

That, of course, is not desirable. The Bill aims to remove that situation by restoring the position which existed prior to the introduction of last year's amendments, and the approval of those amendments by Parliament. At the present time land used for primary purposes, or rural lands, are regarded as improved where improvements have been carried out to the extent of at least £1 per acre, or where the improvements carried out over the total holding represent one-third of the unimproved value of the land.

The principle which did apply to town lands was that they were regarded as unimproved where less than one-third of the unimproved value had been spent on improvements, with a maximum expenditure of £50 per foot of frontage. It is not desirable that this situation should continue, if it, in fact, existed legally as a result of last year's amendments. For that reason there is a provision in this Bill to restore beyond any shadow of doubt the position which existed before last year's amendments were introduced. It is desired that this matter be placed on the correct basis again.

One other amendment brings up to date the relationship of the land tax and the exemptions, mostly in regard to Commonwealth pensions covering repatriation widows and so on. This Bill makes no variations in connection with exemptions, but merely brings them up to date. I emphasise again that the finances which would be derived by the State as a result of the passing of this Bill is money which the State needs urgently. Therefore I appeal to the responsibility of all members of this House to support the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. D. Brand, debate adjourned.

BILL—VERMIN ACT AMENDMENT.

Second Reading.

THE TREASURER (Hon. A. R. G. Hawke—Northam) [10.53] in moving the second reading said: This Bill to amend the Vermin Act is related to the Bill which I briefly explained to members a few moments ago. It will be recollected that last year when the Bill was introduced to reimpose the land tax on improved farming land, action was taken to suspend the operation of the vermin tax; the amount being raised at that time under the Vermin tax was approximately £100,000 a year. It was provided that in the land tax legislation £100,000 per annum should be paid from the land tax into the vermin fund to make good the loss which was occasioned by the abolition of the vermin tax.

Just as the Legislative Council placed a time limit on the amendments to the land tax legislation, so it put a similar limit on the vermin tax legislation. In other words, the legislation which Parliament approved of last year will expire at the 30th June next unless during this session of Parliament action is taken to alter that situation. This Bill does exactly that. It proposes to put the amending legislation relating to the vermin tax on a permanent basis. If the Land Tax Amendment Bill is carried and the Vermin Tax Amendment Bill is carried, the vermin tax will continue to be abolished and the State Treasury will pay from moneys received from the land tax £100,000 each year into the vermin tax.

Hon. Sir Ross McLarty: £100,000 or more if you wish.

THE TREASURER: Yes. I move—

That the Bill be now read a second time.

On motion by Hon. D. Brand, debate adjourned.

House adjourned at 10.56 p.m.

Legislative Council

Thursday, 31st October, 1957.

CONTENTS.

	Page
Questions : Native welfare, Kurrawang Mission and establishment of Kalgoorlie centre	2699
Swimming pools, Government assistance and localities	2699
Traffic Act, tabling of recommendations on regulation	2699
School Bus Contract Select Committee, extension of time	2699
Bills : Government Railways Act Amendment 3r., passed	2699
Traffic Act Amendment (No. 2), 3r.	2700
Bills of Sale Act Amendment and Revision, 2r.	2700
Companies Act Amendment, recom.	2703
Land Agents, 1r.	2704
Electoral Act Amendment (No. 2), 1r.	2704
Factories and Shops Act Amendment, 2r.	2704
Traffic Act Amendment (No. 1), Com.	2709
Shearers' Accommodation Act Amendment, 2r., Com.	2712

The **PRESIDENT** took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.**NATIVE WELFARE.**

Kurrawang Mission and Establishment of Kalgoorlie Centre.

Hon. J. D. TEAHAN asked the Chief Secretary:

(1) Is it intended to alter the existing arrangements at the Kurrawang native mission which now caters for adult natives and children?

(2) Is it proposed that this mission will care for children only?

(3) Is it the intention to establish a centre near Kalgoorlie for adult natives? If so, at what location?

The CHIEF SECRETARY replied:

(1) No. Such a proposal was discussed with the Cundeelee and Kurrawang Mission authorities. It was decided to take no action for the time being.

(2) See No. (1).

(3) Such a project was considered but no action taken. The proposed location was the existing reserve at Kalgoorlie.

SWIMMING POOLS.

Government Assistance and Localities.

Hon. R. C. MATTISKE asked the Chief Secretary:

(1) Is the Government planning to spend money to erect or assist in the erection of swimming pools?

(2) If so, what amounts are involved and in what localities?

The CHIEF SECRETARY replied:

(1) Government policy is to assist local authorities which are more than 35 miles from the coast with the provision of swimming pools. Plans are to be approved by the Public Works Department.

(2) Government assistance is to contribute one-third of the cost, with a maximum Government liability of £10,000.

TRAFFIC ACT.

Tabling of Recommendations on Regulation.

Hon. A. F. GRIFFITH (without notice) asked the Chief Secretary:

Would he request the Minister for Transport to lay on the Table of this House a copy of the recommendations to which he referred when dealing with Regulation No. 352A made under the Traffic Act and laid on the Table?

The CHIEF SECRETARY replied:

I will convey the request to the Minister for Transport.

SCHOOL BUS CONTRACTS SELECT COMMITTEE.

Extension of Time.

On motion by Hon. J. McI. Thomson, the time for bringing up the report of the select committee was extended to the 21st November.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Third Reading.

THE MINISTER FOR RAILWAYS
(Hon. H. C. Strickland—North) [2.20]: I move—

That the Bill be now read a third time.

HON. A. R. JONES (Midland) [2.21]: I desire to say a few words in reply to some of the accusations made by the Minister last night. During the second reading debate, some of us expressed certain opinions and made certain criticisms. It would appear that some of the criticisms stung the Minister, because in his reply he departed from his usual calm demeanour and became rather boisterous, I thought.

The Minister for Railways: How do you make that out? Can't you take it?

Hon. A. R. JONES: I desire to make it clear that Country Party members—and I think I speak for all of them—never said at any time during which they raised criticism and fought the closure of railways that freight rates should not be increased. Last night the Minister said that we had objected to increases, but expected the railways to remain open and the persons running them to make a better job of it. We have always contended that if there is to be an increase in rail freights there must be a corresponding increase in fares; and that it should start in the metropolitan area, where the losses on the railway services are so much higher than in country areas.

I would therefore bring very forcibly to the notice of the Minister that, while he said last night that it would be a better thing for the commissioner to have a free hand to hire and fire and increase fares and freights, I also believe that would be a good thing, as there has been too much interference in the past. I believe there has been a lot of interference in preventing an increase in fares for the suburban areas, and I would not be averse to any increase, as suggested by the Minister. I do not think any other Country Party member would be averse to it, provided others in the community shouldered their share of the responsibility, and in that I refer to metropolitan residents.

THE MINISTER FOR RAILWAYS
(Hon. H. C. Strickland—North—in reply) [2.23]: I must apologise to the hon. member for having, as he puts it, "stung" him; and I apologise to the House if I became

boisterous on the occasion he mentioned, because I do not remember being so. I am very glad to hear Mr. Jones, as one of the leaders of the Country Party in this State, give his support to my suggestion and state that his party will support full authority or a free hand being given to the railway commissioner. With a free hand, the manager, board or whoever runs the railways in future, will be able to hire and fire and increase railway charges on a business scale, whether as regards the country or the metropolitan area. He will be able to arrange the services and fit in with the general plan of economics in connection with the railways as a business.

Had that been done in past years I feel sure we would not in recent times have had so many headaches in regard to the discontinuation of certain rail services. I know that Mr. Jones says that should the railway commissioner or manager have power to increase railway freights he should also increase metropolitan fares, and he protested that it would be unfair for freights to be raised while metropolitan passenger services were showing a loss on the present fares. But I can inform the House that the Railways Commission over the past 18 months has consistently advised against any increase in metropolitan suburban fares, because experience has shown that in places where suburban fares have been increased public patronage has decreased.

I believe there must be a general pattern for metropolitan transport so that all charges and services can be co-ordinated. If the railways now increased suburban fares, competing transport services would not raise their fares comparatively, and the result would be that passengers would transfer from railway to road services. I agree with the hon. member that it could be done if the services and charges were co-ordinated and run in a complementary way one with the other, instead of in competition.

Question put and passed.

Bill read a third time and *passed*.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

Read a third time and transmitted to the Assembly.

BILL—BILLS OF SALE ACT AMENDMENT AND REVISION.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [2.29] in moving the second reading said: In introducing this measure I would like to say that the Bills of Sale Act constitutes a legal code governing the subject of title in chattels, and it is of a very technical nature. As the Act is almost out of print it has become necessary to

reprint it and consolidate it with its amending Acts. However, an examination by the Crown Law Department disclosed that the Act was not suitable for reprinting under the Amendments Incorporation Act.

In 1925 the principal Act, which came into force on the 1st March, 1900, and its seven amending Acts, were reprinted. However, as many of these amendments had not been expressed in their particular measures either as amendments to sections of the principal Act or as new sections, the 1925 reprint shows numerous amending sections in the form of footnotes. This is most undesirable as Section 21 (3) of the Interpretation Act provides that neither footnotes nor marginal notes shall be deemed to be part of an Act. Since 1925 there have been a further three amending Acts.

It was obvious therefore that the verbiage of the Act would have to be amended to give a home to the present homeless sections of the Act. This has been done before, with the Police Act in 1950, the Transfer of Land Act in 1952, and the Cemeteries Act earlier in the present session. In addition, for some time many lawyers had been of the opinion that the Act should be overhauled and brought into line with kindred legislation elsewhere in Australia. Other solicitors felt that on the whole the Act had worked satisfactorily and it might not be wise to alter it.

In order to ascertain the official view of the legal fraternity the Solicitor General wrote to the Law Society asking whether it was thought there should be any substantive amendments to the Act as a step towards achieving uniformity in the commercial laws of Australia.

The Law Society appointed a very strong committee of eight which submitted a number of amendments which the committee reported would modernise and clarify an Act which they stated was notorious for its obscurity and unnecessary technicality. The committee advised that the general opinion of the legal profession was that the Act was so full of pitfalls for the unwary that many transactions registered under the Act, which were quite bona fide, could be invalidated through the non-observance of some archaic and obscure but rigid technicality which served no useful purpose and was merely a hindrance to modern commercial dealings.

The committee also drew attention to the manner in which the Act had been amended in the past, a matter to which I have referred. The committee stated this had caused ambiguities which made for uncertainty in regard to the validity of documents. All of those things, said the committee, resulted in unnecessary delays and added expense; and in the interests of the public, some measure of reform was very necessary.

The committee's proposals were carefully scrutinised by the Solicitor General, the Master of the Supreme Court, and the Registrar, Bills of Sale; and several proposals that were considered to be of a contentious nature were referred back to the committee. Full agreement was reached in due course, and the amendments in the Bill are the result.

The Law Society and the Crown Law Department consider the Bill to be not contentious; and while making no substantial change in the law relating to Bills of Sale it will, if accepted, facilitate dealings and give greater protection to persons and to transactions registerable under the Act.

The first amendment proposes to delete the proviso relating to distress for rent in the definition of a bill of sale. The proviso now is redundant as distress for rent was abolished by the Distress for Rent Abolition Act, 1936.

It is also proposed that bills of sale shall in future apply only to unregistered ships, which for all practical purposes comprise only small craft. The Merchant Shipping Act of 1894 applies to all registered British ships, and contains its own machinery for registration and mortgages of ships.

The definition of registrar is amended to delete inclusion of the Registrar of the Supreme Court and a deputy or acting registrar, and the definition will refer in future to any person appointed by the Governor as a registrar. The reason for the deletion is that the administration of the Act is not now a Supreme Court function, having been transferred in January this year to the Deputy Registrar of Companies.

In the interests of economy and efficient supervision, the Bills of Sale Office has been integrated with the Companies Office, and both the Deputy Registrar of Companies and his senior assistant have been appointed registrars for the purposes of the Bills of Sale Act.

A definition of "debenture" is proposed by the Bill. This is designed to dispose of the doubt whether a debenture should also be registered as a "Bill of Sale by way of security" and will enable a separate index to be kept in the registrar's office.

In 1940 it was held by the Supreme Court that there was no need to give notice of intention to register a debenture; and since that decision, the majority of debentures have been registered without notice of intention. Nothing has since happened to suggest that the decision of 1940 has caused difficulty or hardship, although some doubt still remains as to the correctness of the decision. In England, and in the other States, with the possible exception of Victoria, no notice of intention is required in the case of debentures by a corporation. The definition in the Bill is in accordance with what is generally understood to constitute a debenture.

A definition of "hire-purchase agreement" is also included in the Bill, and is only for the purpose of providing a separate index for this class of document in the Bills of Sale Office. The great majority of documents registered are hire-purchase agreements, and the vast increase in registrations since World War II has led to the position where a search in the registrar's office takes considerable time; and, owing to the volume of registrations and the inclusion of all types of documents in the one index, there is the risk of a transaction being missed by a search clerk. The Bill proposes that there shall be separate indexes for debentures, hire-purchase, agreements, and other bills of sale respectively. This is expected to facilitate searching to a very great extent and to reduce the risk of loss resulting from a missed encumbrance.

Subsection (1) of Section 6 of the Act requires in the case of a corporation that the bill of sale shall state "the principal place of business of the corporation in Western Australia." There is no provision for a corporation which has no principal place of business in the State. The proposal in the Bill will permit a company to state its registered office or principal place of business in Western Australia; or, if it has none, to state its registered office or principal place of business in the country of its incorporation.

Subsection (3) of Section 6 requires the bill of sale to state the situation of the chattels at the time of granting the bill of sale. It is not always possible to state the situation, at any one time, of some chattels, such as motor-vehicles, aircraft, watercraft, or other property which is generally on the move. Where a vehicle or other chattel is usually garaged or kept at a fixed place when not in use, it is more informative to state that place.

The Bill seeks to resolve the doubt whether the witness to the grantee's signature to a bailment should also make a declaration of attesting witness. There is no good reason why he should do so and the form of declaration in the Sixth Schedule only makes provision for the grantor's witness.

Section 10 of the principal Act states the periods within which a bill of sale shall be presented for registration. Where the bill of sale is executed at a place not more than 30 miles distant from the City of Perth, Subsection (1) provides for a period of seven days from the day of execution. This limitation has in practice proved too short; and after prolonged holiday periods, the time of the Supreme Court judges is taken up unnecessarily in dealing with applications for extension of time for registration of bills which have become out of time. The amendment seeks to extend the period to 10 days.

I have already mentioned that there has been some doubt as to whether a debenture should also be registered as a

bill of sale by way of security. The next amendment will dispose of this doubt. Section 14 of the 1906 Act is intended to preserve the validity of a bill of sale which otherwise would be defective owing to some omission or misdescription of the omission, etc., which is, in the opinion of the court, not of such a nature as to be liable to mislead or deceive.

It has been found in practice that this section does not go far enough, and does not cover all conditions in which a bill of sale otherwise bona fide is liable to be declared void owing to non-observance of some technicality as regards its form. The amendments proposed in the Bill will give to the court a discretion in all cases of defect of form to allow the validity of a defective bill of sale, provided that the defect is not of such a nature as to be liable to mislead or deceive.

Section 11 of the principal Act is amended to provide for the separate indexes I have mentioned. The amendment also deletes the reference in the section to grantees. An index of grantees has not been maintained for the past 40 years; and even if kept, would serve no useful purpose.

The intention of the Act is that all bills of sale should require renewal every three years to preserve their validity. The present section states that the three-year period runs from the date of registration but does not limit the time for renewal within that period. Theoretically it is now possible to effect the first renewal the day after the original registration, thus making the bill of sale valid for six years. It should not be necessary for searches of the register to extend back for much more than three years.

The Bill seeks to preserve the spirit of the Act by requiring renewals to be confined to the 60-day period expiring on every third anniversary of the day of registration. The amendment, by paragraph (b), also effects the repeal of Subsection (2) of Section 14 of the principal Act, which refers to registrations under the pre-1899 Act and which is now of no effect.

On occasions the registrar is asked to enter satisfaction in respect of a registered hire-purchase agreement or other bailment or lease. Section 21 in its present form provides only for the satisfaction of a bill of sale by way of security, and should be modified to permit entry of satisfaction in the case of chattels the subject of other documents. The Bill provides accordingly, but requires that the memorandum of satisfaction shall be signed by each of the parties to the document.

A further amendment seeks to remove the doubt where the legal interest in chattels reverts to the grantor on the filing of a memorandum of satisfaction, which itself is not in the form of a reassignment.

Section 35 of the principal Act avoids duplicate bills of sale except those given to cure some material error in the prior bill. Commonly, bona fide mistakes are made by parties in executing or attesting bills and at present the re-execution of the document is of doubtful validity. The proposal in the Bill will allow the replacement of the bill in such circumstances.

It is proposed to amend Section 51 of the principal Act, which relates to the registration of debentures. The method of registration provided by the amendment is similar to that in force in most of the other States and in England—namely, by filing the original debenture or a copy with the registrar, accompanied by an affidavit verifying execution; and, in the case of a copy, also verifying the copy. The amendment also contains an evidentiary provision in the form desired by the Law Society and approved by Crown officers.

By the schedule to the Bill, numerous amendments are made to various Acts which amend the principal Act so as to give a home to present "homeless" sections, all with a view to the reprinting of the Act. The schedule thus provides for the insertion into the principal Act of new sections in the most appropriate positions. As a result, amendments become necessary to Section 52 of the Act, which applies to debentures many sections of the principal Act *mutatis mutandis*. Paragraph (a) of Clause 18 effects the necessary amendments.

The schedule contains 32 items; and all the amendments effected by these, with one exception, are of a purely technical nature designed to enable and to facilitate the reprinting of the principal Act with all amendments. The schedule provides that the Act will be divided into 13 parts and 13 schedules. It will be seen from Item 28 of the Schedule that schedules will be numbered up to 14, but the Fifth Schedule of the principal Act is repealed by Clause 20 of the Bill, and is not being replaced.

Hon. H. K. Watson: Does the Bill rectify an apparent conflict with the Federal Bankruptcy Act?

The CHIEF SECRETARY: I doubt whether it would go that far; but I will have a check made, and perhaps it might be possible to do something in the Committee stage on the lines desired by the hon. member.

Hon. H. K. Watson: I would be obliged.

The CHIEF SECRETARY: The reprint will show the Fifth Schedule as repealed by this Bill. The exception I referred to, and the one substantive amendment in the schedule, is the amendment effected by item No. 32 which repeals Section 3 of Act No. 42 of 1932. That section had the effect of validating the registration of

certain bills of sale registered prior to the 30th September, 1932. If any of such bills of sale are still in force—which is doubtful—their validation by virtue of that section would not be affected by the repeal, in view of Section 16 (1) (b) of the Interpretation Act. If the section were to be incorporated into the principal Act, it would require considerable amendment, and the present amending Bill would be substantially lengthened without achieving any useful purpose.

This Bill seems rather complicated, as it deals with amendments that possibly should have been made through the ages. However, I think that members who have anything to do with this subject will find that it is not as complicated as it appears. I am hoping we will find that that is the actual position. I move—

That the Bill be now read a second time.

On motion by Hon. R. C. Mattiske, debate adjourned.

BILL—COMPANIES ACT AMENDMENT.

Recommittal.

On motion by Hon. W. F. Willesee, Bill recommitted for the further consideration of Clauses 4 and 12 and a new clause.

In Committee.

Hon. E. M. Davies in the Chair; Hon. W. F. Willesee in charge of the Bill.

Clause 4—Section 184 amended:

Hon. H. K. WATSON: I move an amendment—

That the word "passage" firstly occurring in line 14, page 2, be struck out and the word "word" inserted in lieu.

This is purely a drafting amendment and as a House of review we might as well tidy up the clause.

Hon. W. F. WILLESEE: I do not propose to oppose this amendment, although I am advised it is correctly worded as it is. However, I think the same purpose will be achieved if we agree to the amendment.

Amendment put and passed.

On motions by Hon. H. K. Watson, clause further amended by striking out the word "passage" where secondly occurring in line 14 and where occurring in line 16, page 2, and inserting in lieu the word "word" in each instance.

Clause, as amended, agreed to.

Clause 12—Section 370A inserted:

Hon. W. F. WILLESEE: I move an amendment—

That after the word "respectively" in line 18, page 15, the following be inserted to stand as Subsection (9):—

Every company which is party (except as trustee) to a deed under this section shall before the

thirtieth day of April in every year, file with the Registrar a return containing a list of all persons who on the thirty-first day of March of that year were holders of interests to which this section applies and to which the deed relates showing their names and addresses and the extent of their holdings of such interests.

Provided that notwithstanding anything contained in section three hundred and ninety-two of this Act, the return referred to in this subsection shall not be open to or available for public inspection.

Hon. W. F. WILLESEE: The provisions of the amendment deal more particularly with the members of a unit trust fund. The original clause gave no protection in this regard. Under the amendment any return of names and addresses of people concerned in unit trusts would be made available only to people who, in the opinion of the registrar, were worthy of such disclosure. The names would not be available for public inspection.

Amendment put and passed; the clause, as further amended, agreed to.

New clause:

Hon. H. K. WATSON: I move—

That after the word "fee" in line 6, page 2, the following be inserted to stand as Clause 3:—

The principal Act is amended by inserting after section thirty-two the following section:—

32A. (1) Subject to the provisions of the last foregoing section and of section one hundred and fifty-one of this Act, any condition contained in a company's memorandum which could lawfully have been contained in articles of association instead of in the memorandum may, subject to the provisions of this section, be altered by the company by special resolution:

Provided that if an application is made to the Court for the alteration to be cancelled, it shall not have effect except insofar as it is confirmed by the Court.

(2) This section shall not apply where the memorandum itself provides for or prohibits the alteration of all or any of the said conditions, and shall not authorise any variation or abrogation of the special rights of any class of members.

(3) Subsections (2), (3), (4) and (5) of section seventy-eight of this Act shall apply in relation to any alteration and to any application made under this section

as they apply in relation to alterations and to applications made under that section.

(4) This section shall apply to a company's memorandum whether registered before or after the commencement of this Act.

The proposed new Section 32A is for all practical purposes a copy of Section 23 of the Companies Act of the United Kingdom. Having regard to the explanation I gave when the Bill was last before us, I need say no more.

New clause put and passed.

Bill again reported with further amendments.

BILLS (2)—FIRST READING.

- 1, Land Agents.
- 2, Electoral Act Amendment (No. 2).
Received from the Assembly.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [3.3]: This is legislation against which I spoke when a similar Bill was introduced last year, because it has as its object the restriction of trading hours. I must vote against it on this occasion also, because I believe it is not in the interest of anyone, and certainly not of the State, to adopt a principle which restricts the hours of trade.

I cannot see that the objections which were raised last night by Mr. Logan entitle me to break what I believe should be an established principle; because, if what he says is true, and evidence of it can be adduced, action should be taken to restrain the oil companies, and not to restrict the hours of trade. If these oil companies are insisting upon individuals working excessive hours in order to obtain a definite gallonage, and if the arrangements between the oil companies and the garage proprietors are such that they cannot make a reasonable living by working reasonable hours, the agreements between those men and the oil companies are such that they should have very little bearing on the question, and some alteration should be made in the method by which the oil companies grant a right to those who desire to run these garages.

If we as a Parliament think that a section of the people is being unfairly treated by an organisation against which those people have no possible chance of redress, we should take action. But not for one moment do I think we should establish the principle of restricting hours of trade as a method of handling such a condition. Time and time again in this House we have protested about wrong methods of introducing legislation. We

did it only the other evening in regard to a Bill which is now on the notice paper; and I think the same could be said about this legislation, if the proposal means that by this measure we are going to right a wrong which should be righted by other methods.

I want members to look for a moment at what the position will be if this Bill is passed. In the heart of every city there are conditions which do not exist in other parts of the metropolitan area, or in the country. The centre of the city is a completely different unit, as compared with other areas, because into that central area people travel from all parts and to all parts. Emergencies can arise which are not likely to be met in areas outside the centre of the city.

One only has to realise that there are buildings and organisations in the centre of the city that do not appear anywhere else. Therefore, a Bill of this sort, which will restrict the hours of trade throughout the whole of proclaimed zones, may have a very deleterious effect upon the conditions that exist within this central portion.

Let me give an example. Just examine the conditions at the Tivoli garage where people from the country park their cars while doing their business. Perhaps they want to leave early the following morning. Quite often people drive into the Tivoli garage late at night and want to leave early in the morning; but before they leave they want their cars overhauled, greased, oiled, and filled with petrol in order to allow them to continue their journey.

Under this proposal they would not be able to leave until much later in the morning. That would cause inconvenience to a number of people. All sorts of emergencies can occur in the city; and if individuals want petrol, I do not see why we, as a Parliament, should prevent them from getting it. By the introduction of this measure we are trying to right one wrong by placing restrictions on a larger number of people—people who have no chance of having a say in the matter.

Under the present so-called wrong, the people involved have their own redress. They entered into these agreements in the first place. But if we restrict the hours of trade in this way, the public will have no chance of taking any action; and I do not think we are justified in agreeing to it.

One can look at it from another angle altogether. In the years that I have been in this House it has always been the custom, when introducing new legislation, to make sure that we did not in any way affect the living rights of those individuals who had been conducting their businesses in what at that time was the usual way in that particular sphere of activity. We have a number of examples of it.

In recent days we had a Bill dealing with occupational therapists. When the registration was brought about everybody who had earned his living by doing massage work, or electrical treatment, was classed as a physiotherapist. The same thing applied when dentists, optometrists, and people like that were first registered. I have always heard it said, when such legislation was introduced, that it was not put on to the statute book with the idea of depriving anyone of a living.

In the city we have people who have filled a need and who have built up businesses by keeping their garages open for 24 hours a day. Yet by this measure Parliament is simply going to take away from those people the businesses they have established. I cannot see that there is any justice in that. If a garage proprietor was so affected, I think he would be perfectly justified in presenting a petition to the Governor; and the Governor would be justified in taking the necessary action.

We have reached a curious stage in connection with this measure. Last year, when a Bill similar to this was passed by both Houses of Parliament, we were given an assurance that those who had been earning their living by maintaining a 24-hour service would not be affected by the legislation. Apparently that did not please those who had made the request for the introduction of the measure; and the result was that the Bill was never proclaimed. Now we have learned—and I have gathered this from a Press cutting—that the Minister, even though this Bill was before the Chamber, made a statement that it did not matter what we did to the Bill; he would rely on last year's legislation, and enforce the whole Act.

What a curious position we are in now! It seems farcical, because we have had a Bill presented to us; and yet, apparently, it does not matter whether we pass it or not, because last year's legislation will be put into action, and the 24-hour garages will be closed peremptorily, despite the promise given when the Bill was passed last year.

The Chief Secretary: You know what he was referring to. If this Bill is not passed, the existing legislation, which prohibits trading after 6 p.m. will be applied.

Hon. J. G. HISLOP: Then repeal the whole of this legislation.

The Chief Secretary: If you don't agree to any alteration—

Hon. J. G. HISLOP: We can make an alteration that will enable them to trade after that time.

Hon. N. E. Baxter: You will have to repeal the whole of the Factories and Shops Act.

Hon. H. K. Watson: At present there are chemists giving service 24 hours of the day.

Hon. J. G. HISLOP: We should not attempt to prevent any person from earning his living. This is the first occasion that I have seen any attempt being made in this House to introduce legislation to deprive a person of his means of livelihood.

Hon. J. M. A. Cunningham: It is just as well that this Bill is not applied to doctors when they are called out at night-time.

Hon. J. G. HISLOP: There are other aspects of this measure which must be considered carefully. The control of this legislation is to be placed in the hands of the very people who have asked for the Bill; the motorists and the general public are to have no control. The members of the Automobile Chamber of Commerce, as a body, are to arrange amongst themselves which service stations will remain open for business after the normal hours.

Surely there are other interested parties to be considered besides the service-station operators! The members of the R.A.C. should have some say in this matter, because by far they are the greatest users of the petrol sold by the service stations. The R.A.C. is a very well organised body which can give valuable advice on any plan that is to be introduced. That body should have some say as to the manner in which after-hour trading is to be conducted.

As it appears that this Bill will reach the Committee stage, I intend to place some amendments on the notice paper. I trust that eventually the controlling body, if it is brought into existence, will not be limited to members of the Automobile Chamber of Commerce, but extended to comprise other members of the public.

One other feature we might consider is this: If the Bill does reach the Committee stage, and the House considers that zoning is desired in certain districts, the centre of the city should be excluded, because it is in a different category to the other areas of population. I have suggested in the amendment that an area within a one-mile radius of the G.P.O. Perth and the G.P.O. Fremantle be excluded from zoning. Thus the service-station operators in the centre of the city will be able to retain their present hours of trading. I have here a letter from Coastal Cabs, Fremantle, indicating that it is essential to retain the 24-hour service in order to keep their business going.

Hon. F. R. H. Lavery: They can do that. All other taxi-cab companies do that.

Hon. J. G. HISLOP: It is unwise to direct the petrol stations to close down at a certain hour, after which they will not be permitted to supply petrol. I intend to

vote against the second reading; but if the Committee stage is reached I shall move a further amendment to enable the R.A.C. to supply petrol in an emergency to anyone. This Bill gives the right to the R.A.C. to supply emergency petrol to its own members. If it is to be a true emergency centre, it should be able to furnish all motorists with petrol.

Hon. N. E. Baxter: That organisation can do that for motorists other than its own members.

Hon. J. G. HISLOP: It is provided in this Bill that the R.A.C. may supply petrol to its own members in an emergency, so that any unfortunate individual who is not a member of the R.A.C., may find himself stranded and unable to obtain petrol. I hope the second reading will not be agreed to, because the Bill breaches an accepted principle. In my opinion this House should not permit of any infringement of the right of a person to earn a living. It is the right of this Parliament to decide that a person should not be worked beyond an accepted period, but it has not the right to interfere with the liberty of the subject in the conduct of his own business.

Hon. Sir Charles Latham: The liberty of the subject has already been interfered with under the Factories and Shops Act.

Hon. J. G. HISLOP: I hope that in time all these cases will be eliminated. I hope that the crusade which I intend to carry out will bear fruit and the public will be made aware that it is a wrong principle to limit the hours of trade. It will not be long before we are forced to realise that as a race we cannot succeed if we continue in the present manner.

HON. A. R. JONES (Midland) [3.23]: I oppose the Bill for the reasons I have given on several occasions in this House, and certainly when a Bill of a similar nature was before us last year. My first objection is that the public is not to be taken into consideration one little bit in regard to this legislation. The public, who spend many millions of pounds a year—on the purchase of motorcars, in payment of all types of taxes, even from the moment they think about buying a motorcar, in paying a deposit when placing their orders, on all the other requisites including tyres, fuel, oil, and accessories, on road and other taxes, on licences to drive and own a car—are the most concerned; yet they are to be given the least consideration under this measure.

The Bill sets out to protect a very small minority. We were told that at the most there are 500 service stations in the metropolitan area, and the Bill seeks to regulate the operation of those 500 establishments for the benefit of the employees therein.

Hon. F. R. H. Lavery: And also their families.

Hon. A. R. JONES: Yes. On this matter the wishes of the public must be considered. We should not forget the need for service to the public. We are here for the purpose of safeguarding the public, and it is not worth while passing legislation to benefit a very small minority. The people who own or operate service stations knew, when they took over, that they were going into business ventures. In so doing they must have felt that they were competent business people, able to look into the arrangement they entered into, and that they would obtain a good living from the venture.

If such persons elect to enter into such business ventures, it is not for Parliament to decide whether or not they should be permitted to do so. Parliament should not restrict the trading hours which those people wish to keep, particularly when the business gives a service to the motoring public. Already trade has been restricted to too great an extent; and if the Factories and Shops Act were open to amendment, I would move one to permit all small shops in the metropolitan area to keep whatever trading hours they wish, because they are rendering a service to the public.

It cannot be said that large firms like Boans, Foys, Economic and others give the same kind of service to the public as the small shops. Even if the large firms I have mentioned were to remain open for 24 hours, few people would be able to take advantage of that extra service. But around the suburbs the small shops give a much-needed service after hours and they should be allowed to remain open to whatever time they wish. After-hours service would not be given unless there was some return for the labour involved, just as the service station would not give a service after hours if there were no return.

It was emphasised by Mr. Logan that the oil companies were holding a gun at the heads of some service-station operators. I do not doubt that to some extent it is so.

Hon. H. L. Roche: It was so.

Hon. A. R. JONES: It was more applicable 12 months ago than today. The Royal Commission brought certain things to light, and showed positively that some of the practices engaged in by the oil companies were not altogether desirable.

When one drives from Perth to Fremantle at night, one can see many service stations located on the left and right, but very few of them remain open after 9 p.m. The operators have realised the folly of remaining open for business when there are no sales forthcoming, or when they are only able to sell one or two gallons of petrol. Whereas 12 months ago they remained open until midnight, at present they are closing at 9 p.m.

There still may be some undesirable features associated with this type of trade, but I know one service station which was recently built by the Shell Co. in Nedlands. That company is finding it hard to man that service station, and it is hawking the lease around. That is a good indication of the position in this industry. The oil companies appear to have realised that their policy was not a good one. They have been over-building the service stations. If, because there is a little upset in a trade or industry, we bring in legislation to cover all its aspects, we will cripple this country.

In the Bill, hours are stipulated; and it is provided that zones shall be set up, in each of which one station will remain open to serve the general public after certain hours and between certain hours. However, I cannot see how it will be possible to give a service to the public in those circumstances.

For the sake of illustration, a zone could embrace the whole of the Nedlands-Claremont area. I might be on the extreme end of it and run out of petrol through no fault of my own. For instance, I might be coming from the country and have a break in the petrol pipe without knowing until the engine stopped. I might be at one end of the Nedlands area and the garage which was open would be at the other end, two or three miles away. Does that constitute good service to the public? I say it does not.

If people were allowed to trade unrestricted as to hours, I would be able to walk a matter of 200 yards and obtain the service I needed. It is a very inadequate way to serve the public by having one station remain open in each zone, though there might be several zones in the whole of the metropolitan area.

We have the spectacle of hotels remaining open for 74 hours of bar trading plus the fact that the house has to be open all the time for rendering service to the public. The hotel is open for 74 hours with a view to giving service to the public and to make a profit, but I claim it is not nearly as essential for a person to be able to go into a hotel and buy beer or spirits as it is for a motorist to be able to obtain requirements to carry him on the road. It seems stupid that places supplying the requirements of motorists should be open for fewer hours than places providing a pot of beer. To me it is crazy.

I have expressed myself many times in regard to restriction of trade, the giving of service to the public, and the protection of minorities; and I feel that they are matters to which we should not give consideration to the extent provided in the Bill.

I notice that under the zoning arrangement, if a person does not want to be included in the roster, he notifies the authorities and can thus vote himself out.

If, however, he chooses to participate, and later decides that it is no good and that he is not doing sufficient business, he can elect to be removed from the roster. It is a very loose system which provides that a man can seek protection, receive it, and then subsequently decline to give to the public the service which he said he would give.

I feel that these people are given the opportunity to back both ways under this Bill—to ask for relief, in one sense; and, when they get it, decide whether or not they will render service. I oppose the Bill; but if it passes the second reading, I hope that the amendment I propose will be accepted.

HON. N. E. BAXTER (Central) [3.34]: I intend to speak only briefly, and my remarks have been prompted principally by some of those made by Dr. Hislop.

At the outset, I would like to say that I believe the responsibility for legislation of this sort can be laid at the feet of nobody but the oil companies. They are the ones entirely responsible for legislation of this type coming before Parliament, on account of their action some years ago in introducing one-brand petrol stations. That is where the whole thing emanated from. By selling through one-brand agencies they forced petrol resellers into an unfair position, in that if those resellers were not prepared to accept their edict that one brand of petrol and oil must be sold, they could not obtain those commodities.

This the companies followed by the wholesale building of petrol stations not only in the metropolitan area but through to urban areas. They erected competitive stations wherever they possibly could. One cannot regard the situation that existed up to 12 months ago as being one of free enterprise. It was far from that; it was controlled enterprise, and only in the last 12 months has there been any relaxation. But even though there has been a degree of relaxation, control still exists to a great extent.

I know of one reseller in my area who was in the unfortunate position in which the main road was lowered, necessitating an alteration to his premises. He practically had to rebuild. He was a man who supported restriction of hours. What could he do? He went to one of the oil companies and borrowed money to rebuild his petrol station. He was given an additional incentive up to 1½d. a gallon on his sales in addition to what he normally would get, to enable him to repay that money. But he is bound by the company.

Hon. H. L. Roche: Why shouldn't he be?

Hon. N. E. BAXTER: He is well and truly bound to do what the company says. I notice that he has kept his premises

open longer than previously. For what reason? Only because the oil company says he has to.

Hon. A. R. Jones: Only so he may earn money to pay back what he borrowed.

Hon. N. E. BAXTER: No; to make gallonage sales for the company.

Hon. H. L. Roche: What oil company is saying that these places must be kept open?

Hon. N. E. BAXTER: The Shell Co. for one, and Ampol for another.

Hon. H. L. Roche: Was it the Shell Co. to which you were referring?

Hon. N. E. BAXTER: Yes. That is the situation which is existing today. I am just as keen on private enterprise as any member of this Chamber, but when private enterprise is talked about, surely it should be free and not controlled as this industry has been in the past few years!

One could almost say it is a certainty that while this type of thing exists—this pressure for gallonage sales—there is little chance of any company bringing in oil fields in Australia if they exist—and I believe they do. There is little chance of that if there is pressure for the sale of overseas oils in this State.

While Dr. Hislop was speaking he referred to the attitude of the R.A.C. on this matter. I would like to read an editorial from "The Road Patrol" of April, 1957, headed, "Restrictive Hours for Sale of Petrol." The editorial reads as follows:—

Unforeseen emergencies can arise at any time and petrol should be available at any hour to meet the circumstances. The R.A.C. therefore adheres to the principle that resellers who are prepared to meet the after hours demand should be allowed to do so.

With this reservation the club believes that the new legislation prohibiting the sale of petrol after 7 p.m. on week days, 1 p.m. on Saturdays and noon on Sundays, except as mentioned hereunder, provides a reasonable spread of hours to adequately cater for the bulk of motorists.

Sitting suspended from 3.40 to 4.15 p.m.

Hon. N. E. BAXTER: Before the afternoon tea suspension I was quoting from an editorial in "The Road Patrol" regarding the hours of sale of petrol. To continue—

Furthermore, by the appointment of one reseller in each of eight zones to cater for emergency service up to 1 a.m. in the city and midnight in the suburbs, the Automobile Chamber is making a practical attempt to meet the legitimate requirements of motorists who find themselves without petrol after the bulk of the resellers have closed down.

The R.A.C., therefore, has no criticism to make at this stage. After the system is in operation some weaknesses may show up and if they do it is hoped that the Chamber will take action to eliminate them.

In the first place the closing of emergency outlets at midnight or 1 a.m. may not fully meet the legitimate requirements of the motorist who finds it necessary to make an early start on an unexpected journey. Secondly, the interpretation by the reseller of an emergency will have a bearing on the success or otherwise of the plan.

Restricted sales of petrol will commence in the metropolitan area after Easter but it is expected that major country towns will eventually be brought into the scheme.

Confusion will undoubtedly arise if resellers fail to prominently display the notices showing the list of emergency resellers on duty in each zone. It is to be hoped, therefore, that the resellers will extend this courtesy to the travelling public.

I should imagine that once the system came into being the resellers, if genuine, would co-operate, irrespective of the last portion of that editorial. If they did not, they would be merely setting out to break down, as far as possible, the zoning system under this legislation. Some members may doubt certain of the statements I have made in regard to the actions of the oil companies; but I would refer to one reseller in Cambridge-st., Mr. Allman, who used to give an all-night service by sleeping on the premises. Then an oil company built a station right opposite and cut his sales in half. He was operating purely as a free enterprise, and the oil company octopus came in and cut his sales by half.

Hon. F. R. H. Lavery: Yes; and it was the same company.

Hon. N. E. BAXTER: It was the company with which he had been dealing for 30 years; and if that is free enterprise I have yet to understand what the term means.

Another facet of this business is the professed belief of all political parties in decentralisation. If one views the situation over the last few years, it is obvious that the oil companies have centralised their sales and have built a large number of service stations in the city, but not in the country areas. Would it not have been much better for the State if some of this petrol selling had been forced out into the country areas and the whole business of fuel retailing had been done under a decentralised system?

One feature of the Bill that causes me some regret is that certain people will be embroiled under this legislation, through no fault of their own, and may be penalised to some degree. I refer to those who have either taken on or built businesses on an all-night trading basis. One to whom I would refer is Mr. Sydney Anderson, who for some years has carried on an all-night service and has given good service to the public. Another is a friend whom I have known since he was at school, and who took over a service station on the Great Eastern Highway which gave, and still gives, an all-night service. Unfortunately those two, as well as others, are to be penalised through their trading hours, and perhaps will lose a considerable proportion of their sales.

The difficulty is hard to overcome. Once we differentiate and say that because they have conducted an all-night service they can continue to do so under this legislation, the whole system of zoning and the intention of the legislation is broken down. If anyone can supply a solution to the problem I will be glad to support it; but I cannot see how it could be arrived at.

Hon. G. C. MacKinnon: Couldn't it have been tried?

Hon. N. E. BAXTER: Possibly. But where would one arrive? Does it break the system down or not? I say it would do so, because there would be repercussions from other resellers; and it is not justice to let one man trade in hours during which another is restricted. Under the Factories and Shops Act other businesses are restricted. Car sales businesses have to close their businesses during certain hours and have other restrictions placed on them. And even the small suburban grocer is restricted. The man who conducts a mixed business is restricted in what he can sell after certain hours at night.

If we are going to leave one industry wide open and say to the petrol resellers, "You can go ahead and sell your petrol without restriction at any hour of the day and night," why should we not do so with other industries? We must either leave this matter wide open for everybody, and thus permit free enterprise in this State or else exercise control.

On motion by Hon. J. Murray, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

In Committee.

Resumed from the 4th September. Hon. E. M. Davies in the Chair; Hon. F. D. Willmott in charge of the Bill.

Clause 1—Short title and citation (partly considered).

Clause put and passed.

Clause 2—Third Schedule amended:

The MINISTER FOR RAILWAYS: I move an amendment—

That all words after the word "tractor" in line 10, page 2, down to and including the word "tons" in line 13, be struck out and the following inserted in lieu:—

"which is used to draw a licensed trailer, or is for a tractor with platform attached on which goods may be carried, and the total load to be carried on the trailer or on the platform of the tractor or on both is not more than two tons net weight, and the licensing authority is satisfied that the tractor will be used during the currency of the licence solely or mainly for the hauling or carriage of the products of or requisites for such business."

The object of the amendment is to fit in with the intention of the Bill. Under the Act tractors and trailers must be licensed separately, but my amendment will provide for the licensing of tractors and trailers. It could be left wide open under the Bill, because the Act authorises the issue of concession licences for a tractor used for hauling a trailer, and the purpose of the amendment is to clarify the position and specify concessions to be available to those engaged in agricultural pursuits.

Hon. G. Bennetts: Wouldn't the trailer come under the Traffic Act?

Hon. F. D. WILLMOTT: I hope the Committee will not agree to this amendment. The crux of the matter is that this deals not only with tractors used in conjunction with trailers or with a platform attached for carting. The Minister said the Bill would leave it open and implied that there could be abuse. But that is not so; because, as I said, it applies to tractors used for cartage on the road, and that does not lend itself to abuse, because tractors can only be used economically for cartage on the road for short distances—two or three miles would be the limit.

That is why we put a two-ton limit on the load. It was much easier for the local authority. I instanced the difficulty of applying a fee to all tractors in relation to their weights because of the varying weights of different machines. That also applies to trailers. In the Third Schedule the fee for trailers is governed by weight. It is 5s. per cwt. up to 10cwt.; and over 10cwt., it is £1 per cwt. for a trailer unloaded. A tractor with a bigger horsepower provides no extra benefit in road haulage because the load is limited to two tons.

Exactly the same thing applies to the trailer. The licence fee for a 9 cwt. trailer would be 45s.; and for an 11 cwt. trailer it would be £11. The man with the bigger trailer has no benefit because his load under the Bill is limited to two tons. It

is so much easier for a local authority to police because in many country areas there are no facilities for the weighing of a tractor or a trailer, but the policing of the load is a simple matter.

Everybody knows that 12 bags of super weigh one ton, and 40 bushels of apples likewise. Therefore it would be a simple thing for a local authority to police. If an argument did arise, there are plenty of scales suitable for that purpose in any district. It is difficult in many country areas to get the weight of a tractor or a trailer and that is why a licence applies to the tractor and the trailer, or the tractor with a platform as a whole. I do not think, as the Minister does, that it lends itself to abuse, because the load has been limited to two tons. I hope the Committee will not agree to the amendment.

THE MINISTER FOR RAILWAYS: There is no argument about the intention or purpose. My amendment is simply to define clearly what the purpose is. The Bill says that provided a local authority is satisfied that the person requiring the licence is a farmer or grazier it can use paragraph (a) or (b) but it does not say for what business the tractor must be used. My amendment will clarify that. It is simply to ensure that the concession licence will be confined to the vehicle which is carrying the products or requisites of the farmer or grazier.

Hon. F. D. WILLMOTT: The point the Minister is missing in regard to his amendment is that it separates the tractor from the trailer in regard to a licence. I have pointed out the anomaly which exists in the Act by licensing a tractor separately. In one case the licence fee is 45s., and in the other it is £11; and because of his larger trailer a man gets no benefit.

Hon. G. C. MacKinnon: It would almost mean that you would need two trailers; one to use on the road, and one for the farm.

Hon. F. D. WILLMOTT: On the farm a trailer of about 12 cwt. or 15 cwt. is used. If it is taken out on the road, the farmer will have to pay £15 for a licence. He would obtain no benefit from the extra size of the trailer, because the load is limited to two tons. However, he can use the extra weight when operating on the farm. The amendment falls down because it separates the tractor and trailer, while under the Bill the licence is for one unit.

THE MINISTER FOR RAILWAYS: I understand the point the hon. member is making, but I still cannot agree that the tractor and the trailer are being separated. They will both be subject to the same concession, which a local authority will be able to grant under this Bill. Whatever is the licence fee for the tractor, it will be subject to paragraphs (a) and (b) if the Bill is agreed to; and so will the trailer. I must point out that there is no provision to license two vehicles simply, because they are attached, with one licence.

Hon. F. D. Willmott: That is what we propose to do under this Bill.

THE MINISTER FOR RAILWAYS: That is not acceptable.

Hon. F. D. WILLMOTT: In dealing with the concessions, I see what the Minister is getting at. I instanced the position of two trailers of different weights. They are subject to a concession in certain cases under Section 11 of the Act if the person has no other vehicle licensed. In this case the tractor and the trailer are both subject to that concession. However, there is still the anomaly that one man pays half of 45s. and the other half of £15.

That is the provision which I tried to make clear in my second reading speech. It applies to only a very few people and is almost limited to one district, in regard to apple carting and a bit of potato carting. In many cases these people have no other vehicle at all. In that event they are subject to the half-licence; but I quoted the case of a Fordson diesel tractor. The present licence is £45 plus £15 for a trailer.

The Minister for Railways: The maximum would be £10.

Hon. F. D. WILLMOTT: I would point out to the Minister that under the provisions of the Bill that would apply only to the tractor. He would still have to license the trailer separately; and there is the same anomaly in relation to the tractor because of the way it is in the Third Schedule at the moment.

THE MINISTER FOR RAILWAYS: I only want to repeat that I believe the Act will be better policed and clearer to all authorities if my amendment is carried. It is very difficult to legislate for one particular district; and it must be considered that unless the use of the vehicle is restricted to the farm or grazing operations, there are other districts, graziers or farmers—

Hon. F. D. Willmott: It is restricted under the Bill.

THE MINISTER FOR RAILWAYS: Yes; but it is not clear. The amendment simply says that a concession licence can be granted under paragraphs (a) or (b), but the vehicle must not be used for any purpose other than taking products into town and bringing requisites back. If the amendment is not agreed to, the measure will not clearly provide that it must not be used for other purposes. That is the only point I want to cover.

Hon. F. D. WILLMOTT: If that was all, I would not have any objection. But the Minister's amendment separates the tractor and the trailer. I can see the point the Minister is making; but this proposition does not lend itself to any abuse. What other use is the man going to make of his tractor and trailer except to cart the stuff? If he takes the tractor on the road without the trailer, it will cost him the same licence

fee as with the trailer. The Minister is supposing that something will happen that could not happen.

THE MINISTER FOR RAILWAYS: I would not say that. A tractor just went around Australia.

Hon. F. D. Willmott: Not one owned by a grazier or farmer.

THE MINISTER FOR RAILWAYS: If the Bill is passed, the farmer or grazier could do that. It is the object of the Bill that only one licence should be required; that is, for the trailer, not the tractor?

Hon. F. D. Willmott: No; to have them licensed as one unit.

THE MINISTER FOR RAILWAYS: The trailer might be used for some other purpose.

Hon. G. C. MacKINNON: Could we take the last section of the Minister's amendment commencing with the words "and the licensing authority"?

Hon. F. D. Willmott: I would agree to that.

Hon. G. C. MacKINNON: I move—

That the amendment be amended by striking out all words from and including the word "which" in line 6 down to and including the word "weight" in line 13.

THE MINISTER FOR RAILWAYS: This still permits of a tractor and trailer being licensed as one unit. Where a concession is granted, the maximum licence that can be charged is £10. The traffic authorities consider it is fair and reasonable that both vehicles should be licensed, which is the procedure today. If the trailer is removed from the provisions of the Licensing Act we could have the largest trailer and the largest tractor coming under this provision, although the load carried would be limited to two tons. I much prefer my amendment, although Mr. MacKinnon's suggestion goes part of the way.

Hon. F. D. WILLMOTT: I am quite willing to accept the amendment on the amendment. It cleans up the main objection that the Minister has raised. The licensing authorities concerned are more than willing that this amendment should go through. This brings the position, in regard to cost, back to practically the same as it was previously. The only people who use tractors are very small farmers—the battlers in the industry.

THE MINISTER FOR RAILWAYS: The department is not concerned in the fees because they go to the local authority.

Hon. F. D. Willmott: They don't mind.

THE MINISTER FOR RAILWAYS: That is so. The licence fees in Western Australia are far below the average of the other States—particularly the non-claimant States—and Western Australia is

penalised each year by the Grants Commission to the extent that licence fees are below the average; and that is the interest the Treasury has in the matter. It is as a result of a conference between the Police Traffic Branch and the Local Government Traffic Branch that the amendment is submitted.

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

Ayes	13
Noes	10

Majority for 3

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. G. Hislop	Hon. H. L. Roche
Hon. A. R. Jones	Hon. C. H. Simpson
Hon. Sir Chas. Latham	Hon. H. K. Watson
Hon. L. A. Logan	Hon. F. D. Willmott
Hon. G. MacKinnon	Hon. A. F. Griffith
Hon. R. C. Mattiske	(Teller.)

Noes.

Hon. G. Bennetts	Hon. F. R. H. Lavery
Hon. G. Fraser	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. E. M. Heenan	Hon. W. F. Willsee
Hon. G. E. Jeffery	Hon. F. J. S. Wise
	(Teller.)

Amendment on amendment thus passed.

THE CHAIRMAN: The question now is—

That all words after the word "tractor" in line 10, down to and including the word "tons" in line 13, be struck out.

Amendment put and passed.

THE MINISTER FOR RAILWAYS: I am afraid we have mutilated the Bill now, if I understand it correctly. We have agreed to delete certain words from my amendment, and now we have agreed to delete all words after the word "tractor" in line 10 down to and including the word "tons" in line 13, page 2.

THE CHAIRMAN: Yes.

THE MINISTER FOR RAILWAYS: That leaves us with very little—merely the word "tractor"; and it will be necessary to recommit the Bill.

Hon. F. D. WILLMOTT: I am sorry about this because I think it is partly my fault for not being sufficiently on the ball. I think it has mutilated the Bill, and we have deleted words which should never have been deleted. Therefore it will be necessary to recommit. I would like progress to be reported.

THE CHAIRMAN: I cannot agree to report progress at the moment until this is clarified. The Bill can be recommitted later on.

Hon. A. F. GRIFFITH: I, too, have an amendment on the notice paper; and I think it would be better to deal with that, because it will not affect what we have just done; and as a mistake has been made, I suggest we recommit the Bill later on.

The CHAIRMAN: I cannot report progress until words have been inserted in lieu of the words struck out. The question is—

That the following words be inserted in lieu of the words struck out:—and the licensing authority is satisfied that the tractor will be used during the currency of the licence solely or mainly for the hauling or carriage of the products of or requisites for such business."

Amendment put and passed.

Hon. A. F. GRIFFITH: I move an amendment—

That after paragraph (b), lines 21 to 25, page 2, the following new paragraph be added:—

(c) In any case when an applicant for a licence can satisfy the licensing authority that the licence is required for a tractor, or a tractor with direct mounted or trailing equipment that is bona fide used in the pursuit of his business and will only travel on the road for the purpose of moving from job to job or to a place for repair, and does not ply for hire or reward while using the road, then the licence fee charged shall be £3 per ton weight of such tractor.

I think the wording speaks for itself. At present persons using such equipment, travelling from job to job, and not plying for hire, are obliged to pay the same high licence fees which have been referred to by Mr. Willmott. Where a person is genuinely using his equipment and is not plying for hire or reward, and is merely using the road in order to take his equipment from one job to another, he should be given the benefit of some relief from what could be referred to as exorbitant licence fees. I hope the Committee will accept the amendment.

The MINISTER FOR RAILWAYS: In the opinion of the department the amendment does not define the position clearly enough, and does not confine the provision to farming implements. I do not know whether the hon. member intends that it should apply to all tractors. It is the department's opinion that, in its present form, it does.

Hon. Sir Charles Latham: It would fit they were travelling from place to place, wherever they were working.

The MINISTER FOR RAILWAYS: Road contractors travel from one end of the State to the other.

Hon. Sir Charles Latham: Don't they have licences?

The MINISTER FOR RAILWAYS: Yes. But it is the opinion of the Local Government Department that they will be subject to this provision. I would like the

hon. member to tell me whether it would apply to the following vehicles:—earth-moving, road-making, excavating, rollers, etc. Alternatively does the hon. member intend to confine the provision to farmers and graziers, as was the original intention of the Bill? If it is meant to apply to everybody, it will be necessary either to amend or oppose it.

Hon. A. F. GRIFFITH: I think the amendment speaks for itself, because the applicant has to satisfy the local authority that he is not using the vehicle in plying for hire or reward on the road. It will have application to a man using a front end loader, when he is doing work at some particular point, and is obliged to move the vehicle to another point, in order to carry out a job. Since the Act was amended last year, the owner has had to pay an exorbitant licence fee, which I am hoping to reduce to £3. If I am successful, the position will revert to what it was before the amending Bill was passed last year. As we know, licence fees were increased very substantially.

When the Minister for Railways said that this State was lagging far behind the other States in respect of licence fees, he was no doubt referring to the state of affairs before the increases were put into effect. I would point out that the local authorities are to decide in these matters. They will examine the circumstances of each licence. I understand that the local authorities are prepared to take on that responsibility for determining the circumstances of such a licence.

Hon. F. D. WILLMOTT: This amendment applies to rural industry and is much needed. It is of great interest to the Bridgetown local authority. Before the advent of codling moth, most farmers in that district had their own spraying outfits for the control of pests; but with the advent of the codling moth, those outfits were not sufficiently powerful, because high-powered sprays were needed. These have to be driven from the power take-off of tractors. As a result only a few orchardists purchased high-powered sprays.

When the owners carried out work with the spraying equipment for gain, the tractors had to be licensed; if they did the work for no payment, the tractors need not be licensed. In carrying out spraying operations, the tractors would not make use of the roads for more than a distance of five miles in a year. The full licence fee for a year is £45 in the case of the most popular type of tractor for this work. The local authority is agreeable to issuing a free licence to any tractor used for the purpose of spraying.

A similar arrangement is carried on in other farming centres in the South-West where one farmer will buy a hay baler costing between £1,200 and £1,400. If the owner makes a charge to his neighbour for the use of the hay baler, he

has to license the tractor for the purpose of moving that equipment from one property to another. Again, during the whole season the tractor might use only five miles of the road, yet the full licence fee has to be paid.

I am aware there is a provision in the Act under which a licence can be issued for three months. That provision will be beneficial in the case of the hay baler which is used for a limited time of the year. There is, however, other farming equipment used on a similar basis throughout the year, such as a potato planter and a potato digger. The provision for a three-months' licence will not cover such cases. The local authorities in my district are anxious that this amendment should be agreed to.

Hon. J. MURRAY: I am in favour of this amendment, which the Minister has suggested might be restricted to implements or vehicles used in agriculture. In my view it should not only apply to machinery used for agricultural purposes, but also to industries in the South-West. I want to refer to the industry carried on at the millsite at Jarrahwod where the main road crosses the millsite. In the sawmilling industry forklift trucks and other types of tractors are used to move mill products from one part to another.

In the case of the Jarrahwod mill, much of the product is conveyed over the main road in vehicles owned by the mill, which are not let out for hire. In the course of these operations, the vehicles travel over the roads for a short distance. They are to be penalised by having to pay a licence fee. This will prove to be a severe penalty to the industry as well as to the State Saw Mills.

The Minister for Railways: The vehicle is only replacing a truck. On your argument the trucks should be given the same concession.

Hon. J. MURRAY: In the past, the trucks have been exempt, as long as the local authority concerned was convinced they were used for conveying the product of the owners from one site to another, and not for commercial purposes.

Hon. R. C. MATTISKE: There is some slight ambiguity in the amendment. In line 7 appear these words, "will only travel on the road." The amendment would be clarified if the words "when travelling on a road will only do so" were substituted.

Hon. A. F. GRIFFITH: I prefer the amendment to be left as it is. I can see no ambiguity. By using the term "when travelling on the road" there is an immediate query as to what will apply when the vehicle is not travelling on the road.

Hon. R. C. MATTISKE: I would refer to the wording of the amendment. If carried in its present form, the undertaking given by the applicant for a licence

will prevent him from sending a tractor by rail to the city for repair, because he has to give an undertaking that the tractor will only travel on the road for repair. I move—

That the amendment be amended by striking out the words "will only travel on the road" and inserting in lieu the words, "when travelling on the road will only do so."

Hon. A. F. GRIFFITH: My principal interest is that a man may be able to move from one job to another, and if there are any technicalities that would prevent him from moving from a job to a place for repair, on account of a breakdown, and Mr. Mattiske's amendment would place that on a satisfactory basis, I would be grateful to him. But I do not think the amendment is necessary. I think it is a case of six of one and half a dozen of the other.

Hon. F. D. WILLMOTT: I agree with Mr. Griffith. In the case cited by Mr. Mattiske the man would not, under this amendment, be prevented from doing what he wanted to do.

Hon. R. C. MATTISKE: As the provision reads, there must be an undertaking by the applicant that the tractor will only travel on the road, but by no other means for the purpose of moving from job to job. If the word "only" were taken from its present position in line 7, and put after the word "road," that would give a totally different sense from what is conveyed in the amendment, and that is what I hope to achieve by a slightly different wording.

Hon. A. F. GRIFFITH: I think that "only" is in the right place.

Amendment on amendment put and negatived.

Amendment put and passed; the clause, as amended, agreed to.

Title, agreed to.

Bill reported with amendments.

BILL—SHEARERS' ACCOMMODATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. F. D. WILLMOTT (South-West) [5.38]: I support the Bill exactly as it is printed. It is the result of considerable negotiation between a committee consisting of representatives of the Pastoralists' Association, the Australian Workers' Union and the Farmers' Union. I went to the trouble today to obtain from the Pastoralists' Association a draft of various alterations and amendments which it was agreed should be made to the original measure; and after checking them very carefully with the Bill as presented to the House, I find that the Bill is exactly what is wanted by the committee to which I have referred.

The Bill contains some very desirable provisions. Many of these things have applied for some years in other States, and it is only if this legislation becomes law that they will apply here, as pastoralists generally agree they should.

The provisions dealing with quarters do not apply where the shearers are accommodated in the residence on the property where the shearing is taking place. Those regarding the housing of cooks apply only to buildings that are erected after this measure comes into operation. There are plenty of instances in the pastoral areas now where accommodation for cooks, although not under a separate roof, is sufficiently separated from the shearers to be satisfactory to them and to the cooks; and in such cases conditions will remain as they are. The provision in the Bill will apply only to new buildings erected after the coming into operation of this legislation.

The same applies to mattresses to be supplied to shearers. Protective provisions have been inserted in the Bill for the benefit of pastoralists. The measure has been very carefully worded to make sure that the interests of the employers are properly protected. For instance, with regard to mattresses, the measurement is laid down. The Bill quite carefully uses the words "which shall be manufactured to not less than this size."

As everyone knows, the measurement after use could alter; and this is a protection which is quite clearly inserted for the benefit of the employers. The Bill says—

But any mattress purchased by the employer for the use of shearers before the coming into operation of the Shearers' Accommodation Act Amendment Act, 1957, shall be deemed to comply with the requirements of this subsection if it is properly filled with kapok, flock, slumber wool, or a mixture of such materials, unless an inspector declares to the contrary.

That again gives the employer the protection that is required, and the Bill has been very carefully considered in that way all through.

In regard to sleeping accommodation, provision is made for separate sleeping quarters for two shearers where, in the past, it has been for three. That is a provision that has applied in other States for some years, and the pastoralists generally have agreed it is sound. That, again, applies only to buildings erected after the coming into operation of the measure and so existing buildings are exempted.

I support the Bill exactly as printed. Yesterday, Mr. Jones referred to the laundering facilities to be provided for

laundering shearers' clothes. He explained that he had discovered that the largest copper that could be secured is of 16 gallons while the Bill provides for one of 20 gallons. The Bill, however, does not specify a copper, but simply says that a suitable utensil of a capacity of not less than 20 gallons shall be provided for the heating of water, for every 10 shearers. That amounts to only two gallons per man; and again those in the industry consider it a fair provision. I do not agree that any amendment is needed in that regard.

I spent some time this morning with the Pastoralists' Association and was assured that they and the Farmers' Union do not want the Bill altered in any way; because they contend that it would be breaking faith with the Australian Workers' Union if the Bill were amended, as the measure has been brought down after unanimous agreement between the three bodies concerned.

The Bill contains provision regarding the air space in sleeping accommodation. Up till now the air space could be calculated to a height of 14ft., but that has been reduced to 11ft. which is in keeping with the ordinary 11ft. wall. The 14ft. allowed the gable in an unlined building to be calculated as part of the air space; and the pastoralists agree that this provision is fair. All the bodies concerned are unanimous on what they desire, and that is what is contained in the Bill. I ask the House to agree to the measure as printed.

Question put and passed.

Bill read a second time.

In Committee.

Hon. E. M. Davies in the Chair; the Minister for Railways in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Section 6 amended;

Hon. A. R. JONES: I move an amendment—

That the words "building which" in line 9, page 3, be struck out and the words "part of the building which part" inserted in lieu.

As the clause is at present worded, the buildings must be separate; and that could lead to misunderstanding and expense. Recently, I saw some of the most modern shearers' accommodation in Western Australia, but all under one roof. There is accommodation for eight men at one end of the building, and then a dining-hall with kitchen and servery attached; and on the other end is the cooks' accommodation, separated by about 70ft. from the shearers' sleeping quarters. I

would point out that under the provision which states that the buildings must be separate they could be separated by only 6in.

The MINISTER FOR RAILWAYS: As the organisations concerned have agreed unanimously to this provision, I cannot understand why the hon. member should seek to amend it. I agree that the Bill does not specify how far apart separate buildings must be, but no one with any sense would place them too close together. The idea is to eliminate the noise nuisance.

The shearing accommodation mentioned by the hon. member is similar to that in which I lived in 1920, and is about the worst type ever built, being all under one roof. The result is that when the cook arises in the morning everyone else is awakened; and if the cook wishes to go to bed and to sleep early, he is unable to do so. That is one of the reasons why, under the nervous strain that is experienced in many sheds, all the problems commence in the huts or the cook-house. I ask the Committee to reject the amendment.

Hon. F. R. H. LAVERY: I support Mr. Willmott because he obtained his information from the same source as I did. I listened to him while he was speaking, and the information he gave the Committee was word for word with the advice supplied to me by the office of the A.W.U.

Hon. F. D. WILLMOTT: I oppose the amendment. Parliament should at any time help workers when they seek additional amenities in their industry rather than rises in rates of pay, because the amenities do not fluctuate with the prosperity of the industry as do rates of pay. Those most concerned are in agreement with the Bill, and it should be left as it is.

Hon. L. A. LOGAN: Is it necessary under this measure to put up a separate building if there is available a large room big enough to accommodate two cooks? If a building is going to be erected 2ft. or 3ft. from another, the cook will be no better off.

The Minister for Railways: The farmers would know better than that.

Hon. L. A. LOGAN: It is all very well to say that these organisations have accepted the drafting of the Bill, but have they seen it since it passed the second reading? The buildings should be placed a certain distance apart. There should not be one for each cook.

The MINISTER FOR RAILWAYS: I would very much like to see the days return when a shearing team required two cooks. The only stations where two cooks may be required are at Noonkambah, and Munda-bullangana, Bidgemia and Clifton Downs. In those days the stations I mentioned carried 100,000 sheep, but today they are down to 20,000. I would envisage one cook in each room; but if there were two cooks,

they could go into one room if necessary. That is my opinion. However, this has been thrashed out by the organisations who have been arguing about the matter since we were boys. They are satisfied, and we should not upset the present position.

Hon. A. R. JONES: The arguments of the Minister for Railways and Mr. Willmott are well meant. I do not wish to buck anybody, but is it not a fact that legislation that has been considered here to be good legislation has been brought back for amendment because of some fault that might have been discovered 12 months later? I have moved my amendment because I think there is some fault in this measure, and I think I am entitled to draw the attention of the Committee to it before a mistake is made. That is all I am seeking to do—something which will not affect the main objectives of the Bill, but which will make building costs cheaper.

Hon. F. D. WILLMOTT: Having had a look at the point raised by Mr. Logan I think it could be read that separate accommodation would have to be supplied for each cook. I think this could be overcome by taking out the word "each" in line 8 and making the word "cook" read "cooks".

The MINISTER FOR RAILWAYS: I agree that there is ambiguity and I move—

The CHAIRMAN: There is an amendment before the Chair.

The CHIEF SECRETARY: I suggest it go to the vote and the Bill can be re-committed if necessary.

Amendment put and negatived.

The MINISTER FOR RAILWAYS: In view of the point raised by Mr. Logan and Mr. Willmott, I move—

That progress be reported.

Question put and passed.

House adjourned at 6.10 p.m.