

Legislative Assembly

Tuesday, 19th November, 1957.

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

ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Betting Control Act Continuance.
- 2, Government Railways Act Amendment.
- 3, Chiropodists.

BILL—NORTHERN DEVELOPMENTS PTY. LIMITED AGREEMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

QUESTIONS.

NATIVE WELFARE.

Starving Natives at Well 40, Value of Food Supplied.

Mr. GRAYDEN asked the Minister for Native Welfare:

(1) When the helicopter engaged on survey work for the Bureau of Mineral Resources in the Canning Desert Basin returned to Well 40 after previously reporting starving natives there, what was the monetary value of the food taken for the relief of natives in the area?

(2) Of what was the food comprised?

(3) What food was actually left by the helicopter crew in the Well 40 area?

The MINISTER replied:

(1) Exact value not available as no charge was raised by the Bureau of Mineral Resources.

(2) Tinned meat, breakfast food and other surplus goods.

(3) Exact quantities not known but all the food that could be spared was left by the Bureau of Mineral Resources party, with two adult natives at Well 40.

TRAFFIC.

(a) Accidents Caused by Drunken Drivers.

Mr. GAFFY asked the Minister for Transport:

What percentage of accidents during the past 12 months was caused by vehicle drivers being under the influence of alcohol?

The MINISTER replied:

1.3 per cent., although statistics of fatal traffic accidents for the period 1950-56 inclusive, showed that 39.4 per cent. of people tested had a blood alcohol content of more than 0.1 per cent. and 24.3 per cent. of more than 0.2 per cent.

(b) Unattended Cars with Ignition Keys.

Mr. EVANS asked the Minister for Transport:

Further to my question on the 24th September, 1957, relative to traffic offences regarding unattended cars, has information been received as to the position in other States of Australia, of leaving cars unattended with ignition keys left therein?

The MINISTER replied:

No information has been received to date, but on receipt will be passed on to the hon. member.

EDUCATION.

(a) Renovations to Junior High School, Boyup Brook.

Mr. HEARMAN asked the Minister for Education:

(1) What renovations, and at what cost, are planned for the Junior High School at Boyup Brook?

(2) What additional buildings, if any, are to be put on the old school site?

(3) If additional buildings are to be put on the old school site, at whose expense is this to be done, and for what purpose are the new buildings to be used?

(4) What improvements to the latrine accommodation are proposed for the old school site?

The MINISTER replied:

(1) Complete internal and external renovations to senior and junior schools.

(2) None.

(3) See answer to No. (2).

(4) Painting only at present and a septic tank installation, when finance is available.

(b) Manual Training and Home Science Centre, Bunbury.

Mr. ROBERTS asked the Minister for Education:

(1) Were funds set aside in the 1957-58 building programme for a manual training and home science centre at Bunbury?

(2) If so, when is it planned to commence these building programmes?

The MINISTER replied:

(1) No.

(2) See answer to No. (1).

PETROL RESELLERS.

Statement by Hon. F. R. H. Lavery.

Mr. COURT asked the Minister for Labour:

(1) Will he please examine the statement alleged to have been made by Hon. F. R. H. Lavery in the Legislative Council to the effect that metropolitan petrol resellers had agreed among themselves to impose a £20 fine on any one of them who failed to provide rostered after-hour service?

(2) Was a statement along the lines indicated in No. (1) made by Hon. F. R. H. Lavery?

(3) (a) Has he checked with the Western Australian Automobile Chamber of Commerce and obtained its confirmation or denial of the proposal?

(b) If not, will he do so?

(4) If the statement is correct, would such fines be enforceable at law and what machinery would be set up by the Western Australian Automobile Chamber of Commerce to enforce the proposal?

(5) If the proposal does not come from the Western Australian Automobile Chamber of Commerce, from what source does it come?

The MINISTER replied:

(1) It is not considered necessary.

(2) Not known.

(3) (a) No.

(b) It is not considered necessary.

(4) and (5) See answer to No. (2).

MINING.

Gold Extraction from Pyrites Ore.

Mr. EVANS asked the Minister for Mines:

Can he state what quantity of gold has been extracted by the company treating Eastern Goldfields pyrites ores at North Fremantle, since the agreement between the company and the Government was signed on the 28th February, 1957?

The MINISTER replied:

Gold reported to department as having been extracted from concentrates at North Fremantle totalled 6,176.50 fine ounces.

RAILWAYS.

(a) Freight Rate on Pyrites.

Mr. EVANS asked the Minister representing the Minister for Railways:

(1) What is the freight rate per ton-mile on pyrites ore railed from—

(a) Kalgoorlie,

(b) Norseman

to North Fremantle?

(2) Can he state what the cost rate per ton-mile to the Railway Department is in raiiling pyrites ore from the above centres to North Fremantle?

The MINISTER FOR TRANSPORT replied:

(1) (a) The freight from Kamballie, which is the point of despatch, averages 1.81d. per ton mile.

(b) Average 1.63d. per ton mile.

(2) On account of varying factors, it is most difficult to ascertain the operating costs of transporting individual commodities, but an assessed figure for the handling of ores and minerals in which group pyrites are included, is 3.85d. per ton mile.

(b) Tonnage of Pyrites Railed.

Mr. EVANS asked the Minister representing the Minister for Railways:

(1) How many tons of pyrites ore have been railed from Kalgoorlie to Fremantle since the agreement was reached with the Government and the North Fremantle Superphosphate Works on the 28th February, 1957?

(2) What tonnage of pyrites ore has been railed from Norseman during the same period?

The MINISTER FOR TRANSPORT replied:

(1) Pyrites ore referred to is railed from Kamballie to North Fremantle. The quantity despatched between the 1st March, 1957, and the 31st October, 1957, was 10,448 tons.

(2) 3,918 tons to North Fremantle; 28,484 tons to Bassendean.

(c) Facilities for Using Electric Razors, Westland Coaches.

Mr. EVANS asked the Minister representing the Minister for Railways:

Is it intended that facilities will be incorporated in the new "Westland" coaches, to be built at the Midland Junction Railway Workshops, for the purpose of allowing passengers to use electric razors?

The MINISTER FOR TRANSPORT replied:

Yes.

(d) Reopening of Lines for Wheat Season.

Hon. D. BRAND asked the Minister representing the Minister for Railways:

(1) Is it correct that the letter from the Farmers' Union of W.A. (Inc.) to the Minister for Railways regarding the temporary reopening of railway lines on which services have been suspended, for the purpose of instituting a shuttle service for the haulage of wheat and superphosphate, was dated the 29th October, 1957?

(2) Is it correct that the letter of the Minister for Railways, in reply, was dated the 30th October, 1957?

(3) Will he detail the nature of the examination given to the proposal which resulted in the decision that such proposal would be uneconomical for the Railway Department?

The MINISTER FOR TRANSPORT replied:

(1) Yes.

(2) Yes.

(3) To reopen any of these lines temporarily for a shuttle service would involve almost the same amount of reconditioning work as if they were to be operated continually under the conditions obtaining before services were discontinued. While trains were running the lines would have to be manned by permanent way staff. This would necessitate re-engagement and reorganisation of manpower. Some weeks ago the W.A. Transport Board finalised arrangements with road hauliers for the carriage of grains and superphosphate.

CHAMBERLAIN INDUSTRIES.

Tractor Components, Local and Imported.

Mr. HEARMAN asked the Premier:

(1) In respect of the Chamberlain tractors made at Welshpool, what percentage of components are made—

(a) overseas;

(b) the Eastern States?

(c) in Western Australia?

(2) What components are imported, and to what annual value, from—

(a) overseas;

(b) the Eastern States?

(3) Of the components imported into Western Australia, how many could be produced in Western Australia, and what are these components?

The PREMIER replied:

(1) Average for all current models (approximate only)—

(a) 20 per cent.

(b) 8 per cent.

(c) 72 per cent.

(2) Based on 1956-57—

(a) Engines for 70 DA and 45 DM models.

Electrical equipment and bearings for all models.

Approximate annual value £400,000.

(b) Tyres, tubes and radiator cores for all models.

Approximate annual value £160,000.

(3) No components that can be economically produced in Western Australia, are imported.

WHOLEMILK.*Sampling and Testing.*

Mr. I. W. MANNING asked the Minister for Agriculture:

(1) Does he agree that it would be advantageous to have only one authority sampling and testing wholemilk before it is handled by treatment plants?

(2) Will he take steps to ensure that the Milk Board is the sole authority authorised to sample and test wholemilk while such milk is still the property of the farmer?

The MINISTER replied:

(1) This is a matter of opinion and may not be advantageous to all parties.

(2) Steps have been taken to co-ordinate the sampling of milk by officers of the Public Health Department, local authorities and the Milk Board with a view to avoiding undue overlapping.

POLICE PROSECUTIONS.*Appeals, Successful and Unsuccessful.*

Mr. EVANS asked the Minister for Justice:

(1) How many unsuccessful appeals have been brought to the Supreme Court by the police within the last six years?

(2) In how many cases were the police successful in appeals to the Supreme Court during the past six years?

The MINISTER replied:

(1) One.

(2) Thirty-one.

ROADS.*(a) Rebuilding of Grassmere-Elleker-rd.*

Mr. HALL asked the Minister for Works:

(1) Can he advise if funds will be made available for the purpose of rebuilding of Grassmere-Elleker-rd.?

(2) Is it the intention of Main Roads Department to carry out the work on this road, or allocate moneys to the Albany Road Board to carry out the work?

(3) Will the road be sealed and bituminised and the course of the road altered to avoid so many railroad crossings?

The MINISTER replied:

(1) £1,000 has been provided on the 1957-58 programme of works for the improvement of the Albany-Elleker-rd., which includes the Grassmere-Elleker section.

(2) Following on consultation between the local authority and departmental engineers as to the most suitable location and type of construction, it is expected the local authority will do the work.

(3) It is not proposed to seal the road at this stage. The expenditure necessary to eliminate the railroad crossings is not considered to be justified.

(b) Expenditure on Canning Highway, 1956-57.

Hon. D. BRAND asked the Minister for Works:

(1) What was the total expenditure on Canning Highway for the financial year 1956-57?

(2) What is the estimated total expenditure for the present financial year?

(3) On what sections has the money been expended, or is proposed to be expended.

The MINISTER replied:

(1) The total expenditure on construction and maintenance on the Canning Highway for the financial year 1956-57 was £79,760.

(2) The estimated total expenditure on construction and maintenance for the present financial year is £86,500.

(3) The major 1957-58 allocations for expenditure are as under—

(a) Construction between Ardross and Cunningham-sts. (Sealing remains to be done)—£35,000.

(b) Reseal between Money-st.-Rome-rd; also Roberts-st.-Canning-Bridge (to be done)—£5,768.

(c) Part cost associated with the construction of a new bridge over the Canning River (commenced recently)—£36,000.

(d) Maintenance and other sundry expenditure—£9,732.

BETTING CONTROL ACT.*Amending Legislation.*

Mr. WILD asked the Minister for Police:

(1) Is it proposed to amend the Betting Control Act because of the technical weakness shown in the recent judgment in respect of ownership of premises?

(2) If so, will an amending Bill be brought down this session?

The MINISTER replied:

This matter is receiving consideration with a view to tightening up any weaknesses. At present it is believed that there is sufficient power under the Act to deter a repetition of the recent incident. In the circumstances, it is not likely that an amending Bill will be brought down this session.

MONEYLENDER*Activities of Mosman Park Resident.*

Mr. GRAYDEN asked the Minister for Justice:

(1) Is he aware of the identity of a Mosman Park man who used to operate in St. George's Terrace as a moneylender

and who was sentenced to three years' gaol for obtaining money by false pretences?

(2) Is he aware that a number of people claim to have been defrauded by the man in question?

(3) Has he received any requests for an inquiry into the recent activities of the man in question?

The MINISTER replied:

(1) Yes, if the hon. member is referring to the person sentenced in the Supreme Court on the 29th July, 1954.

(2) Prior to that person being sentenced, a number of persons made statements to the police alleging that they had been defrauded by him. The Police Department did not lay additional charges against him.

(3) No.

CAVE HOUSE.

Losses on Undertaking.

Mr. ROBERTS asked the Treasurer:

As the loss on Cave House has increased from £1,647 in 1952-53 to £10,756 in 1956-57, and in the same period working expenses have increased from £31,518 to £54,439—

(1) What action is contemplated to rectify this position?

(2) What is the estimated budgetary loss on Cave House for the year 1957-58?

The TREASURER replied:

(1) The Government is giving consideration to the question of the leasing of Cave House.

(2) The estimated loss on Cave House for 1957-58, including depreciation and interest, is £265.

ADMINISTRATION ACT.

Applications for Deferment of Duty.

Mr. ROBERTS asked the Treasurer:

(1) How many persons have applied under—

(a) Section 69A;

(b) Section 69B;

of the Administration Act, 1903-1956 for deferment of duty?

(2) How many applications have been granted under—

(a) Section 69A;

(b) Section 69B;

of that Act?

(3) If any deferments have been granted, what form did the deferments take?

The TREASURER replied:

(1) (a) 11.

(b) Nil.

(2) (a) 11.

(b) Nil.

(3) No action is taken for recovery of the duty under Section 92 and no interest is charged under Section 108.

FRUIT-FLY SUBSIDY.

Payment to South Suburban Baiting Committee.

Mr. WILD asked the Minister for Agriculture:

(1) Have inquiries been completed in connection with the payment to be made by the Government to the south suburban fruit-fly baiting committee?

(2) What amount will be paid, and when can payment be expected?

The MINISTER replied:

(1) Details of operations are still under consideration by the south suburban fruit-fly baiting committee.

(2) A subsidy of £1,500, which takes into account the special difficulties of the south suburban area, is available to the committee in two moieties of £750, the first of which can be made available immediately.

WATER SUPPLIES.

Service to Station-st., Gosnells.

Mr. WILD asked the Minister for Water Supplies:

(1) In view of representations over many years by residents of Station-st., Gosnells, for water to be laid past their properties, can he indicate when such service will be supplied?

(2) Will such service entail a guarantee by the applicants, and if so, what would be the annual commitment?

(3) When can such work be expected to commence?

The MINISTER replied:

(1) No.

(2) A guarantee by applicants will be required before the service is provided, but until the matter has been investigated the actual amount required cannot be stated.

(3) See answer to No. (1).

STATE HOUSING COMMISSION.

Tabling of Annual Report.

Mr. WILD (without notice) asked the Minister for Housing:

As the content of the annual report of the State Housing Commission, for the year 1956-57, is now public information, having been tendered as evidence at the recent Grants Commission hearings, will the Minister state when the report will be laid on the Table of the House?

The MINISTER replied:

I am unable to say with any degree of certainty. The annual report has been prepared and completed for some weeks. Its presentation to the House has been delayed awaiting a check of the financial affairs and the certificate of the Auditor General. I hope, however, before Parliament rises, that it will be possible to lay a copy of the report on the Table of the House. I shall make inquiries in order to expedite the matter.

FACTORIES AND SHOPS DEPARTMENT.

Inspector's Visits to Kalgoorlie- Boulder Area.

Mr. EVANS (without notice) asked the Minister for Labour:

Can the Minister state how often an officer of the Factories and Shops Department visits the Kalgoorlie-Boulder area?

The MINISTER replied:

Efforts are made by the Chief Inspector of Factories to have an inspector visit the Goldfields area three times each year. I checked up on the matter and over the last 3½ to 4 years, nine visits have been made.

BILLS (2)—FIRST READING.

1. Town Planning and Development (Metropolitan Region).
2. Town Planning and Development Act Amendment.

Introduced by the Minister for Works.

LEAVE OF ABSENCE.

On motion by Mr. Norton, leave of absence for two weeks granted to Mr. May (Collie) on the ground of urgent private business.

BILL—METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST.

Third Reading.

THE MINISTER FOR TRANSPORT
(Hon. H. E. Graham—East Perth) [4.52]:
I move—

That the Bill be now read a third time.

MR. HEARMAN (Blackwood) [4.53]:
In view of the part I have played in connection with this legislation, I propose to pass a few remarks on the third reading. Members will recall that this measure was referred to a select committee, and, with one dissentient, the committee recommended that the Bill, subject to amendments, should be proceeded with. I was one of those who agreed to that proposition.

I know that people have wondered why a person of my political persuasion should accept such a proposition, and I am aware

of the fact that there are some who might suggest that perhaps my political thinking needs straightening out, or something of that nature. As I have had no opportunity to place my views before the Chamber, I should like to do so now. In the first place it will be remembered that this is unquestionably a socialistic move and, as such, is one which I dislike intensely. But that is not to say that because I dislike it intensely, my thinking should stop there, and that I should say, "Because I dislike it, I won't have anything to do with it."

There is one point in this case that should not be lost sight of, and it is that a proposition is being put to private operators of bus services which they are prepared to accept. I might have some reservations of my own as to just how good the proposition is, but it is not for me to tell these people, who after all own and run their own businesses, how they should run them, what proposition they should accept, what is good for them and what is not. For me to accept that responsibility would, I think, be presumptuous. Consequently, although perhaps the operators may be a little sanguine in their approach to this matter, none the less it is clear from the evidence placed before the select committee that they are prepared to accept the proposition, regardless of whether I might think it good, bad or indifferent.

That raises the whole question that once private enterprise has decided that its best course is to sell out to the Government then, whether we like it or not, we, as an Opposition, must ask ourselves—and I, as an individual, must ask myself—just what we can do about it, and what is the best course to take. The obvious first course would be to oppose the legislation on the ground that it is socialistic; and that doubtless would secure plaudits from some people who perhaps know less about it than those of us who have given the matter some study.

But none the less I think it advisable to consider the results of such an alternative, if it were possible to defeat this legislation. I think the Minister, in his second reading speech, made it clear that the private bus companies were doing in some cases reasonably well, and, in others, extremely badly. Indeed, I think it would not be an exaggeration to say that a sizeable company is in the process of buckling at the knees.

Accordingly, if we do not accept this legislation, at least that company will be forced to go into liquidation and, as has happened in the case of one or two companies, we would find that the Western Australian Government tramways service would simply take over and the public would then be given a service by the Western Australia Government tramways, rather than by the private operator. But so far as upholding the interests of private

enterprise and keeping it on the job is concerned, I think nothing can be done. The only question that would arise would be whether the Government tramway bus service was the best type of alternative system to take over.

There is no doubt that if we pass this legislation, the interests of the private operators will be protected at least to the extent that the Government has put forward a proposition which is embodied in the Bill, and which will be the basis of negotiations for acquisition. If the legislation is defeated then, of course, the matter will go back into the melting pot, and I do not think we will be drawing the long bow if we suggested that any subsequent terms offered to private operators would not be as attractive.

That is borne out by the fact that, despite the reservations and qualifications that we may place on the statements of the private operators, it is evident that they want to sell out to the Government. Accordingly, one might assume, if the legislation were defeated, that the private operators would still endeavour to negotiate with the Government, and there would be nothing to stop the Government from negotiating with them and coming to some arrangement to purchase their assets, even though that arrangement might not be as advantageous to those operators as is the existing proposition.

The question of just simply rejecting the Bill is something that should be considered. It is true that under this measure it will be necessary for the Government to pay a certain amount to private operators by way of compensation. We know that will be spread over a period of 21 years, but nevertheless it will be a charge against this or successive Governments. If it were merely a matter of allowing the tramway bus services to expand to a point where they took over these services—as they would do if the various operators went to the wall, and I would point out there is more than one on a small margin—we must consider whether the proposals under the transport trust that is mooted, would be preferable to allowing the Government tramway bus services to take over.

Although there will be some payment of compensation under this trust proposal, the operations of the tramways, by comparison with the possibilities that would exist under a trust, all point to the advantages of trust operation, because if there is one bus service more than another which gives a poor service and which is inefficiently operated, it is the tramways. I do not want to be one of those responsible for inflicting such a service on a greater number of the travelling public. Rather, I think it should be the object of Parliament to try to improve the conduct of those services operated by the Western Australian Government Tramways.

Whether this proposal will save the Government money or not, by comparison with the tramways taking over, is a matter for conjecture. In my opinion, it would be better to operate under the award governing private transport rather than under the tramways award. The advantages weigh heavily in taking such a course, if possible, because the latter award is extremely extravagant under which to operate and is much worse than the award under which private operators are operating today. Under the present proposal, it should be possible for the trust to get from the Arbitration Court the best possible award it can, whereas if we just simply allow the tramways to take over, there will be no question whether that award will apply and whether it will be any better in the future than it has been in the past when applications were before the Arbitration Court.

If we are to have some form of Government bus operation, it is most important that we should get the best possible arrangement and should not simply accept the present set-up which exists with the Western Australian Government Tramways. I believe that rejection of this legislation will lead to such a state of affairs, because it will still be possible for the Government to either squeeze or buy out private operators. That course will not be possible if a trust is set up with statutory authority to operate passenger transport in the metropolitan area.

I feel that simply refusing to pass this legislation would lead to a state of affairs worse than exists now, so far as bus passenger operation is concerned in the metropolitan area. However, there are those from this side of the House who do not like any form of socialism.

The Minister for Works: We all like socialism, but like to pick and choose.

Mr. HEARMAN: That could, of course, be debated, but it is not the point I am going to debate today. For those of us who do not like this particular socialistic proposition—and it is such—there is an obvious need for some constructive alternative to be put forward that will be acceptable to private operators, because if the private operators do not like any alternative suggested, they will continue to negotiate with the Government. No matter how much their position may be argued, I believe that if they have made up their minds to sell out, they will endeavour to sell to the Government. Therefore the need for some alternative which is acceptable to the private operators is essential if an effective political fight is to be put up on behalf of those people who wish to see a continuance of the private operation of bus transport in the metropolitan area.

It is quite clear to me that if there is no constructive alternative put forward, the bus operators are likely to sell out one

after another and probably further pressure will be put on them by the Government in the form of competition from government services. The Minister, during his second reading speech, mentioned unfair competition to which private bus operators are subjected. I think that policy would continue and the bargaining power of the private operators would be reduced. Therefore, it becomes necessary to try to find some alternative and, frankly, I can suggest no such alternative.

It is true that there are many factors which are working against the interests of private bus operators. I do not necessarily put them in order of importance, but there is the large increase in the use of private motorcars. This has led to a considerable falling off in patronage for private bus operators. I think that the additional parking facilities that are in the process of being provided in the city are doubtlessly having an effect, because it will be possible for a greater number of private cars to come into the city than has been possible in the past.

The increased number of taxis is another factor and the competition among taxis is extremely keen at the moment because of the large increase in the number of licences. Whether we like it or not, that position exists and there is a greater number of taxis per capita on the road here than in any other capital city in Australia. It is no good pretending they are not there. Bus operators are hard-headed businessmen and they are aware of the effect of taxis on buses. The question of taxi competition with buses is one that goes back many years and is extremely difficult to police.

Another trend is the development and encouragement of modern town planning for the building of out-of-town shopping centres. Another factor which is also influencing the thinking of these bus operators is the increased traffic congestion, which is making bus operation more costly due to slower running times. This is occasioned by the slower speeds at which trips can be made. The traffic congestion leads to additional control and regulations. My mind goes back to the time when the Metro buses used to turn at the intersection of St. George's Terrace and William-st. Today, that is unthinkable and they must go around the block. People may say that is not very much, but when buses make hundreds of thousands of trips per year, this extra mileage is a big factor influencing operation of private buses.

Today there is pressure from various authorities such as town planners, local government bodies, and certain Government departments such as the Main Roads Department, for the introduction of through-routing. I know a lot of people hold up through-routing as being, in many respects, the answer to a maiden's prayer—if I may use that comparison—but

actually I think through-routing is something which, sooner or later, will have to come. Whether we have arrived at the stage where it is essential now, it is difficult for me to say, but it is unquestionable that it will come, and it will lead to an increase in operating costs.

Naturally this is another factor which has influenced the private bus operators who now wish to accept the Government's offer rather than continue with what they regard as an unequal struggle. I have listed the particular factors in that order because I think they are factors which no Government of any political colour would attempt to alter. I do not think any Government would suggest that people could not use their private motorcars. I do not think any Government would not be interested in providing parking facilities, or say that the number of taxis should be reduced.

Furthermore, I do not think any Government would agree that out-of-town shopping centres should be discouraged, and no Government would fail to attack the traffic problem as it now exists and is developing. In addition, no Government would say, when the time for through-routing had arrived, that it would not be prepared to do something about it. These are all factors which are, more or less, not politically controversial but are factors operating against the interests of private bus operators.

There are matters that Governments—both State and Commonwealth—could deal with to alleviate the position of private operators. I instance the turnover tax. This was originally 6 per cent., but during the last 12 months it has averaged 2.75 per cent. It might be argued that this is an impost which no other form of transport bears, and should be completely eliminated. I would agree to that being done if it were possible for me to initiate such action. However, from where I stand, it is not possible for me to say to these operators that I can give an undertaking to see that turnover tax is eliminated.

Sales tax is another impost that is operating quite heavily on these operators, and they are very much concerned about this particular tax, because a number of fleets have reached the stage where heavy replacements will be needed. Now that it costs in the vicinity of £10,000 to put a bus on the road, the matter of £500 sales tax per vehicle is not inconsequential. As this is a matter for the Federal Government, as an individual I cannot give any assurance to these people in connection with it.

The diesel oil tax is also in the same category. Some operators have told me that they realised this new tax was hanging over them, but whether they expected it to be as severe as it is, I cannot say. It is costing the operators thousands of pounds a year, but I am unable to give an undertaking in that regard. Payroll tax also falls in the same category. There is

also the question of income tax, but I do not think any party would suggest that they should be relieved of it. I think it is a very over-taxed industry but, as an individual or as a member of the Opposition, I cannot give any real undertakings in connection with this taxation problem other than to say that if, and when, we get into office—it could be in 18 months time—we would reduce or eliminate the turnover tax. That is as far as we could go.

Another aspect which is probably the biggest single factor affecting operators of private passenger transport is the extremely low suburban passenger train fares that have been maintained in this State over a number of years. I well remember that when the previous Government was in office, and I was sitting behind it as a back-bencher, as was the member for Roe, we initiated a move for a reduction in the frequency of metropolitan passenger train services and were successful in achieving our objective. But it would be idle to suggest that we were not under fire, even within our own ranks, for making such a suggestion; and there is no doubt that visual observation will confirm that the number of passengers travelling today by metropolitan-suburban rail services is considerably greater than in the past. The addition of 20-minute services has unquestionably acted very largely to the detriment of private transport operators, and it would be idle to suggest that that was not a big factor in some of the companies' thinking.

It is true that the companies who are doing the best, and are paying the greatest turnover taxes are all companies operating in areas where they are free from Government opposition. I refer to the Coogee-Spearwood, Scarborough and North Beach areas, though it would be equally true to say there is another area—from Midland Junction—where a difficult situation has arisen and where there is no Government competition. So that competition from Government services is not the only reason for some of these operators finding it extremely difficult to carry on.

However, it would be idle to underestimate the effect on the thinking of the private operators of this threat from Government competition and the possible extension of that competition. We know that history shows there has been a tendency to push these Government services further and further out. Even when trams are discontinued in certain areas, we find Government buses substituted; and naturally these things do not pass completely unrecognised by private operators.

It seems to me that in connection with train fares at any rate we have the somewhat paradoxical and even Gilbertian situation where for years there have been non-Labour Federal Governments providing money through the Grants Commission to enable us to make good our railway

deficits; and in doing so they have made good some very substantial deficits amounting to £500,000 a year on metropolitan-suburban passenger traffic. In that way the Government has been able to increase services to the point where they have been a very real threat to private operators; and the Government has been able to do that with virtual immunity—if one can use the term—secure in the knowledge that deficiencies that may arise as the result of the operation of those services will be made good from other sources. There is no question that that competition has been a matter of Government policy to make it extremely difficult for private operators, and the money has been provided by the Federal Government in order to enable the State Government to do that.

If we cannot, in commonsense, reject this Bill; if we cannot find an acceptable alternative; if we cannot give assurances which will bear some weight with the people most concerned that we can eliminate or at least alleviate the difficulties under which they operate, it seems to me the only alternative is to do the best we possibly can with the proposition before the House. I believe that that is what the select committee did, and I frankly cannot put forward any further suggestions as to how the proposition might be improved.

As far as possible we have eliminated politics from the trust. We have made it as far as possible free from ministerial control. If the Bill is accepted, we will have created an opportunity to eliminate our inefficient and in many ways almost unworkable Tramway Department, because the trust would take over the whole of its operations, and I cannot believe it could do worse—it is possible that it could do very much better—than the department has done.

But, of course, it is one thing for Parliament to agree to legislation, and another thing for the Government of the day to implement it; and unquestionably a great deal will depend on the resolution which Governments show in carrying out responsibilities they will have in connection with this legislation should it go on the statute book. It will be necessary to rise considerably above anything that has gone before in connection with the setting up of a socialistic enterprise. It will be necessary to borrow many of the maxims and principles that prevail in the management of private business and apply them to this particular enterprise if it is to succeed.

If we simply drop back into the old rut that the Tramway Department is in at the moment, then obviously the trust will be no more efficient than that department which is losing at present £250,000 a year. With the increased responsibility that the trust will incur with the additional transport, unless some really consequential efforts are made to improve the situation, we can expect nothing more than

greater losses. It is worth bearing in mind that the private operators, taken together, have a loss of £80,000. If we put that £80,000 against a loss of £250,000, obviously there is a considerable leeway to make up.

I am not one who feels that the trust will necessarily have an easy task, nor do I anticipate that it will make large profits. In fact, if it can balance its ledger, I would say it will be doing very well—at the moment, at any rate. I do not know how conditions may change in the future; but at the moment there is a considerable leeway to make up, and it will cost the Government a considerable amount of money; because apart from the money that will have to be paid on acquisition, it needs to be clearly understood that the Government will acquire a lot of buses that will not be of much use, since many of them are past their best years.

It will therefore be absolutely essential to make new money available immediately for the purchase of buses to replace many that exist. So I would have to disagree with anybody who suggested that this proposal will not cost the Government money, that it is a cheap way out, and that we can congratulate ourselves that we will have solved the problem by the appointment of this trust.

In any event, whatever we do, it will cost money. Other alternatives have been suggested, such as subsidising existing operators. But that would cost the Government money too. Some people suggest it would cost a lot less. I believe that if the private operators could be induced to adopt that policy, it might cost the Government a lot less. But the private operators themselves feel that already they have had far too much Government interference and have not had sympathetic treatment from this Government or previous Governments; and they are not in any way interested in any proposition for operation under some system of subsidy.

The lessons of all this are, I think, fairly patent to those who represent the same political outlook as I. I think this is an obvious opportunity to be taken to review our own actions in the past and to ask to what extent we have contributed to the existing situation. If we are perfectly fair and honest, we will have to admit that we continued all these taxes to which I have referred, and we were not nearly sufficiently resolute in our support of private enterprise. Perhaps we did not appreciate the extent to which it is possible to tax private enterprise out of existence. I believe that is one of the reasons for the private operators now being so ready to accept the Government's proposition.

If private enterprise is to survive, there is an obvious need to create an atmosphere in which it can survive, which will encourage it to develop and expand, rather

than to hamstring it; and those of us who are on this side of the House have an unquestioned lesson to be learnt. We have this object lesson in front of us.

It also leads us to ask what will be the next on the list for socialisation. I know it would be possible for a Government, particularly if it secured control of both Houses, to introduce hampering, restrictive legislation that could easily have the effect of placing other private enterprise in exactly the same position as operators of private passenger transport find themselves today.

Then again, it is by no means a far-fung flight of fancy to suggest that there may be a move to take over the coalmines; and from remarks passed on the floor of the House by both the Premier and the Minister for Transport, it would seem that it would give them considerable satisfaction if "The West Australian" were to be taken over. It will be possible to create a situation where those people, like the bus proprietors, might be willing to sell out as the best means of saving something of their venture.

Mr. Lapham: Are you suggesting that?

Mr. Jamieson: Don't encourage them!

Mr. HEARMAN: The position has not yet arisen where the Government has been able to put the squeeze on "The West Australian"—if I might use that expression—to the same extent as it has put it on private operators. But that does not mean to say—

The Minister for Transport: Which Government put it on the private operators?

Mr. HEARMAN: I have said that all Governments have done it.

The Minister for Transport: This Government has removed some of their burdens.

Mr. HEARMAN: I am well aware of that fact, too. I have pointed out that the turnover tax has been reduced from 6 per cent. to an average of 2.75 per cent.; but the Minister himself in his second reading speech referred to the unfair competition from Government-run services. So there is no question that the squeeze—if I can use that term—has been put on the operators of private bus companies; and unquestionably a similar policy could be pursued in connection with other industries. Although there are many people at the moment ready to fight the cause of private enterprise to the last pound and the last bus company, I suggest that were they in a similar position to the bus proprietors they would say, it was impertinent for somebody to assert that they should not sell out to the Government if they so desired.

This is one of those cases wherein members on this side of the House could well take stock of the position and of their own actions in the past and ask themselves to what extent they contributed to creating this atmosphere whereby private operators are now willing, however much it may be against their innermost desires, to accept something which is a socialistic proposal. Up till now I believe it has been to a great extent a question of socialism by stealth and we, on this side of the House, have perhaps not been nearly as vocal as we should have been in this regard.

From time to time we have criticised the losses on the metropolitan-suburban passenger services, but in nearly all instances that has been taken into account together with the effect on freights in country areas, rather than in relation to the effect of that competition on the operations of private bus operators. If this legislation is rejected, I do not think there is any doubt that the policy of socialisation by stealth, which has been continued over a number of years, will be accelerated and it will be no longer a question of stealth, but of squeeze.

I do not think the private bus operators are under any misapprehension in that respect and in this instance, reluctant as I am—I do not think there is anyone more reluctant than I—to see these people go to the wall, I feel that the fight that is being put up today on their behalf is about ten years too late. I think that ten years ago it would have been possible to create circumstances that would have encouraged the private operator to carry on and would have saved successive Governments the payment of millions of pounds.

It would also have meant that the services which I believe will be operated by the Government at a considerable cost to the taxpayer could have been operated at no cost to the taxpayer. Nevertheless we are confronted with the fact that the bus operators are willing to sell out, and I do not think there is any way, in the circumstances, that we can prevent them from doing so. Our job is to see that the best possible deal is made, having regard to the circumstances and the interests not only of the operators but also of the public and the State.

I do not think there is any course open to us other than to endeavour to do what we can to ensure that the alternative services that will be provided are operated as efficiently and economically as possible and are the best that can be provided. I feel that this Bill will provide the opportunity to do that, although clearly the manner of its implementation is the responsibility of the Government. I believe the Government has here the opportunity to institute a reasonably efficient alternative to the present system, but that is up to the Government. I repeat that the Government has the opportunity and, very reluctantly, I support the third reading.

MR. OWEN (Darling Range) [5.33]: My first reaction to this Bill was to oppose it, because I am opposed to any increase in Government or semi-governmental trading and ownership of business concerns. I felt that over the years the private bus operators had been placed in an awkward position by the activities of the present Transport Board, and in fact, over the years I have had, at times, to endeavour to seek relief from the Transport Board for certain of the bus operators in my area. When the select committee was appointed I believed that the matters which I thought were evident would be revealed, but my ideas were not supported by the evidence given before the select committee.

As I said before, I felt that the activities of the Transport Board had been hard on the bus operators, while, in fact, most of the bus operators said that the Transport Board had co-operated with them and had not put pressure on them regarding fares, selection of routes, and so on, as one might have expected. Most of them said that they worked out the bus routes that they thought would be payable and convenient to them and that the Transport Board okayed their proposals and allowed them, in great measure, to please themselves in those respects.

With regard to the turnover tax, which had been set for a number of years at 6 per cent, the bus operators felt that that had been a great inconvenience and hardship to them, as no doubt it was, but where necessity arose and where a company was making a very small profit or even a loss, the Transport Board reduced that tax and, in some cases, waived it completely or even made a rebate. In at least one instance the Transport Board, in fact, paid a subsidy on certain routes to the bus operator concerned. I therefore had to reconsider my opinion as to what the Transport Board had done to grind these companies, as it were, out of existence, because I found that, in fact, the Transport Board had been fairly co-operative with them.

The main difficulty the bus operators have had to contend with has been a serious decrease in the number of passengers carried. Overall, and including the Government tramway service, there has been a general decline of nearly 10,000,000 in the number of passengers carried over the last four years. It must be realised that this is a big handicap to those operating bus services in the face of increased costs in so many directions.

Over the years the bus companies have periodically and with the consent of the Transport Board, increased their fares and, although each increase has meant a slight improvement in their financial position, the benefit has gradually decreased again until at the present time it is felt that any further increase in fares would be detrimental to the bus operators themselves. Under the law of diminishing returns they have now reached the stage

where any increase in fares would possibly result in a decrease rather than an increase in the financial return. The bus operators are therefore at their wits' end to know what to do to maintain their profits or even cover their operating costs.

With reference to the decrease in patronage, it has been suggested that the metropolitan rail coaching service has been increased and has operated on fares considerably lower than those charged by the private bus owners and that therefore the operation of the suburban railways has been responsible for the present position. But one has only to analyse the figures supplied to the select committee by the Transport Board in order to realise that the only bus services that have shown anything like an increase in patronage are those few that have operated in areas in which there has been a huge increase in population due, mainly, to the activities of the State Housing Commission.

Apart from three operators—and mainly one of them, I think—all the other transport operators have suffered a loss of patronage, and although they have done their best and have cut costs wherever possible, they are, in some cases, still not making ends meet and, in other instances, are not overcoming the general loss of revenue. One is therefore faced with the question of what is the alternative to the present position.

This Bill, which proposes the formation of a transport trust, might at first sight appear distasteful to most of us on this side of the House, but it seems to provide some way out for the bus operators who are at present making considerable losses, and it is even favoured by those who are still making some profits, so we, as legislators, are faced with the position where we must either accept the Bill or allow things to continue as they are. If we allow present conditions to continue, it seems that the inevitable result will be that the bus companies will, one by one, go into liquidation or cease operations and the Government will be forced to provide some service to the public in the districts concerned.

Mr. Oldfield: Would it not be cheaper for the Government to do that than to buy them out now?

Mr. OWEN: Apart from the trust proposed in the Bill, the Government could just bide its time and I believe that each of the bus companies in turn would eventually have to cease operation and the Government would then be able to take over the services at a give-away price and that, as the member for Blackwood has said, would greatly increase the activities of the present Tramways Department which is showing such a terrific loss year after year. I have had the experience in my own district of a railway being closed because it made losses too great for the Railway Department to bear. That service was taken over by a private bus operator and in some respects the service

then provided was satisfactory, while, in other respects, it was far from satisfactory, but at all events today it cannot continue unless it is heavily subsidised by the Government.

I feel that a similar position could also arise with many other bus services and that would mean that the Government would have either to pay a direct subsidy to the companies concerned or take them over and perhaps run the services at a loss. To my mind, the Bill will provide the bus operators with just compensation for their plant and goodwill. They are all operating and if the trust assumed control overnight, the operations would continue perhaps very much as they are at present, with gradual alterations and amalgamations, and I believe that a more efficient service might eventually be possible, if not at a cheaper cost to the travelling public, because I can see no chance of a reduction in fares and, in fact, the possibility of an increase. I feel that the cost to the State would be less, in that way, than if the services had to be taken over one by one, thus continuing the activities of the Tramway Department.

Furthermore, if they were taken over now, the bus companies would be able to realise on their existing assets and perhaps enter some other business. At least they would not be forced into liquidation. The member for Blackwood went very fully into much of the evidence that was given before the select committee and at this juncture I do not propose to say a great deal more, except to mention that because the bus companies will surrender their assets and goodwill, it is an opportune time for the metropolitan passenger transport trust to be formed.

Previously, there had been talk that there should be an amalgamation of several bus operators, but unless legislation were introduced to force their hand in that regard, I am afraid that they would be reluctant to become parties to amalgamation. The reason is that some of them consider they would be quite willing to amalgamate if they were given only short sections which would be payable, but they would be reluctant to take over long sections which would be unprofitable. Such an arrangement would be most unsatisfactory.

As I mentioned earlier, my first reaction was to oppose the Bill. However, I agreed to the motion for the appointment of a joint select committee and, on the evidence that has been forthcoming, I cannot do other than agree to the Bill. In conclusion, I quote the opinion expressed by an executive of one of the bus companies as follows:—

After due consideration I am in favour of the transport trust as I feel that the lack of investment capital and the bleak future is too much for private industry to carry.

I think that sums up the whole question and I support the third reading of the Bill.

MR. COURT (Nedlands) [5.47]: The select committee appointed to consider this measure held its hearings in camera and it was not practicable for publicity to be given to the evidence that was tendered to it until such evidence was tabled in the House. The evidence is fairly voluminous and it has been extremely difficult for members on either side to fully acquaint themselves with all the facts given. However, I have personally tried my best to examine the evidence in the limited time available, and I know that others have tried to do likewise.

My reaction to a perusal of that evidence is that it would appear that the committee, in the final analysis, has been motivated by consideration of two factors—firstly, the current position that confronts the operators and, secondly, traffic and town planning considerations, rather than the financial and economic problem that will arise from the establishment of the trust.

The Minister for Transport: Are you shortly going to move a vote of no-confidence in the joint select committee?

MR. COURT: No, I am not going to move a vote of no-confidence; I am speaking on the third reading of the Bill. Surely I can lead up to that point!

The Minister for Transport: I just wanted information.

MR. COURT: It is obvious that from the evidence which has been given and, in fact, from our predictions given before, that there will be very heavy capital commitments involved, firstly, for the acquisition of operating companies, for the establishment of certain installations which are inherent in this type of trust and then, of course, for the expansion of the trust facilities such as the replacement of buses, purchase of additional buses, provision of workshops and the like. It is also equally obvious from the evidence that has been submitted that it is not accepted as a fact by the committee that there will be freedom from operating losses estimated by one person—the manager of the Government Tramways—

MR. LAPHAM: He'd be a great authority, wouldn't he?

MR. COURT: —as initially being £500,000 a year. The member for North Perth interjects and says, "He'd be a great authority, wouldn't he?"

MR. LAPHAM: What about all the rest of the quotations?

The Premier: It is quite all right! The session is due to finish Friday week.

MR. COURT: I have no intention of reading the whole of the evidence right through. That would be too absurd. However, I will mention that evidence which is relevant. Therefore, the member for North Perth is not discounting completely the evidence advanced by the manager of the tramways, Mr. Napier, is he?

MR. LAPHAM: I am not taking his evidence as being the only evidence.

MR. COURT: Is the hon. member discounting his evidence completely or only partially?

MR. LAPHAM: I want to take all the evidence.

MR. COURT: The evidence given by Mr. Napier was very pertinent. I would be very interested to hear from the member for North Perth if he is going to discount either partially or completely the evidence given by the manager of the Government Tramways.

The Minister for Transport: It is a disgrace to a responsible officer to think that he asked the select committee to swallow the evidence that he put before it. Its findings were a complete negation of his submission.

MR. COURT: I take it that the Minister is also partially or completely rejecting the evidence given by Mr. Napier?

MR. LAPHAM. If you studied his evidence a little more, you would reject it, too.

MR. COURT: I would be interested to hear why his evidence should be rejected, especially when he is the manager of the Government Tramways in this State. He was very forthright in what he had to say.

The Minister for Transport: It is the greatest pack of lies, substantiated by nothing, that it has ever been my experience to encounter.

MR. COURT: Has the Minister read his evidence together with the rest of the evidence given before the select committee?

The Minister for Transport: Yes.

MR. COURT: His submissions are part of the evidence. One has to take this document as a total document, unless some of that evidence is rejected by the committee as being of no value or as being unreliable.

The Minister for Transport: Cross-examination reveals that it was a lot of wild exaggerated statements on his part.

MR. COURT: The Minister might form that opinion, but, in my opinion, he advanced a very straightforward statement of the situation that exists now and also of the situation that will exist in the future. There is a degree of realism in the evidence he submitted. For a civil servant in his position he was rather courageous in putting forward the evidence that he did, particularly as he had to disclose to his Minister the nature of the evidence that he had to submit.

The Minister for Transport: That goes to show how much intimidation there was on the question of giving evidence.

MR. COURT: No one suggested that there was any evidence of intimidation of Mr. Napier.

The Minister for Transport: Mr. Simpson did.

Mr. COURT: The Minister has touched on the question of intimidation. Whilst I would not use the word "intimidation," I think the Minister, in his calmer moments, would go further and say that the bus proprietors gave their evidence with their hands tied behind their backs, as it were.

The Minister for Transport: That is totally wrong.

Mr. COURT: It has been a question of, "You accept this or something worse will happen." That is not an exaggerated concept of the situation.

The Minister for Transport: Whoever put that proposition forward?

Mr. COURT: If the Minister reads the speech that he made before this House when the Bill was introduced, he will find that he made it very clear that if the trust were not established, the future of bus operators would be very doubtful and the position would get worse and worse until they would be virtually wiped out.

The Minister for Transport: That is the trend, but it has nothing to do with the action of Governments.

Mr. COURT: I will endeavour to put to the Minister that it is the action of Governments. I am not saying "the Government," but of Governments over a period of time. I think the member for Blackwood dealt with that aspect rather effectively. It will smart in certain places, but the lesson he portrayed is very true, namely, that some of us have been very complacent over the years about the inroads that have been made into private industry as a result of increased taxation and other charges.

The Minister for Transport: It is not because of Governments that 10,000,000 patrons have been lost in a few years.

Mr. COURT: From a consideration of the evidence it appears to me that practically all the operators were prepared to carry on if they were not confronted with this present state of affairs; a situation which, in many cases, was expressed as being unfair because taxation and other charges were of such a nature that the bus operators could not continue with their operations. In other words, they approached the whole inquiry and the negotiations prior to that with an air of resignation. We have to consider the whole proposition in that light. I know the Minister would like to brush that off as being of no moment, but it is of vital importance. Further, it is very important that we, as members of Parliament, should address ourselves to that problem.

If we accept now the formation of this trust without question, it is the point of no return so far as transport is concerned; that is, metropolitan passenger transport.

We cannot give this proposition a trial for two, three or five years and then say, "This has proved to be a bit of bad luck. We will try some other system." Once we have committed ourselves to one operating authority, as is proposed under this Bill, we have made an irrevocable decision.

The Minister for Transport: I notice that your Commonwealth counterpart is getting rid of many Commonwealth assets at bargain prices.

Mr. COURT: Not at bargain prices. The Minister or his officers have gone out of their way to obtain a fair market price and, in some cases, where a fair market price has not been achieved, no sale has taken place.

The Minister for Transport: Take the Commonwealth shipping line, for one.

Hon. D. Brand: What! For nothing?

The Minister for Transport: Yes.

Hon. D. Brand: To whom?

The Minister for Transport: Some of the Commonwealth Government's friends.

Mr. COURT: The Minister is horribly misinformed on that point because the Commonwealth Government, in many instances, has religiously refused to sell its assets because it could not get the price it wanted. However, that matter is irrelevant to the Bill we are now discussing. The fact remains that it is practically impossible to turn back once the die has been cast for the formation of a trust or a Government-operated concern, as the case may be, no matter whether one calls it a tramways, a trust or any other form of Government operation.

As I see it, the situation is this: It is not yet too late for the Government to have another look at this problem. The Minister seems very upset about this, but I am not going to put off what I want to say on this important issue. The Minister can keep calm and can reply at a later stage in his usual vitriolic fashion and we will, no doubt, completely enjoy it.

The Minister for Transport: Are you under instructions in making this speech?

Mr. COURT: No, I am not.

The Minister for Transport: There has been a change of face in your attitude since you last spoke on this measure.

Mr. COURT: No, the Minister is wrong in saying that. I have been very careful to go back and read what I said and what the Minister said on this Bill when it was previously before the House.

The Minister for Transport: I have read what you said, too.

Mr. COURT: I am most anxious to co-operate in regard to this measure as I am sure other members on this side of the House are, too. However, the Minister cannot expect us to be jumping for joy on a matter such as this, and we cannot

be asked, as members of Parliament, to accept a proposal without due consideration.

The Minister for Transport: That is why you asked for the appointment of a joint select committee.

Mr. COURT: I will refer to that in a moment. It is not too late for the Government to defer the proposal as contained in the Bill and objectively pursue some alternative, having regard to present finances. I can see what has motivated some of those who have considered this matter. I have read some of the expert evidence given to the members of the select committee on this question. It was given with a bias in favour of "What is easy for traffic control?" and "What is easy for town planning?"

No doubt they have merit on their side because the two problems of traffic and town planning go hand in glove. Often they bring with them problems which are diametrically opposed to questions of the finance and economics of the system. It is desirable at this point of time to avoid the Government having to meet excessive capital commitments because of the extreme shortage of loan funds, both now and in the foreseeable future; to avoid increased commitments on the part of the Treasury for the operating losses; and in the process to try to remove what is undoubtedly unfair competition from the metropolitan railway passenger services.

At the same time, one of the matters we should examine before Parliament finally decides on this issue is the giving of greater tenure to transport operators so that they can endeavour to obtain capital for themselves. At the present moment, I shall frankly admit, under the present system of operation, it is well nigh impossible for the operators to obtain large sums of capital. Those who have operated successfully and have some finance can borrow funds up to a certain extent, but there is a limit beyond which they cannot go, in order to keep their fleets modernised and in good condition.

Under the present set-up that position will worsen. I do not deny the difficulties that bus operators will experience at this point of time in raising capital. However, if they were given a proper assurance of security of tenure, and reasonable conditions of operation which will permit them to work on a long term and profitable basis, while at the same time, giving the public an efficient service, they will soon be able to reverse the present state of affairs and be able to re-equip and obtain added capital for their undertakings.

It is unfair to expect the operators to continue under the present set-up. They have been expected to fend for themselves, yet at the same time they were expected to meet a whole host of charges not borne by Government transport services, bearing in mind that those services have not been

able to make profits to pay into the Treasury as a recompense for the charges that are borne by private operators. There is a list of those charges, as long as an arm, including income tax, payroll tax, duty, traffic fees, sales tax, diesel fuel tax, licence fees, Transport Board fees, and, in addition, what is admittedly the unfair competition from the metropolitan passenger railway services.

I was hoping that as a result of its deliberations the select committee might have been able to find an alternative. The terms of reference did provide for that committee to make recommendations along that direction, and to come to light with some alternative over which Parliament could deliberate and bring about a state of affairs which would, first of all, ease the financial commitments for capital on the Treasury, and at the same time ensure that there were no excessive commitments on the Treasury for operating losses.

An ideal situation would have been a compromise of the socialist and non-socialist outlook by bringing about the position where two zones could have been operated by private operators, and a third zone by Government-operated transport, so that there would be some public competition, as it were, between the relative merits of the two systems. At the same time, that would enable a reasonably fair balance to be arrived at between the various systems for the development of new areas and the like.

The proportion of traffic carried by the respective systems is rather interesting. The break-up I have here shows that the suburban railway services carried 16 per cent., the Government tramways 38 per cent., and the non-Government services 46 per cent. The operating factors are equally interesting. The suburban railway services which carried 16 per cent. of the traffic showed a loss of £530,000, in round figures; the Government tramways which carried 38 per cent. showed a loss of £266,000; and the non-Government services, overall, showed a net profit of some £86,000.

Had it been practicable, the set-up that I referred to would have resulted in some rationalisation of the services, an end difficult, but not impossible, to achieve. It would have provided the yardstick for the measurement of Government versus private operators under reasonably similar conditions.

A further point, on which the Government either unwittingly or wittingly made a mistake, was the announcement, when the consideration of this legislation was before Parliament, of its decision to proceed with the construction of 10 new diesel railcars. To me that was a straight-out indication that the Government was committed to a policy of expansion of the metropolitan railway services, rather than a contraction of them or a more equitable

relationship between metropolitan railway transport and metropolitan passenger road transport, because the Minister's proposition does not overcome the problem that has existed in respect of the inequality between those two types of metropolitan passenger services. From my point of view I regard that announcement as sabre rattling, for want of a better term, whilst these deliberations were before Parliament.

The Minister for Mines: You have a very suspicious mind.

Mr. COURT: Even the Minister for Education has entered this argument with a grin on his face and uttering "tut tut" to suggest my remark was improper.

The Minister for Mines: You were not serious yourself.

Mr. COURT: The Minister must admit that the Government's announcement was illtimed, if nothing else, especially while these deliberations were going on over the vexed question of metropolitan passenger railway services and metropolitan street passenger transport. To say the least the announcement was inopportune.

In the original terms of reference that were suggested in this House, the following points were put forward:—

(1) Potential cost to the State of the proposed metropolitan passenger trust—

- (a) in capital over the next ten years;
- (b) in operating losses over the same period.

(2) Legislative, administrative and financial disabilities under which passenger transport operators labour in the metropolitan area.

(3) Rearrangements needed of present system of control, taxing and spheres of operations of metropolitan passenger transport, if any private operators are to continue on a sound and profitable basis without financial demands on the State.

(4) The practicability of privately operated passenger transport services continuing in conjunction with Government owned and operated services.

(5) The practicability of cutting heavy railway metropolitan passenger transport losses by replacing existing railway passenger services with road passenger services for a minimum period of, say, 10 or 15 years until the regional plan develops sufficiently to determine the desirability of the use of selected railway metropolitan passenger facilities.

(6) The practicability of operating metropolitan passenger services on a contract basis for the whole or part of the system.

(7) Trust proposals and compensation provisions in the Bill.

(8) Matters incidental thereto. Subsequently, as members are aware, the following went forward as the terms of reference to the select committee:—

That it be an instruction to the committee that it also inquires (1) whether it is desirable to have one statutory authority to operate metropolitan street passenger transport services; if so, whether the Bill satisfactorily achieves this purpose, or what type of authority would be best for the purpose, and under what conditions it should operate; and

The next part is what I consider to be of great importance—

(2) whether there are more desirable alternatives.

In the report issued by the joint select committee the following is stated:—

(a) It is desirable and necessary that one statutory authority should be constituted to take over and operate all passenger transport facilities by vehicles over streets in the metropolitan area of Perth.

(b) There is no practical alternative more desirable than this course.

With due respect to the committee, I am rather surprised that the members allowed their deliberations to rest at that particular point by being so terse about the matter and saying there was no other practical alternative than the course proposed. It is apparent from that that those members accepted beyond doubt the proposition for the establishment of a transport trust as inevitable.

I think that members of this House in considering all the evidence that was presented to the select committee will appreciate that there are alternatives which lend themselves to consideration and recommendation to this House. The proposition being such a vital matter, from which there is no return if we commit ourselves to the establishment of a trust, it was most desirable that other alternatives be canvassed. I cannot tell from the evidence submitted how far the committee did canvass amongst its own members and from other sources, the possibilities of alternatives.

As one realises, a lot of discussion takes place in select committees, and it is not always desirable or possible to tell the public completely about all the discussions that took place. A lot of the discussion is very informal, and it is therefore impossible to tell the House exactly how the decisions are arrived at. I am rather surprised that no alternative propositions were put forward, even if they were put forward with some diffidence, reservation or qualification. It would still have been

open to Parliament to consider those propositions in the light of the reasons given by the Government.

The Minister will admit that the report of the select committee, after enumerating the witnesses from whom evidence was taken, virtually goes straight to the findings. No doubt he will elaborate on that point and some of the others when he replies.

The Minister for Transport: You will have to do better than you are now doing to warrant a reply.

Mr. COURT: That does not dismay me.

The Minister for Transport: I have not heard so much piffle from the hon. member as on this matter, and in saying that I am being perfectly honest.

Mr. COURT: The Minister has expressed himself that way on other occasions when I was putting forward my views, and I was not dismayed.

The Minister for Transport: On this occasion you have hit an all-time low.

Mr. COURT: The Minister would not deny me the opportunity to express my views on this Bill.

The Minister for Transport: No; but I hope your speech will be of a higher calibre than the one we have been listening to.

Mr. COURT: The Minister has brushed off the evidence given by Mr. Napier, the general manager of the Government Tramways. I have no intention of reading his evidence in detail. The fact remains that from page 129 onwards of the evidence of Mr. Napier, which is very straightforward, his ideas on the capital requirements are set out.

Mr. Potter: Mr. Napier's evidence did not suit us.

Mr. COURT: The hon. member has hit the nail right on the head because Mr. Napier's evidence was most embarrassing to the Minister. I shall not labour the matter by reading Mr. Napier's evidence, and members, if they so desire, may examine it themselves. He set out the capital cost at £3,000,000.

The Minister for Transport: He did not know how he arrived at that figure.

Mr. COURT: He may be closer to the mark than some of the other witnesses. If we discount his figure to the Transport Board figure, that is from £3,000,000 to £2,000,000 the argument on a proposition of this magnitude is not really affected. No one can quarrel seriously with the other points raised by Mr. Napier.

The Minister for Transport: We can, on the establishment of a major workshop.

Mr. COURT: One cannot imagine the setting up of a trust of this magnitude without a major workshop installation.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. COURT: At this juncture I would like to record, briefly, some of the comments made by witnesses whom I consider to be key figures in this inquiry. I refer to the evidence of Mr. E. W. Adams, president of the Omnibus Proprietors' Association. As I will be restricted as to time, I shall endeavour to take fair and pertinent extracts. On the first page of his evidence he says—

The oppressive taxes, which have been levied against our members and the many restrictions placed on the conduct of our businesses, has made our task a heavy one and today most operators feel that we are fighting a losing battle. Because of this, operators, with perhaps one exception, support the formation of a trust. This support is in most cases very reluctantly given, as many have built up good efficient services of which they are justifiably proud and they do not like parting with them. However, circumstances have forced our hands and, bitter as the pill may be, most of us see no other alternative.

That pointedly summarises the atmosphere in which these people have negotiated with the Minister and in which they have given evidence.

The Minister for Transport: That could almost have been written by the select committee, could it not?

Mr. COURT: One of the main points on which Parliament wanted to be informed—at least members on this side—was in connection with the alternatives in order to avoid the heavy capital cost and the heavy operating losses of a trust.

The Minister for Transport: What heavy operating losses?

Mr. COURT: The Minister well knows that these services, operating as a single authority, will be battling, and that the authority will be defying history almost if it is able to trade without incurring heavy operating losses. It commences with one component which is losing approximately £250,000 a year. Drastic administration changes will be made in the set-up, many of which will mean increased costs rather than less cost. There are other considerations that have entered into the evidence—considerations such as traffic and town planning—which are based more on ease of operation and administration than on financial and economic factors.

The evidence of Mr. Adams highlights the situation that exists. It is not one that can be laid at the door of this Government alone because it has been coming on for many years through a succession of Governments. Therefore it cannot be denied that the present-day situation is, to a large extent, Government-made. Surely if it is Government-made, it can be rectified by the Government of the day, if it is the desire to change the present state of affairs!

I go on to the evidence of Mr. Lancaster, commencing at page 287 of the transcript. Mr. Lancaster is from the North Beach Bus Co. and his evidence is set out under several headings—

Lack of appreciation; lack of confidence in controlling body; excessive taxation; security of tenure; natural dislike of private enterprise to any form of socialism; the value of business; position of company in relation to tramways.

Here it is interesting to note what he says—

This company has been unique inasmuch as we are the only company which operates with an agreement with the Government tramways not to encroach on each other's territory—a position we feel is good for both parties. We also do not compete with the railways—if anything we have achieved some sort of through-routing with them. Our services all stop at West Perth railway station to pick up or put down passengers for conveyance to or from other suburbs.

This shows that a degree of rationalisation and co-operation is practicable because here is a private company co-operating with a Government service to avoid uneconomic running. His next headings are—

Concern for our staff; chance to recoup losses on routes pioneered; general remarks on proposed Bill; alternative proposals; difficulties of amalgamation in zones.

He has commented on the difficulties of amalgamation. This was a point which was well taken by him and one which we all understand because there is a clash of personalities when an attempt is made to amalgamate businesses. However, Mr. Lancaster's own performance has demonstrated that it is possible to achieve a degree of sensible operation by a private operator and a Government operator functioning side by side. His concluding remarks are of importance—

In conclusion I would like to say that my company would have been content to carry on as we were, before the trust was mooted. As a matter of fact, if we could have operated with as few taxes and controls as the Government tramways, we would have been more than happy. However, should the Bill become law, we will stand by our previous decision to co-operate, in the hope that the result will be in the best interests of all and with the hope that we are adequately recompensed.

This I think summarises the situation that has developed over a period of years, and it does not appear to me to be beyond the realm of practicability to recreate, or

create a state of affairs whereby these operators could continue to give an effective service without demands being made on the Treasury.

I thought the evidence given on the question of through-routing, which is of course, the objective of every town planner, was dealt with very lightly by the gentlemen concerned. They did not have much regard for the economic and financial considerations involved. I know it is the dream of every town planner to have through-routing of bus services so that they can go from one point to another. In theory the ideal is to have reasonably uniform, although not always uniform, loading. Many advantages are thereby achieved both in traffic control and passenger convenience.

However desirable these considerations may be, and however inevitable they are in the final analysis in the history of the State, the fact remains that we as a State, which is struggling financially, have to review the scene as we find it today with our present state of development. I have yet to be convinced, although there does appear to be some congestion in the city at times in connection with our buses, that we have reached the stage where the position is impossible. With a little more co-operation and co-ordination, we could no doubt achieve a state of affairs that would be an improvement on the present situation, but without landing ourselves into heavy capital cost.

Let us again examine the situation that will confront us. We are going to change from the position where we know that the operators carrying 46 per cent. of the passengers are making a profit of £86,000 per annum, after deducting the losing operators; and the Government tramways are losing £260,000, in round figures. This gives an overall result of a loss of £180,000. I cannot see where evidence has been advanced to demonstrate that we are going to change this situation from an overall loss of £180,000 to either a profit, or anything less than that.

The emphasis by the operators who should know, particularly the manager of the tramways, is that the loss will increase immediately. His evidence is pointed and to the effect that the industrial conditions under which the trust will operate, will not be as favourable to the operators as are the present conditions enjoyed by the diversified private companies.

Mr. Lapham: There is not a great deal of variation.

Mr. COURT: I think there is.

Mr. Lapham: He mentions that he works on a 40-hour week over five days and he states also that the Government has to provide superannuation and long-service leave for its employees. These conditions apply to normal bus companies today.

Mr. COURT: That may be so. I am not doubting that many of these companies have given concessions and have acknowledged the work of their older employees, and so on. But, of course, it is a shocking reflection on the existing Government tramway system if it is operating buses and losing this amount of money if, as the hon. member says, its industrial conditions are almost comparable.

Mr. Lapham: I do not think they are almost comparable. I do not think there is a great deal of difference.

Mr. COURT: It is the same thing. If there is not a great deal of difference they are almost comparable. I do not think we need split straws over that point.

However, I say that this is a point of no return. Once we accept this principle, we are committed irrevocably to the trust proposition—one controlling and operating authority. At this time I have not criticised the actual detailed contents of the Bill. I will be quite frank. If we agree with the principle of a trust, then I say that the Bill has been carefully drawn to achieve that purpose. For that reason there was no argument in the Committee stage, because the Bill provides the machinery whereby the trust will operate if the principle of a trust is adopted.

I have previously expressed the view that the Bill was obviously carefully drawn to try to absorb the existing bus operators on a basis that would be fair and acceptable if one accepted the proposition of a trust. For this reason I have not challenged any clauses or details of the Bill. The select committee recommended some amendments, which have been adopted by the House. These amendments give effect to modifications arising from a further examination of the situation. However, the matter being discussed now is not the question of the detailed clauses but that of the overall principles which the Bill seeks to achieve.

The Minister will, I know, think this is just playing for time and trying to frustrate and defeat the Bill, but it is not. I advance this proposition: This question is so important, financially and otherwise, to the State, that the Government should endeavour to play safe on the matter. We cannot be too sure. I feel it would be desirable for the Government to be a little patient over the matter. In the meantime it could preserve the position of the private operators and be fair to them. Even if the company that is in the greatest difficulty had to be assisted, it would not mean a great demand being made on the State compared with what might result in the ultimate if the legislation is hurried through.

For this reason it might be necessary for some concession to be made—some administrative rearrangement—for the period that will be lost. The period of time between now and when Parliament will

meet again is comparatively unimportant in the life of a State or nation, but once we are committed to this proposition, I feel we cannot go back if we have made a mistake. It is our duty to make sure by every means in our power, and by all the expert advice we can get—I am not reflecting on the committee in any way at all, which consisted of members of Parliament who conscientiously applied themselves to the job—that we do the right thing.

There are financial considerations which are vital to the State. The other States which have adopted this system have suffered serious and crippling losses; and they cannot do anything about it. This is the one State in Australia which has a chance to examine the matter further, and to try to produce an alternative set of conditions whereby, for the foreseeable future, this State will not have to suffer heavy road passenger operating losses.

We are in a rather unique position in that we have retained so many operators who are carrying 46 per cent. of the passenger traffic in the metropolitan area; and those companies are still in the hands of private operators and, with odd exceptions, are managing to trade profitably. Therefore, if the Government is prepared to be a little patient in this matter, and have it further examined, it can be brought back to Parliament when it meets next July or August. In that time the whole question can be very carefully examined, much more so than has been possible on this occasion.

Mr. Lapham: We will have to take over a couple of bus operators in the meantime.

Mr. COURT: Not necessarily.

Mr. Lapham: What do you want us to do; subsidise them?

Mr. COURT: The difference between keeping them afloat, and their going out of business, or being taken over, is not much.

Mr. Lapham: Do you want us to subsidise them?

Mr. COURT: I understand the Government is having to keep one of them afloat now.

Mr. Ross Hutchinson: By the passing of this Bill, you will have to keep them all afloat.

Mr. COURT: I know that the Minister will endeavour to say that we have turned about face in this matter, and that we are deserting a member of our own side who took part in this select committee.

The Minister for Transport: You seem to have a guilty conscience because I have not said anything of the sort as yet. What is making you mention it?

Mr. COURT: The Minister's earlier interjections were rather pointed and I am taking them at their face value.

The Minister for Transport: I think you have astounded even yourself.

Mr. COURT: I did not know that I had done that well.

The Minister for Transport: You have been talking under difficulties all night because of your about turn.

Mr. COURT: I seem to have irritated the Minister tonight.

The Minister for Transport: No, you have not.

Mr. COURT: We are looking forward with interest to his reply to the debate.

The Minister for Transport: I have lost any faith that I had in you.

Mr. Bovell: That is a recommendation.

Mr. COURT: I do not think the Minister really means that. We propose to oppose the Bill at the third reading stage because we feel there is need very closely to examine the alternative propositions that are available. If it so transpires, after the matter has been further examined that there is no alternative, then Parliament may have to accept the inevitable. But I do not think it is the inevitable. All the evidence, if one analyses it, is based on the fact that a certain state of affairs exists which brings about the present resignation; but I think the present system can be remedied. If it is incapable of remedy, the position can be considered in another light.

The Minister for Transport: The only way to remedy it is by placing a ban on the private motorist using his own vehicle.

Mr. COURT: That is not so.

The Minister for Transport: It is so.

Mr. COURT: How are these bus operators carrying on profitably now?

The Minister for Transport: They are faced with a falling patronage all the time.

Mr. COURT: But some of that patronage can be overcome. The Minister knows that the competition of the railways is not fair.

The Minister for Transport: This has nothing to do with the railways; it is the habit of people using their own cars, and you know it.

Mr. COURT: There are many—

Mr. Lapham: Do you want to load the Government with additional costs?

Mr. COURT: I cannot follow the member for North Perth. He wants to load the railways with additional costs.

Mr. Lapham: You want to take the passengers from the railways and put them on to private buses.

Mr. COURT: The situation of the railways is just farcical. It appears that the more passengers they carry, the more money they lose. Does the hon. member

want to continue a state of affairs like that? All I am asking for is fair competition, and one of the big complaints over recent months is that there is unfair competition. I know it has been suggested that if railway fares were fixed on the same basis as the private operators' fares were fixed, and on which those applying to the Government road buses are fixed most of these problems would disappear.

Mr. Lapham: That is all based on assumption.

Mr. COURT: That is what was said by those giving evidence.

Mr. Lapham: That is assumption too.

Mr. Johnson: You say lots of things that we do not believe.

Mr. COURT: I do not know where we are getting at the moment; but that is the evidence given by these people before the select committee. Surely we accept that evidence wholly or in part, unless we specifically say we reject it! However, I was distracted from my concluding remarks. For the reasons I have given, we consider that at this stage we should oppose the Bill.

MR. ACKLAND (Moore) [7.50]: I feel that I cannot let the third reading of this Bill pass without having something to say about it. I will admit that I did not speak on the second reading debate; and we understood there was to be an all-party committee, representing all parties in this Parliament, set up to investigate this matter fully. I have read as much of its report as I have been able to do in the time since it has been in the House, and I feel I would be lacking in my duty if I did not express my views before the third reading was put to the House.

At the outset, I will admit that rearmaments and post mortems are not always desirable, but I think it would be wise in this instance to go back some years and look at the genesis of the position in which we find ourselves today. Nearly ten years ago, when I supported a non-Labour Government, I believe we laid the foundations for the position in which we find ourselves today. At that time we found that the Government entered into competition with the bus companies with their own bus service. Some of us objected rather strongly and at a later date a suggestion was made to the then Government that the writing was on the wall; that there was chaos in the metropolitan transport services; and that ultimately we would find ourselves in the position in which we find ourselves this evening.

A suggestion, which had a good deal of support, was made that the Government should form a transport trust. At that time the private companies were sufficiently strong to have a real equity in such a trust, had it been formed. Had the opportunity been taken to bring all transport bodies, both Government and private,

into such a trust, it would have been completely beyond Government control. It would have had the right to fix its own fares and routes; and had it been brought into operation, we would not have found so many districts with services running in competition with each other, or so many other districts with no services at all. Had such a decision been made eight or nine years ago, I think we would have had a trust which could have operated successfully, at no cost to the Treasury and without political interference.

That time has now passed; and because of the circumstances now obtaining it is my intention to oppose the third reading of this Bill. I know that up to a point we are under some obligation to the members who represented our parties on the committee of inquiry. But to me the strangest thing about it is that one member who dissented at least in part from the findings of this committee, was the Minister for Transport during portion of the period to which I have referred. I feel that had he adopted a different attitude to those associated with him, he would not have found himself out on a limb, as he has done on this occasion.

I think this position has been brought about partly by the Government which I supported and partly—and far more so I believe—by the Government that now sits on the Treasury bench. I believe there has been a move—we can call it an insidious one if we like—to make the position of the private transport companies quite untenable. On the one hand, we have a Transport Board which, to a great degree, controls the routes and fares of these companies; and then we have a metropolitan railway passenger service which has operated very much to the detriment of all road services.

On the 22nd October, the member for Blackwood asked some questions in the House relating to fares on the metropolitan railway passenger services. The answers given by the Minister for Transport showed just how much the Railway Department was contributing to the position in which we find ourselves today. The Minister said that on a two-mile run railway fares in the metropolitan area of Western Australia were 6d., whereas in Sydney the fare for the same distance was 9d.—50 per cent. more—and in Melbourne it was 1s. 1d. and 11d., depending on the class of travel. Taking an average of the Melbourne fares, they were 100 per cent. higher than for the same distance in Western Australia.

The Minister for Transport: So are their freights on rural products.

Mr. ACKLAND: I am not in a position to make a speech on that aspect.

The SPEAKER: And I will not allow you to make a speech on it, either.

Mr. ACKLAND: You, Mr. Speaker, would pull me up if I did so! And I would suggest that you stop the Minister for Transport

trying to draw red herrings across the trail, and trying to get me into disfavour with you.

The Minister for Transport: When you sit down I will get up.

Mr. ACKLAND: Over a distance of four miles the cost on the metropolitan railway services in Western Australia is 8d., in Sydney it is 1s., and in Melbourne it is 1s. 7d. for first-class and 1s. 2d. for second-class. Over eight miles the charge is 1s. in Western Australia, 1s. 8d. in Sydney and 2s. 3d. and 2s. in Melbourne; for ten miles it is 1s. 2d. in Perth, 1s. 11d. in Sydney, and 2s. 7d. and 2s. in Melbourne.

I believe that the Railway Department, through its metropolitan passenger services, because it has gone out to undercut the bus services and put up stopping places all over the place where they did not exist before, is responsible for bus companies losing 10,000,000 passenger fares during the last four or five years.

Mr. Potter: The metropolitan railways do not serve 75 per cent. of the metropolitan population.

Mr. ACKLAND: The hon. member can make his usual brainy speech at a later stage!

The Premier: There is no need for you to get so happy.

Mr. ACKLAND: I am perfectly happy. I did not catch the interjection made by the Minister for Transport, and I wish he would interject sufficiently loudly for me to hear what he has to say. I think the interjection he made was most objectionable, though I could not quite catch it.

The Minister for Transport: No.

The Premier: It was quite friendly, as a matter of fact.

The SPEAKER: Order!

Mr. ACKLAND: I want to make some reference to the railways, and the Government transport system in the metropolitan area. We have had the Minister admit that the rail passenger service in the metropolitan area lost £500,000 last year. We know from reports that have come to this House that the tramways have lost £250,000 per year, and we also know that the railway losses in the metropolitan area during the last financial year represented a total of £1,090,000.

Unless this trust has some protection, and unless there is some possibility of it competing on favourable terms with the metropolitan passenger train services, then its success is doomed from the very inception of its operation. There are two points that are absolutely essential. The first of these is that the fares of the rail passenger services in the metropolitan area must be made comparable with those of the bus services when this trust begins to operate. I also believe that if it was reasonable—and I do not admit it was—to discontinue 842 miles of railways service in country

districts because they lost £500,000—and they had no alternative transport—then it is more than reasonable that the rail passenger service in the metropolitan area should also be discontinued because it also lost £500,000.

Here we have running parallel to every suburban rail service, bus services of one sort or another. I have some figures which I would like to give the House, and the Minister may pull me up if they are wrong, but they are figures given in answer to a question in 1953. From these figures it shows that it cost 9s 10d. per mile to operate a diesel railcar with a maximum load of 110; it cost 2s 6d. per mile to operate a road bus with a maximum carrying capacity of 70; both are crush loads, I will admit. Two railcars are equal in carrying capacity to three road buses and we find that two railcars would cost 19s. 8d. as against three road buses at 7s. 6d. If Parliament believes it is fair and just to deprive the people in the country of their transport, then it should also close the metropolitan rail passenger services. There is a much bigger loss in running the metropolitan rail transport service, which also lost £500,000, and which cost 19s 8d. per mile as against 7s. 6d. per mile for the same payload by buses, and unless something is done along those lines, I have every justification for opposing the third reading of this measure.

To my mind there are two essential features. The first of these is that this transport trust, should it become operative, should be completely free of all controls and free to operate as its appointed management may think fit. It should be free to charge fares which are considered payable.

Mr. Lapham: The Bill provides for that now.

Mr. ACKLAND: The second essential is that if we are to persist in running these unnecessary and uneconomic diesel rail services in the metropolitan area, then they should be compelled to charge those who patronise them exactly the same fares for the same distance and for the same service as is charged by the road trust.

Mr. Heal: Do you recommend that for the country areas as well?

Mr. ACKLAND: We are not talking about the country areas; I have compared it to the country. My point is that 842 miles of railway lines have been closed in the country with a view to saving £500,000, and I suggest that some consideration be given to closing 45 miles in an area where there is good alternative transport that could be made profitable, if it were not for the unfair competition under which these bus services are labouring at present—and under which they have been labouring for the last few years. I have been very sad when reading the evidence presented to the joint parliamentary

select committee which considered this position. I cannot lay all the blame on the Labour Administration of today.

The Minister for Transport: You cannot lay any of it.

Mr. ACKLAND: It started during the time the Government that I supported was in office, and unless this trust is given some reasonable opportunity of competing on favourable terms, the position will become untenable for its future operations, and we will have on our hands another organisation with a huge deficit which the taxpayers of the country and the city will have to bear. I oppose the third reading.

[Mr. Heal took the Chair.]

MR. ROSS HUTCHINSON (Cottesloe) [8.9]: The Government's proposition with regard to this measure is one of the biggest socialist moves ever to be made in this State. As several of the previous speakers on this side of the House have made known, the pity of it is that it has been contributed to in some way by previous Governments. However, I do not see for one moment why we should endeavour to perpetuate wrong done by past Governments. The Deputy Leader of the Opposition made reference to the evidence given by the general manager of the State Tramways and Ferries Department. In doing so, he drew from the Minister for Transport and from the member for North Perth interjections as to the merit of that evidence. I think it might be pertinent at this stage to have a look at the opening remarks of the general manager of the Tramways and Ferries Department.

The Minister for Transport: You might have a look at the question and answer, too.

Mr. ROSS HUTCHINSON: Let us see what it is in this evidence to which the Minister for Transport objects so much. It seems to me that the Minister is really touched on the raw in connection with this matter and for the edification of the House I propose to read the evidence to which I refer. This is what Mr. Napier had to say—

The question uppermost in my mind is why socialise metropolitan passenger transport service while private operators continue to provide a satisfactory service in meeting the travel wants of so many people? Surely from the Hon. the Treasurer's angle it would be preferable by far to do all possible to keep the private operators on the road. If a transport trust backed by the Government is to become the sole operating authority, then it would seem that the Hon. the Treasurer will be faced with a further drain on his limited loan moneys to the extent of £500,000 approximately per annum. This figure

is the sum of the difference in operating costs (Government versus private companies) and interest on capital expenditure associated with the acquiring of private operators' interests and the meeting of the major needs of the proposed trust.

In considering revenue from the districts now serviced by private operators it must not be thought that the revenue now recorded will be earned by the trust, because it is fair to assume that a worker's fare, a child's fare and a pensioner's fare concession, now available on Government trams and buses, will be made to apply throughout all districts taken over by the trust—the outcome will be lessened revenue.

The Minister for Transport: You will notice that at one stage Mr. Napier says the Treasurer of the State and at the next he says the Government of the State.

Mr. ROSS HUTCHINSON: It is quite obvious after having read so much of Mr. Napier's remarks, why the Minister for Transport should object so much to his evidence. It does not agree with what the Minister for Transport thinks about it.

The Minister for Transport: I do not think you are much of a gentleman to talk that way. You are casting reflections on your colleagues.

Mr. ROSS HUTCHINSON: If the Minister will say that outside, I will endeavour to deal with him.

The ACTING SPEAKER: Order! The hon. member should address the Chair.

Mr. ROSS HUTCHINSON: I would like you at this stage, Mr. Acting Speaker, to ask the Minister for Transport, who holds an eminent position in this Chamber, to withdraw the remark he has made.

The ACTING SPEAKER: I would ask the Minister to withdraw his remark.

The Minister for Transport: In deference to your request, Sir, certainly.

The Minister for Lands: Is this still the third reading?

Mr. ROSS HUTCHINSON: This is still the third reading debate.

The Minister for Lands: Is this the measure of the Opposition's co-operation in the closing days of the session?

Mr. ROSS HUTCHINSON: The Minister for Lands can get up and say his little piece later.

The Minister for Lands: I would do it better than you.

Mr. ROSS HUTCHINSON: The Minister could not do anything better, and all I can say is heaven help the interests of the State when he gets to London! It is quite obvious why the Minister for Transport—whose poor retraction was made a moment

ago—should have become so vocal when the Deputy Leader of the Opposition mentioned the evidence given by the general manager of the State Tramways and Ferries Department. I shall now continue with Mr. Napier's statement.

The Minister for Lands: Why?

Mr. ROSS HUTCHINSON: Because I want to, and the Minister cannot stop me.

The Minister for Lands: Because you have been told to.

Mr. ROSS HUTCHINSON: Dry up!

The ACTING SPEAKER: Order! The member for Cottesloe should forget about interjections and carry on with his speech and he would do better.

Mr. ROSS HUTCHINSON: I will endeavour to carry on, but stupid interjections upset the continuity of one's endeavours to make a speech.

Mr. Johnson: Are you making a speech?

The ACTING SPEAKER: Order!

Mr. ROSS HUTCHINSON: I will now quote Mr. Napier as follows:

In the light of the loss recorded by other States—

Sydney and Newcastle—1955-56—
£4,138,000.

Melbourne—1956-57—£1,077,425.

Adelaide—1955-56—£686,247.

Mr. Potter: Who was saying this?

Mr. ROSS HUTCHINSON: To continue—

and having in mind the all-out efforts made by those authorities to reduce costs and increase revenue, it is safe to predict that the projected cost would not present a brighter picture.

Therefore, I realise that the Minister for Transport might well feel upset about such evidence from this gentleman; and it is evidence we must bear well in mind—it is considered evidence.

Mr. Lapham: What is the set-up in Sydney and Melbourne?

Mr. ROSS HUTCHINSON: I oppose this Bill as it represents socialism with all that socialism implies in this form of industry. I refer, firstly, to the great initial financial burden that the State and people will have to bear.

Mr. Roberts: That doesn't worry the Government; it has plenty of money.

The Minister for Lands: Plenty of potatoes, too!

Mr. ROSS HUTCHINSON: Secondly, there are the inevitable mounting losses that will be incurred from year to year, and, thirdly, a resultant dispirited Government service, shackled by political interference. It is well for us all to remember that it is the people who will eventually

have to pay for this move; they will have to pay in hard cash and in all probability, for a poorer service.

The Minister for Lands: They are certainly having to pay for it now.

Mr. ROSS HUTCHISON: The position, of course, is that private bus operators have been virtually forced by certain conditions to acquiesce in the Government's socialistic proposal. I do not think anyone can justifiably deny that. Actually, I think the Government has been very shrewd in the whole of this move and has virtually posed an ultimatum to the private bus operators.

The Minister for Transport: Utterly untrue, of course.

Mr. ROSS HUTCHINSON: Virtually an ultimatum.

The Premier: Only 99 per cent.

Mr. ROSS HUTCHINSON: Either they get out now in favour of this trust—that is, a socialised service—with reasonable compensation or they carry on with—and mark this—no change in conditions. It might be well said that when the final ruin of private bus operators is achieved through Government interference—taxation measures and the like—the Government will then be able to take over these services for a song. Under these circumstances the private bus operators really have had no choice whatsoever. It was the devil or the deep blue sea. That is the choice they had to make.

I suggest there is an alternative to this proposal, but it is an alternative to which the Government appears insensitive. I feel the alternative to the Government's proposal is that instead of the State taking over the financial burden—the very material burden of metropolitan passenger transport—it should delay the implementation of this move and then begin to eliminate the reasons, conditions and causes that have given rise to the introduction of this measure. Therein lies the alternative, and it needs a wise Government to do it. I can say without fear that if we were on that side of the House and had the opportunity tomorrow to take this step, we would take it and remove the conditions which have given rise to the state of affairs where bus operators feel there is no course open but to agree to a socialised form of transport.

Mr. Johnson: You would deprive people of their motorcars.

Mr. ROSS HUTCHINSON: Nothing of the sort. We would learn from mistakes made in the past. I feel that the inaction of past Governments should be condemned because they did not make the situation more bearable to enable the bus companies to operate. I would say there has been a lack of imagination that has helped to provide the set of circumstances and to provide the wintry climate in which bus operators have had to conduct their

business. It should be the aim of the Government to create a climate in which these people can operate; and I think they would operate if given assistance and sympathetic consideration. If this Government does not do it, it has been pointed out by previous speakers that the State will be assuming a burden that will be increasingly heavy as the years go by.

I hope that at this stage the Government will delay the implementation of this measure and not want control for controls sake, simply because it is part and parcel of its platform. I suggest that endeavours be made to remove the set of circumstances that have given rise to this whole business. This is not a philanthropic proposition on the part of the Government. I would say that it is a sound commonsense business approach to the matter.

Mr. Potter: How would you know?

Mr. ROSS HUTCHINSON: It is a proposition that, instead of costing the Government money, will save it a great deal, and that should have an instant appeal to the Government.

I pointed out earlier in my speech the feelings of the general manager of the Tramways Department with regard to this proposition. I feel we should not add substantially to the financial burdens that the State will be forced to carry. I hope that, as I said previously, the Government will, even at this stage, endeavour to delay the implementation of this measure, which will bring about a set of conditions that the people of this State do not want. I oppose the measure.

THE MINISTER FOR TRANSPORT
(Hon. H. E. Graham—East Perth—in reply) [8.25]: I am certain that every single person within this Chamber and outside it is completely and utterly amazed at the volte face on the part of certain members of the Opposition. I think it is necessary for me to have a look at a little bit of recent history in order to prove that point beyond dispute. It is only five weeks ago when the member for Nedlands suggested that there should be a select committee to investigate this Bill. He said—

The Minister looks with horror on that suggestion but on reflection he will realise that it could facilitate greatly the passage of the measure and save a tremendous amount of debate and, with due respect to some of the utterances that would otherwise be made, a tremendous amount of hot air in connection with the matter.

He went on to point out that even in the short time he proposed, the select committee would be able to gather all the information that was necessary. In his words—

However, at least two-thirds of the information necessary for the answering of those questions would be readily

available from a comparatively few witnesses and those people could place before the select committee, if appointed, the information required and the committee could quickly come to a conclusion and make a recommendation.

and so it did. He went on to say—

He can take it that if the select committee agreed entirely with the position for all time, the trust would be entitled to expect—and I think would get—the support of Parliament so long as it did its job properly.

He proceeded—

If the Minister will co-operate in connection with this matter I have the permission of the Leader of the Opposition to say that, without using any pressure, by voluntary arrangement we will produce the minimum number of speakers during the second reading debate in order to facilitate the passage of the Bill.

Mr. Court: Which we did.

The MINISTER FOR TRANSPORT: That part was done. Then he went on to say—

Mr. Court: I hope you are going to read all my speech.

The MINISTER FOR TRANSPORT: No, only the parts relevant to this. He continued—

I can assure members of our intention to co-operate in this matter to facilitate the passage of this Bill.

I interjected as follows:—

Are you speaking for your corresponding numbers in another place?

The member for Nedlands continued—

Yes, so far as I can commit the hon. gentlemen. I am certain that the Leader of the Opposition would be prepared for me to go this far and say—and I can almost guarantee this—that we will get equal co-operation, at least so far as the Liberal members are concerned;

Mr. Court: Aren't you going to read the lot and be fair?

The MINISTER FOR TRANSPORT: Those were the sentiments of the member for Nedlands when he was pleading with the Government to set up a joint select committee to investigate the contents of the Bill and matters pertinent to it. The Government readily acceded to the request and, as a matter of fact, the member for Nedlands was consulted with regard to the verbiage of the terms of reference.

[The Speaker resumed the Chair.]

Mr. Court: You would not adopt our eight points. You wanted modification and we accepted it.

The MINISTER FOR TRANSPORT: Those terms were all-embracing.

Mr. Court: The one we were most insistent upon was consideration of alternatives.

The MINISTER FOR TRANSPORT: If the member for Nedlands wades through the 402 pages of evidence, he will find considerable attention was given to that aspect of the matter. That was the atmosphere. Accordingly the Government decided that if we were to expedite and facilitate the passage of the Bill, something along the lines suggested should be done. We were impressed by the statements of the Deputy Leader of the Opposition that this was a question of considerable importance and magnitude and the rest of it. Those were not his words but he used terms to that effect. But we find neither the Leader nor the Deputy Leader of the Opposition nominated himself to be a member of the select committee but gave the position to one of the back benchers.

Mr. Court: You know why. It was explained at the time. Be fair about it! I would have gladly gone on the committee, but we could only nominate one person, if we were going to have one from the Country Party, which was only fair.

The MINISTER FOR TRANSPORT: Let us get this in proper perspective. This all-important question which requires so much probing, and which can have such an affect upon high political principles and could impose such a millstone around the neck of the Government for evermore, was inquired into by a select committee, and one of the back-benchers opposite was placed on that committee rather than one who occupies a front seat. Here let me say that there was no man on that select committee who applied himself more assiduously to his task than the member for Blackwood; I am in no way criticising him.

Mr. Court: Then why are you complaining about his appointment?

The MINISTER FOR TRANSPORT: I am not doing so. The Deputy Leader of the Opposition, because he drew a blank, now wants further delay and procrastination. He wants the matter approached from another angle apparently by another party.

Mr. Ross Hutchinson: In the State's interest.

The MINISTER FOR TRANSPORT: There was no mention of these further matters initially. Could it be that the select committee, after working in the way it did, from the Deputy Leader of the Opposition's point of view has come to the wrong conclusion? Might I remind him of the observations of the Leader of the Country Party who said that the select committee, if it did its duty was bound to make a report on the evidence before it.

What purpose does it serve if eight men call a score of witnesses and accumulate some hundreds of pages of evidence and then get into their respective corners with their own individual points of view? The whole thing would be a farce. It is the duty and responsibility of a select committee to hear the evidence and deliver its findings conscientiously in accordance with that evidence.

Mr. Court: But you have already disclosed that you rejected one important part of the evidence.

The MINISTER FOR TRANSPORT: That is so. If the Deputy Leader of the Opposition cares to read the evidence, he will see that there was very little that was reliable from that particular witness. Perhaps I can tell the last part of the story first. First of all, in connection with the pronouncement of the Leader of the Country Party, to which I whole-heartedly subscribe, even the dissident hon. Mr. Simpson confessed before all members of the select committee that on the evidence there was no other conclusion to which the committee could come than the one which forms the basis of the recommendations.

I am stating this because I believe that man was politically dishonest in going to the Press the same night with a statement when he was a member of the committee that heard all of these relevant witnesses in connection with the matter, and had every opportunity to ask any question he liked of any witness pertaining to the matter.

Mr. Court: How else is he going to get his message across? He cannot submit a minority report from a select committee.

The MINISTER FOR TRANSPORT: He made an admission that on the evidence there was only one decision to which the select committee could come; and, quoting the Leader of the Country Party, it was his duty on the strength of the evidence to bring down a finding, and not to indulge in a game of politics.

Mr. Court: In other words, you are saying that Mr. Simpson told a lie.

The MINISTER FOR TRANSPORT: I am not going to use those words.

Mr. Court: You have gone that close to it that it does not matter.

The MINISTER FOR TRANSPORT: Without embellishment, I am stating to this House what that hon. member said before the committee. There may be a matter of propriety about it, but I suggest there is a matter of propriety when one is charged as a member of a select committee elected by both Houses of this Parliament to investigate a matter for there to be some common decency in connection with that matter. All sorts of

things were said about bus operators being intimidated and the rest of it. That is—

Mr. Ross Hutchinson: You have given away confidences before.

The MINISTER FOR TRANSPORT: —completely and utterly without foundation; and all I want in connection with this matter—be the proposition good, bad or indifferent—is that it shall be judged on its own inherent merits. The Government did not espouse the cause of a metropolitan passenger trust and submit it to the people at the last election. It is not committed to this proposal. But I venture to suggest that if this legislation were dropped, there would be more disappointment amongst those associated with the metropolitan transport industry than amongst those who might be ardent supporters of the Government.

All this clap-trap about unfair Government competition and the rest of it! Members know—because the information was submitted to them several weeks ago—that over the past five years for which statistics are available, notwithstanding that the population increased by some 50,000 souls in the metropolitan area, the patronage of public transport has fallen by 10,000,000. Admittedly the Railway Department has increased its patronage by 3,000,000. Let us take that into account. The net result is that 7,000,000 fewer are patronising public transport.

Mr. Court: You, yourself, used the phrase "unfair competition" in respect of railways.

The MINISTER FOR TRANSPORT: It may be so. But let us be basic and fundamental and honest about this. There are perhaps 101 different factors all of which have had some effect. But, basically, the proposition is that a growing percentage of the population is using private as against public transport. That is not the action of Government; that is the action of the individuals who have made their own private decisions in the matter. That is the position that is confronting this Government and all of the bus operators. It is because of that patronage, because of that trend, that they are somewhat fearful of the future. In some cases they have, by and large, no worry at all for the time being; in other cases, the position is exceedingly desperate.

I submitted to this House the question as to whether it was fair that the Government should be requested to accept the bad fruit as they fell from the tree; that is to say, non-paying and losing routes. Were we to do that, or were we to take time by the forelock and deal with the situation in order to provide a proper basis for a form of transport which would be set up by Parliament but which would

not be operated as a Government instrumentality, and compensate on a fair basis those who were operators?

This afternoon and this evening I have asked myself repeatedly what the reasons are for the change of attitude on the part at least of the Liberal Party section of the Opposition.

Mr. Ross Hutchinson: No change of attitude.

The Premier: Only on the part of the front bench, so far as we know.

The MINISTER FOR TRANSPORT: We had the second reading stage of this Bill, and there was no violent criticism of the principles of this Bill or even high political principles.

Mr. Grayden: There should have been, but there wasn't.

The MINISTER FOR TRANSPORT: The fact remains that there was not. Then after the select committee delivered its report there were a whole number of amendments, and every one of them was moved without a "yes" or a "no," or even a cough or interjection.

Mr. Ross Hutchinson: That was explained by the Deputy Leader of the Opposition.

The MINISTER FOR TRANSPORT: There might have been a whole lot of words floating around.

Mr. Court: I explained to you that if one accepted the principle of the trust, there could be no quarrel with the form of the Bill. You were dealing with the machinery at the Committee stage.

The MINISTER FOR TRANSPORT: As every member knows, in connection with parliamentary procedure there is a second reading debate and a committee stage. Those are the occasions when debate takes place. Almost invariably the third reading stage is merely a formality. I want to know what transpired between those earlier stages and this evening.

Mr. Court: The facts are simple and well known to you.

The MINISTER FOR TRANSPORT: I wonder who has been inspiring whom!

The Premier: The meat industry has become busy.

The MINISTER FOR TRANSPORT: I noticed that the president of the Liberal Party was in the Chamber the other evening; and after seeing that there was no opposition, either from the member for Blackwood or anybody else, he hurriedly left.

Mr. Ross Hutchinson: He does not go to members' rooms.

The MINISTER FOR TRANSPORT: Now tonight we have this belated demonstration by the Opposition.

Mr. Ross Hutchinson: You should know that the purpose of the parliamentary procedure is to give an opportunity, if the necessity arises, for a debate at the third reading.

The MINISTER FOR TRANSPORT: Of course.

Mr. Ross Hutchinson: Then what is the matter with you?

The MINISTER FOR TRANSPORT: If this matter is of such tremendous concern—

Mr. Ross Hutchinson: It is.

The MINISTER FOR TRANSPORT: Then it is even more than passing strange that at the second reading stage, which is actually the talking stage—

Mr. Heal: Any stage is the talking stage with the member for Nedlands!

The MINISTER FOR TRANSPORT: At the Committee stage not one single word was uttered. Then somehow there is this tremendous fight—or simulated fight.

Mr. Court: There are no other opportunities to discuss the report and findings.

The MINISTER FOR TRANSPORT: We could go on and on in connection with this. I hope I have made my point clear. I wonder how much has arisen from that swift visitation from a certain gentleman and how much from the inspiration published every few days, starting from the initial allegation that this was a Government grab of the bus firms. Of course, it is nothing of the sort. Then it was subsequently published that only three firms were in favour of the proposal. Subsequently, be it noted, Mr. Simpson has said that he thinks only three are against it. And we heard a quotation this evening to the effect that only one operator is against it.

That is the sort of thing that is going on. The same newspaper—not once but on two occasions—suggested that the select committee was not competent to deal with the matter, and the inquiry should go further and the matter be resolved by a Royal Commission.

The Premier: Was that the "Sunday Times"?

The MINISTER FOR TRANSPORT: It was the morning newspaper. I do not know what it calls itself, but I know what I call it very often! A few short weeks ago it was sufficient for the member for Nedlands and all those that sit behind him that there should be a select committee to investigate this matter. But now, because of the poundings in the morning Press—

Mr. Court: Nonsense!

The MINISTER FOR TRANSPORT:—apparently it is thought there is necessity to go further.

Mr. Court: Nothing of the sort!

The MINISTER FOR TRANSPORT: As I interjected earlier this, in my considered view, is a gratuitous insult to the select committee which worked very hard and in accordance with a timetable, and which heard and discussed at length the evidence of every single witness who desired to give evidence and those that the committee invited to appear. Not one member of the select committee was denied the opportunity of continuing to fire questions ad lib. The matter was exhaustively investigated, but now we are told that there ought to be some further delay and that the question should be further examined; that it should be much more carefully examined, in the words of the member for Cottesloe. This matter has been receiving consideration and has been the subject of examination and talks over a period of some 18 months.

It is not usual for a Bill embodying Government legislation to be referred to a select committee and although it does happen, it is not usual, but it was done on this occasion in order to oblige the Opposition, and principally because of certain undertakings that were given at the time the submission was made. Now, apparently, all of that was unsatisfactory and about the only peg on which members opposite can hang their hats is the fact that a gentleman named J. H. Napier said certain things in his evidence. I notice that there was no attempt made to quote some of the questions and his replies.

Mr. Ross Hutchinson: You can do that.

The MINISTER FOR TRANSPORT: I have no intention of doing it, but if any member opposite read through that part of the evidence conscientiously, he would come to certain conclusions. He would know that Mr. Napier was plucking certain figures out of the sky and that under examination he was incapable of giving any grounds or basis for the figures and propositions that he submitted. Members of the select committee will agree with me there—

Mr. Ross Hutchinson: That is most unfair.

The MINISTER FOR TRANSPORT: Members of the select committee will agree that had there been sufficient time—I mentioned this to them—Mr. Napier would have been recalled with a view to serious action being taken by the committee in respect of the unsatisfactory nature of his evidence.

Mr. Court: Did your committee at any stage resolve that his evidence be deleted?

The MINISTER FOR TRANSPORT: No, we wanted all of the evidence, pro and con, to be available to members of both Houses of Parliament.

Mr. Court: You are making some very strong allegations against this man.

The MINISTER FOR TRANSPORT: If the member for Nedlands will read the evidence, he can come to no other conclusion than that which I have just mentioned.

Mr. Court: The member for Subiaco gave the right answer.

The MINISTER FOR TRANSPORT: The member for Subiaco was not a member of the joint select committee. Mr. Napier said that if the trust took over all the operators there would be an annual loss of some £500,000; in other words, a loss of about £250,000 more than he loses at the present moment. We must have regard for the fact that the private operators make a profit of £80,000, so he would absorb that also, and that makes his loss, as again the existing situation, some £330,000.

Then there is the matter of the Transport Board fees which even Mr. Napier would have to pay at 1 per cent. on the present basis, as against the 2½ per cent. paid by the other operators, and that would come to about £50,000 which he would save on that heading. His vehicles do not pay traffic licence fees and, unfortunately, I do not know how many tens of thousands of pounds he would save on that count. He would not have to pay sales tax on his vehicles and I am informed by one private operator that Mr. Napier can buy seven buses for what the private operator pays for six, owing to the saving on sales tax.

There are those considerations which I have mentioned, as well as those mentioned by the member for Nedlands and we have this extraordinary situation, that Mr. Napier is asking a group of—until proved otherwise, I suppose—eight intelligent members of Parliament to believe that if he ran the services, it would cost him somewhere between £500 and £1,000 more per employee than it does the private operators.

The principal reason he gave for the difference in those operating costs was the difference in the awards. If there is any person, whether a member of this Parliament or elsewhere, who can suggest for one moment that the difference in the awards for Government services and private operators would amount to between £500 and £1,000 per employee, he should be certified.

Mr. Ross Hutchinson: Is not the Government thinking of leasing Cave House? Private enterprise would make an annual profit of thousands there.

The MINISTER FOR TRANSPORT: We are concerned with the evidence that Mr. Napier gave and it became apparent to members of the committee that I am confident they almost completely disregarded his fantastic figures which I, as can be seen from the transcript, described as mere guesses.

Mr. Court: Do you discredit the evidence he gave regarding the cost of operation of his services per mile as compared with the private operators' costs?

The MINISTER FOR TRANSPORT: I am not particularly concerned about that.

Mr. Court: He says there is a difference of 9d. per mile.

The MINISTER FOR TRANSPORT: I will not be led up the garden path in that regard. If the Government sought to do something to give effect to the idea apparently passing through the mind of the hon. member, it would have proposed that all these concerns be handed over, one by one, to the Tramway Department, but the Government said, "No." There is to be an entirely new conception—a new organisation—which is to operate on business lines and not as a Government Department, with all the weaknesses that therein exist.

Mr. Court: You might mean it to be that, but with the passage of time that will not be the position.

The MINISTER FOR TRANSPORT: I cannot hazard a guess as to what might be the attitude of Parliaments in the future. All I know is that this legislation makes the position about as watertight as is possible in regard to minimising political interference. Fancy the exponents of private enterprise choosing the manager of the tramways—the head of a socialistic concern—from 22 witnesses in order to parade him!

He sought to make us believe that whereas private operators endeavoured to standardise their equipment, he has a dozen and one different brands and types of vehicles, and he pointed an accusing finger at the Tender Board because they made him take vehicles he did not want, and the cheapest vehicles, irrespective of other considerations, and so on.

I regret that it was necessary for the select committee to terminate its hearings in order that I might read through all the notes and evidence, prepare a report and then have a subsequent meeting of the members of the committee, but I asked one of my officers to check up on that point with the chairman of the Tender Board and he said words to the effect that that was not so. I mention this because there is a feature made of the submissions of Mr. Napier although there were 20 more witnesses.

All those various authorities are specialists in their respective department and spheres and have been giving consideration to transport matters for months and years, and the weight of their evidence was so overwhelming that, irrespective of their political beliefs, members of the select committee—with the exception of one—were prepared to sign their names to the report. They did that because on examination all the evidence pointed unmistakably in one direction.

Mr. Jamieson: They did not get their brief from the Liberal Party head.

The MINISTER FOR TRANSPORT: There may be something in that, but I do not intend to pursue that question further. Again, I give a complete and utter denial to the assertion of Mr. Simpson that there was any suggestion whatever of intimidation of the bus operators. I challenge him to show a tittle of evidence to support that irresponsible and extravagant statement.

Mr. Court: If you accept the word "intimidation" as being extravagant, I am sure you will admit that the proprietors were giving evidence under the most extraordinary circumstances.

The MINISTER FOR TRANSPORT: The bus proprietors were free to give whatever evidence they liked. I have been informed, quite unofficially, that at least one of them beat the drum very loudly, because apparently he thought that if he made a brave showing before the select committee, it might have some beneficial effect ultimately in the matter of compensation, whereas if he sang of song of distress, it might have a detrimental effect on the amount he might receive. I do not criticise him for that.

An endeavour was made to make something out of a statement to the effect that they were swallowing a bitter pill. That is not an argument. It is understood by me and by members opposite that where there are operators who started from humble beginnings and who have built up their operations until now they can look with pride and satisfaction on what they have built, even if they are threatened with darker days to come owing to the changed habits of the travelling public, they look with some misgivings on the situation because they now see the possibility of losing what they have created, even if they get the most generous compensation in the world—

Mr. Court: Their future is not clouded only by the incidence of the travelling public. You just cannot take text out of context in their evidence.

The MINISTER FOR TRANSPORT: No, but that is what the Deputy Leader of the Opposition did.

Mr. Court: They said, time after time, that this had been forced on them and that they could not avoid their present condition owing to Government action.

The MINISTER FOR TRANSPORT: I suggest that their position would be more secure because of the select committee than it otherwise would have been, because if the select committee had recommended the rejection of the Bill, I venture to suggest that no Government of any political colour would, in the foreseeable future, have endeavoured to establish a trust, and therefore if members of the committee really felt that the private operator ought to continue, they had a glorious opportunity.

Mr. Simpson says most bus proprietors were uncertain of the Government's attitude and fearful of any alternative proposals. I have had it from the bus operators themselves—I think we might as well be frank because there has been so much shilly-shallying in recent hours—that it is all right for the Liberals to come before them with their protests in favour of private enterprise but, the bus operators say—

We had a Government of that political colour for six years and constantly during that time we made approaches to them for some form of relief from the impositions that were placed upon us, but we had to wait until the return of a Labour Government before there was any reduction in the charges levied by the Transport Board.

Mr. Ross Hutchinson: Yes, and look what is going to happen to them now. In the evidence, they still say that the bus companies would be prepared to carry on—

The MINISTER FOR TRANSPORT: One thing leads to another. An erstwhile Liberal Party Leader of the Opposition has been making representations and urging the speedy passage of this Bill.

Mr. Court: An erstwhile who?

The MINISTER FOR TRANSPORT: An erstwhile Leader of the Opposition representing the Liberal Party, although it might have been under a different name at that time. These are the facts and the circumstances. I do not mind arguing the merits of any proposition. I do not mind whatever I submit being torn to shreds, but I think it is time there was some straight and deliberate talking on this matter. After hearing the honeyed words of the Deputy Leader of the Opposition a few weeks ago, we now find that he is pointing the accusing finger at one of his own colleagues, the member for Blackwood. It is a most disgraceful state of affairs! That is why I asked the question: What sinister influences have been at work on the members of the Liberal Party in recent days?

Mr. Court: There have been no sinister influences at work here.

The MINISTER FOR TRANSPORT: In accordance with the words spoken by the Leader of the Country Party, the member for Blackwood had a responsibility to fulfil, in these words—

The select committee—

Admittedly they referred to another question, but they would still apply in this instance—

if it does its duty it is bound to make a report on the evidence before it.

And that is what the member for Blackwood did. I wonder if the member for Nedlands felt that, if he had accepted a

position on this select committee—which he could have done without any great difficulty—and had approached this question honestly and had made his findings in accordance with the weight of evidence, it would have been too much for him to attach his signature to what his colleagues are pleased to call “another instalment of socialism”?

Mr. Court: Are you suggesting that I avoided an appointment on the select committee? If you are, that is definitely not true and you can ask the Leader of the Opposition and the Leader of the Country Party.

The Premier: It is not fair for the member for Nedlands to try now to make a scapegoat of the member for Blackwood.

Mr. Court: I am doing nothing of the sort!

The MINISTER FOR TRANSPORT: That stands out like a beacon in the night!

Mr. Court: Nothing of the sort!

The MINISTER FOR TRANSPORT: Ask any member in this Chamber or anyone elsewhere who has not participated in this debate, to read the utterances of the Opposition members made during the debate on the second reading of this measure, and they will find that there is no suggestion of anything for the hon. member to be afraid of. Despite all the imaginary difficulties that have been raised this evening, all that the member for Nedlands wanted was the appointment of a joint select committee to investigate this matter in order to facilitate the passage of the Bill through Parliament. He almost guaranteed the support of the members of this House and those in another place.

Mr. Court: There is one vital difference that you have completely skipped over; that is, at the time it was considered the investigation would cover a much wider front than it did.

The Premier: So they are loyal to the junta and disloyal to one of their own colleagues!

Mr. Court: The members on the other side of the Chamber should not talk about being loyal to outside juntas.

The SPEAKER: Order, please!

The Premier: It is as plain as the noon-day sun!

The MINISTER FOR TRANSPORT: What other witnesses would any member of the Opposition have called? I would point out that I discussed this matter with the Omnibus Proprietors Association or some of its principles. What did they think of the idea of the formation of a

Royal Commission as suggested by "The West Australian"? They expressed to me the view—

Well, who else could give evidence other than those who gave evidence in the select committee? What evidence could we give other than that which we submitted? Who else could a Royal Commission have called before it other than those who were available to give evidence to the select committee?

Is the Deputy Leader of the Opposition under the impression that because somebody of his mental stature was not a member of the select committee and because he did not agree with the way the committee went about its findings, such findings cannot be in accordance with reason and with fact?

Mr. Court: You are being very personal and very unreasonable now.

THE MINISTER FOR TRANSPORT: There has not been any logical explanation why four weeks ago a select committee was the answer to the maiden's prayer, but now its recommendations are unacceptable. Why? What has happened between then and now?

Mr. Court: I tried to give you one simple reason, but you are not in the mood to listen tonight.

THE SPEAKER: Order, please!

Mr. Court: You have put up no alternative proposition whatsoever. I thought you were going to give us some reasons tonight why there is no alternative.

THE MINISTER FOR TRANSPORT: Are the members of this House and of another place completely to ignore the findings of the select committee? I do not suggest for one moment that they have to accept all of those findings willy-nilly, but if they think it is the responsibility of members of the select committee to wade through the evidence to give a lengthy outline of it, they have another think coming. The evidence is there for any member to read. I challenge the Deputy Leader of the Opposition to challenge, in turn, the private bus operators on what they think of a giant concern owned and operated by them on a partnership basis.

Mr. Court: We have never put that suggestion forward as being the only practical proposition.

THE MINISTER FOR TRANSPORT: The hon. member has asked me to name the alternatives.

Mr. Ross Hutchinson: You have to give thought to other considerations that could arise.

THE MINISTER FOR TRANSPORT: Yes, one of them would be an approach to the Opposition's counterpart in the

Federal Parliament for the elimination of the 1s. tax on diesel fuel and another one would be the elimination of the steep increase that was made in sales tax on all vehicles some months ago.

Mr. Ross Hutchinson: Yes, and the elimination of turnover tax; go on with all of them.

THE MINISTER FOR TRANSPORT: The hon. member is becoming mixed with the tax on s.p. betting.

Mr. Court: Yes, but there is a big difference between the 2 per cent. tax on s.p. betting and 4 per cent. on bus operators.

THE MINISTER FOR TRANSPORT: To the credit of this Government, the 6 per cent. imposed by the Liberal-Country Party Government was reduced to 4 per cent. maximum by the Government now in office. So there has been some easing, but during the life of this Government the Liberal-Country Party Government in Canberra has been stepping up the costs that are borne by these people.

Mr. Court: What have you done to their licence fees?

THE MINISTER FOR TRANSPORT: What does the member for Nedlands want to know about licence fees?

Mr. Court: To what extent have you rebated the licence fees?

THE MINISTER FOR TRANSPORT: Even those companies that were paying 1 per cent. or 2 per cent. only to the Transport Board were given a rebate of their payments to the board at least equal to the increased licence fee. Does that satisfy the Deputy Leader of the Opposition?

Mr. Court: I was just giving you a chance to make your point.

THE MINISTER FOR TRANSPORT: So it will be seen that this Government has taken all practical steps possible to assist these people. Hon. C. H. Simpson says, "The scope of the inquiry was too limited." Anyone can testify that Hon. C. H. Simpson had the opportunity to ask questions ad lib, as indeed he did. No restrictions whatsoever were placed upon him. Other members of the committee asked the questions they wished to ask, and so did Hon. C. H. Simpson.

There was no hedging or diffidence shown by any of the witnesses in answering questions. So it is with feelings of some disgust—disgust with a member of the select committee and his admissions and his behaviour, disgust at the attitude of members of the Opposition in being so kindly disposed towards this legislation on a previous occasion and then at this eleventh hour, for some reason on which I can only hazard a guess—

Mr. Court: Nothing of the sort!

The MINISTER FOR TRANSPORT: Oh, yes! However, I am most disgusted over the fact that members on the other side of the House have endeavoured to pool one of their own colleagues.

Mr. Court: Just plain nonsense!

The MINISTER FOR TRANSPORT: Let us agree or disagree according to our point of view. He should not simulate the attitude that is being adopted by members of the Opposition front bench at the present moment.

The SPEAKER: Order! The Minister's time has expired. No extension of time can be granted because the Minister's reply cannot exceed 45 minutes.

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

Ayes	.....	32
Noes	.....	10
Majority for	.....	22

Ayes.

Mr. Andrew	Mr. Lawrence
Mr. Brady	Mr. W. Manning
Mr. Cornell	Mr. Marshall
Mr. Evans	Mr. Molr
Mr. Gaffy	Mr. Nalder
Mr. Graham	Mr. Nulsen
Mr. Hall	Mr. O'Brien
Mr. Hawke	Mr. Oldfield
Mr. Heal	Mr. Owen
Mr. Hearman	Mr. Potter
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Rodoreda
Mr. Jamieson	Mr. Sewell
Mr. Johnson	Mr. Sleeman
Mr. Kelly	Mr. Watts
Mr. Lapham	Mr. Norton

(Teller.)

Noes.

Mr. Ackland	Mr. Mann
Mr. Bovell	Sir Ross McLarty
Mr. Court	Mr. Roberts
Mr. Grayden	Mr. Wild
Mr. Hutchinson	Mr. I. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. May	Mr. Crommelin
Mr. Tonkin	Mr. Brand

Question thus passed.

Bill read a third time and transmitted to the Council.

BILL—NURSES REGISTRATION ACT AMENDMENT (No. 2).

Returned from the Council with amendments.

BILLS (2)—THIRD READING.

1. Education Act Amendment.
2. State Transport Co-ordination Act Amendment (No. 3).

Transmitted to the Council.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn) [9.18] in moving the second reading said: When I gave notice of this Bill the other evening,

a few members opposite interjected in such a way that I was given the impression that they either intended to adopt an attitude of sarcasm, or a demonstration of superciliousness. I would like to think it was the latter.

Mr. Bovell: It was neither.

The MINISTER FOR LABOUR: I preface my explanation of the second reading of this measure by indicating that although some members may consider this is a hardy annual, to my mind the measure is one of the most important in the ramifications of industry generally, inasmuch as the Workers' Compensation Act applies to many workers who meet with both major and minor injuries in the course of their employment. One can imagine the position of a worker who, during the prime of his life, with a growing family on his hands, and having to meet all the usual domestic and other commitments about which we all know so much, becomes injured and is unable to continue earning his livelihood. All his obligations will have to continue.

Over the course of the years the Act has been improved, but there is still room for the removal of what I term injustices in it. There is room also for improvement in other aspects of workers' compensation. It has been advanced in this House at times when substantial amendments were made to the Act, that industry could not stand the cost involved and that the improvements would be a further impost on the economic structure of society. I believe that it is essential for progressive improvements to this legislation to take place.

I well recollect the time when the worker received no compensation in respect of the first three days of any incapacity as a result of injury during the course of his employment, if the incapacity lasted for less than seven days. The Act then provided that the medical and hospital benefits would not exceed the magnificent sum of 20s. Of course, improvements have been effected over the years, but I believe there is still room for more progress.

Dealing with the Bill, I would point out that there are not many clauses, but on examination they are seen to be of importance. The first amendment seeks to widen the definition of "worker." As an example, it has been found that in the building industry some of the work is sublet by the registered building contractors. They may let out the painting or plaster-board work. The workers who perform that subcontractor work would be paid in accordance with the provisions of the building trades award, but some registered contractors have avoided their obligations in regard to payroll tax by letting out work on what I term piecework basis, or what they term contract basis. A certain amount of supervision is necessary over the work performed by the alleged subcontractors. If the Bill is examined, it will be

found that where they are not now defined as workers, the subcontractors will be brought under the definition of "piece-worker."

It is also provided that where a person is plying for hire and is not purchasing his vehicle under hire-purchase or other methods of acquiring vehicles, he shall be regarded as a worker within the meaning of the Act. Members will realise that some taxi drivers in Perth are not regarded as coming within the provisions of the Workers' Compensation Act, but to all intents and purposes they would be covered.

Mr. Court: How will you distinguish between the genuine subcontractor? That would be impossible.

The MINISTER FOR LABOUR: It is set out in the Bill under what conditions a vehicle is to be obtained. If there is any question as to whether an injured person is a worker within the meaning of the Act, that matter would be left to the Workers' Compensation Board for determination. Another clause has reference to Section 8 of the Act dealing with industrial diseases. Silicosis is regarded as a major ailment under that provision. The Act limits the period to three years after a miner has left the industry, within which to claim compensation.

If after working five to ten years in a goldmine, the miner leaves the industry, and within a period of three years his malady develops and the medical evidence shows he is entitled to compensation, he will receive compensation. But if the malady develops after the three years, the requirements of the Act will not have been met, and he will not be entitled to compensation. It has been found that such a disease has developed quite a long time after the three-year period has elapsed. The Bill seeks to bring such workers within the ambit of workers' compensation legislation.

Regarding lump sum payments, on examining the Act it will be found that in respect of permanent and total incapacity the basic rate is £2,750; but for the widow or dependants of a deceased worker, the rate is £3,000. Yet in the Second Schedule dealing with loss of limbs and so forth the maximum amount is only £2,400. It is proposed to make those three lump sum payments uniform, and the Bill prescribes an amount of £3,000.

Another amendment deals with ex-nuptial children. I am under the impression that the Leader of the Country Party objected to such an amendment some time back, but it has been included in the Bill again on this occasion. If this provision is agreed to, it will enable an ex-nuptial child to be placed on the same basis as other dependent children under the First Schedule of the Act.

No Bill of this character which I have introduced would be complete if I did not include the "to-and-from" clause. In

case members may not be aware of that term, I would point out that it covers insurance for the worker when travelling to and from the place of employment and the place of residence. This is about the fifth or sixth occasion on which I have introduced a Bill to amend the Workers' Compensation Act. I believe that seven or eight years ago the responsible Minister in the McLarty-Watts Government included the very same provision in a measure which he introduced. The mover was either the Leader of the Country Party or the previous member for Mt. Lawley.

This provision is in the legislation of all the other States with the exception of South Australia. The time is overdue when this Parliament should agree to the proposal and provide insurance cover for workers travelling to and from their residence and their place of employment. Any substantial deviation from the usual route would debar them from entitlement to compensation.

Another matter to be considered concerns the medical and hospital expenses incurred when workers are injured in the course of their employment. At the present time the maximum for medical expenses, including specialist fees, is £100, and for hospital expenses it is £150. We have previously endeavoured to remove these limitations. There was a time when the amount was £1. With hospitalisation so costly today and medical expenses so heavy, comparatively, it often happens that workers suffering long periods of incapacity are legally bound to pay substantial amounts in hospital expenses and medical fees.

The Bill proposes to remove the limitation on hospital expenses so that a worker, if injured in the course of his employment and obliged to seek medical aid or to enter hospital, should have his reasonable expenses borne by the employer; or, in other words, by the insurer acting as the agent for the employer. If any question arises as to what are reasonable expenses, it shall be determined by the Workers' Compensation Board. This is a most important amendment and both Houses, looking at the position logically and fairly, cannot do other than support the proposal.

Is it fair that a worker who meets with a serious injury in the course of his employment should be obliged to pay substantial sums of money in medical and hospital expenses? This is a fair charge upon industry generally. I think the time is overdue when we should ensure that a worker who is so incapacitated should not have this legal obligation to pay medical and hospital expenses after being discharged from hospital and returned fit for work.

As Minister in charge of the State Government Insurance Office, I know of several instances where workers

have been in hospital for a long period and have had to meet hospital accounts amounting to £300 or £400, and where the medical expenses both for specialists and general practitioners have been high, although in accordance with their scale of fees. Those charges go well beyond £100 in many instances.

Some time ago a miner who was injured in the course of his employment had hospital expenses amounting to £384 of which he would be obliged to meet himself £235. In special cases the Government has made *ex gratia* payments. But we believe that the man—or the woman for that matter—should be entitled to all reasonable hospital and medical expenses as a right and not be subject to consideration by a Government for an *ex gratia* payment. Those are the main amendments to the existing provisions.

You, Mr. Speaker, will be interested in what I am going to say now. For a long time past some of the metal trade unions have requested that provision be made in the Act for compensation to be paid for what is known as boilermakers' deafness. We have included a provision in the Bill for this purpose. We know that men who are working in places where there is an amount of continuous noise, over a period incur a disability inasmuch as their hearing is somewhat impaired. We believe the time is ripe for the inclusion of a provision in the schedule to cover this disability.

Without reading the clause, I may explain that the proposal is to insert in the Third Schedule another item known as occupational deafness, including boilermakers' deafness. The provision is that any employment subjecting the worker to continual or intermittent noise over prolonged periods, which noise can be reasonably presumed to have caused the deafness, shall be covered.

Mr. Court: I know it is always a very touchy point with you, but can you give us some indication of the estimated effect of these provisions on premiums?

The MINISTER FOR LABOUR: No. I am not going to try to estimate the cost.

Mr. Court: I mean the whole provisions of the Bill and not just this one item.

The MINISTER FOR LABOUR: No. I would not be able to do it. I would not try to make a calculation because it is an unknown quantity in regard to industrial diseases.

Mr. Court: There is a fairly well defined incidence of disease and injury.

The MINISTER FOR LABOUR: Yes, but I would not know just where to start or on what basis to work to try to make an estimate, even a rough one.

Mr. Court: But your advisers would. They keep certain statistics.

The MINISTER FOR LABOUR: Yes, but it all depends on the nature of the disability. My point is that this should be a legitimate charge on industry. If a worker is stricken down in the course of his employment, why should he have to pay these substantial amounts? It is not fair to the medical fraternity, either.

Mr. Court: We are not arguing that point at the moment. I think it is reasonable that we should have some appraisalment of the cost.

The MINISTER FOR LABOUR: I have looked through the reports of debates on workers' compensation for some time past and I cannot see where estimates have been given in connection with any suggested improvements. When the present Leader of the Country Party introduced a comprehensive Bill in 1948, I do not think he made reference to any estimates. That was the year when the Liberal-Country Party Government gave the State Government Insurance Office a monopoly to engage in workers' compensation insurance for the mining industry.

Mr. Court: I would hazard a guess that before he brought the Bill here, whether he told you the figure or not, he had a pretty fair idea of the cost.

The MINISTER FOR LABOUR: I am not blaming the Leader of the Country Party for it. All I am saying is that I am one of those who does not want to stick his neck out. Unless I was sure of being somewhere near the mark, I would leave calculations of this nature to other people. I have much pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Court, debate adjourned.

BILL—MINING ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. L. F. Kelly—Merredin-Yilgarn) [9.40] in moving the second reading said: The Bill seeks to amend the Act in three matters only. One of the provisions is for the collection of royalty on the production of minerals at such rates as may from time to time be prescribed by regulation. The amendment does not include either gold or coal. The Government recognises that with the goldmining industry in the position it is in today, the raising of any levy would not be warranted; and that so far as coal is concerned, a royalty of 3d. a ton is already imposed.

A review of the legislation existing in other States has shown that a royalty payment is made in Queensland and South Australia. Under the Mining Act at present, lease rentals are provided at the rate of 5s. per acre per annum on a mineral

lease, and 2s. 6d. per acre per annum on a mineral claim. These are the only contributions that the people engaged in the mining of minerals make to the State or to the Mines Department. The holder of a rich deposit would pay exactly the same in rental as the holder of a small and perhaps much less valuable deposit. In any case, either payment would constitute only a token payment.

Today a wide variety of minerals is being mined and profitable returns are obtained from most of them—particularly manganese, and until recently lead, tin and copper. Light metals are increasing in importance and many producers will make a lot of money in Western Australia in the future. There is no reason why the Government should not have a share of this. The present rentals were fixed many years ago. Thus Government revenue from mining holdings is approximately the same whereas the market prices and the profits have greatly increased in recent years.

Another factor that enters into the question is that the Government is spending large amounts of money on geophysical and geological work and general research in connection with the industry, and particularly is it carrying out a drilling policy which is of benefit to the whole of the mining industry.

It is intended to fix the royalties by regulation. The reason for this is that a royalty fixed on a particular mineral at a time when that mineral had a high value would not be applicable when the mineral was no longer popular or did not have the same monetary value. So, if regulations are allowed in this instance, levies can be placed on minerals very quickly and can be just as quickly removed if the occasion warrants it.

The second amendment seeks to alter Section 277 which at present provides that temporary reserves, with the right of occupancy, can be granted only in respect of a maximum area of 300 acres except in certain specified instances. Today there are in Australia a number of large financial prospecting companies such as Rio Tinto, Western Mining Corporation, New Consolidated Goldfields (Australia) Ltd., and United Uranium Ltd. There are, of course, many others and a good many of these organisations are prepared to spend large sums of money in the purchase and use of the most modern technical equipment in the search for rare minerals such as uranium, bauxite, salts, copper and precious stones. Before they will put their large organisations into the field, and draw public attention to their operations, they desire some greater protection than is at present provided.

Of course, it is easily understood that when a large company goes in to prospect an area, and has equipment to carry out

scout drilling, and is carrying out geophysical and geological surveys, and is doing exploratory work generally, many people's attention is drawn to the fact. It has been found that companies in that category frequently find themselves hemmed in before their search is fully completed. I, and the officers of my department, have held discussions with other State departments, and we have found that most of them have authority to grant large reserves, and by this means they are able to encourage the big companies to conduct comprehensive surveys. This is at present applying particularly in Queensland, Tasmania and the Northern Territory.

Only recently I referred this matter to the Director of Mines in the Northern Territory, and on this particular subject he said—

It will be noted that the period and area of the authority is at the administrator's discretion. The largest area we have granted is about 7,500 square miles, and periods of 12 months are not uncommon.

So it will be seen that in the Northern Territory a much broader area is granted than we have proposed at any time. Numerous approaches have been made by these large companies for areas in Western Australia. But when we tell them that 300 acres is all that the Act permits us to grant, I am sorry to say that they decline to negotiate further. That has been a factor in turning companies away from this State and, in many cases, we have found out afterwards that their attentions have been directed to Queensland, where a much larger area is available.

I want to emphasise that these reserves are temporary reserves only, and that gold is not included. Those reserves will continue to be of a maximum area of 300 acres except in the case of alluvial gold. Under Section 277 deep alluvial gold means alluvial gold over a depth of 30ft. below the natural surface of the ground. A right of occupancy can be granted for a fixed period in excess of one year; but in that event, the Minister shall cause the terms and conditions relating thereto to be laid on the Table of each House of Parliament within 14 days of granting.

A right of occupancy granted for any period may be reviewed from time to time for any term not exceeding 12 months, and on each occasion of renewal, but if any such renewal is granted then the provisions of Subsection (2) of Section 277 shall apply, and the terms and conditions of such renewal shall be tabled in each House accordingly. The provisions of Section 36 of the Interpretation Act, 1918-1948, relating to the disallowance of regulations by either House shall apply to all intents and purposes as if the terms and conditions of the right of occupancy as tabled under this section were regulations tabled under that section.

Under the existing legislation, where it is permissible to grant only 300 acres, it frequently happens that temporary reserves are applied for for a duration of three months only. Some company may decide that it wants to have a look at a particular area, and to protect itself during the course of its examination, it takes out a temporary reserve. The company may ask for a three-monthly term, a six-monthly term or, in some cases, a 12-monthly term. But these inspections are more or less surface inspections only; and they may be carried out under seismatic conditions, or they may be just a cursory examination for the purpose of identifying the type of country, and as to whether it would be suitable for the type of mineral they are looking for.

So the matter of a temporary reserve is one that can be cancelled by the Minister at any time. If the duration is longer than 12 months, it will be necessary for the conditions applying to be tabled in both Houses of Parliament, and thus every member will have an opportunity of discussing them and deciding whether the company shall be entitled to take out a permit for some time beyond the 12-monthly period.

The third amendment is to Section 122, relating to the liability of companies for payment to tributors who treat their ore at the companies' plants. As the Act stands at present such tributors would be entitled to be paid by the companies £15 12s. 6d. per fine oz. of gold recovered. If the price suddenly altered, as was the case in May, 1954, the tributor would receive the altered amount whereas the company would receive only the amount paid by the Commonwealth Bank at the time of the lodgment of gold at the Mint, which could be before the alteration in price.

This arises because Section 122 requires tributors' agreements to include clauses for the payment of tribute by the tributor to the lessees in one of two ways—either by a percentage of the value of the gold extracted from the ore produced and delivered by the tributor, as ruling at the date one month after the ore is delivered for treatment; or by dividing equally between the lessee and the tributor the gold extracted from the gross proceeds of the sale of the gold.

It is proposed that the section be amended by substituting for the words, "as ruling at a date one month after the ore is delivered for treatment" the words "at the price fixed by the Commonwealth Bank when the gold is sold". When the section was originally put into the Act, the price of gold was, and had been, static for many years; and there was no thought that it would fluctuate. It was never intended, nor is there any reason why, the lessee should receive a lesser amount than the tributor, and this amendment will rectify the position.

It is not to be assumed that, because this amendment has been included in the Bill, there is any likelihood of a rise in the price of gold nor, I hope, is there any likelihood of a drop in the price. But as this section has militated against the interests of the companies, particularly on a past occasion, it was thought wise, at this stage, while the Act was being amended, to include this provision. I move—

That the Bill be now read a second time.

On motion by Mr. Roberts, debate adjourned.

BILL—JURIES.

Council's Message.

Message from the Council notifying that it insisted on its amendments Nos. 2, 4, 6, 7, 15, 16, 18, 19, 20, 21, 28, 29 and 30, and that it disagreed to the Assembly's further amendment to the Council's amendment No. 9, now considered.

In Committee.

Mr. Moir in the Chair; the Minister for Justice in charge of the Bill.

No. 2.

Clause 4, page 5, line 26—Delete the words "Except where this Act provides otherwise."

No. 4.

Clause 5, page 6—Delete all words after the word "pardon" firstly occurring in line 19 down to and including the word "mis-demeanour" in line 21.

No. 6.

Clause 6, page 7, line 29—Insert after the word "Act" the words "and persons to whom the Sheriff has issued a certificate of permanent exemption pursuant to subsection (10) of section fourteen of this Act."

No. 7.

Clause 6, page 8—Delete subclause (3).

No. 15.

Clause 14, page 13, lines 9 and 10—Delete the words "and a certificate so issued has effect according to its tenor."

No. 16.

Clause 16, page 15—Delete subclause (5).

No. 18.

Clause 27, page 20, line 25—Delete the word "criminal."

No. 19.

Clause 38, page 28—Delete subclause (3).

No. 20.

Clause 38, page 28, line 14—Delete the words "for cause."

No. 21.

Clause 41, page 29, line 7—Delete the words "of all."

No. 28.

Clause 57, page 35—Delete all words from and including the word "is" in line 18 down to and including the word "trial" in line 31 and substitute the following:—"takes or causes to be taken or publishes or causes to be published any photograph or likeness or other pictorial representation of any person summoned to attend or empanelled as a juror for any trial whether civil or criminal."

No. 29.

Clause 57, page 35—Delete all words from and including the word "or" in line 34 down to and including the word "notwithstanding" in lines 5 and 6 on page 36.

No. 30.

Clause 57, page 36—Insert a new subclause to stand as subclause (2) as follows:—

(2) If the court at which any person charged with any crime in respect of which the penalty of death may be inflicted and at which such person may be or is committed for criminal trial at any time before the rising of that court states that in the opinion of the court in the interests of justice it is undesirable that any report of or relating to the evidence or any of the evidence given at the proceedings before that court should be published then thereafter no person shall print, publish, exhibit, sell, circulate distribute or in any other manner make public such report or any part thereof or attempt so to do.

The MINISTER FOR JUSTICE: I intend to agree to all these amendments en bloc.

The CHAIRMAN: If the Committee has no objection.

The MINISTER FOR JUSTICE: Very well. I move—

That the amendments Nos. 2, 4, 6, 7, 15, 16, 18, 19, 20, 21, 28, 29 and 30 be no longer disagreed to.

Mr. BOVELL: We have spent so many hours debating this matter that it would only be unnecessary repetition to go through the various clauses to which the Minister has now agreed. I have spent many hours arguing with the Minister over the desirability of accepting these amendments; now he has agreed to them and he did not even say, "reluctantly."

The Minister for Justice: What is the use of using superfluous words?

Mr. BOVELL: There is one item I desire to mention and that is the fact that the Minister has agreed to amendments which I moved originally concerning the principle which involves the age-old custom of the freedom of the Press. I am pleased that the Minister has agreed to this important principle, and I support the motion.

The MINISTER FOR JUSTICE: I have approved, but I am looking ahead, and in 12 months' time we may be able to have further amendments.

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

No. 9.

Clause 14, page 12—Delete all words after the word "notice" in line 1 down to and including the word "inspected" in line 4 and substitute the following:—"to be served on the person informing such person that their name has been recorded on the draft jury roll."

The CHAIRMAN: The Assembly's amendment to the Council's amendment is—

Delete from the amendment all words after the word "delete" and insert in lieu the following:—

"subsection (6) and insert a new subsection (6) in lieu as follows:—

(6) The Sheriff shall cause a notice

(a) informing the person to whom it is addressed that his name has been recorded on the draft jury rolls;

(b) stating the procedure by which an exemption may be obtained;

to be served on every person whose name has been recorded on the draft jury rolls by posting it as a letter addressed to the person at his place of abode as shown on the said rolls.

The Council's reason for disagreeing to the Assembly's amendment is—

The amendment made by the Legislative Council when read in conjunction with Section 31 of the Interpretation Act, 1918, is considered to be more appropriate.

The MINISTER FOR JUSTICE: I move—

That the amendment be no longer disagreed to.

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

Resolutions reported, the report adopted and a message accordingly returned to the Council.

BILL—LOCAL GOVERNMENT.

Council's Amendments.

Schedule of 184 amendments made by the Council now considered.

In Committee.

Mr. Sewell in the Chair; the Minister for Health in charge of the Bill.

No. 1.

Clause 1, page 1, line 9—To delete the figures "1956" and substitute the figures "1957."

No. 2.

Clause 6, page 11—To delete the definition "minimum penalty."

No. 3.

Clause 9, page 18, line 34—To delete the word "April" and substitute the word "May."

No. 4.

Clause 10, page 20, lines 15 and 16—To delete the words "are those of president and such number of councillors being not less than four" and substitute the following:—"of councillors shall be not less than five."

No. 5.

Clause 10, page 20, line 17—To delete the word "twelve" and substitute the word "thirteen."

No. 6.

Clause 10, page 20, line 22—To delete the words "and includes the president."

No. 7.

Clause 10, page 20, line 24—To delete the words "or president."

The MINISTER FOR HEALTH: I move—

That the foregoing amendments be agreed to.

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

The MINISTER FOR HEALTH: I am sorry, Mr. Chairman, I made a mistake. I am opposing all these amendments.

The CHAIRMAN: It is too late; the question has been put and passed. If the Committee agrees, a motion can be moved to annul the previous decision.

The MINISTER FOR HEALTH: I move—

That the previous decision of the Committee be annulled.

Mr. COURT: I would like some clarification on this. The Opposition is prepared to co-operate provided there is no sacrifice of principle in this matter. Would it mean that we go through the motion of agreeing or disagreeing as the case may be.

The Premier: The Minister would move to disagree.

Motion put and negatived.

Mr. BOVELL: It is the first experience of a motion being carried and an attempt being made to annul it by a resolution of the Committee. I am only seeking information because this might be a dangerous precedent to create. I would like your ruling as to whether it is entirely in accordance with Standing Orders.

The CHAIRMAN: I rule that it would be correct because, in my opinion, the Minister made an honest and genuine mistake.

Mr. COURT: I do not know if we can relieve the situation by co-operating in this matter. I was only seeking a ruling on the matter of the annulment.

The CHAIRMAN: If it is the wish of the Committee that we go back to where we started, that would be allowed.

Hon. Sir ROSS McLARTY: I think an extraordinary state of affairs has arisen. I cannot remember similar action being taken while I have been in this Chamber. I would ask if there is any precedent for the decision you have made, Mr. Chairman. A most chaotic state of affairs could arise as a result of your ruling. My experience is that Standing Orders have always been strictly adhered to. This is a departure I have not known before, and I would suggest that you consult with the Speaker in regard to your decision.

The CHAIRMAN: The reason for my decision was that, in my opinion, the Minister made an honest mistake. There is no precedent that I know of since I have been here but there probably would be, if we looked the matter up.

The MINISTER FOR HEALTH: I assure the Committee it was a genuine mistake. I wanted to move en bloc that they be disagreed with. There was no intention of misleading the House. I move—

That the previous decision of the Committee be annulled.

Mr. BOVELL: I do not want a precedent created. The position arose quickly and I conferred hurriedly with the Deputy Leader of the Opposition in order to co-operate with the Minister because I realise he made a genuine mistake. There was no time for us on this side of the House to get together to help the Minister. As a matter of fact, the Minister was prompted by an expression of astonishment from us when he agreed to the Council's amendments Nos. 1 to 7. We would agree to help the Minister provided no precedents or principles were involved.

The CHAIRMAN: As far as I am concerned, it would not create a precedent at all. It is for the Committee to decide whether the Minister made an honest mistake and whether we can go back to where we started. All I want is a decision.

Mr. HEARMAN: It seems we are in a hopeless knot. We know the Minister made an honest mistake. Then there was a motion to annul the previous decision which was lost and now we are being asked to go back on that decision so that we could reverse the previous one.

The CHAIRMAN: Order! We know all that. All I want is a decision from the Committee as to whether it is prepared to accept the Minister's explanation that a mistake was made.

Motion put and passed.

The MINISTER FOR HEALTH: I now move—

That amendments Nos. 1 to 7 be not agreed to.

Mr. COURT: So far as the Liberal members of the Opposition are concerned, it is not proposed to debate each and every amendment sent down by the Council. We wish to facilitate consideration of this message. But I want it clearly understood on behalf of the Leader of the Opposition that we do not accept wholly or in part any of the motions that might not be debated in detail. Some of them will be the subject of further and particular debate. I want an assurance from the Minister that he understands the position, that because we do not debate the motions he moves does not mean that we agree with them all.

Mr. I. W. MANNING: What is the Minister's objection to amendment No. 1, which changes the date from 1956 to 1957?

The MINISTER FOR HEALTH: I have no objection other than it can be dealt with in conference so there is no need to agree to any of these amendments at all. That is the reason why I am moving them en bloc.

Question put and passed; the Council's amendments not agreed to.

No 8.

Clause 10, page 20, line 25—Add after subclause (3) the following subclauses:—

(4) The mode of election of the president of a municipality, which is a shire, shall be that at the first meeting of the council held after the third Saturday in April of each year, or at the first meeting of a newly constituted council, the council shall elect one of its councillors to the office of president.

(5) Where at least one-third of the councillors or fifty ratepayers sign and cause to be delivered to the mayor or the president, as the case may be, a demand that—

- (a) the mode of election of the mayor be by the council instead of by the electors of the municipality; or
- (b) the mode of election of the president be by the electors of the municipality instead of by the council,

and that the question, whether or not the proposed alteration in the mode of election be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not

less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(6) The returning officer shall cause sufficient voting papers in, or substantially in, the form in the Twenty-Sixth Schedule to be provided for the taking of the poll, and shall, for the purpose of taking the poll, use the roll of the municipality as last settled prior to the taking of the poll.

(7) Such of the provisions of this Act relating to the taking of the poll at the election of members of a council, including voting in absence, as are appropriate, shall apply mutatis mutandis to the taking of the poll on the question.

(8) If at the poll a majority of the valid votes cast are in favour of the alteration in the mode of election, the Governor shall by order declare that such mode of election of the mayor or president, as the case may be, shall apply as from the date upon which the office next becomes vacant.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: I can agree with the Minister in part in regard to this matter, but I certainly cannot agree to the whole of the motion. This amendment, in the first part, provides that the president of the shire council shall be elected by the council. That is something I have been very keen on and on which we had a great debate in the Committee stage in this Chamber after the second reading had been dealt with some months ago. I must say I have not changed my opinion in the slightest. I believe that the system which has worked so well for half a century or more will work well in the future.

The Legislative Council, however, has tacked on a proposal which amounts to an opportunity for a council to have alternatives after a referendum of ratepayers. The alternative system of having the president elected by the ratepayers would make the legislation a very mixed grill. If there was not a referendum of that nature the first division would apply, and if there was one and ratepayers carried it, there would be a differentiation in certain districts. Therefore, I am not in agreement with that part of the amendment.

However, I want to stress, as the Deputy Leader of the Opposition has just done, that the fact that we do not discuss a lot of these amendments is purely as a result of our desire to assist the Minister. We do not want to take all night discussing this measure. We have asked for the opportunity to discuss certain principles on certain amendments; this is one.

The rest we are probably in agreement with, although we raise no objection to the Minister's motion to disagree; that is, because we do not want to deal with each amendment separately. In regard to amendment No. 8 I think the second part added by the Legislative Council is not desirable, but the first part very certainly is.

Question put and passed; the Council's amendment not agreed to.

No. 9.

Clause 12, page 22—Add at the end of paragraph (d) the following:—

Provided that the Governor is satisfied that at a referendum held for the purpose a majority of the electors voting on the question have in each of the municipalities affected signified their assent to the petition.

No. 10.

Clause 12, pages 23 and 24—Delete sub-clauses (3) and (4).

No. 11.

Clause 18, page 30, line 25—Delete the word "four" and substitute the word "five."

No. 12.

Clause 21, page 32, line 7—Insert the word "or" after the figure "(1)".

No. 13.

Clause 21, page 32, line 8—Delete the word and figure "or (3)."

No. 14.

Clause 33, page 39, line 20—Insert after the word "months" the word "immediately."

No. 15.

Clause 33, page 39, line 24—Delete subparagraph (ii).

No. 16.

Clause 33, page 39, line 31—Delete sub-clause (2).

No. 17.

Clause 34, page 41—Add after paragraph (x) a paragraph to stand as paragraph (xi) as follows:—

(xi) he seeks or receives assistance from the municipality under any municipal assisted sewerage scheme which has been approved by the Minister, and the work in which is let by public tender.

No. 18.

Clause 36, page 43, line 9—Delete the words "from the State."

No. 19.

Clause 36, page 43—Delete all words from and including the word "or" in line 11 down to and including the word "cause" in line 14.

No. 20.

Clause 38, page 44, line 10—Delete the words "or President."

No. 21.

Clause 38, page 44, subclause (1)—Add a new paragraph to stand as paragraph (b) as follows:—

(b) to the office of president is twelve months where elected in accordance with section (10), subsection (4) or two years where elected in accordance with section (10), subsection (5), paragraph (b).

No. 22.

Clause 38, page 45, lines 14 and 15—Delete the words "or paragraph (d) of subsection (4)."

On motions by the Minister for Health, the foregoing amendments were not agreed to.

No. 23.

Clause 42, page 50—Delete paragraph (c) and substitute the following:—

(a) he is on the first day of January in any year the owner or occupier of land liable to be rated and situated within the municipality: Provided that the owner and occupier shall not be separately registered as electors in respect of the same rateable land with the exception that where the husband is the owner of such land the wife of such husband if living on the land shall be entitled to be registered as the occupier, and where the wife is the owner of such land her husband if living on the land shall be entitled to be registered as the occupier.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: This is one of the first of the amendments which deals with an alteration in the proposed method of suffrage for local authorities. As everyone knows, the Bill proposed adult suffrage for every person over the age of 21 who lived in a district for more than six months, whether a bodge, widge or anything else. As everyone knows, there was a great deal of hostility to that, not only in this side of the Chamber, but among local authorities themselves; and that hostility, I am well aware, still persists.

However, the Minister proposes to disagree with this simple method which is designed to give the spouse of the owner the right to vote as occupier. It is surely a concession so far as the Minister is concerned. While it is true, the Legislative Council has planted its feet firm on adult suffrage, it has endeavoured to make some concessions and the Minister is objecting to what I regard as one of them. However, I will not press the matter.

Mr. COURT: I want to join the Leader of the Country Party in opposing the motion.

The Minister for Health: There may be a compromise in conference.

Mr. COURT: I understand the object is to go into conference as soon as possible and each clause can be debated in conference. However, this a vital clause which has been the subject of considerable debate and argument in this House. I do not propose to press the matter further except to raise my voice in protest and support the Leader of the Country Party.

Mr. BOVELL: I believe this is what might be termed one of the alterations of the existing system of election to local government. I outlined my ideas during the second reading regarding the eligibility of people to vote for local government bodies. The belief I espoused then I hold now; that the man who pays the piper should be the one who calls the tune, and the ratepayer is the one who raises the money for local authorities and should elect the representatives.

Mr. Lawrence: You really believe that?

Mr. BOVELL: Yes, I believe that is so, and agree with the Legislative Council's amendment No. 23. If the clause provided for every citizen over 21 years being taxed for the purpose of contributing to local government funds, then I would revise my thinking on this matter. I agree with the Leader of the Country Party that the Legislative Council has gone at least some way in granting concessions to the spouse of a property owner.

Question put and passed; the Council's amendment not agreed to.

No. 24.

Clause 42, page 50—Delete all words after the word "which" in line 29 down to and including the word "ward" in line 31 and substitute the following:—"such land is situated."

No. 25.

Clause 42, page 50—Insert after subclause (2) the following proviso:—

Provided that where any land is owned or occupied as one holding and is situated partly in one ward and partly in another the whole of the land shall be deemed to be situated in the ward chosen by the owner or if the owner fails or neglects to make a choice then as chosen by the occupier or if no such choice is made as determined by the council.

No. 26.

Clause 42, page 50—Insert new subclauses (3) and (4) as follows:—

(3) (a) When more persons than one are jointly owners or occupiers of ratable land, each of such persons not exceeding two shall, for the purpose of the last preceding section, be deemed

to be an owner or occupier of land of ratable value of one-half the ratable value of the whole land.

(b) Such persons, if more than two, may, by writing under their hands delivered on or before the first day of February in any year to the town clerk, appoint two of their number to be registered in respect of such land; and, if no persons are so appointed, those whose names come first in alphabetical order shall be registered.

(4) (a) When a corporation or joint stock company is the owner or occupier of ratable land, such corporation or joint stock company may, by letter delivered on or before the first day of February in any year to the town clerk, appoint a person to be registered in the place of such corporation or joint stock company; and such person may vote on behalf of the corporation or joint stock company.

(b) In default of any such appointment being made, the manager, secretary, or attorney of any corporation or joint stock company may be registered.

No. 27.

Clause 43, page 51—Delete subclause (3).

No. 28.

Clause 71, page 64—Add a proviso after subclause (4) as follows:—

Provided that if on the election of president of a shire under subsection (4) of section 10 or on the election of deputy mayor or deputy president under subsections (1), (2) and (3) of this section by reason of an equality of votes or for any other reason the council cannot at its first meeting as aforesaid elect one of its members to such of those offices as the case may require, the clerk shall report the fact to the Minister. The Minister may thereupon by notice in writing appoint a member of the council to the office in question and such member shall be president, deputy president or deputy mayor as the case may require.

No. 29.

Clause 76, page 65, line 27—Delete the words "or president."

No. 30.

Clause 77, page 65, line 35—Delete the words "or president."

On motions by the Minister for Health, the foregoing amendments were not agreed to.

No. 31.

Clause 77, page 65—To delete all words from and including the words "a person who" in line 35 down to the end of the clause and substitute the following:—

persons who are registered as electors of the municipality shall have a number of votes proportionate to the

annual ratable value or the unimproved capital value (according to the system of rating adopted by the council for the municipality or a ward thereof) of the land of which he is registered as the owner or occupier and as set against his name on the roll according to the following scales:—

Annual Ratable Value.	Number of Votes.
Not exceeding fifty pounds	1
Exceeding fifty pounds and not exceeding one hundred pounds	2
Exceeding one hundred pounds and not exceeding two hundred pounds	3
Exceeding two hundred pounds	4

Unimproved Capital Value.	Number of Votes.
Not exceeding three hundred pounds	1
Exceeding three hundred pounds and not exceeding six hundred pounds	2
Exceeding six hundred pounds and not exceeding one thousand two hundred pounds	3
Exceeding one thousand two hundred pounds	4

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: This amendment is the major amendment made by the Legislative Council, which seeks to retain the status quo in regard to the voting system for councillors and mayors of local authorities. So far as I am concerned there is nothing wrong set out in the proposal of the Legislative Council. It has worked well for a long period of years. It limits the number of votes an individual may have, irrespective of the value of the property and hence the amount of rates for which he is responsible, to a maximum of four. It seems to me that the Minister wants to pass this Bill and is going to agree to an amendment of this nature before this battle is over. It does occur to me it might be as well for him to agree now.

Mr. COURT: At some point of time we will have to find out which amendments the Government is going to agree to and which it is not.

The Minister for Health: At the conference we will compromise.

Mr. COURT: We would like some indication now because this is a vital provision. The Government has not said anything officially at this point except in one utterance which was subsequently contradicted by the Minister for Local Government, that it would be prepared to lose the Bill rather than accept some of the vital principles. This is one on which the Opposition stands or falls. Once this

Bill leaves here and goes to a managers' conference, it is in the hands of the conference.

This is a provision which has stood the test of time and is not an unlimited franchise; it does impose a limit. I feel the Minister would do well to give an indication as to whether the Government is adamant on this issue, or whether it is going to accept some of the vital amendments, such as this and the previous one dealing with adult franchise.

The MINISTER FOR HEALTH: This will go to conference and the matter of compromise will come into it. I am not the Minister for Local Government, and so it depends on his attitude as to what amendments he will compromise on. I could not give an undertaking as to whether he would compromise on this or some other clause. So long as there is some compromise, I hope the Bill will be accepted.

Mr. BOVELL: I feel very strongly on this amendment and propose to divide the Committee on the matter. This is a vital clause and the Bill might stand or fall on it. Despite the fact that the Minister is not the Minister for Local Government, he should be in a position to inform this Committee whether it is the Government's intention to have the Bill defeated for the sake of one or two clauses involving matters of high principle.

The MINISTER FOR HEALTH: This is no more important than the adult suffrage principle. We will go into conference and debate the matter fully and compromise where possible. I cannot give any direct information. I do not want to lead members astray. The Government has given no direction to the Minister as to what he shall compromise on. It will be left entirely to the conference.

Question put and a division taken with the following result:

Ayes	22
Noes	16

Majority for 6

Ayes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lapham
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Graham	Mr. Molr
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Norton

(Teller.)

Noes.

Mr. Bovell	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. May	Mr. Thorn
Mr. Tonkin	Mr. Brand
Mr. Rhatigan	Mr. Ackland
Mr. O'Brien	Mr. Mann
Mr. Hall	Mr. Perkins

Question thus passed; the Council's amendment not agreed to.

No. 32.

Clause 78, page 66—Delete all words from and including the word "and" in line 7 down to and including the word "valid" in line 10 and substitute the following:—

the ward shall have at every election one or two votes proportionate to the annual ratable value or the unimproved capital value (according to the system of rating adopted by the council for the ward) of the land of which he is registered as the owner or occupier according to the following scale:—

Annual Ratable Value.	Number of Votes.
Not exceeding one hundred pounds	1
Exceeding one hundred pounds	2

Unimproved Capital Value.	Number of Votes.
Not exceeding six hundred pounds	1
Exceeding six hundred pounds	2

No. 33.

Clause 79, page 66—Delete the words from and including the word "and" in line 15 down to and including the word "valid" in line 18 and substitute the following:—

shall have a number of votes proportionate to the annual value or the unimproved capital value (according to the system of rating adopted by the council for the municipality) of the land of which he is registered as the owner or occupier according to the scale set out in section seventy-eight of this Act.

No. 34.

Clause 80, page 66—Add at the end of the clause a proviso as follows:—

Provided that nothing contained in this Act shall be deemed to confer on any one person the right to exercise votes in a representative capacity as well as in a personal capacity so that he may exercise more than four votes at one time at any election of mayor or more than two votes at one time in any election for councillor.

No. 35.

Clause 99, pages 78 and 79—Delete sub-clauses (2) (3) and (4).

No. 36.

Clause 99, page 79—Delete all words from and including the word "the" in line 13 down to and including the word "clerk" in line 14 and substitute the following: "alphabetical order."

No. 37.

Clause 99, page 79—Delete subclause (6).

No. 38.

Clause 107, page 83, lines 35-37—Delete paragraphs (c) and (d).

No. 39.

Clause 107, page 84, lines 1-3—Delete paragraph (e).

No. 40.

Clause 107, page 84, line 22—Delete the words "one ballot paper" and substitute the words "such ballot papers to which he is entitled under section seventy-seven."

No. 41.

Clause 107, page 84, line 25—Delete the word "the" last occurring and substitute the word "each."

No. 42.

Clause 107, page 84, line 33—Insert after the word "paper" the words "or ballot papers as the case may be."

No. 43.

Clause 107, page 84, line 36—Insert after the word "paper" the words "or ballot papers as the case may be."

No. 44.

Clause 109, page 90, line 40—Delete the words "one hundred" and substitute the word "five."

No. 45.

Clause 109, page 91—Delete paragraph (c) of subclause (7).

No. 46.

Clause 111, page 92—Delete all words after the word "is" first occurring in line 35 down to and including the word "State" in line 7 on page 93 and substitute the words "any person enrolled as an elector for the Legislative Assembly."

No. 47.

Clause 111, page 93, line 8—Delete all words from and including the word "in" down to and including the word "application" in line 10.

No. 48.

Clause 133, page 108, lines 28 and 29—Delete the words "mentioned in the scale at the end of this subsection."

No. 49.

Clause 158, page 120, lines 22 and 23—Delete the words "but only with the approval of the Minister."

No. 50.

Clause 158, page 120—Add the following subclauses:—

(3) Notwithstanding anything to the contrary contained in the agreement under which he is appointed to the office, an officer shall retire from the office upon his attaining the age of sixty-five years.

Provided that where the council is of the opinion that special circumstances exist which warrant the officer continuing to remain in the office after having attained the age of sixty-five years, the council may by resolution extend for such period as the council thinks fit the time during which the officer shall remain in the office.

(4) Where an officer is for any reason, other than the expiration of his agreement of employment or engagement by effluxion of time, or his attaining the age of sixty-five years, removed from his office, the following provisions shall apply:—

(a) The officer shall have a right of appeal against such removal to the Minister, and the Minister shall have jurisdiction to hear the appeal;

(b) Notice of the appeal shall be given by the appellant to the council within fourteen days after the appellant has been removed, or has received notice of the intention of the council to remove him from his office, or otherwise terminate his employment or engagement, whichever shall sooner occur;

(c) The Minister may either dismiss or allow the appeal;

(d) Whenever an appeal is allowed, the Minister may make such order in respect of the reinstatement or continuation of the appellant in his office as the Minister may think just, and the council shall give effect to such order according to the tenor thereof;

(e) The practice and procedure relating to appeals under this subsection shall be such as may from time to time be prescribed by regulations.

No. 51.

Clause 160, page 121, line 17—Delete the words "or of" and substitute the word "engineer."

No. 52.

Clause 160, page 121, line 17—Insert after the word "surveyor" the words "or treasurer."

No. 53.

Clause 160, page 121, lines 18 and 19—Delete the words "but only with the approval of the Minister."

No. 54.

Clause 170, page 128, line 2—Add after the word "fit" the words "or as the majority of ratepayers present may decide."

No. 55.

Clause 170, page 128, line 2—Add a proviso as follows:—

Provided that if the minutes of the preceding meeting or meetings as referred to in paragraph (a) hereof or the financial statements or reports referred to in paragraphs (b) or (d) hereof, have been printed and made available for perusal at the office of the council for at least twenty-four hours prior to the holding of the meeting, their reading may be dispensed with on a motion passed by a majority voting on the question at the meeting.

No. 56.

Clause 172, page 129, line 30—Insert after the word "president" the words "if elected by the ratepayers of a municipality."

No. 57.

Clause 172, page 129, line 32—Add after the word "vote" the words—

but if the mayor or president be elected by the councillors of a municipality he shall be entitled to a deliberative vote and in the case of an equal division of votes, he may exercise a casting vote.

No. 58.

Clause 172, page 130—Add a new subclause after subclause (10) to stand as subclause (11) as follows:—

(11) If any member—

(a) persistently and wilfully obstructs the business of the council;

(b) is guilty of disorderly conduct;

(c) uses objectionable words and refuses to withdraw such words;

(d) persistently and wilfully disregards the authority of the chair;

the mayor or president may report to the council that such member has committed an offence.

When any member has been reported as having committed an offence, he shall be called upon to stand up in his place and make any explanation or apology he may think fit, and afterwards a motion may be

moved, "That such member be suspended from the sitting of the council," no amendment, adjournment, or debate shall be allowed on such motion, which shall be immediately put by the mayor or president.

If any member be suspended, his suspension on the first occasion shall be for the remainder of the meeting; on the second occasion for one subsequent meeting; and on the third or any subsequent occasion for three subsequent meetings, such suspension occurring within the same council year.

When a member has been suspended, he shall not be permitted to enter the council room during the period of his suspension, if he does so enter during such suspension the mayor or president may call a police officer to remove him.

No. 59.

Clause 187, page 141, line 5—Delete the words "and electors."

No. 60.

Clause 188, page 144—Delete subclause (8).

No. 61.

Clause 196, page 138, line 9—Add at the end of the clause the following proviso:—

Provided that nothing in this section shall empower a council to prohibit the continuance of brickmaking which is being carried on at the commencement of this Act, unless the person carrying on such brickmaking is paid reasonable compensation in such amount as the council and such person agree upon, or failing agreement, in such amount as is awarded by a single assessor in case the parties agree upon one, otherwise by two assessors, one to be appointed by each party.

No. 62.

Clause 209, page 153, line 26—Insert after the word "keeping" the words "or leaving."

On motions by the Minister for Health, the foregoing amendments were disagreed to.

No. 63.

Clause 215, page 155—Delete all words after the word "means" in line 33 down to and including the word "person" in line 7 on page 156 and substitute the following:—

any hawker, pedlar or other person who, with or without any horse or other beast bearing or drawing burden, travels and trades and goes from town to town or to other men's houses there soliciting orders for or carrying to sell

or exposing for sale any goods, wares or merchandise, with the exception of—

- (a) commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, or selling or seeking orders for books or newspapers;
- (b) sellers of vegetables, fish, fruit, newspapers, brooms, matches, game, poultry, butter, eggs, milk, or any victuals;
- (c) persons selling or exposing for sale goods, wares or merchandise in any public market or fair legally established, or upon any racecourse, agricultural show ground, or public recreation ground;
- (d) sellers of goods of their own manufacture;
- (e) persons representing a manufacturer whose goods are sold direct to consumers only and not through the intermediary of shops.

The MINISTER FOR HEALTH: I move—

That the amendment be disagreed to.

HON. A. F. WATTS: Surely the Minister is not going to leave this amendment to a matter of compromise! It deals with the definition of "hawker" and everyone knows that the provision left this place in a most unsatisfactory condition. We all realised that something would have to be done to amend that omission as otherwise it was quite clear that the bona fide commercial traveller coming from one district to another on quite legitimate business could be classed as a hawker and prevented from carrying out his lawful avocation.

The Council went to a great deal of trouble—I understand substantially with the concurrence of the Minister at that time in charge of that House—to obtain a satisfactory definition and this is the result of the deliberations. It seems to me to be a most reasonable interpretation which, in the circumstances, should be accepted whole-heartedly by this Committee and should not be the subject of a conference and a compromise.

The MINISTER FOR HEALTH: I substantially agree with the hon. member, but I point out that we even left the change of date to the conference. If we start taking out one here and there, I do not know where we will get. I do not think the Leader of the Country Party has anything to fear in regard to the amendment.

Mr. BOVELL: We are creating all sorts of precedents. This is a deliberative Assembly. We have heard from the other side for many years that this is the place

where the elected people of the State really are. I do not altogether agree with that idea. I think that the whole of Parliament contains the elected representatives of the people, and each House has a vital part to play in the government of the country. But the Minister is throwing away all his principles for the sake of convenience by by-passing the opinions of this Assembly and allowing two or three members from each House to decide which amendments will be in and which will be out. That is not in the interests of democracy.

This clause caused considerable debate in this place. I am not sure that a whole night was not taken up over it. To put it crudely, we got ourselves into a mess. The Legislative Council has sorted the matter out and we should, as a gesture of appreciation, of the Council's action, agree to the amendment.

Mr. LAWRENCE: I am interested in the phraseology. I do not see any necessity for the inclusion of the words "travels and." If a man trades from town to town surely he must travel in order to do so! Half the Bills that are drafted have too much verbiage and are very stupid.

Question put and passed; the Council's amendment not agreed to.

No. 64.

Clause 215, page 156—Add after subclause (2) a new subclause to stand as subclause (3) as follows:—

(3) The council of a municipality shall not entertain any application (other than an application for a license by way of renewal of a prior license) unless the applicant produces a certificate signed by two reputable inhabitants of the State certifying that the person sought to be licensed is of good character and reputation and is a fit person to exercise the trade of a hawker.

No. 65.

Clause 231, page 167, line 37—Add the following proviso to subclause (3)—

Provided that this section shall have no application in respect of the excavation for or mining or winning such minerals as are defined by section one hundred and thirty-six of the Mining Act, 1904-1955.

No. 66.

Clause 239, page 176—Delete paragraph (s).

No. 67.

Clause 265, page 189, line 33—Insert after the word "of" the word "cement."

No. 68.

Clause 265, page 189, line 37—Insert before the word "bricks" the word "cement."

No. 69.

Clause 265, page 190, line 3—Insert before the word "bricks" the word "cement."

No. 70.

Clause 271, page 194—Delete all words from and including the word "With" in line 37 down to and including the word "authorisation" in line 40.

No. 71.

Clause 271, page 195, line 1—Delete the word "the" and substitute the word "a."

No. 72.

Clause 271, page 195, lines 14 and 15—Delete the words "without the necessity of obtaining authorisation mentioned in sub-section (1) of this section."

No. 73.

Clause 281, page 200, line 10—Insert after the word "Minister" the words "for Lands."

No. 74.

Clause 282, page 200, line 33—Insert after the semicolon following the word "use" the word "or."

No. 75.

Clause 282, page 200, lines 34 to 36—Delete the whole of subparagraph (iii).

No. 76.

Clause 282, page 201, line 1—Delete the expression "(iv)" and substitute the expression "(iii)".

No. 77.

Clause 282, page 201, line 16—Insert after the word "Minister" the words "for Lands."

No. 78.

Clause 282, page 201, line 31—Delete the words "of opinion" and substitute the following:—"(i) The Minister for Lands certifies."

No. 79.

Clause 282, page 201, line 33—Insert after the word "granted" the following:—", or (ii) the street is one set forth in a Town Planning Scheme which has been approved under the Town Planning and Development Act, 1928."

No. 80.

Clause 282, page 202, line 8—Delete the passage "(ii), (iii), or (iv)" and substitute the passage "(i), (ii) or (iii)."

No. 81.

Clause 283, page 202, line 22—Insert after the semicolon following the word "public" the word "or."

No. 82.

Clause 283, page 202, line 23—Delete the word "or."

No. 83.

Clause 283, page 202, lines 24 and 25—Delete subparagraph (iii).

No. 84.

Clause 283, page 203, line 12—Insert after the word "Minister" the words "for Lands."

No. 85.

Clause 283, page 203, line 39—Delete the word "and" and substitute the word "or."

No. 86.

Clause 283, page 204, line 1—Delete the words "The Governor is of opinion" and substitute the following:—" (i) The Minister for Lands certifies."

No. 87.

Clause 283, page 204, line 3—Add the following:—" ; or (ii) the street is one set forth in a Town Planning Scheme which has been approved under the Town Planning and Development Act, 1928."

No. 88.

Clause 289, page 209, line 38—Insert after the word "time" where appearing for the third time, the words "and may give to land registration authorities such instructions as he thinks fit,".

No. 89.

Clause 290, page 210, line 31—Delete the word "allotments" and insert the word "lots."

No. 90.

Clause 290, page 210, line 38—Delete the words "this Act" and substitute the words "the Town Planning and Development Act, 1928."

No. 91.

Clause 290, page 210, line 38—Add the words "No street shall, without the consent in writing of the Minister for Lands, be set out or constructed unless the width of such street, to be ascertained by measuring at right angles to the course of such street from front to front of the boundary line on either side thereof, shall be sixty-six feet in width but any ways shown on a subdivisional plan duly approved under this Act or any repealed Act shall be deemed to be lawfully set out."

No. 92.

Clause 290, page 211, lines 12 to 16—Delete all the words from and including the word "Before" in line 12 down to and including the word "request" in line 16.

No. 93.

Clause 290, page 211, line 29—Insert a new paragraph to stand as paragraph (c) as follows:—

(c) A name shall not be allocated to any area or to any street without the prior approval of the Minister for Lands,

No. 94.

Clause 290, page 212, line 25—Delete the word "allotments" and substitute the word "lots."

No. 95.

Clause 290, page 212, line 27—Delete the word "allotments" and substitute the word "lots."

No. 96.

Clause 290, page 212, line 35—Delete the whole of paragraph (d).

No. 97.

Clause 290, page 213, line 6—Delete the whole of paragraph (e).

No. 98.

Clause 290, page 213, line 18—Delete the expression "(f)" at the commencement of the line and substitute the expression "d".

No. 99.

Clause 290, page 213, line 18—Insert after the word "Minister" the words "for Local Government."

No. 100.

Clause 290, page 213, line 23—Delete the word "allotments" and substitute the word "lots."

No. 101.

Clause 290, page 213, line 26—Delete the word "allotments" and substitute the word "lots."

No. 102.

Clause 290, page 213,—Add to paragraph (f) the words "The decision of the Minister is final."

No. 103.

Clause 290, page 213, lines 27 to 30—Delete the whole of paragraph (g).

No. 104.

Clause 290, page 213, line 31—Delete subclause (4) and substitute the following:—

(4) When a plan of any such subdivision is deposited in the Office of Titles, and approved by the Inspector of Plans and Surveys or other officer appointed to approve plans, and a transfer of one or more lots (not being the whole of the land on such plan) is registered, then as from the date of registration of such transfer any land delineated and shown as a new street, on such plan shall become dedicated as a street, and shall be under the control of the Council; but no way not exceeding twenty feet in width shall be dedicated or be deemed to have become dedicated as a street by virtue of anything in this subsection or in subsection (5) of section one hundred and fifty-seven of the Road Districts Act, 1919, or subsection (4) of section three hundred and twenty-eight of the Roads Act, 1911.

No. 105.

Clause 291, page 214—Delete subclause (1).

No. 106.

Clause 291, page 214—Delete paragraph (b) of subclause (2) and substitute the following:—

(b) of its intention to form, level, pave, kerb, drain, or form or construct water tables in, the roadway or foot-path of a private street or part of a private street in the district.

No. 107.

Clause 291, page 214, line 26—Insert the following words to follow paragraph (b) "and may carry out such work at the expense of the council."

No. 108.

Clause 291, page 214—Delete paragraph (c).

No. 109.

Clause 291, page 214—Delete all words from and including the word "at" in line 29 down to and including the word "pay" in line 38.

No. 110.

Clause 291, page 214, line 26—Insert the clause (3), (4), (5), (6) and (7).

No. 111.

Clause 292—Delete.

No. 112.

Clause 346, page 257, line 17—Delete the words "six years" and substitute the words "twelve months."

No. 113.

Clause 353, page 261, line 1—Insert after the word "recover" the words "one half of."

No. 114.

Clause 354, page 262, line 24—Insert after the word "with" the words "one half of."

No. 115.

Clause 354, page 262, line 41—Insert after the word "charge" the words "one half of."

No. 116.

Clause 368, page 276—Delete all words after the word "continues" in line 9 down to and including the word "continues" in line 11.

No. 17.

Clause 368, page 276—Delete all words after the word "continues" in line 38 down to and including the word "continues" in line 40.

No. 118.

Clause 369, page 277—Delete all words after the word "continues" in line 28 down to and including the word "continues" in line 30.

No. 119.

Clause 371, page 279—Delete all words after the word "continues" in line 1 down to and including the word "continues" in line 3.

No. 120.

Clause 371, page 280—Delete all words after the word "continues" in line 4 down to and including the word "continues" in line 6.

No. 121.

Clause 371, page 280—Delete all words after the word "continues" in line 23 down to and including the word "continues" in line 25.

No. 122.

Clause 428, page 323—Delete all words from and including the word "with" in line 26 down to and including the word "offender" in line 34.

No. 123.

Clause 473, page 349, line 32—Insert after the word "pigs" the word "birds."

No. 124.

Clause 474, page 350, line 35—Add after the word "offence" the following words "and is liable to a penalty not exceeding two hundred pounds."

No. 125.

Clause 496, page 359, line 6—Insert before the word "bricks" the word "cement."

No. 126.

Clause 496, page 359, line 7—Delete the words "from the council's brickworks."

No. 127.

Clause 496, page 359, line 9—Insert before the word "bricks" the word "cement."

No. 128.

Clause 496, page 359—Delete paragraph (1).

No. 129.

Clause 504, page 366, line 10—Delete the word "brickyards" and substitute the words "manufacture cement bricks."

No. 130.

Clause 504, page 366, line 16—Insert before the word "bricks" the word "cement."

No. 131.

Clause 504, page 366, line 23—Insert before the word "bricks" the word "cement."

No. 132.

Clause 504, page 366, line 25—Insert before the word "bricks" the word "cement."

No. 133.

Clause 504, page 366, line 30—Insert before the word "bricks" the word "cement."

No. 134.

Clause 504, page 367—Insert a paragraph to stand as paragraph (j) as follows:—

(j) may provide, establish, conduct, control and maintain on land owned by or under the control of the council, parking areas and parking stations including termini for buses.

No. 135.

Clause 514, page 375, lines 14 and 15—Delete the words "separate and distinct banking accounts in respect of each of" and substitute the words "one trust fund banking account in respect to."

No. 136.

Clause 522, page 385, line 35—Delete the words "shall not" and substitute the word "may."

No. 137.

Clause 523, page 386, line 5—Delete paragraph (b) of subclause (1).

No. 138.

Clause 523, page 387, lines 10 and 11—Delete the words "and is exclusively used for such purposes."

No. 139.

Clause 523, page 387, line 22—Add after the word "Act" the following:—"or if declared by the Governor to be exempt from municipal rates. Provided that the Governor may from time to time and at any time revoke such declaration."

No. 140.

Clause 524, page 388, line 2—Insert after the number of the clause the subclause designation (1).

On motions by the Minister for Health, the foregoing amendments were not agreed to.

No. 141.

Clause 524, page 388, line 11—Add a new subclause as follows:—

(2) Notwithstanding the provisions of subsection (1), of this section the Commissioner of Taxation, instead of supplying to the council of a municipality the unimproved value of land as assessed under the Land and Income Tax Assessment Act, 1907, may at the request of the council make and supply to the council of a municipality an assessment of the ratable property in the district as prepared in accordance with the definition of unimproved value which is set forth in subsection (3) of this section.

(3) For the purposes of this Act, "unimproved value" means—

(a) in respect of land granted in fee simple, the capital sum for which the fee simple in such land would sell under such reasonable conditions of sale as a bona fide seller

would require assuming the actual improvements (if any) had not been made;

- (b) in respect of land held under contract for conditional purchase under the Land Act, 1898, or any Act enacted in amendment of, or substitution for, that Act, thereby repealed, the capital sum of which the fee simple of such land would sell on the assumption that the ratepayer is the owner in fee simple, under such reasonable conditions of sale as a bona fide seller would require, assuming the actual improvements (if any) had not been made; and
- (c) in respect of a pastoral lease—a sum equal to twenty times the amount of the annual rent reserved by the lease.
- (d) in respect of land temporarily used for private purposes but held by the Crown for a "public work" (other than for a "townsite") under the Public Works Act, or held by the Crown or any agency or instrumentality of the Crown pursuant to authority conferred by any other Act, a sum equal to twenty times the rental charged for the land, as distinct from the improvements thereon, or the unimproved value of the land in fee simple, whichever is the lesser;
- (e) in respect of other land held under a Crown lease, a sum equal to twenty times the annual rent but if the land is within a city, town, or townsite it means the unimproved value of the land in fee simple; or
- (f) in respect of other land of the Crown which is temporarily occupied without title or authority for private purposes, a sum equal to twenty times the rent which might reasonably be demanded for the land, or the value of the land in fee simple, whichever is the lesser.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Mr. COURT: This is one of the vital clauses on which there is a marked difference of opinion between the Government and the Opposition. We are now considering that part of the Bill which deals with valuations. The amendment

changes the intention of the original measure and it is one with which we agree. We do not support what is in the Bill in respect of valuations; and while it is quite apparent from the Minister's attitude that we cannot get any amendments through, we want it clearly understood that we are opposed to the principles of the Bill and support the amendment.

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

Ayes	.....	22
Noes	.....	15

Majority for 7

Ayes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lapham
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Norton

(Teller.)

Noes.

Mr. Bovell	Mr. Nalder
Mr. Cornell	Mr. Oldfield
Mr. Court	Mr. Owen
Mr. Crommelin	Mr. Roberts
Mr. Grayden	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning
Sir Ross McLarty	

(Teller.)

Pairs.

Ayes.	Noes.
Mr. May	Mr. Thorn
Mr. Tonkin	Mr. Brand
Mr. Rhatigan	Mr. Ackland
Mr. O'Brien	Mr. Mann
Mr. Hall	Mr. Perkins

Question thus passed; the Council's amendment not agreed to.

No. 142.

Clause 524, page 388—Add at the end of the clause the following:—

Provided that the provisions of this section shall not apply where the council of a municipality elects in lieu of the foregoing to engage its own valuer or valuers each of whom shall be a member of the Commonwealth Institute of Valuers, and such valuer or valuers shall supply to the council, as it may in its discretion require, the unimproved value or the annual value of the ratable property of the district at such time and in such manner as determined by the council.

No. 143.

Clause 528B, page 391—Delete.

On motions by the Minister for Health, the foregoing amendments not agreed to.

No. 144.

Clause 530, page 394, line 41—Insert after the word "Taxation" the following:—

or the unimproved value or annual value of the land as supplied from time to time by the valuer or valuers engaged by the council of such municipality as the case may be.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Mr. COURT: This important amendment is tied up with the overall question of valuations and affects the autonomy of local government. The Legislative Council wishes to give the municipality power to employ valuers and place their values in the rate book. I want it clearly understood that we support this amendment.

Mr. BOVELL: The amendment will give the local authority the right to accept Taxation Department values or employ its own valuers and I think that is a wise provision. I support the amendment.

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

Ayes	.....	22
Noes	.....	16

Majority for 6

Ayes.

Mr. Andrew	Mr. Kelly
Mr. Brady	Mr. Lapham
Mr. Evans	Mr. Lawrence
Mr. Gaffy	Mr. Marshall
Mr. Graham	Mr. Moir
Mr. Hawke	Mr. Nulsen
Mr. Heal	Mr. Potter
Mr. W. Hegney	Mr. Rodoreda
Mr. Hoar	Mr. Sleeman
Mr. Jamieson	Mr. Toms
Mr. Johnson	Mr. Norton

(Teller.)

Noes.

Mr. Bovell	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Oldfield
Mr. Crommelin	Mr. Owen
Mr. Grayden	Mr. Roberts
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. W. Manning	Mr. I. Manning

(Teller.)

Pairs.

Ayes.	Noes.
Mr. May	Mr. Thorn
Mr. Tonkin	Mr. Brand
Mr. Rhatigan	Mr. Ackland
Mr. O'Brien	Mr. Mann
Mr. Hall	Mr. Perkins

Questions thus passed; the Council's amendment not agreed to.

No. 145.

Clause 535, page 399, line 9—Add after the word "fund" the words "and shall deduct such amount from future amounts payable by such ratepayer."

No. 146.

Clause 538, page 402, line 4—Insert after the word "value" the words "or seven shillings for each pound of the annual value."

No. 147.

Clause 538, page 402, lines 8 and 9—Delete the words "that valuation" and substitute the words "the unimproved value or five shillings for each pound of the annual value of the property as the case may be."

No. 148.

Clause 538, page 402, line 16—Insert after the word "property" the words "or at the discretion of the council for each pound of the annual value of the property."

No. 149.

Clause 538, page 402, line 16—Add after subclause (3) the following subclauses:—

(4) In the valuation of land on the annual value, the following rules shall be observed:—

- (a) "Land," for the purpose of such valuation, shall include all reclaimed or unreclaimed land, and all houses, buildings and other structures or property erected thereon or thereunder, but shall not include any machinery, whether affixed to the soil or not.
- (b) The annual value of ratable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair average amount of rent at which such land may reasonably be expected to let from year to year, on the assumption (if necessary to be made) that such letting is allowed by law, less the amount of all rates and taxes and a deduction of twenty pounds per centum for repairs, insurance and other outgoings.
- (c) The annual value of ratable land which is improved or occupied shall in no case be deemed to be less than four pounds per centum upon the capital value of the land in fee simple.
- (d) When more persons than one are in separate occupation of a building erected on any portion of ratable land, each of them shall be deemed to be in occupation of a part of such land, and the annual value of such part shall be taken to bear the same proportion to the annual value of the whole of the land as the annual rental value of the part of the building occupied by him bears to the annual value of the whole of the building.
- (e) The annual value of ratable land held under any tenure peculiar to goldfields or

mineral fields shall be the fair average annual value of the land of the same quality held in fee simple in the same neighbourhood, with the buildings erected thereon, but without regard to the value of any other improvements made or work done upon the land, and without regard to any metals or minerals contained or supposed to be contained in it.

- (f) The annual value of ratable land which is unimproved and unoccupied shall be taken to be not less than ten pounds per centum on the capital value:

Provided that no land shall be considered to be unoccupied if the same is a portion of the original grant from the Crown, and let or occupied with any part of the same lands belonging to the same owner that are occupied and rated.

- (g) No allotment or separate portion of ratable land shall be valued at an annual value of less than three pounds:

Provided that, when the same person is the owner of two or more parcels of unoccupied land adjoining one another, such parcels shall be valued as one.

(5) Where the buildings on any ratable land constitute a factory within the meaning of the Factories and Shops Act, 1920-1954 (being a woollen, flour, timber, steel or other mill, or meatworks, or a building wherein goods or materials are manufactured, treated or produced and not being a shop or retail establishment), and the capital value thereof exceeds an amount of ten thousand pounds then, notwithstanding anything contained in subsection (4) of this section or elsewhere in this Act, the annual value of such land shall be one quarter of the amount which, but for the provisions of this subsection, would otherwise be its annual value.

(6) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—

- (a) where the general rate imposed by the council of the municipality is assessed on the unimproved value of the property, such rate be assessed on the annual value of the property instead of on the unimproved value thereof; or

- (b) where the general rate imposed by the council of the municipality is assessed on the annual value of the property, such rate be assessed on the unimproved value of the property instead of on the annual value thereof,

and that the question, whether or not the proposed alteration in the method of assessment of the rate imposed be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him, being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(7) In the taking of such poll, the provisions of subsections (6) and (7) of section ten of this Act shall apply.

(8) If at the poll a majority of the valid votes cast is in favour of the alteration in the method of assessment of the rate imposed, the Governor shall by Order declare that such alteration shall apply and take effect as at the date of commencement of the next financial year of the municipality.

No. 150.

Clause 548, page 408—Insert a new subclause to stand as subclause (3A) as follows:—

(3A) So far as is practicable, the valuation appeal court shall be held in the usual meeting place of the council of the district concerned.

No. 151.

Clause 588, page 443, line 4—Insert after the word "clinics" the words "ambulance services."

No. 152.

Clause 600, page 452, lines 12 and 13—Delete the words "electors in respect of residence" and substitute the word "ratepayers."

No. 153.

Clause 600, page 452, line 25—Delete the word "electors" and substitute the word "ratepayers."

No. 154.

Clause 600, page 452, line 28—Delete the word "electors" and substitute the word "ratepayers."

No. 155.

Clause 600, page 452, line 35—Delete the word "electors" and substitute the word "ratepayers."

No. 156.

Clause 600, page 453, line 2—Delete the word "electors" and substitute the word "ratepayers."

No. 157.

Clause 600, page 453, line 15—Delete the word "electors" and substitute the word "ratepayers."

No. 158.

Clause 600, page 453, line 16—Delete the words "reside in" and substitute the words "pay rates in respect of."

No. 159.

Clause 600, page 453, line 18—Delete the words "and who reside within the district."

No. 160.

Clause 600, page 453, line 26—Delete the word "are" and substitute the word "is."

No. 161.

Clause 600, page 453, line 28—Delete the word "are" firstly occurring and substitute the word "is."

No. 162.

Clause 600, page 453, line 28—Insert after the word "or" the words "the valid votes cast against the loan."

No. 163.

Clause 614, page 462, line 3—Insert after the clause designation "614" the subclause designation "(1)."

On motions by the Minister for Health, the foregoing amendments were not agreed to.

No. 164.

Clause 614, page, 462, line 5—Delete the words "a Government Inspector of Municipalities" and substitute the following:—

(a) in the case of a shire, a Government Inspector of Municipalities;

(b) in the case of a city or town, a person elected by the electors of the city or town in accordance with this Act, and who is currently a member in good standing of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, and registered as an auditor under the provisions of the Companies Act, 1943-1954;

Provided that if such person ceases to be a member of the Institute of Chartered Accountants in Australia, or the Australian Society of Accountants, or ceases to be registered as an auditor under the provisions of the Companies Act, 1943-1954, he shall forthwith become ineligible to be or continue as an auditor under this Act and the position shall automatically be declared vacant.

The definition of "auditor" is subject to the provisions contained in subsection (2) of this section providing for a change of auditor by a municipality.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Hon. A. F. WATTS: This amendment deals with the auditing of the affairs of the local authority. The Bill proposes to depart from the long-standing method by which the affairs of road boards have been audited by Government inspectors appointed for that purpose while the affairs of the city and of municipalities were dealt with by auditors elected by the ratepayers.

We expressed the view here that it was highly desirable to retain the alternative system, which the amendment would achieve in a more acceptable form than that considered here, because it defines the type of person who may be elected as auditor and provides that if he ceases to hold those qualifications he shall cease to be entitled to remain as auditor of the council. I think the amendment is satisfactory and the local authorities appear to want it.

Road boards or shire councils as they are to be, appear to have been satisfied over the years with the appointment of the Government inspectors but the circumstances are not similar or have not been till recent years and still in a number of places where the local authorities are road boards, there are no qualified persons available as public accountants and auditors. In other districts, in more recent years, such people have commenced practice. The larger the municipality, the more it is found that for many years qualified persons have been available to be elected by the ratepayers. I think the amendment should be agreed to.

Mr. COURT: I support the amendment. The road districts, which are to become shires, are not interfered with and the municipalities continue their present system. Efforts are now made by the various professions to encourage younger men to establish themselves in country districts and so it is ridiculous to send people from Perth to do certain things when there are local residents available who can do them equally well. Therefore, I support the principle for that reason in addition to the other very good reasons I have advanced.

Question put and passed; the Council's amendment not agreed to.

No. 165.

Clause 614, page 462, line 8—Delete the words "the Minister directs" and substitute the words "the council of the municipality directs."

No. 166.

Clause 614, page 462—Add the following subclauses:—

(2) Where at least one-third of the councillors sign and cause to be delivered to the mayor or president, as the case may be, a demand that—

(a) where the auditor is a person referred to in paragraph (a) of subsection (1) of this section, there be substituted in his stead a person referred to in paragraph (b) of that subsection; or

(b) where the auditor is a person referred to in paragraph (b) of subsection (1) of this section, there be substituted in his stead a person referred to in paragraph (a) of that subsection,

and that the question, whether or not the proposed substitution of auditor be effected, be submitted to a poll of the electors of the municipality, the mayor or president, as the case may be, shall cause the question to be submitted to a poll of the electors of the municipality to be held on a day appointed by him being not less than forty-two days nor more than seventy days after that on which the demand is delivered as aforesaid.

(3) In the taking of such poll, the provisions of subsections (6) and (7) of section ten of this Act shall apply.

(4) If at the poll a majority of the valid votes cast is in favour of the proposed substitution of auditor, the Governor shall by Order declare that such substitution shall apply and take effect as at the date of the commencement of the next financial year of the municipality.

No. 167.

Clause 615, page 463, lines 1 to 5—Delete subclause (3).

No. 168.

Clause 619, page 465, lines 33 and 34—Delete the words "in the form directed by the Minister."

No. 169.

Clause 619, page, 466, line 4—Delete the words "assets and."

No. 170.

Clause 619, page 466, lines 5 and 6—Delete the words "current assets and fixed assets and."

No. 171.

Clause 620, page 466, line 36—Delete all words from and including the word "unless" in line 36 down to and including the word "deficient" in line 6, page 467, and substitute the words "report thereon and forward his findings to the Minister and the council shall be entitled to have a copy of the auditor's report delivered to it by registered post addressed to the mayor or president as the case may be."

No. 172.

Clause 621, page 467, lines 28-32—Delete subclause (3).

No. 173.

Clause 621, page 468, lines 4-12—Delete subclause (5).

No. 174.

Clause 621, page 468, line 19—Delete the words "direct the auditor to."

No. 175.

Clause 621, page 468, lines 19-21—Delete the words "in which case the provisions of subsection (5) of this section apply as if repeated mutatis mutandis in this subsection."

No. 176.

Clause 621, page 468, lines 25-31—Delete the word "and" in line 25 and paragraph (b) of subsection (7).

No. 177.

Clause 621, page 468, lines 37 and 38—Delete the words "the auditor recovers money he shall pay it to the council" and substitute the words "any money is recovered such money shall be paid to the council."

No. 178.

Clause 624, page 469—Delete.

No. 179.

Clause 625, page 469, line 30—Add the following proviso to subclause (1) after the word "auditor" in line 30:—

Provided that this subsection shall not apply where an auditor has been elected by the electors of a municipality in accordance with section six hundred and fourteen.

No. 180.

Clause 627, page 470—Delete all words in this clause and substitute the following:—

627. In the case of an auditor to be elected by the electors of a municipality in accordance with section six hundred and fourteen, the following provisions shall apply:—

- (a) For each municipality there shall be one auditor who shall be elected for two years by the persons whose names are on the electoral roll in force for the time being.
- (b) No mayor, president or councillor shall be qualified for election as an auditor for the municipality of which he is mayor, president or councillor.
- (c) The Governor may at any time remove an auditor elected for a municipality on the petition of the council thereof.
- (d) Notwithstanding the division into wards of any municipal district the auditor shall be elected for the whole district and the election shall be conducted in the same manner as an election of mayor and shall take place at the same time and at the same polling place or places.

(e) All the provisions of Part IV of this Act so far as such provisions apply to or in connection with the election of the mayor shall apply mutatis mutandis to and in connection with the election of the auditor.

(f) Upon the union of municipalities the auditor of the municipal district having the largest population shall be the auditor of the united district until the first election of auditor for such united district when he shall go out of office, but shall be eligible for election as auditor of the united district.

(g) (i) On any vacancy occurring in the office of an auditor by death, removal, disqualification or by reason of any other circumstances the like proceedings shall be taken to fill such vacancy as upon an extraordinary vacancy in the office of mayor.

(ii) Every person elected to fill such vacancy shall be deemed, for the purpose of retirement, to have been elected when his predecessor in office was elected, and shall retire accordingly; but an auditor so retiring may be re-elected if duly qualified.

(iii) Whenever an extraordinary vacancy occurs in the office of auditor for a municipality the Minister may appoint a person qualified under subsection (1) of section six hundred and fourteen as an acting auditor for the municipality until a person is elected as auditor to fill the said vacancy.

(iv) When the Minister appoints an acting auditor under subparagraph (iii) of this paragraph such acting auditor while he so acts shall have and exercise the same powers and be subject to the same duties as an auditor who has been duly elected as such under the provisions of this Act.

(h) The auditor for every municipality shall be paid out of the municipal fund such remuneration as the council may from time to time determine.

No. 181.

Clause 634, page 473, line 18—Delete the word "was" and substitute the word "were."

On motions by the Minister for Health, the foregoing amendments were not agreed to.

No. 182.

New Clause—Insert after Clause 20 the following new clause:—

20A. (1) Where by reason of the exercise by the Governor of any of the powers conferred by section twelve of this Act, a new municipality is constituted, or the boundaries of a municipality are altered, every person who immediately before the day of such constitution or alteration was a servant of the council of any municipality affected, and who was wholly or principally employed on or in connection with any work, trading undertaking, right, power, authority, duty, obligation or function which becomes transferred to, vested in, exercisable by, or conferred or imposed upon the council of the new municipality or of another municipality, shall on such day (subject to any agreement which may be entered into between the council of the municipality affected, the council of such new or other municipality and the servant)—

- (a) be transferred to the service of the council of such new or other municipality; and
- (b) become a servant of the council of such new or other municipality; and
- (c) be paid salary or wages not less than at the rate at which he was employed immediately before such day until such salary or wages is or are varied or altered by the council of such new or other municipality: Provided that such salary or wages shall not be reduced for a period of at least one year from the date of such transfer, except to the extent necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1912; and
- (d) be deemed to have been appointed and employed by the council of such new or other municipality under the provisions of this Act.

The person so transferred shall on and from such day until otherwise directed by the council of such new or other municipality continue to perform the duties which attached to his employment immediately before such day.

(2) Where any condition of employment of any person so transferred to the council of such new or other municipality is at the date of his transfer regulated by an award, or industrial agreement, such condition shall continue to be so regulated until an award regulating such condition and binding the council of such new or other municipality is made by a competent tribunal, or such condition is regulated by an industrial agreement to which the council of such new or other municipality is a party.

(3) The period of service with the council of one or more municipalities or districts under this Act of any person so transferred shall upon such transfer be counted as service with the council of such new or other municipality for the purposes of this or any other Act, or of any regulation or by-law or of the terms and conditions of any staff agreement, or of any award or agreement made under the Industrial Arbitration Act, 1912.

(4) The transfer of any person under this section shall not affect any right to leave (including long-service leave) of absence accrued prior to such transfer.

(5) (a) If the employment of any person transferred under this section is terminated by the council of any such new or other municipality, otherwise than for misconduct, within a period of two years from the date of his transfer or if any person so transferred resigns his position with the council of such new or other municipality within the period commencing one year after, and ending two years from, the date of his transfer, and the council has prior to the date on which his resignation was tendered failed to offer him in writing continuous employment at a salary or wage at least equal to that received by such person immediately prior to the date of his transfer, and such failure is not occasioned by the misconduct of such person, the council of such new or other municipality shall grant to such person a gratuity equivalent to the amount of four weeks' salary or wages for each year of service, such salary or wages being reckoned on the average of the weekly salary or wages paid to such person during the fifty-two weeks immediately preceding the date of his transfer:

Provided that nothing contained in this subsection shall require the council of such new or other municipality to offer any person transferred under

this section employment beyond the date upon which such person shall attain the age of sixty-five years:

Provided further that the amount of any gratuity payable under this subsection shall not in any case exceed an amount being the equivalent of the salary or wages, reckoned on the average of the weekly salary or wages paid to such person during the fifty-two weeks immediately preceding the date of his transfer, which such person would have received if he had continued in the employment of the council from which he was transferred until the date of his attaining the age of sixty-five years.

(b) This subsection shall apply only to a person who has been employed continuously by the council of any one or more municipalities or districts under this Act for a period of not less than one year immediately preceding the day of his transfer to the service of the council or such new or other municipality.

(6) Where a person who is transferred under this section was engaged by the council of a municipality affected under a subsisting contract of service which provides for payment of compensation in the event of the termination of his employment, and the employment of such person is, before the expiration of the period of the contract, terminated by the council of such new or other municipality otherwise than in accordance with the terms of such contract, the council of such new or other municipality shall pay to such person the amount of compensation provided for in the contract, and if the amount of such compensation be less than the amount that would be payable to such person under subsection (5) of this section, shall also pay to him a gratuity equivalent to the difference.

A person who is entitled to receive any compensation, or compensation and gratuity, under this subsection shall not be deemed entitled to receive a gratuity under subsection (5) of this section.

(7) The provisions of the Superannuation, Sick, Death, Insurance Guarantee and Endowment (Local Government Bodies' Employees) Funds Act, 1947, shall continue to apply to and in respect of any person transferred under this section in like manner and to the same extent as the said Act would have applied if this section had not been enacted.

(8) A servant of the council who at the time of the constitution of a new municipality or the alteration of a municipality is engaged on war service as defined in the Defence Act,

1903, of the Parliament of the Commonwealth of Australia, shall for the purposes of this section be deemed to be still in the employ of the council, and his war service as well as his service with the council shall be counted as service with the council for the purposes referred to in subsection (3) of this section, and he shall be deemed to have been employed continuously by the council for the purposes of subsection (5) of this section.

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

MR. COURT: This amendment represents a new clause that has been inserted by the Legislative Council. It is only fair that the Minister should give some explanation of the reason behind the introduction of this new clause. It is not an amendment that we have considered in this Chamber.

MR. BOVELL: I had hoped that the Minister would have risen and given the explanation asked for by the Deputy Leader of the Opposition. I think we have a right to know what this new clause entails. Like the Deputy Leader of the Opposition, I, too, would appreciate some explanation from the Minister. In the next amendment there is another new clause which is extremely lengthy and I am not fully acquainted with the merit of either this or the following new clause.

Question put and passed; the Council's amendment not agreed to.

No. 183.

New Clause—Insert a new clause, after new clause 20A to stand as clause 20B, as follows:—

20B. (1) The provisions of this section shall apply to the transfer of servants in any case where by reason of the exercise by the Governor of any of the powers conferred by section twelve of this Act any whole municipality or whole municipalities and parts of municipalities are divided into a different number of municipalities.

(2) The council of each new municipality, and where whole municipalities and parts of municipalities are divided, the council of any municipality of which part has been taken, shall confer with one another and agree upon an arrangement as to the transfer of those persons who immediately before such division were servants of the councils of the municipalities affected.

(3) Where the councils have not agreed within a period of one month from the date of such division or

within such further period as the Minister may allow the Minister may make such an arrangement.

(4) An arrangement under this section shall—

(a) in the case where whole municipalities are divided, provide for the transfer of all persons who immediately before such division were servants of the councils of the municipalities affected to the service of the councils of the new municipalities;

(b) in the case where whole municipalities and parts of municipalities are divided, provide for the transfer to the service of the councils of the new municipalities of—

(i) all persons who immediately before such division were servants of the councils of the municipalities wholly affected; and

(ii) such persons who immediately before such division were servants of a municipality from which part has been taken, as the councils of the municipalities affected may determine.

(5) An arrangement made under this section, shall be embodied in a proclamation, and upon publication thereof any person affected by such arrangement shall—

(a) be transferred to the service of the council of the new municipality specified;

(b) become a servant of the council of such new municipality;

(c) be paid salary or wages not less than at the rate at which he was employed immediately before the publication of such proclamation until such salary or wages is or are varied or altered by the council of such new municipality:

Provided that such salary or wages shall not be reduced for a period of at least one year from the date of such transfer except to the extent necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1912; and

(d) be deemed to have been appointed and employed by the council of such new municipality under the provisions of this Act.

The person so transferred shall on and from the publication of such proclamation until otherwise directed by the council of such new municipality continue to perform the duties which attached to his employment immediately before such publication.

(6) The provisions of subsections (2) to (8) inclusive of section twenty A of this Act shall apply to and in respect of the transfer of any person under subsection (5) of this section.

(7) Pending the publication of a proclamation embodying an arrangement under this section, the Governor may by proclamation under this Part make such provision as the Governor may deem necessary or expedient for the temporary transfer to the service of any of the councils of the new municipalities of the servants of the councils of any of the municipalities affected and for the performance of the duties of such servants and for the payment of the salary or wages of such servants at the rates at which such servants were employed immediately before such division and for any other matter or thing incidental thereto.

The MINISTER FOR JUSTICE: I move—

That the amendment be not agreed to.

Mr. COURT: Has not the Minister the information with him regarding this new clause?

The Minister for Justice: No, I have not. I did not intend to discuss this new clause because it will be discussed at the conference.

Mr. BOVELL: I am disappointed the Minister is not in a position to give us the necessary information to enlighten this Committee. In all my parliamentary experience no Committee has co-operated with the Government as this one has; therefore, I am extremely disappointed that members cannot be fully informed on the implication of this new clause.

A conference of managers comprising members of both Houses is to be appointed and this new clause will be adopted as it stands or with further amendment. With some of the provisions in the Bill I am in full accord, but I cannot agree to others in their entirety and unless some amendments are forthcoming, I hope the Bill will be thrown out. However, I agree that it would be of advantage to have uniform legislation governing local authorities and therefore I hope that the passage of the Bill will be smooth in order that the Act, when proclaimed, will make for simple legislation.

Question put and passed; the Council's amendment not agreed to.

No. 184.

New Clause.—Insert after Clause 227 a new clause to stand as Clause 227A, as follows:—

227A. The council if a municipality may so make by-laws—

- (a) with respect to the control and management of parking stations established by the council under this Act and the management and operation of parking facilities provided by the Council under this Act;
- (b) prescribing charges payable by any person using, or in respect of any vehicle occupying a parking station or parking facility so established or providing and differentiating in the fees charged in respect of the various classes of vehicles and exempting any person or vehicle or class of person or class of vehicle from paying all or any of those charges;
- (c) prescribing conditions under which and the period or periods of time during which a parking station or parking facility may be used or occupied;
- (d) providing for the protection of parking stations and parking facilities and all equipment pertaining to them against misuse, damage, interference or attempted interference by any person;
- (e) regulating the parking and standing of vehicles in any parking station and prohibiting any person from parking or standing any vehicle in a parking station otherwise than in accordance with the by-laws;

The MINISTER FOR HEALTH: I move—

That the amendment be not agreed to.

Mr. COURT: Can the Minister indicate whether this new clause is acceptable to the Government? The principle contained in it is not as great as that relating to adult franchise. However, it deals with parking and I have recollections of the long-drawn-out debate that took place on the parking facilities to be provided by the Perth City Council. This new clause provides for sweeping regulation powers for local authorities over parking stations. Can we have some indication of whether the Government is not opposed to this provision?

The MINISTER FOR HEALTH: The Government has never discussed this amendment, so it will be a matter of compromise. Reading the amendment hurriedly, I cannot see that there will be

much objection to it. However, the decision on it will rest with the managers in conference.

Question put and passed; the Council's amendment not agreed to.

Resolutions reported and the report adopted.

A committee consisting of Hon. A. F. Watts, Mr. Toms and the Minister for Justice drew up reasons for not agreeing to the Council's amendments.

Reasons adopted and a message accordingly returned to the Council.

BILL—TRAFFIC ACT AMENDMENT (No. 1).

Council's Message.

Message from the Council received and read notifying that it had agreed to the further amendment made by the Assembly to the Council's amendment No. 2.

BILL—SUPREME COURT ACT AMENDMENT.

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [11.30] in moving the second reading said: This Bill hinges on the fact that, for the last year or more the Commonwealth Bankruptcy Administration has been making preparations for shifting the bankruptcy registry from the Supreme Court building to new premises in Adelaide Terrace where the Official Receiver's Office will also be located. The administration also intends, when the transfer takes place, to have a Commonwealth officer appointed as registrar in bankruptcy. This action is in accordance with Federal policy, and the bankruptcy district of Western Australia is the last to be brought into line in this respect. The moves, which are overdue, are advantageous to the Crown Law Department because they will relieve the Registrar of the Supreme Court of the burden which he has carried as Federal registrar in bankruptcy, and will make available much needed accommodation at present occupied by the Federal registry.

However, serious technical difficulties will arise concerning the transaction of bankruptcy business when the registry is removed from the Supreme Court, because of the fact that in this State as in some others there is no Federal court of bankruptcy, and the Federal jurisdiction in bankruptcy is exercised by the Supreme Court assisted by certain Commonwealth officers. This means that all bankruptcy process must be issued under a Supreme Court seal. There is authority for only

one such seal and that seal must be kept in the custody of and be used only by the Registrar of the Supreme Court.

Unless another seal can be provided specially for use in the bankruptcy registry, there will be grave difficulties and inconvenience in issuing bankruptcy proceedings, as all documents requiring the seal will have to be brought to the Supreme Court to be sealed. A further difficulty is that in this State all files and records under the Federal Bankruptcy Act are really Supreme Court records and there is no statutory authority for allowing their removal from the Supreme Court and placing them in the custody of a Commonwealth official, even though he be the registrar in bankruptcy for this district. The bankruptcy registry would not be able to function without having ready access to all its files and records. Apparently the bankruptcy administration anticipating that it would be possible to overcome their difficulties in the same manner as in Queensland, where a similar set-up to that proposed for this State has existed for some time past. In Queensland the Supreme Court judges have made a rule of court prescribing a special seal to be used for bankruptcy business and authorising the registrar in bankruptcy, a Commonwealth official, to have the use and custody of it.

The same official, by another rule of court, has been given the custody of the bankruptcy records of the Supreme Court of Queensland in the exercise of its Federal jurisdiction. When an approach for action along these lines was made to the Chief Justice in this State by the Inspector General in Bankruptcy on his recent visit to Perth, it was pointed out to him that, unlike the Queensland statute, the Supreme Court Act of this State made provision for only one seal, and that statutory authority would be required before the administration's wishes could be acceded to. It was also pointed out that no authority existed for the judges to make rules enabling court records to be placed in the custody of a Commonwealth registrar in bankruptcy.

The Inspector General then wrote, making a formal request that steps be taken to secure the statutory authority required. The Chief Justice agreed to the request, but intimated that the amendments should extend further than the bankruptcy jurisdiction so that other eventualities would be provided for. The amendments are of a non-contentious nature and the Chief Justice desires to assist the Federal authorities in the matter.

There is another amendment in the Bill which concerns an entirely different matter, and that also has been brought to my notice by the Chief Justice. It now appears that the effect of the judgment of the High Court in a certain divorce case could be more far-reaching than was at

first proposed, in that it raises doubts as to the power of the Full Court of the Supreme Court to hear appeals in certain matters apart from matrimonial causes, more particularly appeals from a judge sitting in court or in chambers in the ordinary civil jurisdiction. Jurisdiction in such matters was conferred on the Full Court by the Supreme Court Acts of 1880 and 1886, and it had always been considered that the jurisdiction of the Full Court was preserved by Sections 16 (2) and 58 (1) of the Supreme Court Act of 1935. There can be no doubt that it was intended to preserve the Full Court's jurisdiction and a large number of appeals from judges and other matters have been heard since that date.

The High Court has now suggested that Section 16 (2) did not preserve the appellate jurisdiction and that, although the subsection is not easily construed, it does not have the intended effect because the Acts, and in particular the Supreme Court Act, 1886, giving that jurisdiction were actually repealed by the Supreme Court Act of 1935.

Although Section 58 (1) (b) of the Supreme Court Act provides that the Full Court shall hear and determine appeals from a judge sitting in court or in chambers, and other matters mentioned in that section, the High Court has thrown doubt on the efficacy of the provision in these words—

In the enactment of Section 58 (1) (b) of the Supreme Court Act, 1935, it seems reasonably clear that no more was intended than to provide for the distribution of business, as the heading of the part in which the section stands seems to show.

The heading of that part, Part IV, is "Sittings and Distribution of Business." Except in Section 58 (1) (b)—and the dictum of the High Court just quoted throws doubt on this construction—there is nothing in the Supreme Court Act which specifically confers on the Full Court jurisdiction to hear and determine the matters mentioned in that section and this might have been an accidental omission.

It will be seen that Section 58 has a Subsection (1) but no other subsection. It seems possible that the draftsman intended to add a subsection numbered (2) providing specifically for that jurisdiction, but somehow overlooked it when the draft was being assembled. There is no need to stress the desirability of resolving with the least possible delay the disturbing doubts which have now arisen. An amendment has therefore been prepared specifically conferring on the Full Court retroactively from the commencement of the Supreme Court Act, 1935, jurisdiction in relation to all matters mentioned in Section 58 (1) as doubt may possibly be felt as to that jurisdiction of the Full Court.

This is a very small but important amendment. I do not think that it is contentious, and it appears to me that there was some oversight in 1935 when the Supreme Court Act was being amended, and certain parts were repealed and not replaced. Consequently, many appeals that have been dealt with by the Full Court may not be valid, and there is some doubt as to whether the court had jurisdiction to deal with them. This will correct the anomaly. I move—

That the Bill be now read a second time.

On motion by Hon. A. F. Watts, debate adjourned.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Eyre) [11.41] in moving the second reading said: This Bill arises out of a recent judgment of the High Court of Australia in a divorce case—*Riebe v. Riebe*—which was heard in Perth in September and judgment was delivered in October. Shortly, the history is that the husband sued his wife for a divorce but the judge refused to grant it. The husband then appealed to the Full Court of Western Australia. The Full Court reversed the decision of the single judge, and granted the husband a divorce.

As a result of the decision, the wife appealed to the High Court of Australia, which reversed the decision of the Full Court, and restored the judgment of the single judge given in the first instance. In the course of its judgment the High Court held that our Full Court had no jurisdiction to hear an appeal from a judge who refused to make an order for dissolution of marriage.

The matter was referred to me by His Honour, the Chief Justice, requesting that remedial legislation be introduced. The need for the amendment arises from the following facts:—

When the Matrimonial Causes and Personal Status Code was introduced in 1948 all provisions of the Supreme Court Act dealing with matrimonial causes and appeals therein were repealed, and the matrimonial code then became the sole source of all original and appellate jurisdiction in matrimonial cases.

Part V of the Code deals with appeals and Section 51, subsection (1), commences as follows:—

Every order for dissolution of marriage or nullity of marriage or judicial separation or any order . . . may be appealed against . . .

The High Court has pointed out that a right of appeal is given only for an order for dissolution of marriage, etc., but no right is given in the case of a refusal or an order for dissolution of marriage.

The Full Court has purported to deal with a number of appeals from the refusal of an order for dissolution of marriage, and it now appears that such appeals were without jurisdiction. It is essential that those orders be validated because of the great personal inconvenience and embarrassment which may be caused to the parties who have acted in reliance on the validity of the Full Court orders.

Under the amendment every order made by a judge, which would include an order made by a judge dismissing any application or action, in the exercise of the jurisdiction under the Matrimonial Code, including orders made in interlocutory, intervention and ancillary proceedings, may be appealed against as provided in the new subsection.

It is very necessary to validate all appeals which have, in the past, been heard by the Full Court without jurisdiction. The relevant clause has the effect of deeming that the Full Court had jurisdiction to hear and determine any appeal, and that any judgment or order made by it is valid and effectual. Further, at the time of the Bill coming into operation, notice of appeal may already have been given to the Full Court, and appeals may in fact be pending, although the Full Court has no jurisdiction to hear them.

Another amendment will therefore ensure that those notices of appeal are valid, and that the Full Court will have jurisdiction to hear those appeals, notwithstanding that at the time the order appealed from was made, or when the notice of appeal was given, the Full Court did not have jurisdiction.

Still another clause will make sure that all proceedings, matters, orders, acts and things taken or done in reliance upon any judgment or order of the Full Court which, but for the amendment, would have been invalid, are now deemed to be valid and effectual. It will make sure that all persons who considered themselves divorced by virtue of a previous Full Court order are, in fact, divorced, and that all subsequent marriages as a result of those divorces are validated, and all maintenance orders, etc., made in reliance of the purported validity of the Full Court orders are valid and effectual.

Another clause ensures that the retrospective validity given to Full Court orders by the Bill does not affect the rights of the parties in the particular case of *Riebe v. Riebe*, in which the point was taken that the Full Court had no jurisdiction to hear the appeal, and which point was upheld by the High Court of Australia. It is considered proper that nothing in the Bill should affect those rights.

Owing to some mistake in amending the legislation, a portion was left out and, consequently, it has been found that there is no appeal to the Full Court if a single judge refuses to grant an order for the dissolution of a marriage. There have been appeals to the Full Court, which have been dealt with, and they are invalid. This Bill will validate them and also amend the legislation so that that action can be taken in the future. I move—

That the Bill be now read a second time.

On motion by Mr. W. A. Manning, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT

(No. 4).

Message.

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. H. E. Graham—East Perth) [11.50] in moving the second reading said: This Bill, of some 32 pages, contains quite a number of amendments to the Traffic Act and many different principles. Therefore, perhaps unfortunately in view of the late hour, it will take a reasonably lengthy time to explain the various provisions contained in this measure. It is my intention, however, to be as brief as possible with most of the provisions, but with one of them I think it necessary to give a reasonably comprehensive survey.

Members will recall that when a Bill to amend the Traffic Act was before Parliament last year, there was agreement that the three months' licensing period should be dispensed with, but subsequently it was thought that that period should be retained. As to be expected, perhaps, towards the end of the session, there was not the concentration on the detail surrounding the provisions of the Bill that there might have been, and so we finished the session with the licensing of vehicles being permitted for 12, six or three months in the metropolitan area, but no provision for such periods of licensing in the country districts. This, of course, is somewhat anomalous.

The Bill, therefore, proposes to bring the metropolitan area into line with the country districts. If the measure is passed there will be periods for the licensing of vehicles of either 12 months or six months only. It should not be necessary to point out that the shorter period—the quarterly period—was introduced during the days of petrol rationing when the future was so uncertain. Prior to World War II there was a fixed twelve-monthly period which applied right throughout the whole of the State. So it will be appreciated that a concession will still be retained.

In order to minimise some of the expected opposition to this proposal, I would point out that it is my intention, should the Bill reach the Committee stage, to insert an overriding clause to the effect that licensing periods for 12 months and six months shall apply but that any local authority—which is the licensing authority—may, if it so desires, license vehicles for three months only.

Mr. Evans: Hear, hear!

THE MINISTER FOR TRANSPORT: That apparently is pleasing to one member. I should say this: Whilst perhaps unwittingly Parliament agreed to the elimination of the three months' licensing period in country districts, I am informed by the secretary of the Local Government Department that there were not—it was a month or two ago but it has been in operation for nine months—more than one or two criticisms or objections raised by country local authorities.

I am aware that in the last two weeks a certain member has approached the local authorities in his electorate and they, perhaps being anxious to please him, have said they have no objection to the three-monthly licensing period. It appears that under the Act there are quite a number of exemptions pertaining to primary producers particularly, but they apply also to other classes of motor-vehicle users. One exemption relates to a bona fide prospector.

Representations have been made—following information that is to hand—on the ground that some local authorities have been interpreting this concession in a niggardly fashion and therefore, because a person has some minor operations on his prospecting area, they deny him the concessional 50 per cent reduction in the licensing fee. So the proposal in the Bill is to make the concessional licence apply not only to a prospector but also to one engaged in mining operations, but excluding a mining company. That is to say, the ordinary small individual going about his mining operations—prospecting or otherwise—can take advantage of the concessional licence.

At present—and again this follows the amending legislation introduced last year—in those cases where a traffic licence is sought for a person under the recognised age, one can be granted provided there is agreement by either the parent, guardian or employer. Experience has shown that in a number of cases and in actual practice, employers are obtaining drivers' licences for under-age drivers contrary to the wishes of the parent or parents.

So it is proposed that in order to allow this provision to remain, the employer—if the police have reason to believe the parent or parents are not in the State or are not readily available—might give approval to a licence being granted.

I think it will be agreed that no employer should have the right to take steps to enable a youth of tender years to obtain a driving licence without the parents or the guardian first of all having an opportunity to lodge an objection, if that be their desire and if they are reasonably available.

The next amendment—and this amendment is not in the order of which the amendments appear in the Bill—deals with a person learning to ride a motorcycle. Again, such a provision was contained in the amending Bill before Parliament last year. It was finally agreed that where a person was learning to ride a motorcycle he should be accompanied by another motor cyclist riding on the driving side of him or accompanied by a licensed driver or teacher sitting in the sidecar attached to the motorcycle. It is now proposed that there shall be a third method to enable a person to learn to drive a motorcycle, namely, that he should be accompanied by a driver riding on the pillion seat of a motorcycle driven by the person who is seeking to obtain a licence.

Mr. Hearman: There is not much future for the person riding on the pillion seat of a cycle ridden by a learner.

The MINISTER FOR TRANSPORT: Under this legislation nobody is compelled to ride in that position, but I am informed that it is the practice for a teacher or instructor to ride on the pillion seat of the motorcycle being driven by the learner. If an instructor is not prepared to accept the risk—if there is a risk—he need not do so. This amendment will, however, make the law conform to general practice.

With regard to drivers' licences generally, I have not the figures with me, but if my memory serves me right, the fee in other parts of Australia is £1 per annum in most cases and 15s. per annum in one or two instances. In other words, Western Australia is out of step with the other States. The Government gave this question consideration and it has resolved—as appears in this Bill—that a fee of 10s. shall be charged when an application is made for a driver's licence. That will pay for the cost of the driving test or examination. The 10s. fee charged for the driver's licence itself will still be retained. In other words, so far as the existing licence holders are concerned, the fee for them will still be 10s. per annum when they seek to renew their driver's licences.

Whilst it does not appear in the Bill—unfortunately one or two errors have crept into the drafting of this measure—the intention is that when the 10s. is paid on application for a driver's licence, that shall hold good for a period of three months. The experience is that some people seeking to obtain licences are overcome by nervousness or perhaps they are merely not familiar with certain traffic regulations that should be known to them,

accordingly they are not given a driver's licence. The period of three months is to enable them to come back a second or third time and get their licence for which they will only pay the 10s.

So, actually there is a new principle being introduced of paying not the cost of the examination or the test—because that costs far more than 10s.—but a contribution towards the cost of the service given. Members will recall that last year we gave some attention to the stealing of vehicles and in that respect the penalties were substantially increased. These were followed with interest in other States of the Commonwealth and in several places they are either more or less following our pattern or giving serious consideration to it.

But there are two weaknesses. The first is that the penalties contained in the section of the Act apply to motor-vehicles only and, of course, caravans, trailers, etc. are excluded. This simple amendment will be to delete the word "motor" so making the penalty apply to all vehicles that use the road. The second error which has become apparent as a result of the interpretation made by the court, is that there are, as members know, increasing penalties with successive thefts of motor-vehicles. It appears, however, as the legislation is worded at present, that if a person steals three cars on three separate days, he gets the first, and then the second and heavier penalty, also the third and heaviest penalty. But if he steals three cars on the one day it is considered to be the one offence, and he only gets the one penalty which in this case is the smallest. Accordingly, an amendment has been drafted to correct that.

It appears ridiculous that if over a period of 12 months one person steals three cars, and somebody in one day steals three or four or half a dozen, the latter should get away with the lesser penalty. I think members will agree with that. At the present time the Commissioner of Police has power where there is a person of bad character and repute, to refuse to grant him a driver's licence. It is proposed that where a person has shown himself to be a bad, reckless and irresponsible driver who commits major breaches—many of them over a period of time—the Commissioner of Police may make application to the court, and if the appropriate court determines that such person is not a suitable individual to hold a driver's licence, it can confirm the application of the Police Commissioner.

In Western Australia we have no provision for what are called hire cars in the Eastern States. In this legislation it refers to them as private taxi cars. They are vehicles which do not ply for hire in the streets in the ordinary way. They do not occupy the ranks on the road, but operate exclusively from the premises of the owners. This would apply to those

instances where a driver is supplied and also to those of a "drive-yourself" nature. It is not intended to impose any restriction in connection with them but merely to have simple regulations covering them.

I might mention the necessity for an amendment in one respect which will illustrate the point. Before a person can drive a taxi or an omnibus, or any vehicle for the transport of paying passengers, it is necessary for him to obtain a conductor's licence. But in the case of hire cars, it is possible for anybody to be at the wheel provided he has a licence. There was a case recently where a young fellow—I think he was one of the under-age drivers we hear about—who took out a party in a car and met with a bad accident. Indeed, I am not sure that there was not a fatality suffered. I think members will agree that where a person is in charge of a passenger vehicle, there should be some slightly higher test or qualification as against that applied to the ordinary driver.

Another amendment dealing with taxis is to enable licences to be issued in respect of a limited area. I can give an example to illustrate the point. As is known, perhaps, there is a waiting list in Perth, and not more than a certain number of new licences are issued in one month. But it could happen, as it did several months ago, that a taxi was required in Midland Junction to serve in that locality. A licence was granted to this applicant but out of his turn. In order to regularise it, to have some sort of supervision and to save the position under which a person obtains a taxi licence to serve in a particular area and we find the day after that he is operating in the heart of Perth—and there is nothing to stop him at the present moment—it is proposed that it should be possible to impose certain limitations.

I have in mind places like Armadale and so on. That would mean that he could not cruise the streets of Perth or use the ranks in the city. His base would be Midland Junction or Armadale as the case may be. But if he were taking a passenger from Midland Junction to one of the other suburbs, say Subiaco or Cottesloe, there would be no restriction or impediment on his taking up a passenger or passengers on his way home. It is not intended that he should be restricted in this matter or that he should not deviate from his direct journey.

If a person obtains a licence to operate in a particular area, that area should be his base. That is desirable in order to give people in some of these more outlying parts an opportunity of having a taxi service—otherwise they might not have one at all. In respect of the transfer of licences from one person to another, when a vehicle is disposed of it was found, after the conference of managers met last year, that we finished by making it a responsibility not

only for the seller but also for the new buyer to notify the local authority or the licensing authority, but also both of them were responsible for the payment of the transfer fee.

Under this legislation it is proposed that the person disposing of the vehicle shall be required to notify the licensing authority, but the purchaser is the one who will be required immediately to effect the transfer. That has been virtually the procedure over the years, except there was no specific requirement for it to be done immediately. I do not anticipate any objection to this provision.

The next provision I propose to deal with covers the licensing of dealers in used cars. Several months ago I was approached by representatives of the Used Car Dealers' Association and the Chamber of Automotive Industries. Both sought some form of control. They informed me that they had ideas along the lines of the Land Agents Act, but not on as comprehensive a scale. They submitted a number of reasons for that request, and stated there were some people engaged in that occupation, perhaps not many, who were a discredit to the trade. A number of cases have been reported in the Press following on court action taken from time to time.

At present they pay 10s. a year to license their business, but no control is being exercised over them. I hasten to assure the House that there is no intention to restrict or impede the activities of used car dealers in any way. The Bill provides that before a person can deal in used cars he should be licensed. The licence fee should be £5 per annum. The request was for a much greater sum, but I had regard to the fact that in country districts the used car dealers would purchase and dispose of very few vehicles in any year, therefore it would be an imposition if, as was suggested at one time, £100 was prescribed as the fee. Under that basis a small dealer in the country could do six months business without any return.

The Police Department is to receive applications and licences will be granted subject to the applicant being of good character and repute, etc. If an applicant is rejected, or subsequently his licence is cancelled, the person affected will have a right of appeal to a court. The Bill provides that the dealer should take out a bond for £3,000, but it is my intention during the Committee stage to amend the sum to an amount not exceeding £3,000. In taking that action I had regard for the small car dealers in the country as well as in the metropolitan area, and a bond of £3,000 could impose a burden on them. Perhaps in some cases a bond of £1,000 would be sufficient.

Some of the reasons advanced to me for the necessity to control used car dealers include the prevention of corrupt dealing, the prevention of changing of tyres and parts after a vehicle has been

licensed. A further reason is to discourage and to put a stop to the present procedure that is adopted whereby a vehicle determined to be unroadworthy by the licensing authority in Perth is canvassed by the dealers around local authorities until it is passed for registration. That might happen where a local authority has not the time or the technical knowledge to check the vehicle. As far as possible, there is a provision to prevent the sale of unroadworthy vehicles.

Another purpose of the Bill is to protect the purchasers of used vehicles. It will make it easier for the police traffic branch and the local authority to trace vehicles. It will overcome the present anomaly where reputable dealers pay the necessary transfers, but the fly-by-night dealers escape that responsibility and defraud the police traffic branch or the local authority in the country areas in which they operate. The licensed dealer will be required to keep a register showing his transactions; that is, an entry for each vehicle he purchases and for each vehicle he sells.

I quote a leading used car firm which in a month turns over the best part of 200 vehicles, in order to illustrate the great amount of work which is being performed by it. Being a reputable firm, when it purchases a car, or receives one as a trade-in, it invariably goes to the police traffic branch and pays the fee. If it does that several times a day, taking the particulars of the car to the traffic branch, a tremendous amount of work is entailed. In order to avoid and indeed to reduce that work, there is an amendment to allow local authorities to make provision for car dealers, while keeping a constant check on them, to make payments and effect transfers monthly or at such periods to suit the convenience of the local authority. That would be of immeasurable assistance to the used car dealers.

An attempt is made in the Bill to obtain parliamentary approval for a provision relating to the keeping of a register of the driver of a vehicle in a fleet. The proposal is that when a firm conducts a fleet of vehicles, and more than one person drives the vehicles, some record of the driver in charge of the vehicle at any time be kept. With very few exceptions, I am sure that the owner of a vehicle—be it a company or a business concern—would know which of the staff was driving the vehicle. It is natural for that to be known. The driver will not be the typist or the office girl; it will be the case of Driver Smith in charge of one vehicle, and Driver Jones in charge of another. In order to sheet home traffic breaches, the Police Department requires the keeping of a proper register which can be inspected by the police. When a vehicle of a certain registration number is involved in an accident, the police will then be able to trace the driver responsible.

Up to date there has not been the measure of co-operation which could be expected from a limited number of firms. I am speaking particularly of the metropolitan area. This does not apply to private vehicles owned and driven by members of the family. We dealt with that aspect at the last session of Parliament.

Mr. Roberts: Sometimes it is rather difficult with a number of persons driving one vehicle on deliveries to keep a record of the driver at any given time.

The MINISTER FOR TRANSPORT: I refuse to believe that a firm has so little control over its staff that any one of its two or three drivers might be driving the vehicle. It is proposed that trolley-buses shall henceforth be subject to the Traffic Act. It is not proposed to include trams. The reason is that trams, being on a fixed route, cannot pull into the kerb. Apart from that, it is felt that before very long trams will disappear entirely from the city. From a traffic congestion point of view, the sooner that comes about the better.

Mr. Owen: They are just moving obstacles.

The MINISTER FOR TRANSPORT: That might be one description. In the matter of trolley-buses, they are more manoeuvrable and there is no reason why they should not be brought within the ambit of the Act. I can only hazard a guess that as the trolley-buses followed the trams, the same set of conditions applies to them; but as this pertains to governmental activities in that the Government omnibuses are subject to the Traffic Act and regulations, so should, in my view, the trolley-bus. Accordingly, action is being taken along those lines.

I will now come to a question which might or might not be controversial. It applies to blood tests for alcohol. Perhaps, first of all, I should state briefly what the position is or will be. Where the blood test shows less than .05 per cent. of content of alcohol, that shall be conclusive evidence that the person is not under the influence of liquor. Where the blood test is .15 per cent. or greater, then it shall be regarded as conclusive evidence that the person is under the influence of intoxicating liquor.

Mr. Bovell: What about—

The MINISTER FOR TRANSPORT: I would like the hon. member to allow me to proceed in my own way, after which he may ask questions. Where the test is between .05 per cent. and .15 per cent., then the test can either be ignored or taken in conjunction with other evidence—evidence such as that which is commonly used at the present time in Western Australia, and has been for very many years. I should state, of course, that this proposal in respect of blood tests will not be compulsory—it will be purely voluntary.

At the present moment it is possible for a person who has been charged to call for the services of a doctor, and he can have a blood test taken. However, there is nothing set down in a statute as to what means what, and this is an attempt to lay down a pattern; and one which is backed by experts and by experience in many parts of the world.

I think I should emphasise, at this stage, that it is not necessarily a check as to the amount of liquor that has been consumed. It is a check on the percentage of liquor in the bloodstream and which accordingly is passing through the brain and having an effect upon the reactions of the subject. A crude way of putting it is that .05 per cent. represents approximately three schooners of beer as we know it in Western Australia. Up to three schooners one would be all right; but I emphasise this and mention it so that members will get some idea of the principles. That is not to be accepted as the position, because the physique, the size of the person, and the amount of fluid and water in his system and bloodstream has an effect.

Mr. Ross Hutchinson: The state of his health?

The MINISTER FOR TRANSPORT: Yes, the state of his health, and the amount of food he has consumed. In other words, it is important whether he has been drinking on an empty stomach, whether he had food recently or whether he took his alcohol with food. Therefore, I do not want anybody to suggest that two schooners makes somebody as silly as a wet hen, whereas another person can drink six or eight schooners, and not show half the effect.

At this stage I should mention this point: The charge before the court has not, and never has been, one of drunken driving; that is a misnomer. It is driving under the influence of liquor to the extent of being incapable of properly handling or managing a vehicle. Indeed, I am informed that a person who is in the early drunken stage is not as dangerous as the person who has had a lesser quantity, but who has developed a certain amount of Dutch courage and becomes venturesome and is unaware of the fact that his re-actions are slower and uncertain as compared with when he is in a sober state.

As a matter of fact, tests have shown that even .02 per cent. and .03 per cent.—whilst there has been no clinical abnormality; that is, the procedure of writing their name, walking the chalk line, etc.—in actual tests of driving there has been a delayed reaction, hasty acceleration, diminution of judgment, attention and control. If these things occur, surely we should take action to see that they be reduced to an absolute minimum! These blood tests are in operation in the United States of America where no less than 16 States have them on a voluntary basis.

Mr. Oldfield: The United States of America is not a good example to follow.

The MINISTER FOR TRANSPORT: I would suggest that the member for Mt. Lawley, and certainly myself know so little about what goes on in the United States apart from scandal and sex, that we would not be in a position to judge.

Mr. Oldfield: You can read about it every Saturday night.

The MINISTER FOR TRANSPORT: In those 16 States they have the same tests of .05 per cent. and under; and a person is not under the influence of liquor. However, with .15 per cent. and over the person is presumed to be under the influence. In three States, the police may demand a test. In other words, it is compulsory if the police wish it. In Canada there are compulsory blood tests. In Germany they are compulsory; in France similarly.

In Denmark they are compulsory, and if the test exceeds .1 per cent., then the offender goes to gaol. In Sweden it is compulsory and if the test exceeds .08 per cent. the offender is guilty and the term of imprisonment is six months. If the test is .15 per cent. or more, the period of imprisonment is 12 months. In Norway they have had tests since 1936, and if the test is over .05 per cent.—and we are making that the minimum here—the person is guilty, irrespective of other evidence.

Mr. Ross Hutchinson: What country?

The MINISTER FOR TRANSPORT: In Norway. I think in that country, where they have been so severe, they have reduced to approximately 30 per cent. the number of cases of persons under the influence because of the stringent action taken.

Mr. Ross Hutchinson: Is that virtually a teetotal country or is it Sweden?

The MINISTER FOR TRANSPORT: I do not know about their drinking habits. In Switzerland the police may order a test in certain cases, and .1 per cent. is generally the limit, although there are differences in various parts of the country. A person with a content in excess of .1 per cent. is regarded as being under the influence. In Holland these tests are in vogue. They are not compulsory but are practically routine procedure. In Czechoslovakia the tests are compulsory.

Coming to Australia, blood tests have been on a voluntary basis in Victoria since 1955 and in that State .05 per cent. or less is regarded as prima facie evidence that the person concerned is not guilty. I am informed that experience shows that notwithstanding that blood tests are optional, approximately 50 per cent. of the people charged with driving under the influence of liquor take advantage of them. In New South Wales I understand the proposition is before Cabinet at the moment.

I have indicated what the proposal is to be in Western Australia. As this is initial legislation, we have chosen to be rather cautious. Instead of allowing it to be up to .15 per cent. before a person is deemed to be under the influence, as we could easily have done by taking what transpires in many countries, it is felt that the blood test should, at this stage, be supplementary to the normal tests that are now made by the police.

This procedure has certain advantages about it. For instance, I am informed that there are about 70 or 80 different complaints or causes responsible for a person presenting the appearance of being under the influence of liquor. There could be the shock of the accident; some domestic upheaval which had caused a certain state of mind reflected in his physical actions and reactions; diabetes; mental aberration; intense fatigue; and so on.

These are people who at the present moment are, perhaps, a little erratic with their driving. It could be that they have had that one small glass of sherry or beer that so many claim to have, but the person's breath smells of liquor and his car driving actions are uncertain and erratic, and he is staggering on his feet, and his eyes are bloodshot. In other words, he has all the appearance of so many others who say that they have had a lesser quantity of drink than, in fact, they have consumed. The police probably shrug their shoulders and say, "This is another of that ilk." The test would reveal whether the person had, in fact, had only one or two small drinks because the low percentage of alcohol in his blood would show that he was telling the truth. If the test showed that the percentage was below .05, no proceedings would be taken against him; and that is the intention.

On the other hand, a person showing .15 per cent., whilst not being drunk, has nevertheless in the view of expert opinion, had sufficient liquor to impair seriously his judgment as a driver. Accordingly he is to be discouraged, and the only way is by salutary penalty of one sort or another.

Mr. Jamieson: Why was it deemed necessary to make it all-embracing and not to cover just driving? This is for every kind of drunkenness in the Act. At page 19 this supersedes all other Acts.

The MINISTER FOR TRANSPORT: At present there is provision for blood tests to be taken, and they are recognised, but no formula is laid down. It depends merely on the hunch of the person on the bench. If I may be disrespectful for a moment, I would say that there may be a couple of old hay seeds down in the bush and to them .001 per cent. would mean as much as 20 per cent. They would not have a clue as to what was meant. That is the reason for laying down in a statute what shall be the officially recognised test.

Mr. Bovell: What is this hay seed business?

The MINISTER FOR TRANSPORT: I said, "If I may be rude for a moment."

Mr. Bovell: You are not referring to country justices of the peace, I hope.

The SPEAKER: Order! We will get back to traffic now.

The MINISTER FOR TRANSPORT: Under the present procedure there are difficulties in the way of the police. If a person has had an accident affecting him physically, how is it possible for the police to get him to walk a chalk line or bend down and pick up matches? He is swathed in bandages, splints and all the rest of it. So there is no way to deal with him, if no one thinks of getting a doctor to take a sample of blood from him. But here there will be a specific provision and formula laid down in respect to it.

Mr. W. A. Manning: Why make it voluntary?

The MINISTER FOR TRANSPORT: This is initial legislation. I think that with one exception this is voluntary in all English-speaking countries. All expert opinion, both legal and medical, consider that it should be introduced in Australia, in all of the States, on a voluntary basis; and it is hoped that it will be introduced at an early date. Incidentally, this is not to be construed as meaning that there is any doubt as to the effectiveness or correctness of it.

Mr. W. A. Manning: If the driver is unconscious, you could not take a test.

The MINISTER FOR TRANSPORT: That is so, unless he has reached the stage where rigor mortis has set in. I can give a few examples in that respect. Some information was given in reply to a question this afternoon. Dr. A. F. Pearson, the District Medical Officer for Perth, has been keeping a running check on what is going on with regard to corpses. He finds that, during a period spread over several years, of 218 blood alcohol tests, 24.3 per cent. of them—these are motor drivers, motor-cycle riders and pedestrians—had more than .2 per cent. of alcohol in their blood.

Mr. Bovell: These are people killed in accidents.

The MINISTER FOR TRANSPORT: Yes. Of pedestrians, 37½ per cent. had more than 2 per cent. Expert opinion goes to show that a person is unmistakably under the influence if the alcoholic content is .15. These people have had a percentage in excess of that.

Mr. Crommelin: Does not that seem all the more reason why it should be made compulsory?

The MINISTER FOR TRANSPORT: Yes, but I am not prepared to buck the expert opinion throughout Australia in

connection with this matter. Here, whilst it may be a little tedious to do so, I might mention one or two facts, but I trust that this will save quite a lot of debate. First of all, last March at a conference of the Australian Transport Advisory Council, which comprises the Federal and State transport Ministers, a resolution was unanimously agreed to in the following terms:—

That council agrees to receive the report of the medical-legal committee on voluntary blood tests and endorses the scientific principles contained therein, and at the same time recommends the findings and procedures to the State Parliaments for incorporation in their legislation as far as is practicable.

This medical-legal committee has been working on this proposition for several years and this is the calibre of the people on it. The chairman is Mr. T. G. Paterson, chairman of the Australian Road Safety Council—he holds other positions also. There are Superintendent Arnold, of the Victorian Police Department, R. R. Chamberlain, Crown Solicitor of South Australia, and D. M. Chambers, Crown Solicitor of Tasmania. There is Dr. A. J. Christophers, Chief Industrial Hygiene Officer in the Victorian State Department of Health. There are Dr. C. H. Dixon, Medical Secretary of the Victorian Branch of the B.M.A. and F. C. Finemore, L.L.B. Parliamentary Draftsman, Attorney General's Department, Victoria.

There is Dr. F. S. Hansman, representing the Federal Council of the B.M.A. in Australia. There are Sir Stanton Hicks, of the Adelaide University, and Inspector K. E. Hubbard, of the Victorian Police Department. There is Professor E. J. S. King, M.D., M.S., D.F.C., F.R.A.C.P., F.R.C.S., F.R.A.C.S., Professor of Pathology, University of Melbourne. There is Dr. J. H. Lindell, chairman of the Hospitals and Charities Commission of Victoria.

There are Dr. N. E. W. McCallum, Officer in Charge of the Victorian Police Scientific Bureau and T. A. McDonald, Senior Government Analyst, N.S.W. Department of Health. There are J. P. M. Reid, secretary of the Safety Council of N.S.W. and M. H. R. Shipp, Senior Chemist of the Government Analyst's Laboratory of the Tasmanian Department of Health. There are A. E. Stonham, Stipendiary Magistrate, N.S.W., L. Strudwick, secretary of the Australian Automobile Association and Dr. T. G. Swinburne, who has more letters after his name than Professor King has and who is president of the Victorian Division of the B.M.A., and I. L. B. Henderson, Queensland State Government Chemical Laboratory.

That list contains some of the most eminent lawyers, medical men and jurists that the Commonwealth can produce, in addition to those attached to national safety organisations and police and traffic authorities, automobile associations and all the rest of it. Their report was unanimous to the Australian Transport Advisory Council.

Perhaps no speech by me on any major subject would be complete without some reference to my good friends the mischief-makers in charge of the morning Press. On Monday of last week, when they announced—copied no doubt from "The Sunday Times"—that there would be legislation introduced to give effect to these blood tests, they pretended that there was opposition from the legal men, and probably that was quite right as those people can see opportunities of business slipping through their grasp.

The morning Press stated, rightly, that the R.A.C. was in favour of the provision but pretended that the insurance community were opposed to it. I did not believe that and got my secretary to see Mr. Grieve, the manager of the Motor Vehicle Insurance Trust in connection with it. My secretary reported as follows:—

I spoke to Mr. Grieve, Manager of the Motor Vehicle Trust regarding the article that appeared in "The West Australian" of 11/11/57 dealing with the proposed amendment to the Traffic Act introducing blood tests for drunken driving.

At the outset Mr. Grieve made it very plain that he was in no way critical of the proposed amendment and later went further when he informed me that the matter had been discussed at a trust meeting and those members present were also not critical of the measure.

Mr. Grieve did mention that it really would not affect the Trust's activities, but he and other members felt that it might help to prevent accidents by catching what he called the 'five o'clock' drinker who probably was getting away with things. As to the innocent, Mr. Grieve stated that he felt that they had nothing to fear; in fact, they had the means of obtaining a quick acquittal.

As to the actual story in the "West", Mr. Grieve stated that he was contacted at home and as he didn't know anything about the Bill, he was very reluctant to comment at all and it was only after considerable pressure that he mentioned that bit about "a driver convicted of drunken driving has breached a warranty of the Third Party policy and that the Trust has the right of recovery." He did not say or indicate in any way that he was in any

way critical of the Bill and was rather annoyed that the paper should have handled the matter the way they did.

I repeat that I am sick to death of this deliberate mischief-making, distortion and untruth for the purpose of discrediting, presumably, me indirectly, by pouring cold water on any question with which I happen to be associated.

Mr. Court: I do not think they have set out to do that.

THE MINISTER FOR TRANSPORT: It happens on every occasion. On a number of occasions the Omnibus Proprietors' Association have come to me to express concern at the palpable untruths published in the morning Press without any evidence to support them. I wonder what is at the back of it all? Is there necessity for a blood alcohol test for those in charge of this newspaper? Surely no one can understand why people running a responsible business concern such as that will stoop to such petty tactics in this regard! Even when they do make a correction, it is placed right back about page 19 or thereabouts—

Mr. Court: I think they have given you a marvellous Press. They have built you up no end as a Minister in this town, even if they have criticised you.

THE MINISTER FOR TRANSPORT: Before reading an extract from Dr. Hansman, I would point out that consideration has been given to urine tests and other tests of various nature but it has been found that the blood tests are the most reliable and effective. To quote from the paper written by Dr. Hansman, we read—

When the blood alcohol rises to a level where co-ordination is impaired but long before the person is drunk, the driver becomes a menace to society and to himself. It is here where our sons on their motorcycles and their girl friends riding pillion kill themselves against a telegraph pole. It is here where the 5-ton lorry driver decides to pass a long line of traffic on a narrow road and fails to "cut in" in time to avoid an oncoming car. It is here that the flash young man in his new car attempts to beat the yellow light and crashes into somebody anticipating the green light.

It is there that the medical profession is most concerned. We look upon the acceptance of the validity of the blood alcohol test with a line of demarcation at 50 mgm% as providing the best means of educating people to drink sanely and we think that propaganda can teach people that alcohol taken to throw off the shackles that weigh us down, is "using" alcohol, but taken in amounts and in such a way that the blood alcohol concentration is high enough

to affect co-ordination is the "abuse" of alcohol and converts a convivial companion into a slaughterer of human life.

Though co-ordination is definitely affected there may be no gross clinical diagnostic signs present. There will be plenty of suggestive evidence but not such signs as are required under the present system to prove guilt. The gross signs of intoxication only appear when the cells of the primitive part of the brain are affected, and then we get loss of eye reflexes, staggering gait, slurred speech, disarranged dress, stentorous breathing and finally coma and death; but what can be more paradoxical than to try and prove the presence of such signs when we know they are not present, over the long range of alcohol concentrations, where many of the accidents and deaths are caused.

As regards the test and its validity, you are asked to accept nothing new, the test has been in use for over 50 years. You are asked to accept nothing novel, the method of ascertaining the amount of alcohol present is the same in principle as applied to many other biochemical tests. You are asked to accept nothing untried; by now hundreds of thousands of blood alcohols have been estimated. You are asked to accept nothing unproved—the governments of 300 million people have accepted the validity of the test for legal purposes.

Speaking to a body of people who are interested in science, which after all is only "true knowledge" I am sure you will agree that science will in the end always outweigh obstinacy, ignorance, prejudice and vested interests.

I will proceed no further with this except to say that my understanding is that in Western Australia the B.M.A. is in favour of it, as is the National Safety Council and the Police Department; and I think also the Royal Automobile Club.

Unfortunately, there are some other provisions in the Bill and one deals with diesel fuel. The other evening the Leader of the Country Party introduced a Bill seeking to reduce the licence fees where vehicles were propelled by diesel fuel. We are not discussing that Bill now, but it is unacceptable—not in principle—the fact being that the Commonwealth has not yet passed the legislation. We know, too, from the Press, if it can be believed in this respect, that there is something in the nature of a rebellion by a certain section of Government supporters in connection with certain aspects of it.

We cannot introduce legislation here in anticipation of something being done in the Commonwealth; and so it is proposed, in this Bill, to authorise the Minister to make amendments or adjustments to the existing scale of licence fees where fuel

other than petrol is used. I give an undertaking to this House that in all cases where tax on diesel fuel is payable it is my intention, without any delay whatever, to have gazetted in the terms of this Bill a proposition that the double licensing fees shall no longer be payable.

There is one small amendment dealing with omnibuses. I did not know this until recently, but if a bus proprietor's vehicle is out of commission temporarily, he can put another vehicle on the road without licensing it—he replaces one with the other. It has been found, admittedly in few cases only, that a licence has been taken out for a light bus and shortly afterwards that has been replaced by a large one because, ostensibly, the light one was undergoing repairs. And they have got away with it.

In order to meet some of the cost of the records, and also to provide some sort of definite check, it is proposed that a nominal fee of 10s. shall be payable by any bus operator—and this would apply to the trust if it were formed—who seeks to replace one vehicle with another for a temporary period. Surely that is cheap enough!

There is also a provision to enable local authorities to develop car parks from their licence fees. The matter is left entirely to them, and it is to be within their power; they can exercise the right, or not, as they feel disposed. Incidentally, a request has been made by several local authorities in that connection.

Other amendments have to deal broadly with two propositions. It will be seen, in quite a number of cases, that where subsequent offences have been committed by the same person a higher penalty than that in existence at present shall be applied. It is not proposed to interfere with the initial penalty as set down in the present legislation. It will be noticed that a term of imprisonment is stated. That is actually a reduction in the term for subsequent offences. At present the default for every £1 is three days in gaol. That is totally unreasonable and it is the Government's intention, in dealing with various features of legislation to make it £1-one day in gaol. I think that is getting somewhat closer to the mark, and so where it provides for a maximum of £50 or 50 days imprisonment, under the existing law it could mean 150 days' imprisonment in default.

Other provisions have to deal in principle with reductions in licence fees. It has been found that there are certain anomalies and as I look towards the member for Victoria Park, it reminds me of one in connection with a power-propelled caravan.

Mr. Andrew: I spoke to you about that.

The MINISTER FOR TRANSPORT: Yes. It was found that the scale of charges we had reached almost alarming

proportions, particularly where there was a large and heavy vehicle involved, or one with a high horsepower. Instead of having a sliding scale it is proposed to be on a smaller and lower basis. The same applies to earth-moving and road-making equipment—there shall be a percentage reduction but with a maximum payment. As regards tractors generally, and which are not used on the roads, it is proposed that there shall be a reduction down to 25 per cent. of the normal fee, or £5, whichever is the lesser.

I have had the matter checked and it does not conflict with the amending Bill introduced by the member for Blackwood. Indeed, this amendment dovetails with that; and I have anticipated the final acceptance of the amendments of the Legislative Council. The provisions of the hon. member's Bill are actually related to the measure now before us.

Members will see for themselves, in connection with the various matters in which they are interested, the concessions that have been made. There is another one relating to trailers. We had the position where it was 5s. a cwt. up to 10 cwt.; and so for 10 cwt. one paid £2 10s. If the trailer weighed 11 cwt., or a few lb. over 10 cwt., the rate became £1 a cwt. and so the total fee payable was £11. This applies to a Lightburn cement mixer which weighs a few lb. in excess of 10 cwt. So instead of paying £2 10s. the people concerned are being called upon to pay £11. It has been done on a graduated basis so as to overcome the anomaly.

There are a number of such adjustments, based on experience, and I do not think they should cause any concern. There is one which I overlooked—it is not an important one—which deals with weighbridges. The Act at present says something to the effect "that weighbridges that have been approved by local authorities, and checked by them" and so on. The practice has been that whilst almost invariably, apart from concerns such as Co-operative Bulk Handling, local authorities install them, it is left to the Police Department of Weights and Measures to see that they are in order and generally attended to. This amendment is merely to give effect to what has been the accepted practice for many years.

Another one that ties up with it is that at present a person who is suspected of driving a vehicle that is overloaded can be required to travel one mile for the purpose of having such vehicle put over the weighbridge. That provision was introduced in the horse and cart era. It is now proposed that the distance to be travelled by such a vehicle should be five miles in order that it may be weighed. I do not want members to get the wrong idea in connection with that amendment. The principle contained in the provision in the Act in the early days was not abused

and there is no reason why this proposed amendment should be abused, either. As members will appreciate, there are a great many principles involved in the Bill which are not related to one another so that I found it necessary to give some explanation of them, particularly those relating to alcohol tests. However, I now move—

That the Bill be now read a second time.

On motion by Mr. Hearman, debate adjourned.

*House adjourned at 1.2 a.m.
(Wednesday).*

Legislative Council

Wednesday, 20th November, 1957.

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

QUESTIONS.

WANNEROO SCHOOL.

New Classrooms.

Hon. N. E. BAXTER, asked the Chief Secretary:

(1) Is the building of new school classrooms at Wanneroo on the building list of the Public Works Department for this financial year?

(2) If not, does the Education Department intend to honour a promise made last year, that two new classrooms would be built on the new site during this financial year?

The CHIEF SECRETARY replied:

(1) Yes.

(2) Answered by No. (1).

ROADS.

Construction and Maintenance Work in Geraldton District.

Hon. L. A. LOGAN asked the Minister for Railways:

On the 4th September, 1957, I asked the Minister for Railways the following question:—

Has any consideration been given to widening the Fig Tree crossing bridge, and to widening and straightening the approaches to this bridge on the Geraldton-Yuna road?

To which the Minister replied—

No funds have been provided to widen the Fig Tree crossing bridge or improve the approaches.

In view of the fact that a fatal accident has occurred on this bridge since then, will the Government give further consideration to this matter?

The MINISTER replied:

As the hon member's question is based on false premises, the reply given on the 4th September is appropriate and is therefore reiterated.

PERSONAL EXPLANATION.

Hon. A. F. Griffith and Electoral Act Amendment Bill (No. 3).

Hon. A. F. GRIFFITH: I wish to make a personal explanation. During the debate on the Electoral Act Amendment Bill last night, the words that I used by way of interjection to the Minister for Railways when he made a statement concerning people whom he said could not be enrolled in respect of Lawson Flats were "that is not true."

The Minister for Railways: You used the word "lie."

Hon. A. F. GRIFFITH: The Minister inferred that I was calling him a liar. That is far from the point, as there was no such