

Division resulted as follows:—

Ayes	12
Noes	12
A tie	0

AYES.

Hon. Sir Hal Colebatch	Hon. J. J. Holmes
Hon. J. Cornett	Hon. J. M. Macfarlane
Hon. L. Craig	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. H. Seddon
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. H. Tuckey

(Teller.)

NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. L. B. Bolton	Hon. T. Moore
Hon. J. M. Draw	Hon. H. V. Plesse
Hon. G. Fraser	Hon. B. L. Roche
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. A. Thomson

(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

Progress reported.

House adjourned at 6.18 p.m.

Legislative Assembly.

Tuesday, 23rd September, 1941.

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

QUESTION—AGRICULTURAL BANK.

Abandoned Farms.

Mr. DONEY asked the Minister for Lands: 1, What was the method of calculation adopted on behalf of the Agricultural Bank in arriving at the proposed acreage

allotments in respect of the bank's abandoned farms? 2, Is not a number of these proposed allotments substantially in advance of those warranted by past sowings? 3, If the answer to question No. 2 is in the affirmative, how does the Government justify the acreage figures? 4, Will the committees of review and the advisory committee appointed under the wheat stabilisation scheme be permitted to adopt in respect of their right to vary existing allotments—the same calculations as resulted in the present allotments to abandoned Agricultural Bank farms?

The MINISTER FOR LANDS replied: 1, Average about one-third of the cleared land. 2 and 3, No cases are known where the allotments are unwarranted. Arrangements have had to be made for the transfer of settlers from the marginal areas. To meet this position, allotments have been made for areas on other vacant properties which are eligible but upon which the bank has not applied for a license. Such areas will be required for the settlers transferred. 4, The committee has in cases recommended a reduction in area on bank's vacant properties and these recommendations will be sent to the chairman of the Wheat Stabilisation Board, Canberra, for consideration.

QUESTION—SHIPBUILDING.

Mr. SEWARD asked the Minister for Industrial Development: In view of a statement appearing in the "West Australian" of the 13th instant in which he outlined the recent activities of the Government regarding shipbuilding, 1, Does the Government intend to establish the shipbuilding industry (a) as a Government activity; or (b) to assist private industry to undertake the work? 2, Are the men referred to in the above-mentioned article as being experienced in shipbuilding, now (a) employed in the Government service; or (b) employed outside of Government activities?

The MINISTER FOR INDUSTRIAL DEVELOPMENT replied: 1, (a) and (b), The Government aims to establish the industry on a basis of co-operation between the Government and private industry. 2, (a) A number of the men are employed in the Government service; (b) a number of the men are employed outside of Government activities.

QUESTION—AUDITOR GENERAL'S REPORT.

As to Presentation.

Hon. W. D. JOHNSON asked the Treasurer: When will the report on Public Accounts be made available to members?

The TREASURER replied: On or about the 23rd October.

QUESTION—RAILWAYS.

Commonwealth Payments.

Hon. W. D. JOHNSON asked the Minister for Railways: 1, What amount was paid by the Commonwealth to the State railways on account of freight and fares for the period the 1st July, 1939, to the 30th June, 1941? 2, What portion of the total was paid to the Midland Railway Company on account of the said services over its railway?

The MINISTER FOR RAILWAYS replied: 1, £229,842. 2, This information is not available, as the settlements with the company do not distinguish between customers.

BILL—AGRICULTURAL BANK ACT AMENDMENT.

Introduced by Mr. Boyle and read a first time.

BILL—FRANCHISE.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. F. Nulsen—Kanowna) [4.33] in moving the second reading said: The Bill I am introducing is most important, as it proposes to give all members of the fighting forces, whether they have enlisted for service, in the air or on the sea or the land, including doctors, nurses, masseurs and others acting in any capacity whatsoever in the forces, the right to vote. The Government maintains that any person willing and qualified to fight for his country or serve with the fighting forces is entitled to a vote, and we have by this measure endeavoured to facilitate that purpose. Every consideration possible should be extended to those who are fighting the common foe. After much deliberation and investigation the Government has decided to adopt

the nomination system, similar to that adopted by Queensland. The system proved successful in Queensland at the last election. If the Bill becomes law our worthy soldiers will not be treated as disfranchised citizens.

The first thing to be done is to preserve all the enrolments that were in existence prior to the date of enlistment. These enrolments will continue for the period that the soldier is serving. "Period of service" is defined by the Bill to include the full period for which any person is a member of the forces during the present war and 12 months after the termination of such service. Thus a soldier who is on the roll for the Legislative Assembly for an electoral district will not lose that enrolment if he leaves the State on war service. Similarly, a member of the forces who was enrolled, because of his occupation of a dwelling-house, as an elector for the Legislative Council shall be deemed to remain a householder for the period of his service so long as he continues to pay the rent of the dwelling-house.

In this respect the Bill is similar to the Franchise Act of 1916, which was in force during the 1914-18 war and is still on the statute-book. Having preserved the enrolments of soldiers in the way I have indicated, the Government proposes to extend the franchise, as far as the Legislative Assembly is concerned, to all members of the A.I.F. of the age of 18 and upwards.

Hon. N. Keenan: That means all those in the military except soldiers under the age of eighteen.

The MINISTER FOR JUSTICE: It includes all those who have enlisted unless they are under the age of 18 years. A few, who did not give their correct age, may have enlisted at 17.

Hon. N. Keenan: How would you know?

The MINISTER FOR JUSTICE: During the 1914-18 war, my own brother enlisted under the age of 18 years. I dare say the hon. member has knowledge of some who enlisted under that age.

Mr. SPEAKER: Order!

Hon. N. Keenan: For the purposes of this Bill how would you know whether a soldier was under 18, if he said he was over that age?

Mr. SPEAKER: The Minister will address the Chair.

The MINISTER FOR JUSTICE: The information could be ascertained by getting the soldier's birth certificate. At all events,

the Bill provides that every person who joins up is entitled to a vote irrespective of his age, except that he must be at least 18 years of age. A person who has the courage and intelligence to fight for his country is certainly entitled to a say in the government of his country.

Mr. Warner: Does the Bill apply to both Houses?

The MINISTER FOR JUSTICE: No, unfortunately. There are constitutional difficulties as far as the Legislative Council is concerned. If it were possible to provide for that without interfering with the Constitution the Government would certainly do so. We consider that a soldier is just as much entitled to vote for the Legislative Council as for the Legislative Assembly.

Mr. Sampson: If conscription were introduced the soldier would not be permitted to vote.

Mrs. Cardell-Oliver: What about prisoners of war?

The MINISTER FOR JUSTICE: This Bill does not treat with prisoners of war. They have not been given consideration.

Mrs. Cardell-Oliver: I am referring to our own men who are prisoners overseas.

The MINISTER FOR JUSTICE: I misunderstood the question. I do not know of any provision in this Bill. It is desirable that a person who is a prisoner of war should have a vote, but it is not possible to make provision for a personal vote in a foreign country.

Mr. Sampson: If conscription came in that would not apply.

The MINISTER FOR JUSTICE: It is also proposed to allow members of the forces, generally, who are qualified to be on the roll, but who have not placed themselves on it, to remedy the omission and become enrolled. A person, by signing the prescribed form, may be put on the roll provided he is not disqualified under the Electoral Act. Members of the forces serving in other parts of the Commonwealth outside of Western Australia should have facilities provided so that they can enrol when they become 21 years of age. That means that provision is made for any person who does not go overseas, but who serves in Australia outside of this State, to become enrolled and to have a vote. The Government considers any person who leaves the State as a member of the forces, or on war service, does not lose his identity as a West-

ern Australian and should not be disfranchised because he volunteered, or was called up for service with the fighting forces either inside or outside of the Commonwealth.

Many problems are associated with the methods to be adopted, both in the getting of names of members of the forces on the roll, and permitting them to vote once they are on the roll. The final solution is comparatively simple. A member of the forces will be allowed to sign a nomination form, either before he leaves or after he has left the State by which he can nominate some person to see to his enrolment and attend to his right to vote while he is away. We assume that persons who are intelligent enough and courageous enough to fight for their country will appoint a trustworthy nominee, who will be sensible and courageous enough to do the right thing by the absent soldier. Relatives or close friends can be appointed to perform the necessary duties, and no doubt persons so appointed will have regard for the best interests of their absent kinsfolk or comrades when exercising the franchise.

The Bill has a lot to commend it. The system has been tried in Queensland and found to be successful. About one-third, from what I can learn, of those who enlist in the overseas forces exercise their franchise through nominees. The nomination system is quite simple. A prescribed form can be filled in, and to be filled in correctly the signature must be attested by a commissioned officer, non-commissioned officer, or any person appointed by the Governor-in-Council. Returning officers can and will, if this Bill becomes law, be appointed in London, Cairo or any other place where our soldiers may be. There should be no difficulty in that direction. Nomination papers can be sent along and the soldiers can be notified of their right to a vote, and when they get the nomination papers they can appoint an appointee, or agent, or whatever he may be termed, a deputy or proxy, to carry out their will.

In Queensland they had two forms—one for enrolment and one to give the soldier the right to vote. To make the system easier we have amalgamated these two forms. Any person filling in the form, as annexed to this Bill, will have the power to appoint a person to represent him in West-

ern Australia, and to enrol him if he has not been enrolled before leaving. This provision only applies to persons entitled to enrolment as electors for the Legislative Assembly. It may be availed of by members of the forces who become 21 after leaving Western Australia or who were 21 before leaving but for one reason or another had not placed their names on the roll. Quite a number will have already left the State before the Bill is passed; it will then merely be a matter of filling in nomination forms which will entitle somebody else to represent them in the State, to enrol them, or to vote on their behalf.

When these nomination forms are completed the nominators will send them direct to the Chief Electoral Officer or to a returning officer; if to a returning officer he will send them to the Chief Electoral Officer, who will inform the appointees and also apprise the returning officer of the nominees' right to vote. The nomination can be sent by cable, which will facilitate matters and avoid any risks that any other system would involve. For instance, important papers will not be lost under such a system whereas under other systems there would be a chance of losing them at the hands of the enemy.

The nomination system does not mean compulsory voting; that will be optional as far as the soldier is concerned after he leaves Western Australia. He will also have power to revoke or alter any nomination he has made. He may give the nominee power to vote for all elections in Western Australia while he is away, and later, on consideration, he may say, "I will restrict my nominee to only one election"; or he may not be satisfied and decide to revoke the whole nomination. When the soldier returns to Australia, he may bona fide change his enrolment in accordance with the provisions of the principal Act. The Bill is concerned with the voting of members of the forces in military camps whilst in the State. Many of the electors have come from the four corners of Western Australia and have been concentrated with their comrades in military camps far distant from their electoral districts. As the Bill preserves their enrolment for the district in which they were living prior to enlistment they should not be forced to go to all the trouble associated with the recording of a postal vote. Accordingly the Government proposes to establish polling booths in the

various military camps to allow soldiers to vote in the ordinary way.

To overcome the difficulty associated with absence from the electoral district an absentee system will be used which will save time, trouble and expense. Polling booths will be established in the camps for two days prior to election day, and also on election day itself. All members of the forces will thus be enabled to vote without leaving the camp and without going to the trouble associated with postal voting. We have made provision for absentee voting. Any soldier, whether in the Militia, in the A.I.F., or in the Royal Australian Air Force will be able to record an absentee vote. In the case of many soldiers their electorates are far away, and it would not be possible in some instances for them to have a postal vote recorded at the correct polling booth on the day of the election. To facilitate matters we thought we would make provision in the various military camps in this State whereby soldiers were given the advantage of recording their votes as absentee votes, according to the Commonwealth method.

It is proposed by the Bill to give to those in camp a vote two days prior to polling day. The reason for that is that polling day will be on a Saturday, and generally many soldiers are away on week-end leave. Those men will have an opportunity to record their votes prior to going on leave. This will also give those in control of the polling booth an opportunity to afford anyone a chance of recording his vote. In the various camps, such as Northam, Narrogin and others, irrespective of whether the men are in the A.I.F., the Air Force, or the Militia, they would have an opportunity to record an absentee vote. I think every member of the House will agree that all soldiers who have volunteered to fight the common foe in this war are entitled to every consideration, but that those who have volunteered to go overseas are entitled, if it is possible to give it to them, super consideration such as will be given in this Bill.

After a lot of consideration and investigation the nomination system has been adopted by the Government. It has been decided that this is really the only satisfactory system that can be evolved for Western Australia. It has been tried and proved satisfactory in Queensland. I believe after a very close scrutiny only one case in

Queensland was discovered to be fraudulent. Many votes were passed and all of them were checked, but only one fraudulent case came to light. The method that has been adopted in Queensland should therefore be good enough for us in Western Australia. It will give the soldier an opportunity to record his vote prior to leaving the State. He can nominate someone to act on his behalf before he goes away. If he is stationed in the Eastern States he can nominate someone in Western Australia to carry out his wishes. Of all the systems we have seen and investigated I do not think any is more effective than this particular one. I hope that when members have thoroughly scrutinised the Bill they will see in it something that will be of help to those who are going away to fight our cause.

Mr. Sampson: How will non-party men get on?

The Minister for Lands: They can nominate you.

The MINISTER FOR JUSTICE: The soldier will have the privilege of nominating any person he so desires. He can nominate his mother, his sister, the Premier, the Leader of the Opposition, or the Leader of the National Party as the person to record his vote.

Mr. Doney: Will that be made clear to him in the writing that is sent to him?

The MINISTER FOR JUSTICE: Yes, it will all be made clear to him. There is nothing in this Bill that is difficult to understand and I hope members will approve of it. If they desire to move any amendments I hope they will put them on the notice paper. I notice that quite a number of amendments appear on the notice paper with regard to other Bills, and would point out that all amendments that appear on the notice paper are likely to receive more consideration than if they are sprung upon the Committee. I move—

That the Bill be now read a second time.

On motion by Mr. Thorn, debate adjourned.

BILL—PROFITEERING PREVENTION ACT AMENDMENT.

Returned from the Council with an amendment.

BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

MR. WILSON (Collie) [4.58]: The Minister for Lands has thoroughly explained the purpose of this Bill. I support his remarks in every way, and have much pleasure in also supporting the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—WATER BOARDS ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the 11th September.

MR. HILL (Albany) [5.3]: This is one of the small Bills which need to be introduced from time to time to assist in the working of the parent Act, and to supply possible omissions. The measure proposes to give water boards more power to prevent the pollution of water catchment areas. At present boards have power to deal with Crown lands. The Bill proposes that in connection with alienated lands water boards shall have the powers and responsibilities of boards of health. Thus they will be enabled to prevent any pollution from private areas. The other parts of the Bill deal with the financial aspect of water boards, and place them on the same footing as are municipalities and local boards of health.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—WEIGHTS AND MEASURES ACT AMENDMENT.

Second Reading.

Debate resumed from the 11th September.

MR. WARNER (Mt. Marshall) [5.6]: The Minister for Works said this measure

proposed merely a slight amendment of the parent Act to bring weighing machines under control in the same way as other machines are. The hon. gentleman adduced sufficient evidence by reason of complaints received to prove the need for the proposal. If the Bill passes, the department controlling weights and measures will have supervision over the various descriptions of weighing machines, automatic and others, found in so many parts of the metropolitan area and especially in the city. They are to be seen in almost every arcade and in the doorways of many large warehouses. They are erected for the convenience of the public, and it is necessary that persons wishing to know their weight should get reasonably correct records. Some check should be kept especially on those machines which give persons a ticket stating their weight. There should also be a check on persons who leave without attention machines owned by them, so that persons patronising them do not obtain correct weight.

In some instances the machines, besides being annoying, are dangerous, for many of them are placed in the vicinity of child welfare clinics and health centres. The weights recorded by the machines are taken into consideration by the officers in charge of such institutions. Much mischief might result from incorrect weights given to persons experimenting with diets. The true weights should be furnished especially to people on diets, many of whom believe in carefully watching their weight. Further, they believe that the gain or loss of a pound or two while on a certain diet decides whether the diet should be persevered in. Their calculations are, of course, entirely upset if the weights recorded by the machines turn out to be wrong.

I have taken the Bill seriously, and I made a round of the machines in the metropolitan area to ascertain whether they were correct. I also learnt that many complaints had reached the local governing bodies concerning the incorrectness of the machines. The time has therefore arrived when something should be done to ensure that the machines either give correct weighings or are removed. I am of opinion that most of the machines would give correct weight if attended to regularly. Jockey scales and others that are attended to prove fairly reliable. Three automatic machines I tried in the city, however, gave three dif-

ferent dates of weighing; one, 27/9/40, another 30/9/40, and the third 31/8/40. All three weighings took place on the 15th of this month of September. There are in Murray-street two jockey scales and another description of scale attended to by a man. I weighed on those, and the results I believe to be fairly correct. Two of them gave my weight as 15 stone 6 lbs. 12 ozs., and the result from the third was only slightly different. If the machines were properly cared for they would at all times be correct.

I will now quote the various weights recorded of me by different machines in the city: 15 stone 10 lbs., 15 stone 3 lbs., 15 stone 7 lbs., 9 stone 6 lbs., 15 stone 2 lbs., 15 stone 10 lbs., 15 stone 7 lbs., 15 stone 6 lbs., 14 stone 3 lbs., 15 stone 1 lb., 10 stone 7 lbs., 6 stone 7 lbs., 15 stone 7 lbs., 15 stone 6 lbs. 12 ozs., again 15 stone 6 lbs. 12 ozs., and 15 stone 6 lbs. After the last weighing I gave up in disgust, being a Scotsman in the matter of finance. The only real satisfaction I got was from my last sixpence, which I spent upon meeting a friend. The various weighings occurred on the 15th of this month, between half-past ten and twelve o'clock. The only difference there should have been, from first to last, would be according to the number of pennies I had in my pocket, in addition to a couple of cigarettes and a box of matches.

From the inquiries I made and from the practical trials I undertook, it seems to me that the Bill undoubtedly should be passed. I endeavoured, but unsuccessfully, to ascertain the amount of money received by the owners of the machines. I have no hesitation in asking the House to pass the second reading and put the Bill through Committee.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the 18th September. Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 4—Amendment of Section 10:

The MINISTER FOR WORKS: Progress was reported, after the Committee had amended Clause 4 by substituting the word "two" for "one" in line 7 of paragraph (ii) of proposed new Subsection 1. Progress was reported in order that we might ascertain what consequential amendments were necessitated by the alteration made. Having gone into the matter, I move an amendment—

That the following proviso be added to paragraph (ii) of proposed new Subsection 1a:—
 "Provided that where, prior to the first day of January, one thousand nine hundred and forty-two, any person has obtained a full year's license for the year ending on the thirtieth day of June, one thousand nine hundred and forty-two, for a vehicle to which this subsection applies, such person shall, in respect of the period of such license which commences on the first day of January, one thousand nine hundred and forty-two, be entitled to a reduction of the amount of the full year's license fee paid by him for such license equal to one-eighth of such full year's license fee and may apply in writing to the local authority which granted the said license either—(a) for a refund to him of the amount of the reduction to which he is entitled under this proviso; or (b) for a credit of the amount of such reduction on account of the license fee which will become payable by the applicant in respect of the next license required to be obtained by him for the said vehicle, and such local authority on receipt of such application shall forthwith give effect thereto in accordance with the tenor thereof."

This will mean that—Parliament having decided that the Bill shall become operative in January, 1942—anyone who has obtained a full year's license—that is, for the licensing period which would take him to the 30th June, 1942—will be entitled to a refund. Take the case of a license amounting to £8! The owner would be entitled to a refund of one-eighth for the reason that he has already paid the full license fee for this calendar half-year up to January, costing him £4, and he would be entitled to a 25 per cent. reduction for the following half-year, that is, from January, when the Bill becomes operative, until the 30th June; which works out at one-eighth of the original license fee. As a result of the amendment passed, instead of there being a 25 per cent. reduction it will work out at 12½ per cent. for the whole year, because it is 25 per cent. for the half-year. The amount the licensing authority will have to refund will have been halved. Subsequently, of course, the 25 per cent. reduction will operate. The full mean-

ing of the amendment I have read is that anyone who has taken out a year's license will be entitled to a refund of one-eighth of the amount he has paid for the full year's license.

Mr. DONEY: I have not had time fully to digest the amendment, but, so far as I have considered it, it appears to take the place of the first of the several amendments standing in my name on the notice paper. I support the amendment.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That paragraph (iii) of proposed new Subsection 1a be struck out.

The amendment the committee has just passed takes the place of this paragraph in view of the fact that the Bill will operate from the 1st January, 1942, instead of for a full year from the 1st July, 1941.

Amendment put and passed.

Mr. DONEY: I intend to move an amendment that a subclause be added as follows:—

"(2) Subsection 1a as inserted in Section 10 of the principal Act by paragraph (c) of Subsection 1 of this section shall cease to have effect after the 30th day of June next following the termination of the war in which His Majesty at the commencement of this section is engaged."

The CHAIRMAN: I would point out that the hon. member has an amendment on the notice paper preceding the one he has just moved.

Mr. DONEY: I do not propose to proceed with that amendment.

The MINISTER FOR WORKS: If passed the amendment standing in the name of the hon. member, but which he does not propose to move, would relieve a local authority in needy circumstances by postponing the date for the refund. The amendment just passed makes it obligatory on local authorities to pay the refund.

The CHAIRMAN: With which amendment is the Minister dealing?

The MINISTER FOR WORKS: I am pointing out the effect of the amendment we have passed. It entitles a person who has licensed a vehicle to apply for a refund or a credit. The amendment the hon. member does not propose to move would give a local authority power to postpone payment. The refund would not need to be paid until the completion of the licensing

period. That would apply, of course, only in the case of necessitous local authorities which would have to show that they were in such circumstances that they could not make a refund. If the hon. member does not move his amendment, local authorities will not have the right to postpone refunds.

Mr. DONEY: I am obliged to the Minister for pointing out my error, though there is some excuse for me inasmuch as I asked the Minister whether his amendment displaced mine and he agreed that it did. Such mistakes occur through our not having amendments in front of us before the House meets. I move an amendment:

That the following proviso be added to paragraph (ii) of proposed new Subsection 1a:—
“Provided that, where a local authority is satisfied that by reason of its expenditure and/or commitments it has not funds available sufficient to make refunds in cash, it shall be lawful for such local authority not to make any such refund until after the first day of July, one thousand nine hundred and forty-two, and in such case the persons to whom this paragraph applies shall be entitled, in the meantime, only to a credit as provided for in subparagraph (b) of this paragraph.”

The amendment is moved for the obvious reason mentioned by the Minister. Many boards not in affluent circumstances will benefit if the Committee favours the proviso. I understand the Minister is agreeable to it, so I shall not pursue the matter further.

Mr. SAMPSON: The amendment should go further. Many licensees would readily agree to the amounts of their rebates being allowed to stand to their credit. The repayment of small amounts would be annoying to both the local authority concerned and the licensees, and I suggest that the proposed proviso be amended by inserting a provision whereby the licensee may agree to the amount involved being placed to his credit, in which event the board would not be required to make the payment.

The Minister for Works: That is already provided for.

Mr. Doney: That is the intention of the amendment, and the only reason for it.

Mr. SAMPSON: Not at all; the amendment deals with the position of boards that cannot afford to make refunds. That is not the point I am making. Many boards will be quite able to make the payments, but much bookkeeping will be involved in such matters. If the licensee is agreeable to the amount standing to his credit, that will be

avoided. After all, nine-tenths of the licensees would be agreeable to the local authorities placing the rebates to their credit. The amounts to be refunded will be small.

Mr. Doney: But what about the aggregation of those small amounts?

Mr. SAMPSON: I am complaining about the aggregation of the work involved in the payments of these small amounts. I think both local authorities and licensees concerned would welcome the provision I suggest. I move—

That the amendment be amended by inserting in line six after the word “cash” the words “or the licensee agrees that the amount involved shall be placed to his credit.”

Mr. DONEY: I do not share the opinion expressed by the member for Swan on this point. The additional words he suggests would militate against the purpose of the proviso. The local authority concerned would not allow the decision regarding the repayments to rest with the licensees concerned. If a licensee had the option of recovering the cash or having the amount of the refund placed to his credit he would naturally ask for the cash, and so we should not reach the position desired.

Mr. SAMPSON: If the licensee approves of the board retaining the amount of the refund to his credit, payment will not be necessary, if my amendment on the amendment be agreed to. The amounts involved will be small. Some may be £1, others may be 5s.

Mr. Doney: Some refunds may be a great deal more.

Mr. SAMPSON: None would amount to more than £2 10s. at the most. If the Committee insists upon the proviso in its original form, the local authorities will be called upon to do a great deal of unnecessary work.

Mr. DONEY: The hon. member's further statements have not altered my view. I do not think the Committee need pay much attention to the point raised by the member for Swan.

Mr. F. C. L. SMITH: Members should have a clear understanding of the effect of the proviso and the amendment moved by the member for Swan. As I understand the position, the proviso will give local authorities power to postpone the payment of rebates until July of next year, whereas the amendment suggested by the member for

Swan will mean that the local authorities will do so only if the persons entitled to the rebates agree to that course. It seems to me that the proposal by the member for Swan cancels out that of the member for Williams-Narrogin. I feel disposed to oppose the amendment on the amendment, which does not suggest that I favour the amendment itself.

Mr. WATTS: I agree with the member for Brownhill-Ivanhoe that it is difficult to understand the effect of the amendment on the amendment. While in the ordinary course I would like to support the member for Swan in any reasonable proposal, I cannot do so now. Unless my understanding is wrong the amendment says that, if a local governing body has not the funds, it need not pay the rebate until the 1st July, 1942, and in the intervening six months the person who would ordinarily be entitled to the payment of the refund will have the amount placed to his credit in the books of the board. If we adopt the proviso with the additional words suggested by the member for Swan the cumulative effect will be that if the local authority has no money, or the licensee agrees to his refund being placed to his credit, the local authority need not make the refund until the 1st July, 1942, and in the meantime the licensee will be entitled to credit for the amount involved. It seems to me that the words sought to be added by the member for Swan will not make the slightest difference to the intention of the clause. The proposed amendment would do nothing at all except to mystify the clause.

The Minister for Works: I agree!

Mr. WATTS: Members may have some difficulty because the previous amendment was not on the notice paper. Actually it gave the right to a person who had licensed a vehicle for one year to apply either for a refund or to be given credit for the amount. The vast majority of road boards are working on an overdraft, and we shall relieve them to some extent. One person's payment does not amount to much, but in the aggregate such payments total a considerable sum.

Amendment on amendment put and negatived.

Hon. N. KEENAN: I move—

That the amendment be amended by inserting in line 7 after the word "authority" the words "with the consent of the Minister."

With all due desire to extend friendly aid to the road boards I do not think we ought to leave it to road boards authorities to settle the question of their own volition.

Mr. DONEY: The member for Nedlands is evidently fearful that a number of road boards will experience financial embarrassment. Still, I have no objection to the amendment which I do not think will be at all harmful to the road boards.

Mr. SAMPSON: I trust the amendment will not be agreed to because it is of a pettifogging nature. Already the Minister has a sufficient number of matters referred to him without having to deal with such a request as the return of one-eighth of the license fee. Why is it necessary to refer such a matter to the Minister?

The MINISTER FOR WORKS: Requests by the local authorities for re-licensing must first be recommended by the Traffic Branch before going to the Minister. The local authorities branch audits all the accounts of road boards, and such applications would be recommended by a man who knew all about the financial position of the applicant. The member for Swan need have no anxiety.

Amendment on amendment put and passed.

Mr. McDONALD: I suggest to the member for Williams-Narrogin that the last sentence of his amendment is not required and in fact might be undesirable. I move—

That the amendment be amended by striking out in lines 10 to 13 the following words: "and in such case the persons to whom this paragraph applies shall be entitled, in the meantime, only to a credit, as provided for in paragraph (b) of this paragraph."

A motorist who is entitled to a refund may write to the local authorities and say one of two things; either "I want cash now" or else "I do not want cash, but credit me with the amount of my refund against my next license fee." The first part of the amendment of the member for Williams-Narrogin says that, although the motorist asks for a refund in cash, if the local authority is embarrassed it may postpone payment in cash until the 1st July, 1942. The amendment does not apply to the motorist who writes in and seeks a credit in the form of a rebate against next year's license fee.

Mr. DONEY: The only thing that makes me dubious as to the need for the amendment is that the member for Nedlands, who

usually discovers redundancies of this kind, has apparently passed it by.

Mr. F. C. L. SMITH: The member for West Perth gives no indication as to when this credit which has been given shall be paid back after July, 1942. If the amendment is agreed to I want to know in what part of the remaining paragraph is there an indication as to when after July, 1942, the road board will have to make rebates. The date could be postponed until July, 1943, if this amendment is carried. Some change is necessary to ensure that when persons become entitled to these rebates in July, 1942, they shall be entitled to receive the amounts forthwith, unless they desire them to be credited towards a license fee for a further period.

Mr. McDONALD: I am pleased the member for Brown Hill-Ivanhoe has raised this point, as I omitted to mention it. The preceding amendment provides that the local authorities shall on receipt of an application for a refund forthwith give effect to the application. The amendment of the member for Narrogin authorises a local authority to postpone payment of the refund until the 1st July, but the amendment now before the Committee, in addition to the previous amendment moved by the Minister and passed, will safeguard the motorist against any delay in payment of his refund.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

Mr. DONEY: I move an amendment—

That the following be inserted to stand as Subsection 2:—Subsection 1a as inserted in Section 10 of the principal Act by paragraph (c) of Subsection 1 of this section shall cease to have effect after the thirtieth day of June next following the termination of the war in which His Majesty at the commencement of this section is engaged.

Should any member be disposed to quibble about the wording of the latter part of the amendment, I plead in excuse that I have an assurance it is legally in proper form. The Bill permits the reduced license fee to continue for all time. It will be plain to the Committee that the local governing bodies are unlikely to agree to such a provision. In their interest it is obviously desirable to fix an end to the period during which the reduced fee shall operate. The intention of the amendment is that on the

last day of the financial year next following the end of hostilities the present rate shall no longer apply. New rates shall then be fixed by some other method.

The MINISTER FOR WORKS: This Bill deals with petrol rationing and if the amendment be passed we shall have still further difficulties. An Act does not automatically lapse; it must be repealed, even though it be a wartime measure. This Bill provides that, because of petrol rationing, there shall be a percentage decrease in the amount of license fees. No one can foretell when petrol rationing will cease. The amendment is not in conformity with the spirit of the Bill. Can the hon. member inform me when petrol rationing will cease after the war is over? We might then arrive at a decision.

Mr. Doney: I cannot tell you that.

The MINISTER FOR WORKS: We had better leave this point to the good sense of the present or some future Government, in whom I would have as much faith on this point as I have in the present Government.

Mr. DONEY: We certainly do not know when petrol restrictions will be lifted, but it seems reasonable to assume that they will be lifted some months after the conclusion of hostilities. There is nothing arbitrary about the amendment; it merely gives Parliament an opportunity to review the measure and determine what shall be done after the war. I am not insisting upon the amendment.

Mr. J. HEGNEY: I oppose the amendment because it is impracticable; if passed, and if the war were officially declared ended at the commencement of June, we should immediately revert to the status quo. Motorists might then be in even greater difficulties than they are now. I agree with the Minister's suggestion that we should leave this matter to the good sense of Parliament. The amendment should not succeed on its merits.

Mr. DONEY: Conceivably the war might end on a date which would leave the 30th June only a few days off. If that is the hon. member's principal objection he might be prepared to move an amendment altering the date.

Amendment put and negatived.

Clause (as previously amended) put and passed.

Clause 5—Amendment of Section 18:

Mr. DONEY: This clause applies particularly to cars purchased outside the territory wherein it is intended to license them. It is already possible to travel from one territory to another by means of a temporary permit issued by the local authority concerned. Short of an explanation from the Minister on that point, I can see no reason for departing from that method. Perhaps the Minister will tell the Committee what is wrong with it.

Sitting suspended from 6.15 to 7.30. p.m.

Mr. DONEY: I have some amendments to move in respect of this clause. One of my amendments will substitute for the word "road" in the proviso, the word "journey." It can be seen that in a journey in a new car from Perth to, say, Narrogin, the driver would have to pass through six, seven or eight road board districts. On some occasions the number of districts traversed would be greater. He would be required to approach anything from six to eight road board secretaries. In some instances that would mean considerable delay because the offices of some road board secretaries are situated away from the main road. Furthermore, the motorist concerned would be unable to travel before 9 a.m. or after 5 p.m., those being the hours at which the secretaries would respectively commence attendance at and leave their offices. I am sure that is not intended. I move an amendment—

That in line 7 of proposed new subparagraph (i) of paragraph (a) the word "road" be struck out and "journey" inserted in lieu.

The MINISTER FOR WORKS: This amendment is necessary and I have no objection to it.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That in line 8 of proposed new subparagraph (i) of paragraph (a) the words "is situated" be struck out and "commences" inserted in lieu.

Amendment put and passed.

Mr. DONEY: I move an amendment—

That in line 9 of proposed new subparagraph (i) of paragraph (a) the word "road" be struck out and "journey" inserted in lieu.

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

Clause 6—agreed to.

Clause 7—Amendment of Section 24:

Mr. DONEY: I move an amendment—
That paragraph (b) be struck out.

Section 24 sets out the penalty for driving without a license. I can perceive no reason why the Commissioner of Railways should be exempted from this very needful precaution. This paragraph carries altogether too far the idea of exempting the Crown, and I hope the Committee will take a stand on the matter and decline to pass it. In any event, the person referred to in the paragraph is not the Commissioner at all, but a tramway employee. He may be just as good as and perhaps a better man than the Commissioner; but that is not the point. If he is exempted, we might as well exempt everybody. Just because a man works on the railways or the tramways, is he to be permitted to drive a Government vehicle without a license and be exempted from the by-laws of the land irrespective of any implied danger to the public and damage to Crown property? To me the position seems absurd, to say the least of it. The Minister may be able to show that under other statutes railway or tramway employees are free from interference in regard to licenses, but in the public interests they should not be free under this particular statute. The Minister may also be able to show that the Commissioner insists on a very high standard of efficiency on the part of his drivers. The private companies might be able to put up a similar plea. I do not like the idea of a driver of one bus being forced to obey the spirit and letter of the law and the driver of another bus—possibly a competitor, and a Government bus at that—owing no allegiance to the law of the land. Is the man free from legal restrictions likely to be the better driver? The tendency would be in the other direction. If that can be said, then traffic laws are of no value whatever.

The CHAIRMAN: Order! There is too much talking. I will not have any hilarity here when the call for order is made. I hope the member for Swan will kindly obey, or his deliberations before this Committee will be suspended.

The MINISTER FOR WORKS: The man to be called upon to drive omnibuses will be interchangeable with the trolley bus drivers and tram drivers. These men are subject to the qualifications and examinations, etc., set up by the Commissioner of Railways. The Commissioner is responsible

for all his employees, who have to submit to a rigorous examination before they are put to their particular work. It is now suggested that the Commissioner of Police is an authority who should override the Commissioner of Railways respecting the training and qualifications necessary for any of his employees.

Mr. Doney: He must be well qualified to do that, because that very frequently is his function.

The MINISTER FOR WORKS: Does the hon. member suggest that the Commissioner of Railways would put some person on to a particular class of work if he were not competent—engine-drivers, tram-drivers or trolley bus drivers? These men do not have to go to the Commissioner of Police for examination, nor even for their health examination. They have to qualify under the regulations set up by the Commissioner of Railways. I have yet to learn that the Commissioner of Railways puts anyone to work who is not trained or qualified. Until these men are interchangeable and can drive a tram, a trolley bus or an omnibus, the Commissioner of Railways will not entrust them with a vehicle. They have to qualify themselves under the traffic regulations. The Commissioner of Railways sees to that. They are under his jurisdiction, and for that reason they are exempted. This is no new departure. It is usual for the Commissioner of Railways to have entire control over the employees of the Railway Department. The Government Tramways Act provides that trams, trolley buses and omnibuses are exempt, and are under the control of the Commissioner. This merely follows that out. This Act conforms to the other Acts controlling the railways and tramways. If it were shown that the Commissioner did not employ properly trained and reliable men there would be some point in this proposal. Until it is shown that the Commissioner of Police is more competent to judge the qualifications than the Commissioner of Railways, and that he demands a higher standard, the member for Williams-Narrogin need not be nervous.

Hon. N. KEENAN: I support the amendment. The Minister's argument is very much beside the point. The section in question deals with learners' permits, and the proviso sets out that the permit shall not be issued to any learner unless such

learner, when applying for the permit, satisfies the authority to which the application is made (that is, the Commissioner of Railways), that the person who will sit beside him when the learner is learning to drive will be a person who has, for a period of at least one year, been licensed to drive the class of vehicle which the learner will drive under the authority of the permit. It deals only with the application for permission to obtain a learner's permit for a certain individual. The issue of that permit is restricted by the conditions laid down. Everything the Minister said about the care of the Commissioner of Railways might equally well be said about the care exercised by the manager of the Metro buses. The manager of the Metro buses would not put a learner in charge unless he were satisfied that the learner was capable of driving the bus. Human lives and valuable property are at stake.

The CHAIRMAN: I am under the impression that the member for Nedlands is a little out in regard to the amendment, which is to delete paragraph (b). That has nothing to do with learners.

Hon. N. KEENAN: I regret if that is the case. As the Bills are bound in our books, it is very difficult to see the margin. On taking my book to pieces and looking at the margin, I see I am labouring under a misapprehension.

Mr. WATTS: I hope the Minister will not object to the amendment moved by the member for Williams-Narrogin. What we want is uniformity. We want the same standard of skill and the same basis of examination for persons employed by the public companies and for those employed by the Government. It seems to me entirely wrong for the Commissioner of Railways to be exempt from the provisions of the Act which governs everybody else. The Commissioner of Police for years has been the sole authority throughout the State for the licensing of persons to drive motor vehicles of all kinds. Now it is suggested that because the Commissioner of Railways wants to run an omnibus he should be a licensing authority. There should be the same examination for all omnibus drivers. I hope the Minister will not object to the deletion of the clause.

Mr. WITHERS: This subsection deals with Section 24 of the principal Act and

not with Subsection 1. To my mind the discussion concerns something that is not here.

The MINISTER FOR WORKS: Do members suggest that when the Commissioner of Railways engages a man as an omnibus driver he should consult the Commissioner of Police? Is not the Commissioner of Railways competent to see, before he puts a man in charge of an omnibus, that the man is capable and has attained the standards set by the Commissioner? I put it to the Committee whether the Commissioner of Railways cannot be trusted to see that his men are properly trained. I object to the amendment.

Mr. CROSS: I believe it would be positively dangerous in the public interests to strike out the paragraph. The Government Tramways Act gives very great powers to the Commissioner of Railways. Section 5, inter alia, gives the Commissioner of Railways power to make and alter and control by-laws dealing with many matters, among them the general regulation of traffic on the tramways and of persons employed thereon. There has been a lot of argument as to whether the Commissioner can run omnibuses. The Act gives him power to do that—but that is by the way. Every man chosen by the Commissioner of Railways to take charge of a vehicle has to pass a strict medical examination, and a far stricter eyesight test than is ever imposed by the Commissioner of Police. A man put in charge of a learner has to be an expert and know the vehicle from A to Z, before the Commissioner of Railways permits him to have a man under his charge as a learner. Examinations have to be passed after that. Notice is taken even of the temperament of candidates. All that is done in the public interest. To lower the standard would be ridiculous. The Commissioner of Railways is by far the stricter authority.

Mr. McDONALD: The argument of the member for Canning is that the essential conditions required by the Commissioner of Railways for a man to drive an omnibus in the street are fifty times as rigid as those imposed by the Commissioner of Police. If the conditions imposed by the latter are essential for a man to drive a bus in the public street—as I must imagine—then the Commissioner of Police is allowing private persons to drive buses under conditions of

only one-fiftieth of the stringency imposed in the former case. Either one Commissioner imposes too high a standard or the other Commissioner a standard that is too low. Both cannot be right. On the argument of the member for Canning there is only one thing for the Committee to do—to take all licensing away from the Commissioner of Police and put it under the Commissioner of Railways. Old-fashioned as I may be, I hold that the Commissioner of Police has been put in charge of the Traffic Act and that it is his peculiar province to regulate traffic on the roads.

The Minister for Mines: Only in the metropolitan area.

Mr. McDONALD: The conditions under the Commissioner of Railways are entirely different. The Commissioner of Police should license all drivers outside the metropolitan area as well as all those within it. There is an essential minimum requirement of skill for any man who drives a vehicle on the public road. That standard should be uniform and should apply to all people who drive buses, more especially, on the public roads. The amendment seems entirely sound.

Mr. SAMPSON: I live upon a road on which motor-bus drivers are taught to drive. If the amendment of the member for Williams-Narrogin is defeated, the Commissioner of Railways will necessarily add to his staff certain examiners to see whether bus drivers are competent. Whatever is done by the Commissioner of Police is uniform in every case, and whatever new methods might be adopted in regard to driving of buses would be maintained in every instance. If the Minister insists on the defeat of the amendment, he will need two sets of officers to check motor-bus drivers.

Hon. N. KEENAN: A learner is not to be allowed to drive a motor vehicle on the public road unless he has his seat alongside a person who is fully qualified, and therefore able to check any error on the learner's part. That is a wise and necessary provision. It does not matter whether the Commissioner of Railways has a high standard or a low standard. If this is a right and proper provision to enforce on all employers in the interests and safety of the public, why should the Commissioner of Railways be the only employer to be exempted? I hope the amendment will be carried.

Mr. DONEY: I share the view expressed by the member for West Perth. The remarks of the member for Canning have spoilt any chance of success the amendment had before he spoke. I point out, however, that other Government departments must submit to the law, and that there is no sound reason why the Railway Department should not. The Minister pleads that it will be exceedingly inconvenient for the Commissioner; that, I agree, is so, and for that reason I moved the amendment with some reluctance. The Minister insists that the Commissioner of Railways is highly competent. Perhaps no one would deny that statement, but there are degrees of competency. The Minister drew a comparison between the Commissioner of Police and the Commissioner of Railways as to which of the two would be the better person to function in this matter. I incline to the extra competence of the Commissioner of Police, because this is his constant job. Obviously, it is in the interests of all that everyone should obey the law.

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

Ayes	15
Noes	22

Majority against .. 7

AYES.	
Mr. Abbott	Mr. North
Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Kelly	Mr. Walts
Mr. McDonald	Mr. Doney
Mr. McLarty	

(Teller.)

NOES	
Mr. Berry	Mr. Panten
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Leahy	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson

(Teller.)

PAIRS.	
AYES.	NOES.
Mr. Stubbs	Mr. Collier
Mr. J. H. Smith	Mr. Holman
Mr. Latham	Mr. Fox

Amendment thus negatived.

Clause put and passed.

Clauses 8 and 9—agreed to.

Clause 10—Amendment of Section 46:

Mr. DONEY: Section 46 deals with regulations. The amendment I propose to move seeks to alter the incidence of the proposed

new subparagraph (ze), which provides further scope for regulations. The additional regulations foreshadowed by Clause 10 would be suitable, I submit, for application to big containers; but they are ill-suited for application to farmers, prospectors, kangaroo hunters, sandalwood cutters and others. I do not know what expense is likely to be incurred under the sub-paragraph I am seeking to amend, but perhaps the Minister will in due course make that point clear. I should imagine that in the case of kangaroo hunters, prospectors and sandalwood cutters, who operate in parts of the State where roads hardly exist, there will be practically no expense. But there may be some in the case of farmers who would use the roads the same as ordinary traffic. I move an amendment—

That the following proviso be added to proposed new subparagraph (ze) of paragraph (i) of Subsection 1:—"Provided that no regulations made under subparagraph (ze) shall apply to any vehicle which is owned by any of the persons, and used solely or mainly for any of the purposes, mentioned in subparagraphs (i) to (iv), both inclusive, of the fourth proviso to Subsection 1 of Section 10 of the principal Act, in respect to the carriage of petroleum spirit in metal drums or other similar containers."

The MINISTER FOR WORKS: The amendment proposes to deal with paragraphs (i) to (iv) of Section 10 of the Act. I would be agreeable to it if it referred only to paragraphs (ii) to (iv) and did not include paragraph (i). Section 10 contains a proviso to the effect that only one-half of the fee payable, according to the scale in the Third Schedule, shall be chargeable in any case in which it is proved to the satisfaction of the licensing authority that the license applied for is required for a motor wagon, motor carrier, trailer, or semi-trailer which is owned by a person carrying on the business of farming or grazing; or for a motor vehicle owned by a bona fide prospector, a bona fide sandalwood-puller or a bona fide kangaroo-hunter. I am quite willing that the sandalwood-puller, the prospector and the kangaroo-hunter should be exempt, but there is no reason why a farming vehicle should be exempt, because it certainly plies on the roads and highways. It is a question of making sure that every care is exercised. Regulations have been provided for the safety of those who carry petroleum and spirits in these vehicles. These are the days of producer gas vehicles, and care will have

to be exercised when motor spirit is carried on producer gas-driven conveyances. To exempt a farmer from taking every care when carrying petroleum is not to do him a good turn. It does not matter to the men in the bush—the kangaroo-hunter, the sandalwood-puller or the prospector—because I cannot feel there would be much danger to them. I move—

That the amendment be amended by striking out the figure "(i)" and inserting the figure "(ii)" in lieu.

Mr. WATTS: The Minister's amendment should not be carried. The proviso to which the Minister referred contains words which he did not quote. His proposal would have the effect of deleting not only the farmer but also those who live in the North-West area above the 26th parallel and who should be entitled—even if the farmer is not—though I think he is—to the same consideration as is the sandalwood-puller, the kangaroo-hunter or the prospector.

The MINISTER FOR WORKS: No one suggests that stringent regulations will be imposed in respect to petroleum spirit in the North-West any more than they are suggested as being necessary in regard to prospectors, sandalwood-pullers and kangaroo-hunters. Commonsense is exercised in formulating regulations, and as the amendment is to provide for the safety of conveyances carrying petrol on our roads, I cannot see why the North-West or other outlying places would be included in regulations promulgated. This is only done by regulation. I cannot conceive of any regulation imposing stringent conditions on the carrying of motor spirit in the North-West, but it is necessary to have that power. It is in the interests of the owner of the vehicle, too, where it is operating on roads in the more settled districts.

Mr. RODOREDA: I agree with the Minister and am totally opposed to this amendment. I cannot see why power should not be given to frame regulations regarding the carrying of petroleum spirit. No doubt there are regulations in existence now.

Mr. Doney: You cannot object to the amendment in that case.

Mr. RODOREDA: Why specific provision should be put in the Bill is beyond me. The member for Katanning is solicitous about the welfare of the people in the North-West. Three-quarters of the people in the North-West would be subject to these

regulations. Why we should exempt a few pastoralists from the Act and yet bring under its provisions the carriers of goods who earn their living in that way is inexplicable to me. What the hon. member really wants to do is to include the cookies in the South-West.

Mr. Doney: I did not mention the North-West.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

Clause, as amended, agreed to.

Clause 11—agreed to.

Clause 12—New section: Regulation of lights affecting traffic on roads.

Mr. DONEY: I move an amendment—

That the following subclause, to stand as Subclause 3, be added:—“(3) Any owner, occupier or other person upon whom a notice under Subsection 2 of this section is served shall be entitled to appeal to a stipendiary magistrate within such time and in such manner as is prescribed. On the hearing of any such appeal the magistrate may confirm, vary or reverse the requirements of the Commissioner. The decision of the magistrate shall be final and there shall be no appeal therefrom.”

I do not want to read everything here, but it seems necessary to indicate that the Commissioner has power to this extent:—

Where any light is used, kept, burnt, or exhibited between the hours of sunset and sunrise at any place or in such a manner as in the opinion of the Commissioner to be likely to confuse or create circumstances or conditions likely to interfere with adversely or to cause risk of danger to the traffic of persons, animals or vehicles on any road, the Commissioner may by notice in writing require the owner of or the person in charge of such light or the occupier of the place or premises where such light is used, kept, burnt, or exhibited within a time specified in the notice to take effectual means—

- (a) to extinguish the light; or
- (b) to remove the light entirely or to some other position; or
- (c) to modify the light or to alter its character or colour, or to screen the light to such an extent and in such manner as the Commissioner may direct. . . .

He has quite a number of other responsibilities. They are very substantial responsibilities for any person to carry. My amendment is an eminently reasonable one. I am asking for common justice. After all, the Commissioner is not a magistrate, and there should be a limit to his powers. He

would probably be the first to agree that there is no implied reflection upon him. He would not object to sharing the responsibilities with a man so able to assist as a stipendiary magistrate.

The MINISTER FOR WORKS: The Government usually agrees that it is advisable there should be the right of appeal. This, however, is a case where the Commissioner of Police would have to act in a commonsense way, and act quickly. Notice of appeal would cause undue delay and possibly great danger. The suggested appeal is to a magistrate who may confirm, vary or reverse the requirements of the Commissioner. I do not know that a magistrate would be a better judge of the dangers of lights to traffic than the Commissioner would be.

Mr. Doney: The Commissioner could give evidence and allow the magistrate to decide. His would be an independent opinion.

The CHAIRMAN: Order! The member for Williams-Narrogin has already made his contribution. He will have other opportunities later.

The MINISTER FOR WORKS: This clause has been rendered necessary mainly because of the introduction of neon signs. At present there is no way of regulating them. The colour red is very popular and it might be very dangerous, as it is used by the Commissioner of Police and the Main Roads Department to indicate danger. I do not know that there would be much interference, but someone must have the power to regulate the use of these lights. That power is contained in the Navigation Act and also in the Government Railways Act. It is no greater power than this. Usually much can be said for the right of appeal, but there is also much to be said in favour of the umpire's decision being final in certain cases. This deals with the position of something being obviously dangerous to traffic. The Commissioner of Police, I assume, will set up regulations—again, commonsense regulations—to regulate neon signs and other lights that might be a danger to traffic. The Commonwealth has power to deal with lights that might be misleading to aeroplanes. Lights cannot be set up just where any particular person wishes. If I thought the Commissioner of Police, who has a lot to do with the regulation of traffic, was going to use his power arbitrarily I would not agree that he should have

this power, but the Commissioner of Police has been given a wonderful reputation by this House. I do not think anyone would suffer if the Commissioner of Police was given power to remove a red light which might be dangerous to traffic.

Mr. DONEY: The Minister takes the stand that the Commissioner of Police cannot do wrong in respect to decisions regarding lights, and that there will be no case to submit to a magistrate. These installations may have cost a considerable sum of money to put into place. Where big sums of money are involved, a mistake can easily be made.

Amendment put and negatived.

Mr. DONEY: I move an amendment—

That Subsection 9 of proposed new Section 56A be struck out.

Under this subsection the owner may have to pay the Commissioner for removing a light. Further, the Commissioner might be interfered with in the execution of his duty and this would involve a fine of £50. Another part of the subsection appears to me to be entirely unfair to the owner.

The MINISTER FOR WORKS: I have here a note expressing the Solicitor General's views—

Clause 9 is for the benefit of persons injured in person or property, and will give them the right to compensation from the owner of a light who has failed to remove the light when ordered to do so, when his default has resulted in the injury being suffered. At the present time the person injured has no legal remedy against the owner of the light. The mere fact that the owner of the light can be prosecuted and fined for his default is no compensation for the person injured in consequence of that default.

The amendment of the member for Williams-Narrogin proposes to take away the right of the person injured.

Mr. McDONALD: I appreciate the view expressed by the Solicitor General, to which I attach great weight; but I would like the clause to be further considered. It may be desirable, as the Solicitor General has suggested to the Minister, to make some special provision to meet the case of people who sustain injury in consequence of lights of this kind; but other considerations may be involved in making what is a rather special remedy over and above the ordinary rules applied in the courts to grant relief or damages to people who may be injured through negligence or through nuisance. It may be desirable, as the Minister says, that

some special remedy should be provided to meet this particular case; but ordinarily under the law applicable to cases of this kind other considerations come into play—for example contributory negligence on the part of the plaintiff. It may be that a man is driving at 60 or 70 miles an hour along the road and fails to notice a light which he should have noticed and which may to some extent be misleading; but if he contributed to his injury by the speed at which he drove, when a prudent person travelling at 30 or 40 miles an hour would not incur the same danger, then the person who has been negligent is usually not able to recover. So also is it in some cases where the negligence is simultaneous on both sides. Those are the considerations which make me feel that the clause might be further discussed. Perhaps the Minister would undertake to discuss that aspect with the Solicitor General.

The MINISTER FOR WORKS: There is some weight in the remarks of the member for West Perth. We want to preserve the civil rights of any person injured or suffering damage. If the hon. member is not satisfied I could arrange to have this looked into elsewhere.

Mr. McDonald: That would suit me.

Amendment put and negatived.

Clause put and passed.

Clause 13—Amendment of Third Schedule:

Mr. DONEY: I move an amendment—

That in line 3 after the word "amended" the following words be inserted:—" (1) by striking out all the words and figures in the last seven lines of Part I. of the said Schedule and inserting in lieu thereof the following:—

'Motor car, motor carrier, motor wagon, locomotive or traction engine	5	0
Motor cycle, trailer, carriage or cart	2	6
Hand cart	1	3
Transfer of passenger vehicle or carrier's license	2	6
and (2).'"		

In the Traffic Act itself, these several fees are set out at twice the amounts shown in the amendment. It is the interest of the previous owner to get the transfer made. About the only incentive I see to a quicker and easier transfer is to have the transfer fees reduced.

The MINISTER FOR WORKS: The amounts in the Bill are rather high. I do not object to the amendment.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in line 3 of paragraph (ii) of the proviso to Clause 1 of Part III. of the Schedule, the word "July" be struck out and the word "January" inserted in lieu.

This is in conformity with a previous amendment.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That in line 4 of paragraph (ii) of the proviso to Clause 1 of Part III. of the Schedule, the word "one" be struck out and the word "two" inserted in lieu.

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

Clause 14, Title—agreed to.

Bill reported with amendments.

BILL—COMPANIES.

In Committee.

Resumed from the 9th September. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

Clause 5—Act not to apply to certain societies and companies:

The CHAIRMAN: Progress was reported on Clause 5, to which the member for East Perth had moved an amendment: That in lines 9 to 11 the words "nor to any company or co-partnership formed or to be formed for the purpose of carrying on the business of banking" be struck out.

Hon. N. KEENAN: I regret that I have not with me my notes on this Bill, as I thought the Public Trustee Bill, which is in front of it on the notice paper, would be dealt with. I am, therefore, obliged to rely more or less upon my memory. If the words proposed to be struck out are left in the clause, they would cover companies which are described afterwards in the Bill as proprietary companies. These may consist of only two men. The Bill also afterwards provides that in the case of banking, no company, association or partnership consisting of more than ten members can engage in such business unless it is registered under this Bill. Is not that so?

The Minister for Justice: Yes. Under this Bill it must be registered.

Hon. N. KEENAN: Unless it is a chartered bank, and we have no other banks in this State! The member for East Perth is not present tonight. I support his amendment, which leaves the matter absolutely open. I do not know of a single bank operating in Western Australia that does not consist of more than ten persons.

The Minister for Justice: Do not you think this protection should be afforded?

Hon. N. KEENAN: The matter is more or less in the air. Whoever heard of a bank in any part of Australia having a membership of fewer than ten persons?

The Minister for Justice: Such banks have existed in America and caused much trouble.

Hon. N. KEENAN: I dare say! Possibly they exist also in China, but we are legislating for Western Australia. I find myself in concurrence with the member for East Perth, because there is no reason whatever for drawing a distinction between companies formed for the purpose of banking exceeding ten in number, and companies formed for the purpose of banking which must consist of at least five members, but must not exceed ten.

The MINISTER FOR JUSTICE: I cannot agree to the amendment. The clause is really a re-enactment of Section 5 of the present Act and must be read in conjunction with Clause 11, which is a re-enactment of Section 7 of the present Act. It is also identical with the corresponding section of the Imperial Act and the Acts of New South Wales, South Australia, Queensland, Tasmania and New Zealand. The effect of Clauses 5 and 11 combined is that fewer than 10 persons forming a bank cannot register under the Companies Act. That is a protection to the public.

Hon. N. Keenan: It means that fewer than 10 cannot carry on the business of banking?

The MINISTER FOR JUSTICE: No. They cannot register under the Companies Act.

Hon. N. Keenan: As a bank?

The MINISTER FOR JUSTICE: Yes. If there are more than 10 they can register under the Companies Act. In any event the matter is subject to the Banks and Banking Act of 1837, which this measure does not repeal either directly or by implication. Hitherto there has been no objection to Section 5 of the Act nor any criticism. Representatives of the commercial and banking

world appeared before the Commission but no objection was raised. Apparently, therefore, the commercial public seems to desire the clause. The purpose of the Bill is to provide for protection and uniformity. The commercial world of Australia has asked the Commonwealth to secure uniformity. In view of the investigation to which the Bill has been subjected it would not be wise to amend it at this stage.

Hon. N. KEENAN: It is difficult for me to find any logical reasons for saying that a number of persons exceeding 10 who wish to indulge in banking must register, but if there are fewer than 10, they need not register.

The Minister for Justice: They cannot do so.

Hon. N. KEENAN: That is worse than "need not."

Hon. W. D. Johnson: Why not nine?

Hon. N. KEENAN: I do not know. The Bill says that if there are more than 10 they must register as a company under this Bill. Is that not so?

The Minister for Justice: That is so.

Hon. N. KEENAN: If there were nine they would be debarred from registering. The Bill provides that five persons can form a company, but when it is a question of a banking company the number must exceed 10. Then it is compulsory for them to be registered under the Bill. Why should not 11 be obliged to register and nine be debarred? There has never at any time been a company in Western Australia consisting of 10 members. The Minister says there have been no complaints; that is because there has been no company. I have never heard of one and I have lived here for some years. I do not think anyone else has ever heard of one.

The MINISTER FOR JUSTICE: I do not see why a bank should not have the same protection in this State as it has in England and the other States. This clause is uniform with sections of similar Acts in the other States. The Bill is designed to give better protection to the public—including the banking public, which is very important—on the same lines as in other parts of the British Empire. To secure uniformity was one of the Commission's endeavours.

Hon. W. D. JOHNSON: A measure of this kind is much beyond my capacity and is difficult for a layman to follow.

The CHAIRMAN: The amendment is to strike out certain words. The hon. member will kindly address himself to that question.

Hon. W. D. JOHNSON: The amendment proposes to reform matters; the argument is that there should be no change. The Minister argues that this is in conformity with Britain and elsewhere. A Bill of this kind—

The CHAIRMAN: We are not discussing the Bill.

Hon. W. D. JOHNSON: We are discussing whether banking should or should not come under the Bill. I say it should. The clause says it shall not. If we are sincere in our desire for banking reform, we must use measures of this kind to bring banks under the laws we enact. This amendment excludes them.

The Minister for Justice: They are still under the Act of 1873.

Hon. W. D. JOHNSON: I do not care whether they are. There has been a tremendous amount of criticism, and the Chairman knows something of it, regarding the privileges, rights and powers of banks. Resolutions have been passed in this Chamber asking for powers for the control of banks. The Chairman has contributed to the contention that the time is opportune to review the banking laws. This is an opportunity for us to demonstrate our sincerity. We make speeches and pass resolutions asking for banks to be controlled, and then introduce a Bill like this containing the particular clause under discussion, the amendment to which relates to this very question. Motions are only an expression of opinion and will get us nowhere, but an Act of Parliament is law. I cannot analyse this amendment in detail as a legal mind could, and for that reason I am extremely sorry that the member for East Perth is not in his seat. His absence is no doubt due to the fact that the business sheet has been changed very materially.

The CHAIRMAN: Order! I am Chairman at the moment, and the member for East Perth is not concerned in the amendment before the Chair. Any defiance of this Chair will be met by a vigorous enforcement of the Standing Orders.

Hon. W. D. JOHNSON: It is his amendment. He moved it and it is regrettable that he is not in his seat. It is just as well, in a

matter of this kind where the hon. member who moved the amendment is not in his seat, to put on record why he is not.

The CHAIRMAN: I remind the member for Guildford-Midland for the last time that if he is going to discuss this amendment he will exclude any reference to the member for East Perth.

Hon. W. D. JOHNSON: I bow to your decision, Mr. Chairman. The amendment seeks to excise from the clause certain words. It has been moved by a certain member, and his reason for doing so is for the purpose of making banks subject to the control of Sections 6 and 11. Are banks to be controlled as provided in Sections 6 and 11, or are they to be exempt? The question of banking is not included where the Bill provides that friendly societies, benefit societies, and any company or co-partnership which carries on the business of life assurance, are not subject to the Act. In order that it shall be very definite, it is not included in a general way, but is dealt with specially. The clause states, "nor to any company or co-partnership formed or to be formed for the purpose of carrying on the business of banking." That is an exclusion in a most pronounced form. The reformers realise that money power is exercised by some institutions not subject to the law as other somewhat similar institutions are. Insurance companies have some restrictions, but the banks seem to have all power when it comes to the control of money, the exchange of money and the issuing of money in the form of cheque books, etc., etc. The powers of the banks are all too mighty, and all too embracing. Parliament has called upon the Government to limit those powers and bring the banks under control. It is necessary to remember the motions carried by Parliament dealing with banking reform. It is no use carrying them and sending them to Canberra and elsewhere to be implemented; it is for us to implement them right here and now. It is for that purpose the amendment is moved. The Minister in charge says that a select committee has passed this. The select committee may have forgotten that Parliament, over and over again, has referred to the powers and privileges conferred on the banks. Because the select committee has passed this, it does not follow that it is correct, or that it goes as far as Parliament desires. The select committee was not altogether representative of this Chamber. It consisted of

representatives from this Chamber and also from another place. It is wrong to assume that the select committee tried to reflect in this Bill what this House desires. It has possibly reflected what was wanted by the majority, but the majority of the committee is not necessarily representative of the majority in this Chamber. The people's representatives in Parliament have declared over and over again that banking should be subjected to greater control. Let us carry the amendment, and show by an Act of Parliament that we are sincere in our determination to impose all the penalties and rights on banking that apply to other institutions.

Mr. WATTS: The member for Guildford-Midland has given the Committee the impression that this Bill seeks to exempt all banking companies from registration under the Act. It does nothing of the kind. The worst that can be said of it is that it permits the banking companies of less than 10 members to be unregistered. A banking company with less than 10 members would probably be a fairly small concern. It would not be one of those institutions about which the member for Murchison has frequently made strong remarks on this Chamber. I am not going to say that there are not strong arguments for registration under the measure of all companies that are engaged in banking. The statement by the member for Guildford-Midland that we are seeking to exempt the financial institutions from the company law of this State is altogether erroneous. What the Bill seeks to do is to exempt from the necessity of registration small concerns with less than 10 members.

Hon. W. D. Johnson: Why ten and not nine?

Mr. WATTS: I do not know, but why 20 members as a maximum for a partnership and not 19? A number has to be found somewhere in a matter of this kind if there is to be a limitation at all. None of the commercial communities who came before the select committee, some of whom had given very careful consideration to the matter, suggested that there should be any alteration in the existing system. It seems to me that the system proposed under this clause has been in operation for a considerable time.

The Minister for Justice: Since 1893.

Mr. WATTS: In my opinion we are hardly justified in attempting to amend the clause further.

Mr. McDONALD: I hope the clause will be retained as printed. Certain matters raised by the Royal Commission regarding company law might be proper subjects for reference to the Committee by way of amendment, but in this particular case I see no reason to depart from the previous law and the recommendations contained in the Bill. The member for Guildford-Midland may be right when he contends that some amendments to the law regarding banking may be desirable, but they would not be appropriate in legislation which merely deals with the technical framework upon which the activities of companies operate. I hope the select committee's recommendation will be retained.

Mr. RODOREDA: As a member of the select committee I am not particular about the amendment either way. All the uproar is, to my thinking, mere propaganda. The member for West Perth has discovered a nigger in the woodpile, and this has induced the member for Guildford-Midland to utter a tirade on banking. Every company of ten persons must register under this measure, and that has not been pointed out at all.

Hon. N. Keenan: Did I not point it out?

Mr. RODOREDA: Perhaps the hon. member did; I may have been out of the Chamber at the time. I do not know that there are any banking companies formed in this State, or that any are likely to be formed in the near future. The select committee's opinions, however, are not sacrosanct. Many points have not been dealt with by the select committee because members like those for East Perth and Guildford-Midland did not come forward and impart the information they had.

Mr. TONKIN: There is good reason for the clause as it stands. Any five or more persons, or in the case of a proprietary company any two or more persons, can obtain the benefits of the Companies Act provided their business is not that of banking. To alter the clause would be a retrograde step.

Amendment put and negatived.

Clause put and passed.

Clause 6 to 9—agreed to.

Progress reported.

House adjourned at 9.47 p.m.