

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

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.9 p.m.

Legislative Council,

Tuesday, 31st October, 1933.

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

ASSENT TO BILLS.

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

- 1, Goldfields Allotments Revestment.
- 2, Supply Bill (No. 2) £1,201,000.

QUESTION—METROPOLITAN WHOLE MILK ACT.

Hon. C. F. BAXTER asked the Chief Secretary: 1, How many employees are engaged by the department on the administration of the Metropolitan Whole Milk Act, 1932? 2, What is the total amount of remuneration in connection therewith?

The CHIEF SECRETARY replied: 1, None. 2, Answered by No. 1.

BILL—ENTERTAINMENTS TAX ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—FIRE BRIGADES ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.40] in moving the second reading said: This is a Bill to amend the Fire Brigades Act of 1916. The first amendment deals with the constitution of fire districts. Under the existing Act, if the Fire Brigades Board desires that a certain portion of a municipal or road district be gazetted as a fire district, it is necessary that the board shall first of all gazette the whole of that district and then, by a subsequent Order-in-Council, delete that portion of the district which it is desired not to have incorporated as a fire district. It is a round-about method, very cumbersome, and it is generally agreed that it should be altered. For instance, in a road district one may have two or three townships, and it may be considered necessary to gazette only one of those townships a fire district. Yet in order to do that, the board must first of all gazette the whole of the district, and then further gazette that portion of the district which it is proposed not to include. In addition, it may be desired that a fire district shall consist of portions of more than one road district or municipality, and again it is not possible under the Act to do that, save by the round-about method I have described.

Hon. Sir Edward Wittenoom: Is there a Fire Brigades Union?

The HONORARY MINISTER: Yes. Again, it may be required that more than one whole district shall be gazetted as a fire district. To make the position simpler than it is at present, it is necessary that this amendment shall be agreed to. Another amendment contained in the Bill is to increase the number of members on the board from nine to ten. At present the board is constituted of two Government representatives, two insurance companies representatives, one City Council representative, one representative elected by the local authorities set forth in Part II. of the Second Schedule, one representative elected by the local authorities in Part III. of the Second Schedule, one representative of the local authorities in Part IV. of the Second Schedule, and one representative of the volunteer fire brigades. It is desired to increase the number from nine to ten, and to provide that the tenth member shall be a representative of the permanent fire brigade,

thus placing the permanent men on the same footing as the volunteers. In support of this amendment it may be said that if there be one service in which it is highly desirable to have the hearty co-operation and goodwill of all concerned, it is our fire service. So much depends on those attributes of co-operation and goodwill that it may mean that the preservation of life and property might be affected if we did not have thorough efficiency, and that goodwill I speak of. Again, generally speaking, no member of the Fire Brigades Board has any practical experience of fire fighting, with the exception, of course, of the representative of the volunteer brigades. It will be in the best interests of the board that they should have the benefit of the experience of a man who has spent all his life in the active service of the board. There is a precedent for this in that in New South Wales in recent years the permanent firemen of that State have been granted representation on their board, and I think it works very satisfactorily. New South Wales is probably the only State whose legislation is similar to ours.

Hon. E. H. Harris: When was that done in New South Wales?

The HONORARY MINISTER: I could not say. We believe we have a most efficient service here and have a record of which both the board and the State may well be proud. Under the proposed amendment I am sure that state of affairs will continue. The late chief officer, Mr. Lambourne, had had a long experience in matters of this kind, as well as of volunteer fire brigades. Since his unfortunate demise the then deputy chief officer has filled the position of chief officer, but no deputy has been appointed. The present occupant of the chief position, Mr. Connolly, can be there for only a limited period because of his age. When a deputy chief officer is appointed and the various promotions and transfers are effected, it will be eminently desirable that we should have on the board a permanent fireman who has had practical experience of the work of the fire brigades, and would be able to act as an intermediary between the board and the rank and file of the permanent firemen.

Hon. J. Nicholson: Has not the chief officer sat on the board?

The HONORARY MINISTER: He has not been a member of the board.

Hon. J. Nicholson: He would be there, though he would have no vote.

The HONORARY MINISTER: That is so.

Hon. J. T. Franklin: He attends every meeting.

The HONORARY MINISTER: Yes. The Board could hardly function otherwise. On the same ground that it is desirable the chief officer should be present at board meetings, a member of the permanent fire brigades should also serve on the board.

Hon. E. H. H. Hall: Have the Fire Brigades Union requested that such an appointment be made?

The HONORARY MINISTER: They have done it for many years. If this amendment is agreed to, it will be necessary also to pass another dealing with the remuneration of members of the board. The Act provides for a total expenditure of £250 per annum divisible amongst members of the board.

Hon. E. H. Harris: Amongst the nine?

The HONORARY MINISTER: Yes. These fees were subject to the financial emergency deduction, and whereas a member of the board now receives £20 and the chairman £40, the former amounts would have been £2 and £50.

Hon. J. T. Franklin: How often does the board meet?

The HONORARY MINISTER: At least once a month, and sometimes, when committees and sub-committees are appointed, far more often than that. This is one of the most cheaply remunerated boards in the Commonwealth. Its members carry a great responsibility. From what I have seen, they devote a great amount of time and attention to their work. Some are called upon to do a little more than others in carrying out certain functions, but speaking as a whole I think they have proved that they are attentive to their duty. For the work they do and the responsibility they carry, they certainly are not over-paid. The other amendment also deals with the constitution of the board. The Act provides for the representation of local authorities, but does not lay down any particular qualification for such membership. The Bill provides that for a person to be a member of the board representing a local authority or local authorities, by which he shall have been

elected, he shall continue to be a member of such local authority or authorities. A little while ago a member of a local authority was elected to the board. Shortly afterwards he lost his seat on the municipal council concerned, but continued as a representative of that local authority on the board for the full period of two years.

Hon. E. H. Harris: With the consent of the local authority?

The HONORARY MINISTER: With their tacit consent for the time being. The matter was raised by one or more local authorities, and a referendum was taken amongst them all with the result that by 25 to 15 it was agreed that this amendment should be embodied in the Bill. If a man is to represent a local authority on the board, one of the qualifications should be that he continues to be a member of that local authority whilst serving on the board.

Hon. E. H. Harris: Why do you not apply that principle to the Fire Brigades Union?

The HONORARY MINISTER: If the hon. member will state a case, I can reply to it. These cover all the amendments contained in the Bill, and I trust they will meet with the approval of the House. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—LAND.

Second Reading.

Debate resumed from the 25th October.

HON. A. THOMSON (South-East) [4.55]: I congratulate both the Government and Mr. Sayer upon the concise consolidation of 34 Acts dealing with land matters. I have gone carefully through the Bill. There are several amendments I should like to be made in Committee. It will be remembered that for a certain type of land the price fixed is 1s. per acre, and except in special cases it is not to exceed 15s. per acre. If members will turn to Clause 48, they will find it deals with the qualification to acquire a homestead farm comprising 160 acres. Clause 47 sets out that certain lands, the equivalent of a homestead area, may be leased at an annual peppercorn rental if demanded. I should like to see a proviso

inserted in paragraph (a) of Clause 47 enabling the Government to sell, or lease these lands at a peppercorn rental. Most of us who are resident in country districts know that there are large areas of land which are nothing less than breeding grounds for vermin. If we can induce people to take up these areas, spend money on them and improve them, I think those people will be more deserving of a bonus than being obliged to pay as small a sum as 1s. per acre. I hope the Government will accept an amendment giving the Minister power under certain conditions to alienate some of this useless land. It would be of great benefit to the State if it could be brought into use for the carrying of stock. Another part of the clause deals with residential conditions. It says that, "provided the resident be the selector himself, his wife or parent, or child over 16, or other relative approved by the Minister." A man may be working in a store or in the city and may desire to take up land with the little capital he has. Under the residential conditions he must either send his wife or one of his children, or a near relative, to live on the block. If we can get men to take up land and improve it under the conditions set forth in the Act, they should not be penalised. Most of us have had experience of relatives managing affairs for us, and we know it has not been too satisfactory. Most of us would prefer a stranger to do this. I should therefore like to see an amendment carried to provide that instead of a near relative, the occupant may be any bona fide manager or servant. A man should be able to appoint a manager to reside on the property and improve it, and thus comply with the residential conditions. The new clause is rather harsh. It says—

The Minister may, notwithstanding that the first five years of the term have expired, require satisfactory evidence of residence to be adduced by the lessee, and failing such evidence may require expenditure on improvements to the extent of not exceeding double the amount which otherwise would have sufficed, before the issue of a Crown grant.

That penalises the man who perhaps is endeavouring to build up an asset for himself. The Minister could say, "You will have to make double the improvements you would have to do, had you resided there."

Hon. H. Seddon: Does that not apply now?

Hon. H. V. Piesse: Yes, under the non-residential clause.

Hon. A. THOMSON: I am drawing attention to the matter so that it may be further discussed. I imagine the Minister will be reasonable, but the clause sets out that the lessee must provide an adequate water supply during the first three years of the lease if required so to do by the Minister. Of course one of the essentials is to provide a water supply, but in some cases it might impose a hardship on the settler or lessee to be compelled to comply with the clause. I also draw the attention of the House to the rents that have been collected from the land for many years past. Clause 139 sets out how the rents shall be calculated and then paid to the department in Perth. The position to-day is that we are in effect disposing of part and parcel of our capital, and the proceeds are going into Consolidated Revenue.

Hon. J. Nicholson: Instead of going towards the reduction of the national debt.

Hon. A. THOMSON: We are amending an existing Act, and I consider that rents should be devoted towards the development of the country or perhaps a portion should be used in the direction of reducing the capital cost of the railways.

Hon. V. Hamersley: The land tax was increased for the purpose of recouping the railways.

Hon. A. THOMSON: I consider also that rents which have been collected should have been used to finance the Agricultural Bank. I have not been able to get the whole of the figures, but according to the Year Book the advances for the development of the lands, for soldier settlement, cropping advances and cropping soldiers' settlements totalled £29,874,929. In the same period we alienated 14,506,000 acres, and in the process of alienation the figures are 21,000,000 acres. Roughly, therefore, 36,000,000 acres of land have been alienated, though I think the total is greater. If only half the money which has been received by the Government by way of land rents had been used for the development of the country or for the purpose of assisting the Agricultural Bank, this institution would be in a much happier position than that in which it finds itself to-day.

Hon. Sir Edward Wittenoom: It is not in a very happy position to-day.

Hon. A. THOMSON: It is not, principally because of the abnormal decline in the prices of primary products.

Hon. G. W. Miles: And also political interference.

Hon. A. THOMSON: With the Agricultural Bank?

Hon. G. W. Miles: Yes.

Hon. A. THOMSON: I am not prepared to discuss that aspect of the matter at present. If I did I know the President would rule me out of order. There is still another matter on which I should like some information from the Minister. Clause 127 deals with repurchased estates, and Clause 128 gives power to reduce the selling price of the land. We know that there are many soldier settlers and others who have taken up land on repurchased estates. I understand that some Ministers in the past have said that they had not the power to reduce the selling price of the land. When the Honorary Minister replies, I should like him to give me some information as to whether the Government, under the Act as it stands, have that power. The Government may decide to reduce the selling price but I have not been able to find out whether they are in a position to do so in the case of soldiers who have taken up land on repurchased estates. Many men on repurchased estates contend that under present conditions they are not able to pay their way. I took the liberty of sending a copy of the Bill to a lawyer and I received from him a reply which I propose to read for the information of the House. I shall also supply the Minister with a copy of the letter. He states first that now that the Act has been recast and brought up to date there are a couple of additions which if made, would save a considerable amount of trouble and expense. Then he goes on—

The first is that where land is held under conditional purchase lease or homestead farm conditions, which have not been made a Crown lease under the Transfer of Land Act, upon the land being made freehold, any mortgages that may be existing on them have to be discharged and fresh mortgages taken under the latter Act. A short clause obviating this difficulty could very easily be inserted. It might be pointed out that if the conditional purchase lease under the Land Act, subject to a mortgage, is made a Crown lease and brought under the Transfer of Land Act, the old Land Act mortgage is brought forward on to the Crown lease, and in the event of the land being made freehold, there is no necessity to discharge the mortgage and register a fresh one.

I hope it will be possible to have a small clause inserted which will bring those people who own land under the conditions

set out, under exactly similar conditions as those holding pastoral leases. We know well that it was intended to give pastoralists certain relief. It was found that a mistake had been made, and new leases had to be taken out at extra cost. I feel sure if a clause such as has been suggested is submitted, it will meet with the support of the House. The letter goes on—

The second suggestion is that a clause be inserted whereby all land vested in a local authority—such as a road board, municipal council, etc.—by any Act, should be held by such local authority with all the powers, rights and privileges of an owner in fee simple, subject, of course, to any provisos that such land may be subject to at the time of vesting. A clause such as this would save a similar clause having to be inserted in each of the Acts governing local authorities. The reason why such a clause is necessary is that roads, for example, which are vested in a road board, do not carry these rights and privileges, and I have a very concrete case in hand at the present time. For the purposes of the new sewerage system in Katanning, two of the ratepayers gave to the road board the right to erect a drain across their properties. This, between two property owners, is called an easement, but an easement can only be created where both parties are the owners of adjoining lands. I prepared grants of easements which were signed by the board, and by the ratepayers affected. But the Lands Titles Office refuses to register them, or allow a caveat to be lodged, on the ground that the road board is not the owner of the fee simple of the road which adjoins the ratepayers' properties.

That is rather a staggerer to me and apparently to the local authorities also. I am pleased to be able to congratulate the Government on having introduced this consolidating Bill and I feel sure that with the one or two amendments that I have outlined it can be made a useful measure. The first of these amendments was outlined by the lawyer whose letter I have read. We should, as he proposes, avoid putting a mortgagee to the expense of preparing a new mortgage. The second one is that all land vested in a local authority should be held by that local authority with all the powers and rights of an owner in fee simple.

Hon. J. Nicholson: It might be difficult to introduce such an amendment in the Land Act.

Hon. A. THOMSON: It is suggested that it might be inserted here in order to avoid having to amend the Municipal Corporations Act and Road Districts Act.

Hon. J. Nicholson: It would not come within the title of the Bill.

Hon. A. THOMSON: I support the second reading of the Bill.

HON. J. NICHOLSON (Metropolitan) [5.15]: The previous speakers have been good enough to award the measure of praise that I am sure every member of this House acknowledges is due to Mr. Sayer who, I believe, was responsible for the compilation of the Bill. It is a Bill of outstanding importance, the preparation of which must have involved much consideration. I am glad to join in the congratulations, because we all know of the care and patience exercised by the same gentleman with many Bills that have come before us from time to time. I agree with the remark of the Honorary Minister that the Bill is one to be dealt with mainly in Committee. No doubt many members like Mr. Thomson will be able to offer, from their own experience, wise and helpful suggestions to perfect the measure. I was glad to hear the suggestions made by Mr. Thomson. They are well worth the Minister's consideration, particularly the suggestion to enable mortgages on land held under conditional purchase or homestead farm conditions being carried forward or continued when such land was brought under the Transfer of Land Act. If a conditional purchase block reached the stage when it could be converted into a Crown grant and there was a mortgage on it at the time it was ready to be converted, then before the Crown grant could issue, it would be necessary for a mortgage in the form prescribed by the Transfer of Land Act to be endorsed on the title. The old mortgage under the Land Act while the block was under the conditional purchase conditions would not be held to be sufficient under the Transfer of Land Act. That would not apply, of course, where the land had been brought into the form known as a Crown lease. There, the position is different. When conditional purchase land has been brought under the provisions relating to Crown leases, it automatically, by Act passed some years ago, comes under the Transfer of Land Act. A large number of blocks have never been brought under those provisions, and the suggestion of Mr. Thomson is worthy of consideration. The other important matter to which he referred dealt

with easements, with respect to which I should like to see something done. I shall be glad to give the hon. member all possible assistance, but I foresee a difficulty in trying to bring a matter relating to easements under the Transfer of Land Act by inserting a provision in a Bill dealing with the Land Act. I cannot see how it can be done. I think an amendment of the Transfer of Land Act or of other suitable statute would be necessary, and I am afraid there would be insuperable difficulties to introducing the provision in the Land Act. When dealing with a Bill of this kind, members should devote their time and thought to making suggestions and assisting the Minister to perfect the measure. Changes are bound to occur from time to time, and the experience of members over a long period of years would be helpful. I have given notice of three amendments, to which I should like to refer briefly, so that when we reach the Committee stage, members will understand their import. The first amendment is to add a proviso to Clause 47, Subclause (1), paragraph (a), that the maximum area may be increased by not exceeding one-tenth if deemed necessary to effect the survey. Clause 47 definitely fixes the maximum area at 1,000 acres, but there are instances where, for the purpose of squaring off a block or bringing it to the boundaries of a road or of an adjoining block, a residue of 10, 15, 20 or even 100 acres should be included. If we pass the clause as it stands, the Minister for Lands would be debarred from adding that little extra area to square off a block.

Hon. E. H. Harris: Would not the same principle apply if the maximum area were 2,000 acres?

Hon. J. NICHOLSON: In that instance there would be more room on which to come and go. I took the opportunity to dissent several points with Mr. Sayer and the amendments of which I have given notice are the outcome of the discussion. I think it would facilitate the surveying of many blocks if, instead of leaving a small residue which would need to be taken up under another lease, the maximum could be increased. By allowing a reasonable percentage of increase, the difficulty would be overcome. Another amendment I propose to move is to Clause 141, which is designed to restrict the right of resumption. The period to which the right is restricted is five years. At present under a conditional purchase

lease and Crown grant, there are various reservations. Members will find them mentioned in the schedule. On page 81 the following appears—

Provided, nevertheless, that it shall at all times be lawful for us, Our heirs and successors, or for any person or persons acting in that behalf by Our or their authority, to resume and enter upon possession of any part of the said lands which it may at any time by Us, Our heirs and successors, be deemed necessary to resume for roads, tramways, railways, railway stations, bridges, canals, towing paths, harbour or river improvements works, drainage or irrigation works, quarries, and generally for any other works or purposes of public use, utility, or convenience, and for the purposes of exercising the power to search for minerals hereinafter reserved, and such land so resumed to hold to Us, Our heirs and successors, as of Our or their former estate, without making to the lessee, or any person claiming under him, any compensation in respect thereof; so, nevertheless, that the lands so to be resumed shall not exceed one-twentieth part in the whole of the lands aforesaid, and that no such resumption be made of any part of the said lands upon which any building may have been erected, or which may be enclosed and in use as gardens or otherwise for the more convenient occupation of any such buildings, or on which any other improvements as defined by the said Act have been made, without compensation.

Briefly, the present position is that under any Crown grant or conditional purchase lease the Government may come in at any time and resume up to one-twentieth of the holding without compensation, subject to the proviso that if there are buildings or other improvements as stated within the area resumed, then compensation shall be payable for those improvements.

Hon. H. V. Piesse: Suppose an owner has mortgaged the land, he has to pay the mortgage off before handing the land back.

Hon. J. NICHOLSON: Precisely; or else the mortgagee gets the reduced area as security. If no compensation is being paid, the owner receives nothing and the mortgagee receives nothing.

Hon. V. Hamersley: Is the mortgagee included in that clause?

Hon. J. NICHOLSON: Under the powers relating to resumption, the land when resumed, is resumed free of all mortgages. The only way in which the mortgagee can be paid is out of the resumption money, if any, after the one-twentieth has been deducted. In cases where there has been a large accumulation of interest, there is sometimes difficulty in adjusting matters. The Public Works Act makes special provision regard-

ing the rights of the mortgagee, who is protected. He has first claim on the compensation money. If there is no compensation money, he is paid nothing, because his security is over a property which is subject to a certain reservation in favour of the Crown. The reservation I read just now is contained in every conditional purchase lease form and every Crown grant form.

Hon. J. J. Holmes: Then there is nothing new about this.

Hon. J. NICHOLSON: Clause 141 is new.

Hon. C. F. Baxter: This is quite bad enough without that.

Hon. J. NICHOLSON: Quite. Clause 141 proposes to limit the right of the Crown to exercise the power of resumption to only five years—a good thing. However, in the clause as framed there is a danger: if there were improvements on the land resumed, the lessee would not be able to claim for those improvements except on the betterment principle contained in Clause 141. Hon. members will appreciate the meaning of that clause when I explain that while restricting the period of resumption to five years, the Crown has only to apply what may be briefly termed the betterment principle on the lines of the principle suggested in the amendment Mr. Miles proposes to move in connection with the Yuna-Dartmoor Railway Bill. Clause 141 provides—

From the commencement of this Act the right under a reservation in a Crown grant to resume a portion of the land granted for works or purposes of public use, utility or convenience, shall not be exercisable without compensation to the grantee, or any person lawfully claiming under him, after five years from the date of the grant—

In Committee I shall move the insertion after “grant” of the words “or lease”, so as to include conditional purchase leases.

—but such compensation shall be assessed by setting-off against the value of any lands so resumed any increase in value of the remaining lands in the grant or of any other lands of the grantee which is due to or arises out of such resumption, and the balance, if any, shall be payable to the grantee.

Assuming that a man had a block of 1,000 or 1,100 acres and that the Crown, or some other authority, came along and resumed 50 or 100 acres, then, under the law as it stands at present, there is a danger that the Crown or other authority might resume any part up to one-twentieth of the land with buildings or other improvements without making compensation outside the betterment prin-

ciple. Suppose the area was 1,100 acres and 100 acres was resumed. That would leave 1,000 acres. Assume that a work had been constructed and had been found, after inquiry and evidence taken, to have increased the value of the remaining portion of the land, 1,000 acres, by a sum equal to 5s. per acre. That increase or betterment would be equivalent to a sum of £250. The resumption of that piece of land might run through buildings worth £300 or £400 to the land-owner. We know the position land-owners are in just now, heavily mortgaged, and we know the difficulty they would find in getting money to restore buildings and make their properties effective. Applying the betterment principle in the case I have suggested, the compensation would be subject to a deduction of probably £250. If the compensation awarded was £300, there would be only a sum of £50 to come to the land-owner; or if the amount of compensation awarded for the land taken did not amount to that sum, he would get nothing at all. Under the betterment principle he would simply be told, “It is all right; your land has increased in value by 5s. an acre. The value is there, and seeing that you have not the money yourself to re-erect the buildings which unfortunately have been resumed and taken from you, you can apply to your banker or to some firm to help you.”

Hon. H. V. Piesse: Does not the severance provision apply there?

Hon. J. NICHOLSON: Under the Act as it stands, resumption up to one-twentieth may be made at any time; but where there are improvements of a certain nature existing on the land, compensation is to be paid for those improvements irrespective of the value of the land.

Hon. H. V. Piesse: Only as regards certain specified improvements.

Hon. J. NICHOLSON: Yes; improvements which I mentioned.

The Honorary Minister: How does Clause 140 affect the position?

Hon. J. NICHOLSON: Clause 140 provides—

No payment or valuation shall be made pursuant to this Act in respect to any improvements, nor shall any improvements be considered pursuant to this Act, unless the Minister shall be satisfied that the same were made bona fide for the purpose of improving the land or increasing the carrying capacity thereof

I am dealing with bona fide improvements, not with improvements of a haphazard character.

The Honorary Minister: What about Sub-clause (3) of Clause 140?

Hon. J. NICHOLSON: That subclause reads—

Where land held under conditional purchase lease or Crown grant issued before or after the commencement of this Act is resumed under the reservation in the lease or grant of the right to resume a portion thereof for any work or purpose of public use, utility or convenience, or for the purpose of exercising the power to search for minerals reserved to the Crown, compensation shall be payable to the lessee or grantee for the value of the improvements (if any), and the provisions of this section shall apply.

That subclause represents a portion of the old Act under which the right was given for all time to resume up to one-twentieth. That is followed by a new provision which applies a new principle differing from that contained in Clause 140. It is to get over any question which might arise that I propose the amendment which I have placed on the Notice Paper. The idea is to provide that there shall be paid to the lessee or grantee or owner of the land, irrespective of any compensation for the land itself, compensation for the value of all buildings and improvements which may be resumed. That is what I want to provide. Then, if the landowner should have buildings removed, he would get money enabling him to erect new buildings on another part of his property. If we apply the betterment principle to buildings and improvements, it may be found that the owner of land resumed under the new provision might get nothing at all, and thus be placed in a position of grave difficulty. That, I am sure, the Government did not intend. All I have attempted to do in framing the amendments I have placed on the Notice Paper is to clarify the provision that the Government, I assume, desire included in the Bill. They desire that the owner shall be compensated for improvements, irrespective of the value of the land. The other amendment is framed so as to apply to conditional purchase leases the same provisions as are included regarding Crown grants. A large area is held under conditional purchase conditions and that land should also be covered. I hope I have made my views clear to members. Should there be any other amendments that I consider necessary, I shall be only too pleased

to frame them and submit them to members later on. Subject to these remarks, I support the second reading of the Bill.

HON. E. H. H. HALL (Central) [5.47]: I join with other members in congratulating the Government upon introducing the Land Bill in a consolidated form. I do not think much fault will be found with it, except in the directions indicated by Mr. Thomson and Mr. Nicholson. I do not desire to indulge in any wearisome reiteration, and I shall content myself with expressing the hope that the residential clauses will be deleted. Unfortunately, we have a large number of abandoned farms in the hands of the State awaiting people with sufficient enterprise to take them over. In view of that, I fail to see why the residential provisions of the Act should be retained in the consolidated Bill. It may be claimed that those provisions will apply only to land taken up under certain conditions, and to blocks containing first class land only. I have been to the Lands Department with a view to obtaining some information regarding the necessity for the inclusion of the residential provisions, but without success. Perhaps I should have gone to Mr. Sayer. Mr. Thomson referred to the position of a man who might have no near relative. A man may have two or three boys all under 16 years of age. I am not referring to anything unreasonable, for I know of several such instances. Such a man may have a position in a city or a town and may be courageous enough to consider the possibilities of land settlement. We hope there will be many such, notwithstanding the cloud under which our primary products are grown to-day. That man may recognise that the various professions are overcrowded and that the University is turning out lawyers, doctors, accountants and so forth, and wonder what he can look to for his boys. He may decide to inspect some abandoned farms and determine that if he can get one at a reasonable price, he will take it over and put a man on it to bring it back to a condition fit for production. I think I am right in saying that an agency was opened in Melbourne with a view to encouraging Eastern States farmers to take over abandoned properties and other holdings, but with practically no results. I still believe we have

people with sufficient confidence in the agricultural possibilities of Western Australia, provided they can be sure of receiving proper consideration, to take over the abandoned properties that are in the hands of the State. Simply because a man cannot reside on his holding, and has no son, brother or wife to put on the block, are we to stop him from investing his money in a holding? Many men hold land through the agency of their wives. The clause in the Bill relating to that phase will prevent them from doing so in future.

Hon. J. J. Holmes: Is that the only way some men can hold their land?

Hon. E. H. H. HALL: Exactly, and many men have availed themselves of their wives as dummies. Wives are not usually supposed to be dummies.

Hon. E. H. Gray: No, the husbands are supposed to be.

Hon. E. H. H. HALL: If those men had not made use of their wives, they would not have been eligible to take up holdings. Mr. Nicholson has rightly said that the Bill is one for consideration in Committee, and I shall not delay the House much longer. The other day a member representing a goldfields province told me that he hoped the country members would give close attention to the Bill, but, on my part, I hope goldfields members as well will consider the provisions of the Bill closely. There is another matter to which I desire to refer. It is rather late in the day. I have referred to it before; I shall refer to it again. The Lands Department includes many branches. We have no Minister for Lands in this Chamber and I know quite well that no notice will be taken of what I say. From experience, members must know that the administration of the land laws leaves much to be desired. I do not refer to one Minister for Lands but to all Ministers who have been in charge of that department. The administration of the department under every Minister has evidenced the necessity for increased reciprocity between branches and greater co-ordination of effort.

Members: Hear, hear!

Hon. E. H. H. HALL: I am pleased to hear the interjections of members in support of my contention. I am convinced that it is so, and I will undertake to convince any three or four men who are impartial.

I do not desire to use stronger language than is necessary. I was about to describe one incident as a disgrace, but I shall not do so. I regard the episode as not reflecting credit on the administration of the department. The residential provisions of the Act were included to overcome certain abuses, but they have not been overcome. Had those abuses been obviated, I should have applauded the inclusion of the residential provisions in the Bill, but as they have not, I shall draw attention to the matter I have in mind. Men have obtained leases and have failed to carry out the residential or improvement conditions under which they took up the land. That is my complaint. I read the following letter to the House some time ago and I shall again read that as well as subsequent correspondence. On the 11th July, 1928, I wrote a letter to the Minister for Lands, Mr. Troy, who is the Minister again in office today. In reply to my letter I received the following from him—

I am in receipt of yours of the 11th inst., and the matter referred to therein will be the subject of investigation.

On the 19th April, 1929, I received the following letter from Mr. Morris, the Under Secretary for Lands—

With further reference to your letters of the 11th and 17th last, to the Minister for Lands, on the subject of holdings in the names of ———— and ————, I have the honour by direction to inform you that there is an area of 42,898 acres held by the following parties:—

Then follow the names of 15 people. That shows that the man who is holding the land has held up 42,898 acres within 20 miles of Mullewa, and has been able to do so because of the use of the names of 15 people. Mullewa is in my province, which is represented by three members in this Chamber. It is my duty to draw attention to such matters. The people in this particular part of my province are agitating for railway communication.

Hon. J. J. Holmes: What area does each of the settlers hold?

Hon. E. H. H. HALL: The area I refer to is held by one man. The others are dummies who have been made use of in the holding up of 42,898 acres. I would have refused to believe it possible had I not received the information from the Under Secretary for Lands. A gentleman who spoke

to me about the matter, said that the area held up was between 20,000 and 30,000 acres. I discredited his statement, but he replied, "I tell you it is right." Later I secured the information from the Under Secretary, which I have given to the House. The Under Secretary, in his letter, continued—

This land was approved on various dates from April, 1924, to January, 1927, and a recent report, as a result of your correspondence—

It would appear to be quite a fair inference to say that up to that time, it had been no one's job to find out the position. However, as a result of my correspondence, I received this information—

—shows that there is an undoubted deficiency in the expenditure up to date, but some £1,500 has been spent on improvements, and there is further extensive work in progress, which it is anticipated will be completed by the end of the current year and put the question of improvements in order to the satisfaction of the department. The Minister thanks you for drawing attention to the matter, and will follow it up in due course.

In time the Labour Government went out of office and a new Minister for Lands took charge of the administration of the Lands Department. In the meantime, I had seen the gentleman who had discussed this matter with me and he said to me, "Well, they don't take much notice of you down there. Things are still going on; there is no difference." Mr. Latham was now the Minister for Lands and to him I wrote on the 21st September, 1931. On the 4th November I received from Mr. Latham the following reply—

I have to acknowledge receipt of your letter of the 21st ult. on the subject of blocks held by the ——— family in the Mullewa district. I may say that the question of forfeiture of these leases has been under consideration by the department for some time past, and notice of cancellation was published in the "Government Gazette" on the 26th September last. Owing, however, to representations made by the trustee of the estate and also by the Agricultural Bank, who have an interest in the properties, forfeiture has been held up for the present pending further inquiries.

In the past we have heard a lot about political influence as distinct from Ministerial influence in connection with the Agricultural Bank. Now we have something from the reverse standpoint. While all this had been going on, the man who was eager to secure one of the blocks

on which no improvements had been carried out, lost the money he had and could not apply for the land. That is the position to-day. As to whether the improvements have been brought up to date, the fact remains that forfeiture of the lease has not been enforced. Because the trustee of the estate and the trustees of the Agricultural Bank urged that the lessee should not be put off as they were largely interested in his holdings, the provisions of the Act have not been enforced.

Hon. Sir Edward Wittenoom: What will happen if the railway is constructed?

Hon. E. H. H. HALL: The railway is not before us. The Railway Advisory Board have visited the area and I suppose the Government have their report, but it has not yet been brought before Parliament. We shall be able to discuss that matter in due course. In view of what I have said, I ask members: What co-ordination is there between the different sections of the department? I have one instance in which I had worked for 12 months to secure the forfeiture of a block for a man who wished to take it up. The lessee was not in occupation of the block, and he was preventing another man, who was desirous of working it, from doing so. It took a long time before a decision could be arrived at. As the Lands Department had no Lands official in the locality, arrangements had to be made for an inspector of the Agricultural Bank to visit the block to ascertain whether or not the improvements had been effected. The Agricultural Bank inspector is urged to keep his expenses down and therefore his visit to the block had to be postponed until his bank duties took him to the district concerned. All the time the land was held up and the man who desired to take the block up was not permitted to do so. It does not matter so much in these days, when prices of primary products are such as will not induce men to take up holdings. When we have men willing to put their money into the development of land, it is not very wise to tell them that unless they are prepared to go and live on the block for six months in every year they cannot have it. It seems to me that so long as the improvement provisions are being complied with, so long as a man is spending his money on the block and giving employment and bringing the land into production, he should have every possible encouragement and assistance. I will support the second reading, but I hope that

in Committee the amendments foreshadowed will be favourably considered.

HON J. J. HOLMES (North) [6.1]: I wish to congratulate the Government upon having brought down the measure, which I understand consolidates 34 Acts of Parliament. In any event it will be of considerable assistance, not only to the department, but to all those interested in land. The Bill is long overdue, and I am very pleased that it should have been brought down at last. I wish to compliment Mr. Sayer upon the valuable work he has done in preparing the measure. It has taken up a great deal of his time, and I understand he has done the work without remuneration.

Hon. Sir Edward Wittenoom: Hear, hear!

Hon. J. J. HOLMES: It is very much to his credit. Regarding pastoral leases, the Bill does not go as far as the members of the Pastoralists' Association desire, but I understand they are very grateful for its provisions; whilst they cannot get all that they would like, they are prepared to accept what the Bill provides. In the existing legislation there is a provision that money expended in acquiring stud stock shall be regarded as money expended on improvements on a pastoral lease. I understand that finds no place in the Bill. I am sorry, but we must let it pass. A few years ago it was provided that the rent for a pastoral lease devoted to sheep should be in accordance with the price of wool. It is an equitable method, and is still provided for in the Bill. The rents are based on a wool price of 1s. per lb., and as the value of the wool rises or falls, so the rental is increased or decreased. So far as I know, that equitable provision is not to be found in any other Land Act in Australia. In Kimberley, where the cattle industry predominates, there is to be a reclassification of the leases and their values. For a long time past I have urged that our conditional purchase laws should be tightened up. Land speculators have taken up land in advance of railways, land which they do not intend to develop, but desire merely to hold for speculative purposes. If evidence of that is required, there is no need to go further than the point raised this afternoon by Mr. Hall, who declared that 40,000 acres of land are held by a combine in anticipation of the railway. If that railway should go through, those speculators will take no part in the development of the land.

although presumably they will divide the proceeds of the sale of that land. Instead of building new railways, we should be compelling land speculators to develop their land and use it, and so add to the revenue of the railways. I hope the 40,000 acres held by speculators is not along the route of the proposed Yuna-Dartmoor railway.

Hon. E. H. H. Hall: No, it is not.

Hon. J. J. HOLMES: It makes one suspicious. I think before we authorise the building of that line we should make some inquiries as to who may be holding the land to be served by the railway. In the early days of this State wise men made provision for travelling stock by creating reserves of 1,000 acres here and there along the track, and adjacent to water supplies. Travelling stock cannot move more than eight or 10 miles per day, at the outside. Until recently I thought all those reserves of 1,000 acres were Class A reserves, but I have been surprised to find they are not. If they were Class A reserves they could never be parted with, except by Act of Parliament. As it is, there is a danger that somebody may come along and acquire one or more of those reserves, to the prejudice of men who are travelling stock. In the early days when the country was open, those reserves, important as they were, were not as important as they are to-day, when we have closer settlement in the agricultural areas, with fences in all directions and roads reduced from 20 chains in width to two chains. Men travelling stock must have some place at which to camp their stock for the night.

Hon. E. Rose: In the agricultural areas the stock are moved by the railways.

Hon. J. J. HOLMES: But we cannot have a railway train to everybody's door, and a man 15 miles from a railway must get his stock in to the siding somehow. Mr. Thomson spoke of land at 1s. an acre, and suggested that some of it ought to be given free of charge. That is all right in its way, but I think the man who got his land at 1s. an acre might have no idea of developing it. If we gave away land free of charge, we should soon have plenty of applicants, but whether they would do anything with it, is quite another matter. In the Bill, water supplies are properly treated as improvements, for nowadays when a man is farming with sheep and wheat, he can perhaps make an existence, whereas if he were on wheat alone

he would starve. No one can carry sheep or any other stock unless he has an adequate water supply. The Bill provides that water supplies shall be insisted upon in the early stages of settlement.

Hon. A. Thomson: There are some places where water is not to be had.

Hon. J. J. HOLMES: Then stock cannot be carried in those places.

Hon. E. H. H. Hall: Many a man cannot carry sheep to-day for want of water, although some of them have wells.

Hon. J. J. HOLMES: A well is better than a dam, because the man with a dam has to depend on the rain, whereas a man with a good well always has an adequate supply of water. Mr. Nicholson spoke of the resumption of one-twentieth of a block. According to the schedule I have before me, it seems that the right of free resumption is limited to a period of five years. That is in favour of the holder of the land, because under the existing Act the right to free resumption lasts for all time.

Hon. J. Nicholson: But they apply the betterment system there.

Hon. J. J. HOLMES: According to this synopsis of the amended legislation, free resumption can take place only within five years of the granting of the land, whereas under the existing legislation the right is there at any time. I suggest to Mr. Nicholson that if he wants something to fit in there, he should look up the Closer Settlement Act, where it is provided that if the Government make any resumption and resume improvements necessary for the conduct of the place as a whole, the owner has the right to say "Take the lot and pay for it." It is optional with the owner to say whether the Government shall take the lot. I will support the second reading.

On motion by Hon. H. V. Piesse, debate adjourned.

Sitting suspended from 6.15 to 7.30 p.m.

MOTION—RAILWAYS, CAPITAL COST.

To inquire by Select Committee.

Debate resumed from the 17th October on the following motion by Hon. A. Thomson (South-East):—

That a select committee be appointed to inquire into and report upon the capital cost of the Western Australian Government Railways,

with a view to reducing the amount upon which the Commissioner of Railways is expected to find interest and running costs, and to make such recommendations as the committee may deem desirable to co-ordinate the different transport services and enable the railways to meet the competition from motor and other transport.

HON. V. HAMERSLEY (East) [7.30]: I congratulate Mr. Thomson on bringing forward this motion. Many people desire to see a reduction in costs and think an inquiry should be made into the capital cost of the railway system. I am doubtful, however, whether we would be on right lines if we appointed a committee consisting of members of Parliament. I should be more satisfied if outside engineers and business men rather than railway officials or members of Parliament were to conduct the investigation, so that they might look into the question on business lines as applied to the various concerns established in this country. In the outside world matters of this kind are already receiving attention. Radical changes are taking place from time to time in the transport of goods within various countries, and from country to country. In this State there is an absence of water-ways. These have been the main factor in giving cheap transport in various parts of the world. Where we have to compete with countries like Russia and America which have devoted a great deal of attention to water carriage, we are at a distinct disadvantage. The absence of water-ways constitutes a handicap in the development of our resources. When the early settlers arrived they had no thought of railway communication. They expected that water carriage would be one of their principal means of transport, and anticipated that the Swan River would have to be connected up by a system of locks to enable them to make more permanent water-ways throughout the Avon Valley direct to Fremantle. Owing to the introduction of the railway system it was deemed that no more applicable means of transport could be devised. There were no engineering difficulties, and so the system was established. Whenever a railway project is brought forward, there is always a battle of the routes. From the very inception grave mistakes were made in this State. I need only refer to the first inland railway, that is the eastern line, connecting up the Avon Valley with the coast. York wanted direct railway communication, cutting out

the two principal centres of Toodyay and Northam. York as the largest centre, was thought to have over-reached itself in its demand that the railway line should be taken up the Helena Valley direct to that centre. The people of York were very anxious that this should be the main route for the opening up of the inland areas. The other centres, however, clamoured for a route along the natural fall of the water and urged that the line should follow the Swan and the Avon, going round to York and Beverley via Toodyay and Northam. Whilst those districts were quarrelling as to the route to be followed, vested interests decided to come in between the two routes. The extension from Guildford was taken via the hills, following practically the old York Road, going up through Darlington, and rising from Perth 18 feet above the sea level to Chidlows Well, the then terminus of the first section, to approximately 1200 feet above sea level, and falling again at Northam to 500 feet above the sea level and thence to York. There was an extension of seven miles from Spencers Brook to Northam and of 14 miles from Clackline to Toodyay. These centres were promised that they would have through trains connecting with the main line running to York and eventually to Beverley. This route has been a big strain upon the railway system and upon railway engines. It has been very costly. Many successive Governments have tried to make deviations along the eastern railway in order to improve the grade. In places there are no fewer than three or four lines which have been built over many miles through that area. That is all a charge against those who send traffic over the system. Trains which use those lines generally require two engines in order to negotiate the grade, which everywhere is unnecessarily steep and has been exceedingly costly to the country. The original line via Darlington was abandoned in favour of one passing through a tunnel. This was another endeavour to improve the grade. The tunnel cost a lot of money, but did not effect much improvement. The grade is looked upon as so severe that, I understand, when the Great Western line is extended through to Perth recommendations have been adopted that the extension should not pass over the present route, but, some other route in order to avoid the steep grades. The position is very similar to that

of a man who might require to deliver a wheelbarrow load of goods from his front garden to his back yard. Instead of following the natural fall of the ground, he would take his load over the roof of the house and down into the back yard. That is what we have been doing ever since the railway system was inaugurated. Every train that travels over the line moves as if it were going over the roof, descending to the natural level on the other side. The engineers made their surveys and their recommendations concerning the original route. It was simply the pull that was exercised to take the railway out of its natural course that led to this vast expenditure and increased cost against the system. It was desired to open up the country. The Government felt, however, that they could not embark upon an extensive railway system for this purpose, and so it was decided to achieve the same end by adopting the Canadian system of land grants. Several concessions were made. One was to the Great Southern company, and another to the Midland Railway Company. These ventures proved somewhat disastrous, in one case, at any rate. The Great Southern line was to connect Perth with Albany. The company was not successful in settling its lands. It did not seem to be able to grapple with the problem, and was in competition with the Government who were also trying to dispose of their lands. It was found that a lawsuit became possible. The Government were in an unfortunate position, and feared that the matter might even reach the Privy Council where the Government would have a remote chance of winning. The Government had to persuade the community that it was in the interests of the settlers along that route that the line should be acquired. Eventually it was purchased. The company had the right to select land on either side of the line and any land throughout the route, and they laid claim to the whole of the foreshore at Albany and to every piece of property the Government owned along the whole length of the line. Consequently, the Government probably had to pay more for the railway than would have been the case had they themselves built the line. It was also found subsequently that it was necessary to open up the agricultural areas by a number of light lines of railway. Mr. Tees-

dale Smith offered to build 1,000 miles of railway for £1,000,000, and there were to be no extravagances such as elaborate railway stations. It was proposed that everything should be plain but well built for the use of the community. As a matter of fact, all railways were being built cheaply at that period. Then came the question of day labour instead of building the railways by contract, and an expensive system grew up under which many lines were built at a cost which was infinitely more than was ever estimated. The Railway Department had got into the habit of making quite a considerable profit by the carriage of material required for the construction of the railways, material such as rails and sleepers. All the purchases had been made from Loan funds, and the railways were conveying the material to various parts of the State. Often as not, after the transport of rails and sleepers to one part of the State, it was found expedient to begin the construction of a railway in another part of the State, and the material which had already been carried to the site of one proposed railway, was then removed to another. Thus the railways benefited twice from the conveyance of the same material. The Railway Department were making good profits in the earlier years. I well remember attending one or two deputations which asked that freights paid by the farming community should be reduced. Invariably the reply was, "You farmers must recognise that we have engines and rolling stock and the hands necessary to run the railway system, but we cannot afford to reduce the freights until the volume of trade increases. If you will help us in that direction, we will reduce the charges." The deputations then would return to the country and enter more actively upon production, and in some cases quadrupled the traffic to be carried by the railways. What was the result? The freight charges were increased. The railways began to show a loss, and the loss has been going on for some years. One has only to look at the fares charged and it makes one wonder when we see that within the metropolitan area, where there is a large population, the fares over a 12 or 20-mile section are just about half the amounts charged over a similar distance in the inland areas. That is a direct blow

at the people who are living outside the metropolitan area. I suppose the Railway Department feel that theirs is a business proposition, and that extra rates must be obtained from one section. And it is usually the people inland who have the burden imposed upon them. The attitude adopted by the Railway Department from time to time has been diametrically opposed to the best interests of the country. Even to-day a section of the community asks for bulk handling and the railways oppose it on the ground that it is too costly, even though it has been proved by the advocates of the system that it will mean a great saving to the agricultural community who, in some cases, have invested everything they possess in their properties. Yet the railways do not seem to be able to meet those people. The probability is that the refusal of the Railway Department to accede to the requests made by the producers is due to the excessive costs of the laying-down of the line. I would welcome an inquiry such as is proposed by the motion. Whoever was appointed to conduct the investigation might be able to make suggestions by which we could get better results from the railway system and also better consideration from the community who use the railways. I believe that Dr. Herman, who conducted an inquiry into the coal industry in this State a little while ago, stated that if our railways used powdered fuel, they could make a saving of £100,000 a year. If that is so, the question is well worth an investigation. We know that the subject has received a great deal of attention at the hands of the Admiralty, and that tests are being made in many large industries, whilst others have claimed that powdered coal can successfully compete against oil. If it were possible to use the fuel that we do possess in preference to using oil, we should certainly do so. I commend the Railway Department for sticking to Colliery coal. I have thought sometimes that they might depart from this and introduce oil. That would be a mistake. At the same time, if, as Dr. Herman points out, a saving of £100,000 can be made by using local coal in a powdered form, that, too, can be investigated by any committee that might be appointed. I intend to support the motion.

HON. A. THOMSON (South-East—in reply) [7.55]: I submitted the motion for the consideration of the House because I considered the importance of the question warranted further discussion. Mr. Holmes referred to the fact that I had already dealt with the matter on two previous occasions, and that since then there had been no change in the personnel of the House; therefore he saw no reason why there should be an alteration in the vote. I am hoping that the House will see fit to appoint a select committee. I agree that it is late in the session to submit a motion of this description, but a good deal of evidence could be taken by the select committee before the closing down of Parliament, and there is no reason why the Government should not then appoint that committee to continue to carry on its investigations as an honorary Royal Commission. Mr. Kitson made an excellent speech, but he merely voiced the opinions of the Railway Department. He referred to a matter on which I touched where a carrier had asked the Railway Department to make available a truck so that he might avoid carting on the roads, his desire being to enter into a form of contract with the department so that his goods might be loaded at Perth and unloaded at Katanning. I am not accusing the Honorary Minister in any way of attempting to mislead the House when he quoted the reply from New South Wales. That reply was that the Railway Department in that State had not made a practice of that sort of business of entering into contracts with carriers. The reply did not mean to convey that they were not doing it; it stated that it was not the practice in that State. One would be led to infer that such a thing was not even contemplated by the Railway Department in New South Wales. I have a statement from a circular issued by the Bank of New South Wales, dated the 1st August, 1933, dealing extensively with road and rail transport. It says, *inter alia*—

There are also isolated instances of active co-operation between road and rail carriers, road carriers entering into agreements with the railways by which they are allotted trucks, which they load and unload themselves, undertaking collection and distribution of freight . . .

One of the wisest acts of the South Australian Transport Board was the accomplishment of the first instance of co-operation between the railways and a road carrier. Since this example of co-operation has been followed in other States, it may be worth a detailed de-

scription. A road carrier was operating a number of heavy trucks on a route about 60 miles in length, and had a good business, which had been taken from the railways. The road was a busy one, and the heavy lorries were not only wearing the road, but contributed to congestion. There was a case for cancelling the license, but the board, after considerable effort, persuaded both the carrier and the Railway Department that both they and the shippers would be best served by a co-operative effort.

The arrangement ultimately arrived at provided that the carrier was to take his lorries off the main road and use them as feeders to the railway. He was given his own shed and siding at both ends, and a number of closed trucks, which he could lock after loading. Since goods are classified for railway transport, he had to show on his waybills the classes of goods carried, but the classification was simplified in his case, and he was given full-truck rates. This paid the railways, since he invariably had full loads of mixed goods and did the loading and unloading himself.

The result has been remarkable. The carrier has a better business than ever, and the railways obtained a substantial addition to their traffic. The carriage of goods at the same time became cheaper to customers, as the carrier found he could provide door-to-door freight at the same rates as the railways charged from station to station in lots smaller than truck-loads. This co-operative effort not only cheapened the traffic, but also made it more convenient to shippers.

This type of co-operation is highly desirable, and should be extended as far as possible. Similar experiments have been tried with varying degrees of success in other countries, notably Britain and Germany. It gets the best out of transport facilities, where it is possible, and with a little goodwill, its possibilities will extend.

In submitting my motion I had hoped that we could delve into the matter and be able to make recommendations to secure co-operation and co-ordination of road and rail transport. In the statement I have just quoted we have an excellent example of what is being done in other States. Mr. Fraser gave his views on what he termed the shortcomings of the administration of the Railway Department. He pointed out how passengers suffered great inconvenience, and quoted the railway freights charged on produce in the Eastern States. I congratulate Mr. Seddon on the excellent speech he gave on railway management and construction, but after completing one of the most instructive speeches I have heard from him, he, with Mr. Fraser, agreed that no good purpose could be served by an inquiry.

Hon. J. J. Holmes: Your principal supporter, Mr. Hamersley, said it was a job for experts.

Hon. A. THOMSON: I intend to deal with the railway experts later on. Let us consider what could be accomplished by an investigation. Improved methods are being introduced in railway transport in other parts of the world. The Diesel engine has come into existence and is giving excellent results. Motor rail coaches are giving good results in other parts. Road trains have been highly recommended in this House, and some of us were under the impression that the Government intended to introduce a road train on the formation constructed in the Cranbrook area to ascertain whether it would meet requirements in this State. Unfortunately, that was not done, and therefore we are not in a position to determine whether the road train system would be beneficial. I have received from a resident of the city a statement as follows—

The railway interests all over the world are representing to the various Governments concerned that it is absolutely essential that their railways should be maintained and preserved as railways, for the haulage of coal and heavy goods generally. These representations are grossly incorrect and misleading, being made entirely by the vested interests in the manufacture of the present types of railway track and materials. It is by no means necessary that any railways should be used and maintained for the haulage of heavy traffic, as on the modern Rutway tracks, such heavy goods can be hauled far more cheaply, quickly, and efficiently, from mine to factory or from door to door, than any of the present type railways could possibly effect.

I confess I do not know the system referred to by the writer. The items I have touched upon justify the appointment of a select committee to make inquiry and collate evidence. Sir Charles Nathan said that an inquiry would be a matter for railway experts.

Hon. Sir Charles Nathan: No, I said experts.

Hon. A. THOMSON: The hon. member occupied a very important position for a period. He was chairman of the Development and Migration Commission.

Hon. Sir Charles Nathan: Wrong.

Hon. A. THOMSON: Well, he was a member of the commission. What expert knowledge of land settlement, I ask, had the hon. member? Yet he was placed in a position to advise the Commonwealth Government, and I have no hesitation in saying that the commission were the means of

saving the people of the Commonwealth millions of pounds.

Hon. Sir Charles Nathan: They employed highly paid experts.

Hon. A. THOMSON: To advise the commission, who were not experts. All I am asking is for the appointment of a select committee who will be able to call the evidence of experts and submit a report to the House. No question is causing greater concern than is the management of our railways. Mr. Hamersley said he thought the Railway Department lacked experts. The trouble is that railway experts approach the subject entirely from a railway angle. A select committee would approach it from the point of view of what is best for the people and particularly the producers of the State. The Minister for Railways is responsible for the following statement:—

A big problem in the working of the railways is apparently that the profitable traffic is to some extent being carried by road. If the railways had all the traffic, it would be possible for a complete recasting of the schedule of railway traffic rates to be made. If present conditions continue, it will be impossible for the railways to carry on without a deficit of £200,000 or £300,000 annually unless further taxation is imposed to meet the deficit which is caused by transporting primary and other products at entirely unremunerative rates.

The Secretary of Railways, Mr. Tomlinson, surely should be regarded as a railway expert. He is practically managing the railways and his opinion should be of value. In reply to requests from the South-West, Mr. Tomlinson was reported, as follows:—

Unfortunately some producers did not avail themselves of the facility offered, and by giving their traffic to road competitors rendered it increasingly difficult for the department to maintain the service which had been provided at so much cost for their use. The matter of reducing railway freights and fares, Mr. Tomlinson said, was one which necessarily had to be considered in conjunction with the vexed question of road competition, and it was the Commissioner's view that until action was taken to co-ordinate transport facilities, any attempt at reducing charges must result in a loss of revenue which the State in these difficult times could ill-afford. There were indications that the time was not far off when legislation would enable this question to be tackled, and the Commissioner would be only too pleased to pass on any relief it might be possible to give.

A conference of fruitgrowers was held at Donnybrook on the 20th October and Mr. Hickey, a capable railway officer, very keen

in his desire to secure the greatest amount of traffic possible for the railways, addressed the conference. He was reported in the "West Australian" of the 21st October as follows:—

In replying to the discussion, Mr. Hickey explained the methods adopted in striking freight rates. The railways only wanted to pay their way and 13s. 4d. per ton mile was the average rate necessary to do that. At present 70 per cent. of the traffic was carried on a losing rate and only 30 per cent. at a profitable one. About 10 per cent. of the highly profitable business had been taken away by motor transport, which could only afford to take growers' fruit at a cheap rate because it was back loading. The Railway Department was not in a position to make a piecemeal reduction in rates. The present motor competition was costing the railways £100,000 a year in loss of revenue.

The Minister for Railways said it was costing the railways £200,000 a year but Mr. Hickey put the cost at £100,000.

The Commissioner sympathised with the primary producer, but until the fate was known of the proposed Transport Bill, under which it was hoped that the railways would be granted some measure of protection, he could hold out little hope of relief in freight rates. Given that protection, freights would certainly be revised to the benefit of the fruit-growing industry.

Those quotations may be regarded as the voice of the experts. The Commissioner of Railways, on page 21 of his report, made the following statement:—

I cannot but reiterate my claim that some form of legislation must be drafted which will debar motor vehicles from purely specialist transport work. It is not uncommon to hear loose judgments expressed on the obsolescence of railways as a system of transport. It would seem that those who hold such a view are either biased or have not given any study to the matter.

As regards the writing-down of railway capital and the re-organising and co-ordinating of railway with motor transport, apparently the only idea of the experts is to eliminate, not co-ordinate, the two systems of transport. I hold no brief for either motor transport or railway transport, but I am concerned about the fact that the primary producing section of Western Australia are and have been facing most difficult conditions. It is said that reduction of railway freights is impossible, that the Commissioner has to find interest on railway capital and is bound down by certain conditions. The country is told, "If you will restrict motor

transport, we shall be able to help you." But is it not a fact that the existing railway rate book was brought into being about 30 years ago? Indeed, it is most difficult to-day to obtain a copy of the railway rate book. I have quoted various authorities in order to show that I am not alone in my views regarding the need for writing down railway capital and for some adequate system of co-ordination between the two forms of transport. The Transport Regulation Board of Victoria state—

When society begins to develop upon a basis of specialisation of economic function so that the community as a whole relies upon different sections to supply its different needs, transport becomes an essential element in community life and a prime factor in the evolution of its form and structure, especially as regards occupational distribution over any particular area. The change wrought in transport by the invention of the steam locomotive and its application to rail tracks was revolutionary. The power of transport as a factor of evolution increased enormously; it became national in scope and moulded national life into an economic unity in which the transport needs of any particular part were in all respects related to the transport needs of the whole. In any country in which the new form of transport was extensively adopted the economic development was literally on railway lines, so that in any such country its railway system is to-day an essential part of its economic structure, and an essential part of any structure cannot be suddenly and seriously disturbed without danger to the structure. The enormous increase in its power and the enlargement of its scope reacted upon transport itself in two most important respects. Its business character and methods were entirely altered, and it became the object of special attention by Governments. It is an essential service of transport that, so far as possible, it shall remove or reduce the disabilities which distance from ports, markets, or consumers attaches to production and manufacture.

I wish also to quote some other authorities. Our Minister for Railways, Mr. Willcock, has said—

Chaos would prevail if the railways stopped running, and the road transport people seemed to want the railways to get out of the way and make room for motor transport.

I am not in accord with those views. Professor Copland has said—

A mere prohibition of motor transport cannot be regarded as an economically sound course. By such action the community in effect ignores the advantages to be derived from a new form of mechanical transport. The construction of larger vehicles is likely to reduce the cost of motor transport, while increasing the facilities it can offer. Governments

would not be serving the best interests of their communities if they sought to establish a complete railway monopoly merely for the purpose of reducing the burden of railway finance upon Budgets. It cannot be conceded that motor transport is to be forbidden merely because it takes traffic from the railways, and therefore increases the railway deficit to be met out of Consolidated Revenue.

The National Transportation (Coolidge) Committee of the U.S.A. reported as follows:—

Automotive transportation should be put under such regulation as is necessary for public protection. It should bear its fair burden of tax, but only on a basis of compensation for public expenditure on its behalf, plus its share of the general tax load. Neither tax nor regulation should be applied for any purpose of handicapping the march of progress for the benefit of the railroads.

The President of the Pennsylvania railway, Mr. W. W. Atterbury, has expressed this sentiment—

The public should be allowed to utilise the form of transportation it wants—railroad, highway, waterway, and airway in the field in which each can best and most economically perform. The future of transportation depends not so much on legislation, artificial stimulation, or desires originating within the transport agencies themselves, as upon the desires of the public, which are paramount.

A noted economist, Professor T. Hytten, lent by the Tasmanian Government to the Bank of New South Wales, gave utterance to the following:—

Let it be said at the outset that no country has as yet found a solution to the problem. In many respects motor transport at present has an advantage over the railways by being operated in small units which allow of more frequent services on routes on which traffic is sparse. That the railways are State railways is no reason for giving them more protection than if they were private.

A prominent Western Australian, Mr. R. O. Law, has commented as follows on the British motor industry:—

It was strange in view of the anxiety being expressed in this State with regard to the proposed legislation to co-ordinate transport services, that although England had not penalised the owners of road transport system, the railways were in a flourishing condition. This was due to the fact that the railways, freed from protective influence, had stepped out and made a bold bid for the transport trade. The courtesy and attention received in the British railway services was most marked and gratifying. In framing legislation for this State, the Government should try to avoid clauses penalising the motor transport trade, and should

remember that both the railways and road transport concerns were servants of the public, and were entitled to fair remuneration as long as they were serviceable.

I wish to make it clear that I do not imply that we do not receive from Western Australian railway servants the utmost courtesy. I have travelled over the Western Australian railway system for many years, and can say unhesitatingly that our railway servants render just as good service and give just as much attention as are received in many other places, and better service and greater attention than are received in some countries. I hope I am not wearying the House, but the subject matter of the motion is important, and I have given it a great deal of consideration. I have here an extract from the "Australasian" of the 29th July, 1933, forwarded to me by one of my electors—

Transport and Taxation.

There are two grave objections to urge against the recommendations of the Victorian Transport Regulation Board. One is that the principles of taxation are defied, the other that common commercial practice is set at naught. The proposed taxation of road motor users is discriminating: it singles out a particular class for taxation to protect a general utility. The recognised practice in commerce when a competitor arises is to set about meeting the competition with the resources of the threatened business. Only in Government undertakings is it possible to act otherwise, and by compulsion obtain aid elsewhere.

The most iniquitous proposal is to tax the users of motor vehicles. Already these are the most heavily taxed section of the community. To impose additional taxes upon petrol and a tax on tyres will make a very heavy burden. Not only so but the interests of people benefited by road motor traffic seem to have received no consideration whatever. Many of these are primary producers distant from railway communication. The motor carriers take goods from one centre (sometimes direct from the farm) to the port or to the market. Thus one handling, or perhaps two handlings, will suffice. To use the railway will mean two, and perhaps three, loadings, to say nothing of long delays where the train service is infrequent. The proposed tax on motor users is intended for two purposes—to remove or cripple a competitor and at the same time to make him pay the losses upon the business with which he is competing. That is a gross injustice. The suggestion is that the Government should extort from the motor carrier a portion of his profits and use it to injure or destroy his business. This is very like beating the cripple with his own crutches. The plea that the man on the land is especially interested in ensuring the profitable conduct of the railways loses force when it is considered that the destruction of

competition will enable the railways to maintain and even to increase the high freight charges.

If there must be taxation to preserve a common utility it should be general and not special taxation. General taxation, it must be admitted, would provoke general objection. The hypothesis, however, cannot be admitted. The losses on the railways should not be covered by taxation of any kind. And so high are fares and freight charges that it is not advisable to increase them. If they were increased it is certain that the railways would lose and the motor carriers would gain business. And the railways are necessary. Greatly as the use of the motor has extended in country districts, there still remains much and very important work for the railways to do, especially on the long-distance lines. Therefore the railways must be retained, and it is highly desirable that they should be profitable. Thus we are brought face to face with a grave problem, and one which, accepting as rigid our present political and economical practice, seems incapable of solution.

The problem ought not to be incapable of solution. The railway system was originally placed under commissioners with the intention of removing it from political influence and political control. The commissioners were to manage the railways independently of Parliament. But the law was amended so that the Ministry might interfere upon "matters of policy." Now anything is a "matter of policy" when the Ministry chooses to call it a matter of policy. So that the railways are not managed independently. And they are not being managed as thriftily as any ordinary business would be managed in time of stress. Again, industrial legislation applied to the railway service has helped to swell the loss. It may seem like heresy to suggest that the commissioners should employ as many or as few servants as they deem necessary, and that these should be paid whatever the business can afford to pay; but, in view of the desperate plight of the railways, it is worthy of consideration. To get rid of political meddling and to make the commissioners strictly independent as regards administration and finance are the right remedies to apply. It is not likely that the Ministry will take this view of the matter; but it is hard to believe that it will resort to the injustice of compelling one group of the shareholders in the business to pay calls sufficient in amount to cover all the losses.

A good deal of objection is taken to Western Australian primary producers using motor transport for moving wool and other products to the city. It is said that they should use the railways for this purpose. But those who urge such a view seem to forget that the utilisation of motor transport may mean a saving of, perhaps, £20 to a producer. If it is fair and reasonable to require that producer to meet his commitments, he should be permitted to utilise the service which he

finds cheapest. The laws of his country compel him to contribute heavily to the cost of maintaining a high protective tariff. For everything that he purchases he has to pay Australian prices, but unfortunately he receives oversea prices for his products. In my opinion, it is absolutely essential that there should be a writing-down of the capital cost of our railways. Some of my friends contend that this is a matter for experts. Surely, however, we are in a position to take evidence and submit it to experts for the drawing of the necessary conclusions.

Hon. J. J. Holmes: What would you do with the liability of the railways?

Hon. A. THOMSON: If the hon. member will refer to that section of the Auditor General's report which deals with group settlement, he will find that fully £7,000,000 have been expended on road construction, hospitals, schools and public facilities generally in connection with the scheme. Nevertheless to-day the Government are merely charging the settlers who remain £300,000 or £400,000 annually by way of interest.

Hon. A. M. Clydesdale: Taxation would have to be provided to meet that.

Hon. A. THOMSON: Here is another point. If it is fair—I think every member will agree it is fair—to tell the group settlers that they were not expected to pay for the blunders of maladministration by the department, and that they would be charged on a reasonable amount enabling them to pay their way—

Hon. J. J. Holmes: One is an individual liability, and the other is collective.

Hon. A. THOMSON: I propose to show how it is affecting people individually in the country districts. Mr. Hamersley referred to various railway deviations between the tunnel at Swan View and Spencer's Brook. Every member who has travelled over the line will have noticed the deviation between Woolooloo and Chidlow's Well. That work cost over £63,000, speaking from memory. It will be interesting to know how many hundreds of thousands of pounds have been charged up against the Commissioner of Railways in respect of various deviations and embankments. There are scores of them.

Hon. V. Hamersley: All monuments.

Hon. A. THOMSON: Yes, monuments to the blunders of the engineers. Is it fair and reasonable to expect the Commissioner of Railways to pay for the blunders of engineers any more than it is to expect the

group settlers to pay for the blunders of maladministration?

Hon. J. Nicholson: Suppose it had been a railway company, what then?

Hon. L. B. Bolton: The company would have been broke long ago.

Hon. A. THOMSON: If the railways were run by a private company, provision would be made for depreciation in respect of their capital.

Hon. V. Hamersley: The railways would not have been built as we have built them.

Hon. A. THOMSON: Probably not. I have heard members say that political influence has been brought to bear to have railways constructed in certain directions. Is it fair to levy the additional cost incurred as the result of political pressure, as an extra burden on the Commissioner of Railways? Is it fair to charge against the Commissioner, and through him the primary producers in the country, the cost of blunders, political and otherwise? Is it fair to impose upon the Commissioner of Railways charges in respect of vanished assets?

Hon. J. J. Holmes: But politicians did that.

Hon. A. THOMSON: Why make the country people pay for the sins of politicians?

Hon. J. J. Holmes: Why appoint a committee of politicians to inquire into their own blunders?

Hon. A. THOMSON: I do not say that we, as politicians, could remedy some of the blunders of the past, but surely we could recommend remedies. If a man is suffering from a disease, he consults a doctor.

Hon. Sir Charles Nathan: But the doctor does not prescribe a dose of the same poison.

Hon. A. THOMSON: Very often he does.

Hon. A. M. Clydesdale: Very often it comes out of the one barrel.

Hon. A. THOMSON: I have never suffered from the complaint, so I do not know what truth there is in it, but I know there is an old saying about requiring in the morning the hair of the dog that bit one over-night.

Hon. J. Nicholson: I think they usually administer something out of a green packet.

Hon. A. THOMSON: Probably the hon. member is more expert in that direction than I am. Is it fair to expect the Railway Commissioner—

Hon. J. J. Holmes: To have more railways pushed on to him at this juncture.

Hon. A. THOMSON: I am in accord to a certain degree with Mr. Holmes on that point. That very phase justifies my motion for the appointment of a select committee. We could make a recommendation that the Commissioner of Railways in this State should be placed on the same footing as the Commissioners in Victoria, South Australia and New South Wales. In those States funds are provided from which the Commissioners of Railways can be recouped for the loss involved by the construction of developmental railways.

Hon. A. M. Clydesdale: Where does the money come from to recoup the Commissioners?

Hon. A. THOMSON: From general revenue.

Hon. A. M. Clydesdale: There you are!

Hon. A. THOMSON: We could at least provide, if the select committee were appointed, the opportunity to enable departmental suggestions to be considered. I am sure that we could get suggestions from even humble members of the platelaying gangs. The report of the Commissioner of Railways shows that our railways cost £5,749 per mile to construct. In Queensland recently, 14 miles of railways were constructed at a cost of £1,929, a difference of £3,820, on what is stated to be the capital cost.

Hon. A. M. Clydesdale: But you have quoted the average cost here, and you pick a special line in Queensland.

Hon. A. THOMSON: That is certainly the position.

Hon. A. M. Clydesdale: The same thing might happen here.

Hon. A. THOMSON: But it does not. That is one reason why I ask for the appointment of a select committee. Some explanation could be advanced to show why the construction of the railway in Queensland cost £1,929 only.

Hon. J. Nicholson: It may have been constructed by contract.

Hon. A. M. Clydesdale: It was built by day labour.

Hon. A. THOMSON: That is the astonishing feature. The line was constructed by sustenance workers, which is the most amazing part of it. Generally speaking, the railways in Western Australia present no engineering difficulties. If Queensland can build railways at the cost I have indicated, there must be something wrong when we realise that the estimated cost of the two railways, Bills to authorise the construction of which

are before this Chamber now, is £3,250 per mile. Surely that presents a fruitful source for investigation. Let us take the position as disclosed by the report of the Commissioner of Railways himself. In 1932 the ton miles run in the conveyance of paying goods and livestock were 347,492,258. In 1933 the ton miles run for the conveyance of that class of freight were 339,006,522, or a decreased ton mileage of 8,485,736. The report shows decreased ton mileage and yet increased earnings over and above those registered in 1932, of £9,755. That presents another phase for inquiry. Then there are the various classes of free traffic.

Hon. J. Nicholson: The railways ran a shorter mileage.

Hon. A. THOMSON: Of course they did. They reduced the ton mileage, 8,485,140 or more, but increased the revenue.

Hon. A. M. Clydesdale: There was a big decrease in wages.

Hon. A. THOMSON: Not such a big decrease as the hon. member suggests. As a matter of fact, the working expenses were £11,000 or £12,000 less.

Hon. J. Nicholson: And the train mileage was over 200,000 miles more.

Hon. A. THOMSON: If that can be the position, it seems to me that the railways might do a little better. Then again the railways hauled departmental goods to the extent of 419,063 tons. I have no information to indicate what are represented by departmental goods, but I presume they would include coal and water. I am wondering whether the department renders services to other departments. I notice that this year the Treasurer will receive from the Federal Government a special grant of £600,000 on account of the disabilities experienced by Western Australia. If the select committee were appointed, that body might be able to ascertain what proportion of the grant should be credited to the Commissioner of Railways. They might find out how many miles of railway had been constructed since we federated, how much more costly the railway construction has been, and how much of the cost per mile for construction is directly or indirectly attributable to the disabilities forced upon the State as a result of Federation. I think we can justly say that the Commissioner of Railways should be credited with a portion of that grant to enable him to reduce

railway freights and compete with motor transport. It would be interesting to know what the increased cost of railway construction has meant to the farming community. Then there is the policy of the Government. They have re-introduced the 44-hour week. We know it is in force by agreement, but the men are to receive the same rate of payment as formerly. Railways have been constructed by day labour and, in the opinion of a majority of members of this House, that has meant a considerable increase in the cost of construction.

Hon. A. M. Clydesdale: But you quoted the Queensland line that was constructed under day labour conditions.

Hon. A. THOMSON: And I have also quoted the cost of railway construction in this State. I hope we will have some clear evidence on that point alone. Then again we might find out why the Commissioner of Railways refuses to grant simple requests. For instance, the stock owners who send consignments to the metropolitan area, have, for a long time past asked that some trestles or partitions should be set up to prevent the sheep from being crushed during shunting operations in various railway yards. They have been told it could not be done, because the Commissioner had no money. We might find out why in South Australia the rates for the carriage of livestock are 25 per cent. lower, over distances from 100 to 600 miles, than are the Western Australian charges. We might find out why it was deemed necessary by the Railway Department to indicate an additional freight charge of 1s. 9d. against farmers because they were endeavouring to reduce costs by the installation of a bulk handling scheme. I shall quote one extract from the report of a committee appointed to investigate the agricultural and pastoral industry in South Australia. Dealing with the railways, the report stated—

Freights: This is a charge which falls very heavily upon the farmer, especially when prices are low. The matter was considered in detail by the Agricultural Settlement Committee, and is referred to on pages 30, 85, and 89 of that committee's report. This committee is fully aware of the great financial difficulty which confronts the administration of the State railways. It also recognises that by a readjustment of the capital debt at present charged upon the railways, the load will not be lifted, but merely shifted. But it desires to point

out that the primary producer, who produces the greater part of the wealth of the State, is by far the greatest users of those railways, and at present is bearing in the form of freight more than his share of the load.

I do not wish to weary the House. I thank members for the patient hearing they have given me and I hope they will agree to the appointment of this committee. It is of such vital importance to country districts and to all those interested in transport that I trust the House will support my motion. Since it was deemed necessary to appoint a Royal Commission to inquire into the position of the Agricultural Bank, surely it is necessary to appoint this select committee to inquire into a department in which so very much more money is involved. If the committee should not be able to complete their report before the close of the session, we have a precedent for the converting of that committee into a Royal Commission in order to carry the work to a conclusion. It is in the interests both of the railways and of the State that the inquiry should be held.

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

Ayes	..	..	..	7
Noes	..	..	..	7
				—
A tie	..	..	..	0
				—

AYES.

Hon. L. B. Bolton	Hon. E. Ross
Hon. A. M. Clydesdale	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. V. Hamersley
Hon. R. G. Moore	(Teller.)

NOES.

Hon. J. M. Drew	Hon. Sir C. Nathan
Hon. E. H. Harris	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. E. H. Gray
Hon. W. H. Kilson	(Teller.)

PAIR.

AYE.	NO.
Hon. C. H. Wittenoom	Hon. H. Seddon

The PRESIDENT: I give my casting vote with the noes. The question passes in the negative.

House adjourned 8.53 p.m.

Legislative Assembly,

Tuesday, 31st October, 1933.

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

QUESTION—RAILWAY FREIGHT ON BULK WHEAT.

Mr. DONEY asked the Minister for Railways: Will he give the figures that led the Commissioner of Railways to consider that an additional 9d. per ton should be imposed on bulk wheat carried on the Government railways?

The MINISTER FOR RAILWAYS replied: The 9d. per ton is destined to cover in part—(a) extra tare, maintenance, and empty mileage on 200 4-wheel steel trucks converted; (b) additional maintenance and shunting on improvised trucks which are being adapted for carrying of wheat in bulk. This charge will have to be increased if rolling stock has to be altered to carry wheat in bulk..

QUESTION—CASE OF T. F. KELLY.

Mr. RAPHAEL asked the Minister for Police: 1, Will he, having regard to the previous good conduct of Mr. T. F. Kelly, have investigations made into the reason for Detective G. Smith's refusing to allow him to work on the goldfields? 2, What are the duties of a detective in a case such as Mr. Kelly's? 3, Have those duties been exceeded? 4, If the duties have been exceeded, will he take steps to recompense Mr. Kelly?

The MINISTER FOR RAILWAYS (for the Minister for Police) replied: 1, Detective Smith has not refused to allow Mr. Kelly to work on the fields. 2, The duties of a member of the force are to protect the interests of the general public. 3, No. 4, Answered by No. 3.