

but not least, I wish to thank the representatives of the Press in this Chamber for the consideration they have extended to me during my long tenure of a seat here, and for the impartiality with which they have treated me. In conclusion, I desire to thank all hon. members for the help, the kindly consideration, and the toleration they have extended to me both as Chairman of Committees and as a private member. I hope that they may all long be spared to enjoy health and prosperity; and may they enjoy a share of the good things which are coming to us all in the festive season so close at hand.

HON. J. NICHOLSON (Metropolitan) [5.42]: May I be permitted to express on behalf of myself and—I feel sure—on behalf of all my fellow-members our deep appreciation of the very kindly sentiments which have been expressed by the Leader of the House, and followed by you, Mr. President, and for the good wishes which have been conveyed to us. It has always been the desire of members of this House to further the interests of the State, help the Leader of the House and do what they can to assist you, Mr. President, in the conduct of the affairs of this Chamber. The spirit that animates every member is one of goodwill, to which you have been good enough to allude. The Leader of the House has referred to the prospects that he feels sure await us. We can but re-echo the wish that what he at least foreshadowed may be fulfilled. It will be the desire of every member of the House to assist him in measures that will lead to the greater success and prosperity that we know he desires the State to attain. May I also be allowed to add one word of appreciation to the Chairman of Committees. He has been good enough to allude to the Deputy Chairmen, and I feel that I may say, with my fellow deputies, that the Chairman has left very little for us to do. We are pleased to have been afforded opportunities to learn something of the intricacies of the work associated with the chairmanship of Committees, and the Chairman himself has been a generous source of help to each one of us. I know it has been the desire of my fellow Deputy Chairmen, as it has been mine, to acquire as much knowledge as may be regarded as proper and necessary to enable us to carry out the duties of the

office. May I again add an acknowledgment of our deep sense of thanks to you, Mr. President, and to express to you our goodwill and best wishes for the season, and for the New Year.

Question put and passed.

House adjourned at 5.15 a.m. (Wednesday).

Legislative Assembly.

Tuesday, 17th December, 1935.

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

QUESTION—LAW CASE.

Hughes v. Clydesdale.

Mr. DONEY asked the Treasurer: In reference to the item appearing under "Sundry Expenditure Appropriations" on page 48 of the Auditor General's report and dealing with the payment of £200 in the case of Hughes v. Clydesdale—(a) to whom was such money paid; (b) on whose behalf was it paid; (c) were any other sums of money paid in connection with this action, and if so how much and to whom?

The MINISTER FOR JUSTICE (for the Treasurer) replied: (a) Messrs. Lavan, Walsh & Seaton; (b) Advance pending collection of costs; (c) No.

QUESTION—ABORIGINES DEPARTMENT.

Quarter-caste Orphans, Sister Kate's Home.

Mr. CROSS asked the Minister for Agriculture: 1, Is it the intention of the Aborigines Department to draft a further number of quarter-caste orphans into Sister Kate's Home at Queen's Park? 2, Is it a fact that the Aborigines Department pays only 3s. per week per child towards the maintenance of the orphans domiciled at that Home? 3, Will he arrange to pay the same amount per child per week to Sister Kate's Home as is paid per child to the other orphanages in this State?

The MINISTER FOR AGRICULTURE replied: 1, Yes, should further suitable accommodation become available. 2, As in the case of similar institutions subsidised by the Aborigines Department, each child sent to the Home by the Department is subsidised at the rate of seven pounds per annum (at present less 20 per cent. Financial Emergency Act deduction). At the next annual distribution clothing and blankets will also be supplied for such children. 3, The suggestion will receive consideration.

BILL—ROAD CLOSURE.

Second Reading.

Debate resumed from the 12th December.

HON. C. G. LATBAM (York) [4.34]: I have had an opportunity of examining the Bill. Upon the second reading being moved, I felt a little concerned about the private road which the measure proposes to close, but apparently the Bunbury Golf Club have had the use of it over a number of years, and it is of no other use. The House should, naturally, be careful in closing a street, because the adjoining land is in separate titles and at any time there may be a demand for the re-opening of the road—a costly process. On that account, I desired to look into the matter. However, during the week-end I satisfied myself that there is no reason why the Bill should not pass.

MR. WITHERS (Bunbury) [4.35]: I support the Bill. As stated by the Minister for Lands in moving the second reading, the street proposed to be closed runs, practically, to nowhere. The Bunbury Golf Club have absorbed the whole of the area in the vicinity. When the golf links were first

established, the club put in a bitumen approach giving access to the street without entry upon the links at all. The land comprised in the road was in the name of a Mr. Forman. Since the land has been absorbed by the golf club, the whole of the road and also adjoining properties have become one absorption. Thus the street leads to nowhere except the golf links, and the golf links represent the end of nowhere in particular. Thus no harm can result from closing the street. I have pleasure in supporting the second reading.

Question put and passed.

Bill read a second time.

Remaining Stages.

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

Read a third time, and transmitted to the Council.

BILLS (3)—RETURNED.

1, Railways Classification Board Act Amendment.

Without amendment.

2, Supreme Court.

3, Native Flora Protection.

With amendments.

BILL—SUPREME COURT.

Council's Amendments.

Schedule of nine amendments made by the Council now considered.

In Committee.

Mr. Sleeman in the Chair; the Minister for Justice in charge of the Bill.

No. 1. Clause 69, Subclause (3) (f), (i). after the word "deed" in line 2 of subparagraph (i) of paragraph (f) of Subclause 3, insert the words "or agreement."

The MINISTER FOR JUSTICE: I do not know whether hon. members have copies of the Council's amendments before them. Those amendments have just been received by message.

Hon. C. G. Latham: I do not know what they are. They should at least be read out.

The MINISTER FOR JUSTICE: This amendment, and amendments Nos. 2 and 3,

express the same principle. Hon. members are aware that separation can be effected either by deed or by agreement. The Bill as it went to the Council provided for separations made by deed. The Council desire to insert the words "or agreement" after "deed," so that the position may be the same in this respect whether the separation is by deed or by written agreement. I move—

That the amendment be agreed to.

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

No. 2. Clause 69:—That after the word "deed" in line 3 of subparagraph (ii) of paragraph (f) of Subclause 3, there be inserted the words "or of such agreement."

The MINISTER FOR JUSTICE: This is the same amendment in principle as the previous one. Therefore I move—

That the amendment be agreed to.

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

No. 3. That in line 3 of subparagraph (iii) of paragraph (f) of Subclause 3, the word "or" where it first appears be struck out, and that after "covenant" in the same line the words "or agreement" be inserted.

The MINISTER FOR JUSTICE: Here again the principle is exactly the same, and I move—

That the amendment be agreed to.

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

No. 4. Clause 77, Subclause 1—After the word "marriage" in line 2 of Subclause 1, add the words "on a petition charging adultery."

The MINISTER FOR JUSTICE: This is an amendment which I think the Committee should not agree to. Under the clause as originally appearing, the court would not be bound to pronounce a decree for dissolution of marriage if certain things had happened—if the petitioner had been guilty of adultery, or of unreasonable delay in presenting the petition, or of cruelty to the other party to the marriage. The Council seek to limit the application of that principle to petitions charging adultery. Under that amendment, other matters provided for in the clause as originally presented could not be dealt with at all. The amendment in effect limits of discretion of the court to a

cross-petition charging adultery: That was all right in the early days when adultery was practically the only ground for divorce, but since then there have been added desertion, cruelty, the serving of a term of imprisonment and other grounds. Under the amendment the court will have the discretion only when it is shown that the petitioner himself has been guilty of adultery. If it is right for the court to have discretion to review the petition in such a case where the petitioner has been guilty of adultery, it seems only right that the court should have discretion in other cases where the petitioner has been guilty of, say, cruelty. Not infrequently there is cruelty behind a divorce petition based on desertion. For instance the husband has been cruel to the wife with the result that she has left him, has not lived with him for three years, and so he is entitled to a decree on the plea of desertion.

Hon. C. G. Latham: That makes divorce easier.

The MINISTER FOR JUSTICE: And removes the discretion of the court, except in a case where the petitioner has been guilty of adultery. In one case I recall the husband's conduct resulted in his wife becoming deranged, whereupon he claimed divorce on the score of that derangement. I do not think we should agree to the amendment. A man may be deliberately the cause of his wife's desertion, and he can get a divorce on the ground of desertion unless it can be shown that he has been guilty of adultery. He may have been guilty of any of several other grounds for divorce, but under the amendment the court would not have discretion to review the petition unless it were that the petitioner had been guilty of adultery. It is an entirely wrong principle. I move—

That the amendment be not agreed to.

Mr. McDONALD: I concur with the Minister that the amendment should not be agreed to. In the case of a petition on the ground of adultery the court has power to refuse it on a number of grounds, but in the case of a petition on the ground of desertion, the power of the court to review is limited to a smaller number of grounds. The discretion of the court to review a petition on the ground of desertion should be as wide as it is if the petition be on the ground of adultery. The amendment should not be accepted.

Question put and passed; the Council's amendment not agreed to.

No. 5. Clause 81—Delete "for the dissolution of marriage" in line 1 and substitute "in a matrimonial cause":

The MINISTER FOR JUSTICE: This deals with causes for the restitution of conjugal rights, and an offence known as jactitation of marriage, when the court is asked to declare that a woman is or is not the wife of a certain man. Under the divorce law the court has power to determine on evidence whether the woman is rightly entitled to call the man her husband. The amendment brings in quite a number of things.

Hon. N. Keenan: This is an amendment to Clause 81?

The MINISTER FOR JUSTICE: Yes.

Hon. N. Keenan: What has the restitution of conjugal rights to do with that clause?

The MINISTER FOR JUSTICE: Not very much.

Hon. N. Keenan: None at all.

The MINISTER FOR JUSTICE: But it may have to do with desertion or with an action to invalidate a marriage. In that instance it means the same thing, but gives wider application to a principle which we have established. I move—

That the amendment be agreed to.

Hon. N. KEENAN: It appears to me the amendment largely makes this clause nonsensical. The clause as printed provides that if the respondent opposes the relief sought in the case of proceedings instituted by the husband on the ground of his adultery, cruelty or desertion, the court may give the respondent the same relief to which he or she would have been entitled if he or she had presented a petition seeking such relief. It is clear that in framing this clause in the way we did in this House we intended it to refer to proceedings for the dissolution of marriage. However, it may be that the amendment will do no harm, and perhaps that is why the Minister proposes to agree to it.

The Minister for Justice: That is so.

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

No. 6, Clause 81, Subclause 2—Delete all words after "sought" in line 2 down to and including "desertion" in line 6.

The MINISTER FOR JUSTICE: This amendment bears a relation to amendment No. 5, and the Committee having agreed to No. 5, I presume they will agree to this one. The Council propose to strike out the words from "sought" down to "desertion."

Hon. N. Keenan: We might as well strike out the lot.

The MINISTER FOR JUSTICE: I do not think so. Instead of dealing solely with dissolution of marriage, the amendment alters the whole thing to a matrimonial cause. The petitioner petitions the court for a divorce on the ground of, say, adultery. The wife in a counter-petition may set up the plea of desertion. The court, instead of granting the petition to the petitioner, may grant a divorce to the respondent because desertion has taken place, and so the respondent is entitled to a divorce. The court may give the respondent the relief to which he or she is entitled on the grounds submitted by him or her. I move—

That the amendment be agreed to.

Question put and passed: the Council's amendment agreed to.

No. 7. Clause 84, Subclause 3—Delete the proviso in lines 30-33 and substitute the following:—"Provided that the court may refuse to grant or may adjourn consideration of the application if any costs awarded against the respondent or the co-respondent in the suit have not been paid."

The MINISTER FOR JUSTICE: There is not much difference between the two provisions. No matter how desirable it may be to make a decree absolute, such a decree need not be granted until all the costs have been paid. The proposal now is to remove that prohibition and give the court permissive power. The court should be able to exercise discretion if it thinks fit. I move—

That the amendment be agreed to.

Mr. McDONALD: The amendment is desirable: it gives the court discretion. If I recollect rightly, when the Bill introduced by the member for South Fremantle was before us, the member for Nedlands moved an amendment designed to give the court such discretion. This proposal will be an improvement on the hon. member's Bill.

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

No. 8. Clause 94, Subclause 1—Add at the end the words “and such petition shall be served on the alleged adulterer and the wife unless the court shall dispense with such service or direct some other service to be substituted.”

The MINISTER FOR JUSTICE: The amendment is self-explanatory. It will give the court discretion to alter the method of service.

Hon. N. Keenan: Has not the court that power now?

The MINISTER FOR JUSTICE: I do not know whether the amendment is necessary, but it will be declaratory. I move—

That the amendment be agreed to.

Hon. N. KEENAN: This is entirely a matter of a rule of court. We do not attempt to set out in the measure the rules to govern procedure, and why should we do so in this instance? The court has the power under its authority to make rules. I object to loading the statute with rules which have nothing to do with the principle involved, but are designed to give effect to the principle.

The MINISTER FOR JUSTICE: I agree with the hon. member's remarks. The measure will give the Supreme Court power to make rules of all kinds regarding procedure. Evidently a member in another place felt so strongly on the point that he asked for its inclusion in the measure.

Hon. C. G. Latham: We should not allow it on that account if it is unnecessary.

The MINISTER FOR JUSTICE: In saying that, I am merely surmising. I should say that the rules of court would make the necessary provision.

Hon. N. Keenan: The rules are made to-day.

The MINISTER FOR JUSTICE: Yes, provision is made for service in various ways. I did not object to the amendment because I agree with the principle.

Hon. C. G. LATHAM: I hope members will not agree to the amendment. This is a very old piece of legislation and rules of court are already laid down. If a strong enough case were made out to the judges, they would amend the rules of court. I object to Parliament trying to frame rules of court or regulations. We are not qualified to do it and for us to attempt it would be dangerous. Regulations must be framed by the Government having due regard to the difficulties being experienced. It is wrong in prin-

ciple to embody rules of court in a statute. I am pleased to hear the Minister say he does not desire to force this through. I hope the Committee will not agree to it. I have heard no complaints about this question, which is one entirely for the judges. Parliament should not be asked to do something that judges will not do.

Question put and negatived; the Council's amendment not agreed to.

No. 9. In Subclause 4 after the word “marriage,” in line 32, add the words “restitution of conjugal rights”:

The MINISTER FOR JUSTICE: A wife has just as much right to be supported pending the decision in a case for the restitution of conjugal rights as she has pending a decision on other grounds for divorce. I move—

That the amendment be agreed to.

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

Resolutions reported, and the report adopted.

A committee consisting of Messrs. Latham, McDonald, and Willecock drew up reasons for disagreeing with amendments Nos. 4 and 8.

Reasons adopted, and a message accordingly returned to the Council.

BILL—NATIVE FLORA PROTECTION.

Council's Amendments.

Schedule of two amendments made by the Council now considered.

In Committee.

Mr. Withers in the Chair; Mr. Sampson in charge of the Bill.

No. 1. Clause 6—Add at the end of the clause the words “with the permission of the owner or occupier.”

Mr. SAMPSON: I move—

That the amendment be agreed to.

Hon. C. G. LATHAM: I hope the amendment will not be agreed to. It is the very thing that we struck out. Imagine a person having to knock at the door of the house of the owner of a property to ask if he might pick a few flowers! It is not our duty in a specific way like this to protect owners, who are already protected under other statutes.

Hon. W. D. JOHNSON: In the meantime the flowers will have been destroyed.

Hon. C. G. LATHAM: The principle is wrong.

Question put and negatived; the Council's amendment not agreed to.

No. 2. Clause 12—Delete this clause and substitute the following:—"It shall be lawful for any constable or other officer of the police force in Western Australia, or any inspector or other officer appointed under the Forests Act, 1918-1931, to examine any wildflower or native plant in the possession of any person, and if such flower or plant appears to have been obtained contrary to the provisions of this Act, to detain same, and demand the name and address of the person in possession of such flower or plant, and to take such action as is necessary to enforce the provisions of this Act."

Mr. SAMPSON: The amendment makes the position clear with regard to the policing of the measure. Members of this Chamber objected to honorary inspectors being armed with such powers, and the Council have suggested the new clause to get over the difficulty. I move—

That the amendment be agreed to.

Mr. SLEEMAN: We should not agree to the Council's amendment. It is all right to grant these powers to police constables, but to extend that consideration to officers of the Forests Department would be wrong. I move an amendment on the Council's amendment—

That the amendment be amended by striking out the words "or any inspector or other officer appointed under the Forests Act, 1918-1931."

Mr. SAMPSON: I hope that the amendment on the Council's amendment will not be agreed to. The Premier secured an amendment to the Bill making its provisions subject to the Forests Act. Foresters make a close study of botany generally and they should be given the power to assist in protecting our native flora.

Hon. C. G. LATHAM: It will be useless to pass the Bill unless we make some such provision as that suggested by the Council. I desire our native flora on all reserves, including land held by the Forests Department, to be protected. If the amendment moved by the member for Fremantle be agreed to, it will debar foresters employed by the Forests Department from assisting in the work of protecting our wildflowers.

Mr. WARNER: I hope the Council's amendment will not be agreed to at all. I do not see that it will be reasonable to allow such persons to make the inquiries suggested; if we agree to it, we must necessarily give those officers power to arrest as well.

Hon. W. D. JOHNSON: I support the Council's amendment. Forest officers have knowledge of the particular task they will be called upon to undertake. It is idle to say that a police constable will more effectively police the work of flora protection than a forestry inspector. We allow the foresters to protect the material side of our timber areas, yet the beauty of the forests is not to be protected. I think a forestry officer would be in a better position to assist than a police constable.

Mr. SLEEMAN: Because a man is a forest inspector, it does not say that he knows more about wildflowers than the average gardener. As the member for Mt. Marshall suggested, if we agree to the Council's proposal, we must also clothe the inspectors with the power to arrest.

Hon. W. D. JOHNSON: I object to the member for Fremantle reading into the Council's amendment words that are not there. It does not suggest anything about arresting people. It merely proposes to see that ordinary protection is afforded our wildflowers. If we place the whole of the work in the hands of the police, it will be recognised that a policeman is liable to irritate those he may approach with queries regarding wildflowers in their possession.

Mr. SLEEMAN: The member for Guildford-Midland has not stated the position properly. I recognise that forest inspectors have their proper function, but I claim that the police do not tend to irritate. On the other hand, those who irritate are men who are set up as special constables. Unless we give power to arrest we are only wasting time and putting in the Bill something which will not be worth the paper upon which it is printed.

Mr. MOLONEY: Flora seems now to be receiving official consideration. The member for Mt. Marshall spoke with authority by reason of the fact that for many years he was a member of the Police Force in this State. He realises that untrained people would be given a power with which

they should not be entrusted, but unless power be given to make arrests, we shall not get very far. The proposal savours of harassing tactics that are likely to be employed against people who may be roaming through our forests. We have no wish to make criminals of people for the mere picking of flowers in the bush. The Police Force in this State possess all the power that is required. I am surprised at the member for Guildford-Midland supporting such a travesty in the form of the amendment.

Hon. P. D. FERGUSON: There could not be any person more suitable to police this Act than a forestry inspector.

Mr. Raphael: Are you replying to the debate?

Hon. P. D. FERGUSON: Mind your own business.

The CHAIRMAN: Order!

Hon. P. D. FERGUSON: I am afraid, Mr. Chairman, the hon. member cannot help himself. Forest inspectors are accustomed to this particular work, and they are the right people to be appointed.

Amendment on Council's amendment put and negatived.

Question put and declared negatived.

Division called for, and bells rung.

Voting Incident.

Hon. W. D. Johnson: The member for Victoria Park (Mr. Raphael) called for the division and he is crossing the floor of the House to vote with the Noes. I intend to claim his vote with the Ayes. I draw attention to Standing Order 191 which says—

A member calling for a division shall not leave the House, and shall vote with those who, in the opinion of the Speaker, were in the minority.

I claim his vote for the side on which he intended to vote. That was indicated by his call for a division. His vote must therefore be recorded with the Ayes.

The Chairman: The member for Victoria Park must vote with the Ayes.

Mr. Raphael: I refuse to vote with the Ayes.

The Chairman: The hon. member called for a division when I declared the amendment negatived, and so he must vote with the Ayes.

Mr. Raphael: I refuse point blank to do so.

Hon. W. D. Johnson: The hon. member must vote with the Ayes.

Mr. Raphael: I refuse to do so.

Hon. W. D. Johnson: In view of your decision, Mr. Chairman, and in accordance with the Standing Order, even though the hon. member remains with the Noes, his vote will have to be recorded with the Ayes.

Mr. Sampson: The hon. member is defying your ruling, Mr. Chairman, and if he continues to do so then good-bye to the Standing Orders.

The Chairman: I shall appoint tellers and the vote of the member for Victoria Park will not be recorded either way.

Hon. W. D. Johnson: We must show him that he is not with the City Council now.

Mr. Raphael: And you are not going to put it over me either.

Result of division—

Ayes	..	..	..	18
Noes	..	..	..	12

Majority for .. 6

AYES.

Mr. Boyle	Mr. Munis
Mr. Brockman	Mr. North
Mr. Ferguson	Mr. Nulsen
Mr. Johnson	Mr. Sampson
Mr. Kenneally	Mr. J. H. Smith
Mr. Latham	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. Mann	Mr. Watts
Mr. Millington	Mr. Doney

(Teller.)

NOES.

Mr. Coverley	Mr. F. C. L. Smith
Mr. Cross	Mr. Tonkin
Mr. Cunningham	Mr. Warner
Mr. Fox	Mr. Willcock
Mr. Moloney	Mr. Wilson
Mr. Sleeman	Mr. Clothier

(Teller.)

Question thus passed; the Council's amendment agreed to.

Resolutions reported, and the report adopted. A committee consisting of Messrs. Johnson, Latham and Sampson drew up reasons for disagreeing with the amendments.

Reasons adopted, and a message accordingly returned to the Council.

Sitting suspended from 6.5 to 7.30 p.m.

The Minister for Justice: I suggest, Mr. Speaker, that you leave the Chair and that members be called together by the ringing of the bells.

Sitting suspended from 7.31 p.m. to 12.32 a.m.

BILL—ROAD CLOSURE.

Returned from the Council without amendment.

BILL—LIMITATION.*Council's Message.*

Message from the Council received and read notifying that it did not insist on its amendments to which the Assembly had disagreed.

BILL—SUPREME COURT.*Council's Message.*

Message from the Council received and read notifying that it did not insist on its amendments to which the Assembly had disagreed.

BILL—NATIVE FLORA PROTECTION.*Council's Message.*

Message from the Council received and read notifying that it did not insist on its amendments to which the Assembly had disagreed.

BILL—BULK HANDLING.*Council's Amendments.*

Message from the Council received and read notifying that it had agreed to the Bill, subject to a schedule of amendments.

BILL—TRAFFIC ACT AMENDMENT.*Council's Further Message.*

Message from the Council received and read notifying that it had agreed to the Assembly's request for a conference on the amendments insisted on by the Council and disagreed to by the Assembly, and had appointed the Hon. W. H. Kitson, the Hon. C. F. Baxter, and the Hon. A. Thomson, as managers for the Council, the Chief Secretary's room as the place of meeting, and the time forthwith.

Sitting suspended from 12.37 a.m. to 3.10 a.m.

BILL—TRAFFIC ACT AMENDMENT.*Conference Managers' Report.*

THE MINISTER FOR WATER SUPPLIES (Hon. H. Millington—Mt. Hawthorn) [3.35]: I desire to report that the

managers representing another place and this House met and have come to an agreement. The report of the managers is as follows:—

Clause 4: Line 1—After the word "six" strike out the remainder of the clause and substitute the following:—

Is hereby repealed and the following is enacted in lieu thereof:—

2. (a) A carrier's license is required for every vehicle used for the carriage of goods for hire or reward.

(b) A passenger vehicle license is also required for every such vehicle if it is used for the carriage of passengers in an area lying within a circle having its centre at the General Post Office, Perth, and a radius of 30 miles, or within the district of any local authority which lies partly within the area contained within that circle:

Provided that no license shall be required when such vehicle is being used for the carriage of—

(i) the owner or the wife or husband of the owner or any child of the owner or of the wife or husband of the owner, or for the carriage of any servant of the owner; or

(ii) workmen to or from their work if no charge is made for hire or reward in connection with such use.

(c) Outside the areas mentioned in the preceding paragraph a passenger vehicle license shall also be required for any such vehicle if it is used both for the carriage of goods and for the carriage of passengers for hire or reward, except with the permission of the local authority on some special occasion to be stated:

Provided that permission shall not be granted unless in the opinion of the local authority the vehicle may be safely used and is suitable for the carriage of passengers, and further, that the local authority may at the time of granting such permission impose any conditions which the local authority thinks necessary for the purpose of ensuring the safety of the passengers to be carried on the vehicle.

Any person who fails to comply with any of such conditions shall be guilty of an offence against this Act.

Penalty: £20.

The decision of the managers means that the amendments which were insisted upon by this House will now apply so far as the metropolitan district is concerned. The Act as it stands will, however, apply to areas outside the metropolitan districts, with the additional proviso that the local authority may impose any conditions which it thinks are necessary for the purpose of ensuring the safety of the passengers carried in the vehicle. A compromise has been reached whereby the amendments that were insisted upon by this House shall apply within a

radius of 30 miles of the General Post Office. That is where the main difficulty occurs. The police generally and the Traffic Department were insistent that the clause should be agreed to as it applies to the metropolitan area, whereas the representatives of country districts were equally insistent that it should not apply to the country. This part of the Bill will, therefore, now apply to the metropolitan area, whereas outside that area practically the same conditions will apply as are set out in the existing law. I move—

That the managers' report be adopted.

MR. SLEEMAN (Fremantle) [3.40]: I do not feel inclined to agree to the motion for the adoption of the managers' report. When the Bill was in Committee in this Chamber I opposed this particular clause. We were beaten and the Bill went to another place, which sent it back to us with a refusal to agree to the clause as sent up. Since then the Bill has been travelling in the usual way between here and another place, and the end was a conference. I wish to protest against time being taken up in this way so early in the week when there is no necessity for it. It was Tuesday a couple of hours ago, and there was plenty of time for the House to rise, re-assemble this afternoon and do things then in the proper way. I am not prepared to agree to the report. It is class legislation, one type for one section of the people, and another for another section. The Minister explained that this provision will apply outside a radius of 30 miles of the General Post Office. I maintain that the people inside that radius have just as much right to avail themselves of the conveniences that are sometimes necessary in connection with the transport of passengers by carriers as is the case outside that radius. I believe some of the most ardent supporters of the Bill, as it was introduced, came from people well outside the 30 mile radius, indeed up to 300 miles away. Some members representing the northern parts of the State wanted this clause in the Bill and strongly supported it. Most of the opposition came from people in the metropolitan area. The amendment means that anyone who is within a radius of 30 miles of the General Post Office will be unable to take advantage of this provision. This in turn will mean hardship upon numbers of persons. People living within the radius have just as much right to these provisions

as those living beyond that radius. Many people have taken advantage of this means of transport, and now will be unable to do so. I would refer, for instance, to the junior football teams who play on Saturday afternoons and sometimes on Sundays. These teams travel from the metropolitan area to outside suburban areas. They have not enough money with which to hire an ordinary charabanc and pay the cost that would be entailed by such hire. On many occasions there are amongst the members of the team people who own a truck. The members of the team contribute the petrol in order that they may use the truck to go to some outer metropolitan area and play football or other games. Near where I live there is the Melville Reserve, where on Saturday afternoon and sometimes on Sunday teams from the outer metropolitan area meet for a game. They are mostly junior teams, but under this provision the young fellows will have to remain at home and be obliged to give up their sport. There are also junior teams which travel from various parts of the metropolitan area to Munding and other centres, where they play football during the week-end. I hope the report will not be agreed to. It is a most one-sided affair. If people living 40 miles away from the metropolitan area are to be allowed to take advantage of this facility, those who live anywhere within the metropolitan area should be allowed the same privilege. I oppose the report, and hope the House will refuse to adopt it.

MR. THORN (Toodyay) [3.45]: I fail to understand the arguments of the member for Fremantle.

Mr. Sleeman: I would not expect you to do so.

Mr. THORN: No, you would not.

Mr. SPEAKER: The hon. member must address the Chair.

Mr. THORN: The hon. member has put up a case for footballers who reside in the metropolitan area. Those people have every possible means of transport, including a train service and a bus service. People living in the country, however, have no other means of transport than that indicated in this clause, and are more or less compelled to make use of the facilities the Minister has mentioned. I do not think in this matter there is any comparison between the metropolitan area and the country dis-

tricts. Teams in the country must avail themselves of trucks to get to different places.

Mr. Hegney: Some people in the metropolitan area have no other means of transport.

Mr. THORN: Many of them have motor cars of their own, and those who have none must make use of the existing facilities. People resident in the suburban areas have every means of transport available to them.

Mr. Cross: They may not have the means whereby they can pay for that transport.

Mr. THORN: The member for Fremantle complained about class legislation.

Mr. Sleeman: That is what it is.

Mr. SPEAKER: The hon. member must address the Chair.

Mr. THORN: It is nothing of the kind. Residents of the metropolitan area have other means of transport.

Mr. Hegney: If they can afford to pay for it.

Mr. THORN: People in the country have no other facilities than this particular one. I do not think football teams enter into the picture, and I hope the report will be agreed to.

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

Ayes	..	..	..	24
Noes	..	..	..	11

Majority for 13

AYES.

Mr. Boyle	Mr. Patrick
Mr. Doney	Mr. Rodoreda
Mr. Ferguson	Mr. Seward
Mr. Johnson	Mr. F. C. L. Smith
Mr. Lambert	Mr. Thora
Mr. Latham	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. McLarty	Mr. Warner
Mr. Mann	Mr. Waits
Mr. Millington	Mr. Willcock
Mr. Munis	Mr. Wise
Mr. Nulsen	Mr. Wilson

(Teller.)

NOES.

Mr. Clothier	Mr. Moloney
Mr. Coverley	Mr. North
Mr. Cross	Mr. Sleeman
Mr. Fox	Mr. Tonkin
Mr. Hegney	Mr. Raphael
Mr. Keenan	

(Teller.)

Question thus passed; the managers' report agreed to.

Resolution reported, the report adopted, and a message accordingly returned to the Council.

Council's Further Message.

Message from the Council received and read notifying that it had agreed to the conference managers' report.

BILL—BULK HANDLING.

Council's Amendments.

Schedule of 26 amendments made by the Council now considered.

In Committee.

Mr. Hegney in the Chair; the Minister for Lands in charge of the Bill.

No. 1. Clause 2: Strike out the definition of "grower" and substitute—

"Grower" includes the legal personal representative of a deceased person; a trustee; the liquidator of a company; and a person entitled to a share of a wheat crop under a share farming agreement.

The MINISTER FOR LANDS: I move—That the amendment be agreed to.

This amendment will somewhat extend the clause and make it more comprehensive.

Mr. SLEEMAN: It seems to me that something has happened. When the Bill was dealt with in Committee, most of the amendments now before us, judging from what I have gathered during the few minutes I have been able to peruse them, were rejected because the Minister could not possibly agree to them. Now, apparently, he is able to accept them. It would seem that some people have been getting their heads together.

Hon. C. G. Latham: They have been decent heads this time.

Mr. SLEEMAN: I will require some explanation of these amendments. I will not agree to a procedure such as I saw in another place this evening, when amendments were rushed through at a terrific rate like sausages out of a machine. The Council is supposed to be a House of review, but if the members of that Chamber reviewed the Bill this evening, I do not know the meaning of the word "review." I hope the Minister will stick to his guns and refuse to accept amendments that he rejected previously. It would appear that the whips have cracked somewhere, and the Minister should not accept these proposals.

The MINISTER FOR LANDS: I do not think this particular definition of "grower" was placed before the Committee in the form now suggested.

Hon. C. G. Latham: No, but you know you would not allow us to amend the definition.

The MINISTER FOR LANDS: It seems to me that the proposed definition will probably be necessary.

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

No. 2. Clause 9: Strike out all the words after "Act" in line 8 to "or" in line 14, and substitute the following:—

Penalty: Five hundred pounds.

Provided that nothing herein contained shall apply—

(a) to any such person who at the 1st day of November 1935 was and still continues to be—

(i) a director of Westralian Farmers Limited or Westralian Wheat Farmers Ltd.; or

(ii) a trustee of the body corporate known as the trustees of the Wheat Pool of Western Australia; or

(iii) the General Manager or the Manager of the Wheat Department of Westralian Farmers Limited

in so far as any such person *bona fide* acts in the ordinary course of the business of the company or body which he represents under paragraphs (i), (ii), or (iii) of this proviso.

The MINISTER FOR LANDS: The directors of Co-operative Bulk Handling Ltd. are directors of either Westralian Farmers Ltd. or Westralian Wheat Farmers Ltd., or are trustees of the Wheat Pool, and they are to be exempt from the provisions of the clause. The same principle is carried out in the amendment, but the general manager or the manager of the wheat department of Westralian Farmers Ltd. are also included in the exemption, which applies to those persons I have referred to and none other. Persons who were occupying those positions at the 1st November last do not have a roving commission under the amendment, so that the principle we have had in mind has not been altered. I move—

That the amendment be agreed to.

Mr. SLEEMAN: When the Bill was dealt with in Committee, the Minister agreed to extend the exemption to cover some of those mentioned, but now he has gone one better and allowed more people to be exempt. When the Bill was dealt with in this Cham-

ber, we were told it had been framed in accordance with the recommendations of the Royal Commission. If the Minister had taken notice of the report of the Commission, none of the people referred to would have been exempt. Directors holding similar positions in the Eastern States are not allowed to deal in wheat. The Minister went far enough before with his exemptions, but now he proposes to go further still.

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

Ayes	27
Noes	5

Majority for	22
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AYES.

Mr. Loyle	Mr. Nulsen
Mr. Cross	Mr. Patrick
Mr. Doney	Mr. Rodoreda
Mr. Ferguson	Mr. Seward
Mr. Johnson	Mr. F. C. L. Smith
Mr. Keenau	Mr. Thorn
Mr. Lambert	Mr. Tonkin
Mr. Latham	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. McLarty	Mr. Warner
Mr. Mann	Mr. Walls
Mr. Millington	Mr. Willcock
Mr. Munis	Mr. Wilson
Mr. North	

(Teller.)

NOES.

Mr. Fox	Mr. Sleeman
Mr. Moloney	Mr. Clothier
Mr. Raphael	

(Teller.)

Question thus passed; the Council's amendment agreed to.

No. 3. Clause 11—Add a proviso as follows at the end of Subclause (1):—

Provided that nothing herein contained shall apply

(a) to any such person who at the first day of November, one thousand nine hundred and thirty-five, was and so long as he still continues to be

(i) a director of Westralian Farmers, Limited, of Westralian Wheat Farmers, Limited; or

(ii) a trustee of the body corporate known as the trustees of the Wheat Pool of Western Australia; or

(iii) the general manager or the manager of the wheat department of Westralian Farmers, Limited,

in so far as any such person *bona fide* acts in the ordinary course of the business of the company or body which he represents under paragraphs (i), (ii), or (iii) of this proviso;

(b) to the Westralian Farmers, Limited, while it acts as handling agent under the agreement made the seventh day of June, one thousand nine hundred and thirty-three between the company and Westralian Farmers, Limited.

The MINISTER FOR LANDS: The same principle is involved in this amendment, and I think it is necessary. I move—

That the amendment be agreed to.

Mr. SLEEMAN: It appears to me that the further we go, the more we extend the powers to be given to these people so that the employees of the firms will be allowed to tout for trade. I do not think that is right. Westralian Farmers Ltd. and Co-operative Bulk Handling Ltd. are not the only concerns connected with the sale of wheat. If these employees of the company are to be allowed to tout for trade, the Committee should express an opinion on the question. I hope the Minister will endeavour to explain away the proposal that these persons shall be allowed to tout for wheat.

The MINISTER FOR LANDS: No employee of the company is allowed to tout for wheat. The right in that direction is confined, in accordance with the previous amendment, to those whose positions are indicated. If we exclude those people, the Bill will have no value at all for the company.

Mr. Thorn: The member for Fremantle is as usual—

Mr. Sleeman: Never mind sitting there interjecting. Get up and tell me where I am wrong.

The MINISTER FOR LANDS: The Bill exempted these particular persons before it left this Chamber. The general manager of Westralian Farmers Ltd. and the manager of Bulk Handling Ltd. are both executive officers.

Mr. SLEEMAN: The member for Toodyay tried to make out that we did not know what we were talking about and that we misrepresented the case. If the hon. member will explain the clause, we might know more about it.

Mr. Thorn: I was going to do so when you rose.

Mr. TONKIN: I am at a loss to understand why this amendment, if it be so desirable, was not made in this Committee. Is it that another place possesses superior intelligence and is able to see these obvi-

ously desirable amendments where we fail, or is it the result of a sort of get-together movement? Whilst on the face of it I see nothing objectionable in the amendment, I ask the Minister why it was not fathered by him when the Bill was previously in this Committee?

The Minister for Lands: We should have provided the clause when the Bill was under discussion here, but we did not do it.

Hon. C. G. Latham: I asked you to do so, but you refused. You were a bit stubborn that night.

Mr. SLEEMAN: The clause, with the amendment, give the general manager of Westralian Farmers Ltd. and the directors of Bulk Handling Ltd. this privilege of dealing in wheat. Then we come down to the ordinary employees. There can be no doubt that every employee bona fide engaged in the ordinary course of business of Westralian Farmers Ltd. is to be allowed to tout for business. If the Minister is going to permit that to be done he will be acting detrimentally to others engaged in the industry. I hope the Committee will not allow ordinary employees to tout for business.

Mr. THORN: The hon. member has misrepresented the case. Nobody at all is to be allowed to tout for business except those people specially mentioned, as, for instance, the manager of Bulk Handling Ltd. and the directors of Westralian Farmers, together with their general manager. It is not an open go at all. The member for Fremantle has done all he could to hamper bulk handling and has raised many indictments against the system. I do not wish to accuse him of misrepresentation but—

The CHAIRMAN: The hon. member must address the Chair.

Mr. THORN: Very well. Of course the member for Fremantle has tried to do his best for those he represents, but he does not understand the case.

Mr. SLEEMAN: I am surprised at the member for Toodyay. Ever since I have known him in this House he has stood for no interference with private enterprise. But in this case he is interfering with private enterprise. He is going to say to the employees of a co-operative company—we know what sort of a company it is—the member for Guild-

ford-Midland laughs, but he knows that Bulk Handling Ltd. were merely a subterfuge to save Westralian Farmers Ltd. The member for Toodyay would have the Committee believe that he knows all about this amendment. Yet he is the first this evening to agree to private enterprise being interfered with. This company are about the last in the State that should be given a monopoly. The Royal Commission said that but for the fact that these people had got an advantage behind Parliament, they would not have had a monopoly, but owing to the fact that they had already had one leg in, it was agreed to let them get the other in also. It is clearly shown in the report of the Royal Commission that, had this company not succeeded in getting so strong a hold, the Commission would have recommended the Victorian system. Now we have this amendment designed to give every employee of the company the right to tout for business. I hope the Committee will reject the amendment.

The MINISTER FOR LANDS: The Bill does not do as the hon. member suggests. He has not read the amendment.

Mr. Sleeman: I have read it.

The MINISTER FOR LANDS: The amendment says "any such person" not "any person" who acts bona fide. It does not apply to any servant of the company; it applies only to any one of those mentioned.

Mr. SLEEMAN: The first paragraph applies to a director of Westralian Farmers or Westralian Wheat Farmers. There is no doubt about that. The second applies to a trustee of the body corporate known as the trustees of the Wheat Pool—

The Minister for Lands: Only so far as they are directors of the companies mentioned.

Mr. SLEEMAN: If the amendment does not mean to apply to any other employee, why is that not put into it? I think it does allow any employee of the company to tout for business.

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

No. 4, Clause 17—Strike out the words "to be approved by the Minister" and substitute "which or who have coupled with the provisions of the Insurance Act, 1932 (Commonwealth)."

The MINISTER FOR LANDS: I move—
That the amendment be agreed to.

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

No. 5, Clause 20—Add after the word "Act" at the end of Subclause 1 the following words, "Provided, however, that the Governor may by order in Council published in the "Gazette" vary from time to time all or any of such terms and conditions:

The MINISTER FOR LANDS: I move—
That the amendment be agreed to.

Hon. C. G. LATHAM: I desire to be consistent as far as this amendment is concerned. This is putting into the Bill something that was taken out of it by this House. When I opposed it before, I pointed out that it was giving power to the King's representative in this State to vary legislation that had been passed by the two Houses of Parliament. I know of no instance where such power has ever been handed over to the King's representative. This gives the Governor power to override the authority of Parliament. We pass a law and we give His Majesty's representative the power to alter or amend or do as he likes with it. I hope the Committee will not agree to tamper with our laws in the way suggested. The House should be consistent and refuse to allow the King's representative to override the authority of Parliament.

The MINISTER FOR LANDS: When the matter was being discussed in this House I remarked that the hon. member was being hoist with his own petard. His Majesty's representative will not alter anything. He never does alter anything. It is the Minister who acts and the Governor only comes into it when he signs the Executive Council minute. He does not even initiate; he cannot say yes or no; he just signs what is put before him. It is stupid to talk about His Majesty's representative doing what the hon. member suggests. The proviso is very necessary because in this case the Act cannot be like the laws of the Medes and the Persians, unalterable for all time. There may arise occasions when Parliament is not sitting for something to be done, and this is the only way in which it will be possible to do it. The hon. member is a little obstinate, that is all. He knows perfectly well that the company ought to have this right. If Parliament is not sitting, the consent of Parliament cannot be obtained, and the Minister must do what is necessary. The authority proposed in the proviso is required

while the House is not sitting. The utmost confusion would be caused if this authority were not given.

Hon. C. G. LATHAM: The Minister puts up that story and charges me with being obstinate. If ever the germ of the disease of obstinacy were caught by anyone, it would be contracted from the Minister himself.

The CHAIRMAN: The hon. member must discuss the amendment.

Hon. C. G. LATHAM: The Minister accused me of obstinacy and I am not going to let him get away with it. We know that the Minister will initiate, and that will make the matter still worse. He is asking us to hand over a right that belongs to Parliament. The Minister knows well that there is a way out of this. Has he ever introduced in this House a Bill giving similar authority? Never! I have looked through the schedules of many Acts and I have not been able to find such a power as it is now proposed to give to the King's representative. All schedules attached to Acts of Parliament are alterable only by Parliament and that is the proper procedure. We know that a schedule is as important as the Act itself. The proper way to deal with a matter such as this is by framing regulations in the usual way under the Act, that is to say, they must be initiated by the Minister, endorsed by the Governor in Council and laid on the Table of both Houses of Parliament. I have never heard of an Act being altered in the way now proposed. We have a sacred trust imposed upon us and that is to reserve to the people the powers that belong to the people, and not permit the Minister or His Majesty's representative to override those powers.

The MINISTER FOR LANDS: To show how inconsistent the hon. member is, I quote from the Bulk Handling Bill which was introduced by the Government of which he was a member, in 1932, and which under the heading "charges and tolls" sets out that the trust shall have power, with the approval of the Governor, to make and from time to time vary charges for the reception, storage, insurance, and handling generally of the wheat by the trust. Not the Minister, but the trust! It was proposed to give the trust power to vary tolls and do other things with the approval of the Governor! Now the hon. member tells us that he has never heard of such a thing before.

Hon. C. G. Latham: That is totally different.

The MINISTER FOR LANDS: It is the hon. member's own Bill.

Hon. C. G. Latham: What are you quoting from?

The MINISTER FOR LANDS: Page 5 of the hon. member's Bill deals with tolls and charges. That Bill gave the trust the powers about which he now complains. According to the Leader of the Opposition, the Minister should not have that power. On looking up Acts of Parliament one can find many instances of the kind. The proviso was introduced for a good reason, and it will be a good thing for the interests represented by the hon. member.

Mr. SLEEMAN: It matters not to me what the Leader of the Opposition did or did not do some time ago.

Hon. C. G. Latham: There is no comparison.

Mr. SLEEMAN: I could turn up once more, as I did the other night, the speech of the Minister on bulk handling and show most definitely that three years ago he was opposed to bulk handling generally for this State. On that occasion he would not have agreed to an amendment such as this. I shall oppose the amendment and hope we shall have a better experience this time. We have one extra member on our side, namely the Leader of the Opposition, and perhaps some other members will follow him and enable us to delete this undesirable clause. I do not believe that the Governor should have power to do those things. His Majesty has not power to do them. If the Minister desires to have the power, let him say the Minister.

Hon. C. G. LATHAM: The Minister must know very well that he is misleading the Committee. Clause 20 provides that the terms and conditions on which all wheat shall be delivered to and handled by the company shall be in accordance with the Second Schedule. That is a part of the Act. The Minister proposes that the Governor may, by order published in the "Gazette," vary from time to time all or any such terms and conditions. That is really giving the Governor-in-Council power to alter an Act of Parliament. I am not worrying about the alteration of charges; they are dealt with by regulation. The Minister is seeking to change the whole system of constitutional government, and that is the ground of my objection. Now he quotes a Bill, introduced

when I was a member of the Government, to impose charges or tolls. The measure provided for the charges being made with the approval of the Minister.

Mr. Seward: They could not have been imposed in any other way.

Hon. C. G. LATHAM: No. I would not object to a similar provision in this Bill, but I would not take from Parliament the right to alter legislation. I do not know whether the Minister considers that members are unable to comprehend what is meant. I should like him to show me any Act providing that the statute might be altered by the Minister or the Governor-in-Council. As I pointed out the other night, when the Minister for the North-West desired to amend the schedule of an Act, he did not go to the Governor-in-Council. He brought in a Bill for the approval of Parliament. I object to handing over powers that are exclusively those of Parliament. We should jealously guard those powers. We should not whittle them away by legislation of this kind, much as I desire to see the measure passed. To make any amendment necessary would be a simple matter. We could say that the terms and conditions under which all wheat shall be delivered and handled by the company shall be according to the regulations provided for in the Act. That is all that is necessary. Members should not allow outside authorities to amend Acts of Parliament.

The MINISTER FOR LANDS: The Leader of the Opposition tells us that he has examined all this legislation. I venture to suggest that he has not examined anything.

Hon. C. G. Latham: Have I not?

The MINISTER FOR LANDS: He has not the application.

Hon. C. G. Latham: I have as much application as you have.

The MINISTER FOR LANDS: I doubt if he has even examined the Bill.

Hon. C. G. Latham: The Minister did not do so, but now he sees the light.

The MINISTER FOR LANDS: He spoke of matters that had nothing whatever to do with the Bill, such as taxation and so forth. He did not know where he was. He is just as much at sea in this matter. He was quite willing in connection with the 1932 Bill that the trust should have these powers, but is equally unwilling that the

powers shall be given that are set out in this amendment. I would point out that Parliament will not be sitting for six months, and that some authority must be empowered to deal with such questions as may arise until Parliament is again in session. No doubt the member for Fremantle will always be opposed to this legislation. When he quoted from my speech he quoted only a portion of it. I would like to refresh his memory concerning what I did say, as follows:—

I am not opposed to any bulk handling scheme that commends itself to me; I am in favour of an efficient and economical scheme. If the Minister had gone on with the scheme he submitted to Cabinet it might have received my support. It is vastly different from the one proposed in this Bill.

Nowhere in my speech is any objection raised to bulk handling, except to the scheme put forward by the Minister. The Minister did not believe in it himself, but he brought it forward under pressure. The dangers spoken of by the Leader of the Opposition do not exist. I will, however, leave the matter to the Committee.

Hon. W. D. JOHNSON: The Schedule is part and parcel of the measure. It provides for the daily working of the scheme, and covers all its operations. We cannot say that the schedule of to-day will be the schedule of to-morrow. The circumstances may necessitate a review and temporary changes. Instead of our saying that the company shall have the right to make such alterations as are required, we say that the Minister shall have the right to review the working conditions. This might be done by regulation, and if it were done by that means the Leader of the Opposition would have no objection to the provision.

Hon. C. G. Latham: None whatever.

Hon. W. D. JOHNSON: But we are doing it in another way. It is too late now to talk of the other way. Unless these words are inserted, the working conditions may become impossible. We cannot during the working portion of the year go to Parliament, because Parliament will be in recess. This amendment is very vital. We struck out the provision in the first case under a misapprehension. I voted for that under a misunderstanding as to the provisions of the Schedule. I now appreciate that it is essential for the economic, efficient and expeditious working of the scheme, that these

words shall be included. If they are not included we shall penalise the wheatgrowers.

Mr. SLEEMAN: The Minister suggests that I have misrepresented him by not quoting his whole speech. I will quote more of what he said, as is found on page 962 of "Hansard" of 1932—

Further, I doubt whether the scheme would not, in fact, handicap the farmers' operations, upset the farming economy, and do damage to the State generally It does interfere with freedom of trade. The Trust will have an exclusive right throughout the State to receive wheat at railway stations.

The company has not the exclusive right to receive wheat at railway stations now, though the Trust were to have it in those days. The Minister complained that there would be an interference with the freedom of trade; that is exactly what is happening now.

The Minister for Lands: But I have afforded the necessary protection now.

Mr. SLEEMAN: There is no more protection under this Bill than there was under the 1932 Bill. Since heads have come together, the Minister has been swallowed up by someone.

Mr. Patrick: Farmers can deliver in bags now, whereas they could not do so under the other Bill.

Mr. SLEEMAN: The Minister goes on to ask what is going to happen to the farmer who is 15 or 20 miles from a railway. May I ask what will happen to the farmer under this Bill? Are things any different to-day compared with what they were then?

Hon. C. G. Latham: Only that there is a different Minister.

Mr. SLEEMAN: The Minister went on in 1932 to say—

I think I have given hon. members good reasons why the Bill should not go to the second reading. I do not desire that the House shall waste time over a select committee on the Bill. I think we are called upon unanimously to kick the Bill downstairs.

Because that is what I have been trying to do, the Minister complains.

Hon. W. D. Johnson: There are Bills and Bills.

Mr. SLEEMAN: Yes, and there are statements and statements. The statement made by the Minister three years ago, and the statement he makes to-day, are totally different.

Hon. W. D. Johnson: But the two Bills are different.

Mr. SLEEMAN: That which was restricting freedom of trade then will do so now.

If it was thought the Bill would ruin the trade of farmers then, it will do so now. I hope the amendment will not be agreed to.

Hon. C. G. LATHAM: One final word. The Minister still persists that the powers we asked for in our Bill were to amend the law. They did not amount to amending the law, but merely enabled these people to fix charges. The Bill provided that they should have certain powers; but it did not provide that they might amend a section of an Act of Parliament, because the charges were not set out. Power was merely given to the people to fix charges subject to the approval of the Governor. But here, under this Bill, power is given to the Governor to alter an Act of Parliament. The Minister understands this, but he is suffering from the disease which he alleged against me—stubbornness. To bolster up his case he quotes something I said the other night. That was in connection with Clause 13, the wording of which he was asked to vary so as to make the matter clear. Now he charges me with not knowing what I was talking about. If he had known his Bill when he introduced it as well as he knows it now, there would not be this late sitting. I shall throw on the Committee the responsibility of either doing the right thing or else taking the country back into the Dark Ages of 400 years ago. It is 400 years since the King had power to vary an Act of Parliament, the power which the King's representative is being given by this Bill. The member for Guildford-Midland knows this can be altered very simply. It can be altered by regulation.

Hon. W. D. Johnson: It cannot be altered now.

Hon. C. G. LATHAM: Yes, it can. What is the use of Parliament if this cannot be altered? I do not dare to suggest the necessary alteration, because I know the Minister would not agree to it. However, I will not let the Minister get away with the assertion that we did something he is doing to-day. The two things are as different as chalk and cheese.

Hon. P. D. FERGUSON: Though I have a rooted objection to anyone except Parliament having the power to alter a statute, and though 99 times in a hundred I would not agree to the granting of such a power, yet I am so interested in the establishment of bulk handling, and so anxious to see it a success—I am afraid

that the effect of not agreeing to the amendment will be to militate against bulk handling—that on this occasion I suggest that the Committee agree to the amendment. In the early stages of the installation of a bulk handling system it may be essential for the terms and conditions of the receipt of wheat to be varied. Parliament will soon adjourn over several months, and in the meantime it may be found necessary to alter the terms and conditions. The Governor should be permitted to make alterations.

Hon. C. G. LATHAM: I am surprised that any member should stand up here and say he will give away a principle even for bulk handling. This is far too deep-rooted. I have pointed out that an alteration can be made, and I wish to see it made. On a question of principle, however, I do not care if the whole Bill goes. Before it is too late I warn hon. members that we should provide for this matter to be dealt with by regulation.

The MINISTER FOR LANDS: The Leader of the Opposition is warm about this matter, and I consider his warmth unjustified. He said such a thing as this had never been done before. I say it has been done before, and by his own Government.

Hon. C. G. Latham: But the two things are entirely different.

The MINISTER FOR LANDS: The charges in the previous Government's measure were in the Bill; here they are in the regulations. I propose to stick to the Bill. The suggested power might well be given to the Minister.

Hon. C. G. Latham: Then let him alter all the Acts of Parliament!

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

Ayes	..	..	..	..	19
Noes	..	..	..	..	14
					—
Majority for	..	..	..	..	5
					—

AYES.

Mr. Boyle
Mr. Cross
Mr. Ferguson
Mr. Jonsson
Mr. Keenan
Mr. Lambert
Mr. McDonald
Mr. McLarty
Mr. Millington
Mr. Moloney

Mr. Munsie
Mr. North
Mr. Nulsen
Mr. Seward
Mr. Troy
Mr. Wansbrough
Mr. Willcock
Mr. Wise
Mr. Wilson

(Teller.)

NOES.

Mr. Olothier
Mr. Fox
Mr. Latham
Mr. Mann
Mr. Patrick
Mr. Raphael
Mr. Rodoreda
Mr. Sleeman

Mr. F. O. L. Smith
Mr. Thorn
Mr. Tonkin
Mr. Warner
Mr. Watts
Mr. Doney

(Teller.)

Question thus passed; the Council's amendment agreed to.

No. 6. Clause 23, Subclause 1: Delete all the words in the subclause after "that" in line 4 and substitute the following:—

(a) the person delivering the wheat mentioned in the warrant to the company;

(b) the person in whose name the warrant in respect of such wheat is issued by the company; and

(c) every person to whom the warrant is negotiated

shall be liable to the true owner of such wheat or to the person in derogation of whose right, title, claim or interest it was delivered to the company in the same manner and to the same extent as if such person had received the actual wheat.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

This amendment will serve to spread the liability in respect of the lien by the holder of the warrants. The Bill provided that the company and the first purchaser should be liable to the lien holders, but the possibility was pointed out of the first buyer being a man of straw, which would result in the company having to accept the full liability. The amendment will overcome that difficulty.

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

No. 7. Clause 23, Subclause (2)—Add at the end of the subclause the following words:—"Provided always that every person to whom a warrant is negotiated or transferred shall accept and hold the same subject to the interests of all lien-holders and other persons claiming title to or security over the wheat in respect of which the warrant was issued."

The MINISTER FOR LANDS: The same principle is involved in this amendment, and I move—

That the amendment be agreed to.

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

No. 8. Clause 23, Subclause 4—Delete.

The MINISTER FOR LANDS: The sub-clause is not necessary now. I move—

That the amendment be agreed to.

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

No. 9. Clause 26—Strike out Subclause (1) and substitute the following:—

(1) Every holder of a warrant on surrendering the same to the company shall pay to the company a toll of five-eighths of a penny per bushel or such lesser toll as the Governor may from time to time fix by Order-in-Council. The amount of the toll shall be considered as an advance and shall be repayable by the company at the time and in the manner provided in the deed of trust.

(2) In return for all services performed by the company in the receipt, handling, storage and delivery of any wheat the company shall be authorised to make a handling charge to be fixed by the Governor from time to time but not to exceed one and one-eighth of a penny per bushel and such other charges as are from time to time approved by the Governor.

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

The same principle is carried through the amendment as was proposed in the clause. The fear was expressed that the toll might be regarded as taxable, but the amendment will make the position clearer.

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

No. 10. Clause 28—Add after the word "him" in line 5 the words "who shall be the Chief Traffic Manager of the Western Australian Government Railways."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

Some fear was expressed that the deputy appointed by the Commissioner of Railways to act on the Shippers' Delivery Board, might be some officer who would not know the business thoroughly. As the Chief Traffic Manager is the officer responsible for the control of traffic operations, it was considered that he should be the deputy. I have no objection to raise to that proposal.

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

No. 11. Clause 32—Add at the end of paragraph (b) the words "in accordance

with the provisions of Sections thirty-three, thirty-four, and thirty-five."

The MINISTER FOR LANDS: This amendment is consequential. I move—

That the amendment be agreed to.

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

No. 12. Clause 41, Subclause 2—Add at the end of paragraph (vii) the words "or under which one warrant may be issued in exchange for more than one warrant."

The MINISTER FOR LANDS: This amendment will allow a buyer to obtain a composite warrant for a number of warrants that he may purchase. I move—

That the amendment be agreed to.

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

No. 13. Second Schedule, Condition No. 2—Add a proviso at the end of paragraph (a), as follows:—"Provided that the wheat shall be deemed equal to standard; if in the case of wheat delivered for shipment, the running bulk sample of the working shift is equal to standard, or, if in the case of wheat delivered other than for shipment, the running bulk sample of each truck or container in which the wheat is delivered is equal to standard."

The MINISTER FOR LANDS: This deals with the quality of the wheat and I have no objection to it. I move—

That the amendment be agreed to.

Hon. C. G. LATHAM: Why are we wasting time over the Schedule when the Minister has already taken power to effect alterations?

Hon. W. D. Johnson: Don't waste time!

Hon. C. G. LATHAM: Mind your own business!

Hon. W. D. Johnson: I am.

Hon. C. G. LATHAM: The hon. member is pretty good at interjecting. A little while ago the Committee, with my disapproval, agreed that the Minister should have power to alter the Schedule, so why waste time on it?

Hon. W. D. Johnson: Hear, hear! You are doing most of it.

Hon. C. G. LATHAM: The hon. member does little beyond interjecting.

The CHAIRMAN: Order! We are not discussing the member for Guildford-Midland.

Hon. C. G. LATHAM: As we have already handed over that power to the Minister, I suggest that we finish the consideration of the amendments now and allow him to make what necessary alterations he deems fit.

The MINISTER FOR LANDS: The Minister does not propose to make any alterations to the Schedule unless he is forced to do so. The Minister will take the Bill as it is passed by Parliament.

Mr. Moloney: And the Opposition would be the first to object if you did as their Leader suggests.

The MINISTER FOR LANDS: If I am the Minister, I will not make any alterations without knowing all about it.

Mr. SLEEMAN: There appear to be about a dozen amendments to the Second Schedule. When the Bill was before the Committee previously, the Minister said he must have the Schedule as it appeared in the Bill originally. After fighting to retain this schedule, the Minister has now agreed to 12 or 13 amendments to be made. I hope that every one of them will be disallowed by the Committee. The Minister previously said he could not possibly lose the Schedule.

The MINISTER FOR LANDS: These amendments serve to make the Schedule more comprehensive without altering the principle.

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

No. 14: Condition 2: That in paragraph (c) the first sub-paragraph dealing with variations in quantity of millable wheat be struck out.

The MINISTER FOR LANDS: This does not alter the principle, but only widens it. It has been pointed out that the man at a siding would not readily understand percentages and fractions. I move—

That the amendment be agreed to.

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

No. 15: Condition 2: That in the second sub-paragraph the words "equal to one and one-half per centum of the market price of the standard" be struck out wherever they occur, and "of one half-penny per bushel" inserted in lieu.

No. 16: Condition 2: That in the fourth sub-paragraph the words "equal to three per centum of the market price of the standard" be struck out, and "of one penny per bushel" inserted in lieu.

No. 17: Condition 4: That after "company" in line 3 the words "in any country bin" be inserted.

On motions by the Minister for Lands, the foregoing amendments were agreed to.

No. 18: Condition 4: In line 5 strike out "fourteen" and substitute "seven."

The MINISTER FOR LANDS: This gives the miller ample time. I move—

That the amendment be agreed to.

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

No. 19: Condition 4: Line 11—Strike out "thirty-first day of May" and substitute "thirtieth day of April":

The MINISTER FOR LANDS: The Bill provides that the company shall not be obliged to hold wheat after the 31st of May. I am assured by all parties to the agreement that the 30th of April will give ample time. I move—

That the amendment be agreed to.

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

No. 20: Add after the word "warrant" in line 11 the following proviso:—

Provided further that the Minister may, subject as hereinafter provided, relieve the company of its obligation to deliver wheat from a particular siding under the preceding provisions under the following conditions:—

(i) The Minister may require the company to satisfy him that the company has made adequate provision at some other convenient siding to deliver to the holders of the warrant wheat from the same district as the wheat received at the siding of receipt.

(ii) The Minister may relieve the company entirely if in the opinion of the Minister the holder of the warrant does not bona fide require the wheat for milling requirements in his own business.

The MINISTER FOR LANDS: It has been pointed out that the miller may want wheat from a particular siding where there is only a small quantity, and that the com-

pany could not be expected to carry for months the wheat at that siding. I move—

That the amendment be agreed to.

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

No. 21. Condition 5—Strike out all words after the words "date of" in line 5, and insert "delivery of the wheat."

The MINISTER FOR LANDS: In the Bill, if the lifting of the wheat under warrant be not done by the 15th March, storage charges shall accrue and be paid to the company. I move—

That the amendment be agreed to.

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

No. 22. Condition 6—Add the following at the end of paragraph 1 (b):—"or at market price as defined in Section 16 of the Act":

The MINISTER FOR LANDS: Section 16 prescribes what is meant by "market price." I move—

That the amendment be agreed to.

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

No. 23. Condition 7: Strike out paragraph (c) and substitute—

(c) The Board may require either party to work overtime in the delivery and loading of the wheat and if the parties cannot agree as to the liability for payment of the overtime the Board shall decide the question.

The MINISTER FOR LANDS: This deals with the shippers' delivery board, and I think the amendment desirable. I move—

That the amendment be agreed to.

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

No. 24. Condition 8: Add at the end of paragraph (a):—"Provided that for the purpose of this paragraph delivery shall be deemed to have been made at the place of loading provided the Company prove that it promptly loaded and arranged for the despatch of the trucks."

The MINISTER FOR LANDS: This applies to the delivery of millers' wheat. I move—

That the amendment be agreed to.

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

No. 25. Condition 8—Strike out paragraph (b).

No. 26. Preamble, Line 13—Delete the words "charged to" and insert in lieu thereof the words "contributed by."

On motions by the Minister for Lands, the foregoing amendments were agreed to.

Resolutions reported.

The MINISTER FOR LANDS: I move—That the report be adopted.

Question put and declared passed.

Mr. Sleeman: Divide!

Mr. SPEAKER: I heard only one voice.

Mr. Sleeman: I heard several voices behind me.

Mr. SPEAKER: I accept the hon. member's word. Ring the bells.

Division resulted as follows:—

Ayes	..	..	..	..	28
Noes	..	..	..	..	5
					—
Majority for	..	..	..	..	23
					—

AYES	
Mr. Boyle	Mr. Munzie
Mr. Cross	Mr. North
Mr. Doney	Mr. Nulsen
Mr. Ferguson	Mr. Patrick
Mr. Hegney	Mr. Rodoreda
Mr. Johnson	Mr. Seward
Mr. Keenan	Mr. F. C. L. Smith
Mr. Lambert	Mr. Thoru
Mr. Latham	Mr. Troy
Mr. McDonald	Mr. Wansbrough
Mr. McLarty	Mr. Warner
Mr. Mann	Mr. Watts
Mr. Millington	Mr. Wise
Mr. Moloney	Mr. Wilson
(Teller.)	
NOES.	
Mr. Clothier	Mr. Tonkin
Mr. Fox	Mr. Sleeman
Mr. Raphael	(Teller.)

Question thus passed.

Report of Committee adopted, and a message accordingly returned to the Council.

BILL—APPROPRIATION.

Returned from the Council without amendment.

ADJOURNMENT—CLOSE OF SESSION.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.28]: I move—

That the House at its rising adjourn to a date to be fixed by Mr. Speaker.

Question put and passed.

Complimentary Remarks.

THE MINISTER FOR JUSTICE: This concludes the work of the session and of this Parliament. It is my privilege to extend to you, Mr. Speaker, the compliments of the season, and I take the opportunity to express the thanks of members for the kindly consideration you have extended to them, and for the tact, consideration and impartiality with which you have presided over our deliberations. I have also to include the Chairman of Committees and his deputies, who have at all times been at the service of the House and have extended all possible courtesy and assistance to enable us to get through the business of the House. I would include in my remarks the officers of the House, the Clerks and "Hansard," to whom we all owe a debt of gratitude for the assistance they have given us in the conduct of the business of Parliament. Prior to our meeting again as a Parliament an event of some importance in the lives of most of us will have occurred. Whilst perhaps it is too much to hope that all will be returned to their seats here, I trust that as many as possible will be returned. Perhaps there are those who think some of us will not come back. At any rate, during the last three years I think Parliament has done good work for Western Australia. The outlook is certainly very much brighter now, at the end of this Parliament, than it was at the beginning. I thank the Leader of the Opposition and the Leader of the National Party for the courtesy, consideration and assistance they have given to the Government during the session. The Government have tried to reciprocate by extending every possible consideration to members opposite. This consideration has certainly been extended by the Opposition to the Government in the discharge of the business of the country during the session. To you, Mr. Speaker, I extend the compliments of the season. I do not wish to encroach upon anything that may be considered controversial, but I must express the hope that you may long be spared to occupy the position which you have so ably filled during the past three years. Whatever may happen at the elections, I think we all agree that the prospects and the outlook for the State are better than they have been for a long time. I only hope that the prosperity we wish for the State as a whole will be enjoyed in the coming year by all members present.

HON. C. G. LATHAM (York) [5.33]: I wish to associate myself with the remarks of the Deputy Premier. I think we can claim that as an Opposition we have done our best this session. Whether what we have done will be fruitful or not remains to be seen. There have been complaints by some people that the Opposition has not been as aggressive as it might have been. I do not know that the functions of the Opposition are to be always aggressive, irrespective of whether that is justified or not. On this side of the House we have attempted to refrain from unnecessary tactics that would have prevented the Government from having the opportunity to pass the legislation they sought to pass. We have protested against legislation which has not been, to our way of thinking, in the interests of the State, but we have always appreciated the fact that the Government were doing what they believed to be right, and concerning that we have no reason to complain. I thank Ministers for the courtesy they have at all times extended to us. I think it will be agreed that the high standard which has been set by previous Parliaments has been well followed by the Parliament that is now coming to a close. As the Deputy Premier said, an important event will occur next year. Possibly some of us will fall by the wayside. Unfortunately that happens nearly always. I do not remember any Parliament in which there have not been some changes as a result of the general elections. Those members who may unfortunately not be re-elected will no doubt look back with pleasure on the time they have spent in this House. To members of my party I tender my thanks for their loyal support. They have assisted me in every possible way, and have made my work very light. I also tender my thanks to you, Mr. Speaker, for your kindly consideration to me and members of my party at all times. I wish you and yours the compliments of the season. To the Chairman of Committees and his deputies we also tender our thanks and good wishes for the coming festive season. Throughout the session most of the work has devolved upon "Hansard" and our staff. It is nice to feel when one comes to the House that one is going to receive every assistance, such as has always been rendered by those who are working with us in this Parliament. It

does not matter whether one goes to our own staff or "Hansard" with anything or about anything, one finds them ready to assist in every possible way. We greatly appreciate the work of "Hansard," the clerks, and the staff generally, even the messenger boys. We take this opportunity to wish you, Sir, and the staff the compliments of the season. We hope the New Year will be a bright one for all. To Ministers and members of the House generally I desire on behalf of the Country Party to offer our very best wishes. We hope that the festive season will be a pleasant one, and that the New Year will bring forward all that we desire.

Mr. Moloney: What about the Press?

Hon. C. G. LATHAM: The Press are always generous to members, and we appreciate that very much. Sometimes when we are looking for a reason for some complaint we blame the Press. I wish to express our thanks for the kindness of the Press to us. We hope there may be a change of Government next year, and so we cannot express the wish that all existing members will be returned. I trust the approaching festive season will be pleasant for all.

HON. N. KEENAN (Nedlands) [5.39]: We of this party desire to convey to you, Sir, and to the Chairman of Committees and his deputies, our thanks for their kindly consideration during the session that is just closing. We also convey to you and to them our best wishes for your enjoyment of the season that is about to commence. We would like to acknowledge that whatever comment we have felt bound to offer on any Bill that has been brought down has, on the whole, been received by the Government with every possible consideration. We have endeavoured to reciprocate by not being unduly critical, and I am glad that the Government appreciated our attitude. I

also desire to thank the officers of the House for their very capable work, and the kindly manner in which they have assisted us. I wish to thank "Hansard" for assisting us in the way they have done in reporting our contributions to the debates. I assure you personally, Mr. Speaker, that we all bear towards you not only a feeling of great goodwill but that we have a high appreciation of the manner in which you have always discharged your onerous duties.

MR. SPEAKER [5.41]: On behalf of the Chairman of Committees and his deputies, the Clerks, the "Hansard" staff and the staff generally, I desire to thank the Deputy Premier, the Leader of the Opposition, and the Leader of the National Party for their kind words and the sentiments they have expressed. I reciprocate their good wishes, and extend to them the compliments of the season. I also desire to thank them for the very kind sentiments they have expressed concerning myself. I have had three years tenure in the position of Speaker, and the Chairman of Committees and his deputies will agree that ours has been a very easy task. I also desire to thank members for their courtesy extended to, not only myself, but the Chairman of Committees and his deputies, and for the assistance they have rendered to us in the discharge of our duties. I wish also to thank the members of the staff for their kindness and consideration. It has been a genuine pleasure to work with them. Whatever the future may have in store for us in connection with the important event to which reference has been made, I at least will look back on my period as Speaker of this House with a great deal of pleasure. I cordially reciprocate the good wishes of hon. members and extend to them the compliments of the season.

Mr. Raphael: And happy returns.

MR. SPEAKER: Yes, and happy returns.

House adjourned at 5.43 a.m.

[By Proclamation published in the "Government Gazette" of the 10th January, 1936, the Legislative Council was prorogued as from the 15th January, 1936, and the Legislative Assembly dissolved as from the same date.]
