Legislative Council,

Wednesday, 15th October, 1913.

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

PAPERS PRESENTED.

By the Colonial Secretary: Municipal Corporations Act, 1906. By-laws of the following municipalities:—(a) Boulder, (b) Geraldton, (c) Leederville.

QUESTION — INFECTIOUS DISEASES HOSPITAL, KALGOORLIE.

Hon. J. CORNELL asked the Colonial Secretary: 1, On whose recommendation have the Government decided to remove the infectious diseases hospital, at Kalgoorlie, from the present site? 2, Is it intended that the new site shall be within the Kalgoorlie hospital grounds? 3, Have not the health officers of the Kalgoorlie and Boulder municipal councils and the Kalgoorlie roads board disapproved of the contemplated removal? 4, Has not the conference of local governing bodies also strongly protested? 5, In view of these protests, will the Government defer the removal until such time as the opinions of the ratepayers resident within the three local governing bodies can be ascertained?

The COLONIAL SECRETARY replied: 1, Principal Medical Officer. 2, 3, and 4, Yes. 5, No. The site will be immediately required for the erection of a Secondary School thereon, which it is essential should be as central as possible to suit the whole district.

QUESTION—WHEAT EXPORT FROM GERALDTON.

Hon. W. PATRICK asked the Colonial Secretary: In view of the unsatisfactory method of handling wheat at Geraldton last season, and the large increase in the harvest expected this season, have arrangements been made by the Government to provide sufficient rolling stock on the railways, and the necessary appliances for unloading and loading wheat at that port?

The COLONIAL SECRETARY replied: Yes. Every possible provision, with the space available, is being made. The question of elevators for use on the jetty, in addition to the steam appliances, is being considered. So far it has not been found practicable to work an elevator on the jetty owing to the fact that it would block up some of the lines of rails which are used for standing wagons on.

WEST PROVINCE ELECTION SELECT COMMITTEE.

Extension of Time.

On motion by Hon. A. G. JENKINS (Metropolitan) the time for bringing up the report of the West Province Election Select Committee was extended to the 24th October.

BILL—FREMANTLE IMPROVEMENT.

Second Reading.

Order of the Day read for the resumption, from the previous day, of the adjourned debate on the second reading.

Question put and passed.

Bill read a second time.

BILL — COMPANIES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

Hon. W. KINGSMILL (in reply): This Bill has turned out a somewhat larger task than I anticipated.

Hon. F. Connor: No!

Hon. W. KINGSMILL: It is so, and it is just as well to be frank and admit it at once. But even within the time since this little measure was introduced the necessity for it has been shown even more, if possible, than was the case when I introduced it. Some mention was made, I think, while I or the hon. Mr. Moss was speaking, of litigation that was pending in regard to the banking affairs of Western Australia, and it was then thought that this little Bill might have something to do with that litigation. That was not the case, but that litigation has now been practically finished and judgment has been given by the Full Court of the State, and while that judgment stands, and there is no reason to presume, I suppose, that it will not stand, it renders the necessity for this Bill more apparent than when I introduced the measure. It has been held by the Full Court of this State that all the banks, except one, trading in Western Australia, are not bound by any Act whatever. The hon. Mr. Moss, in the remarks he made, remarks which I think were amply justified, alluded to the inadequacy of the Companies Act to deal with banking. That is perfectly correct, but when we remember that according to the judgment of the Full Court of the State the banks, other than the Western Australian Bank, operating in Western Australia, are not subject even to the provisions, inadequate though they be, of the Companies Act, then I think hon. members will realise something should be done to remedy such a state of affairs. As things stand to-day, a bank can come from any country outside of Western Australia—of course, it is impossible for a bank to originate here—whatever the provisions in regard to banking may be in that country, and whatever the charter, if indeed it possesses a charter. If such a bank was to come and start business here, there is, so far as I can see, no check upon it excepting the check provided by common law. This is the only State in the Commonwealth where such a condition of affairs prevails, and I think it is high time that steps were taken to remedy such a state of affairs. Had I known the magnitude of this task I, as a private member, would not have undertaken it. It is perhaps more within the province of the Government to bring in such legislation, but seeing that I have put my hand to the plough I do not care to turn back, and so I have tabled a set of amendments which hon. members will see on the Notice Paper, which I think will meet the case, and which, if passed, will place this State on the same footing in regard to banking legislation as the other States. The amendments which I think are necessary in this little Bill outweigh in importance the little measure itself. They would necessitate in the first place a clause which is taken from the English Companies Act of 1908. In that Companies Act banks are included, and it is I suppose the most modern Companies Act in the world at present, rendering it necessary for all banking companies to register under the Companies Act. It is then proposed to place in our Companies Act a new part dealing with banking, and this is practically a transcript of the Victorian Act on this subject, an Act which I think hon. members will agree, if they take the trouble to examine the banking laws of Australia, is a model for the conciseness and thoroughness of its provisions. Hon. members will see that under this Victorian Act it is necessary for banks to furnish a weekly statement of average liabilities and assets which has to be kept and published. Again, in addition to that, a quarterly statement of the affairs of the bank has to be published, and if that section cannot be complied with, the quarterly abstracts have to be verified as nearly in compliance with such section as the circumstances of the case may be. It is provided also that there shall be penalties for neglect to keep or make up these returns. A copy of the charter or deed of settlement has to be deposited in the office of the registrar of companies. It provides also that the names of the proprietors, that is, of the shareholders, shall be deposited in the office of the registrar general of companies, and it provides for the liability of such proprietors to be sued, until a new list of the names of proprietors shall be recorded. It gives permission to banks to advance money on lands, houses, etcetera; it provides that any bank

publishing misleading advertisements shall be punished, and there are one or two other machinery provisions, and the necessary schedules for carrying these provisions into effect. I shall be placed in a somewhat peculiar position when in Committee. When I introduced it this was a Bill which practically did not require any Committee work at all, but as it is now, I, as Chairman of Committees, shall be in a very awkward position when we are in Committee on the Bill. I do not know whether the House can find some way out of the difficulty.

Hon. J. F. Cullen: You can drop the Bill.

Hon. W. KINGSMILL: Of course, but I do not see any reason for doing that. There is every reason why the Bill should be gone on with in view of the circumstances which I have just stated.

The Colonial Secretary: Refer it to a select committee.

Hon. W. KINGSMILL: If the hon. member will move that I shall be pleased to accept the suggestion.

Hon. D. G. Gawler: Does this apply to locally formed banks?

Hon. W. KINGSMILL: To such as have not their charter at present. It will not apply to the Western Australian Bank, which has a charter and an Act which provides practically exactly the same as these amendments provide. I may say there is still in existence an Ordinance of 1837 which deals with banks solely and entirely from the point of view of banks of issue. We know it is impossible for us to have a bank of issue in this State, so that Ordinance of 1837 would have no bearing whatever on the case. As a matter of fact, as we stand to-day there is no legislation which can affect in any way the banks which trade in Western Australia, other than the Western Australian Bank which deals under its own Act.

Hon. D. G. Gawler: Would this enable locally formed banks to issue notes?

Hon. W. KINGSMILL: No, of course not. That would be prohibited by the Federal Banking Act and even if it were not it would be prohibited by our own Stamp Act, which provides a ten per cent. stamp duty on notes, under which no bank could successfully be a bank of issue. With this explanation, I beg to commend the Bill to hon. members.

Question put and passed.

Bill read a second time.

Committee Stage.

Hon. W. KINGSMILL (Metropolitan): I move—

That the Committee stage be made an Order of the Day for this day week.

As to Select Committee.

The COLONIAL SECRETARY (Hon. J. M. Drew): I move an amendment—

That the Bill be referred to a select committee.

Hon. M. L. MOSS (West): I think the procedure adopted on this Bill is exceeding irregular. The whole Bill is practically withdrawn.

Hon. W. Kingsmill: No, it remains.

Hon. M. L. MOSS: The hon. member says it remains. There is so little of it remaining that I think what I have said is substantially correct.

Hon. W. Kingsmill: It all remains.

Hon. M. L. MOSS: My point is that when a Bill is moved in the House and such drastic alterations are made as are intended to be made in this Bill—I am not going to discuss the propriety of these alterations——

The PRESIDENT: The question is the amendment that the Bill be referred to a select committee.

Hon. M. L. MOSS: I am aware of that, and if given a reasonable opportunity of explaining why the Bill should go to a select committee I will endeavour to do so. The proper procedure in regard to a Bill of this kind is the procedure which was adopted on the Powers of Attorney Act in 1896, which was introduced in that year by me in the Legislative Assembly. That Bill was very much of the character of the measure which Mr. Kingsmill has introudced here and the Bill was formally carried through the second reading, when it was ruled that the whole of the amendments should form the subject matter of a substantive

motion in the House and not in Committee. The object of such procedure is this: that it would enable every member in open House to discuss the principles contained in the proposals scheduled by Mr. Kingsmill on the Notice Paper. As it is we see what a bad principle is adopted by agreeing to this. We discuss a Bill upon definite lines as introduced by the hon. member and as printed, and when the hon. member replies to the second reading debate he replies on altogether different lines from those in the measure as originally introduced. The result is that the Standing Orders which imply that every hon. member should have an opportunity of expressing his opinion upon a principle are checkmated. Hon. members express their opinions on a principle which the hon. member drops, and they have no opportunity of expressing themselves on the principles contained in the amendments printed on the Notice Paper. I have no objection to the Bill going to a select committee. I think it ought to go to a select committee. I would not make these remarks except with this object: I think if a Bill is interfered with as this has been during the time the second reading debate is on—and, mind you, it is exceedingly irregular to put the proposed amendments on the Notice Paper until the second reading has been carried——

Hon. W. Kingsmill: Where do you see that?

Hon. M. L. MOSS: It is not usually done. The principle of doing it is exceedingly bad for the reason that the Bill might be rejected on the second reading and yet the Notice Paper be crowded with amendments. That is a bad principle. If this is done again I shall object to the Bill going through the second reading until the House has had an opportunity of expressing itself on the principles contained in the drastic amendments proposed. That is the opinion which a large number of members entertain in regard to the Bill. More than one hon. member has spoken to me about the procedure adopted in this case. I have pleasure in supporting the amendment that the Bill be referred to a select committee.

Hon. J. F. CULLEN (South-East): Even at this stage I strongly advise the hon. member in charge of the Bill to withdraw it and bring in the Bill which he now desires to have passed. The little skeleton which he submitted was not taken seriously by hon. members; there was practically no debate, except the protest entered by Mr. Moss, and the second reading was allowed to go. I for one was not aware of these drastic amendments on the Notice Paper, because it is not usual for them to be printed before the second reading is carried. What is the position? The House is asked to refer the Bill to a select committee, but really the hon. member in charge of the Bill wants all this aditional matter, as well as the Bill, to go to the select committee. Strictly speaking, that cannot be done. The amendments are not in the Bill. The select committee in proper course would know nothing whatever of these amendments. They are printed out of their time. They should not have been printed until the Bill had been read a second time and, strictly speaking, the select committee would have no right to know of anything but the Bill and such matters as witnesses might choose to bring before them. Of course the hon. member may go as a witness before a select committee and bring up all these matters and say, "It is true you have what purports to be my Bill before you, but this is my Bill, which I am bringing in without any consent of the House whatever." The position is entirely irregular, and if the hon. member, to whose general experience I pay the greatest respect, will consent to listen to advice from those who, he may perhaps naturally consider, are not so well versed as himself in regard to procedure—if he will listen to this advice, the proper course is to withdraw the Bill and bring in the completer measure which he now desires hon. members to consider.

Hon. W. KINGSMILL (Metropolitan): Hon. members persist in saying that the course followed by me in putting these amendments on the Notice Paper before the second reading, is ir-

regular. By that I presume they mean it is contrary to the rules of Parliament.

Hon. J. F. Cullen: No, contrary to custom.

Hon. W. KINGSMILL: If it is contrary to custom I may say that very often in this House complaints are made that amendments do not appear sufficiently long on the Notice Paper. Surely if one errs in the other direction one should not meet with the combination which I appear to be meeting with. I think Mr. Moss——

Hon. M. L. Moss: Let me just read one paragraph as follows:—

> Notices of amendments to a Bill in Committee are not receivable at the Table until the Bill has been read a second time.

Hon. W. KINGSMILL: Again, Mr. Moss says I have withdrawn the little Bill which I brought down.

Hon. J. F. Cullen: Submerged it.

Hon. W. KINGSMILL: That may be, but the amendments which appear on the Notice Paper are supplementary and not contradictory to the Bill which I introduced. I thought when I introduced the Bill that the provisions of the Companies Act were sufficient to apply to banking institutions. I find that that is not so, and more, I find that even if it were so, under the law of the land those provisions cannot apply to banks. Therefore, I say it is the more urgent for this step to be taken. I am quite in the hands of hon. members. I would beg to disclaim the reputation with which Mr. Cullen endeavours to saddle me, that of being unwilling to credit hon. members with knowing the rules and procedure of the House. I do not think any hon. member could accuse me of that.

Hon. J. F. Cullen: Hear, hear.

Hon. W. KINGSMILL: I do not think Mr. Cullen has been quite fair or quite accurate in his statement. But let that pass. I am in the hands of hon. members. Personally, I think it would be a very good thing to refer the Bill to a select committee, and if the select committee think that the course recommended by Mr. Cullen, whose presence on the select committee I would welcome—if the select committee think that course should be followed, nobody would be more willing and more pleased to follow it than I. Personally I do not see the object in withdrawing the Bill when that can be done, if necessary, by the mandate of the select committee. That, I think is the obvious and easiest way out of the difficulty. I am not allowed to support the amendment moved by the hon. member, but I may say I do not intend to vigorously oppose it.

Hon. A. SANDERSON (Metropolitan-Suburban): I must confess I am greatly astonished at this. I have tried to pick up the threads, as far as they come before me, but it is not easy to do so with the slight discussion that has taken place. I should have thought that if there was any body of men sensitive to the financial operations of this country it would be this Council, and that a Bill of this kind would first of all be more clearly explained than, on the showing of the mover, it has been explained. Also, I should have thought this was a Government measure rather than that of a private member. I strongly support the reference to a select committee, and I hope the select committee will take into consideration in their report the Federal aspect of the matter. It will be important for the select committee to let the Council know whether it is advisable, or how far or what the opinion of the financial authorities is with regard to the introduction of this measure in Western Australia. It seems to me to affect the Federal field, and it also affects Western Australia. With regard to the discussion on the parliamentary law and procedure I will be very well satisfied to follow the hon. Mr. Kingsmill's interpretation rather than that of his critics. But I do not think that is of so much importance as the need for getting the fullest information on this point. The discussion which has taken place, judging by the reports, is very scanty. It is evidently an important Bill, judging from the few words we have heard this afternoon, so important that the mover himself regrets, I understand, that the Government have not taken the measure in hand. I trust

that whoever is appointed on the select committee will give the matter the fullest and most careful consideration. If the Federal aspect is looked into I am under the impression that there will be difficulties and obstacles in the way——

Hon. W. Kingsmill: It is an optional subject with which the Federal authorities have not dealt.

Hon. A. SANDERSON: Is it wise then for Western Australia to plunge into that matter?

Hon. W. Kingsmill: A matter with which they might not deal for the next ten years.

Hon. A. SANDERSON: To discuss that will open up too large a field. It is admitted that there is a Federal aspect to the matter and I trust that the select committee will give careful attention to it.

The COLONIAL SECRETARY: I simply wish to state that my motion was for the reference of the Bill to a select committee. The Bill is a very small one, but it involves a very great principle. During the consideration of the Bill the select committee may take into consideration also the amendments proposed. That is a matter which rests with them. The Bill is an interference with a great principle. Previous Parliaments have decided that anyone who proposes to carry on the business of banking shall not avail himself of the privileges of the Companies Act. Under this Bill, it is proposed to alter the law in that respect. At this stage I do not say it is a good thing or that it is a bad thing, but this is a matter on which a select committee should report, and also, I presume, furnish the House with any other information considered desirable.

The PRESIDENT: I think it well to read to the House *May* on the subject—

> When a member, having charge of a Bill desires to introduce numerous amendments, in order to improve the measure, and render it more generally acceptable to the House, he may move that the Bill be committed *pro forma*—a course which is rarely objected to. In such cases the proposed amendments are not separately considered; nor is any question put upon the several clauses of the Bill. The proceeding is entirely formal; the chairman reports the Bill, with the amendments, to the House; and it is reprinted in its amended form, and recommitted for a future day.

Consequently if the Bill is committed *pro forma* it will allow every hon. member an opportunity to discuss these amendments.

Hon. M. L. MOSS: I would advise the hon. member to get some other hon. member who has not already spoken to move, as I suggested, that this Bill be committed *pro forma*, and then we would get a print of the Bill exactly as it should have been when originally introduced.

Hon. W. KINGSMILL: On a point of order, I am very pleased, Sir, that you read *May's* decision on the subject. It is an obvious way out of the difficulty. If the Bill is committed *pro forma* then on recommittal the leader of the House can move that it be referred to a select committee. The Bill referred to a select committee will include the amendments on the Notice Paper.

The PRESIDENT: That is right. I will continue *May's* observations on the point—

> When a Bill, having been committed *pro forma*, is recommitted, it is considered as if the Bill had been committed for the first time.

The COLONIAL SECRETARY: I ask leave now to withdraw my amendment.

Amendment by leave withdrawn.

The PRESIDENT: Does the hon. Mr. Kingsmill wish to withdraw his motion also?

Hon. W. Kingsmill: Yes.

Motion by leave withdrawn.

Hon. M. L. MOSS: If I may make one observation I think it is the hon. Mr. Kingsmill's duty to move that the Bill be committed *pro forma*.

Hon. W. KINGSMILL: I move—

> *That the Companies Act Amendment Bill be committed pro forma with the amendments included on the Notice Paper.*

The PRESIDENT I will read the extract from *May* again—

In such cases the proposed amendments are not separately considered; nor is any question put upon the several clauses of the Bill. The proceeding is entirely formal; the chairman reports the Bill, with the amendments, to the House; and it is reprinted in its amended form, and recommitted for a future day.

Hon. M. L. MOSS: The hon. Mr. Kingsmill must be in the Chair.

Hon. W. KINGSMILL: Then Sir, I move—

That you do now leave the Chair for the purpose of considering the Bill in Committee pro forma.

In Committee pro forma.

Hon. W. Kingsmill in the Chair.

The COLONIAL SECRETARY moved—

That the amendments to the Bill appearing on the Notice Paper be agreed to pro forma and that the Bill be reprinted with such amendments.

Question passed.

Bill reported with amendments and the report adopted.

Select Committee.

The COLONIAL SECRETARY moved—

That the Bill be referred to a select committee consisting of the Hons. D. G. Gawler, H. P. Colebatch, and W. Kingsmill, with power to call for persons and papers, and to report this day fortnight.

Question passed.

BILL—FISHERIES ACT AMENDMENT.

Returned from the Legislative Assembly with an amendment.

BILL — DECLARATIONS AND ATTESTATIONS.

Received from the Legislative Assembly and read a first time.

BILL—WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—negatived.

Clause 3—agreed to.

Clause 4—Repeal of Section 21:

Hon. H. P. COLEBATCH: In speaking on the second reading he intimated that it was his intention to ask the Committee to strike out this clause as being the only effective method of protesting against the administration of the Goldfields Water Supply Amendment Act, 1911. The Colonial Secretary stated that if we struck out this clause we should bring about a condition of chaos, but he (Hon. H. P. Colebatch) was under the impression that chaos already existed there, and whatever we did could not make matters much worse. This position applied not only to the people in the agricultural districts, but to the people in the City in connection with the sewerage and drainage proposals. On the previous evening the Colonial Secretary referred to the average cost of these connections. Only a day or two ago there was brought under his (Hon. H. P. Colebatch's) notive the cost of connecting a comparatively small and ordinary house with the system and the charge for the job was £90, a monstrous charge. If the Committee did strike out this clause and made it necessary for some alteration in the method of administration not much harm would be done. The Colonial Secretary in his reply on the previous evening entirely failed to justify the action of the Government in going back upon the promise made when the Goldfields Water Supply Act Amendment Bill was before the House. He did not for one moment imagine that the Colonial Secretary was responsible for the breach of those promises; no doubt he made them in good faith and it was no fault of his that they were not kept, but the fact remained that it was said that the rate on the land abutting on the 30-inch main would probably be 2d. and not 4d., and the reason

was given that no expenditure was contemplated. That promise had been entirely ignored. The Minister contended that the people were requisitioning for the laying of additional mains and were undertaking to pay a rate of 4d. per acre, but he would ask the Minister to remember that the majority of the people who were responsible for these petitions were people who were in an otherwise helpless condition, and if the Minister told them that they would have to pay 10d. they would do so because it was necessary that they should have the water.

Hon. Sir E. H. WITTENOOM: It was not his intention to vote for the retention of the clause because the wording seemed to be so unusual. It said, "and the same is hereby made perpetual." No Act of Parliament was ever made perpetual. It had all the powers until it was altered.

Hon. M. L. Moss: That is a common thing in all measures.

Clause put and passed.

New clause:

The COLONIAL SECRETARY moved—

That the following be added to stand as Clause 2:—"(1.) If any officer on the permanent staff of the public service at the commencement of this Act, whose office is not exempt from the provisions of 'The Public Service Act, 1904,' was duly and formally appointed as a permanent officer—(a) of the Goldfields Water Supply Administration; or (b) under the Minister for Works in his administration of 'The Metropolitan Waterworks Act, 1896,' or the Metropolitan Board of Water Supply and Sewerage, or the Minister of Water Supply, Sewerage, and Drainage in his administration of 'The Metropolitan Water Supply, Sewerage, and Drainage Act, 1909,' his service under such appointment shall be deemed to have been service in a permanent office to which 'The Public Service Act, 1904,' applies. (2.) Any person who, immediately prior to the 11th day of November, 1904, was employed as a permanent salaried officer of the Metropolitan Waterworks Board, and whose services were continued from and after that date by the Minister for Works, shall, for the purposes of this section, be deemed to have been duly and formally appointed by the Minister on that date. (3.) If any question shall arise under this section it shall be referred to the Governor in Executive Council, whose decision shall be final. (4.) No officer shall, by virtue only of this section, have any claim to any additional payment in respect of salary or allowance."

It had been drafted to more clearly express the meaning of Clause 2 which the Committee had just previously negatived.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC.

In Committee.

Hon. W. Kingsmill in the Chair, the Colonial Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 4—Traffic Inspectors and other officers:

Hon. H. P. COLEBATCH moved an amendment—

That in line 2 of paragraph (e) the words "but only with the approval of the Minister" be struck out.

The COLONIAL SECRETARY: The paragraph in question made provision for the appointment of inspectors with the approval of the Minister. It had been found in connection with the administration of health matters in various municipalities that the provisions by which it was necessary that the dismissal of an inspector must first be approved by the Minister had had a beneficial effect. From time to time an Inspector might take action against a prominent or influential man in the district, and it might actually lead to that officer's unjust dismissal, but if the matter had to be referred to the Minister, the whole of the circumstances would be taken into consideration, and if the Minister came to the conclusion that the man had only been doing his duty and because of that

had invoked the hostility of the majority of the local board of health, the Minister would refuse to endorse the dismissal.

Hon. H. P. COLEBATCH: It was an insult to the local authorities to say that they should not have control over their officers. It was bad enough to say that the Minister must approve of the appointment in the first instance, but to say that the local authorities could not dismiss an officer without the approval of the Minister, was casting a most unwarrantable slur on those local bodies who were charged with the administration of this measure.

Hon. M. L. MOSS: When the Bill was being debated on the second reading stage he drew special attention to this clause and to the great difference there was between a Bill of this character and the Health Act. In the Health Act there was a provision inserted giving power to the central health authorities to appoint and dismiss inspectors of health of the local authorities. There was very good reason for that. It removed these inspectors from local influences which prevented the carrying out of the provisions of an important Act like the Health Act, and prevented a councillor who exercised authority in the council bringing pressure to bear on an inspector to prevent him from doing something which was necessary in the interests of the public health. There was however no analogy between a Bill such as the one before the Committee and the Health Act, unless we went the whole hog and took away from the local authorities the right to appoint any officer at all. The local authorities were to continue to have the privilege of paying the salaries of these people, and they were to have no say in their appointment or dismissal. This was a very large State and the Bill had not been drafted to meet the requirements of Perth and Fremantle only. Were all these matters then to be brought to Perth to be dealt with? He hoped the Committee would not listen to any such proposal as that contained in the Bill.

Hon. A. SANDERSON: In each district there would be a traffic inspector, and under the Bill traffic inspectors were given considerable power. Would it be maintained that it was a wise thing to hand over the regulation of traffic to all the different inspectors? The only way to bring them all into line was to have them subject to Ministerial control.

Hon. Sir E. H. Wittenoom: What about the local authority.

Hon. A. SANDERSON: There was no desire to depreciate the value of the local authorities, but to say that they were insulted by the provision that the Minister should have the last word was to take an altogether wrong view of the position. He hoped members would consider the different views which the various inspectors might take of the control of traffic, and realise that unless there was some sort of authority like the Minister to bring them all into line there would be serious trouble.

Hon. M. L. MOSS: The traffic inspectors appointed by the local authorities did not perform only the duties of traffic inspectors. In Fremantle, for instance, the traffic inspector made all the valuations for rating, and was entrusted with a number of other important duties. If the Minister were empowered to make these appointments he would saddle the local authorities with the salary of an officer who would be a traffic inspector only, and many of the local authorities could not stand the burden. All these measures were throwing some burden on the local authorities, and their revenue was becoming beautifully less all the time. This Bill was allowing the Minister to appoint inspectors to perform duties which at present were being carried out by men of whose work traffic inspection was only a very small portion.

Hon. H. P. COLEBATCH: In many districts the secretary of the roads board or the town clerk would be the traffic inspector, and it would be placing an intolerable burden on the local authorities to oblige them to appoint a person as traffic inspector only. The roads board might wish to get rid of their secretary or supervisor, but because that officer happened to be also the traffic inspector they could not dismiss him without the

consent of the Minister. Of all the municipalities and roads boards of which he had personal knowledge, not one would dream of appointing an officer solely as traffic inspector.

Hon. E. McLARTY: What would be the position if a roads board discharged an unsatisfactory traffic inspector and the Minister ordered that the man should continue in office? It would be impossible for the members of the board to work harmoniously with that inspector, and the result would be probably the resignation of all the members of the board. If the members of the board could not be trusted to deal fairly with a traffic inspector they were not fitted for the position they occupied. He supported the amendment.

Hon. C. SOMMERS: There was a strong objection also to the appointment of traffic inspectors being subject to the approval of the Minister. All the members of the local authorities gave their services gratuitously, and it would be discouraging them if such a restriction as this were placed upon them. Traffic inspection would form only a small portion of an officer's duties, and it should not be necessary to get the Minister's permission for either his appointment or dismissal. It would be a scandalous state of things if an important and responsible officer of the local authority could not be dismissed, no matter what the cause, without the consent of the Minister. He suggested that Mr. Colebatch should temporarily withdraw his amendment in order to afford an opportunity for moving a prior amendment in regard to the ministerial approval of appointments.

Amendment by leave withdrawn.

Hon. J. CORNELL moved an amendment—

That in line 1 the words "with the approval of the Minister" be struck out.

There was strong opposition on the part of the municipalities to the inclusion of those words. He personally was opposed to the provision also. There was no doubt that in the case of some local bodies a town clerk or secretary might be the traffic inspector, and if the clause were passed as drafted it would mean that whilst the local body ordered traffic inspection to be part of the secretary's duty, if the Minister did not approve of the appointment of that officer he could not be the traffic inspector. It might be said that the Minister was desirous of having appointed traffic inspectors who would do their duty, and that at present when traffic inspectors did their duty they were invariably got rid of, but it was a reflection on the local governing bodies to say that they would not see that a man carried out the duty for which he was appointed.

Hon. Sir E. H. WITTENOOM: Would the Colonial Secretary inform the Committee what was the object of making the appointment and dismissal of inspectors subject to the approval of the Minister?

The COLONIAL SECRETARY: A similar power existed in the Health Act, under which, before an inspector could be appointed or dismissed, the approval of the Minister controlling the department must be obtained. There had been no objection to that principle in the Health Act, and he contended that if it was necessary in connection with health matters it was also necessary in connection with traffic affairs. In the one case the inspectors were appointed for the purpose of protecting the health of the town, and in the other case traffic inspectors were appointed for the purpose of protecting the lives and limbs of the people. Although possibly no member of a roads board would bring pressure to bear on the inspector to prevent him doing his duty, still there would always be a fear on his part that if he took action against a friend of any member of the board he would lose his position.

Hon. Sir E. H. Wittenoom: Has that happened hitherto?

The COLONIAL SECRETARY: Cases of that sort had occurred in connection with health boards. Who would dream of putting a local policeman under the control of the roads board or the municipality? The traffic inspector must

take action in connection with traffic matters just as the local policeman was required to take action in other matters.

Hon. M. L. MOSS: The illustration in regard to the policeman destroyed the Minister's argument, because in all places where there was a traffic inspector there was always a policeman, and the police had powers which ran concurrent with the powers of the traffic inspector. That was to say, if there were breaches of the Traffic Act which rendered a person liable to prosecution for having jeopardised life, the local police came in, and without reference to the traffic inspector, no matter by whom appointed, did their duty. That was the difference between this case and the case of a health inspector. A policeman could not visit every back yard and every place to see if it was in a sanitary condition; they had other duties to perform. The offences which would be committed under the Bill would be committed in public thoroughfares. A councillor or a member of a roads board could exercise pressure against an inspector of health who made himself rather officious, and, therefore, it was thought well that the power should be taken from the members of a roads board to, perhaps, deal unfairly with the health inspector. But the same conditions did not apply in the case of a traffic inspector, who would not only look after traffic but have other duties to perform.

The COLONIAL SECRETARY: There was no such thing as dual control in connection with the regulations under the Traffic Bill: either the police were the traffic inspectors, or the municipal authorities appointed the traffic inspectors. The police did not take action in regard to breaches of the traffic regulations unless they were asked to do so by the municipalities. Or, in the case of health matters, unless a request was made, the police did not take action unless on the express wish of the local authorities. If the Bill was passed the municipalities would take control in these matters, therefore the inspectors should be in as strong a position as the police.

Hon. M. L. MOSS: It was not a question of dual control. Where offences were created by Act of Parliament, any member of the public could take action. Unless the Statute stated that information could only be laid by a specific person, any person could lay information under the law. If Mr. Cornell's amendment was carried it did not give dual control, but preserved to the local authorities the right that any master should have. The reason why this provision was inserted in the Health Act was well known. Under the Traffic Bill that reason did not exist. The Bill provided that one body was to have the privilege of paying, and another body the right of appointing and dismissing.

Hon. E. M. CLARKE: In places like Bunbury the inspector of nuisances, if he did his duty, would be constantly employed and going all the week, but there was not sufficient work for a traffic inspector. To overcome the difficulty the inspector of nuisances of a municipality or the secretary of a roads board could be appointed the traffic inspector, and this traffic inspector should be appointed by and be subject to dismissal by the municipality or roads board. It was necessary that an inspector of nuisances should be a man who was fearless and not subject to be dismissed by a person who thought that the officer had been a bit officious. But this did not apply in the case of a traffic inspector.

Hon. A. SANDERSON: Members were told that the council or roads board was to pay the money, and the Minister had the appointment and dismissal. That was not quite correct, because the Minister had only the control of the appointment: the appointment was made with the approval of the Minister. There was the financial aspect to be considered. In 1912 £70,000 was handed over by the Government to the roads boards and to say that the Minister had no financial interest in the question was not correct. If the roads board secretary was appointed as the inspector, he (Mr. Sanderson) would give the Minister power to veto, not the appointment of the officer as secretary of the board, but as traffic inspector. It would be preferable to have no inspector

than a person who was shown to be incompetent. It was an insult to the Minister, when he handed money to the local authorities, to say that he should have no controlling influence. In the Health Act this principle was admitted. The public were more interested in the traffic regulations than in a local matter of health.

Hon. H. P. COLEBATCH: So far as appointments under the Health Act were concerned the position was entirely different. These appointments were not made with the approval of the Minister, but with the approval of the Commissioner, and the reason was given for it. The Commissioner could require satisfactory proof of competency to be supplied. Many of these officials referred to under the Health Act must be medical practitioners, but here there was no reason given for it at all. It was simply left to the whim of the Minister whether or not he would approve an appointment or dismissal.

Hon. F. CONNOR. The amendment of the hon. Mr. Cornell would have his support because the whole tendency of legislation as brought down in this House was to give control over everything and everybody to the Minister for the time being, whoever he might be. In other measures on the Notice Paper the tendency was found to give control to an individual, who might be heaven-born for the position, or, on the other hand, might happen to be a scoundrel, or he might have good qualities and bad qualities combined. It was not right that the country should be tied down to the whims of individuals who happened to be put by chance into positions through the exercise of the will of the people. Propositions which had been hatched in caucus were put before this House to decide. It was proposed to push down hon. members' throats the principle that an individual, whoever he might be, should be the controller of municipalities and of irrigation districts. This was going too far and it was about time we pulled up. With all due respect to the leader of the House and the party with which he was connected, he (Mr. Connor) thought it was about time we pulled up before passing any more of this legislation.

Amendment put and passed.

On motion by Hon. H. P. COLEBATCH, clause further amended by striking out of line 20 the words "but only with the approval of the Minister."

Hon. C. SOMMERS moved—

That the further consideration of the clause be postponed.

Subclause (b) referred to Clause 23 of the Bill, and if Clause 23 was rejected this subclause would not take effect.

Motion passed.

Clause 5—Licenses:

Hon. J. CORNELL moved an amendment—

That the words "and every person" in line 3, Subclause 1, be struck out.

The purport of this clause went a little too far. If his reading was correct the clause meant that if he was employed by some person to drive a vehicle and that person had not taken out a license, he (Mr. Cornell), as the driver, could be prosecuted. It was no part of the driver's duty or business to find out whether his employer had got a license or not. That was the employer's business, and it was the duty of the inspector to find out and prosecute the employer. It appeared from the clause that if any hon. members hired a cab that happened not to be licensed they would be liable to prosecution and fine unless they could prove under Subclause 3 that they were ignorant of the fact that the owner was not the holder of a license. The clause was coercive in its character, and he did not see any justification for it.

The COLONIAL SECRETARY: The amendment would have his opposition as, if it was made, cases would arise in which it would be impossible to prosecute for breaches of the Act in failing to procure licenses. If a man owned a buggy and went to England, and left the buggy in the charge of some other person, that person would not be the owner of that vehicle, and if this amendment was made he could not be prosecuted for a breach of the law. He would not be the owner, but would be the person who was driving, and

the only person who could be prosecuted would be the owner, who would be away in England. There was a safeguard in Subclause 3 which provided—

> It shall be a defence to a charge under this section in respect of any vehicle against any person other than the owner thereof if the defendant proves that he had no knowledge that the owner was not the holder of the requisite vehicle license.

If a person had knowledge that it was a licensed vehicle there should be no pity for him at all, but if he had no such knowledge this subclause protected him.

Hon. J. CORNELL: The Colonial Secretary was stretching possibilities very much in saying that the owner of a vehicle might be in England. If it was persons like that whom he desired to get at, a simple amendment could be made in the Bill to meet this requirement. Although Subclause 3 was said to protect persons having no knowledge concerning the license, the onus of proof was thrown on the man himself instead of on the prosecuting authority. If he (Mr. Cornell) went to a certain person and got a job as driver and took an unlicensed cart out, he could be summoned to appear in a police court, and if he understood the position aright his word would not be taken before that of the inspector unless he (Mr. Cornell) had corroborative evidence. In such cases as that there might be hardship. He had no objection to the clause if the onus of proof was on the prosecuting authorities that the defendant had knowledge that the vehicle was not licensed.

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

Ayes	.. .. ..	8
Noes	.. .. ..	9
Majority against	..	1

AYES.

Hon. E. M. Clarke	Hon. A. Sanderson
Hon. H. P. Colebatch	Hon. T. H. Wilding
Hon. J. Cornell	Hon. Sir E. H. Wittenoom
Hon. W. Patrick	Hon. F. Connor *(Teller).*

NOES.

Hon. J. D. Connolly	Hon. E. McLarty
Hon. F. Davis	Hon. M. L. Moss
Hon. J. E. Dodd	Hon. C. Sommers
Hon. J. M. Drew	Hon. A. G. Jenkins
Hon. Sir J. W. Hackett	*(Teller).*

Amendment thus negatived.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. J. CORNELL: Would the Colonial Secretary agree to postpone Subclause 3? As it now stood the onus of proof was thrown on the driver or user of a vehicle. In common justice every person was innocent until proved guilty.

Hon. M. L. Moss: It is so easy to prove his innocence in this case.

Hon. J. CORNELL: Although the matter might be a minor one in the Bill, yet the principle was a very large one, and if we allowed such a principle to be interfered with in minor matters the precedent would be put forward on other occasions. The Colonial Secretary should agree to postpone the clause with a view to throwing the onus of proof on the prosecution.

The COLONIAL SECRETARY: It would be a very difficult thing to prove that the driver had a knowledge that the vehicle was unlicensed, unless it could be shown that the driver had been notified of that fact. The onus should be cast on the drivers of making sure that the vehicle was licensed.

Hon. Sir E. H. WITTENOOM: The provision was superfluous. He did not consider it was the business of his driver to know that his vehicle was licensed. The clause imposed a hardship on the driver.

The COLONIAL SECRETARY: The provision gave the driver a lot more protection than the driver now had under the Cart and Carriage Licensing Act, which provided that no person should keep or use on any road any cart or carriage without having obtained a license for it. Under that provision the user of an unlicensed vehicle was guilty of an offence whether or not he knew it was unlicensed. The clause provided a defence for the driver, who had but to prove his want of knowledge that the vehicle was unlicensed. Under the existing law no such defence was open to the driver.

Hon. Sir E. H. Wittenoom: Well it ought to be altered.

Hon. M. L. MOSS: It was quite plain that the clause was a very proper one. If the driver swore in court that he had not known that the vehicle was unlicensed his defence would be accepted as a good one and the authorities would then prosecute the owner of the vehicle.

Hon. J. CORNELL: At all events the Colonial Secretary ought to recommit the clause with a view to inserting a proviso to the effect that the person for whom the driver was working should pay the cost and the fine. If the Colonial Secretary would agree to recommit the clause he (Hon. J. Cornell) would withdraw his opposition.

The Colonial Secretary: It is too late now to postpone the subclause.

The CHAIRMAN: No motion could be made for the postponement of a subclause.

The Colonial Secretary: I will agree to the recommittal of the clause, but will not pledge myself to support the proviso.

Clause put and passed.

Clause 6—Licenses when required:

Hon. A. SANDERSON: Under the interpretation clause a carriage was defined as any description of vehicle with springs which was drawn or propelled by animals. Some carts were drawn by goats. Why should a license fee be put on goat-carts?

The COLONIAL SECRETARY: It seemed that the Bill would impose a license fee on goat-carts. He could not see very much objection to this, because goat-carts were a source of danger when moving about the streets, and should be under some control. They should be licensed.

Hon. A. SANDERSON: If a source of danger, the goat-carts ought to be prohibited. They did no damage to the roads. Why should a tax be imposed on children's goat-carts?

The COLONIAL SECRETARY: The definition was much more liberal than that in the Cart and Carriage Licensing Act, which defined a vehicle as one drawn otherwise than by hand. The definition in the Bill was not nearly so drastic.

Hon. A. SANDERSON: Did the Minister think that under the Bill these goat-carts would have to pay a license? The tax would be ten shillings or 20 shillings a year. Did the Minister deliberately intend to put this tax on goat-carts?

The COLONIAL SECRETARY: Certainly it was not the intention to tax these carts. From his reading of the definition the Bill would certainly apply to goat-carts, but it was not the intention to so apply it.

Hon. A. SANDERSON: According to the Minister it was not the intention to tax goat-carts. Yet the Minister and he were in agreement that under the Bill those goat-carts would be taxed. Surely the Minister could put that right.

The COLONIAL SECRETARY: A proviso to exempt goat carts would be accepted by him.

Hon. W. PATRICK: The clause should be allowed to stand. It was cruel to see a goat drawing a load bigger than itself.

The COLONIAL SECRETARY: Under Clause 10, provision could be made for an exemption.

Clause put and passed.

Clause 7—Passenger vehicle and carriers' licenses:

Hon. H. P. COLEBATCH: This was very much the same as Clause 5, but the proviso was omitted. Apparently the user of an unlicensed passenger vehicle would be responsible. Should not the same proviso be added?

The COLONIAL SECRETARY: The same protection should be extended as under Subclause 3 of Clause 5. He moved—

That the further consideration of the clause be postponed.

Motion passed.

Clauses 8, 9—agreed to.

Clause 10—Exemption of fire and ambulance vehicles and agricultural machines:

On motion by the COLONIAL SECRETARY clause postponed until after the consideration of postponed Clause 7.

Clauses 11 to 15—agreed to.

Clause 16—Apportionment of fees between districts:

Hon. A. SANDERSON: What was the object of Subclause 1 and what did the Minister consider its effect would be? The fees payable for the licensing of a motor car in Perth and in different roads board districts varied considerably. Why should the fee paid in one be apportioned to another district? Surely the fee should go to the district where it was paid; otherwise the Minister would practically re-shuffle the fees payable in the different districts.

The COLONIAL SECRETARY: If a man lived in Beverley and used his vehicle almost exclusively there and took out his license in York, the York municipality under the clause would hand over the fees to Beverley.

Hon. A. SANDERSON: That explanation showed the absurdity of the contention. Would it be possible to show how much——

The Colonial Secretary: That is if it is demanded. If a dispute arises, it will be decided by the Minister.

Hon. A. SANDERSON: Did the Minister think it sensible to include a pettifogging thing like that?

Hon. C. SOMMERS: This clause presupposed that Clause 23 would be passed. He moved—

That the further consideration of the clause be postponed until after the consideration of postponed Clause 10.

Motion passed.

Clauses 17 to 22—agreed to.

Clause 23—Minister to be licensing authority for metropolitan area:

On motion by the COLONIAL SECRETARY clause postponed until after the consideration of postponed Clause 16.

Postponed Clause 4—Traffic inspectors and other officers:

On motion by the COLONIAL SECRETARY the further consideration of the clause further postponed until after the consideration of postponed Clause 23.

Clause 24—Regulations:

Hon. J. CORNELL moved an amendment—

That paragraph (f.) of Subclause (i.) be struck out.

The Municipal Corporations Act provided that cyclists might be licensed, but he was not aware that it had been done. There was no necessity for it. Considerable revenue would be derived, but it would be a tax on the poorer classes who used bicycles and it was unnecessary because the machines did no injury to the roads.

The COLONIAL SECRETARY: There was already a provision for licensing bicycles in Western Australia as well as in France. The proposal to license these vehicles was not a new one, but was a restriction on existing legislation. Under the Roads Act licenses could be granted up to 5s. and municipalities could license bicycles without any limit. The consequence was that licenses might be granted in one district and not in another and a cyclist going from one district to another might render himself guilty of an offence. The object was to bring about uniformity. The roads board conference discussed the matter and decided in favour of a license being charged and the fee not being more than 5s. per annum.

Hon. A. SANDERSON: The Midland Junction municipality had asked him to oppose this paragraph. Bicycles were used as a rule by people who were not too flush of cash, and the fact had to be considered that bicycles were a great convenience. Another matter that had to be considered was that the cost of the collection of this tax would be troublesome.

Hon. R. G. ARDAGH: It was his intention to support the striking out of this paragraph. He could take hon. members through hundreds of miles of tracks in the back country where there were no lights and no roads, and where the only means by which persons could find their way from camp to camp were tracks which had been made by those who used bicycles. It would be a hardship indeed to impose this tax on the people who used bicycles.

Hon. J. CORNELL: The Minister had informed the Committee that the object of the paragraph was to bring about uniformity, but by leaving out the paragraph uniformity would be brought about, and there would be no registration fee at all. One might just as well tax

footwear as tax bicycles, but it would certainly be more logical to tax go-carts than bicycles.

Hon. H. P. COLEBATCH: If the paragraph were to remain in the Bill it ought to find a place in Clause 6. The right to frame these regulations implied the right to frame regulations to carry out the Act. Clause 6 set out the vehicles that had to be licensed, but bicycles were not mentioned. The clause included motor cycles, but there was no reference to bicycles.

Amendment put and passed.

Hon. Sir E. H. WITTENOOM: With reference to paragraph (h) attention might be drawn to the rules of the road which provided that a motor car should pass a tram car on the left or the near side, that side on which the passengers got in and out. It was obvious that this was very dangerous, and on two or three occasions he himself had escaped annihilation. He had seen women and children nearly run over by motor vehicles passing tram cars when they were stationary. He took the trouble to go to the council and interview the traffic manager, who assured him that it was absolutely necessary that this regulation should be put in force on account of the crossings at Hay and Barrack streets, and Hay and William-streets. In his opinion, however, motor cars should be compelled to pass tram cars on the right side. Then the only danger would be to the motor car itself.

Hon. E. McLARTY: The protest made by Sir Edward Wittenoom had his support. He, too, had a similar experience. When about to board a tram car a motor car came along at a great pace and it was a wonder that he escaped from being crushed to pieces. Thinking that the motor cars were using the wrong side of the road, he made inquiries, and to his astonishment he found that they were on their proper side of the road. The fact remained that pedestrians ran a risk when boarding a tram car. It was certainly improper that a motor vehicle should be allowed to fly past at that moment. The penalty should be made very severe for those people who travelled like lunatics in their motor vehicles, and he would be inclined to support a clause which would have the effect of sending them to prison without the option of a fine. There was no doubt that sooner or later a serious accident would be heard of. He would support any clause which would punish them in the greatest extreme.

The COLONIAL SECRETARY: The Government fully realised the position indicated by Sir Edward Wittenoom and Mr. McLarty and very great care would be exercised in drafting those regulations so as to protect the public from dangerous driving of all kinds.

Hon. J. CORNELL: Was it intended that the Government should draft regulations for the whole of the State or that the local bodies should draft regulations suitable for their respective localities and submit them for the approval of the Minister? It would be a matter of almost impossibility to draft one set of regulations applicable to the whole of the State.

The COLONIAL SECRETARY: Under Clause 25 there could be a delegation of powers to the local authority; the Governor in Council might empower the local authority to exercise any power which the Governor could exercise under Clause 24, which provided for the making of regulations.

Clause as amended put and passed.

Clause 25—agreed to.

Clause 26—Effect of regulations and by-laws:

Hon. H. P. COLEBATCH: Mr. Piesse had given notice of an amendment to strike out Subclause 2, but apparently these licenses applied only to drivers of vehicles plying for hire.

Hon. C. SOMMERS: Would the owner of a car paying a license require to be licensed as a driver also?

The COLONIAL SECRETARY: The license referred to in Subclause 2 applied only to vehicles plying for hire. Licenses for motor cars were dealt with in a subsequent clause.

On motion by the Hon. W. PATRICK, clause amended by inserting after "ve-

hicle," in line 2 of Subclause 2, the words "plying for hire."

Clause as amended agreed to.

Clauses 27 to 32—agreed to.

Clause 33—Name of owner and weight of vehicle to be displayed:

Hon. E. M. CLARKE moved an amendment—

That the words "and the correct weight of the vehicle," in line 4, be struck out.

The clause stated that the name and the address of the owner and also the weight of the vehicle must be painted on. The next clause said that the local body could construct weighbridges, which meant that a person must travel perhaps 15, 20, or 40 miles to a weighbridge in order to get his vehicle weighed. Then, if later the vehicle was being repaired and the painting became obliterated, he would be committing a breach of the Act. This provision would only be harassing to people and could not be of any benefit.

The COLONIAL SECRETARY: It would not be a difficult matter to have a vehicle weighed before it left the hands of the builder. It might decrease or increase in weight with the expiration of time, but the owner was not likely to be penalised because of a difference of a few pounds from the indicated weight of the vehicle. It was very necessary that the weight should be painted on the vehicle, because an old-established principle was being altered. At the present time the Width of Tyres Act provided—"On and after the first day of January, 1899, every vehicle in use on every public road shall have the diameter of the axle arms painted on some particular spot on the off-side thereof." That section was being repealed and it would be no longer necessary to have the diameter of the axle arms painted on any portion of the vehicle. What it was desired to substitute was a provision compelling the owner to paint the weight of the vehicle on.

Hon. E. M. Clarke: With what object?

The COLONIAL SECRETARY: With the same object as the owner had been previously compelled to paint on the diameter of the axle arms.

Hon. W. PATRICK: The point raised about the size of the axle arms was contained in an indirect way in the Bill, because the Bill determined the width of the tyres, and the size of the axle arms was always related to the width of the tyres. In many parts of the State one might go for hundreds of miles without finding a weighbridge, and there was the greatest difficulty in getting the Government to provide one.

Hon. C. SOMMERS: There was no apparent object in having the weight painted on the vehicle. The clause as phrased would include every kind of vehicle, and he did not believe that between Midland Junction and Geraldton there was one weighbridge.

The COLONIAL SECRETARY: The proposed amendment would seriously affect one of the principles of the Bill, the object of which was to do away with the provision in regard to the diameter of the axle arms and to provide for the painting on of the weight instead. Unless there was some means of ascertaining the weight it would be impossible to enforce the Bill. Under Clause 35 vehicles and their loads were to be weighed if required, and surely the builder could be compelled to supply the weight and paint it on the vehicle.

Hon. C. Sommers: It may have been built 15 years ago and never weighed.

Hon. H. P. COLEBATCH: If the amendment were carried it would be necessary for the Committee to go back and strike out Clause 31. It was necessary that the weight should be known and the simplest way would be to have the weight painted on when the vehicle was built. He did not see how Clauses 31 and 32 could be carried out unless the weight of the vehicle itself was ascertained.

Hon. E. M. CLARKE: It was not possible for him to see how a constable could demand that a vehicle with its load should be weighed in a certain locality. There might not be a weighbridge within 50 or 60 miles.

The COLONIAL SECRETARY: It is only where there is a weighbridge.

Hon. E. M. CLARKE: The clause seemed to him to be absolutely superfluous. It would have to be one of those laws of which no notice would be taken. It was a bad plan to enact measures that had to be regarded as inoperative.

Hon. A. SANDERSON: It was a difficult question to decide properly, as outside the municipalities and a few of the roads boards the roads of this country were not worth considering, they were beneath contempt or did not exist. Therefore, to have all these regulations—he thought some of them must have come from France, for instance, the bicycle tax—was really too absurd. He could see the force of the Minister's argument regarding having the weight on the vehicle, and thought it was a very sound thing within a municipality. It should apply only to municipalities or roads board districts that cared to avail themselves of it. Anyone who knew the country districts in Western Australia and the hopeless state of the roads recognised how ridiculous were some of these proposed regulations.

The COLONIAL SECRETARY: Under Clause 20 this would only come into force by proclamation. According to the views of the department it would not be wise to introduce this straight away by proclamation. It would not be introduced until the time was ripe, but power was given to bring this part of the measure into force by the medium of a proclamation.

Hon. J. CORNELL: To some extent he was in agreement with the hon. Mr. Clarke, inasmuch as it seemed right that the word "correct" should come out. His experience of wagons and drays went conclusively to prove that to ask an owner to paint the correct weight upon a vehicle was to ask an impossibility. The word "weight" would meet the case. This was a very old rule in New South Wales, and he did not think owners of vehicles need have any fear regarding it, as it had been honoured in the breach for many years.

Hon. E. McLARTY: One could see that there would be great difficulty in getting the correct weight, but there was no more important consideration in connection with this Bill than to have some proper regulation as to the width of tyres. He had always been a great advocate of broad tyres, and often noticed with pleasure in the streets of Perth at the present time brick carts had the four-inch tyre. To keep the roads in good repair it was essential that there should be a wide tyre to carry a heavy weight. If we got the weight of a vehicle it did not follow that a man could not put any weight he liked on the vehicle, and how were we going to ascertain that he was exceeding the weight he should have on the tyre? It should be made compulsory that every person using a cart over the roads should have a certain width of tyre in proportion to the weight he had on the vehicle. Until that was done, there would be enormous expense and great difficulty in maintaining the roads in a proper state of repair. Attention should be given to the necessity of having a proper restriction in this Bill providing for the width of tyres. He preferred the old regulation that width of tyres should be in proportion to the strength of the arm, as it was a provision much easier to get at.

The COLONIAL SECRETARY moved—

That the further consideration of the clause be postponed.

It was his desire to examine the clause carefully.

Motion passed.

Clauses 34 to 37—agreed to.

Clause 38—Licensing of drivers:

Hon. A. SANDERSON: Would the Minister give hon. members some information in regard to this clause? What he wanted to know was what the position of the driver of a motor car would be under this Bill. Would the Minister explain the position of the owner-driver and that of the owner who hired someone to drive a car?

The COLONIAL SECRETARY: The application for the license——

Hon. A. Sanderson: What license?

The COLONIAL SECRETARY: The motor driver's license.

Hon. A. Sanderson: What is "appropriate motorist's license"?

The COLONIAL SECRETARY: It seemed scarcely the proper term to use. He moved—

That the further consideration of the clause be postponed.

Motion passed.

Clause 39—Suspension of license and disqualification:

Hon. A. SANDERSON: Before what courts would these offenders be brought?

The COLONIAL SECRETARY: An ordinary police court.

Clause put and passed.

Clause 40—To stop in case of accident, etcetera:

Hon. A. SANDERSON: The clause ought to be struck out. The question of stopping in the case of accident was not as simple as it might seem. Very often, whether before or after an accident, the best thing to do was to get past as quickly as possible. Again, the clause provided that in the event of an accident the driver of a car should produce his license. Why should the driver be required to carry his license with him always in order that he might be able to produce it in the case of an accident? It was idle to talk of a motorist clearing out after an accident, for it was impossible to successfully clear out in Western Australia, where cars were so very few. Nothing was easier than to discover the owner of a motor car. The clause was unnecessary.

Hon. C. SOMMERS: Subclause 2 might, with advantage, be struck out, but Subclause 1 should be allowed to stand. After an accident the driver of a car should remain in case he was wanted.

The COLONIAL SECRETARY: It was very necessary that the driver of a car should remain after an accident. In many cases the hirers of motor cars had done damage and disappeared at top speed. It was necessary to make full provision against such practices.

Hon. J. E. DODD (Honorary Minister): Not very long ago a serious accident had occurred in Perth, when a motor car collided with a tram car. That motor car had been taken away and completely altered, with the result that many weeks were consumed in finding the car.

Hon. A. Sanderson: It was found, though.

Hon. J. E. DODD (Honorary Minister: In the end the car had been found, completely altered, having been converted from a passenger car into a motor van for carrying parcels. Eventually the owner had to pay substantial damages.

Hon. A. SANDERSON: Under the provision for the production of a license an unsympathetic magistrate could impose upon a man who in all other respects had complied with the law a penalty of £10 for the non-production of his license. If, by the passing of the clause the authorities would be assisted in putting down motor hogs, he would agree to it, but the clause would render no assistance whatever. The provision for the production of the license was totally unnecessary, and to insist that when meeting a restive horse a motor car must stop was altogether wrong, seeing that very often the best thing to be done was for the motor to get out of the way.

The Colonial Secretary: Suppose the driver gives a wrong name and address.

Hon. A. SANDERSON: If it came to a question of fraud, what was to prevent the driver having a forged license? Every reasonable protection should be given to the users of the road, but it was undesirable to set up ridiculous regulations.

Hon. H. P. COLEBATCH moved an amendment—

That Subclause 2 be struck out.

Subclause 1 should remain, but when a motor car was meeting a restive horse on a narrow road the only thing to do was to get past the horse. The restive horse would not pass the motor, and therefore the best thing was to allow the motor to pass the horse.

Hon. E. McLARTY: It seemed rather unnecessary to make the driver of the

car produce his license, seeing that the registration number was attached to every car. He favoured severe penalties for those who transgressed the law.

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

Progress reported.

House adjourned at 9.2 p.m.

Legislative Assembly,

Wednesday, 15th October, 1913.

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

QUESTION—RAILWAY EMPLOYEES VISION AND HEARING TESTS.

Mr. GILL asked the Minister for Railways: 1, How many of the 113 railway employees that, according to the return laid on the Table of the House, failed to pass the official vision and hearing test have successfully passed the test imposed by the Government Medical Officer? 2, What fee is charged by the medical officer for making these tests? 3, By whom is the fee paid?

The MINISTER FOR RAILWAYS replied: 1, Of the 113 employees referred to eight have since passed the Railway medical officer. 2, 10s. 6d. 3, The fee is paid by the department.

QUESTION — RAILWAY SLEEPER SUPPLIES, SUB-CONTRACTING.

Mr. O'LOGHLEN asked the Minister for Railways: 1, Is he aware that the pernicious system of sub-contracting is being carried on by the Railway Department in connection with sleeper supplies? 2, Is he aware that the system has been abolished in the Works Department? 3, Seeing that two Ministers have promised to deal direct with the hewers, will he give his officers the necessary instructions?

The MINISTER FOR RAILWAYS replied: 1, No. 2, Yes. 3, Yes.

QUESTION — STATE BATTERY, MOUNT EGERTON.

Mr. WISDOM asked the Minister for Mines: 1, Were tenders called for the supply and erection of a cyanide plant for the Mount Egerton State Public Battery? 2, If not, why not.

The MINISTER FOR MINES replied: 1, No. 2, Because the Government has no present intention of erecting a cyanide plant in connection with the Mount Egerton battery. Full particulars concerning the treatment of tailings at that centre have been supplied to the member for the district.

QUESTION—LANDS DEPARTMENT LITHOS.

Mr. MONGER asked the Minister for Lands: 1, Is he aware that the lithos supplied by the Lands Department are similar to those in existence in September, 1911? 2, When is it proposed to supply something more up to date?

The MINISTER FOR LANDS replied: 1, In some cases this may be so, the large number of working lithos in existence (over 500) rendering it impossible to have every one up to date. 2, Drafts-