

# Legislative Council,

Tuesday, 19th December, 1933.

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

## QUESTION—STATE GARDENS BOARD, YANCHEP IMPROVEMENTS.

Hon. W. J. MANN asked the Chief Secretary: 1, What was the cost of constructing the road from the 21-Mile Post on the Yanchep Caves Road to Yanchep Park? 2, By whom was the work carried out, and what amount was provided by the Government towards the cost? 3, What is the total capital cost to date of the improvements, including buildings and machinery, at Yanchep Park and Caves? 4, Of the total cost what amount have the Government contributed, and from what sources has the balance been obtained? 5, What are the total receipts to date from all sources collected by the State Gardens Board in connection with Yanchep Park and Caves? 6, What charges, if any, are made by the Government for services rendered by Government officers to the State Gardens Board in connection with the maintenance and development of Yanchep, including work done by the Premier's Department staff and the Government Printing Office? 7, Who are the members of the State Gardens Board? 8, How many meetings has that board held since the 1st January, 1933? 9, What charges are levied for petrol, oils, and other services rendered by the Government motor garage to the State Gardens Board? 10, When do the Government propose to effect necessary improvements and additions to Caves House, Yallingup?

The CHIEF SECRETARY replied: 1, £22,260. 2, Main Roads Board. Nil. 3, £17,585. 4, The Government have contributed nothing. Labour has been supplied

by the use of sustenance men, as in the case of local authorities. Funds have been obtained by concentrating the board's resources at Yanchep for the time being; from bank overdraft at current rate of interest; by interest free loans and gifts in money and material from private sources, and from earnings won by a combination of the above factors. 5, £4,205. 6, The board is a Government instrumentality appointed in the same manner as the Yallingup Caves Board, and is charged for services rendered by Government officers to the same degree as that board. The printing is treated in the same manner as other tourist literature. 7, L. E. Shapcott and C. G. Morris. 8, Matters of policy and detail discussed as often as necessary. 9, The same charges as levied on other departments for similar services. 10, When funds available.

## BILL—STATE TRANSPORT CO-ORDINATION.

*In Committee.*

Resumed from the 14th December. Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 3—Interpretation (partly considered):

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "Commercial goods vehicle" after the word "vehicle," in line 2, there be inserted "operating or used in the manner prescribed by Section 33 of this Act."

The amendment will make it clear that Clause 33 does not apply to a commercial goods vehicle operating within 15 miles of the place of business of the owner. Later I shall move an amendment to Clause 33 making it clear that the clause does not apply to private vehicles.

The CHIEF SECRETARY: I have only just now seen this amendment for the first time. However, if the hon. member has correctly interpreted the amendment, it is quite unnecessary, for Clause 32 grants exemption, and Clause 33 prescribes that no license shall be necessary in respect of any commercial goods vehicle operating within a radius of 15 miles.

Hon. J. NICHOLSON: The very reading of the definition shows that the amendment

is necessary. As it is not intended that a "commercial goods vehicle" shall include a vehicle which is operating under the provisions of Clause 33, it is essential that the amendment should be inserted to complete the definition. The amendment has been considered very carefully, and it is quite essential that it should go into the definition.

The CHIEF SECRETARY: I should like the hon. member to explain the effect of Clause 33 as it stands, without any proposed amendment whatever. Does not that clause exempt commercial goods vehicles from being licensed? If so, what does the hon. member want, apart from that?

Hon. J. NICHOLSON: There are in the Bill several clauses which might cause confusion if this amendment be not inserted in the definition. It is simply to make it clear that the definition does not apply to a vehicle which is not required to be licensed.

Hon. A. THOMSON: I take it Mr. Nicholson is endeavouring to attain the same result as is sought in my own amendment on the Notice Paper, namely to have it clear in the Act that the driver of a private motor car shall not be liable to any of the penalties prescribed in the various clauses.

Hon. J. J. Holmes: Then why did not he say so?

Hon. J. NICHOLSON: I did say so. I have on the Notice Paper a proposed addition to Clause 33, relating to private motor cars. Under this definition any private vehicle carrying the owner's goods would be a commercial goods vehicle within the definition. I wish to safeguard that position by adding a paragraph to Clause 33, making it clear that that clause does not apply to a private vehicle. Collaterally I want the definition before us to be brought into line with Clause 33 as it will be when amended.

The CHIEF SECRETARY: These amendments have been sprung on us; I have not seen any of these later ones until five minutes ago.

Hon. J. Nicholson: I gave them in as early as I could.

The CHIEF SECRETARY: And there are several amendments on similar lines. I wish first to know the effect of this amendment in relation to the similar amendments.

Hon. J. NICHOLSON: I endeavoured to get these amendments on the Notice Paper

as early as possible, so I handed them in on Saturday. It was impossible to do so earlier.

The CHAIRMAN: Can the hon. member show where the Bill provides exemption for a private trailer or semi-trailer?

Hon. J. NICHOLSON: No, the Bill does not provide that. There might be a private trailer carrying the goods of the owner on a holiday, and attached to the owner's private car.

Hon. J. J. HOLMES: I suggest that Mr. Nicholson withdraw his amendment so as to give the Chief Secretary an opportunity to consider it. At a later stage we could recommit the Bill and consider this amendment.

Hon. J. NICHOLSON: Very well, I will withdraw my amendment.

The Chief Secretary: I ask that the hon. member withdraw all those of his amendments which we have not seen before.

Hon. J. NICHOLSON: Oh, I could not do that.

Amendment, by leave, withdrawn.

Hon. A. THOMSON: I move an amendment—

That after "goods" in line 4 of the definition, the words "but does not include any motor car" be added.

Why should a transport officer be empowered to pull up a motor car and ask whether goods aboard the car are being carried for profit. I do not think that is the intention of the Government. The powers given in the Bill are so immense that we should try to safeguard private owners from being worried by officials. The Minister a few minutes ago said he had not had time to peruse Mr. Nicholson's amendment. The majority of members are in the same position in respect of the amendments on the Notice Paper. A number of us were under the impression that, having arrived at a certain decision, there would be no need to delve into the various clauses.

The CHAIRMAN: I suggest that the same course be adopted now as had just been adopted by Mr. Nicholson. After all, Clause 33 is the exemption clause and if there is to be any enlargement it can be there.

Hon. A. Thomson, If it will expedite the business, I will withdraw my amendment.

The CHAIRMAN: The amendment has not yet been submitted. Therefore the hon. member need not withdraw it.

Hon. R. G. MOORE: We might get over the difficulty by adding the words "either for pay or reward." If a man carried his own goods, then it would not come under the definition.

The CHAIRMAN: That again can be discussed on Clause 33.

The CHIEF SECRETARY: Under this clause a motor car may or may not have to pay a license. If it is carrying passengers for hire it must be licensed; if it is not, it need not be licensed.

Hon. A. THOMSON: The definition sets out that the word includes livestock and goods, wares, merchandise, commodities, and movable chattels of any description. I should like to add the words "other than passengers' personal effects."

The CHAIRMAN: Mr. Nicholson has also given notice of an amendment to this definition. He desires to add the words "save and except such as are referred to in the First Schedule hereto." Mr. Thomson's amendment is general and Mr. Nicholson's amendment is specific.

Hon. J. NICHOLSON: Mr. Thomson can consider the advisability of including in the First Schedule a specification of "personal luggage." I take it that is what he wants. In the case of a private vehicle, where the owner is carrying his private effects, it is intended that that vehicle should be exempted. The First Schedule does not provide for anything relating to the produce of farms or farm requisites.

The CHAIRMAN: Both amendments cannot go in. Which one is the Committee going to have?

Hon. J. NICHOLSON: I suggest that Mr. Thomson move an amendment to enlarge the First Schedule, so as to cover what he wants. The words that I propose to add to the end of the definition of "goods" would cover all that Mr. Thomson wants.

Hon. A. THOMSON: If we can accomplish what Mr. Nicholson suggests, I will not move my amendment.

The CHIEF SECRETARY: The definition should not be interfered with. If further exemptions are required, they should be made to the schedule. The definition need not be amended.

Hon. J. NICHOLSON: Goods are here declared to be certain things. Anyone having those goods in his vehicle would be liable

and it is therefore necessary to show in the definition that it does not apply to goods which are referred to in the First Schedule.

The Chief Secretary: Mr. Nicholson wants to import everything that is in the schedule into the definition.

Hon. J. NICHOLSON: Undoubtedly. The definition says clearly that it includes livestock and goods and moveable chattels of every description. It is one of the widest definitions we could possibly have.

The CHIEF SECRETARY: The hon. member is not satisfied with the exemptions in the schedule; he wants to include in the definition everything that appears in the schedule. I have never seen legislation drafted in that manner.

Hon. J. NICHOLSON. I move an amendment—

That at the end of the definition the words "save and except such as are referred to in the First Schedule hereto" be added.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That in lines 2 and 3 of the definition of "operate," the words "or for any consideration" be struck out.

Ample protection will be provided in the interpretation of "operate" without the words I desire struck out. Commercial vehicles will be permitted to operate only under the conditions prescribed, but if the words I complain of are allowed to remain in the Bill, they may be used for drag-net purposes. For instance, members of sporting bodies may club together to pay for petrol when they journey by a vehicle from one town to another, and that would represent a "consideration" within the meaning of this legislation.

The CHIEF SECRETARY: I cannot accept the amendment, which would render the Bill farcical and would provide a loophole to be availed of by everyone concerned. The instance cited by Mr. Thomson would be an isolated one. Everyone who is operating a vehicle should be compelled to pay for a license under the Act, when it is reasonable to expect him to do so.

Hon. A. THOMSON: The Minister's explanation confirms me in my belief in the opinions expressed to me by others that this provision will have an adverse effect in the country areas. In the Great Southern, 20

bowlers may desire to journey from Kataning to Narrogin, and they may use four motor cars, recompensing the owners of the cars by paying for the petrol consumed on the journey. That would represent a consideration. In other States, owners of private motor cars are held up by officials, and information is demanded from them as to who the passengers are and under what conditions they are travelling in the cars. If the Bill be not amended as I desire, it will mean that anyone journeying in someone else's car will commit a breach of the Act, if he pays for the petrol.

Hon. J. M. MACFARLANE: Mr. Thomson has given good reasons why the amendment should be agreed to. In the festive season many people use commercial vehicles for pleasure purposes. Surely the board will not require owners to be licensed in those circumstances.

The CHIEF SECRETARY: The clause embodies the definition of "operate" and it must be tightly drawn in order to deal with all sorts of people. Mr. Thomson wishes to give consideration to 20 gentlemen at Katanning who may have made some arrangement regarding transport. That could be done by amending the schedule; the amendment should not be in the definition, which will have general application.

Hon. W. J. MANN: I am inclined to agree with Mr. Thomson's views, and I am afraid the Minister does not quite understand the conditions that obtain in country districts. A little while ago some friction was caused at Karridale. The school children were to hold a festival, and arrangements were made whereby they would be conveyed to some assembling place by means of settlers' trucks. An officious road board traffic inspector vetoed the proposal unless the truck owners took out licenses. That sort of thing should not be permitted. Then again, in the country districts a man may pick up a neighbour and convey him to the nearest town. It should not be necessary for him to take out a license, merely because he wishes to do a kind deed.

Hon. R. G. MOORE: I support the amendment and can cite many similar instances to those narrated by other members. On the goldfields it is customary to travel once a year from or to such centres as Norseman, Leonora, Wiluna or Coolgardie. If the people concerned were not able to join together and pay for the petrol so that

they could make the trip, they would not be able to have that pleasure. They would not hire motor cars in order to make the journey. Moreover, railway transport would not be available.

The CHAIRMAN: I am afraid that would be regarded as "hiring."

Hon. R. G. MOORE: The owner of the vehicle does not get any consideration for himself. If that sort of thing is to be stopped, it will deprive people on the goldfields of much of their pleasure.

Hon. V. HAMERSLEY: People in the country districts must have some pleasure as relief from their hard work. By paying so much for petrol they are able to get about on trucks. They do not interfere with the railways and, as a matter of fact, they help to build up traffic for that section of transportation. Without such pleasurable trips, the people would not stay in the country at all.

The CHIEF SECRETARY: Mr. Hamersley has explained the matter clearly. Application could be made to the board for a special permit.

Hon. J. Nicholson: That would take a week or ten days.

The CHIEF SECRETARY: No, not so long. Permits could be issued within a couple of hours of the applications being received.

Hon. H. V. PIESSE: I support the amendment. Without such a provision, when I and my colleagues tour South-East Province, we would have to use three motor cars instead of one, because, in the past I have collected the price of petrol from them in return for carrying them in my car.

Hon. E. H. H. HALL: The Chief Secretary knows that many people travel by motor to Dongarra and to the mouth of the Greenough River. I should like to hear him on the definition of "vehicle."

Hon. G. W. MILES: If the amendment were agreed to people could easily evade the law. Anyone could give consideration, apart from money, for the carriage of goods or passengers. The authorities would not harass anyone who carried a few men to a cricket or football match.

Hon. J. Nicholson: Look at the penalties provided in Clause 51.

Hon. E. H. H. Hall: Clause 51 deals with public vehicles.

Hon. G. W. MILES: The discussion hinges on private vehicles. The object of

the Bill is to tighten up existing legislation, a point which members should bear in mind.

Hon. T. MOORE: I believe the Chief Secretary is right. People who co-operate for their own pleasure could be granted exemption under paragraph 2 of the First Schedule. If the amendment be passed, the measure will be made so wide that it will be useless.

Hon. Sir CHARLES NATHAN: I agree with the previous speaker. All the provisions necessary could be embodied in the First Schedule.

Hon. G. FRASER: I do not consider that any alteration to the First Schedule is necessary. Paragraph 9 empowers the board to grant exemption for any special purpose.

Hon. E. H. Harris: Why "special" purpose?

Hon. G. FRASER: Would it not be special? Cricket and football matches are usually arranged weeks ahead.

Hon. J. M. Macfarlane: We have not fixtures in mind.

Hon. E. H. Harris: Would you suggest it would be a special purpose to round up persons for a two-up school?

Hon. G. FRASER: In the hon. member's electorate, probably it would be.

Hon. T. MOORE: I do not advocate granting any special permit. I am in sympathy with the amendment, but provision should be made for it in paragraph 2 of the schedule.

Hon. A. THOMSON: The discussion on this minor clause has occupied much time.

Hon. G. W. Miles: It is not a minor clause; it is the key to the Bill.

Hon. A. THOMSON: The Minister said that a permit could be obtained at any time, showing that the object of the Government in introducing the measure—

The CHAIRMAN: When the hon. member quotes a Minister or another member, he should quote all that was said and not what suits his purpose.

Hon. A. THOMSON: That would be a big task to impose on a member.

The CHAIRMAN: On more than one occasion the hon. member has quoted statements to suit his purpose. That is not quite above-board.

Hon. A. THOMSON: I object to that remark, which is unfair to me. I have a perfect right to direct attention to the remarks

of another member and endeavour to prove my case.

The CHAIRMAN: But you are only quoting portion of the remarks.

Hon. A. THOMSON: I cannot remember everything that was said. Mr. T. Moore said he was not in favour of a permit, and the Chief Secretary said a permit would be granted. I intend to deal with the question, not as you, Mr. Chairman, wish me to do, but as I see fit. The Chief Secretary has assured us that it will be possible to obtain a permit for a sporting body such as has been referred to. Every clause in this Bill imposes an additional burden upon the people in the country. If we can achieve our object by amending the schedule, I shall be satisfied for the time being to withdraw my amendment. I think, Mr. Chairman, you were a little unfair when you suggested I was quoting part of a speech merely to suit my own purpose. I have always tried to be fair.

The CHIEF SECRETARY: I have already stated that it will be possible for a permit to be obtained under the schedule. If the words contained in this amendment are struck out of the clause the Bill will, by a process of evasion be rendered inoperative. It would have been better if members had opposed the Bill in the first place rather than agree to this amendment. It is an attempt to destroy the measure. I am in sympathy with the suggestion, but maintain it should be provided for in the schedule. The amendment would have the effect overtly of killing the measure.

Hon. A. THOMSON: Surely we are entitled to express our honest opinions without being charged with attempting to kill the Bill.

The CHAIRMAN: Has the Chief Secretary accused the hon. member of attempting to kill the Bill?

Hon. A. THOMSON: I think so.

The CHAIRMAN: I am sure that if the Committee interpret the Chief Secretary's remarks in that sense he will be the first to withdraw them.

The CHIEF SECRETARY: I did not intend to accuse the hon. member of attempting to kill the Bill.

Hon. A. THOMSON: I only want my position made clear.

Hon. J. M. MACFARLANE: I do not want this matter left to the board to inter-

pret as they think fit. A good deal of harm would arise if these words were left in. I am not prepared to cripple the public. I support the idea advanced by Mr. Thomson, but I do not like the tone the Chief Secretary has adopted towards members. I want this Bill to pass, but I also want it to be reasonable and fair to all.

Hon. A. THOMSON: As the Chief Secretary is agreeable to this amendment being inserted in Part 2 of the schedule, I will withdraw it.

Amendment, by leave, withdrawn.

Hon. J. NICHOLSON: On the Notice Paper I have an amendment to move in the definition of "operate"; that the following words be added, "save and except as provided by Section 33 of this Act."

The CHAIRMAN: The hon. member has already agreed to withdraw an earlier amendment purporting to amend the definition of "commercial goods vehicle," with a view to amending Clause 33 later on. I would suggest that he postpone moving this amendment also.

Hon. J. NICHOLSON: I am agreeable.

Hon. G. W. MILES: I should like to know whether the Midland railway will be included in the definition of "railways."

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "public vehicle" the following words be added, "and operating for hire or reward."

The word "vehicle" is apparently intended to include all public vehicles, but I would point out that a public vehicle is referred to as a "commercial goods vehicle." Why different expressions are used to mean the same thing, I do not know. It would have been better to adhere to the one expression.

The CHIEF SECRETARY: The words "Public vehicle" cover more ground than "Commercial goods vehicle."

Hon. J. Nicholson: Yes, but buses, for instance, come under Division 2.

The CHIEF SECRETARY: I object to Mr. Nicholson's amendment simply because it is absolutely superfluous. "Public vehicle" means any vehicle operating under this measure, and the hon. member wants to add "operating for hire or reward." If it is operating at all, it must be operating for hire or reward.

Hon. J. Nicholson: It might be operating for a firm, and not for hire or reward at all.

The CHIEF SECRETARY: If a vehicle must be licensed, it must be operating for hire or reward.

Hon. J. M. MACFARLANE: I support the Government in this instance. The definitions include "Vehicle" and "Public vehicle," implying that the latter must be for public use and operating for hire or reward.

Hon. J. NICHOLSON: Mr. Macfarlane overlooks the fact that on page 10 of the Bill buses are dealt with, and that on page 13 vehicles are classified as commercial goods vehicles. Can he show me anything in the Bill making a distinction between a public vehicle and a commercial goods vehicle? These questions arising emphasise the need for ample care in the consideration of the Bill.

Amendment put, and a division called for.

The CHAIRMAN: I give my vote with the noes.

Result of division:—

Ayes	..	..	..	11
Noes	..	..	..	11
A tie ..				0

#### AYES.

Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamerley	Hon. C. H. Wittenoom
Hon. E. H. Harria	Hon. H. J. Yelland
Hon. W. J. Mann	Hon. E. Rose
Hon. J. Nicholson	(Teller.)

#### NOES.

Hon. J. Cornell	Hon. G. W. Miles
Hon. J. M. Drew	Hon. R. G. Moore
Hon. G. Fraser	Hon. Sir C. Nathan
Hon. E. H. Gray	Hon. C. B. Williams
Hon. W. H. Kitson	Hon. T. Moore
Hon. J. M. Macfarlane	(Teller.)

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

Hon. G. W. MILES: There are in this State several private railways and several private tramways, and they should come under the provisions of the Bill.

The CHIEF SECRETARY: The definition of "railways" is inserted because the Bill contains a reference to railways. Under Clause 11 the board can report as to the adequacy of a railway or tramway, and can recommend entire or partial closure if the railway or tramway is inadequate. Manifestly that could apply only to Government

railways. It would be unjust to apply the provision to the Midland line.

Hon. V. Hamersley: Would timber lines and the Kurrawang wood lines come under the Bill?

The CHIEF SECRETARY: No. The definition of railways applies only to Government railways.

Hon. G. W. MILES: The board should have power to co-ordinate transport with reference to the Fremantle tramways, for instance. Those tramways are municipal property.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. J. NICHOLSON: We now have definitions of "commercial goods vehicle," "public vehicle" and "vehicle." A "vehicle" is defined as a vehicle propelled by any means other than animal or human power. So it will apply to any other kind of vehicle except a public vehicle or a commercial goods vehicle, and we should make it clear that it does not cover private railways. I should like to know why we have definitions of three kinds of vehicle.

The CHIEF SECRETARY: A "commercial goods vehicle" means a vehicle for carrying goods for hire, a "public vehicle" means any vehicle running for hire, while "vehicle" includes a private motor car, which is not required to be licensed, except when carrying passengers for hire.

Hon. J. NICHOLSON: The Minister has not dealt with the point I raised. This definition of "vehicle" would apply to the means of conveyance employed by the Midland Railway Company, although Government railways and tramways are specifically excluded. In order to exclude the Midland Railway Company and the Kurrawang Company, I move an amendment—

That after "power" in line 2 of the definition of "vehicle" the words "and used or intended to be used on roads or streets" be inserted.

Hon. Sir CHARLES NATHAN: I should like to know in what way the word "vehicle" applies in the various clauses. Here we have specially excluded railways, tramways or trolley buses operated by or on behalf of the Crown. From this it would appear that the word "vehicle" does apply to either private tramways or railways, but what the application may be in the various clauses I do not know. However, in view of the speci-

fic exclusion of Government railways and tramways, I think the amendment is right, for it will exclude the Midland Railway Company.

The CHIEF SECRETARY: The amendment is merely a subtle way of excluding aircraft. Probably that is the hon. member's intention.

Hon. J. Nicholson: No, the next succeeding words in the definition specifically include aircraft.

The CHIEF SECRETARY: Every vehicle that comes under the Bill must be licensed under the Traffic Act.

Hon. J. J. Holmes: What about the Midland Railway Company?

The CHIEF SECRETARY: Would a railway truck require to be licensed?

Hon. J. Nicholson: Under this definition I think it would, if privately owned.

The CHIEF SECRETARY: I have no objection to the Midland Railway Company being excluded. If this definition included the Midland Railway Company, it would be necessary for the vehicles of the Midland Railway to be licensed under the Traffic Act, which would be ridiculous.

Hon. J. J. Holmes: I think they are included.

The CHIEF SECRETARY: But I object to the manner in which the amendment is framed, because its effect would be to exclude aircraft, which are included in the definition.

Hon. Sir CHARLES NATHAN: I have in mind the possibility of the inclusion of the Midland railway or the Kurrawang railway in this definition. Apparently the Minister does not intend them to be included. That being so, the Minister will have opportunity later to suggest an amendment covering the point he agrees in, without carrying the danger he sees.

The CHAIRMAN: If Mr. Nicholson wishes to exclude any railway, the proper place in which to do that would be on the definition of "railways."

Hon. J. NICHOLSON: It is difficult to frame an amendment at a moment's notice.

The CHAIRMAN: The hon. member could include the Midland Railway Company at the end of the definition of "railway."

Hon. J. NICHOLSON: It will also be necessary to include the Kurrawang and probably other lines.

Hon. E. H. Harris: And one running to the Gwalia mine.

Hon. J. NICHOLSON: I am prepared to discuss with the Minister and the Crown Law authorities any suggestion to meet the position, but I wish to establish the principle now. I wish to protect the railways that are entitled to protection. There is no subtle intention behind the amendment.

The CHIEF SECRETARY: Everyone knows that it is not intended to bring the Midland railway or any other railway within the scope of the measure. I will direct the attention of the Parliamentary draftsman to the point, and suggest that an amendment be framed that will leave no room for doubt.

The CHAIRMAN: Will the hon. member withdraw the amendment?

Hon. J. NICHOLSON: I wish to establish the principle. The clause can be re-committed at a later stage.

The CHAIRMAN: That means the hon. member is not prepared to accept the Minister's assurance.

Hon. J. NICHOLSON: That is not so. However, I ask leave to withdraw the amendment.

Hon. L. B. Bolton: At this rate it will take about two years to get through the Bill.

Amendment, by leave, withdrawn.

Hon. J. NICHOLSON: I move an amendment—

That in the definition of "vehicle," the words "includes an aircraft but" be struck out.

To include aircraft would seriously hamper means of transport that constitute no great or vital competitor in the carriage of goods, but are assisting wonderfully in the development of this great State. I believe the Victorian Act contains no reference to aircraft, and if other States have considered it undesirable and unnecessary to include aircraft, we may well omit them. The need for such transport is far greater in Western Australia than in some of the other States.

The CHIEF SECRETARY: Coming from Mr. Nicholson, the amendment is peculiar, seeing that later on he proposes to move for the provision of compensation for carriers of goods or passengers who may be refused a license. He will plead for compensation, no doubt, on the ground that they have built up a business. At this stage, aircraft represent very small vested interests, and he desires to protect that class of

transport. Now is the time to impose the mild restrictions stipulated in the Bill, not to wait for a few years when a big business will probably have been built up by aircraft. When that time arrived, Mr. Nicholson no doubt would be one of the first to suggest the exemption of aircraft because of the interests acquired by them. I hope he will endeavour to justify the inconsistency of his attitude.

The CHAIRMAN: I shall allow a general discussion on the amendment because, if it be passed, Clauses 4, 44, 45 and 46 will be consequentially deleted.

Hon. R. G. MOORE: I oppose the amendment. On the second reading it was stressed that the Bill was ten years too late. We have an opportunity to bring aircraft under control while it is in its initial stages, and the Government would be lax if they did not at once assume control of aircraft. All means of transport should be controlled.

Hon. A. THOMSON: I could follow Mr. Moore's reasoning if aircraft were not subject to control by the Federal Government. I question the wisdom of our doing anything that might prove inimical to the air services. Such services have played an important part in the State, particularly in the North-West. I support the amendment.

Hon. C. F. BAXTER: The fact that the Federal Government exercise certain control over aircraft does not affect the position under the Bill. Why not take aircraft in hand at once? The board would not hamper aircraft services; rather would they facilitate them. If aircraft are not included, services will be built up practically as motor transport has been—a service which is detrimental to the railways and in which so much money is involved that it will be difficult to administer the measure in a way not to inflict hardship. I oppose the amendment.

Hon. J. NICHOLSON: I have been prompted to move the amendment largely through reading a letter from the Aero Club, a copy of which other members have probably received. It is due to the rigid control exercised by the Commonwealth Government that flying has been made as safe as it is to-day. License fees are payable to the Federal authorities, who in turn provide all the aerodromes and landing places. Aeroplanes do not use Government roads, but nevertheless pay the petrol tax, the funds from which are devoted to the construction and upkeep of roads. The extent to which



they compete with the railways is negligible. The seating accommodation and pay-load of aeroplanes are so small that the amount of revenue lost to the Government is infinitesimal. Amongst the things the board will be able to do will be to provide that a man wishing to travel to the North-West by air must first take the train to Geraldton and embark on an aeroplane at that place. The same thing might be done in the case of a man wishing to go to Adelaide by air, but first being obliged to proceed to Kalgoorlie by train.

Hon. J. J. Holmes: You do not think the board would do that, do you?

Hon. J. NICHOLSON: It would be within the power of the board to so insist. The only thing to do is to eliminate aircraft entirely from the measure.

The CHIEF SECRETARY: Mr. Nicholson should be more definite. When would the hon. member be in favour of aircraft being included in this legislation? If they are to come in at all, they should come in now.

Hon. T. MOORE: If I thought the board would hamper aircraft in the way suggested, I would vote for the amendment. The Minister for Defence does not realise the important part aircraft will play in the future defence of this country. We should encourage aviation so that all our boys may be taught to fly. We have already produced some of the best flyers in the world. I know what damage can be done from the air, and I look upon aircraft as the one means by which Australia will be able to defend herself. Aviation must be controlled, but it must not be hampered.

Hon. E. H. H. HALL: And yet aircraft are to be subject to the same regulations as would govern buses. I support Mr. Nicholson's amendment.

Hon. A. THOMSON: The Bill provides that aircraft shall comply with exactly the same conditions as will apply to buses. The board may even prohibit the taking up or setting down of passengers by aeroplane. It is definitely intended to impose restrictions upon aircraft. The control in this matter could well be left in the hands of the Commonwealth Government.

The CHIEF SECRETARY: The State can grant a license to aircraft, and will do so under the Bill. It is not necessary that the Commonwealth should first grant such a license. We must look ahead to the time when there will be hundreds of aeroplanes

operating in every direction, and we must bring them under control in the early stages. There is no desire to discourage aircraft, but we feel it is necessary to exercise some jurisdiction over them.

Hon. J. M. MACFARLANE: Knowing the developments that have occurred in road transport with motor vehicles, I can visualise what the future will bring forth in the way of aviation. Aircraft must be regulated in the same way that road transport requires to be controlled. I regret I cannot support Mr. Nicholson, but I presume that the board will not do anything that will hamper the development of aviation, which is of such great importance to Australia as a whole.

Hon. J. NICHOLSON: Mr. Holmes does not think it likely that the board would insist upon a man who wished to go to Carnarvon by air first travelling by train to Geraldton, but I can assure him that this is what the board could do under the Bill. Under Clause 44 no aircraft shall operate so as to make any journey from any place within that part of the State south of the 26th parallel of latitude to any point of destination within such part unless the aircraft is licensed. Clause 46 shows that the clauses whereby the board can regulate the picking up and letting down of passengers in the case of buses will apply with equal force to aircraft.

The CHAIRMAN: The Committee agreed to that.

Hon. J. NICHOLSON: The matter should not be brought in at this stage at all. The board will be vested with the fullest and most comprehensive powers in regard to regulation of traffic. What a member of this Committee may say will not have any effect whatever on the board. All reference to aircraft should be struck out.

Hon. H. SEDDON: Here is an instance of duplication as between State and Federal Governments. The State Government are endeavouring to step in as regards aircraft, which are already controlled by the Commonwealth. I see no possibility of interference by aircraft with the railways, as only in the most urgent cases would aircraft be used.

Hon. L. B. BOLTON: I agree with Mr. Seddon's views. Aircraft are adequately controlled by the Commonwealth. License fees for aircraft are payable to the Common-

wealth, who provide aerodromes and landing places. The State, if charging license fees, would be expected to furnish similar conveniences. Civil pilots are part of the military forces in war time, and therefore should be encouraged. I support Mr. Nicholson's amendment.

Hon. H. V. PIESSE: I oppose the amendment. I have said that I consider there should be compensation for trucks put off the roads. Let us deal with aircraft now, lest in 10 or 15 years we should have to provide compensation for them.

The CHIEF SECRETARY: It is quite true that the Commonwealth have control of aircraft operating throughout Australia, but the State has powers also. Within the next few years aircraft operating within Western Australia will increase greatly, and over such aircraft the Commonwealth will have no control.

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

Ayes .. .. .	6
Noes .. .. .	16
Majority against .. .. .	10

## AYES.

Hon. L. B. Bolton  
Hon. E. H. Harris  
Hon. W. J. Mann

Hon. J. Nicholson  
Hon. A. Thomson  
Hon. E. H. H. Hall  
(Teller.)

## NOES.

Hon. C. F. Baxter  
Hon. A. M. Clydesdale  
Hon. J. M. Drew  
Hon. G. Fraser  
Hon. E. H. Gray  
Hon. J. J. Holmes  
Hon. W. H. Kitson  
Hon. J. M. Macfarlane

Hon. G. W. Miles  
Hon. Sir C. Nathan  
Hon. H. V. Piessie  
Hon. E. Rose  
Hon. C. B. Williams  
Hon. C. H. Wittenoom  
Hon. H. J. Yelland  
Hon. R. G. Moore  
(Teller.)

## PAIR.

AYE.  
Hon. V. Hamersley

No.  
Hon. T. Moore

Amendment thus negatived; the clause, as previously amended, agreed to.

Clause 4—agreed to.

Clause 5—State Transport Board:

The CHIEF SECRETARY: I move an amendment—

That in Subclause 1 the word "State," line 3, be struck out, and "Western Australia" inserted in lieu.

The present wording, which was adopted in another place, is apt to create confusion;

and accordingly I am moving to restore the original wording.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That the following be added to Subclause (1):—"The member representing rural industries shall be appointed from persons jointly nominated by the following organisations:—

- (a) The Primary Producers' Association;
- (b) The Wheatgrowers' Union;
- (c) The Chamber of Mines, Incorporated;
- (d) The Fruitgrowers' Association;
- (e) The Pastoral Association.

The member representing city interests shall be appointed from persons nominated jointly by the following organisations:—

- (a) The Federated Chambers of Commerce;
- (b) The Chamber of Manufactures;
- (c) The Royal Automobile Club;
- (d) The Motor Transport Association;
- (e) Westralian Motor Passengers' Transport Association."

Earlier in the consideration of the Bill this clause was discussed at some length and I was held up to a certain amount of ridicule, principally because the Primary Producers' Association was the first body mentioned in the amendment. The Bill is admittedly based largely on the Victorian Act and the amendment is in accordance with the principle embodied in the corresponding section of that Act. It would seem that the Government have taken from that Act what suited their purpose, and conveniently left out what they did not like. The section in the Victorian Act provides that the board shall consist of three members, one of whom shall be appointed chairman and one shall be a primary producer appointed by the Minister, after consultation with the governing body, the Chamber of Agriculture. In considering the amendment, we thought if we suggested the Primary Producers' Association only we would, perhaps, cause some of the criticism that was hurled at my head the other evening. Rather than incur that, we suggested that all organisations affected should be concerned in the nomination of four persons from whom the Government could make a selection of an individual to represent rural industries. For that reason, we set out the five bodies enumerated in the first part of the amendment.

Hon. J. M. Macfarlane: All having country interests.

Hon. A. THOMSON: Yes. Those bodies will not appoint a representative, but will submit for the approval of the Government four names from which they can make a selection. The Victorian Act provides that the city representative shall be appointed on the nomination of the Melbourne Chamber of Commerce. In framing the amendment, we have been more democratic.

The CHIEF SECRETARY: I oppose the amendment. In the first place I object to a political body such as the Primary Producers' Association having any say whatever in the nomination of persons for appointment to the board.

Hon. J. J. Holmes: Leave it to the Pastoralists' Association.

The CHIEF SECRETARY: That is a non-political body. The Wheatgrowers' Association is supposed to be non-political.

Hon. A. Thomson: I am glad you said it was "supposed to be non-political."

The CHIEF SECRETARY: The other bodies are non-political, but the Primary Producers' Association is distinctly hostile to the Government. I acknowledge the zeal, energy and enthusiasm of its members, but the Primary Producers' Association cannot be regarded as an impartial body to consider the appointments to the board, particularly with a Labour Government in power, to whom they are hostile. As to the selection of the member of the board representing city interests, I do not know why the Royal Automobile Club should be included. Two motor transport associations are also included in the amendment, although the Bill specifically sets out that the board, which is to consist of three members, shall not comprise a member who is financially interested in any form of transport service or contract. Moreover, the Bill provides the franchise for the selection of members of the board and Mr. Thompson suggests two bodies shall participate although they are intimately associated with transport and are financially interested!

Hon. L. B. Bolton: Then they should be good judges.

The CHIEF SECRETARY: In the long string of amendments, no provision is made for the necessary machinery to control the selection of the nominees so that the choice may be legitimately made. How is the election to be conducted? There is certainly a proviso that four names are to be submitted

to the Government, but even with that provision, it might result in the appointment of a most unsatisfactory board and one that would be incompetent. Should the Government have to remove a member from the board for incompetence, it would mean going over the whole ground again in order to secure another set of nominees.

Hon. A. Thomson: You would have eight men from whom to make the appointments.

The CHIEF SECRETARY: Under Mr. Thomson's proposal, it would be possible to have members appointed to the board who, although thoroughly representative of one or other of the organisations, would be totally unfit for the work to be undertaken.

Hon. A. Thomson: You would still have the safeguard that they would not be financially interested.

The CHIEF SECRETARY: Care will certainly be taken by the Government to see that the persons nominated were not financially interested, but some of the bodies that elect them would be financially interested.

Hon. L. B. Bolton: And surely they are entitled to some consideration.

The CHIEF SECRETARY: I do not think they are entitled to any consideration. The Government are excluded from the board, and no one interested in transport services should be eligible for participation in appointments. Under Clause 7, should a vacancy occur, it will be necessary to have another election. Mr. Nicholson is acquainted with the necessity for the provision of machinery clauses, but he is silent now, although that provision is not made.

Hon. J. M. Macfarlane: Do not wake him up!

Hon. A. THOMSON: In case there may follow a discussion on the remarks of the Minister regarding the Primary Producers' Association and its supposed hostility to the present Government, I do not think the Minister was correct in saying the association is hostile.

Hon. E. H. Harris: How easy it is to make a mistake!

Hon. A. THOMSON: The Chief Secretary has spoken without knowledge. The constitution of the Primary Producers' Association has been amended. While it is true that part of the organisation is political, the industrial section is absolutely

free from politics, far more free than is the organisation with which the Minister himself is associated. As to the Minister's suggestion that the association should be debarred from participation in the nominations, I would remind him that I was a member of a deputation that waited upon him to protest against the action of his Government in removing a representative of the association from the Fremantle Harbour trust. He explained that the reason for the action was that the Government desired a man on the trust to represent them. When a subsequent vacancy occurred, the Minister appointed a gentleman who was nominated by the Primary Producers' Association. As a matter of fact, the Government received a great deal of support from the Country Party members in another place when the Bill was under discussion.

Hon. L. B. BOLTON: I am very much perturbed at the remarks of the Chief Secretary when he says the motor transport industry is not entitled to any consideration. Such a body, having hundreds and thousands of pounds invested, and employing a huge number of men and women—more even than are employed by the Railway Department—is entitled to every consideration. I cannot imagine that the Chief Secretary was sincere. With the proviso that not any members of the board shall be financially interested in any form of transport service, what harm would there be in having a representative selected by the organisations named in the amendment? Being interested parties, surely they have a right to suggest who should be selected to represent the rural and the city interests, and no doubt the man they selected would be just as competent to fill the position as would the Government representative. I deeply resent the statement by the Chief Secretary that the industry is not entitled to any consideration.

The CHIEF SECRETARY: I intended no reflection on the Motor Transport Association.

Hon. L. B. Bolton: You certainly said the industry was not entitled to any consideration.

The CHIEF SECRETARY: I was only pointing to the provisions of the Bill to the effect that no member of the board shall be financially interested in any form of transport service or contract. Those words will remain in the Bill, whether the amendment be carried or not. Despite the fact that all

financial interests will be excluded from the personnel of the board, the amendment would appoint various organisations to nominate the board, and included in those organisations are two which are financially interested in motor transport; and, as the hon. member said, motor transport employs a very large number of persons, perhaps more even than the Railway Department. Surely, then, the Railway Department is entitled to representation.

Hon. L. B. Bolton: You will see to it that the department is represented on the board.

The CHIEF SECRETARY: The Railway Union and the Railway Officers' Union are just as much entitled to representation as are the Motor Transport Association and the Westralian Motor Passengers Transport Association.

Hon. J. M. MACFARLANE: It is a valuable suggestion that the representative bodies named in the amendment will nominate members of the board who will have a true conception of co-ordination. The Minister says the transport interests are not entitled to representation on the board; which means that the one and only body to be considered is the Railway Department. On the other hand, I and other members think the transport interests also should be considered. I will support the amendment.

Hon. H. V. PIESE: I was surprised to hear the Minister refer to the Primary Producers' Association in the way he did. After all, that association has industrial branches, such as that at Denmark, which was largely responsible for my election to the House. Yet I was not standing for the Primary Producers' Association. One of the leading members of the party in the Assembly has told me that the Bill is most acceptable to his association. So I suggest we could not have a better organisation, linked up with the other organisations named, to select four men for the final decision of the Government. I will support the amendment.

Hon. Sir CHARLES NATHAN: The excuse for this long discussion is that, according to the Bill, the Government themselves raised the point by stipulating that there should be three members of the board, one a Government official, one representing rural interests, and the third representing city interests. I am no more in favour of the clause as it stands than I am of the amendment. Over and over again have I heard members complain that the Arbitration Court, with

its President and a representative each of the employers and the employees, becomes ineffective. By the amendment we shall be repeating that condition of affairs and, moreover, it will not necessarily give us the right man. If the board is to be of any value at all, it must consist of the most competent men available, and I confess I do not see how competent men could bring themselves to run the gauntlet of an election by five or six bodies. If we are satisfied that the Government desire to get the best men available, and if we can trust the Government, then it seems to me we must vote for the clause. If, on the other hand, we are reluctant to trust the Government, presumably we shall vote for the amendment. Of the two, I prefer the clause as it stands.

Hon. H. J. YELLAND: I agree that if it were possible to work in something along the lines of the amendment it would be a decided improvement on the clause. Under the Victorian Act, the appointment is made by the Minister in consultation with the Chamber of Agriculture, a body interested in agriculture in the larger sense. In order to get the same consideration here, Mr. Thomson suggests that we introduce five bodies, some of whom might be termed political bodies. If we could get those five bodies merged into an executive, there would be some reason in the amendment.

Hon. A. Thomson: Naturally that would happen.

Hon. H. J. YELLAND: If the scheme is to work satisfactorily, it will have to happen. The same would apply to the second group who would appoint the representative of city interests. In Victoria those bodies have an executive in the form of the Chamber of Commerce. Unless Mr. Thomson could narrow down the bodies to one executive, his proposal would be unworkable.

Hon. G. FRASER: There is nothing in the amendment to show how the representatives would be elected. I should like to see the Primary Producers' Association and the Wheat Growers' Union jointly appointing a representative.

Hon. L. B. Bolton: Often unions that are opposed to each other have to make an appointment.

Hon. G. FRASER: The clause will meet the situation. If individual interests were represented, we would get nowhere. The

Government can be entrusted to choose the best men available.

Hon. J. NICHOLSON: Mr. Thomson should consider allowing each organisation to nominate one person, and the Minister could make his selection from the various persons nominated. The bodies enumerated in the amendment would be capable of advising the Governor of the men most capable of fulfilling the requirements of Subclause 2. The amendment has merits and I shall support it, though the machinery provisions might have to be altered if the amendment were approved.

Hon. A. THOMSON: Judging by the remarks of the Chief Secretary, the Primary Producers' Association would be wasting their time if they made suggestions to the Government.

Hon. J. Nicholson: I hope he was not in earnest in saying that.

Hon. A. THOMSON: We thought that a selection of members on the lines indicated would be more democratic. Mr. Yelland asked how the various bodies would arrive at a decision. I have acted on conferences between such bodies which have always succeeded in reaching a decision. I would not object to adding the proviso in the Victorian Act, that if the bodies failed to approve of four persons, the member might be appointed by the Governor-in-Council without further consultation.

Hon. G. Fraser: And then you would get back to the Bill.

Hon. A. THOMSON: Perhaps so. I would even approve of such appointments being limited to one year. I am surprised at the Minister's refusal to accept the amendment. Because of the temper of the Committee, I have not persisted in my idea of a board of five members. I am chiefly concerned now about getting a board that will safeguard the interests of all concerned.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	14
					—
Majority against	..	..	..	..	3
					—

#### AYES.

Hon. C. F. Baxter	Hon. H. V. Piesse
Hon. L. B. Bolton	Hon. E. Rose
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. J. M. Macfarlane	Hon. W. J. Mann
Hon. J. Nicholson	(Teller.)

## Noes.

Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. J. Cornell	Hon. R. G. Moore
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. Sir C. Nathan
Hon. E. H. Gray	Hon. C. R. Williams
Hon. E. H. Harris	Hon. H. J. Yelland
Hon. J. J. Holmes	Hon. G. W. Miles

(Teller.)

The CHAIRMAN: In case this question comes up again, I have given my vote with the noes.

Amendment thus negatived.

Hon. A. THOMSON: I move an amendment—

That a new subclause be inserted, to stand as Subclause (2), as follows:—

(2.) As soon as may be after the thirtieth day of June in each year, the Board shall cause to be prepared a report containing—

(i) a statement relating to the proceedings and work of the Board during the financial year then last preceding;

(ii) any comments which the Board think desirable to make relating to the administration or operation of Transport Regulations Acts.

Such annual report shall be laid before both Houses of Parliament in the month of October in each year.

The Chief Secretary: I have no objection to the amendment.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That in Subclause 6 the word "three" be struck out, and "one" inserted in lieu.

If the members of the board are appointed for one year only, their work can be reviewed at the end of 12 months.

The CHIEF SECRETARY: I hope members will not agree to the amendment. It would show a lack of confidence in this legislation if such an amendment were passed.

Amendment put and negatived.

Hon. C. F. BAXTER: I move an amendment—

That in Subclause 6 the following words be added:—"and may be reappointed."

The Chief Secretary: I have no objection to the amendment.

Amendment put and passed.

Hon. G. W. MILES: Can the Chief Secretary give us an idea of what salary will be paid to members of the board? The success of their operations will depend upon

the Government attracting the most efficient men to the position.

Hon. L. B. BOLTON: You have missed the opportunity to get the right man.

The CHIEF SECRETARY: I could not answer the hon. member's question, because the Government have not yet considered the matter. Perhaps members themselves would suggest what they thought was a suitable salary to pay.

Clause, as previously amended, put and passed.

Clauses 6 to 9—agreed to.

Clause 10—Powers and authorities:

The CHIEF SECRETARY: I move an amendment—

That in paragraph (a), lines 5 and 6, the words "as the Minister may from time to time direct" be struck out.

In another place an unnecessary amendment was made. It amounts to mere repetition.

Hon. J. NICHOLSON: The word "such," in line 1 of the paragraph, would have to be struck out consequentially.

The CHAIRMAN: Yes.

Amendment put and passed.

Hon. G. W. MILES: Subparagraph (iii) deals with industrial conditions and so forth. Should not these matters be left to the Arbitration Court?

The CHIEF SECRETARY: On this subject the Victorian Transport Regulation Board, in their 1933 report, write as follows:—

Para. 334. The matters involved are hours of work, periods of rest, and wages, and they require consideration in relation to both employed labour and the owner-driver.

335. The conditions of labour in the case of employees are fixed in nearly every case by the Shops and Factories Act and a Wages Board Determination. Under the Act, they are entitled to work a maximum period of 60 hours per week, which can be increased by the Chief Inspector to a total of 70 hours for six periods during a year. The Wages Board Determination fixes the periods at 44 or 48 hours, and also fixes 7 a.m. and 6 p.m. as the hours between which normal wages apply. The Determination requires that, outside of those hours overtime rates—time and a half—must be paid, and also under certain conditions an allowance for accommodation. Employers are required to keep proper records in a time book.

336. The evidence received by us shows that there is an almost complete evasion of the law. The limit of hours is not observed

and, although night driving is the rule and Sunday work is common, overtime rates are not paid. In some cases the evasion is overt and direct, in others the device is adopted of getting the work done under a form of independent contract. Time books are not regularly kept.

337. One of the most important roadhauler witnesses admitted that most of the driving is done at night, and that "in some cases they drive all night." The same witness also agreed that part of the usefulness of road transport of goods consist essentially in freedom of labour conditions, and admitted that he paid no overtime for night work and said that, if he had to pay the men who travel at night overtime and observed an eight-hour shift, "it would mean that nine-tenths of the men would be thrown out on the dole."

338. Statements regarding unsatisfactory working conditions were placed before us in statutory declarations by the employees concerned.

339. In one such case the employee spent a continuous period of 55 hours as follows:—Loading and unloading 19½ hours, driving 27½ hours, sleep in truck on roadside 8 hours in two periods of 4 hours each. The total payment for the period was £3.

In another case the average week's work totalled 80 hours including frequent Sunday work without overtime. Wages 70s. per week and out of pocket expenses.

In a third case, the weekly period of work varied between 90 and 110 hours spent in round trips of approximately 24 hours each, of which 7 were occupied in loading and unloading and 17 in driving. Any rest was taken from the driving time when the employee "feeling too tired to continue" would pull to the side of the road and "have a sleep in the cabin."

In a fourth case the average week's work lasted from 7 p.m. Sunday until 6 p.m. Saturday, and the employee very seldom had his clothes off from Sunday night until the Saturday night. He also slept on the roadside when too tired to continue.

340. As the nature of road transport essentially involves night work, we do not regard night work properly remunerated and forming part of a period of work under a properly arranged roster, as an unsatisfactory working condition.

What is stated as occurring in Victoria is occurring in Western Australia also.

Hon. W. J. MANN: Is a dual tribunal to be set up for dealing with industrial conditions? Are the board to lay down rules and regulations under which motor transport is to be conducted? If so, the subparagraph should be struck out.

The CHIEF SECRETARY: The necessity for such a provision as this was recognised some years ago even in England, which

is not up to date in industrial legislation. Are men who work up to 18 hours without rest or refreshment in a fit condition to undertake such duties? The Arbitration Court is not the tribunal to decide such a question.

Hon. J. J. HOLMES: If I understand the position rightly, the board would only have power to make investigation. However, there is no comparison whatever between England and Australia in this respect. In England the population is as thick as flies. Out here in the never-never, where there is no shade at all, the only comfort to be found is in keeping moving.

Hon. W. J. MANN: I am surprised at such a proposal coming from a Labour Ministry. Here is an attempt to introduce another form of industrial control simply because it exists in England and Victoria. The subparagraph should be deleted.

The CHIEF SECRETARY: If the subparagraph is deleted, there cannot be any investigation by the board, which in the circumstances would act merely as a Royal Commission. From what I have learnt, there should be most careful investigation.

Hon. W. J. MANN: I have no objection whatever to inquiry being made. I have, however, strong objection to the board taking the place of the Arbitration Court.

Hon. G. FRASER: The clause merely gives the board power to investigate, without any power to act. The Arbitration Court never investigate the circumstances contemplated in the subparagraph. There is no industrial organisation covering many of the activities that the Bill deals with.

Hon. G. W. Miles: You will soon see that that is rectified.

Hon. G. FRASER: I hope that is correct, but the fact is that this provision deals with people who work for themselves. In those circumstances, there can be no Arbitration Court proceedings.

Hon. W. J. Mann: You are not concerned about the fellow who is working for himself.

Hon. Sir CHARLES NATHAN: Members are addressing themselves to the wrong clause. The provision empowers the board to make inquiries into the industrial conditions under which all forms of transport are conducted. If members think that there is a chance of interfering with the functions of the Arbitration Court, the proper time to deal with that phase is when we reach

Clause 47. We are merely wasting time on the present clause.

Hon. J. M. MACFARLANE: I move an amendment—

That in line 8 of paragraph (d) after "license," the following words be inserted:—"in respect of any route not prescribed by the Traffic Act, 1919-1932, at the commencement of this Act, or any route which may be prescribed in lieu of a route prescribed by the Traffic Act, 1919-1932, and in existence at the commencement of this Act."

The amendment will give the board power to call for tenders for new licenses only, leaving holders of licenses already granted the right to operate over routes with extensions that may be necessary. It would be unfair to the existing owners to compel them to compete for the business that they themselves have established.

Hon. E. H. Harris: Nevertheless the board would have power to grant or refuse licenses.

Hon. J. M. MACFARLANE: Yes. The only object of the amendment is to protect the old licensees when the board deals with a route.

The CHIEF SECRETARY: Members will recognise that it is difficult to deal with such an amendment without having it before us. In the few moments I have been able to consider it, I have come to the conclusion that its object is to preserve the rights of those who have obtained licenses under the Traffic Act, and to make those licenses sacrosanct. They are not to be interfered with, and there is to be the implied right of transmission to the holder's heirs and successors. No tenders can be called in respect of services over the routes affected, but only in respect of new routes. There could not possibly be any co-ordination in such circumstances.

Hon. J. M. MACFARLANE: In the next paragraph the board can invite premiums and deal with matters as they think fit. The object of the amendment is merely to conserve the rights of people who have established routes. That is not unreasonable.

The Chief Secretary: But that is not co-ordination.

Hon. J. M. MACFARLANE: Yes, because you absorb these concerns into the plan of co-ordination.

Hon. G. FRASER: If Mr. Macfarlane desires consideration to be given to his amendment, I think he should place it on the Notice

Paper. It is impossible for members to understand it as it has been placed before them.

Hon. J. M. MACFARLANE: If the Chief Secretary is willing to allow the matter to be discussed on recommitment, I shall be prepared to withdraw the amendment at this stage.

The CHIEF SECRETARY: I am agreeable to that course.

Amendment, by leave, withdrawn.

The CHIEF SECRETARY: I move an amendment—

That in line 1 of paragraph (e) the words "of its own motion" be struck out.

The words are unnecessary because the clause commences with the statement that the board may of its own volition or under the direction of the Minister do certain things.

Amendment put and passed.

Hon. G. W. MILES: Why should the board invite premiums? Will that not make the Bill a taxing machine?

The CHIEF SECRETARY: It may be considered advisable to close down a railway with the consent of Parliament. In that event transport over the routes served by the railways would be worth while. It would mean a monopoly, and in those circumstances provision should be made for the payment of a premium.

Hon. G. W. MILES: And would that premium be devoted towards wiping off the capital cost?

The CHIEF SECRETARY: Provision in that respect is made in Subclauses (5) and (6) of Clause 11. We want to get in as much money as we can.

Hon. J. Nicholson: But where there is no railway to be closed, they could still invite premiums.

The CHIEF SECRETARY: Yes.

Hon. J. Nicholson: And they would go into Consolidated Revenue.

The CHIEF SECRETARY: There is nothing in the Bill to provide for their going into Consolidated Revenue.

Clause, as previously amended, put and passed.

Clause 11—Power as to railways and tramways:

The CHIEF SECRETARY: Subclause 2 provides that the board may recommend the closure of any railway or tramway if, in the



opinion of the board, it is inadequate or impossible of improvement. Those concluding words are ridiculous. I move an amendment—

That in lines 2 and 3 the words "impossible of improvement" be struck out.

Amendment put and passed.

Hon. J. J. HOLMES: Subclause 3 provides that any such recommendation shall be put before Parliament for its sanction. That would leave us just where we are to-day, for it would mean, "You vote for my railway and I'll vote for yours."

Hon. E. H. HARRIS: There is only one railway in the North.

Hon. J. J. HOLMES: Suppose the board after investigation comes to the conclusion that the requirements of a given district would be better served by motor transport than by a railway. Their recommendation would come to Parliament. Can any member doubt what the issue would be. I move an amendment—

That Subclause 3 be struck out.

Hon. G. FRASER: Subclause 2 gives the board power to make recommendations. Now the amendment proposes to cut out the authority to which the board are to submit their recommendations.

The CHIEF SECRETARY: I oppose the amendment. Parliamentary authority is required for the construction of a railway and so, logically, it must be required also for the closing down of a railway.

Amendment put and negatived.

Hon. R. G. MOORE: I move an amendment—

That after "sanction" in line 2 of Subclause 3 the words "or otherwise" be inserted.

The CHIEF SECRETARY: I see no objection to the amendment. The Government would have to support the recommendation and Parliament might refuse to sanction it. The matter would be simplified for the Government if the words were inserted.

Amendment put and passed.

The CHIEF SECRETARY: I move an amendment—

That the following words be added to Subclause 5:—"Any sum or sums received from any subsequent tenderer or tenderers shall be dealt with in like manner."

The subclause as printed indicates that only one payment might be used to liquidate the capital cost of the railway or tramway. Payment might be made by instalments and only the first payment would find its way into the proper channel. The additional words will make the meaning clear.

Hon. J. NICHOLSON: If a tender were accepted by the Minister and if no railway or tramway were closed, to what purpose would the money be applied?

The Chief Secretary: This clause deals only with railways and tramways closed.

Hon. A. THOMSON: Provision is made in Clause 59.

The Chief Secretary: If no railway or tramway were closed, there would be no money to pay into any fund.

Hon. J. NICHOLSON: But under paragraph (e) tenders could be called for road transport and premiums invited.

The Chief Secretary: Let us deal with this matter first.

Hon. G. FRASER: The amendment would mean that all money received from such tenders would be applied to that purpose. Is that the object?

The Chief Secretary: Yes.

Hon. G. FRASER: Right down the years, 30 or 40 tenders might be received and the whole of the money would be devoted to that purpose?

The Chief Secretary: Yes.

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

Clause 12:

Hon. A. THOMSON: The clause stipulates that the provisions of Part III, dealing with licenses shall apply to that part of the State south of the 26th parallel of latitude. What is intended under the clause?

The Chief Secretary: To exclude the North Province.

Hon. A. THOMSON: I am satisfied with that explanation.

The CHIEF SECRETARY: I move an amendment—

That before the word "latitude" in line 9 the word "south" be inserted.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after the word "therein" in line 10, the following be inserted:—"save and except as provided by Section 33 hereof."

The CHIEF SECRETARY: I cannot see the justification for the hon. member's amendment. The words he wishes to insert are redundant.

Hon. J. NICHOLSON: It is not intended that the provisions of this Bill shall apply to vehicles operating within 15 miles radius of the general post office. Perhaps the Chief Secretary would postpone this question for the time being, and look further into it.

The CHIEF SECRETARY: I see no necessity for a postponement. The words "subject to this Act" at the commencement of the clause completely cover the whole situation.

Amendment put and negatived.

Clause, as previously amended, put and passed.

Clause 13—No unlicensed public vehicles to be operated:

Hon. A. THOMSON: In the definition of "commercial goods vehicle" in the Victorian Act, motor cars are exempt. Would the Chief Secretary accept an amendment to add to this clause the words "but does not include any motor car"? The addition of such words would render it unnecessary for a person to be obliged to apply for a permit to convey a sports team from one town to another. In this way the position might be clarified.

The CHIEF SECRETARY: The hon. member wishes an amendment prepared to deal with specific cases. There is objection to such a proposal. The amendment would have to be very carefully safeguarded. I shall have the matter inquired into.

Hon. A. Thomson: I am glad to have the Chief Secretary's assurance.

Clause put and passed.

Clause 14—Fees for licenses:

Hon. J. NICHOLSON: I move an amendment—

That the following be inserted at the commencement of the clause:—"Subject to the provisions of Section 33 hereof."

The CHIEF SECRETARY: There is no necessity whatever to bring in Clause 33 here. Every public vehicle must be licensed. The schedule and Clause 33 are the protective parts of the Bill.

Hon. J. NICHOLSON: If the clause read "Every public vehicle to be licensed," the matter would be clear. Failing that, the amendment is necessary.

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

Ayes	..	..	..	..	9
Noes	..	..	..	..	12

Majority against .. .. 3

#### AYES.

Hon. L. B. Bolton	Hon. J. Nicholson
Hon. E. H. H. Hall	Hon. H. V. Piesse
Hon. V. Hamersley	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. W. J. Mann	(Teller.)

#### NOES.

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. A. M. Clydesdale	Hon. G. W. Miles
Hon. J. M. Drew	Hon. R. G. Moore
Hon. J. T. Franklin	Hon. Sir C. Nathan
Hon. G. Fraser	Hon. E. Rose
Hon. E. H. Gray	Hon. T. Moore

(Teller.)

Amendment thus negatived.

Hon. C. F. BAXTER: I move an amendment—

That in line 6 of paragraph (a) "ten" be struck out and the word "five" inserted in lieu.

The clause deals with the fixing of fees for licenses and the proviso sets out that any such fee shall not be greater than 10 per cent. of the gross earnings. I know it would be ridiculous to charge 10 per cent. on the net proceeds, but to give the board authority to fix the license fee at 10 per cent. on the gross earnings, would be placing in their hands too arbitrary a power. The gross receipts of one of the 'bus companies amounts to £70,000, and under the proviso the board could fix the license fee at £7,000.

The CHIEF SECRETARY: Some members have the idea that the board will impose very heavy license fees. The Bill contains a specific direction to the board to exercise impartial and equitable treatment in dealing with those engaged in providing transport facilities. The board would be false to their responsibilities if they failed to carry out that instruction. The earning power of concerns will vary considerably,

and we should leave it to the judgment and fairness of the board to fix the charge. The board may fix a fee that will make the total amount payable equivalent to what buses or commercial vehicles pay at the present time. In South Australia, the maximum fee chargeable is on the basis of 10 per cent. with a minimum of  $2\frac{1}{2}$  per cent. In most instances here, the fee will be on the basis of  $2\frac{1}{2}$  per cent. I have no hesitation in saying that it would be sheer robbery to impose a license fee of 10 per cent. on a concern whose gross earnings amounted to £70,000. I hope members will trust the board, and that the amendment will not be agreed to.

Hon. A. THOMSON: As indicative of what I think is the intention under the Bill, I would direct members' attention to the alterations that are to be made in connection with fees. For instance, the fee charged on trailers of one ton 5 cwt. and not exceeding 2 tons is to be increased from £6 to £8; on those weighing 3 tons and not exceeding 4 tons, from £13 10s. to £10 10s.; 5 tons and not exceeding 6 tons, from £23 to £69; 7 tons and not exceeding 8 tons, from £34 to £103 10s., and so on, with £12 additional for every ton above 10 tons, at which weight the fee is raised from £48 to £144.

The CHIEF SECRETARY: I cannot follow Mr. Thomson. Does he suggest that the figures will be more than for trailers, as he has indicated?

Hon. A. Thomson: As I read it, yes.

The CHIEF SECRETARY: That is not so. The combined fee for trailers under the Traffic Act, and under the Bill will be exactly the same as are now being paid. For instance, a 3-ton trailer now pays a total of £40, and when the Bill becomes law the main road fee, which is included in that amount, will disappear and an identical fee will be imposed under the Bill, so that the same amount will still be paid. That is the information supplied me by the Traffic Department.

Hon. C. F. BAXTER: I think 5 per cent. should be the maximum, because any charge levied above that amount would be a hardship. If the owner of an ordinary business secures a return of  $2\frac{1}{2}$  per cent. now, he is indeed fortunate.

Hon. G. FRASER: I support the amendment. If the provision for charging a fee up to 10 per cent. is retained in the Bill, it will be dangerous. I think a fee on the

basis of 5 per cent. is quite sufficient. I have examined the figures, and on a basis of 5 per cent. they will pay a little more than they do to-day under the various headings.

The CHIEF SECRETARY: Since 10 per cent. is not only charged but collected in South Australia, it is difficult for me to accept the amendment. Still, I should be prepared to accept an amendment making it  $7\frac{1}{2}$  per cent. No doubt the whole thing will have to come up for review next session, and if it be found to be unsatisfactory, it can then be amended.

Hon. E. H. GRAY: I will support the amendment, for it is certain the public will get the benefit of any reduction in the charge to be levied.

Hon. Sir CHARLES NATHAN: I do not think there is anything more to be said. The proposed 10 per cent. is altogether too high. This is not a taxing measure, but a measure for the improvement and co-ordination of means of transport. Bearing in mind what the Minister said, we might well make it 5 per cent. and, next session, review it if necessary.

Hon. T. MOORE: I do not care about these high percentages, nor do I think the industry could stand the proposed 10 per cent. I will vote for the amendment.

Hon. G. FRASER: If the 10 per cent. allowed in the Bill were by any chance actually charged, there are many services not in competition with either a railway or a tramway that would have to go out of business. Let us make the charge something they can all pay.

Amendment put and passed.

Hon. J. NICHOLSON: I draw the Minister's attention to an inaccuracy. In line 2 of paragraph (b) "matter" should, I think, read "manner".

The CHIEF SECRETARY: I move an amendment—

That in line 2 of paragraph (b) "matter" be struck out and "manner" inserted in lieu.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after "vehicle" in line 13 of paragraph (b) the words "other than a trailer or semi-trailer operating in the manner referred to in Section 33" be inserted.

The HONORARY MINISTER: If the hon. member were to insert the words "other than is provided in Section 33" it would effect all that he wants.

The CHIEF SECRETARY: There is no reference to this in Clause 33. This is all new to me, and I should like the hon. member to accept a postponement. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clause 15—Passengers or goods not to be sent by unlicensed vehicle:

Hon. A. THOMSON: The clause provides that any person who sends or causes to be sent or agrees or offers to send or convey any passengers or goods by any unlicensed vehicle shall be guilty of an offence, and in any prosecution, it shall be a sufficient defence if the person charged proves that he had reasonable grounds for believing that the vehicle was licensed. I hope the clause will be deleted.

The CHIEF SECRETARY: The hon. member wishes to give full right to anyone who pleases to convey passengers or goods by an unlicensed vehicle. He also wishes to compel the board to prove that the vehicle was licensed. If there was a prosecution at Albany and the vehicle had arrived from Perth and there were good grounds for believing that it was unlicensed and the driver refused to produce his license, the burden of proof would be on him, whereas, without the provision, it would be on the board, who would have to obtain evidence from Perth. The defendant would be in a position to produce his license if he held one.

Hon. A. THOMSON: The clause goes further than the Minister suggests. If an individual sent goods by an unlicensed vehicle, he would be liable to a penalty.

Hon. J. Nicholson: If he wished to send a parcel, he would have to ask the carrier to produce his license.

Hon. A. THOMSON: Yes. The penalty would be up to £20, which is beyond all reason. Why put a man in the country to the expense of proving his innocence?

Hon. J. Nicholson: And what is reasonable ground for believing?

Hon. A. THOMSON: That is another point. I hope the Committee will not agree to the clause.

The CHIEF SECRETARY: If I deliberately forwarded goods by a vehicle that I knew to be unlicensed, I should deserve to be prosecuted.

Hon. A. Thomson: The board would have a remedy against the owner of the vehicle.

The CHIEF SECRETARY: If I sent the goods innocently, believing that the carrier had a license, it would be sufficient defence.

Hon. J. Nicholson: What would be reasonable grounds for believing?

The CHIEF SECRETARY: Those words are mentioned in many Acts. It would be a matter for the court to decide. But for the clause, it would be impossible in many cases to obtain a conviction.

Hon. C. F. BAXTER: Such a drastic clause is unnecessary. It would make the measure as severe as the Gold Stealing Act. A man in the country might send a small parcel by an unlicensed vehicle and he would be committing an offence. The board would have redress against the driver or owner of the vehicle. The effect of the clause would be to make criminals of people who had failed to ascertain whether a vehicle by which they were sending a parcel was licensed.

Hon. SIR CHARLES NATHAN: The point taken is a good one. It ought to be sufficient if the remedy is against the carrier.

Hon. E. H. H. HALL: I hope the clause will be struck out; otherwise it will tend to destroy that neighbourly feeling which is so general in the country districts, and which leads to so many acts of kindness being done by one man to another.

Hon. C. F. BAXTER: If the clause is struck out, the Chief Secretary could provide something else to meet the situation in a less stringent manner.

The CHIEF SECRETARY: If the clause is struck out, something else will undoubtedly have to be inserted in place of it. Acts of Parliament are reeking with instances in which the onus of proof is thrown upon the defendant, that he had reason to believe such and such things were. The position as set forth in this clause must be safeguarded.

Hon. SIR CHARLES NATHAN: I see no objection to throwing the onus of proof on the person who carries the goods. We must safeguard the position as it affects the carrier himself.

Hon. A. THOMSON: Clause 13 deals with the carrier. Within a radius of 15 miles of the general post office any citizen can put parcels in an unlicensed vehicle without breaking the law, but if he does so, outside that circumscribed area, he may become a criminal in the eyes of the law.

Hon. C. F. BAXTER: If a man, who has sent a few parcels with a vehicle that is not licensed, is discovered to have done so, he may be prosecuted and fined £20. The person responsible for the licensing of the vehicle is the one who should be prosecuted.

On motion by the Chief Secretary, further consideration of the clause postponed.

Clause 16—Penalty for failure to comply with Act, etc.:

Hon. W. J. MANN: Could some punishment be provided under this clause for what is known as the hit-and-run driver? A more severe penalty should be imposed on this offender. The clause might be postponed so as to allow consultation with the Crown Law authorities. In my opinion, the punishment should include imprisonment. Callous hit-and-run drivers are far too numerous. It has to be remembered that the Traffic Act will expire shortly.

The CHIEF SECRETARY: The proper place for the suggested amendment is the Traffic Act. It would be out of place in this measure. Section 10a of the Traffic Act has been re-enacted up to the end of June next. I will make a note of Mr. Mann's point.

Clause put and passed.

Clause 17—Commercial goods vehicle not to be used for passengers:

Hon. J. NICHOLSON: I move an amendment—

That after the word "vehicle", in line 2, there be inserted "which is required under the provisions of this part to be licensed."

These words also occur in Clause 15.

The CHIEF SECRETARY: The words are superfluous. A commercial goods vehicle must be licensed.

Hon. J. Nicholson: Not if operating within the 15-mile radius.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That after the word "thereupon", in line 3, there be inserted "for hire or reward."

Hon. A. THOMSON: I hope the amendment will be accepted. The clause goes too far. It prevents a motor driver from giving a lift to a poor devil on the road.

The CHIEF SECRETARY: If a person is allowed to ride on a commercial goods vehicle, he may pay a fare, but he is not supposed to ride on such a vehicle at all. It would encourage evasion of the Act. Provision is made to meet emergency conditions. I am afraid the amendment would leave the position open to grave abuse.

Hon. E. H. GRAY: I oppose the clause because it will not work fairly as between the country and the city. In fact, it will operate harshly in the country areas where sometimes the owner of a motor vehicle may give a neighbour a lift to the nearest railway station, which may be 40 miles away.

Hon. L. B. BOLTON: Recently, when travelling from my farm, I passed a motor truck that had broken down. The driver hailed me and asked if I would assist him with regard to his mate who had gone on for a spare part. If the Bill becomes law in its present form, that man would have to be taken to Walebing and from there he would have to take the train to Perth. That would be farcical.

Amendment put and passed.

Hon. J. NICHOLSON: I move an amendment—

That all the words after "pounds," in line 5, be struck out.

We have already made provision that renders the balance of the clause unnecessary.

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

Clauses 18 to 23—agreed to.

Clause 24—Power to grant, etc., applications:

Hon. A. THOMSON: I move an amendment—

That after "and", in line 3, the words "the decision of the board shall be final and without appeal" be struck out and the following inserted in lieu:—"there shall be an appeal against the decision of the board to a court of petty sessions, whose order shall be

final, in any case where a license, or a transfer of a license, under this part of the Act is refused. On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

The board are to be given extraordinary powers and in accordance with British justice we should give the right of appeal against the decision of the board.

Hon. J. Nicholson: There is no definition of "court."

Hon. A. THOMSON: No, but that can be adjusted. Under the Victorian Act there is an appeal to the Supreme Court, but I desire to make it as simple as possible for the appellant and propose that the appeal shall be to a court of petty sessions.

The CHIEF SECRETARY: I hope the amendment will not be carried. We must assume the appointment of an able and impartial board. If it were not so, if it were open to suspicion, the Government would incur the odium of the whole community and would create displeasure amongst their own party, whose opinions on this transport question vary. It is provided in the Bill that before granting or refusing a license the board shall take into consideration the necessity for the proposed service and the convenience to be afforded the public by such service. Then the board shall consider existing transport services within the area proposed to be served, and the possibility of improvement to meet public demands, together with the effect of the proposed service on existing services, and finally the qualifications and financial stability of the applicant. All this calls for thorough investigation by the Board. How could a magistrate possibly equip himself to decide whether a license had been justly or unjustly refused by the board? It would be altogether too heavy and complex a problem for a magistrate. Yet suppose the board decided that certain licenses should not be granted, and the magistrate on appeal upset the decision of the board. It would result in an arbitration court such as we had some years ago when one case took many weeks to decide. We should have reams of evidence on every possible phase of the issue, all of which would mean expense and delay, and in the end chaos. The dead weight of that tribunal would serve to kill the whole reform. It

would be utterly impracticable for the magistrate to carry out such an investigation as would be required.

Amendment put and passed.

Hon. L. B. BOLTON: As I have an assurance from the Chief Secretary that it is not intended to alter the present arrangement under the Traffic Act regarding the running of buses, I shall not move the amendment of which I have given notice.

The Chief Secretary: Provision is made not only in the Traffic Act but in the regulations.

Clause, as previously amended, put and passed.

*12 o'clock midnight.*

(Clauses 25 to 27—agreed to.)

Clause 28, Period of license:

Hon. J. NICHOLSON: I move an amendment—

That after "year" the words "and shall be renewed each year so long as the licensee shall observe the provisions of this Act" be inserted.

The CHIEF SECRETARY: I object to the amendment. It would give a licensee a perpetual right to a license so long as he paid the fees.

Hon. J. Nicholson: And observed the conditions of the Act.

The CHIEF SECRETARY: We are considering a measure for the co-ordination of traffic and we cannot include a statutory right of renewal.

Hon. J. NICHOLSON: The Minister has said that it is not proposed to allow any compensation. Therefore some security of tenure must be given. All I desire is to give such security as will justify people in embarking on such a business.

Hon. A. Thomson: You could not expect a man to invest £2,000 with the knowledge that he might lose it.

Hon. J. NICHOLSON: Or a sum of £4,000 or £5,000. The amendment should receive serious consideration.

Hon. G. W. Miles: What is your reply to the Chief Secretary?

Hon. J. NICHOLSON: Under the old Licensing Act a man was entitled to a renewal of his hotel license so long as he carried out the provisions of the law. Later, when certain licensees were deprived

of their licenses, they received compensation. It would be fitting that the same principles should apply in the case under review.

The CHIEF SECRETARY: For aught I know, all these people may have their licenses renewed, but we must give the board power to withhold such licenses if they think fit.

Hon. Sir CHARLES NATHAN: The hands of the board should not be tied to the extent that it would be unable to close down a particular route, and deprive the bus proprietors concerned of their license to run along it. At the same time, protection should be given to those whose capital is tied up in the industry. If the amendment were passed as drafted, it would defeat one of the main objects of the measure.

Hon. R. G. MOORE: The effect of the amendment would be that once a man received a license he could snap his fingers at the board. There may be some way out of the difficulty by allowing the holder of a license to take the contract for a particular route, covering a period of three or five years.

Hon. A. THOMSON: Under the Traffic Act a local authority has no power to refuse to renew a license so long as the holder is conforming to certain rules. The person who has invested, say, £5,000, in opening up a particular route, should have some feeling of security so long as he complies with the provisions of the law. I hope the amendment will be agreed to.

Hon. Sir CHARLES NATHAN: I would have no objection to giving the holder of a license the right to continue his operations for three years or so, but I would object to giving a person a license to hold in perpetuity. We must remember also that new licenses will be applied for from time to time. What would be the position of the board if in granting one of these licenses it had no power to take it away again for any legitimate reason? A man taking up a license, in future will know what the conditions are. I cannot support Mr. Nicholson's amendment.

The CHIEF SECRETARY: Mr. Thomson has merely repeated what he said before. The clause does not say what the hon. member states. This legislation is in advance of the Traffic Act. The proposed board must be enabled to exercise control effectively. So far as I know, a license for

a service that has been carried on satisfactorily will not be cancelled.

Hon. L. B. BOLTON: Mr. Nicholson's amendment perhaps goes a little too far. I may mention, however, that the firm with which I am associated will be delivering this week a bus which has cost the owner over £2,000. If the board should refuse to renew that owner's license, surely he should receive some consideration. Various members apparently have no idea of the amount of capital embarked in the motor industry. Probably the board will be perfectly fair, but these aspects should receive consideration.

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

Ayes	..	..	..	8
Noes	..	..	..	12

Majority against .. 4

#### AYES.

Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. J. M. Macfarlane	Hon. C. H. Wittenoom
Hon. J. Nicholson	Hon. V. Hamersley (Teller.)

#### NOES.

Hon. A. M. Clydesdale	Hon. R. G. Moore
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. Sir C. Nathan
Hon. E. H. Gray	Hon. E. Rose
Hon. W. H. Kitson	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. W. J. Mann (Teller.)

Amendment thus negatived.

Hon. J. NICHOLSON: I should like time to consider Clause 28, so that it may be amended in conformity with the Victorian Act.

The CHAIRMAN: The hon. member will be in order in moving for the recommittal of the whole Bill later.

Clause put and passed.

Clauses 29, 30—agreed to.

Clause 31—Omnibuses to be registered as motor vehicles:

Hon. J. NICHOLSON: I intended to ask the Chief Secretary to give the Committee an assurance that the clause does not mean double taxation, to which repeated references have been made.

The CHIEF SECRETARY: I have given that assurance most emphatically.

Clause put and passed.

Clause 32—agreed to.

### Clause 33—Application of Part:

Hon. J. NICHOLSON: I move an amendment—

"That after 'vehicle' in line 2 the words 'or trailer or semi-trailer' be inserted.

Trailers are referred to in other parts of the Bill, but they are different from the ordinary vehicle, and are rated on a different basis. Unless reference is included in the clause to trailers or semi-trailers, it is questionable whether they can be used within a 15 mile radius.

The CHIEF SECRETARY: Clause 3 sets out clearly that the trailer or semi-trailer must be regarded as a vehicle separate from the vehicle by which it is drawn, and a trailer for the purposes of this measure is to be deemed to be driven by the person who drives the vehicle by which the trailer is drawn. A commercial goods vehicle means any vehicle other than one propelled by animal or human power only, that is used on roads for the transport of goods. It is only the commercial goods vehicle that is covered, not the trailer.

Hon. J. NICHOLSON: That would not indicate any effort at co-ordination. The interpretation clause indicates that the trailer must be taken in conjunction with the motor vehicle, so how can they be separated?

Hon. R. G. MOORE: They are separated under the Traffic Act.

Hon. J. NICHOLSON: But only for the purpose of assessing the fee.

Hon. L. B. BOLTON: I would like to know from the Chief Secretary what is the difference between a trailer and a semi-trailer, from his point of view.

The CHIEF SECRETARY: The only definition is the one indicated in Part II. of the Second Schedule, which deals with trailers and semi-trailers. There is no distinction indicated between trailers and semi-trailers, and the fees are parallel with those charged under the Traffic Act.

Hon. L. B. BOLTON: A trailer can be quite a distinct vehicle with four wheels, whereas a semi-trailer may have but two wheels, for the purpose of carrying timber. The Minister should be very clear about this clause, because there is such a wide difference between the two vehicles. I suggest the clause should be postponed, for we ought to have definitions of "trailer" and "semi-trailer."

The CHIEF SECRETARY: I have not been advised on this, and I may be quite wrong in my interpretation of the two vehicles. Probably there is a difference between a trailer and a semi-trailer. Perhaps it would be better if we postponed this.

Hon. T. MOORE: Since the Chief Secretary thinks that further consideration of the clause ought to be postponed, I take it Mr. Nicholson will not persist with his amendment, or will temporarily withdraw it. For the sake of the Bill and to assist the Minister, the other amendments on the Notice Paper might well be postponed.

Hon. J. NICHOLSON: I will withdraw my amendment.

Amendment, by leave, withdrawn.

Hon. A. THOMSON: I move an amendment—

That paragraphs (a) and (b) be struck out.

The clause provides that no license shall be necessary for a commercial goods vehicle (a) operating solely within a radius of 15 miles from the G.P.O., (b) operating within a radius of 15 miles from the place of business of the owner, or (c) used solely for any of the purposes mentioned in the first schedule. My object is to place all vehicles competing with the railways on an equal footing. The owner of a 4-ton vehicle competing with the railways in the metropolitan area pays £31 a year. A man who extends his operations outside the metropolitan area has to pay an additional £63. For a 3-ton truck the respective totals are £19 and £67 7s. 6d. Buses are charged the same fees irrespective of where they run, and that principle should be applied to commercial vehicles.

Hon. Lt. V. PIESSE: I support the amendment. A business man in the country is placed at a disadvantage as compared with one in Perth owing to the cost of transport for goods.

The CHAIRMAN: I am of the opinion that the remarks of Mr. Thomson and Mr. Piesse have nothing to do with the question.

Hon. A. THOMSON: The clause would exempt motor vehicles running within 15 miles of the G.P.O. Such vehicles would have an area of roughly 30 miles square in which to run and in that area more than half the population of Perth are concentrated. Is it fair that a truck, which could



make four trips daily between Perth and Fremantle and carry 32 tons, should pay only £31, as against a truck running into the country, where the wear and tear on the vehicle would be more than double, which has to pay £94? The Government could effect a better co-ordination of traffic if they brought both sections of motor transport under the one license.

The CHIEF SECRETARY: The concessions granted in this Bill are similar to those granted by the Traffic Act. I admit that the 15-mile radius is better for the people of the metropolitan area, than the area defined in the Traffic Act. This concession is granted to enable traders to deliver their goods within a 15-mile radius of the General Post Office. In paragraph (b) the same principle applies to country centres.

[Hon. E. H. Gray took the Chair.]

Hon. J. NICHOLSON: No greater preference is given to the city area than is given to any town in the country. If the amendment is carried, however, every storekeeper in country towns will require to take out a license for the delivery of his goods, whereas, if the clause is left as it is, he may operate within a 15-mile radius of his town without any license.

Hon. H. V. PIESSE: Owing to the difference in the charge imposed upon the owner of a commercial goods vehicle in the country there is bound to be an increase of the cost of commodities, such as sugar, consumed by taxpayers in the country. If extra fees are going to be charged for revenue purposes, let the town merchant pay a little more and the country merchant a little less than is proposed. Goods delivered in the country will unquestionably rise in price unless the Railway Department bring down their minimum charges, as indicated by the Chief Secretary.

Hon. J. NICHOLSON: If I, who live in Perth, buy potatoes from Katanning, they will cost me far more than they would cost a resident of Katanning. I would have to pay the extra cost of transport from Katanning to Perth.

Hon. A. Thomson: The producer pays that.

Hon. J. NICHOLSON: No. Mr. Piesse has overlooked the fact that he is about to put the load of taxation on the storekeepers in the towns of his province.

Hon. R. G. MOORE: I do not wish to see the clause deleted unless a provision of somewhat similar effect is introduced. The 15-mile radius in the country is not equivalent to that radius in the metropolitan area. A country storekeeper should be permitted to supply his customers by truck so long as he supplies them only with goods from his own store. Recently a friend of mine delivering goods covered 80 miles among the group settlements; I do not know what the radius was.

1 o'clock a.m.

Hon. A. THOMSON: If it is reasonable that a man carrying goods in competition with the railways in the metropolitan area should pay only £31, it is reasonable to impose the same charge on the man in the country, who has no possibility of securing an equally large turnover. The Government's aim in this matter should be to level up. On a 20-seat bus the fee is £3 per seat, representing £60 for a start. In addition, there is the amount of £31 to be paid. I see no danger to country people from the deletion of the clause. In Victoria a two-ton truck is exempt.

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

Ayes	..	..	..	7
Noes	..	..	..	11
Majority against				4

AYES.	
Hon. V. Hamersley	Hon. A. Thomson
Hon. W. J. Mann	Hon. C. H. Wittenoom
Hon. H. V. Piesse	Hon. E. H. H. Hall
Hon. E. Rose	(Teller.)
NOES.	
Hon. A. M. Clydesdale	Hon. R. G. Moore
Hon. J. Cornell	Hon. T. Moore
Hon. J. M. Drew	Hon. J. Nicholson
Hon. G. Fraser	Hon. H. J. Yelland
Hon. W. H. Kitson	Hon. L. B. Bolton
Hon. G. W. Miles	(Teller.)

Amendment thus negatived.

Hon. J. NICHOLSON: I move an amendment—

That a new paragraph, to stand as paragraph (d), be inserted as follows:—“(d) is a privately owned vehicle for the use or pleasure of the owner.”

It is necessary to make it clear that privately owned vehicles shall be included in the exemption covered by the clause.

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

Clauses 34 to 36—agreed to.

Clause 37—Power of board to grant or refuse application for license:

Hon. A. THOMSON: I move an amendment—

That all the words after "and" in line 3 be struck out, and the following inserted in lieu:—"there shall be an appeal against the decision of the board to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this part of this Act is refused. On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

The amendment will place commercial vehicles on the same footing as buses.

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

Clauses 38 to 43—agreed to.

Clause 44—Aircraft not to operate unless licensed:

The CHIEF SECRETARY: I move an amendment—

That before "latitude", in line 3, the word "south" be inserted.  
This is really consequential.

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

Clauses 45, 46—agreed to.

Clause 47—Limitation of time for which drivers of certain motor vehicles may remain continuously on duty:

Hon. A. THOMSON: A man driving his own car should be allowed to continue driving it for as many hours as he wishes. I do not object to working drivers having to comply with the clause, but I should like to hear the opinions of other members on this.

Hon. H. V. PIESSE: The clause is a very good one. I have driven many thousands of miles, and I consider a man who has driven for 5½ hours continuously has had enough. We must protect the public, and a man who has overdriven might well cause an accident. It is an excellent clause.

Clause—put and passed.

Clause 48—Powers of members of police force and persons authorised by board for purpose of ascertaining whether provisions of Act or regulations are being contravened:

The CHIEF SECRETARY: I move an amendment—

That in line 1 of paragraph (a) "provide" be struck out and "produce" inserted in lieu.  
This is merely a clerical error.

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

Clause 49—Proof of person being unlicensed:

Hon. A. THOMSON: Will the Minister give us reasons why this clause should not be deleted?

The CHIEF SECRETARY: Without this clause, if a man were prosecuted in, say, Geraldton, for having no license probably it would be necessary for an officer to go from Perth to Geraldton to prove that the accused had no license. Under the clause, however, if a man really be licensed he will have no difficulty in proving that he has a license. It is an inexpensive form of proof as against a costly alternative.

Hon. H. V. PIESSE: If a man were proceeded against in Perth the proof could be furnished by the Traffic Department, and that could be referred back to his country town.

The CHIEF SECRETARY: If the prosecution were taken in Albany, the police would telegraph to Perth and get the information that, say, the accused had no license. But that would not be sufficient in a court, where positive proof is required. If a man really has a license the proof will be there.

Hon. A. THOMSON: But suppose a man coming to Perth left his license behind in his country home. Presumably he would be given opportunity to prove that he really had a license, although he had not it with him.

Clause put and passed.

Clause 50—agreed to.

Clause 51—Penalties for operating unlicensed vehicles:

Hon. A. THOMSON: A penalty of £20 is too heavy, particularly for a first offence. In Victoria the maximum penalty is £5. I move an amendment—

That "twenty" be struck out and "five" inserted in lieu.

The CHIEF SECRETARY: A fine of £5 would be an inadequate maximum. It would

be difficult to catch some offenders, and the penalty should fit the offence. Though the maximum were £20, the circumstances might warrant the infliction of a fine of only £2 or £3, but where the offence was deliberate and had extended over a considerable period, £20 might not be too much.

Hon. T. MOORE: The fact that £20 would be the maximum fine should not be overlooked. The gravity of the offence would be taken into consideration.

Amendment put and negatived.

Clause put and passed.

Clause 52—Proof that passengers carried at separate fares:

Hon. A. THOMSON: I move an amendment—

That "were" in line 4 be struck out.

It is not reasonable to provide that the mere fact of passengers being carried should be prima facie evidence that they were carried at separate fares.

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

Ayes	..	..	..	10
Noes	..	..	..	8
				—
Majority for	..	..	2	
				—

#### AYES.

Hon. L. B. Bolton	Hon. M. V. Piesse
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. W. J. Maun	Hon. H. J. Yelland
Hon. J. Nicholson	Hon. E. Rose

(Teller.)

#### NOES.

Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. J. Cornell	Hon. R. G. Moore
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. G. W. Miles

(Teller.)

Amendment thus passed.

Hon. A. THOMSON: I move an amendment—

That the words "proof of such fact shall be prima facie evidence that the passengers" be struck out.

Hon. J. CORNELL: I think members voted under a misapprehension. Other clauses have thrown the onus of proof upon the person against whom it is proposed to take action. In this case the amendment throws the onus of proof upon the prosecution, and not upon the passengers. Members might at least be consistent.

The CHIEF SECRETARY: The clause is designed to obviate those little conspiracies which spring up between the driver of an unlicensed bus and the passengers, who may be carried at a special rate and not at separate fares. It is difficult to police the provisions of the Traffic Act in such circumstances. If the onus of proof is shifted, the passengers in such a vehicle will think twice before entering a court and committing perjury.

Hon. H. V. PIESSE: If a man wished to travel to Perth, and bought a second-class railway ticket, would the Government allow him to travel by motor car upon that ticket?

Hon. A. THOMSON: It is a reflection upon the Committee to suggest that we voted on something we did not understand. The prosecution should prove the defendant guilty in a case like this, rather than that the defendant should prove himself innocent. I am desirous of protecting country people. The clause does not affect metropolitan residents.

Hon. J. CORNELL: Mr. Thomson did not mention that his minor amendment was contingent upon another amendment. Hon. members should not be led into an impasse. Mr. Thomson's subtle move should be defeated.

Hon. A. THOMSON: I resent Mr. Cornell's statement. He should try to be fair. You, Mr. Chairman, wished to put both my amendments as one. Mr. Cornell would do well to abandon his schoolmasterly attitude. There was no subtle move on my part. Further, both my amendments appear on the Notice Paper.

Hon. T. MOORE: In reply to Mr. Thomson, I should say that buses operate mostly in the city, and not in the country.

Hon. A. THOMSON: Suppose a man has a truck at Geraldton and takes it out, with passengers, beyond the 15-mile radius; then that truck becomes a bus. Such an occurrence is not as likely in the city as in the country.

Hon. J. CORNELL: In Clause 15 the onus of proof is thrown on the defendant.

Hon. A. Thomson: The clause has been deleted.

Hon. J. CORNELL: Nothing of the sort. In this instance Mr. Thomson wants to turn round and throw the onus of proof on the department.

2 o'clock a.m.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers are appointed, I wish to record my vote with the Noes.

Division taken with the following result—

Ayes .. .. .	8
Noes .. .. .	10

Majority against .. .. . 2

AYES.	
Hon. L. B. Bolton	Hon. E. Rose
Hon. E. H. H. Hall	Hon. A. Thomson
Hon. V. Hamersley	Hon. C. H. Wittenoom
Hon. H. V. Piesse	Hon. W. J. Mann
	(Teller.)

NOES.	
Hon. J. Cornell	Hon. R. G. Moore
Hon. J. M. Drew	Hon. T. Moore
Hon. G. Fraser	Hon. J. Nicholson
Hon. E. H. Gray	Hon. H. J. Yelland
Hon. G. W. Miles	Hon. W. H. Kitson
	(Teller.)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clause 53—agreed to.

Clause 54—Power to revoke or suspend license or permit:

Hon. A. THOMSON: I move an amendment—

That at the end of the clause the following words be added:—"There shall be an appeal to a court of petty sessions, whose order shall be final, in any case where a license, or a transfer of a license, under this part of this Act, is refused. On the hearing of the appeal the court may order that the license shall be granted, or may dismiss the appeal, and may order either party to the appeal to pay such costs as in its discretion the court may think fit."

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

Clauses 55 and 56—agreed to.

Clause 57—Regulations:

Hon. J. NICHOLSON: I move an amendment—

That a new paragraph be added to Sub-clause 2, to stand as paragraph (c), as follows:—" (c) shall only apply to public vehicles."

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

Clause 58—agreed to.

Clause 59—Financial provision:

Hon. V. HAMERSLEY: I move an amendment—

That after "vehicles" in line 7 of Sub-clause 2 the following proviso be added:—"Provided that not more than five per centum of the total amount placed to the said fund under this section in respect to premiums, licenses, and fees during the financial year shall be applied in or towards payment of the said cost of administration."

The amount may grow into a large sum, and a big department may be created. A limit should be placed on the expenditure of that department, and the amendment would represent an indication to the board that they are not to be extravagant.

The CHIEF SECRETARY: I do not think Mr. Hamersley has given sufficient thought to the amendment. Provision of not more than 5 per cent. may be too little, or it may be too much. In the early stages it may not be sufficient. Neither I nor any one else is in a position to say whether 50 per cent. is adequate. We must have some experience of the working of the board before we make any statutory provision.

Hon. W. J. MANN: What is to be the position of the local authorities under this clause? Is it proposed to make them any contribution?

Hon. J. NICHOLSON: That is dealt with in the next clause.

Hon. J. CORNELL: I do not think it is the intention of the Chief Secretary to take the postponed clauses at this sitting, so when we finish with Clause 60 we shall have to report progress. I suggest we postpone this clause also, and give Mr. Hamersley more time in which to consider his amendment.

Progress reported.

## BILLS (4)—FIRST READING.

- 1, Traffic Act Amendment.
- 2, Financial Emergency Act Amendment.
- 3, Legal Practitioners Act Amendment.
- 4, Constitution Acts Amendment Act Continuance.

Received from the Assembly.

## BILL—HEALTH ACT AMENDMENT (No. 2).

### *Assembly's Message.*

Message from the Assembly received and read, notifying that it had agreed to the amendments made by the Council.

## BILL—LOTTERIES (CONTROL) ACT AMENDMENT (No. 2).

### *Assembly's Message.*

Message from the Assembly received and read, notifying that it no longer disagreed with the amendments insisted upon by the Council.

*House adjourned at 2.20 a.m. (Wednesday).*

# Legislative Assembly.

*Tuesday, 19th December, 1933.*

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

## QUESTION—ROAD DISTRICTS ACT, DISCOUNT ON RATES.

Mr. HAWKE asked the Minister for Works: Will he give consideration to the advisableness of amending Section 254 of the Road Districts Act with the object of increasing the period over which road boards may grant a discount on rates paid to them?

The MINISTER FOR WORKS replied: Section 36 of Act No. 35 of 1932 provides that discount may be allowed in respect of rates that may be paid before the 30th September, and, in special circumstances, up to the 31st October in each year. I do not propose further to amend it.

## ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the under-mentioned Bills:—

- 1, Forests Act Amendment.
- 2, Metropolitan Whole Milk Act Amendment.
- 3, Land Tax and Income Tax.

## MOTION—STANDING ORDERS SUSPENSION.

THE PREMIER (Hon. P. Collier—Boulder) [4.35]: I move—

That for the remainder of the session the Standing Orders be suspended so far as to enable Bills introduced without notice to be passed through their remaining stages in one day, and all messages from the Legislative Council to be taken into consideration on the day they are received.

This is the motion that is usually moved at this stage of the session. In fact—

Mr. Latham: It is a bit late.

The PREMIER: Yes; it is generally moved two or three weeks before the end of the session. If it is intended to close the proceedings of Parliament during the present week, it will be necessary to deal with messages from the Legislative Council on the day they are received, and also to pass Bills through all stages on the one day. I give members an assurance that any new Bills that will be introduced will be given due consideration. It is necessary to have this power. In another place the Standing Orders have been suspended for the last fortnight.

MR. LATHAM (York) [4.36]: I have no objection to the motion but I hope the Premier will not introduce any new Bills. I understand there will be some legislation from another place, but if any new Bills are to be brought forward, I hope they will not be of a controversial nature, otherwise we shall not get through in the time suggested by the Premier.