Legislative Council.

Wednesday, 16th October, 1935.

Question: Goldfields Water Supply extensions	 1118
Bills: Rural Relief Fund, 3R	 1118
Traffic Act Amendment, Com., recom	 3118
Builders' Registration, 2R	 1130

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

QUESTION—GOLDFIELDS WATER SUPPLY EXTENSIONS.

Hon, J. CORNELL asked the Chief Secretary: 1. What is the respective cost to date of the Goldfields Water Supply extensions to-(a) Marvel Loch-Burbidge; (b) Palmer's Find? 2, In what proportion did -(a) the State Government, (b) the Federal Government, (c) the mining companies concerned, in each instance, contribute towards the cost of the extensions? 3. What are the names of the contributing companies, and how much has each company contributed respectively? 4, (a) What is the estimated cost of the proposed new Goldfields Water Supply extension to Banda? (b) Who is providing the necessary funds? 5, (a) What is the estimated cost of the proposed Norseman Goldfields Water Supply extension? (b) In what proportion are the necessary funds being found by-(i) the Federal Government; (ii) the State Government; (iii) the respective mining companies concerned?

The CHIEF SECRETARY replied: 1, (a) £18,445 (total estimated cost £48,000); (b) Palmer's Find £6,242 (total estimated cost £7,000). 2, In respect of the Marvel Loch-Burbidge and Palmer's Find extensions-State Government £35,500, £3,500; Federal Government £12,500, £3,500; Mining companies nil, nil. 3, The Marvel Loch Gold Development Company has paid in advance for water the sum of £6,300: the Great Western Gold Development Company £10,000 and the Yellowdine Gold Development Company £3,000. 4, (a) £57,000; (b) The State Government, if the work is pro-(Note.-The ceeded with. Ora Banda United Mines Limited has tentatively agreed to pay the sum of £25,200 for water to be supplied if the Government expends £57,000 on the enlargement of the main and other

improvements. The agreement has been drawn up and submitted to the company but has not vet been signed.) 5, (a) £200,000; (b) (i) Nil; (ii) £200,000; (iii) Nothing. The three companies, namely the Central Norseman Gold Corporation, N.L., the Norseman Gold Mines, N.L., and Spargo's Reward Syndicate have tentatively agreed to pay in advance for water as follows:-£23,000, £10,000 and £10,000 respectively. (Note.-Tenders have been obtained for the supply of pipes, but the acceptance is delayed until the mining companies named have completed the agreements which have been submitted to them. These agreements are based on conditions which have been approved by the companies.)

BILL-RURAL RELIEF FUND

Read a third time and returned to the Assembly with amendments.

BILL-TRAFFIC ACT AMENDMENT

In Committee.

Resumed from the previous day; Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 26—Repeal of Fourth Schedule; new schedule enacted:

The HONORARY MINISTER: clause is to regulate the loads to be carried by vehicles to prevent damage being done to country roads. The schedule in the Bill cannot be compared with the schedule in the Act, because the existing schedule makes no differentiation between vehicles having solid rubber and iron tyres. For that reason the schedule to the existing Act was never en-I am advised it is a fact that a solid tyred vehicle cannot carry the same load as an iron or steel tyred vehicle. Therefore in the Bill a distinction has been made between vehicles shod with solid rubber or In view of Mr. iron and corrugation. Bolton's statements I have made inquiries, and am advised that what I have just said constitutes a reasonable ground for differentiation. The second part of the proposed schedule bases the weight in relation to diameter and width of tyres, because the greater the diameter of wheel the less use of the Consequently a greater weight is allowed on the larger wheel diameter. reason for calculating the load on the diameter of the wheel and the width of the tyre is that the weight is spread more equally as the diameter of the wheel increases, since a wheel whose diameter is 4ft. Sin. would have a greater contact spread than one with a smaller diameter. Therefore the road resistance would be greater, and consequently less damage would be done. To support the amendment further I shall supply additional technical matter, which some hon members may appreciate. It is matter taken from a standard work, Coane's "Australasian Roads"—

Allowable Weights on Tyres.

The following empirical formula gives the maximum gross loads per wheel that should, in our opinion, be permitted with steel tyres on road surfaces:—

Load per inch width = v diameter of wheel in inches x c of tyre in cwt.-

where c = .55 for earth roads, where c = .85 for macadam roads, where c = 1.15 for paved roads.

It will be noted that the allowable load proposed is varied as the square roots of the diameters of wheels, with results for macadam, in round figures, as under:—

12in. diameter, 3 cwt. 24in. diameter, 4½ cwt. 36in. diameter, 5 cwt. 48in. diameter, 6 cwt. 60in. diameter, 6½ cwt. 72in. diameter, 7¼ cwt.

The Queensland Main Roads Board has based its regulations for macadam roads upon the following formula.—

Load per inch width of smooth iron or steel tyres in cwt. = 4.62 \(\sigma \) radius of wheel in feet,

and thus permits slightly heavier loadings than are given by our formula. The Queensland regulations, operating from January, 1922, provide that permitted weights, as given for smooth metal tyres, shall be varied as under—

- 50 per cent. decrease in the case of grooved or ridged or steel tyres.
- 25 per cent. decrease in the case of motor vehicles shod with solid rubber tyres.
- 50 per cent. decrease in the case of motor vehicles shod with steel tyres.
- 50 per cent, increase if all wheels of a vehicle are shod with pneumatic tyres.

Provision for variations, on the lines of the above, should be incorporated in all width-oftyre regulations.

English regulations, designed to regulate the width of tyres on motor wagons, provide very properly for a variation in the width of tyres with the diameter of the wheel, the minimum being fixed at Jin. Table VII. gives the widths required for steel tyres: the regulations do not apply to pneumatic tyres or to those of a soft or elastic nature.

I am advised by the department that the schedule has been compiled after giving due consideration to all the circumstances, and that it is necessary there should be a different schedule for vehicles which are shod with steel or iron tyres. For that reason the differentiation is made in this clause.

Hon. L. B. BOLTON: The technical explanation given is not as clear as mud, but rather worse. In spite of the Honorary Minister's quotations I still have to learn that a lower-wheeled vehicle does more damage to the road than a higher-wheeled vehicle, with equal weight. I should think the effect would be the other way, rather. A wheel touches the road only at a given point, whether it is a high wheel or a low wheel. The wheel circles from one point to another point. In my opinion it is absurd to base the carrying weight on the wheel diameter. Again, to amend the existing Act in respect iron and seel tyres seems to me ridiculous. The effect may be to cause considerable alteration of vehicles, inflicting much hardship on farmers. The principal Act at first represented a real harvest to coachbuilders, so many vehicles having to be re-shod and fitted with new felloes and new I support the first part of the schedule, applying only to solid or cushion but I hold that the second part should be eliminated entirely, and that the present scale for iron or steel tyres should be allowed to remain, having given satisfaction for many years. On numerous farms there are four-wheeled lorries with wheels ranging from 2ft. 8in. to 3ft, 6in., and these the Bill reduces in regard to weight more than the ordinary farm wagon or dray.

Hon. R. G. MOORE: I am disposed to support Mr. Bolton's remarks, especially as to low wheels on lorries. An important factor to be taken into consideration as regards iron tyres is that in nearly every instance iron or steel tyred wheels are drawn by horses. It is pace that damages the roads more than weight does. The proposed difference in the weight to be carried on a low wheel as compared with a high wheel of the same width is too great. If the road is good enough to stand up to the weight, very little impression will be made on it, irrespective of size of wheel. The naked eye cannot distinguish between the impression made by a narrow-tyred wheel and that made by a broad-tyred wheel. Width of tyre does, however, make a good deal of difference;

and I favour the wide tyre. The total weight to be carried on a four-wheeled lorry, after deducting the weight of the vehicle itself-about a ton-is only two tons. some of our roads a man could nearly pull two tons himself; that is to say, on the level. Those lorries are capable of carrying three tons without doing any damage to the road. I have watched the effect of loads on roadways and found that the rubber tyres of a motor car did more damage than the iron tyres of a horse-drawn vehicle. It is the speed of the motor vehicle that does the damage. I had this pointed out to me in Perth some years ago, when talking to the City Health Inspector about the damage that was done to roadways. We stood and actually watched carts go by and it was just possible to see where the track was and that nothing whatever was displaced from the road surface. Then came along a motor car, and there was a distinct displacement. It is proposed to compel lorries to carry two tons with a 3-inch tyre when those lorries could carry three tons without doing any damage to the road. It will mean that three loads will have to be carried where two would have served before. That will be inflicting a hardship. I move an amendment—

That the second part of the Schedule be struck out.

Hon. H. J. YELLAND: What we have to ask is, what is the mechanical effect of a narrow tyre and a high wheel? A good deal of discussion has centred around the low wheel, and Mr. Bolton will admit that a low wheeled vehicle is much harder to pull than a high-wheeled vehicle; therefore there must be more friction and consequently a greater effect upon the road.

Hon. L. B. Bolton: I admit it is harder to draw a low-wheeled vehicle.

Hon. H. J. YELLAND: Take a high wheel of, say, three feet, and compare it with a wheel of 18 inches; naturally with the high wheel you get double the leverage, which reduces friction, and the reduction of friction also means a reduction of wear and tear on the road.

Hon. T. MOORE: Is it maintained that it is worse for the road to have solid rubber tyres?

The Honorary Minister: No.

Hon. T. MOORE: This is something new, and I am wondering who computed the figures in the Schedule. Have those who

have been dealing with main roads or the road boards of the State had any say in the framing of this Schedule? I admit candidly I do not understand it, and I should like to know who computed the figures that have been put up. There is not the slightest doubt that rubber tyres on horse-drawn vehicles will not affect the road nearly as much as will iron tyres unless, of course, there is speed. If we are going on the width of tyre, we know that with a rubber tyre there is more width through compression on the rubber.

Hon. H. J. YELLAND: It all depends on where the source of the force is. If the force is in front drawing the vehicle, then naturally there is not the same resistance against the roadway; but as with a motor car or truck, where the engine is propelling the two back wheels, the whole of the force to drive the vehicle has an equivalent resistance between the roadway and the two wheels that force the car along.

Hon. T. Moore: That is the motor-drawn vehicle.

Hon. H. J. YELLAND: No, motor-driven. Whether the tyre is of rubber or iron, the whole of the resistance comes on the space between the wheel and the roadway.

Hon. L. B. BOLTON: One hon. member asked what was the approximate reduction in the second part of the Schedule as compared with the figures in the Act. With a 3-inch tyre the provision under the Bill is 5 cwt. per inch. In the Act, with a 3-inch tyre for a 4-wheeled vehicle it would be 6½ cwt. There is a reduction of nearly 15 per cent. in the carrying weight allowed in the Bill compared with that allowed in the Act. The reduction is altogether too great.

The Honorary Minister: Where do you get those figures?

Hon. L. B. BOLTON: I have taken the height of not less than 2 ft. and not more than 3 ft., which represents the height of the wheel of the ordinary lorry referred to by Mr. Moore. I am speaking of a 3-in. tyre. That gives 12 ins. of tyre on the four wheels, and one is allowed to carry 5 cwt. per inch of the width of tyre. The Fourth Schedule of the Act provides for a 4-wheel vehicle with 3-in. tyres being able to carry 6½ cwt. per inch. The Bill however, cuts this down by approximately 15 cwt. all told.

Hon. C. F. BAXTER: Everything is being done to make this legislation more complicated. The Bill provides a formula that will puzzle the ordinary person, whereas the schedule of the Act is clear to anyone. Vehicles now running on the road have been worked out on the formula contained in the Fourth Schedule.

The Honorary Minister: It has not been in operation.

Hon. L. B. Bolton: Pardon me.

Hon. C. F. BAXTER: It has been in operation. Why change from a satisfactory method to an unsatisfactory one? The maximum load under the Act does not lead to roads being damaged, but is in keeping with the class of road now in existence. I support the amendment, and hope the second part of the Schedule will be struck out.

The HONORARY MINISTER: I am given to understand that this schedule has been compiled in the interests of country road boards. It appears that quite a lot of damage has been done to feeder roads by motor vehicles, and that the local authorities are not in a position to keep such roads in repair. I am not able to say whether the proposed alteration is a fair one or not.

Hon. T. Moore: Have country road boards asked for this?

The HONORARY MINISTER: I do not say that, but the alteration is being made in their interests. I can only inform members what I have been told by the Traffic Department. If the amendment is carried and the second half of the Schedule is cut out, something must be put in place of it.

Hon. L. B. Bolton: That will leave the existing schedule as it is.

The HONORARY MINISTER: The Fourth Schedule is unworkable because there is no distinction between iron and steel tyres.

Hon. L. B. Bolton: Leave in the first part dealing with rubber tyres, and cut out the second part.

The HONORARY MINISTER: The object of the change is to serve the interests of country road boards.

The CHAIRMAN: If the amendment is carried, the Fourth Schedule of the Act will be repealed, and the Bill itself will provide only for rubber-tyred vehicles.

Hon. G. W. Miles: If the amendment is carried, the Bill can be recommitted and the necessary alterations made.

The HONORARY MINISTER: The diffculty might be overcome by carrying Mr. Moore's amendment to delete the second part of the Schedule with a view to inserting the existing Fourth Schedule.

Hon. C. F. BAXTER: Mr. Moore could withdraw his amendment for the time being and deal with the matter on recommittal.

The CHAIRMAN: I will put Mr. Moore's amendment to strike out certain words.

Amendment put and passed.

Hon R. G. MOORE: I move an amendment—

That the following be inserted in licu of the words struck out:-

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The width of bearing surface as defined by Section 4 of the Act is for the tyres as originally made, and does not permit of any extra weight by increased width owing to any spread of tyre occasioned by wear or otherwise.

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

Clause 27—agreed to.

Postponed Clause 3—Amendment of Section 5:

The CHAIRMAN: When the clause was last before the Committee, an amendment had been moved to strike out the words "whichever is the greater" in lines 7 and 8.

Hon. J. NICHOLSON: The more one reads the clause, the more essential it appears to be to delete it altogether. The effect will be to impose a penalty of a greater amount than the license fee charged for many small vehicles.

Hon. J. J. Holmes: The Taxation Department adopt that procedure. If an individual does not pay his tax, they fine him three times the amount of the tax.

Hon. J. NICHOLSON: I do not know that we should encourage other departments to follow that procedure.

Hon. G. W. Miles: How many of these young fellows who are running round in their cars are dodging the payment of their license fee? They should be fined heavily.

Hon. J. NICHOLSON: A reasonable fine would be all right.

Hon. J. J. Holmes: How many people are driving motor cars who cannot afford to pay the fee?

The HONORARY MINISTER: After listening to the arguments advanced by Mr. Nicholson the other evening, I agreed that it was not fair that the penalty for not taking out a license for a hand cart should be eight times the amount of the license fee, whereas the penalty was only half the license fee when it applied to motor vehicles. I agreed to the postponement of the clause in order that I might look into the matter. I find that the license fee for a hand cart is 2s. 6d.; for a horse-drawn vehicle it is 7s. 6d. per wheel. To meet the point raised by Mr. Nicholson, I have had an amendment framed to the effect that "where the annual license fee is less than £1, the penalty shall not be less than the annual license fee, and where the annual license fee is greater than £1, the penalty shall be £1 or not less than one half of the annual license fee, whichever is the greater, the maximum penalty to be £20." An amendment embodying those provisions will cover all licenses and differ vastly from the provision in the Bill. I think it is fair, but I cannot move the amendment at present.

The CHAIRMAN: The Honorary Minister can move the amendment on recommittal, or if both the amendment and the clause be negatived, he can later move the amended provision as a new clause without the necessity for recommitting the Bill at all.

The HONORARY MINISTER: I will follow that course.

Amendment put and negatived.

Clause put and negatived.

Postponed Clause 20—Repeal of Section 35:

The HONORARY MINISTER: In view of the decision of the Committee regarding Clause 26, it will be necessary to alter Clause 20, so as to make it consistent with Clause 26 as amended.

Hon. L. B. Bolton: All that is necessary is the deletion of the words "the diameter of

the wheel and" in lines 2 and 3 of paragraph (b).

The HONORARY MINISTER: That will meet the position. I move an amendment—

That in lines 2 and 3 of paragraph (b) of proposed new Subsection 1, the words "the diameter of the wheel and" be struck out.

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

New clause:

The HONORARY MINISTER: I

That the following be inserted to stand as Clause 3;—"Subsection 2 of Section 5 of the principal Act is hereby amended by striking out the words 'twenty pounds' in line 6 of the subsection and inserting the following instead of the words struck out":—"(i) Where the annual license fee is less than one pound the penalty shall not be less than the annual license fee. (ii) Where the annual license fee is greater than one pound the penalty shall be one pound or not less than one-half of the annual license fee, whichever is the greater. (iii) The maximum penalty shall be twenty pounds."

In the case of a two-wheeled horse-drawn vehicle, the license fee for which is 15s., the penalty shall be 15s. In the case of a handcart, the license fee for which would be 2s. 6d., the penalty will be not less than 2s. 6d., and in the case of a motor car, the license fee for which will be more than £1, the penalty will be £1, or not less than half of the annual license fee, whichever is the greater.

New clause put and passed.

New clause:

The HONORARY MINISTER: I

That the following new clause, to stand as Clause 22, be added to the Bill:—

22. A new section is hereby inserted after Section 43 of the principal Act:—

4?A. (1.) No person shall act as a car watcher on any road or in any public place in the district of any municipality or road board (including the district of the council of any municipality or road board in the metropolitan area as from time to time defined by regulation under this Act) unless ticensed in that behalf by the council of the municipality or by the board of the road district, as the case may be.

(2.) Any such license shall be an annual license, and may be issued subject to such counitions (including conditions as to cancellarion) as the council or the board issuing the license

thinks fit.

(3.) The council or the tourd shall have absolute discretion as to the issue of any license to any person, and shall not be bound to give any reasons for refusing to issue any license.

(4.) In addition to any power of cancellation of a license reserved under the terms of the license, a breach by the holder of any of the conditions of the license shall be an offence against this Act, and shall be punishable by a fine not exceeding twenty pounds.

It seems to be the general wish of members that there should be some power in the Act under which car watchers would be regulated or even prohibited. This proposed amendment covers the position comprehensively, because it gives power to any local authority to deal with the question, if they think fit. And I understand there is a difference of opinion upon this question amongst local authorities. The amendment appears to me to cover every possible point.

Hon, H. S. W. PARKER: If the proposed amendment be embodied in the Act it will give local authorities power to license car watchers, and many local authorities will grant licenses to those men. step will be that each car watcher will have a pitch or site. Then as soon as a motorist pulls up in a parking area, the car watcher whose pitch it is will have the right to charge the motorist, and certainly will charge him, anything up to one shilling. Before long vested interests will creep in, and this provision will become a taxing measure on behalf of the local authority. In Melbourne the local authorities license car watchers in areas set apart for parking, and I am informed by the secretary of the Royal Automobile Club that the motorists are becoming very much harassed by what is happening there. A motorist pulls up in a parking area and immediately has to pay a shilling, for which he gets a ticket on which it is definitely set out that no responsibility for the car is accepted. If the motorist should later pull up in another portion of the city he does not have to pay again, but produces his ticket, which is in effect an authority from the City Council permitting him to park in a parking area. That is what will happen here if we agree to the proposed new clause, for it will prove to be an excellent means under which local authorities may raise funds. Very soon we shall have car watchers licensed all over the place, and when it is desired to give some further men a job additional parking areas will be declared for that very purpose. That is what is happening in Melbourne and will happen here. In the country there is a different set of regulations for each separate Thus, if pulls up outside town. one

an hotel in order to get luncheon, he has to pay a shilling to a car watcher who does not undertake to watch his car. Then in the next town should one pull up for afternoon tea the same thing occurs again. I am informed that traffic inspectors appointed in country towns are paid on a percentage basis of fines, and that they live on the "foreign" motorist, the fellow who passes through the town. That is what will happen if we give the local authorities this power; they will spare the local resident, but will catch every metropolitan motorist passing through. There is a good deal of jealousy in these small country towns, the feeling being expressed in "why should we have to maintain our roads for metropolitan cars to use?" Motor cars travel great distances, and confusion will be worse confounded if the local authorities are empowered to make regulations for car watchers. Under such a system, metropolitan motorists would not care to venture out of their own municipality. A land agent bringing his car into Perth would have to pay 1's. to park it in some area. If he had to go to Subiaco on business, he would have to pay 1s. there. Later on he might need to go to Mt. Lawley, and he would have to pay A trip to Nedlands would cost him another 1s. Thus such a system would be a fearful imposition. The amendment I suggest would make the roads available as roads to the public at large. Motorists do not want to have their cars watched; the police and the existing laws are quite sufficient to protect their property. stealing of motor cars occurs, it is the duty of the Government to employ sufficient police to prevent that type of crime. Then if it were found that motorists involved the Government in a lot of expense, an extra amount could be added to the license fee to cover the cost of that protection. We should not authorise car watchers to filch money from motorists and accept no responsibility. proposal is taken from New South Wales, the only difference being that there provision is made by regulation and here I am asking that provision be made in the measure.

Hon. J. J. Holmes: What is the reason for the proviso exempting a public reserve under the control of the local authority?

Hon. H. S. W. PARKER: At Cotte-loe for instance, a large parking area is provided which, I believe, is a public reserve, and if a motorist takes his car into a re-

serve properly controlled by a municipality, he should be prepared to pay. There would be nothing in my amendment to prevent the owner of private land charging motorists for parking on that land. If a local authority set apart an area and made a charge, or allowed someone else to make a charge, that would be their business, but that would be very different from preventing a motorist from parking on a road unless he paid. Car watchers are a growing evil; they are a menace and they act under no authority Any person could take any car whatever. from a parking area, and the watcher would have no authority or power to prevent him I believe that in nine cases out of ten the watchers do not know whether the person who enters a car has a right to do so. There is an uneasy feeling that if a motorist does not pay, the car watcher might interfere with the motor. Personally I have not had any experience of the kind, but the feeling undoubtedly exists. I have had an uneasy feeling that it was certainly essential to The Honorary Minister's proposal pay. would merely increase the evil, and I commend my amendment to knock out car watchers entirely.

Hon. H. Seddon: Would not the proviso mean that your proposal would not apply to any reserve?

Hon. H. S. W. PARKER: It would not apply to any reserve under the control of a local authority.

Hon. H. Seddon: Suppose you drove your car into a public recreation ground, and a car watcher had been put on.

Hon. H. S. W. PARKER: If the local authority permitted the car watcher to act, it would be quite in order, but he would be under control.

Hon. J. Nicholson: I think you should make your proposal clearer by stipulating a public reserve specially set aside for the parking of motor cars.

Hon. H. S. W. PARKER: I have no objection to that.

The CHAIRMAN: Mr. Parker's proposed new clause is not actually before the Committee, but I have allowed members to discuss it when dealing with the Honorary Minister's new clause. If members dislike the Honorary Minister's proposal, they will vote it out, and then I will put Mr. Parker's new clause.

Hon. H. TUCKEY: I do not agree with Mr. Parker's criticism of local authorities. It is not their wish to be permitted to appoint car watchers. They have had no say whatever in the matter. The whole of the trouble occurs in Perth. We in the country experience no trouble from car watchers at present.

Hon. L. B. BOLTON: I strongly support Mr. Parker's arguments and shall vote against the Honorary Minister's proposal. I am entirely opposed to car watchers.

The HONORARY MINISTER: Mr. Parker's proposal is to prohibit ear watchers from operating at all, whereas my amendment would make it possible for them to operate provided the local authority issued a license for the purpose.

Hon. L. B. Bolton: If the local authorities do not issue licenses, we shall have the same unsatisfactory state of affairs as exists to-day.

The HONORARY MINISTER: If local authorities do not issue a license, car watchers will be unable to operate.

Hon. L. B. Bolton: But they are operating to-day.

The HONORARY MINISTER: If my proposal is agreed to, they will not be allowed to operate.

Hon, E. H. Gray: It will mean that they will have a right to get a license.

The HONORARY MINISTER: If a local authority cared to issue a license, that could be done, but a license would be issued subject to such conditions as the local authority thought fit, and if a license were not issued, no reason need be given. The new clause would leave it entirely to local authorities to prohibit or regulate car watching, whereas Mr. Parker's proposal would specifically prohibit car watchers from operating anywhere except on a public reserve controlled by a local authority.

Hon. H. S. W. PARKER: I point out that the Honorary Minister's new clause does not provide for a penalty in the event of a car watcher acting, though a penalty is provided for a breach of the conditions of the license.

New clause put and negatived.

New Clause:

Hon, H. S. W. PARKER: I move-

That the following he inserted to stand as Clause 24:—"The following new section is hereby added after Section fifty-four of the principal Act:—"54A. No person shall, upon any public street of public reserve, mind, care for, or take charge of a motor vehicle other than a motor vehicle of which he is the driver, or offer his services for any such purpose: pro-

vided that this section shall not apply to any public reserve set apart for parking under the control of any road board or municipality. Penalty: Two pounds.'"

Hon. J. NICHOLSON: I suggest that provision be made for a person who watches a car with the consent of the owner.

Hon. H. S. W. Parker: No, I cannot agree to that.

Hon. J. J. HOLMES: I consider the penalty insufficient.

Hon. C. F. Baxter: That is so.

Hon, J. J. HOLMES: I move-

That the amendment be amended by striking out "two" and inserting the word "five."

Hon. H. S. W. PARKER: Men who offer their services as car watchers are more or less impecunious, and though I will not oppose Mr. Holmes's amendment. I consider that in the circumstances a fine of £2 would be quite sufficient.

Sitting suspended from 6.15 to 7.30 p.m.

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

New clause:

Hon. A. THOMSON: I move-

That the following be inserted to stand as Clause 24:—"The following new section is inserted in the principal Act after Section 61 as follows:—"61A. Where a clerk of petty sessions is satisfied that to effect personal service of a summons for an offence against this Act would involve undue expense he may allow service by post. Service by post may be effected by a clerk dispatching the summons through the post as a prepaid registered letter addressed to the party to be served at his place of abode or business.""

I hope the Committee will agree to the proposed clause. A resident of my province had occasion to come to Perth by motor truck. On arrival here, owing to a rough trip, his tail light was not burning. He was pulled up by either a traffic inspector or a police constable, and informed that a summons would be issued against him. Further, he was told that it would be necessary for the summons to be delivered to him personally. He lives 42 miles east of Katanning, and so he had to pay £2 2s. in mileage fees. The fine for the offence would probably be 5s., and costs might amount to 7s. 6d. People should not be so penalised.

The HONORARY MINISTER: I cannot agree to the amendment. The Justices Act is used in cases of prosecution for offences against the Traffic Act, and the court's de-

cision may involve imprisonment. In sending a summons by post there is no guarantee that it will reach the person concerned. The object of personal service is to establish definitely the identity of the person upon whom the summons is served. Service by post might involve considerable delay in the summons reaching the defendant, and in the meantime the case might go on and the defendant be found guilty and ordered imprisonment.

Hon. A. Thomson: In the case of such an offence, the clerk of petty sessions would exercise his discretion and ensure that the summons was served personally.

The HONORARY MINISTER: We must ensure that the right person receives the summons. In the case of minor offences, the costs of serving the summons are often disproportionate.

Hon. L. B. BOLTON: I regret that the Honorary Minister opposes the new clause. If there is one thing that needs amending, it is what Mr. Thomson now seeks to amend. I can quote glaring cases. Speaking on the Address-in-reply two years ago, I cited two such cases. It appears that no matter what the offence, mileage has to be paid for service of the summons. Recently on a farm in the eastern districts 100 miles east of my own property two summonses were served upon a man on a farm and one summons upon another man on the same farm. the case of each of the three summonses £1 2s. had to be paid for mileage, 22 miles. The same constable went on 26 miles and served another summons, and a fifth summons at a place 32 miles distant, and charged mileage accordingly. I believe, but am not sure, that the police are entitled to retain mileage fees. I know of a constable who made £7 in mileage on a Saturday afternoon. In one case, driving without a license, the fine was 10s., the costs were 3s., and the mileage fees 22s. Probably the matter has been brought before the Government, because I know that a constable who recently served summonses over distances of four miles to 30 miles evened things up, and incidentally made the defendant who was only four miles off pay 12s. mileage.

The CHAIRMAN: The intention is good but the direction is bad. It appears to me that Mr. Thomson is endeavouring to secure an amendment of the Justices Act in this Bill to amend the Traffic Act. When an offence is committed under the Traffic Act, service of the summons must be personal. The proposed clause would be in order if it provided for service by post in cases where the clerk of petty sessions was satisfied that the offence was an offence against the Traffic Act. Cases of hardship arising under other Acts are commensurate with this case of hardship. I rule that the amendment is not relevant to the subject matter of the Bill.

Dissent from Chairman's Ruling.

Hon. A. Thomson: I move-

That the Committee dissent from the Chairman's ruling.

The President took the Chair.

The Chairman: I desire to report that Mr. Thomson has disagreed with a ruling I gave. Mr. Thomson moved the insertion of a new clause and under Standing Order 191. I ruled that it was not relevant to the subject matter of the Bill, inasmuch as whilst the Bill provided for offences and penalties it provided no machinery for the method or manner in which steps should be taken to carry out the prosecutions. That being so, I ruled that the amendment was not relevant and should be moved as an amendment to some other Act that prescribed for such a process.

The President: Does Mr. Thomson wish to offer any remarks?

Hon. A. Thomson: I have disagreed with the ruling of the Chairman who informed the Committee that in his opinion the amendment should have been made to the Justices Act or some other Act. I have gone carefully through the Act and I have not been able to find anything which sets out that a summons must be delivered by a police officer in accordance with the Justices Act. If we look at Section 54 we find there that a penalty is provided for unlawfully interfering with the mechanism of any motor vehicle. The next section also provides a penalty for any person procuring the use or hire of any vehicle by fraud or misrepresentation. Section 56 sets out that no person shall drive or take or use any vehicle on any road while the road is closed, and again a penalty is provided, and so on in Sections 58, 59 and 60. Section 61 says that in any prosecution under the Act an averment in the complaint that any person is or was the owner of a vehicle or is or was unlicensed, or that any person is or was not the holder of any particular license or

that the vehicle was used on a road, shall be deemed to be proved in the absence of proof to the contrary. I maintain that the new clause I submitted and which the Chairman ruled out, is entirely in order. nothing in the Traffic Act which states definitely that the police or anyone else shall deliver a summons. I maintain that where a clerk of petty sessions is satisfied that service of a summons would involve undue expense, he may allow the service by post. The summons would be for an offence against the Traffic Act, not against the Justices Act. What I proposed to do was simply to place it in the power of the Clerk of Petty Sessions to say whether the summons could be served personally or by post. If in the past no provision has been made for anything of this kind, and the ruling of the Chairman is likely to be upheld, I hope the Minister will adjourn the matter so that another clause may be drafted having for its object the prevention of undue hardship being imposed upon people living in the country. A person in the city would receive a summons at a cost of perhaps a few shillings, but in the case of a man living in the country it may be necessary to incur considerable expense in delivering the suma great distance. The Chairman based his ruling on Standing Order 191 which reads-

Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with the Standing Orders.

If the issuing and delivery of a summons is not relevant to a Bill which provides penalties in its various sections; then I fail to vant." I submit that my amendment is relevant. I submit that my amendment is relevant.

Hon. E. H. Angelo: I do not wish to express an opinion as to whether the amendment is or is not in order, but I should like to refer to Clause 6 of the Bill, one subclause of which says, "the court shall order" and then further on that the Commissioner of Police may do so and so. It looks as if the court is able to do certain things, and the Commissioner of Police likewise. Therefore, it does not seem wrong that the Clerk of Petty Sessions should also be able to do certain things.

Hon. J. J. Holmes: I agree with the Chairman of Committees that this amendment should be made to the Justices Act.

The Bill provides that penalties shall be imposed. I presume the first question a justice would ask would be whether a summons had been served in accordance with the Justices Act. If not, the service would not be recognised and the case would be struck out. That is my opinion. amendment sets out tbat the of Petty Sessions should do so and so. In other clauses we provide for penalties up to £50 with, in some cases, 12 months imprisonment for certain offences. A summons in connection with an offence would be posted to the defendant.

Hon. A. Thomson: Not necessarily.

Hon. J. J. Holmes: The summons would be sent by registered post and suppose the person did not get it. The case would come before the justices and as there would be no defence, because the defendant had not received the summons, he would probably be fined £50 and awarded 12 months' imprisonment. The right place for an amendment such as this is the Justices Act.

Hon. J. Nicholson: Mr. Thomson's suggestion would be beneficial for many people who were far removed from the court where the proceedings originated. I would remind him, however, that his proposed form of service would hardly get him out of the difficulty that has been experienced where summonses have to be served in person, as required under the Justices Act. The matter would entirely be left to the discretion of an official. I agree with the ruling of the Chairman of Committees. The Justices Act provides the machinery for issuing summonses of this nature. I have looked through the Traffic Act to see if any machinery is provided for the service of summonses or the issue of any processes under that Act, but can find no such machinery. All the machinery is provided in the Justices Act, to which we must look in a matter of this sort. It would be dangerous, in dealing with cases arising under the Traffic Act, to permit of other than the personal service of a summons except under guarded conditions. am afraid Mr. Thomson's proposal would not accomplish that. The proceedings can only be validly dealt with under the Justices Act.

Hon. H. S. W. Parker: I also agree with the ruling of the Chairman of Committees. In Acts of Parliament that provide for penalties the condition is presupposed that the individual must be brought before the court to ascertain whether or not he shall suffer the penalties set out in such Acts. The Traffic Act does not say that the person concerned is guilty or shall suffer the penalty imposed, but merely lays down the penalty that shall be suffered if the court find him guilty. Under Section 52 of the Justices Act a justice may issue a summons, which must be served upon the person againstwhom it is directed. Our Standing Orders are such that we must wherever possible avoid confusion. If the amendment were accepted we should have the extraordinary position that one Act would set forth how the summons should be served, namely, by means of the registered post, and another Act would set forth some other method. Under Section 53 of the Justices Act the Clerk of Petty Sessions may sign and issue a summons, which would have the same force and effect as if issued by a Justice of the Before any person can be dealt with for an offence a complaint must be made before a Justice of the Peace or the Clerk of Petty Sessions, and a Justice of the Peace or the Clerk is directed how to proceed. I contend that not only do the Standing Orders prohibit the acceptance of this amendment, but that it would be unwiseto embody it in the Bill. In view of the Justices Act I do not know how the matter could be dealt with by a Justice of the Peace if it were embodied in this Bill.

Hon. A. Thomson: I should like to draw attention to the Justices Act.

The President: It is unusual to allow a member to speak twice, but in the circumstances I am ready to hear Mr. Thomson.

Hon. A. Thomson: Section 53 of the Justices Act provides that a complaint may be made before the Clerk of Petty Sessions, who may sign and issue a summons, which shall have the same force and effect as if issued by a Justice of the Peace.

Hon. J. J. Holmes: Provided the summons is properly delivered.

Hon. A. Thomson: I merely wish to provide that the Clerk of Petty Sessions may, if in his opinion it will save undue expense to anyone in the country, order that the summons shall be sent by post. The Clerk can be trusted to determine whether a summons should be delivered in that way if a man is liable to be imprisoned for 12 months. I submit that the amendment is relative to the title of the Bill.

The President: To my mind the amendment is a question of court procedure. As such, it is outside the scope of the Bill. I am of opinion that the Chairman of Committees was correct in his ruling that the amendment is out of order. It is competent for any member to object to my ruling under Standing Order 405, but it has to be done immediately.

Hon. A. Thomson: I accept your ruling, Mr. President.

Committee resumed.

Title-agreed to.

Bill reported with amendments.

Recommittal.

On motion by Hon. J. Nicholson, Bill recommitted for the further consideration of Clause 4.

In Committee.

Hon. J. Cornell in the Chair, the Honorary Minister in charge of the Bill.

Clause 4-Amendment of Section 6:

Hon. J. NICHOLSON: I move an amendment—

That after paragraph (a) the following paragraph be inserted:—

(b) by adding the following proviso at the

end of the subsection:-

Provided that no license as aforesaid shall be required by any person who uses, or allows to be used, with or without hire or reward any vehicle belonging to him by or for the benefit of some other person during seasonal operations in connection with a farm or orchard or other like holding, or on irregular occasions, not being on successive days.

When this clause was previously before the Committee, reference was made to vehicles that might possibly be rendered liable to payment of a license fee. The proviso will accomplish what was suggested on that occasion. It is not intended to infliet any hardship upon private individuals who use their vehicles in the manner suggested during the earlier stages of the discussion.

Hon. L. B. BOLTON: I am in sympathy with Mr. Nicholson's intention, but not with the inclusion of the last few words "not being on successive days." One farmer may lend his vehicle to his neighbour for a week or a fortnight. He would be debarred from doing so under Mr. Nicholson's proviso. I have lent vehicles to neighbours on many occasions. The inclusion of the words to which I referred spoils the proviso.

Hon. R. G. MOORE: The only part of the proviso that will be of distinct benefit is that which includes the words "not being on successive days." If those words are not included, what is there to prevent a carrier having a vehicle and hiring it out to farmers during seasonal operations, during the progress of which he will not reouire to liceuse it?

Hon. G. W. Miles: What about the licensed carriers in the district?

Hon. A. Thomson: What if there are no licensed carriers operating?

Hon. J. NICHOLSON: The reason for the inclusion of the words objected to by Mr. Bolton was to provide against an individual lending his vehicle under conditions that would be detrimental to licensed carriers

Hon. L. B. Bolton: In some districts there may not be a licensed carrier within 40 or 50 miles.

Hon. J. NICHOLSON: It will be seen that the proviso contemplates two factors. One relates to seasonal operations and the other to irregular occasions, not being on successive days.

Hon. G. W. Miles: And the person referred to is one who does not lend his vehicle for hire or reward.

Hon. J. NICHOLSON: That is so. If he receives any reward, he should license his vehicle.

Hon. G. W. Miles: Decidedly he should. Hon. J. NICHOLSON: I think the proviso will overcome the difficulties that have been indicated.

The HONORARY MINISTER: I am afraid that if we agree to the amendment, we shall encourage persons, particularly in the farming areas, to enter into a hiring arrangement between themselves without the payment of any license fee being required. If the practice is indulged in for hire or reward, the owner of the vehicle should take out a carrier's license. If Mr. Nicholson's amendment be agreed to, it would enable the owner of a truck to cart super for one farmer to-day and for another farmer to-morrow.

Hon. H. V. Piesse: If he were working for farmers, he would have to pay for a license.

The HONORARY MINISTER: Not under Mr. Nicholson's amendment. If the individual does the carting for reward, is he not entitled to take out a carrier's license?

Hon. L. B. Bolton: We do not object to that.

The HONORARY MINISTER: But if the amendment be agreed to, that is what will happen. No carrier's license will be taken out. The only reason for licensing is to secure control, but the amendment will not enable any control to be exercised. Fairly stiff fees are charged for carrier's licenses, and surely to goodness we should protect those individuals who make carrying their livelihood. Surely we should do that rather than provide additional loopholes for others to pick the eyes out of the carrying business. If a man sets himself up as a carrier, he must have a carrier's license.

Hon. A. Thomson: If he is a carrier; but what if he is a farmer?

The HONORARY MINISTER: This will not affect the helping of one farmer by another. But if one farmer is going to help all in the district, he is not going to do it for nothing. The proposed amendment will provide all sorts of loopholes for evasion, and I hope the Committee will not agree to it.

Hon. V. HAMERSLEY: I am strongly in support of the amendment. We are asked to preserve those who have taken out carrier's licenses, rather than to consider the farmers. However, many of the carriers have left the country districts, and so the farmers will have to take their places. It seems to me the Bill proposes to register all the settlers as carriers. The proposed amendment will safeguard those people, who must have extra help at seasonable times.

Hon. G. W. MILES: I am opposed to the amendment. I have lost more money at farming than have most members of the House, including those from the Great Southern. In the district where my farm is keeping me poor there is a carrier, and if the amendment be agreed to, that carrier must leave the district. The farmers, it is clear, want everything for nothing.

Hon. H. TUCKEY: It appears to me the amendment is intended to give the farmers a valuable advantage. I agree with the Minister that it may leave a loophole for indiscriminate trading, but I can scarcely see how we are to amend it.

Hon. A. THOMSON: Some members are more concerned about the interests of the carriers than about the interests of the farmers. They lose sight of the fact that many farmers help one another. It is absurd to say they should do it for nothing, for they are not all members of Parliament with assured salaries coming in.

Hon. G. W. Miles: I pay a carrier *o do my carting.

Hon. A. THOMSON: And you can afford to do it. Anybody in a position to nay ought to pay. I commend Mr. Nienolson for his endeavour to meet the position in country districts. I move an amendment on the amendment—

That the words in the last line, "not being on successive days," he struck out.

The amendment will not do any injury at all and will be of considerable assistance to the farmers. I do not wish to take anything from the carriers.

Hon. G. W. Miles: Yes, you do. You would take their business from them.

Hon. A. THOMSON: Nonsense! Recently I heard Mr. Miles congratulate the Government on having an agricultural conscience. I wish to God the hon. member himself would acquire an agricultural conscience, for he might then be more sympathetic towards the farmers.

Amendment on the amendment put and passed.

Amendment, as amended, put and a division called for.

The CHAIRMAN: I will give my vote with the Ayes.

Division taken with the following result:-

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AYES.

Hon. L. B. Bolton Hon. J. Cornell Hon. J. T. Franklin Hon. V. Hamersley Hon. J. Nicholson Hon. H. S. W. Parker Hon. H. V. Picsse Hon. A. Thomson Hon. H. Tuckey Hon. C. H. Wittencom Hon. E. H. H. Yelland Hon. E. H. H. Hall (Teller.)

Noes.

Hon. E. H. Angelo Hon. J. M. Drew Hon. C. G. Elllott Hon. G. Fraser Hon. E. H. Gray Hon. J. J. Holmes Hon. W. H. Kitson Hon. G. W. Miles Hon. R. G. Moore Hon. T. Moore Hon. C. B. Williams Hon. H. Seddon (Teller.) The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment, as amended, thus negatived.

Clause, as previously amended, agreed to.

Bill again reported without further amendment.

BILL-BUILDERS' REGISTRATION.

Second Reading.

Debate resumed from the 8th October.

HON. H. TUCKEY (South-West) [8.47]: I do not know what has led to the introduction of this Bill, nor do I agree with the views of members who have given it their support. We have been told that the passing of the measure will do away with jerry-building, but I think it will have the effect of giving to present-day jerry-builders a license to carry on.

Hon. L. B. Bolton: They will gradually die out.

Hon, H. TUCKEY: If builders were registered, there would be no guarantee that buildings would be constructed in a more workmanlike manner. Local governing bodies already have very wide powers under the second schedule of the building regulations to deal with the matter, and many local authorities have framed by-laws making it obligatory on the part of builders to submit plans and specifications in duplicate and pay fees before any building operations may be commenced. That shows that local authorities already have the necessary powers. Again, the Health Act confers additional powers. The proposal to have a one-man board seems to be in keeping with the latter part of the Bill, and forms a climax to what one might term a very unreasonable and unnecessary Bill. measure would certainly operate harshly in small country towns and for that reason I oppose the second reading.

HON. C. H. WITTENOOM (South-East) [8.49]: I intend to oppose the second reading because I cannot see that any advantage at all would accrue to the community generally by passing the measure. The hon. member who introduced the Bill pointed out that a board would be constituted and he also told us that the activities of the board would result in the accomplishment of a considerable amount of good work: build-

ings would be properly constructed and jerry-building would be done away with. The hon, member also told us that the public would be protected against adventurers, whoever they might be, and said that the training of apprentices would be advanced and that the young men learning the different branches of the building trade would receive much better treatment. I cannot realise that apprentices would receive any better treatment if the Bill were passed than they receive at present.

Hon. L. B. Bolton: I suggested that, by putting the trade on a better footing, they would receive better treatment.

Hon. C. H. WITTENOOM: It may be as the hon. member says, but to me the Bill appears to be little more than an attempt on the part of the Builders and Contractors' Association to form a close corporation. Such a corporation would be very dangerous indeed because it would do much to prevent enterprising young men such as carpenters from bettering their positions.

Hon. L. B. Bolton: Why?

Hon. C. H. WITTENOOM: Possibly many of them would not be able to pass the technical examination, and they would not be able to undertake contracts of a higher value than £300. We want to give such persons an opportunity to rise in life. We should not countenance placing a load of this kind on their shoulders. We have been told that jerry-building will decrease or cease. Looking around the towns I must admit that there appear to be far more jerrybuilt houses nowadays than there used to be. We see far fewer solid stone or brick houses than formerly. That may be due to the jerry-builders. Of course I realise that jerry-built houses are not always due to inefficiency on $_{
m the}$ part the builders. The places are structed to the order of persons who raise the money. People say they can afford to spend only a certain amount of money on a house and that they do not require a strongly built place. For this reason many lightly built places have been erected. Mr. Bolton would have us believe that if the Bill were passed, better houses would be constructed. Do not we pay architects to see to that part of the business? When I have houses built I go to an architect and pay him extremely high fees to ensure that the places are properly built.

Hon. L. B. Bolton: You might employ an architect, but all people do not.

Hon. C. H. WITTENOOM: Many people design their own houses and do not employ an architect. Anyhow, we pay architects highly to design houses for us, and after deciding upon a particular design, we pay the architect a percentage on the cost to supervise the building. Surely architects are not going to risk their reputations by allowing jerry-buildings to be erected, especially in the keen competition that exists in these days. Another point that must not be lost sight of is that if the Bill becomes law, the co-t of buildings will be considerably higher.

Hon, L. B. Bolton: Nonsense!

Hon. C. H. WITTENOOM: During the last few years a tremendous amount of money has been spent on buildings in the metropolitan area and in the country towns. The buildings erected in the metropolitan area are much admired for their architectural features. Whether they are badly constructed, I do not know. Had Mr. Bolton been able to point out that they were badly constructed and that the passing of the Bill would result in better construction, he would have received more support. However, he gave no instances of bad building. I have no information that buildings have been badly constructed.

Hon. L. B. Bolton: I could take you to a few.

Hon. C. H. WITTENOOM: It is too late now. I am surprised at the suggestion that the board should consist of touc, with a quorum of two. I must oppose the second reading.

HON. J. CORNELL (South) [8.56]: I wish I could help Mr. Bolton in his initial attempt to pilot a Bill through this House. I think I would be on the safe side in saying that this is the Bill that Jack built. I consider that the measure is wrongly entitled; it should be a Bill for an Act to benefit big The essence of the measure is builders. that any person can build a shack for a poor man, provided the value does not exceed £300, but a sort of super builder is required to construct premises for a man who can afford something better. I oppose the Bill for the identical reason for which I opposed the Day Baking Bill. That measure proposed an unboly alliance between the master bakers and the journeymen. I am pleased that there is no unholy alliance between the builders and the jerry builders.

When the other measure was before us, it was contended that we must have day baking, and I asked how all the men who wanted to coerce the small bakers had got their start in life. Similarly I should like to know how the big builders got their start in life. It is all very well for big builders to talk about jerry-builders, but a good many of the big builders of to-day, I think, began as jerry-builders, and I consider that a few of them are still jerry-builders. The object of this measure seems to be to form another close corporation. If we are going to approve of close corporations being established for other vocations, it is time we realised that charity begins at home and passed a measure to protect ourselves and ensure our seats in Parliament. The essence of the Bill is to protect those who are in the trade against those who are not in the trade. If the hon, member will guarantee to get through Parliament a Bill for the protection of members, he might secure my support to this measure. Quite a few men who have been successful in the building trade, not only in this State but throughout the world, were not even tradesmen, and did not serve their time to learn a trade. They were men whom the Almighty had endowed with fairly good mental powers, though it might be said that the opportunities vouchsafed to them during their youth had been niggardly. However, these men developed as they grew older, and they made efforts which perhaps they never would have made if they had attended High Schools or Universities. I say, leave things as they are. That is the principle which will guide me in so far as this Bill is concerned.

On motion by Hon. L. B. Bolton, debate adjourned.

House adjourned at 9.3 p.m.