this matter was based on a tilt at me. When the Minister was making his contribution to the discussion this evening, he adopted an aggressive attitude and sought to flay me, as the mover, and the Opposition generally, for having in his opinion committed some sins when, in fact, no such thing occurred.

I challenge the Minister, as I did when he was speaking, to point out any published statement made by any member of the Opposition. I would ask him to perform the impossible of showing where, in *Hansard*, any member of the Opposition in Parliament has made a critical statement against the Government or the Minister in connection with this matter. I emphasised that in my opinion this was too important and serious a matter for us to embark upon personalities, and seek to gain any advantage or indulge in Party politics. I think that if anybody cares to read my remarks he will agree that they were, from start to finish, about as temperate as any speech I have made in this House. I am sure that members will agree that when I feel keenly with respect to a matter, I do not hesitate to express myself in the strongest terms.

Therefore, there was no need whatever for the Minister to adopt the attitude which he did in bringing this debate down to the level of a Party-political brawl. I hope that he has not made private members on both sides of the House feel that they have a loyalty to their respective Parties. I can assure you, Mr. Speaker, that there will be no hard feelings on my part if even the majority of members on my side of the House decide to vote against this resolution.

There is nothing binding at all in that regard, and no decision has been made on the matter by the parliamentary Labour Party. It required no urging from anybody to prompt me to move this motion. I went to some pains—as can be seen at page 950 of *Hansard*—to explain the situation which resulted in the Minister drawing the conclusion—I conceded to him it was perhaps quite justified under the circumstances—that I had approved of this regulation. I will not weary the House by reading what I then said; but I think I covered the matter fully, and it was done from memory.

The Minister has suggested earlier this session, by the use of some extravagant terms, that the previous Government took illegal action in connection with a transport matter; but that allegation was completely unfounded. In the same way he has tried to make members of this House believe that he was quoting something from the file; but it is not in accordance with fact.

Mr. Perkins: I quoted from the file.

MR. GRAHAM: From that statement, apparently the Minister is incapable of reading from a file; as I will demonstrate in a moment. I was relying on memory; and reference to the file has shown that my memory was precise in every detail; with the exception that I said I signed the file on the Monday following the election; whereas it can be construed from the file that I signed it on either the Monday or the Tuesday—which makes no difference at all to the proposition. This file—that is why I asked that it be laid on the Table of the House—indicates that the Commissioner of Police addressed a minute for my consideration to the Traffic Liaison Officer on the 23rd February, 1959. It was minuted to me, by Mr. Irvine, the Traffic Liaison Officer, on the 26th February, 1959. The note "approved" has the initials "H.E.G." following it.

It was when the Minister said that "H. E. Graham" appeared there that I immediately had a mental picture of this page. If we proceed from that point, which indicated to me that the Minister was not reading the file correctly, it will be seen that the very next minute is addressed to the Commissioner of Police and is dated the 24th March, 1959.

Mr. Perkins: The date at the bottom there is the nearest to your signature.

MR. GRAHAM: One is in ink that is pale blue in colour, with upright lettering and figures; and the other is dark blue, written with a ballpoint pen and written at an angle of approximately 45 degrees. The wording "the hon. Minister," and the date "26/2/59," appear in the characters and the ink which I have just mentioned; and it is therefore obvious that what I

stated was correct. It was submitted to me; and, for the reasons which I previously outlined, it lay on my table for a period of approximately one month, which was what I previously said.

On the Monday after the election, in order that there should not be a basketful of papers awaiting my successor—and this among them—I signed the minute “Approved and the papers were returned to the Commissioner of Police, for him to make arrangements with the Crown Law Department to draft the regulation; which regulation would come back to the Minister—in this case my successor, who at that stage was unknown to me—for him to determine its merits before signing—or, if he disagreed, to refrain from signing—the Executive Council minutes; it in turn would go to the Premier for vetting and, if approved, signature.

Mr. Perkins: What about the original minute from the Traffic Liaison Officer to the Commissioner, saying that the Honourable Minister requires the views of the department on the New South Wales regulation? That is the important one. I can only think from that, that you initiated the inquiry into the New South Wales regulation.

Mr. GRAHAM: If the Minister for Transport remains in his portfolio for the balance of the three-year period, he will find, on many files, that the previous Minister for Transport was making inquiries and seeking information on very many matters. I can tell him now that the great majority of the changes that were made in the handling of traffic in the State of Western Australia during that period did not originate from officers' recommendations, but from the Minister.

They were then referred to the departmental officers for their point of view, before he made the final decisions; and that is what happened in this case. I mention that because the Minister paraded the events quoted from an official document, as he would have us believe, to indicate that I had made a false statement to the House. This file remains on the Table of the House for a short period longer; and any member of this Chamber—that goes for the Minister himself—can check the veracity of what I said in moving the motion a week ago, and also my confirmation of that tonight. I think the Minister has done himself less than justice in endeavouring to represent me as giving a false picture to members of this Chamber.

Mr. Perkins: You cannot get away from the fact that you approved the regulation and the action was taken on your approval.

Mr. GRAHAM: I do not want to canvass that further. But I ask the Minister, as I ask other members, with their minds clear of prejudice, to read the explanation

made at page 950 of *Hansard* for the present session. If they want to check on anything, here is the official file, and they can satisfy themselves in connection with it. I mention this in order to place the matter in its proper perspective; because it is an issue which should not have arisen, and therefore there should have been no need for me to devote some of my time to it, as I have.

As I stated, when moving the motion, even if I had done what the Minister suggests—which I did not—that would not necessarily make the new regulation valid, and it would not prevent anyone from having a second thought, on looking at the issue, and deciding that perhaps he was wrong in the first place—

Mr. Perkins: As long as you are prepared to admit that you were wrong—

Mr. GRAHAM: I will not be caught like that; because I did not approve the new regulation. It was only drafted about a month after I vacated the ministerial chair. Enough of that! Let us return to the regulation itself; and surely that is the matter which all of us should have been debating. Surely it has been made abundantly clear that crosswalks were devised and have been marked for one purpose only.

Surely they were devised to give some form of protection to the unprotected person—the pedestrian—and unless the pedestrian has legal protection and undisputed right of way over the crosswalk, there might just as well be no crosswalks whatever. I was hoping the Minister would endeavour to disprove an assertion of mine, which I repeat: that there is no difference whatever now, between the rights of a pedestrian on a crosswalk, under the existing regulation, and the rights of a pedestrian crossing anywhere else along a street.

There is a difference only so far as the motorist is concerned; and that is that if he hits a pedestrian on a crosswalk he is definitely guilty; while if he hits a pedestrian not on a crosswalk there may be a measure of doubt in connection with it. But there is no protection; the pedestrian has no right of way; and his safety or protection, if any, depends upon the judgment or guesswork of the motorist; because the regulation says that if a certain situation is likely to develop the motorist has certain theoretical direction. If the motorist's judgment is faulty, he is at fault at law; but the pedestrian is in hospital. And so the new regulation is an invitation to the motorist to go ahead; and the pedestrian is aware of the situation; and what does he do?

Where there is a dense flow of traffic and where there are maximum speeds adopted as common practice by the motorist, the pedestrians remain at the kerb. Some of

them are terrified and dare not attempt to cross the road; notwithstanding the fact that there is a marked crosswalk provided.

Mr. Perkins: There is no need for that, because the regulation protects them.

Mr. GRAHAM: It does nothing of the sort. It says that the motorist can have a go if, in his opinion, he can get across.

Mr. Perkins: The motorist must give way. You approved that in the transport advisory conference years ago.

Mr. GRAHAM: I did nothing of the sort. I wonder whether the Minister has read the new regulation and the old one. First of all, the old regulation says the driver of every vehicle shall yield the right of way to any pedestrian crossing the roadway within any marked or defined pedestrian crossing.

Mr. Perkins: I read both regulations to you half a dozen times tonight.

Mr. GRAHAM: Is there any doubt or ambiguity about that? Every vehicle shall yield the right of way to any pedestrian crossing the road; but in the new regulation it says that where a pedestrian is walking on a pedestrian crossing and a vehicle is approaching or travelling on that crossing, and if they continue on their respective courses they are likely to collide on that crossing or to cause a dangerous situation, the driver of the vehicle shall reduce the speed of or stop the vehicle, and so on. There are two points of doubt in connection with it; the "if", and then later on the "likely."

So I repeat that I am entitled to state, because the regulation says so, that it is a matter of the opinion of the motorist and that he can move across the crosswalk; and as long as he thinks he will not hit the pedestrian, he is permitted to do it. Whereas previously the pedestrian had the complete right of way, now the pedestrian is unprotected and vulnerable to these pieces of machinery which are moving towards him, usually at considerable speeds. I therefore say that he, the pedestrian, is entitled to the maximum protection that we can give him and it is culpably wrong to weaken his protection and encourage the motorist to give it a go; which is precisely the position today.

I wonder what the Minister for Transport thinks of Stirling Highway and Canning Highway, for instance, between 4 p.m. and 6 p.m. It is then difficult enough for anyone to cross the highway, under the best circumstances; but under the new regulation, and particularly in the case of old persons or small children, they stand petrified on the footpath, because motorists

are entitled to continue crossing the crosswalk, notwithstanding the hesitant efforts that may be made by pedestrians to cross the road.

If there is a motor vehicle coming at an old lady, or a child, or even a person in the prime of life, the natural thing to do is for them to step back and wait. In the streets, during the times I have mentioned, they could quite easily stand there for the best part of two hours until one of those rare creatures, the super-courteous drivers, happens to come along and stop, and other motorists, of necessity, are forced to bank up behind him for the few seconds that are necessary for the pedestrians to cross.

That is the position. That is why the regulation gives the impression that it is working well. The simple reason is that the pedestrian must hurry and scurry to get across, or refrain from crossing until such time as he can proceed with absolute certainty. That is to say, if there is no vehicle within a hundred yards or so of him, he can cross with safety.

Mr. Perkins: It is only the extravagant statements that you are making, of course, that are the cause of all the trouble; and if we had many public speakers carrying on as you have done, it would make it impossible for any regulation to work.

Mr. GRAHAM: That is a very delightful speech. But it is completely removed from the facts of the situation, as are most of the utterances of the Minister in dealing with this matter. And, incidentally, he spent very little time in endeavouring to answer the case I made out a week ago, and I think it is his responsibility to do that. The Minister quoted from the official organ of the Royal Automobile Club. As is well known, that journal expresses the viewpoint of the motorist; and, somewhat naturally, the motorist desires to proceed on his journey with the least impediment and interference.

Mr. W. Manning: Does he not desire to avoid accidents?

Mr. GRAHAM: Of course he does. And he avoids them because the pedestrians have some regard for their lives.

Mr. W. Manning: Were you happy with the previous regulation?

Mr. GRAHAM: To be perfectly frank, I could not see much wrong with it. However, Mr. Speaker, I do not want to go over ground that I have covered previously. But I did indicate that in the heart of the city the solution to the problem was installation of pedestrian lights between the intersections; and there is money available to install those lights. The reason the installation of pedestrian lights was suggested is that a hold-up of traffic in the heart of the city could have serious consequences, causing congestion and other problems.

In the suburbs, however, particularly on the highway where traffic normally travels at greater speeds than in the metropolitan area, a delay of a few seconds does not cause any traffic congestion; and therefore, in these outer parts of the city and environs, what damage is done if the motorist takes an extra 10 or 15 seconds to get from Perth to Fremantle if we can give a greater degree of safety and protection to people who are compelled to cross the road? That is why I made the point that if a change was necessary it should have waited until such time as certain other things were done first, and not be effected now when we are just on the eve of achieving some good results.

The position is that the pedestrian knows perfectly well that if there is an accident he is the one who gets hurt. I am now replying to the interjection by the member for Narrogin. The pedestrian knows that, and that is why he is ultra-cautious. That is why he is afraid to cross. But, in addition to that, the motorist knows the pedestrian is afraid because of the unequal odds. So the motorist, by this change of regulation, is encouraged to continue across the marked pedestrian way. He has everything on his side. He has protection because of the casing around him and the fear and the desire of self-protection on the part of a vulnerable pedestrian.

So the pedestrian hangs back, and the motorist goes on. But is that fair to the pedestrian? Because the odds are so unequal, surely we are doing the right thing in the interests of our fellow beings—notwithstanding how irksome it might be to motorists; because I suppose most of us are motorists, but on occasions we are all pedestrians—if we err on the side of giving the greatest measure of protection possible to the pedestrian since he is the one who requires it; and he, after all is said and done, is the one for whom the crosswalks have been laid out. They were not put there for the motorist. They were placed there to enable the pedestrian to cross from one side of the road to the other.

It is recognised by those who make the laws that he is entitled to some consideration on a few well-chosen spots in the metropolitan area and in some of the country townships. There is no gainsaying the fact that the present regulation has an element of uncertainty about it. Even the regulation itself is couched in doubtful terms. There is nothing rigid or clear-cut in it as there was in the original regulation.

I have listened intently to the debate this evening, and I could honestly say that I have not heard a case made out as to why we should not scrap the new regulation and revert to the original one. The only argument I have heard against the regulation that has been revoked is that it interferes with the flow of traffic. I

have already pointed out that that could have serious consequences only in the heart of the city itself; and long before I vacated the office of the Minister for Transport, the Main Roads Department was carrying out investigations on the installation of pedestrian lights in the heart of the city.

As I have indicated, the then Minister for Works agreed that the additional £10,000 a year should be made available for a period of five years. Therefore, a shortage of money should not be the excuse for failure to install pedestrian traffic lights at those places where they are necessary. That £10,000 was to be added to the £40,000, provision for which is made under the Traffic Act every year.

If that be so, surely it is our job to impress upon the Government—and through the Government, the departmental officers—to get on with the job with the utmost expedition in order to install these pedestrian lights. Only about 12 or 15 are needed in the City of Perth.

Mr. Perkins: There are many problems attached to their installation. In fact, you would have to synchronise the pedestrian traffic lights at those crossings in St. George's Terrace between William Street and Barrack Street; otherwise a very serious hold-up of traffic would be caused.

Mr. GRAHAM: I am not so naive as the Minister would imagine. I have seen pedestrian lights in other capital cities of the Commonwealth, and they work quite effectively. What is more, they were in places where pedestrian and vehicular traffic is much heavier than it is in the City of Perth.

In connection with the amendment of the Traffic Act, wherein and about the Minister for Transport and I have found ourselves in opposite corners—but no doubt the damage will be repaired in due course—I counsel him, in view of my experience—and I am not saying this in a boastful manner—that he will find, sooner or later, that in many of these matters he will have to be guided by his own judgment and his own experience. He should be only guided by the technical and other advisers, not led by them. He should make his own decisions. I have already indicated in this Chamber that in the matter of traffic and safety, that where it is a question of human lives and human injury, I will always refrain from endeavouring to make political capital out of any issue. I am not saying that out of any new-found glory. I am saying that in my view, it was my experience, in being associated with transport for three years and with traffic for a lesser period, the question of doing something for the unprotected pedestrian and for the motorist is, to my mind, a matter of utmost importance. It is in that spirit that I have approached this matter.

I thought that last week I more or less made my apologies to the Minister if he were in any way misled by a minute of mine which appeared on the file; that he may have read into it something that was not indicated. But if he read it closely and listened to what I said I think he will agree with me that what I said was in accordance with fact. It is a pity we have found ourselves at loggerheads over that particular matter. Perhaps it is unfortunate I am moving this motion; because if I were not, and if the Minister's interpretation were correct, I could, without an axe to grind, stand up and say that I made a genuine mistake but because of my mistake at that time, there is no reason to perpetuate it, and I make my apologies to the Minister if I misled him in any way.

However, that is not the position, as I have already explained on several occasions. I leave the matter there, and I hope and trust that members will resolve this matter of considerable importance which has caused and is causing a great deal of concern among our people. There is an atmosphere of doubt and uncertainty; there is a sense of fear on the part of pedestrians.

I will not concede that it was the exclusive province of the daily Press to create that attitude of mind among the members of the general public. Perhaps it played some part in connection with it; but I think it is as plain as a pikestaff that, whereas previously the pedestrian had the complete and absolute right-of-way on a crosswalk, it is no longer available to him, and therefore the welfare of pedestrians should be our prime motive when we are making our decision and casting our vote as we shall do in a few seconds from now.

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

Ayes—21.

Mr. Bickerton	Mr. Molr
Mr. Brady	Mr. Norton
Mr. Evans	Mr. Nulsen
Mr. Fletcher	Mr. Oldfield
Mr. Graham	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Heal	Mr. Sewell
Mr. J. Hegney	Mr. Toms
Mr. W. Hegney	Mr. Tonkin
Mr. Jamieson	Mr. Lawrence
Mr. Kelly	(Teller.)

Noes—23.

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

Majority against—2.

Question thus negatived.

House adjourned at 10.34 p.m.

Legislative Council

Thursday, the 20th August, 1959

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The PRESIDENT took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

1. *This question was postponed.*

TRANSPORT BOARD

Regulations and Restrictions in the North

2. The Hon. H. C. STRICKLAND asked the Minister for Mines:

(1) When does the Government propose to "cut out Transport Board regulations and restrictions north of the 26th parallel," as advertised by the Liberal Party four days before the elections which were held last March?

(2) Will the Minister detail Transport Board regulations and restrictions applicable to the area north of the 26th parallel?