

the clause. But those additions serve to remove the objections which were taken to the clause in this House. Therefore I move—

That the Council's amendment be agreed to.

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

[The Speaker resumed the Chair.]

Resolutions reported, and the report adopted.

Reasons for disagreeing with Council's amendment No. 8 adopted and a Message accordingly transmitted to the Council.

## BILL—JUSTICES ACT AMENDMENT.

Council's amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Munsie in the Chair; the Attorney General in charge of the Bill.

New clause: Add the following clause to stand as No. 3:—"Section six of the principal Act is hereby amended by inserting after the word 'justices,' in line one, the words 'male and female.'"

The ATTORNEY GENERAL: I move—

That the Council's amendment be agreed to.

It is simply a provision making it quite clear that women as well as men can be appointed justices of the peace.

Mr. PILKINGTON: This is an extremely radical alteration in regard to what is by no means an unimportant matter, namely the constitution of any sessional courts throughout the State. It is an alteration which personally I do not agree with, and I confess I am surprised to find the Government prepared to accept it in so casual a manner. When this matter was considered in another place it was suggested that the Justices Association had expressed approval of the amendment. That, I am informed, is not correct: the Justices Association have not expressed any opinion on the matter. On the subject of the appointment of women to seats on the bench, I do not suggest that women are to be regarded as inferior to men, but I do suggest that men are more suitable to exercise judicial functions. I feel strongly that a change of such an important nature should not be made without careful consideration. The courts which are presided over by justices are certainly inferior courts, but they are courts which do an immense amount of exceedingly important work and it is of the highest importance that those courts should do their work effectively and well. It is my opinion that men, by reason of their business training,

have developed to a higher extent those qualities which are necessary for exercising judicial functions, than is the case with women, and such an important alteration to our legal system should not be made without serious consideration. I regret to say that this consideration does not appear to have been given the matter by the Government.

The Premier: You are quite wrong.

Mr. PILKINGTON: If that is the case, it is exceedingly remarkable that the Government should have simply suggested that the amendment made by the Legislative Council should be agreed to without giving any reasons.

Hon. W. C. Angwin: You do not know of the influence of the women on the Government.

Mr. PILKINGTON: If it exists then it is a very bad influence. This is really a serious alteration and for my part I cannot see that if women are admitted to be justices of the peace why they should not be appointed judges of the Supreme Court bench. The only difference between the two functions is that in the one instance, cases of greater importance have to be decided. I wish to record my opinion that this is a fundamental change in our legal system and that it is entirely wrong.

The ATTORNEY GENERAL: It is not the desire of the Government that this change in the legal system should be lightly made, and without full consideration. Under the circumstances, I move—

That progress be reported.

Motion put and passed.

House adjourned at 11 p.m.

## Legislative Council,

Thursday, 16th October, 1919.

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

### QUESTION—NORNALUP DISTRICT SURVEY.

Hon. H. STEWART (for Hon. J. A. Greig) asked the Minister for Education: 1, Is it true that survey parties are under instructions to proceed to Nornalup district for the purpose of surveying and subdividing land for settlement? 2, If so, how many parties? 3, What area is proposed to be subdivided? 4, Has the land proposed to be subdivided been classified by the Forestry Department as not carrying marketable timber? 5, What is the distance of the land proposed to be subdivided from the nearest railway station? 6, What is the estimated cost of future railway connections to the proposed subdivisions?

The MINISTER FOR EDUCATION replied: 1, Yes, survey parties will be at work during this summer, wherever good land is available for subdivision over the area extending from Perth to Albany. This work must be put in hand at once: (a) to provide land for soldier settlement; (b) to provide land for British immigrants. 2, Probably three parties in the vicinity of Nornalup. 3, At Nornalup, as in other parts of the South-West, the area of first class land free of marketable timber has not yet been ascertained, but it is known that a large area of first class land suitable for subdivision is available near to Nornalup. 4, The land was examined in 1917 by a Forestry officer, with Messrs. McLarty and Hewby. After the examination, surveyors were sent to the district by the then Minister for Lands. This work is being continued. 5, Forty miles. 6, The line from Big Brook to Denmark is now being surveyed. When completed, the House will be informed of the estimated cost.

### QUESTION—BRAN AND POLLARD SUPPLIES.

Hon. H. STEWART (for Hon. J. A. Greig) asked the Minister for Education: 1, What quantity of (a) bran, (b) pollard, has been sold for State requirements each month during the last twelve months? 2, What quantity has been exported to the Eastern States?

The MINISTER FOR EDUCATION replied: These questions will involve the preparation of a large amount of statistical matter. I shall endeavour to have the answers in the course of a few days.

### BILL—ANZAC DAY.

Read a third time and passed.

### BILL—TRAFFIC.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [435] in moving the second reading said: So far

as a great many members of the House are concerned, I am presenting an old friend. On two previous occasions a Traffic Bill not identical, but I venture to think in many respects similar to this one, has been submitted to Parliament and has passed through both Houses. In this Chamber, however, the opportunity was taken to make some amendments which were not acceptable, with the result that in neither case was the measure proceeded with. Consequently our traffic laws have not been amended for a very considerable number of years. Whatever differences of opinion there may be regarding certain provisions of the Bill, I have no doubt there will be unanimity on this one point, that it is highly desirable we should have a Traffic Bill of some sort enacted with the least possible delay. At the present time traffic in Western Australia is regulated by the Cart and Carriage Act of 1876, certain sections of the Tramways Act, 1885, the Width of Tires Act, 1895, certain sections of the Municipal Corporations Act, 1906, and certain sections of the Road Act, 1911. It will be readily understood that the conditions existing at the present time are different from those which prevailed when the Cart and Carriage Act was passed in 1876, or 43 years ago, or even when the Width of Tires Act was passed in 1895. The conditions I say are so entirely different from those that obtained then that those Acts are quite out of date. The sections dealing with traffic under the Municipal Corporations Act and the Road Act, although more modern, are still fairly old. For instance, it is 13 years since the Municipal Corporations Act was passed and, in many respects, the traffic provisions contained in that Act do not meet with present requirements. Apart from the fact of legislation on this matter being out of date, we have the trouble that all these different Acts provide different ways for the regulation of traffic. Consequently, there is a great deal of confusion and divided responsibility. A person travelling in the metropolitan area between Perth and Fremantle, I believe, is subjected to the regulations of nine different authorities. An attempt was made some time ago to obtain uniformity in regard to that particular portion of the State, but it was not successful because the by-laws drafted were not approved by the city of Perth; consequently there is not, even in the metropolitan area, any uniformity. The object of this Bill is to eliminate all the provisions relating to traffic from each of those Acts to which I have made reference and to embody them within the four corners of one Act of Parliament. By these means, all local governing bodies will be acting under the same statute so far as traffic matters are concerned. They will be observing a uniform set of regulations so that the travelling public will know, wherever they are, that the regulations are the same in one place as in another place. There will be uniform fees collected by the local authorities and generally there should be, what is

lacking at the present time, harmony in the control of traffic.

Hon. J. Cornell: A measure of unification.

The MINISTER FOR EDUCATION: In addition to consolidating the law in this respect, the Bill pays particular attention to a number of very important matters that are omitted from consideration in the Acts at present regulating traffic. Attention is also paid to the matter of revenue to be derived by the local authorities from license fees. The purpose of the Bill is to provide an Act to consolidate and amend the law relating firstly, to the licensing and the use of vehicles, secondly to the regulation of traffic, and thirdly to purposes incidental thereto. The Bill is divided into five parts with three schedules. The first part of the Bill is purely preliminary and largely of a formal character. It provides for fixing by proclamation the date on which the Act shall come into force, divides the Act into parts and repeats wholly or partly certain sections of those Acts to which I have referred. It also provides interpretations, but those interpretations appearing at the commencement of the Bill are of a general character. For instance, the second schedule deals with the description of vehicles. The interpretation clauses are of a general character, but special matters such as the description of vehicles is provided for in the schedule. The second part of the Bill deals with the licensing of vehicles. This provides for all the vehicles enumerated in the second schedule having a license. A license is to be issued by the licensing authority in whose district the applicant resides at the time of the application but, so far as the metropolitan area is concerned, the licensing authority is the Minister. In other cases, the licensing authority is the local authority as defined in the definition clause. Only one license will be required for each vehicle, and that license will operate all over the State. In cases where a vehicle is used as a passenger vehicle or for the carriage of goods, a special license will be required for one or other of those purposes in addition to the general vehicle license. All licenses will terminate on the 30th June in each year, and the license fees set out in the third schedule will be payable and will belong to the licensing authority in each district excepting in the case of the metropolitan area, for which I have already stated the Minister is made the licensing authority; and an arrangement, to which I shall make more extended reference later on, is made for the pooling and distribution of the license fees there. All owners of vehicles, whether the property of the Government or otherwise, must apply for a license. There are certain exemptions from the payment of license fees. No license fee will be demanded from the Crown or from local authorities or fire brigades or ministers of religion and, under certain conditions motor and traction engines used solely for agricultural purposes will be exempt from the payment of fees. The exemption from

the payment of fees does not exempt from the necessity for obtaining a license. Every person must have a license. Government and municipal vehicles and fire brigade vehicles must all have licenses, but in these special cases the licenses are issued without payment of any fees.

Hon. G. J. G. W. Miles: Does the metropolitan area include Fremantle?

The MINISTER FOR EDUCATION: Yes. The local authority cannot refuse to issue a license when properly applied for, unless in certain well defined cases. Clause 13 sets out the cases in which licenses may be refused. A license may be transferred from one vehicle to another on, say, the sale of a vehicle, and there is also provision by which licenses may be cancelled for cases of conviction for offences under the Act. That is confined chiefly to licenses granted for the controlling of motor vehicles. If the license is cancelled the holder of the license has a right to appeal against the decision of the justice. Part III provides for the appointment of traffic inspectors. Local authorities will appoint their own traffic inspectors. These inspectors will issue licenses, prosecute offenders, and exercise all the powers necessary for the proper administration of the Act. It is anticipated that in the smaller municipalities or road boards the town clerk or the secretary, as the case may be, will be appointed as traffic inspector. In the city and other large centres special appointments will no doubt be made of persons whose exclusive duty will be to look after these matters. In addition to these traffic inspectors, members of the police force may act as inspectors if the Commissioner of Police gazettes an order to that effect.

Hon. J. Duffell: That brings in the question of dual control.

The MINISTER FOR EDUCATION: No, I do not think it means that. So far as the metropolitan area is concerned, the entire control is vested in the Commissioner of Police, but so far as outside areas are concerned the control is vested in the traffic inspectors. The officers of the police force may, upon the gazettal of an order by the Commissioner of Police, also see that the provisions of the Act are carried out. I think it will be agreed that this is a necessary provision. In these large road board areas and places of that kind, where the revenue is comparatively small, it is impossible for any one officer to entirely attend to the work of traffic. It is desirable, therefore, that the police officers throughout that district should also see that the law in that particular is properly carried out.

Hon. J. Nicholson: Not in the metropolitan area?

The MINISTER FOR EDUCATION: In this area the entire control of traffic is vested in the Commissioner of Police, and there will be no dual control. The police will not grant licenses in the outside districts, for that will be done by the traffic inspectors. The police will really assist in the administration of the law, and will go into different places

which probably the traffic inspector for the locality may rarely visit. In connection with this provision, certain powers of traffic inspection are given to the police. It is not intended that there shall be any clash, and I do not see why there should be, between the local governing authorities and the police in this matter. The practice in the past has been for the local governing authorities to conduct their own prosecutions for breaches of the traffic regulations. This practice may continue unless the Commissioner issues an order mentioned in Clause 19 of the Bill. The idea is that the police shall really assist.

Hon. A. H. Pantoni: At anyone's request?

The MINISTER FOR EDUCATION: The Commissioner of Police decides whether they shall do so or not. No doubt the local authority will make the request, and he shall gazette the order. There is very little doubt as to the necessity for securing this assistance by the police. It has been repeatedly recommended by road board conferences, and one very strong reason for it is that without some supervision of the kind, some more general and constant supervision than an isolated traffic inspector can exercise, it is impossible to collect the total amount of fees that are due. The road board secretary is located at an office in what is probably the chief centre of the district, but he cannot be expected to control the whole area, or to discover if there are any vehicles in use here or there whose owners or drivers have failed to take out a license. The police, however, do exercise a general control over these districts, and will soon find out if there are any people running vehicles without a license. Recently the Public Works Department called for returns from all municipalities and road boards showing all the license fees collected during the preceding 12 months. The returns showed that the total amount collected was £20,952. On checking the returns it was found that had the prescribed fees been charged these totals would have reached £22,117. The shortage in collection thus amounts to £1,165. In addition, it is well known to the department that certain local authorities are very lax in the matter of collecting fees, and in many instances no fees at all are charged. The majority of the returns were imperfectly made out, and the loss per annum for some years back has undoubtedly been very much greater than the figures would indicate. It is hoped under the Bill that there will be an immediate and substantial increase in revenue, not by making any additional charge—it is not proposed to do that—but by making it extremely difficult for people to evade charges, as they have done in the past, and by compelling everyone who, under the law as it stands, is required to take up a license. Part IV. deals with the regulation of traffic. The first division relates to the motor vehicles. At the present time there is no such thing as a license for a motor driver in the State. I believe it is com-

mon in other parts of the world and in other parts of Australia, and in England, to issue a driver's license for motor vehicles. These licenses are separate and apart from the license of the vehicle itself. The granting and issuing of motor drivers' licenses rests with the Commissioner of Police.

Hon. J. Cornell: Is there not a test provided?

The MINISTER FOR EDUCATION: All applicants for drivers' licenses must satisfy the examiner in each locality, who will be some person appointed by the Commissioner of Police, that he is qualified to drive, upon which a driver's license is issued. The fee is 5s., and all such licenses, as in the case of vehicular licenses, will expire on the 30th June in each year.

Hon. J. Cornell: Does that apply to private owners?

The MINISTER FOR EDUCATION: Yes. The penalty for driving without a license, for reckless driving, or for driving when intoxicated, or for other similar offences are dealt with in the Bill. Many of the penalties are made pretty severe.

Hon. J. Cornell: That will kill joy-riding.

The MINISTER FOR EDUCATION: It is quite right that they should be severe, not only from the point of view of the people in the vehicle, but from the point of view of the general public, whose lives will be endangered in cases of that kind. Division 2 relates to locomotive and traction engines. So far as the drivers of vehicles propelled by steam are concerned, they will obtain their engine-driver's certificate under the Inspection of Machinery Act, 1904.

Hon. A. Sanderson: What about aeroplanes?

The MINISTER FOR EDUCATION: They are not dealt with under this Bill, which relates to traffic on roads. We have found it necessary to have an amendment prepared to Clause 40 relating to regulations to deal with a new kind of vehicle, which has come into vogue since the Bill was drafted, and that, too, is a vehicle which runs along the road. No provision has been made for aircraft.

Hon. A. Sanderson: Do you refer to a scooter?

The MINISTER FOR EDUCATION: No, it is called a Smith flyer, but it does not fly in the ordinary acceptance of the term. If locomotive and traction engines are propelled by mechanical power other than steam the driver must obtain a license from the police under Division 1. of the second part of the Bill. Division 3 relates to the Width of Tires Act. It is not proposed by this Bill to entirely repeal the Width of Tires Act of 1895 at present. That Act will remain in force, but by an order in Council the provisions of Division 3 of the present Bill may be applied in any district or districts, and on the provisions of that division being applied they will operate, and

the Width of Tires Act and Section 89 of the Public Works Act will cease to operate. In this particular division that will mean that until the Order in Council has been issued for any particular division, the Width of Tires Act will continue to operate. The remainder of the division is taken principally from the South Australian Acts, and Clause 34 provides that the maximum weight to be carried in a vehicle shall be as follows:— for each wheel a total weight, including the weight of the vehicle, of six cwt. for each inch of width of bearing surface of the tire, but no bearing surface need be more than six inches. Division 4 relates to regulations. The Governor may make regulations for the purposes enumerated in this division. The list of purposes for which the regulations may be made is necessarily a comprehensive one. It is compiled from the present Municipal Corporations Act and Roads Act, and has been added to where necessary to meet the requirements of the present measure. Before this Bill can be brought into operation it will be necessary to prepare a set of uniform regulations. These will apply to all local authorities throughout the State. The Bill will be quite incomplete without these regulations, which will be framed before the Bill comes into operation. Power will also be given to local authorities to make by-laws, but it is provided, and properly so, that such by-laws must not conflict with the uniform regulations. If they do make by-laws that conflict with the uniform regulations, the uniform regulations will prevail and the conflicting by-laws will be of no account.

Hon. Sir E. H. Wittenoom: Is there any minimum width for tires?

The MINISTER FOR EDUCATION: The only minimum is that provided by the method set out. The total weight, including the weight of the vehicle, is to be six cwt. for each inch of width of bearing surface of the tire.

Hon. Sir E. H. Wittenoom: There is no minimum of two or three inches?

The MINISTER FOR EDUCATION: No, except as such minimum might be reached by that process. Part V. contains several miscellaneous provisions. The owners of motor wagons, locomotive engines, and traction engines, are liable to the local authority for any extraordinary damage or injury that is caused to any road, and, in the case of any such damage or injury to a bridge or culvert, notice must be given to the local authority. The local authority is entitled to recover any extraordinary expenses from persons who damage the roads by heavy traffic, or by extraordinary traffic. The Act is made to apply to all persons in the public service of the Crown, or any local authority. In this case it is not necessary for them to pay any fee. The Bill is really a matter for careful consideration in Committee. It is a Bill of detail. It seems to me that consideration in Committee will be facilitated if hon. members will follow me through the Bill, as I explain exactly what is intended. The first and second clauses are purely formal.

Clause 3 deals with the Acts specified in the first schedule for reasons which I have already explained. The Width of Tires Act, 1895, is not repealed but may be dealt with in the manner I have indicated. The interpretations under Clause 4 I think explain this fairly fully. There is one section in the Interpretation Act which will need amendment consequent upon an amendment made when the Bill was before the Legislative Assembly. If members will turn to the definition of "local authority," in Clause 4, they will see that it means—

A municipality and the council thereof or a road board; and includes the Minister in respect of any outlying land.

When the measure was before the Assembly, Clause 12 was amended in such a way as to make the Minister the licensing authority for the metropolitan area, and, consequently, the definition of "local authority" will have to be amended so that it shall include the Minister, not only in respect of outlying land, but also in respect of the metropolitan area.

Hon. A. H. Panton: How far does the metropolitan area exist?

The MINISTER FOR EDUCATION: I have here a diagram showing the metropolitan area exactly, and I intend to lay that diagram on the Table of the House for the information of members. It takes in what we understand as the metropolitan area, Midland Junction and Bayswater down to past Jervois Bay.

Hon. J. Nicholson: The Bill provides that the metropolitan area shall be prescribed by regulation.

The MINISTER FOR EDUCATION: But in the meantime it is marked out in the map which I have here.

Hon. J. J. Holmes: Does it take in Armadale?

The MINISTER FOR EDUCATION: I do not think so. Queen's Park is taken in. Clause 5 explains itself. It provides that every vehicle enumerated in the second schedule shall be licensed. At the present time practically all of these have to be licensed under different Acts. Clause 6 makes provision, to which I have already referred, to the effect that vehicles used as passenger vehicles, or for carrying goods, must have special licenses, as well as general licenses. Clause 7 defines the licensing authority. Vehicle licenses are to be granted by the local authority of the district. The sections of the Cart and Carriage Act, the Municipal Corporations Act, and the Roads Act on this point are conflicting. The Bill will give uniformity in that particular. Clause 8 provides that every license granted shall be effective and operative throughout the entire State. That is to say, once a license is properly issued by one licensing authority, no other licensing authority may demand a fee for the same thing. This is the law as it stands but it is here made clear. One source of confusion at the present time is that the different local authorities issue their licenses for their own financial years. In the case of the municipalities

the financial year ends on the 31st October, and in the case of the road districts it ends on the 30th June, while licenses issued under the Cart and Carriage Act terminates on the 31st December. So that, from that point of view, there is a good deal of confusion on account of the three terminating dates. Provisions is made for a remission of the amount in the case of licenses which are unexpired when this Act comes into force, or for licenses taken out after the end of the second portion of any financial year. If licenses are taken out in January, February, or March, half the fee will be paid. If they are taken out in April, May, or June, one-fourth will be paid; and if taken out subsequently the whole of the fee will be paid.

Hon. H. Stewart: Under the existing law a local body charges a fee for licenses issued by another body. Will that remain?

The MINISTER FOR EDUCATION: No; one license will cover the whole lot. The provision now is that applications for licenses are to be made at the beginning of the financial year or in the month immediately preceding the beginning of it.

Hon. R. J. Lynn: Take licenses which expire at the end of this month; will it mean now that anyone taking out a license in November will have to pay for the full year through this measure coming into operation?

The MINISTER FOR EDUCATION: This Bill will not come into operation in November. Regulations will have to be drafted and it cannot be proclaimed until the beginning of next year. In that event anyone taking out a license under the Municipal Corporations Act on the 1st November would get a rebate, and the license would run to the 30th June. The provisions of the Bill are adequate to protect anyone against paying twice. It is of distinct advantage to all to make the licenses terminate at the same period and at the end of the financial year, the 30th June. The proviso of the clause enumerates the exemptions. It is necessary for the regulation of all motors that they should be licensed even if no fee be charged. Clause 12 is likely to prove controversial. The provision is that notwithstanding anything hereinbefore contained, the Minister shall be the licensing authority for every district and sub-district comprised in the metropolitan area and shall have and may exercise therein such powers and discretions of or concerning the issue and transfer of licenses and the effecting of registrations as are in other districts or sub-districts vested in the local authorities. Then it goes on—

All fees paid each year for licenses or transfers of licenses or registrations in the metropolitan area under this Act or any regulation—(a) shall be paid into the Treasury to the credit of an account to be called the Metropolitan Traffic Trust account; (b) shall be chargeable with the cost of collection as certi-

fied by the Minister; and (c) shall (subject to the payment of such costs) be paid and divided to and amongst the local authorities of the districts and sub-districts comprised in the metropolitan area in such shares and proportions as the Minister shall determine. (3.) The warrant of the Minister shall be sufficient authority to the Colonial Treasurer to make any payment provided for by this section.

(4.) The metropolitan area shall be prescribed by regulation.

So that it will be understood that the metropolitan area marked on the map is purely tentative.

Hon. R. J. Lynn: How is it proposed to allocate these fees?

The MINISTER FOR EDUCATION: The allocation of fees is left to the discretion of the Minister. I have no doubt that he will allocate them in proportion to the responsibilities of the different bodies, and the extent of roads each has to maintain. The Public Works Department has gone to a great deal of trouble to estimate the differences, and the statistical information which has been prepared shows almost exactly the traffic through the metropolitan area. I have no doubt therefore that the allocation of the fees will be on a just basis. The Perth City Council I understand has circularised members of the House in connection with this particular clause. They object to the pooling of the license fees and they object also to a subsequent clause, which vests the control of the traffic in the metropolitan area in the police. Regarding their first objection to the pooling of fees, this can be readily understood. The council realise that at the present time they are doing pretty well in the matter, and under the pooling scheme of distribution the outside bodies would get a larger percentage of the revenue than they get now, and the city council would get a smaller percentage. The council at the present time receives over £4,000 from motor and cart and carriage licenses. The vehicles which are responsible for this revenue are principally used in the adjoining districts.

Hon. J. Nicholson: Oh no.

The MINISTER FOR EDUCATION: Oh yes. A person who did not have to trade beyond the confines of the city would hardly require these vehicles, but the statistical information which has been compiled by the Works Department shows the extent to which the vehicles licensed in the city are used in the surrounding districts. In addition, there are other fees for drivers and general administration. The council only employ two traffic inspectors, and their time would not be taken up entirely by the duties they were engaged upon. In the city, supervision is a small matter and the revenue is big, but in the outside districts the position is reversed, the supervision is a big matter and the revenue is small. The cost is borne by the people outside the city boundary. In the city the Government provide police for point duty which alone costs £1,500 a year as

against the amount paid by the city council which might be one fourth of that sum.

Hon. J. Nicholson: How much do the Government pay the city by way of rates on properties?

The MINISTER FOR EDUCATION: That matter might be brought up when the Municipal Corporations Act is being dealt with. In this matter of traffic, in addition to the police on point duty, the city council has the use of the police in connection with prosecutions and all that kind of thing, so it is quite wrong to suggest that the city council has any right to have administrative work done for them and that the whole of the revenue should go to them. The Belmont Road Board maintain a good macadamised road  $4\frac{1}{2}$  miles. That road carries the traffic to Guildford, Northam and the eastern districts and the Board only receive £84 from licenses. The Queen's Park district takes all the traffic that goes along the Perth-Albany road, the Bunbury road and the Welshpool road to Kalamunda, and receives only £67 in licenses. I know several hon. members will take the opposite view, but I have no hesitation in saying that at the present time the distribution of revenue and the responsibility in regard to the upkeep of roads in the metropolitan area is not fair. It is desirable that some amendment should be made. Then as to the second objection taken by the city council, namely, the control of traffic by the police, the traffic as a matter of fact has been controlled in the past by the police. That is to say, what control has been exercised has been exercised by the police. But the increase in motor traffic and the frequent cases of recklessness and incompetence on the part of these driving motor cars have been responsible for so many accidents as to make it clear to anyone giving the matter the slightest consideration that some better control of traffic in the city is necessary. There are only two traffic inspectors in the city of Perth. It is not possible for those two officers to control the traffic of the city.

Hon. J. Duffell: And one of those is not on duty on Saturdays.

The MINISTER FOR EDUCATION: Whether two or only one is on duty, does not affect the position. The traffic in a congested area such as the city of Perth can be effectively controlled only by the police. We have the police in all the streets, and I do not see any other method by which the traffic can be controlled. As hon. members are aware, these two clauses, the one vesting in the Minister the licensing authority for the metropolitan area, and the other imposing upon the Commissioner of Police the entire responsibility of controlling traffic in the metropolitan area, were not in the Bill as originally introduced. These provisions, if I remember rightly, were the cause of conflict between the two Houses on a previous occasion, and when the Bill was originally framed it was considered by the Minister so essential that the existing anomalies should be removed that he prepared it chiefly

as a machinery measure and did not put in any clauses which he knew were highly contentious and which he thought would imperil the passing of the Bill. However, in another place, the feeling in favour of these two clauses was so strong—and it was not in opposition to the wishes of the Minister; his reason for not including the provisions was because of his anxiety to get the rest of the Bill through—that they have been inserted. There is no doubt this House will be taking a very serious responsibility if it rejects them; because if it were to do so it would be up to us to find some other equitable method of distributing between the different authorities revenue resulting from licenses; and in view of the number of fatal accidents that have occurred in the city, we should be taking a still heavier responsibility on our shoulders if we refused to do as the Bill suggests and impose upon the Commissioner of Police the responsibility for seeing that the Act is properly carried out in the metropolitan area.

Hon. J. Duffell: Have you any idea of the extra cost involved?

The MINISTER FOR EDUCATION: I do not see that it should impose any extra cost. I do not contemplate that additional police will be appointed to carry out the provisions of the measure, for such an obligation can be rightly included in the ordinary course of their duties. Clause 13 provides that the local authority must grant licenses when applied for, except in the cases enumerated. The clause is a new one and it remedies a defect in the existing legislation. It is intended to define the position between an applicant for a license and the licensing authority. Clause 14 provides that transfers of licenses can be effected to suitable transferees on payment of a small fee. Transfers may be refused for the same reasons as would be raised against an original application. Clause 15 is, I think, a very necessary provision. In the case of two convictions against a licensee for offences under this Act the justices may cancel the license and the licensee shall thereupon be disqualified for the balance of the term of his license. It is an important improving amendment upon Section 18 of the existing Cart and Carriage Licensing Act. In Clause 16 the interests of the licensee are safeguarded by giving him the right of appeal against any such justices' order. This is taken from the Act in New South Wales. Certain exemptions are provided in Clause 17, as for instance (a) where a passenger proves reasonable excuse, (b) for trial trips, (c) while a license under the present law is current, (d) while a passenger vehicle or carrier's license granted under the present law is current. These exemptions are mostly new, and are taken from the English Act. Clause 18 provides that on the passing of this Act existing licenses shall come under its provision according to their tenor, and its provision shall also extend to all licensed persons and licensed vehicles. This is purely a machinery clause, and makes provision that

all licenses shall end on 30th June, but provides credit for the period paid for. Under Clause 19 each local authority appoints its own inspector or two or more inspectors in its district. The inspector may grant licenses, prosecute offenders, and exercise all other powers hereby vested in him. In addition to these inspectors the members of the police force may also act as inspectors if the Commissioner of Police gazettes an order to that effect. This order may be general or special, and shall define the powers and duties of the police, but the police shall not grant or transfer licenses or effect registrations. The Minister may also appoint inspectors for any Government road or roads situate within "outlying lands." The Minister defines his duties. A local authority may review its inspector's actions, and the Minister may review his inspector's actions. An inspector must receive a formal certificate of appointment and exhibit it on demand to any person whom he is about to proceed against. This also guards against any unauthorised bailing up of motor or other vehicles.

Hon. J. Duffell: Should he not be compelled to wear a uniform?

The MINISTER FOR EDUCATION: I do not think so.

Hon. J. Mills: The inspector will have his appointment to exhibit.

The MINISTER FOR EDUCATION: That is so. The above provisions are considered preferable to those contained in the Cart and Carriage Licensing Act, under which the local authority must give public notice of the person from whom, the time when, and the place where, licenses may be obtained. It is not considered well to repeat this. We leave it to the local authorities if they think it advisable. A very important provision made in Clause 19 is that the traffic in the metropolitan area is placed under the exclusive control of the Commissioner of Police for reasons I have already referred to. The provisions of Clause 20 are now in this State and have been adopted from the English, the Victorian, and the New South Wales Acts. A person wishing to obtain a driver's license applies to the Commissioner of Police or his deputy, and if the examiner—to be appointed by the Commissioner—is satisfied that such applicant is qualified, a driver's license may be granted. The license fee is 5s. and the license remains in force until the 30th June following the date of grant.

Hon. J. Mills: That is in the metropolitan area.

The MINISTER FOR EDUCATION: No, it will apply all over the State. This driver's license is separate and apart from the vehicle license, and applies only to motor vehicles. The object of this is to secure some degree of proficiency in the driving of motor vehicles before they are allowed on public roads. Further safeguarding will be provided by regulations including age limits, etc. A similar provision obtains in nearly

all the other States. Clause 21 provides the penalty for driving without a driver's license but exempts those learning to drive when they are accompanied by a licensed driver. Clause 22, taken from the Imperial Act, provides a penalty for refusing to produce the license, and Clause 23 provides the penalty for neglecting to have or for interfering with the means of identification of motor vehicles. Clause 24 is to give a person injured in his person or property the means of redress in a court of law. It facilitates on his part the obtaining of fines. Clause 25 has in view the protection of the public from reckless and negligent drivers and imposes on drivers the necessity at all times for driving at a reasonable speed and in a reasonably careful manner, having regard to all the circumstances for the time being existing. In certain cases the driver may be apprehended. It will be noted that no speed limit is provided in the Bill. The reason for that may be shortly stated. Metropolitan local authorities assembled in the technical school for the purpose of compiling uniform motor by-laws, and after a lengthy consideration decided to abolish the speed limit, and provide the law which pertains in England, on the Continent, and in the Eastern States, that is, in favour of penalising reckless or negligent driving in preference to speed limit. That this was well thought out before adoption may be gathered when it is mentioned that the greater number of delegates attended this conference with the intention of retaining the speed limits, but after it was discussed and lengthy reasons advanced by experts, the decision was arrived at by a majority of over three-fourths of those present. Practically the only objection was by the Belmont road board, and as this board is situated between two others, and only deals with "through" traffic, it will be seen that its interests are not so great as those of other districts which might be quoted as terminal points. The main reasons advanced against speed limits were: 1, Any speed limit would be regarded as the ruling speed and, so long as such speed was not exceeded, motor drivers could have perfect right to drive at the authorised rate, regardless of other circumstances. 2, In many cases speed limits had to be exceeded to avoid danger and stoppage of traffic. 3, Instances were quoted that vehicles going uphill must have a certain speed on, as motors, like ships, were only controllable while under way. 4, The experience of England, the Continent, and the Eastern States is all against speed limits. The proposed law was introduced, which is a copy of the English Act, and it will be noticed that very strong powers are given in the Bill to prevent any reckless or negligent driving, which could not be laid down by a speed limit. If, however, any particular crossing or portion of the State should develop the necessity for a speed limit, provision is made to do this by regulation. Clause 26 is to meet the danger of cars being driven by intoxicated persons.



Clause 27 gives the courts power to suspend licenses and disqualify persons in certain cases of conviction. Clause 28 is a reasonable provision and is taken from the English Act. Clause 29 is new. It gives the Minister discretionary power to grant a license free of charge to a visiting tourist who has his own car with him. This license lasts for three months only. In other respects the traveller must comply with the provisions of the Act. The provision is thought to be a reasonable one, although probably of minor importance. Clause 30 relates to the driving of locomotives or traction engines. This is a matter the details of which will be dealt with under regulations framed under Clause 40. Clause 31 relieves the local authorities from liability and is a usual provision in dealing with these heavy vehicles. The roads, or many of them, were made before there was any reason to expect that such vehicles would use them. The clause is taken from the Victorian Act.

Hon. R. J. Lynn: Why are the license fees for traction engines and locomotives so low?

The MINISTER FOR EDUCATION: I do not know that the fees are particularly low. However, when we come to the schedule of fees in Committee, the matter can be discussed. It is not competent, I am afraid, for this Chamber to increase the license fees, even if we do consider them too low. Clause 32 is taken from the Victorian Act, and is quite a reasonable provision. Division 3 of the Bill, comprising Clauses 33 to 39, is confined to dealing with the width of tires. Under the present Width of Tires Act the basis of the width of the tire is the diameter of the axle. This has proved unsatisfactory; and it is also easily evaded. For instance, where the diameter of the axle arm is two inches, the width of tire shall be three inches; but there is no provision for a case where the diameter of the axle arm is less than two inches. And generally the Act is out of date. We now propose to make the weight of the vehicle and its load the basis of the width of the tire. Subclause (1) of Clause 33 is a machinery provision. It will be noted that the Width of Tires Act is not to be repealed, nor is Section 89 of the Public Works Act, dealing with special provisions for heavy traffic. These still remain in force, but by Order in Council the provisions of this division may be applied to any district or districts, and thereupon this division shall operate there, and thereupon also the Width of Tires Act and Section 89 of the Public Works Act shall cease to operate there. Thus, until such an Order in Council has been made, this division does not operate in any district. The division does not apply to motor vehicles or cycles with pneumatic or elastic tires, because we do not deal with a "width of bearing surface" in such cases. Apart from this, we deal with motor vehicles separately by charging a license fee on their power

weight. Clause 34 establishes the maximum weight to be carried, and is taken from the Victorian and South Australian Acts. We have, however, decided on our own weight, namely 6 cwt. Clause 35 is a machinery clause only, and is similar to existing provisions in Section 7 of the Width of Tires Act. It is taken from the South Australian Act. Clause 36 is similar to Section 6 of the Width of Tires Act, and provides the means of ascertaining the weight of a load; but there is an extra provision safeguarding the interests of the owners of vehicles. This clause also is from the South Australian Act. Clause 37 is necessary in order that the other provisions as to weighing loads may be carried out. Clause 38 is also from the South Australian Act, and is a necessary provision. Under this clause an owner cannot be brought more than two miles for the purpose of having his vehicle weighed. Clause 39 is a new provision, being introduced for the purpose of checking the weight of the vehicle as distinct from the load. Clause 40 gives the Governor power to make regulations for the purposes enumerated. These purposes are mainly taken from the Municipal Corporations Act, 1906, and the Roads Act, 1911; but the clause also provides that regulations may be made dealing with all matters which are required or permitted to be prescribed under the measure. Clause 41 provides that the Governor may delegate to local authorities the power provided by the previous clause for making regulations. The object of Clause 41 is to give local authorities the opportunity of framing and passing such special by-laws as may be required by reason of local conditions or some other special circumstance. These by-laws will be in addition to, but not conflicting with, the regulations. If, however, they should conflict, then Clause 46 comes in and provides that in such a case the regulations shall prevail. Clause 42 extends the same effect to acts done under regulations and by-laws as if done under this measure. Clause 43 is taken from the South Australian Act, and applies to racing or speed tests. Clause 44 provides that in the case of traffic being restricted or prohibited on certain roads to motor vehicles under a regulation or by-law, the local authority shall give public notice of such restriction or prohibition. Clause 45 is a machinery clause. It disposes of all old regulations and by-laws, but preserves all licenses existing at the time when this measure comes into force. Clause 46 is a good provision, because if by-laws clash with regulations, then the latter shall prevail. Clause 47, dealing with existing by-laws, is a reasonable provision, and is taken from the Victorian Act. The clause is introduced on account of the repeated complaints received not only from country districts but also from suburban areas of damage done to roads by reason of extraordinary traffic. Wood carters, brick carters, and contractors' carriers are some of the offenders, and

they can be dealt with under the provisions of this clause, which has been adopted from the English law. Subclause (1) of Clause 47 reads—

The owner of a motor wagon or a locomotive or traction engine shall be liable in damages to any local authority for any extraordinary damage or injury caused or happening to any road under the control of such local authority by such wagon or locomotive or traction engine or in consequence of the use or passage thereof or of anything carried, drawn, or propelled thereby on or along such road.

For Clause 49 there is great necessity—

Subject to this Act, no person shall, without the consent of the owner or person in charge of a motor vehicle or locomotive or traction engine, drive or otherwise assume control of or use any such vehicle.

This clause aims at the suppression of illegitimate joy riding, the impression being that at present there is no method of bringing to justice a person not stealing, but for a time taking, a motor car. Clause 52, referring to the procuring of the use or hire of a motor vehicle by fraud, merely re-enacts powers which the local authorities already have under their existing Acts. Clauses 53, 54, and 55 require no explanation. Clause 56 is only a re-enactment of provisions at present contained in the Roads Act and the Municipal Corporations Act, referring to lost licenses. Clause 57 is the usual "proof" clause. At first sight it may be regarded as embodying an objectionable principle, inasmuch as it casts the onus of proof on the defendant; but it is a customary provision in such cases. Clause 58 is the usual "saving" clause. Clause 59 creates the necessity for licenses being obtained by the Crown. Clause 60 provides the usual protection from liability. Clause 61 was inserted in another place, and I think it will require some alteration. It repeals Subsection (a) of Section 237 of the Municipal Corporations Act, 1906, and Section 147 of the Roads Act, 1911. The intention, I understand, of the mover of this clause was not to interfere with the use of steam rollers on roads, but to remove the obligation that now rests on a local authority using a steam roller to have a man walking with a flag in front of the roller. I believe the only occasion when an accident happened with a steam roller was when the man with the flag was run over. For some reason, whilst repealing that Subsection (a) which provides for the man with the flag, the clause also repeals the whole of Section 147 of the Roads Act, which not only provides for the man with the flag, but also authorises the local authority to use the steam roller. Unless we amend this clause, the local authority will find that they have no authority to use a steam roller. However, the matter of amendment will be a simple one. Clause 62 is purely a machinery clause. We

come now to the schedules. The First Schedule repeals wholly the Cart and Carriage Licensing Act, 1876, because all its provisions have been absorbed in this Bill. The schedule also repeals Sections 33 and 36 of the Tramways Act, 1885, as inserted by the Tramways Amendment Act, 1904, because their provisions have been included in this Bill. Further, the First Schedule repeals those sections of the Municipal Corporations Act, 1906, which apply to the regulation of traffic, because they are included in this Bill; and it repeals the corresponding sections in the Roads Act, 1911, for the like reason. The Second Schedule comprises the interpretations of the different classes of vehicles for all of which licenses must be obtained. It is thought that these interpretations are sufficiently plain. The Third Schedule is made under Clause 10, and prescribes the fees which, as I have already suggested, are not subject to increase in this House, even though we may consider they are too low. However, I have no doubt that, if it can be shown the fees are too low, amendments can be secured in another place. The Bill as originally introduced contained another schedule, which made provision for the licensing of camels. This schedule was struck out in another place. I think, however, that there should be a license for the camel, not perhaps when the camel is used as a horse for drawing a vehicle, but when it is used for the carrying of goods. I have endeavoured without unduly labouring the matter to explain the different clauses of the measure, and I commend it to the favourable consideration of the House. I move—

That the Bill be now read a second time.

Hon. J. Nicholson: I desire to move that this Bill be referred to a select committee.

The PRESIDENT: The hon. member cannot do that at this stage.

On motion by Hon. Sir E. H. Wittenoom debate adjourned.

#### BILL—GENERAL LOAN AND INSCRIBED STOCK ACT AMENDMENT.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

#### BILL—STATE CHILDREN ACT AMENDMENT.

##### Assembly's Further Message.

Message from the Assembly received and read notifying that it had agreed to the further amendments made by the Council to amendments Nos. 1 and 10 made by the Assembly, but had disagreed to the further amendment made to amendment No. 8, for the reason that the amendment was not one to the Assembly's amendment but to another part of the clause.

# **BILL—PEARLING ACT AMENDMENT.**

Returned from the Assembly with amendments.

# **BILL—DIVORCE ACT AMENDMENT.**

Report of Committee adopted.

# **BILL—DROVING ACT AMENDMENT.**

In Committee.

Hon. J. F. Allen in the Chair; the Minister for Education in charge of the Bill.

Clause 2—Amendment of Section 3:

Hon. Sir E. H. WITTENOOM: I ask the leader of the House to report progress on this clause to enable me to move for the appointment of a select committee. This Bill appears at first sight to be a very insignificant one, but, as it deals with one of our greatest industries, if not our greatest industry, it is a matter of very grave importance and, while we are giving it attention, it would be far better to turn out something which will be complete and satisfactory to all parties. The clause proposes to make the distance to qualify stock as travelling stock 20 miles. Yesterday, an amendment was passed making the distance 40 miles. Therefore, if stock were travelled 39 miles it would not be travelling stock, and would not come under the conditions of the Bill. Such stock need not bear any brand, and no notice need be given in respect of it. There are all sorts of difficulties, and these are intensified owing to the different conditions which exist in the different portions of the State. In the northern portions of the State the holdings are so large, running into 200,000, 300,000 and 400,000 acres, that the 40-mile limit would be satisfactory, but in districts like Greenough and Moora, and the southern portions of the State, the distance of 39 miles might mean travelling through 39 different properties, and to exempt sheep or stock travelling 39 miles through 39 different properties would be a very dangerous innovation. The present Act requires notice to be given to any homestead or run when the stock comes within 10 miles of it. Imagine a station owner on the Murchison, with 10,000 acres. That would represent an area five miles by three miles, and he would only have to hold 20,000 acres to be within the stipulated ten miles. But before that the drover would have to come over portion of that man's ground, and probably through his stock. If the limit were fixed at ten miles in the southern portions of the State, where properties run perhaps a mile each, the drover would have to give notice every mile. Therefore it will be very difficult to frame the measure to satisfy everyone, unless we exercise the greatest care and give it the fullest consideration. I think this can be done, and I would ask the leader of the House to report progress, so that, on his motion for the adoption of the report, I

may ask for a select committee to be appointed. Then, in a couple of weeks, we could present a report, and save time discussing these questions with which many hon. members are not acquainted. Very few members of this House know anything of the details of droving and handling stock on stations and, although at one time I may have been regarded as an expert, matters have changed within the last few years to such an extent that I should consider myself anything but a perfect authority now. Therefore, if we could gather the best information, I think the committee would be able to place before the House such recommendations as will save a vast amount of time and trouble here.

Hon. H. STEWART: I support Sir Edward Wittenoom's remarks. Last night it seemed that the different interests affected and represented in this House had arrived at a decision satisfactory to all concerned. I saw the Parliamentary Draftsman this morning, and I learn that there is another proposal on the part of the Chief Inspector of Stock, which will probably entail amendments to various portions of the Bill. Much trouble would be saved by the appointment of a select committee. The outcome would be a Bill beneficial to the pastoral areas in the North, and one which would reduce the loss of stock in the densely settled areas.

The MINISTER FOR EDUCATION: Since the Bill was before the House yesterday, I have discussed it with the Chief Inspector of Stock and the Crown Law authorities. There are merely two or three points on which there seems to be some difference of opinion, and on which it is necessary to secure an adjustment of the interests in the northern and southern portions of the State. These differences may be cleared up most expeditiously in the way Sir Edward Wittenoom has suggested, and I intend to give the House an opportunity to say whether that course is desired.

[The President resumed the Chair.]

Progress reported.

Select Committee appointed.

The MINISTER FOR EDUCATION: I move—

That the report be adopted.

Hon. Sir E. H. WITTENOOM: I move an amendment—

That the Bill be referred to a select committee consisting of the Hon. J. A. Greig, Hon. J. Mills, and the mover, with power to send for persons, papers, and records, and report on Tuesday, 23th October.

The MINISTER FOR EDUCATION: I am prepared to withdraw my motion.

The PRESIDENT: Then Sir Edward Wittenoom's motion is the question before the House.

Question put and passed.

*House adjourned at 5.55 p.m.*