

Mr. BERRY: Before I came to Western Australia and went farming, I was in an industry where we had bought commodities, and I know exactly how the credit racket works. I know exactly, because I have worked it. That is why I fearlessly stand up here and tell these things today.

Several members interjected.

Mr. BERRY: I will lead the Minister for Health along the path of virtue, and I hope he will recognise the path as he goes along. Anyhow, I have no quarrel with the hon. gentleman. Let me return to the debt business. I have actually seen in Western Australia six little people placed on a double bed athwart-ships, as a sailor would say, where they could best fit in, and I have seen them covered with a rotten blanket sewn into a bag. And the people on that farm produced wheat and wool!

Mr. Raphael: You can see the same thing today!

Mr. BERRY: And those little people were hungry! The farm produced wool and wheat, but they had no woollen blankets and they had little bread! Those working the farm are still there battling along, and just so long as they can pay this filthy interest racket which, apparently, it is nobody's business to attack, they can remain there starving. There are cases after cases of this kind, as the Minister for Lands must know.

I have been given a very patient hearing. In conclusion let me say that I feel sure the Government will give consideration to this question. I hope Ministers will consider the question whether the secured creditor is game to dry up credit. I do not believe he is. I am of opinion that if he does dry up credit, he will dry up his own rotten business as well. Again I congratulate the mover of the motion, the member for Katanning (Mr. Watts).

Mr. Marshall: Why not use the Commonwealth Bank to relieve the situation?

Mr. BERRY: I have not gone into that aspect, because I thought it was a little far away from the main subject; but I have no doubt that we can make our money function in such a way that money will not be the master. Money is here not to master my life, your life, Mr. Speaker, or the lives of the people, but to give life. We, like idiots, however, have allowed the economic system to take charge of money, so that it becomes a commodity and not a measuring stick for hard work, decent labour and honour.

If these contracts are as sacrosanct as some would have us believe, let us look at the other side. Is it reasonable for a man to stand to a contract that is degrading him? No, Sir! I am afraid that those who hold that view will have to tell me a very different tale.

On motion by Mr. Wilson, debate adjourned.

*House adjourned at 8.33 p.m.*

## Legislative Assembly,

*Thursday, 4th September, 1941.*

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

### QUESTIONS (3)—AGRICULTURE.

#### *Drought relief.*

Mr. SEWARD asked the Minister for Lands: In view of the fact that the Agricultural Bank is taking an all-proceeds claim from those clients who received assistance from drought relief funds, as well as compelling those clients to surrender their 1939-1940 and 1940-1941 wheat certificates in cases where they are not already held by the Bank, will he make a statement detailing the conditions, including rate of interest charged and terms of repayment, under which drought relief funds have been advanced to farmers?

The MINISTER FOR LANDS replied: The repayment of the loan is the responsi-

bility of the State. In the matter of interest, advances will not carry interest during the first season, but any readvances made year by year will carry interest equal to half the interest rate on the loan raised for the purpose. The Commonwealth Government has not yet advised what this rate will be and cannot do so until the loan has been floated.

*Albany Zone Wheat and Port Expenditure.*

Mr. HILL asked the Premier: 1, Is he aware that wheat grown in the Albany zone is, if carted for storage or shipment, railed to ports other than Albany? 2, Why is it that when protests have been made against the diversion of wheat grown in the Albany zone to other ports the Minister for Railways has stated that the railway department, as common carriers, must convey wheat to where it is consigned by the consignors, whereas when wheat was railed out of the Geraldton zone he (the Premier) threatened a penalty rate as reported in the "West Australian" of the 15th July? 3, What are the aggregate amounts voted by Parliament, since the Collier Government assumed office in 1924, for the ports, including bulk handling terminals—(a) the whole State, (b) Fremantle, (c) Geraldton, (d) Bunbury, (e) Albany, (f) Esperance?

The PREMIER replied: 1, Yes. 2, As common carriers the railways have to haul wheat to where it is consigned. The statement in the "West Australian" referred to diversions to all ports. Geraldton was not mentioned. 3, The amounts voted by Parliament do not necessarily accord with the amounts actually expended and the figures would therefore be misleading.

Mr. HILL asked the Minister for Railways: By what route is the wheat that is diverted from the Albany zone conveyed to Bunbury?

The MINISTER FOR RAILWAYS replied: By Wagin-Bowelling and Narrogin-Collie routes as room permits on respective trains.

**BILL—WORKERS' COMPENSATION  
ACT AMENDMENT.**

Introduced by the Minister for Labour and read a first time.

**LEAVE OF ABSENCE.**

On motion by Mr. North, leave of absence for two weeks granted to Mr. Abbott (North Perth) on the ground of urgent public business.

**BILL—INCREASE OF RENT (WAR  
RESTRICTIONS) ACT AMEND-  
MENT.**

Read a third time and transmitted to the Council.

**BILL—NATIVE ADMINISTRATION  
ACT AMENDMENT.**

Reports of Committee adopted.

**BILL—MENTAL TREATMENT (WAR  
SERVICE PATIENTS).**

*Second Reading.*

**THE MINISTER FOR HEALTH** (Hon. A. H. Panton—Leederville) [4.35] in moving the second reading said: This is a very short Bill, and I regret the need for its introduction. It deals with the mental disorders of men who will be returning from the present war. Part II, Section 5 of the Lunacy Act of 1903-20, provides that, upon information on oath before a justice that a person deemed to be insane is without sufficient means of support or is wandering at large and is not under proper care and control, etc., such person may be placed under restraint and sent to any of the homes for the insane. In 1917, Parliament passed the Mental Treatment Act to provide that Part II of the Lunacy Act should not apply to returned soldiers. Unfortunately, however, the definition of "war" contained in that Act precludes its application to men returning from the present conflict. Section 2 of the Mental Treatment Act provides that—

2. (1) Notwithstanding any provisions of the Lunacy Act, 1903, to the contrary—

(a) It shall be lawful, subject to the regulations under this Act, for any person—

(i) being or having been on naval or military service, whether with His Majesty's Navy or Army, or under the provisions of any Act of the Commonwealth of Australia, during the war in which His Majesty is at present engaged; and

- (ii) suffering from mental disorder of recent origin arising from wounds, shock, disease, stress, exhaustion or any other cause,

to be received for medical treatment into a hospital for the insane, reception house, or licensed house, without any order or certificate under Part II of the said Act—

The wording of that section enabled the Act to apply only to the war of 1914-18, and we are faced with the necessity for bringing down fresh legislation to cover the present war. The Bill is a simple one, but we have to some extent departed from the Act of 1917, because there are features of that Act which have made some people—particularly those associated with the Repatriation Department—anything but happy.

The Bill provides for the definition of "war" to include this war or any other war, past or likely to come as a war within the meaning of the Defence Act. In respect of those who do not voluntarily enter institutions, it is provided that, while they are under the control of the Defence Department, a certificate must be signed by the senior medical officer of the department before they can be received into an institution. Once they are discharged, it is laid down that the certificate must be signed by the senior medical officer of the Repatriation Department, with this proviso: that if a man refuses to go into a home at the request of the senior medical officer of the department, he will come under Part II of the Lunacy Act. That was not provided for in the 1917 Act, but we felt it was taking away the liberty of the subject to allow a senior medical officer—one man—willy-nilly to send a man to Lemnos, Claremont, or some other home. It is quite conceivable—and this will appeal to returned soldier members of the House—that a man, although not a very bad case, might make himself sufficiently a nuisance to induce a medical officer to want to send him away, and one of the easiest ways to get rid of him would be to put him in a home for the time being.

In brief, then, the Bill provides that when a man is prepared to go into a home, the authority of the senior medical officer of the Defence Department will suffice, or if he is no longer under the control of the Defence Department, then the authority of the senior medical officer of the Repatriation Department will be sufficient. If, having left the Forces, he is not willing to be sent to a mental home, then he must come under Part II

of the Lunacy Act, which provides certain conditions that must be fulfilled before he is received into a home. For instance, he must be certified insane by two medical officers and two justices of the peace.

Mr. Sampson: He is then definitely a mental case?

The MINISTER FOR HEALTH: Yes. We hope the others will definitely be mental cases. They may then go into Lemnos and be cured. Probably quite a large number of those cases will be mentally upset when they first return, and we must have some place for them.

Mr. North: They may be cured.

The MINISTER FOR HEALTH: Yes. There are cases in which men say they are not mentally wrong, and will not go in. A man should have all the protection the law can give him in those circumstances. That is really the difference between the 1917 Act and the present Bill. That is all there is in the measure. It is brought down only because the provisions of the existing Act provide for the last war. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

## BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 2nd September.

MR. DONEY (Williams - Narrogin) [4.41]: I did not anticipate that the debate on this Bill would have been reached so soon. While it is not in any way controversial, I nevertheless think it is desirable that country members should have an opportunity to discuss the provisions of a Bill of this type with the mayor, or members of the council, or the town clerk. What might appear to be quite right and proper to us might not appear in that light to the town clerk, who would have to apply the provisions, in practice, to the problems to which they relate. This is only a small Bill, but it happens to contain five machinery clauses which I would like to discuss with the officers who will be affected by them. I ask the Minister in charge of the Bill, therefore, to adjourn the Committee stage until, say, Tuesday of next week.

I might also say I find nothing wrong, but everything right, with the manner in which the Bill is drawn up. The provisions, for instance, dealing with the number of votes as applied to the annual rateable value, and the unimproved value, seem to me to be quite right and unlikely to be at all contentious, because they follow the lines already laid down in the Road Districts Act, with which I think we are all pretty well in agreement. The Bill gives old-age pensioners the right to appeal against their rates, despite any mortgages or sums of money owing. I am glad to see that. There is a disparity in the Bill as between the relative positions of town clerks and road board secretaries in regard to the dispatch and custody of ballot papers; but that is a matter which could easily be brought up in the Committee stage when the Minister might explain it.

Question put and passed.

Bill read a second time.

## **BILL—GOVERNMENT STOCK SALEYARDS.**

### *Message.*

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

### *Second Reading.*

Debate resumed from the 26th August.

**MR. MANN** (Beverley) [4.45]: We were pleased with the remarks made by the Minister when the Bill was brought down. I made an inspection of the Midland Junction yards recently and there is a portion which has been cemented. We hope the rest will eventually be completed. They are very well laid-out yards. I wish particularly to mention the pig question. I was approached some time ago by a big pig dealer and he referred to the question of cement grating. He suggested that if portion of the pig pens was grated, it would reduce the mortality from swine plague.

There is very heavy mortality from this disease each year. In the months of October, November and December, the early part of the summer, when pigs are brought into the yards, the first thing they do is to lie down, on their bellies, on these cemented

pens, which are washed down every week. The suggestion is that grating would possibly save many pigs. Many country dealers buy weaners, porkers or baconers in stock condition and take them to their farms, and two or three days after arrival they develop the first sign of swine plague, and spread it amongst the other pigs. It is a form of pneumonia and the losses are heavy. If they do not die, it is best to knock them on the head because they develop a wasting form of ailment and are no use at all.

I suggest to the Minister that a portion of the pig pens be grated. Porkers and baconers to be slaughtered could quite easily be put into ordinary cement pens. This man told me he had tested an instance where pigs had been put in an open yard and taken to a farm, and he lost a big proportion of those which had been put in the cement pen. If an investigation were made, it would be found that very heavy losses have occurred through swine plague. Twelve or fourteen years ago we were running 50 sows. The disease broke out among them, and we had 50 young pigs affected one morning. The inspector came along and told us that, under the regulations, we had to slaughter all our pigs. The position was that we had paid 20 guineas for some sows and then we had to slaughter a great number of their progeny.

Another point is the question of the inspection or control of stock in the yards. There is no definite check on stock coming in or going out. I understand that in Adelaide before a man can take his sheep out of the saleyards to the abattoirs, he must have a check approved by the Government man at each end. It is possible when the rush is on for men to take four or five sheep out of each yard. That is an important point. It would relieve me to know that there is better control over the selling of sheep to avoid sheep stealing. That sort of thing is still going on. I know in the southern areas that sheep have been stolen. The cementing of the whole of those yards will make them a much better proposition. I support the second reading of the Bill.

**MR. SEWARD** (Pingelly) [4.50]: I support the second reading of the Bill. One objection that may be taken to it is that it tends to make for divided control in the saleyards. While better control might be exer-

cised by those who use the yards—the stock salesmen—the Bill still seeks to place the full control in one authority but in that sense it extends the trading activities of the Government. Generally speaking, I think it is better for some control to be placed in the hands of the stock salesmen who use the yards. However, if there is to be full control by one authority, it is only fitting that it should be vested in the Government which owns the yards. For that reason I welcome the Bill.

For years past stockowners have frequently urged the presentation of a balance sheet dealing with the financial operations of saleyards. The object was to ascertain how the revenue they contributed by way of yard fees was spent by the authorities. In my opinion that was a legitimate request, but in the past growers have always been told that the accounts relating to the abattoirs and the stock saleyards respectively were not kept separately. For that reason it was not found possible to comply with the request. I have drafted an amendment that I think will overcome that difficulty, and members will be able to peruse it on the notice paper.

What I propose is reasonable because in the course of a year yard fees, amounting to quite a large sum of money in the aggregate, are contributed by the growers and they should have the right to know how that money is disbursed. I was afforded a good indication of the reasonableness of the request some time back. A few years ago in a country town there were stock saleyards which were controlled by the stock agents. Another firm bought a block and established other saleyards at that centre. The growers quickly found that the new stock firm charged a yard fee of 1d. per head, whereas the charge levied in the old-established yard was ½d. a head. The growers pointed out that the imposition of the higher fee meant that in a period of ten years the whole of the cost associated with the new yards, including the purchase of a block and the erection of the yards themselves, would have been paid. The firm recognised the justice of representations made by the growers and the yard fee was reduced to ½d. per sheep yarded.

During the course of his speech in moving the second reading of the Bill, the Minister said it was hard to believe, if one did not know the circumstances obtaining at Midland Junction, that sheep could be lost be-

tween the sale and the time of delivery. Personally I am not so much concerned about the position at that stage as I am about the entrance end of the operations. I trust there will be an appreciable tightening up of conditions governing the entry of sheep into yards. With the advent of the motor truck, sheep stealing has become fairly prevalent in various parts of the State.

It is easy for a man who has a truck to round up a few sheep, put them on the truck, and rush them off to saleyards where they are sold, before the owner of the sheep has any knowledge that the animals are not on his property. Because of that, much more strict supervision should be maintained over the entrance of sheep into yards. For my part I would prefer only recognised owners of sheep to be allowed to take sheep into the yards. There is certainly need for the tightening up of the regulations in that respect, and any step taken in that direction will meet with the approval of stock owners. I support the second reading of the Bill and will deal with one or two matters in Committee.

**MR. THORN** (Toodyay) [5.54]: I support the second reading of the Bill. I am a regular visitor to the Midland Junction saleyards of which I think we can well be proud. They are easily accessible from the railway running yards and the lay-out is up to date. However, we must be progressive, and there are still many improvements that could be carried out. If that were done, the change would be of great value both from the standpoint of the comfort of the stock yarded and from that of the convenience of buyers and sellers. The portion of the yards that is floored with sleepers is most unsatisfactory, more particularly during the winter months. That section is often in a very dirty, sloppy condition. The stock inspectors carry out their duties very well and at times when their suspicions are aroused about the condition of stock, particularly sheep, it becomes necessary for them to conduct examinations.

Very often an inspector has to make his investigation in a dirty, sloppy pen. The result is that the wool becomes soiled and the sheep is regarded by buyers as one that has been down and therefore damaged, in consequence of which the value of the animal is depreciated. As time goes on I hope

to see the sheep pens roofed. Naturally there is necessity for adequate ventilation, and all the sun and light possible are needed in the pens. As it is, the pig pens, particularly in the winter months, are bleak and cold.

Mr. Cross: If the pens were roofed with iron, would they not be very hot in summer?

Mr. THORN: It is all a matter of shade. So long as there is shade from the roof and no sides are erected, the ventilation will be quite satisfactory. I agree with the references of the member for Beverley (Mr. Mann) to the procedure adopted in the pens, particularly as it affects pigs. It is all right to hose down and prepare the animals for sale or if they are to be slaughtered immediately, but if they are store pigs and so have to be taken from the yards after the sale for fattening purposes, very often disease breaks out as a result of the procedure adopted in the yards, and heavy losses are sustained.

Then again, some carelessness is apparent in the yards from time to time. Very often a few pigs may be seen roaming around the place after sales. Those animals probably are looking for a home and quite possibly they ultimately find their way to the abattoirs. Then again the fact is well established that quite a lot of thieving and dishonesty goes on in connection with pigs and sheep. I would like to see that phase dealt with and eliminated. Notwithstanding all this, at the stock yards we have much that we can be proud of, and if a progressive policy is planned and effect given to it year by year as funds are available, it will not be long before the saleyards compare with any to be found elsewhere.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Mr. Marshall in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1, 2—agreed to.

Clause 3—Interpretation:

Mr. SEWARD: I move an amendment—

That after the definition of "Officer" the following definition be inserted:—"Sale or sells" means sale by public auction.

The amendment is necessary owing to a reference in Clause 10 which otherwise would prohibit the possibility of private sale. A man might buy a line of store sheep to

fatten, but owing to lack of feed and water might have to sell them earlier than intended. He might desire to sell them privately, and unless we define the meaning of the word "sells," he would be deprived of that opportunity.

The MINISTER FOR LANDS: While there is no legal objection to the amendment, the Bill deals with sale yards attached to abattoirs, and the effect of the amendment would be to restrict the decisions of the Minister respecting sales within those yards and divest him of necessary authority. If we confined sales to sales by auction, it would be impossible to have sales by any other means, and there would be a danger that other sale yards could function in opposition. At no sale yard in the metropolitan area is fat stock sold under any other system. While there is some point in the case submitted for the amendment, there are stronger arguments against it.

Amendment put and negatived.

Clause put and passed.

Clauses 4 to 6—agreed to.

Clause 7—Saleyards to be subject to this Act:

Mr. SEWARD: I move an amendment—  
That the following subclause be added:—

"(3) The Minister shall in every year cause a full and true balance sheet and a profit and loss account of each saleyard to be compiled and submitted to the Auditor General for audit. Copies of each such balance sheet and profit and loss account shall be laid before both Houses of Parliament on or before the thirteenth day of September in each year, if then sitting, or at the next ensuing session thereof."

Stock-owners sending sheep to Midland for sale have to pay yard fees—1½d. for sheep, 6d. for calves, 9d. for cattle and 1d. for pigs if under a value of £1 and 3d. if over £1. A large sum of money has been contributed by stock-owners in the form of fees and we have not been able to get a balance sheet to show how the money is expended. Last year 665,865 sheep were sold which at 1½d. would have produced £4,161; 24,106 calves and cattle at 6d. and 9d. respectively, £904, and 154,206 pigs at 1d. and 3d. respectively, £964, a total of £6,029. That is a large sum of money, and it is only reasonable that a balance sheet should be produced to ensure that the saleyards are not being used as a taxing machine; in other words

that the charges are not more than necessary to provide interest and sinking fund on the cost of the yards.

Mr. SAMPSON: The Minister should accept the amendment. For years objection has been taken to the fact that no balance sheet has been submitted.

The Minister for Lands: I am wondering why you are stonewalling the amendment.

Mr. SAMPSON: I rose under a misunderstanding that the Minister did not approve of the amendment.

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

Clauses 8 to 11, Title—agreed to.

Bill reported with an amendment.

## **BILL—TRAFFIC ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the 26th August.

MR. DONEY (Williams - Narrogin) [5.11]: This is in no sense a party measure, but rather a Bill on which all parties of the House should co-operate to arrive at a settlement of the points at issue. The war, and to a lesser degree the petrol shortage, have rendered necessary the making of reductions in license fees of petrol-driven vehicles. There are other matters as well, but they will not occasion much contention. On the other hand, the provisions affecting licenses are extremely likely to occasion it, for the reason that it will be wellnigh impossible, as I see the problem, to find a solution that will suit all views and at the same time be sufficiently practicable to be capable of application by way of legislation. In especial, there are three points about which views vary sharply. The first is whether there should or should not be a reduction in license fees. The second, if there is to be such a reduction, what is to be its extent. The third, whether reduction should be on a uniform basis or should vary according to the degree of disability arising from the restrictions imposed by the Liquid Fuel Control Board.

As regards the first point, I have ascertained from official correspondence and in other ways that some two-thirds of the local governing bodies favour a reduction, and that one-third does not. As regards the second point, the suggested reductions, as members know from what has appeared in the Press, rise step by step to as high as 50 per cent., a figure which is of course abso-

lutely absurd, since it would mean that the local governing bodies would hardly then be able to spend a pound on the maintenance of roads. I could wish that more local governing bodies had expressed themselves on this matter. Only about a quarter, I think, of the total number have so far been vocal in respect of one, or two, or three of the points I have mentioned. I dare say, too, that quite a number of the local bodies that have expressed themselves as favouring a reduction have expressed themselves thus with considerable reluctance, on the score, maybe, that they could not face what is obviously a public clamour for reduction.

The Government took the view which personally I find it difficult to disagree with, namely, that it was bound to accept the opinion of the majority, and that therefore the reductions must be made; and further that a fair figure for reduction would be a mean between nought and 50 per cent. To me it appears probable that where one desires to help reasonable and responsible public bodies with conflicting requirements, the fairest method is to settle on give-and-take lines. It can be seen that nothing at all less than 25 per cent. by way of reduction would be worth while, and that of course anything above that figure would have a punishing effect upon road board and municipal revenues—revenues already heavily diminished owing to the reduced number of cars on the roads and because new roads are now almost out of the question owing to the serious prospective diminution in the incomes of local governing bodies from the Federal Aid Roads Agreement Fund.

The argument that rates of reduction should depend upon the relative disabilities suffered by car and truck owners, plus a consideration of the mileage now travelled, appears to be highly favoured, as of course one might expect, by the local governing bodies. The Minister has chosen to disregard that aspect of the problem, or so the Bill before us would suggest. To argue the position in regard to that point is undoubtedly difficult. Probably the Minister has considered that phase of the problem, and as yet has found it too difficult for him. If that is so, I suggest to the hon. gentleman that he be prepared to consider it again, and also to bear in mind that the

suggested reduction of the petrol tax, together with other suggestions which have been made, does at least offer a means of grading the reduction along fairplay lines, and of helping in a measure to put road board incomes back upon a reasonable level. It becomes plain, of course, that whatever easement they would obtain from a lessening of the petrol tax would in its turn mean that they would receive less revenue from that source when the Federal Aid Roads Agreement Fund comes to be distributed to them.

It will be apparent to members also that large numbers of motorists have suffered little if any disability. I should correct that statement and say that I suppose all have suffered to some extent, and that so far as my knowledge goes there are no Western Australian motorists whose allowances have not been reduced in some degree. But the point is that there are still many of them who travel mileages considerably above the average existing before the restrictions were imposed. I think that from such motorists as those, municipalities and roads boards might collect the full amount of the fee as it stands at present; that is to say, unaffected by the proposed reductions.

Mr. Raphael: What about the huge surplus obtained by the Perth City Council again this year?

Mr. DONEY: That would naturally arise in the first half-year.

Hon. C. G. Latham: There are of course some motorists who travel more than 50 per cent., but there are many more who have less petrol.

Mr. DONEY: I quite agree; but the point I am making is that those who now, despite the restrictions, travel a mileage exceeding the average that obtained before the restrictions came in should not be entitled to any reduction.

Mr. Raphael: Then you agree to a reduction in the city but not in the country?

Mr. DONEY: I do not think that point arises. I do not quite see what the hon. member means.

Mr. Raphael: I mean that —

Mr. SPEAKER: Order!

Mr. DONEY: I do not think that such motorists as I am referring to would raise any objection to paying the old amount. Especially do I invite the Minister's atten-

tion to these suggestions because, if capable of adoption, they will go a long way towards restoring to the local governing bodies concerned what this Bill—if enacted as it stands at present—would deprive them of.

There is another good reason why the income of road boards and municipalities should not be depreciated and that is because today, more than in any other period of our history, the States of Australia should possess good, sound, solid, hard roads. In these stressful and uncertain times roads here and roads there might easily become of vital national importance overnight. We all know—it is a pity if we do not—that events might easily so shape themselves in these days that by tomorrow morning we might wake up to find that overnight we had become involved in a war within the boundaries of our own continent, and of course incidentally within the boundaries of Western Australia, and that in the north, east and west—not so much in the south—our principal roads will have become the main avenues for our defence and attack moves. So that looked at from that point of view this would appear to be no time at all to be legislating to reduce the income of road boards, because that is what the Bill amounts to.

Reverting to the suggestion that the reduction should be proportionate to disability and mileage, I must admit that an amendment to meet that position will not be easy. As a matter of fact, it will be decidedly difficult, principally for the reason that the quantities allowed by the State Liquid Fuel Control Board vary so often and so drastically. To that extent I sympathise with the Minister, particularly after the trouble to which I know he has gone to frame the Bill we are considering. In order to emphasise the extreme importance of license fees as income for local governing bodies, I call the attention of members to some figures used by the Minister—although not for this purpose—when introducing the Bill. He set out the totals drawn by the several transport divisions of the State for traffic fees and income other than traffic fees. I do not know whether the Minister noticed this, but the disparity between traffic fees and income other than traffic fees is very much greater in the country than it is in the metropolitan area. I question whether that is quite the correct way to put it. Perhaps it would be better to say that the proportion of traffic fees is very much higher in the country



districts than it is in the metropolitan districts. That means, of course, that when the income from traffic fees is taken away from the road districts, the country will suffer considerably more than will the metropolitan districts. For instance, in the south-west district, where the traffic fees are £38,064 as against £33,671 from revenue other than traffic fees, the proportion for traffic fees approximates closely to 56 per cent., while the income from other sources is about 44 per cent. That might be taken as fairly representing the country proportion.

The Minister for Works: The maintenance problem is greater in the country than it is in the city.

Mr. DONEY: I agree that the proportion in favour of the traffic fees would disappear by the end of the year, owing to the greater call there is on those fees. The figures applicable to the two divisions, Metropolitan-Suburban and Eastern Goldfields, are roughly 45 per cent. for traffic fees as against 55 per cent. revenue other than traffic fees. Another point arises here. The disparity between some road boards is much sharper than is the disparity I have just quoted. I was looking to see whether the member for Yilgarn-Coolgardie (Mr. Kelly) was present, because I understand that traffic fees to the Westonia Road Board represent about 70 per cent. of that board's income, leaving only 30 per cent. drawn from other sources. That, as members must know, is because that board finds it exceedingly difficult to draw income from farms mortgaged to the Agricultural Bank and from farmers generally in the district.

Hon. C. G. Latham: Consider the huge mileage the board has to look after!

Mr. DONEY: That too operates against the board. I have quoted those figures to intimate to the House that road boards in country districts will be hit harder by the provisions of the Bill than will local governing bodies in the metropolitan area. As far as the other provisions go, as I admitted at the outset of my remarks, they will not cause much contention, at least on my part. There is the provision, for instance, that the additional weight of producer-gas attachments will not be a factor in increasing traffic fees. I am indeed pleased to see this provision. That is as it should be. It will give pleasure to those people who have gone to considerable personal expense to fit pro-

ducer-gas attachments to their vehicles. Not only have they incurred that expense, but the fact must not be lost sight of that this sacrifice on their part allows a greater supply of petrol to others in the general allotment.

I agree with the provisions to secure a stricter supervision over lights that are upon or near public thoroughfares and particularly those advertising devices of various strong colours that are likely to distract the attention of motorists and cause them perhaps to mistake the lights for road traffic lights. Few would be likely to quarrel with that provision. One thing I cannot understand is why the first and the last word in this matter should be left with one man. Certainly, that one man is probably better qualified than is any other single individual I can think of to carry the responsibility and deal with the question with discretion and fairness. I do not mind that person having the first word, but it does seem desirable that the last word should be with the magistrate. It may be that the Commissioner would prefer to have his view buttressed by a magisterial decision when perhaps he himself felt a little dubious about the action he was taking. It can be seen that highly important and very valuable aspects of industry and individual privileges may here be involved. In such a case, the body or person concerned should have a legal right to appeal against the Commissioner's decision, and plead a case in court. I am submitting an amendment to give effect to that point.

Although I agree with certain other provisions, and the principles involved, some alterations and amendments may yet be necessary. I now hark back to the question of the reduction in traffic fees. The heavily reduced expenditure on roads, especially if that is prolonged for two or three or more years, as is possible, must at the end of the time inevitably lead to the surfaces of our roads being left in a sorry condition. The principal sufferer in that event will be the motorist. I agree that the general public will participate, but not so acutely as will the motorist himself. I cannot help thinking that during the period in question the wear and tear on our roads is likely to be exceedingly heavy, from which it appears that the saving of a couple of pounds annually for a few years will represent a poor investment, when compared with the £20,

£30 or £50 that may have to be spent by motorists on breakages over the period.

The Minister for Works: That is a very important point.

Mr. DONEY: It occurs to me as being an important one. I am inclined to think that after all motorists were ill-advised to clamour to the extent they did for a reduction in their license fees. I think they will pay for it over and over again. The couple of pounds they will save under that proposal, compared with what they will have to pay later for breakages, etc., will be of little benefit to them.

Let me now quote from a letter dated the 1st September from the secretary of the Williams Road Board, from whom I am in the habit of obtaining helpful advice on local government questions. The letter, which is well worth reading, as representing practical road board opinion, came to me in response to the receipt by the secretary of a copy of the Bill I sent to him a few days ago. He says, *inter alia*—

This board was successful in bringing forward a motion at Katanning to the effect that no reduction of license fees be approved by this conference, and same was carried. Another motion that same be reduced by 50 per cent. was lost.

I think that perhaps the latter motion was hardly a fair reflection of the opinion of the conference. One should not expect an individual who stood sufficiently high in the estimation of the people to be selected as a delegate to the conference to vote for a motion depriving any local authority of 50 per cent. of its traffic revenue. The motion in question was defeated by 22 to 16 votes. Had a more practical reduction, 20, 25 or 33½ per cent., for instance, been suggested, I think a larger proportion of delegates would have voted in favour of it. The letter continues—

On the assumption that the reduction of 25 per cent. will become law, my board has had to strike a supplementary rate of one farthing in the pound to make up the contemplated reduction in total revenue of the board, so as to carry on the ordinary maintenance works of the board in 1941-42.

That is perhaps the normal way out of a difficulty in which board members find themselves, provided that the district itself is sufficiently financial to stand an increase in the rates. In the case of the eastern fringe of agricultural settlements, such a method would not be possible. The letter continues—

This in effect means that the producer does

not get as much benefit out of a reduction of licenses (because he will have this extra rate to pay) as the wages and salary man or the business man will receive. In the main the amendments contained in the Bill were necessary in view of the altered condition of traffic and from past operations of the old Act, but a reduction of revenue at the present time comes hard on local authorities when you consider that on the 1st July last the award covering all outside employees and the increase of the basic wage rates considerably increased the expenditure side of the accounts.

The letter concludes with the following sentence:—

The dog is still chasing its tail.

That is a sentiment which I consider quite appropriate to the position.

**MR. McLARTY** (Murray-Wellington) [5.38]: I am not enthusiastic about the Bill. There is some justice in certain motorists asking for a reduction in their license fees seeing that the petrol allowance has been so drastically cut as to enable them to do but a very small mileage. The 25 per cent flat rate does not seem to me to be the way to tackle the position. The Minister pointed out in his speech that he left members to decide what could be done in the matter. He also stressed the fact that it was one requiring very careful consideration. It may be said, particularly of those of us who represent agricultural areas, that we are unsympathetic if we suggest that a reduction of 25 per cent. on the license fees in the case of farmers' trucks is not justified. We may be said to be unsympathetic in advancing such a view. That is not the case.

The farmers realise that in the depression they had a 50 per cent. cut in their license fees and I feel sure that most of them agree that that was fair treatment. Under this proposal for a flat rate cut of 25 per cent, farmers will have their present fees halved. The average farmer's runabout would cost about £4 a year. I think that is right.

Mr. Thorn: Yes, that is about it.

Mr. McLARTY: The farmer will get a 25 per cent. cut on that, which will amount to £1 a year, leaving him a fee of £3. To the farmer, a pound spread over 12 months on his running costs is very little.

Mr. Hughes: It means a lot to people in the city.

Mr. McLARTY: But to the road boards, hundreds of farmers—and in the aggregate some thousands—being let off to the extent of a pound means a great deal. The boards

will still have to maintain roads and meet other expenditure and, as pointed out by the member for Williams-Narrogin (Mr. Doney), some of their expenses will probably increase and they are not likely to receive in the future that help from the Main Roads Board they have received in the past because the revenue from the petrol tax will be drastically reduced. I know the boards in my district will need to spend a lot of money on the feeder roads used by farmers. Apart from that, there are development roads on which work must be carried out and I cannot for the life of me see how the farmer is going to benefit by a 25 per cent. reduction in traffic fees. In the end such a reduction must be to his detriment.

I agree with the Minister that too much is being made of what the actual cost of license fees means to most of us. I cannot believe that the average motorist would be very much upset if he did not obtain the very slight reduction the measure offers. We have been told that we should do something to help in the war effort and that sacrifices are necessary. I am of opinion that the average motorist would be quite prepared to make this particular sacrifice and, as I have pointed out, I do not consider the reduction would be of much help to him. It would mean that ultimately he would have worse roads and, in addition, some of the boards would have to raise the rates in their districts to make up for the fees taken from them as a result of the Bill.

Mr. Doney: Where do you suggest the agitation for a decrease came from, if motorists generally do not want it?

Mr. McLARTY: The Minister quoted certain associations that had waited on him and urged that a reduction should be made. The Royal Automobile Club, the Lumpers' Union and one or two other bodies approached him on the matter, but I did not hear him mention that a request had been received from any farmers' organisation.

The Minister for Mines: Have the farmers got an organisation?

Mr. McLARTY: Yes, and a pretty live one! I did not hear the Minister say that a reduction had been urged by the farmers. I should like to see further consideration given to this measure. I have here a letter from a road board in my district—the Harvey Road Board—dated the 28th August, 1941. That board is regarded as a very

progressive one, and this is what the Secretary writes:—

If this Traffic Act amendment goes through in its present form, it will be a serious matter for this Board. Our revenue is £10,000 per annum, £6,000 of which is administration and payment of interest and sinking fund on loans for the betterment of our roads, for the benefit of traffic. This leaves £4,000 for the expenditure on roads in an area of 1,000 square miles. If we have to refund 25 per cent. of our licenses it means we will be called upon to pay out £500 immediately, and £500 in the next half-year. In addition to this, about 120 vehicles have not registered on account of the cost of petrol and its restriction which will cost us another £600. I do not think that this reduction proposed by the Minister will put one more car on the road as the relief to the individual is so slight.

That is my view. The relief to the individual is so slight that I do not think it matters to him, from the financial point of view, whether he gets a reduction or not, but a reduction will have a most detrimental effect on the local authorities and because of that the farmer, on account of bad roads, will be worse off. It would be better for us to give further consideration to this measure. I hope the second reading will not be agreed to at this sitting but that members will be given an opportunity during the week-end to visit their constituencies and ascertain the opinions of their road boards. I feel they will return quite convinced—

The Minister for Lands: What about those constituencies that cannot be visited inside a fortnight?

Mr. McLARTY: I know that members like the Minister for Lands cannot get to their electorates, but I do not think people in the Gascoyne are suffering from petrol restrictions.

Mr. Marshall: Aren't they!

The Minister for Lands: It is easy to get there but coming back is the point!

Mr. McLARTY: I am glad consideration is being given to those who have fitted gas producers to their cars.

Hon. C. G. Latham: They are using the roads and contributing nothing by way of petrol tax.

Mr. McLARTY: They are contributing something. It costs about £60 to fit a gas producer and people using them are not consuming petrol and in that way are contributing to the national war effort.

Hon. C. G. Latham: But not for the upkeep of the roads.

Mr. McLARTY: Admittedly they are still using the roads.

Mr. Withers: But they should not have to pay increased fees on account of extra weight.

Mr. McLARTY: No. There are other features of the Bill that I regard as less important than the reduction of licence fees—the provisions relating to Neon lights, for example. I think we all support the proposals in that regard.

The Minister for Works: Road boards are now asking that farmers' fees be not reduced. How do you view that?

Mr. McLARTY: I have tried to make it clear to the Minister that it would be better in the interests of the farmers and of the road boards, that the fees should not be reduced.

**HON. C. G. LATHAM** (York) [5.50]: I was sorry to hear the member for Murray-Wellington (Mr. McLarty) express those opinions. Whilst every member is entitled to his own views, I think the hon. member loses sight of one or two facts. The people are not using the roads as much today as in the past. I would not like to give the House the figures dealing with the restrictions imposed on the consumption of petrol in this State. They are enormous. As a consequence, people cannot be on the roads as much as before. There is not the necessity for the same amount of money to maintain the roads. With the reduction in the amount of traffic, will the roads be subjected to so much wear and tear?

Mr. Marshall: Of course they will.

The Minister for Lands: By the weather.

**HON. C. G. LATHAM**: It has not affected them in all the districts.

Member: Where you have bitumen, you are all right.

**HON. C. G. LATHAM**: There is very little in my electorate, except in York. The wear on a road occurs principally in the summer time when it becomes corrugated, and they have to pare it down, and it blows away. The roads are very much better in the winter than they were prior to the Commonwealth money or Federal tax being made available to build them up. While there is a certain amount of destruction to roads from the weather, traffic is a principal cause of it.

The Minister for Works: Give the Commonwealth credit for taking more than it gives.

**HON. C. G. LATHAM**: I would not complain if I were Minister for Works in this

State. He has been getting a great deal more than the people of this State have contributed.

The Minister for Works: But not more than we are entitled to.

**HON. C. G. LATHAM**: No.

Mr. Doney: It is a good thing people will read that admission in "Hansard."

The Minister for Lands: Quite right!

**HON. C. G. LATHAM**: In this State we receive more from petrol tax than the people have actually paid, and the Minister knows it. I am not complaining; I want to see it. There is justification for it. I read who was responsible for it. It was an ex-Labour Minister. I read that the other day, but whether I believe it or not is a different matter.

We have to help the primary producer in this State in every way possible and if we can save a pound for him today, we have to do so. I am not too sure that the dairy farmers in the South-West will not feel the pinch before this year is out.

Mr. J. H. Smith: They are feeling it now, and not making a fortune.

**HON. C. G. LATHAM**: The fruitgrowers are hard up against it.

Mr. McLarty: Will they make a saving of £1 on this?

**HON. C. G. LATHAM**: Yes, and probably a great deal more than £1. They are certainly saving money on petrol by not running about so much. That is a second way of saving. If we call upon them to pay an additional amount, they have the right to use the roads more. They say, "No consideration is given to us. We are making a national effort by saving expenditure."

The Minister for Works: I would like to see the inspiration come from that side of the House.

**HON. C. G. LATHAM**: I am not complaining about the introduction of the Bill, but am trying to put up a case from the other side. I am not opposing the Bill, and I hope the Minister does not think from my remarks that I am.

The Minister for Works: You would not oppose a reduction for the farmer?

**HON. C. G. LATHAM**: The farmer should be reduced if it is at all possible. I want to see greater relief. If we take it on the basis of the proportionate reduction of petrol consumed, there would be considerably more than 25 per cent. The member

for Murray-Wellington should consider this from another point. There will be a considerable reduction in the amount of money received from petrol tax in this State this year, but there will not be the call on it that there has been in past years. That money has been a very happy medium for the providing of employment by the Government. It was very useful. That employment had to be found. The Government has not got the same number of men unemployed today. As a matter of fact, many roads—I am not blaming or accusing this Government—were built across country that normally would not have been put there. But employment had to be found.

The Minister for Works: Could you mention one?

Hon. C. G. LATHAM: Yes, a road from Bridgetown to Nannup.

The Minister for Lands: And one from Mundaring to Canning.

Hon. N. Keenan: That is most essential.

Mr. J. H. Smith: You had better get back to your own electorate.

Hon. C. G. LATHAM: They are roads which will serve some useful purpose to the State.

The Minister for Labour: It looks as though the election pact is smashing up already.

Hon. C. G. LATHAM: The Minister need not worry about that.

Mr. SPEAKER: Order! The Leader of the Opposition must address the Chair.

Hon. C. G. LATHAM: Some roads were built in the past year that we could very well have done without, but they will serve a useful purpose in the future.

Another point is the amount of money that has been sent out of the State for bitumen. That will not be sent out in this next year or two. We will not be able to buy bitumen. As a matter of fact, the oversea defence forces have commandeered nearly all the bitumen that can be made available, on account of the scarcity of shipping. A terrific amount of it has gone to Africa for the purpose of runways for planes.

Mr. Sampson: The wish is father to the thought.

The Minister for Lands: A lot of it is in Davy Jones's locker.

Hon. C. G. LATHAM: Yes.

Mr. McLarty: A great deal of expenditure is involved in the upkeep of roads because of the lack of bitumen.

Hon. C. G. LATHAM: Not more than in the past! Year after year we have blanketed our roads by putting a topdressing on them. It has been very slow, on account of the expense. The road to York would probably be one of the cheapest roads to be topdressed, and that cost not less than £800 a mile, and some roads cost considerably more. That money will not be used until the war is over, because we will not be able to get the bitumen. That additional money will be available to help keep the farmers' roads in order. If we use the money we are retaining on that account for the maintenance of our roads, we will find they will be very well kept.

I am worrying about the amount of labour necessary to maintain our roads. It is going to be a big problem. It is a problem today. It is also a problem to get the necessary labour to assist on our farms. Quite a number of people are agitating now for assistance from internees. Whether that could be done or not I do not know. It may be very useful for these people to be occupied on road maintenance. We treat internees very much better in Australia than we would be treated if we were in either of the foreign countries which are our enemies.

The Minister for Mines: International law prevents that.

Hon. C. G. LATHAM: I mean prisoners of war! There is nothing to prevent them working. Our enemies have made our people work in salt mines and coal mines.

The Minister for Mines: There is a difference between a prisoner of war and an internee.

Hon. C. G. LATHAM: The Minister means a State internee.

Mr. J. Hegney: What have internees to do with this Bill?

Hon. C. G. LATHAM: A great deal, because they will probably be the only labour available. I am sorry the member on the cross-benches cannot see that the labour angle is connected to the amount of expenditure that must take place under this class of legislation.

The Minister for Mines: The Chairman of Committees says that is trafficking in labour.

Hon. C. G. LATHAM: I have no qualms about using these men for this purpose. They will be very much better treated than are our poor unfortunate people under the control of any foreign country.

Mr. Sampson: They would probably prefer it.

Hon. C. G. LATHAM: I know personal friends of mine who were made prisoners of war—

Mr. SPEAKER: Order! That has nothing to do with the Bill.

Hon. C. G. LATHAM: There can be no harm in employing them on the roads, so that if there is a shortage of labour we would be able to remedy it. I do not know if we could get them any cheaper than our own labour, but even if we could not, there would still be plenty of employment.

Mr. Sampson: The internees would be happier if they were employed on the roads.

Hon. C. G. LATHAM: I desire to clear up the point that has exercised the mind of the member for Murray-Wellington (Mr. McLarty), who suggested the reduction in rates would be serious for the local authorities. There will be nothing serious about it at all. While local authorities will lose some revenue they will be able to get it back from Government funds that ought in future to be available from the petrol tax. The Minister will agree that there is very little to be done in the city area. Some roads could be dealt with, but the provision of bitumen will be most difficult. I am glad the Minister has introduced the measure for it indicates a full realisation of the fact that if people are not using the roads they are entitled to some relief.

The Minister for Lands: The dairy farmers will be badly affected.

Hon. C. G. LATHAM: All are badly affected. While we have this year a fixed price for our wheat, it is hard to say what will happen next year. There is nothing binding upon the Commonwealth Government in that respect. The whole position is serious. Whatever can be done to assist those needing relief should be done.

Mr. Marshall: What about the interest payments that are made? Will you have a go at that?

Hon. C. G. LATHAM: Yes.

Mr. SPEAKER: But not just now!

Hon. C. G. LATHAM: Here is the Chairman of Committees trying to lead me astray!

Mr. SPEAKER: Order! Take no notice of the Chairman of Committees and address the Chair!

Hon. C. G. LATHAM: Sometimes the Chairman of Committees makes me take notice of him, but on this occasion I shall accept your ruling, Mr. Speaker. I support

the second reading of the Bill, and am glad the Government has introduced it.

The Minister for Works: We have not been stampeded by public clamour; the Bill is here on its merits.

Hon. C. G. LATHAM: The Minister has done well in introducing the legislation. It is a wise measure and shows appreciation on the part of the Government of the position existing today.

On motion by Mr. Shearn, debate adjourned.

## BILL—ROAD DISTRICTS ACT AMENDMENT (No. 2).

### *In Committee.*

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 8:

Mr. WATTS: I question the desirability of the clause remaining in the Bill. The proposals embodied in it are not likely to do a great deal of good and may lead to considerable strife among local authorities. At the outset it provides that on a request to the Minister that may come from only one local authority, he can take certain action. That provision in itself appeals to me as likely to produce from time to time strife among local authorities. I remember one instance in a Great Southern district in which one road board was willing to take over a ratepayer and his property, which adjoined the boundary of that local authority, but the board in whose territory the property was situated did not agree to the transfer. In the circumstances the departmental officers who dealt with the matter declined to make any such transfer. Although the clause contemplates one local authority approaching the Minister, I do not suggest that any responsible Minister would act particularly foolishly in consequence, and would probably require the proposal to emanate from both local authorities concerned in the matter referred to him. No local authority should be placed in the position suggested in the clause.

The Bill contains nothing to obviate the necessity for an election which, I understand, must take place when ward boundaries are altered. If there is need for an election when ward boundaries are altered, the measure will be productive of many arguments and many elections. Is there any

grea. objection to part of a large property being in one district and part in another? I recollect a large property, part of which is in the Wagin district and part in the Dumbleyung district, and no complaint has arisen to my knowledge. The clause seems to be unnecessary and unlikely to serve any particularly good purpose. The Minister should at least agree that a request should come from both local authorities before he takes action.

Mr. DONEY: I move an amendment—

That in line 12 of proposed new Subsection 3 the words "either or" be struck out.

The relevant portion of the provision states that it shall be lawful for either or both of the local authorities to apply to the Minister, and I have moved the amendment to give the Minister an opportunity to justify the inclusion of those words. The Narrogin Road Board is interested in a case and I should like the Minister to throw some light on the matter. Possibly the two boards concerned may not have reached an agreement, and to allow one to approach the Minister in the absence of the other would not be right, though probably the Minister would insist upon consulting the second board before giving his decision. The point is that he need not do so; he could act after receiving a request from one board. To take a section of land, and therefore revenue, arbitrarily from one board would leave that body sadly aggrieved, and bad blood would be created between the two boards.

The MINISTER FOR WORKS: This proposal was made by the local authorities, and I am almost certain that it came from the Road Boards' Association or its executive. At present so much circumlocution is involved in adjusting small matters of this sort that it is desired to give the Minister this power. An important matter like the formation of a new ward would be entirely different. Nevertheless, in the case of small matters, a good reason and an agreement between the interested authorities would be required.

I recall that when visiting the North-West some years ago, I was informed that part of a big lease extended into an adjoining district, and it was mutually requested that the whole of the property should be transferred to the one board that could service the station. Had this provision been enacted, there would have been an expeditious way of doing it. No Minister would unjustly take

from one road district property to which it was entitled, but there are instances where it is obviously commonsense that part of a property should be transferred from one district to another. The local authorities desire to avoid the trouble now necessary to make such a transfer. If a matter of this sort was referred to the Minister by either or both boards, he would be able to act. Guided by the departmental officers, he would probably be able to bring the boards into mutual agreement.

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

The MINISTER FOR WORKS: Having made further inquiries I find that what is proposed was asked for by the road boards. Further, many holdings have now been amalgamated. The Minister's position would be difficult if the same owner had even small properties in adjoining districts. We know the formulas and circumlocution that arise where alteration is needed to any great extent; but this is only a small measure, and as the alteration is requested by the road boards and would represent a great convenience to local authorities—

Mr. Watts: Would an election be necessitated?

The CHAIRMAN: I think it would be better to keep to the question before the Chair, whether both authorities should apply or only one.

The MINISTER FOR WORKS: If one had to wait until both boards applied, possibly one might be able to persuade them. Examination might disclose a good case. One road board, if so desiring, should have the opportunity to apply.

Mr. SAMPSON: The amendment moved by the member for Williams-Narrogin should not be approved. It is quite possible that two boards might never ask for variation of boundaries with a view to bringing a particular property into one district.

Mr. Doney: That would indicate that the matter was not urgent, anyhow.

Mr. SAMPSON: Sometimes members of a board are not warm-hearted towards the members of the board located next to them. I recall one case, though, where that objection would not have been raised. It was in connection with a piece of land in the Darling Range Road Board district, but the roads were supplied by the Kelmscott district. The roads used by the owner of the property led

into Armadale-Kelmseott territory and into Kelmseott. Although the owner paid his rates to the Darling Range Board, that board did not supply the services. The amendment suggested by the Minister would get over such a difficulty and enable variation of boundaries of districts to be arrived at without the difficult procedure which at present has to be faced.

Amendment put and negatived.

Mr. WATTS: I should be glad if the Minister would clear up the point I raised regarding an election upon alteration of boundaries.

The MINISTER FOR WORKS: When any addition is made to any district under Section 8 of the Act the Government may constitute the added land a ward, or portion of a ward, of a district. When that is done, the amalgamation takes place at a time coincidental with election. Just recently we reduced a nine-ward road board to one of three. An election took place. All the representatives were elected unopposed. Such a matter would not be so urgent that it could not wait until an election was due.

Mr. SAMPSON: I regret not having been able to locate the section relating to the need for election when boundaries of a road board are varied. There is, however, such a provision. Whenever the boundaries of a district, or of two districts, are varied, the district or both districts would require to hold an election so far as the particular area—it might be a ward—was concerned. To get over the difficulty to which attention has been directed by the member for Katanning, the Minister might bring down an addition to this amendment decreeing that with the Minister's approval a further election would not be necessary, because the actual area of land transferred from one district to another would not, in many instances, materially affect the number of rate-payers concerned. But as the Act stands, an election would have to be held. Perhaps the Minister would defer the further consideration of this clause, or at a later stage submit a subclause rendering the holding of an election unnecessary.

The CHAIRMAN: The hon. member has an amendment on the notice paper.

Mr. SAMPSON: I move an amendment—

That in lines 24 and 25 of proposed new Subsection 3, the words "and shall have and take effect according to the tenor thereof" be struck out, and the words "and the boundaries of

the district shall be altered accordingly" inserted in lieu.

This relates to the position where the boundaries of a board have been altered in order to provide for the placing in an adjoining board of a piece of land, thereby making it more convenient and fairer to all concerned. There is no possible ambiguity about the amendment; but there is an absence of clarity about the words appearing in the clause, and the provision would be greatly improved if the words I propose were substituted.

The MINISTER FOR WORKS: The words appearing in the Bill are quite understandable. The amendment would not provide what is suggested, because the boundaries of two districts would be affected. Since the hon. member is so fussy, I point out that we have made no arrangement for that. The provision as it stands will enable the decision of the Minister to be carried out. It is not worth while making the amendment, which I consider to be a second-best alteration.

Mr. SAMPSON: To the lay mind the phraseology of the Bill presents difficulties.

The Minister for Works: You must not patronise the language of the measure.

Mr. SAMPSON: Personally, I find difficulty in understanding the provision.

The Minister for Mines: I am not surprised at that.

Mr. SAMPSON: No. Great minds think alike.

The Minister for Mines: Sometimes!

Mr. SAMPSON: If I could induce the Minister—

The CHAIRMAN: Order! The Minister for Mines is not concerned in this Bill.

Mr. SAMPSON: He is interjecting.

The CHAIRMAN: Order! Interjections are highly disorderly. The member for Swan may proceed.

Mr. SAMPSON: If the Minister would agree to the word "district" being made plural, that would be acceptable to me. It would get over the objection raised by the Minister. Perhaps I would be permitted to alter my amendment.

The Minister for Works: I cannot accept such an amendment. The hon. member may divide the Committee on that point.

The CHAIRMAN: Order! I remind the member for Swan that we have not yet reached the stage when that amendment may be moved.

Amendment put and negatived.



Clause put and passed.

Clause 3—Amendment of Section 34:

Mr. DONEY: I move an amendment—

That in line 11 of paragraph (iii) of proposed new proviso to Section 34 the words "three years" be struck out and the words "one year" inserted in lieu.

I understand the present practice is to correct the roll annually and at the same time to give a ratepayer the opportunity to adjust his ward votes, in cases where he has failed to do so at the proper time. To force him by statute to allot his votes in a manner unpalatable to him for a period of three years seems to me to be punishing a man for an offence he has not committed.

The MINISTER FOR WORKS: The words as printed are essential. At present an elector may choose the ward or wards in which he desires to be registered. That is right. A member is elected for three years. Take the case of an elector who owns property entitling him to four votes in two or three districts; there are such. He should not be given the opportunity to exercise his four votes for one man at an election and then, when the roll is made up, to get his four votes transferred to another ward, where he could exercise his vote for another candidate. Once he has chosen where he will vote—

Mr. Doney: He would not choose in this case.

The MINISTER FOR WORKS: The amendment would have the effect I have indicated and therefore I cannot agree to it.

Mr. DONEY: Has the Minister received any representations from boards that have had some experience on this point? I do not recall any such case. For many years past it has been the practice to adjust rolls annually and at the time of the adjustment to permit ratepayers who are incorrectly enrolled in respect of their ward votes to make the necessary change. I do not think that ratepayers would take the advantage the Minister has said they would.

The Minister for Works: That is just what they would do.

Amendment put and negatived.

Clause put and passed.

Clause 4—agreed to.

Clause 5—Amendment of Section 87:

Mr. WATTS: This is a new proposal which provides that ballot papers and counterfoils shall be provided by the Minis-

ter and not through the local authority, as heretofore, and the returning officer or other person shall be charged with the duty of keeping them in safe custody pending their use in an election. I very much doubt the wisdom of the proposal. It would be far better if the secretary of the board, who is a permanent officer and subject to a considerable amount of supervision, were the person who had the custody of the ballot papers. It must not be forgotten that returning officers are not always secretaries of boards.

The Act provides that the returning officer may be the chairman or any other person, and to place upon the chairman of the board or any other person chosen for this purpose the onus of keeping the ballot papers in safe custody pending their use in an election seems to me to be unreasonable. I have acted as returning officer in past years at road board elections, and by-elections, and I have had no reason to complain about the law as it stood or in regard to the behaviour of secretaries in looking after ballot papers, or any other matter of that kind. I have here a letter from a local authority not in my district, the letter having been sent to me in the absence from this House of the member for the district concerned. The writer states—

I would like to bring to your notice what appears to me to be a needless amendment, adding to the difficulties of administration. This amendment is numbered Clause 5. The Act as it stands requires absentee ballot papers and counterfoils to be issued to the secretary of a board, who is charged with the safe custody thereof. The amendment provides for the issue of the ballot papers and counterfoils to the returning officer or other person who is charged with the safeguard thereof pending an election. The returning officer is an officer appointed prior to such an election. He is not the same person from year to year. Who the "other person" is intended to be, one cannot say. Unless there is some very good reason for making the amendment, I am of opinion that the machinery provided by the Act as it stands is preferable to the amendment. I have visions of these important ballot papers being handed round by "returning officers" and "other persons," and ultimately disappearing altogether. Returning officers in many cases are not secretaries or other officers having access to a board's strongroom. Do you not think it is much better for secretaries to have custody of these papers, kept on the board's premises, rather than have them floating around in divers places?

I really think there is sound reason for what that road board secretary suggests, and

would like the Minister to consider leaving the law in its present form.

Mr. DONEY: I take it that the "other persons" referred to would be those who had already been chosen to act in respect to absentee votes. I would draw attention to the fact that when we were amending the Municipal Corporations Act earlier in the day, it transpired that in respect of a similar amendment a town clerk was permitted to have the custody of ballot papers. I do not know if the Minister can offer any reason for the disparity in treatment of town clerks and road board secretaries.

The MINISTER FOR WORKS: This clause has to do with absentee votes. The trouble is that there is at times a shortage of ballot papers and hurried application is made to the department for supplies to be sent direct. The difficulty is that the secretary has the job of redistributing ballot papers. The road boards themselves have asked for this amendment. It must be remembered that it is not as convenient to distribute these ballot papers in country districts as it is in the metropolitan area. Because of the difficulty in redistribution, the road boards have asked that it be permissible for the ballot papers to be sent direct to persons authorised to take absentee or postal votes. They have found it almost impossible to conduct an election as they would like and a quicker method of getting the papers to the responsible person, one authorised to take postal votes, is necessary.

Mr. SAMPSON: The Minister is acting wrongly in regard to this matter. The returning officer is not a permanent officer. A man acting in that capacity one year might possibly never again do so.

Hon. C. G. Latham: He might be a candidate the next time!

Mr. SAMPSON: Yes, or he might have left the district.

The Minister for Works: It is provided that if a man is a candidate he may not be a postal vote officer.

Mr. SAMPSON: But he would still have the book, and there is a danger because of the countryside being littered with ballot papers.

The Minister for Works: These men are recommended, so you had better be careful what you say about them!

Mr. SAMPSON: I agree with that. They are very good men, but they are not permanently appointed. I know a gentleman

who was appointed a returning officer about 15 years ago. He has never again acted in that capacity, but still has a book, or forms. I do not know if they are of any special value, but if there were any voting trickery, any sliding panel; if it was desired to operate a stunt, those forms could be used. They could be taken without that one-time returning officer knowing anything about it.

The Minister for Mines: There must be some crooks in this country.

Mr. SAMPSON: I have one of these papers here and will explain it. The Minister suggests that it would be much better to send them direct to the returning officer. To do that they must be sent by the officer-in-charge of local government in Perth, whereas if the secretary of the board holds these forms, he would probably hold one book which would, perhaps, be sufficient. It would possibly be sufficient for more than one election. If the Minister prevailed in his wish expressed in the Bill, the book of ballot papers for voting in absence would be sent to the returning officer. That is more inconvenient than sending them to the secretary of the board, because the road board is usually in the main central district. Today we have in the North-West an air mail, and it is competent for these voting-in-absence ballot papers to reach the secretary of the road board within 24 hours.

Mr. Raphael: The member for East Perth would not agree with that at the moment.

Mr. Hughes: Why at the moment?

Mr. SAMPSON: A very bad error has been allowed to remain in the ballot paper for voting in absence. Years ago the department had a terrific quantity of these papers printed, and at the end we find "Signature of returning officer who issued ballot paper." That is printed on the front. Now they have to rubber-stamp every form to the effect that "it must be endorsed on the back hereof." It would have been a good thing if these had been destroyed. It is very irritating to have forms going out containing instructions which, if carried out, would render the voting informal.

The Minister for Works: You know paper is rationed.

Mr. SAMPSON: These books of the one print have been in existence for at least 10 years. The whole of this particular clause would not be an advantage.

Mr. DONEY: The difficulty and danger expressed by the member for Swan—

The Minister for Works: What danger is that?

Mr. DONEY: The danger of these ballot papers being used for a subsequent election! If the ballot books were numbered, or, better still, dated with the month and year in which the election takes place, they certainly could not be used at a subsequent election. Dealing with the Minister's suggestion to cut out the road board secretary from any responsibility in the handling of ballot papers he has in his custody, I would say the road board secretary has a far better control of his district and can send out and bring in papers with far more safety than could the department operating down here and seeking to control a matter in the North-West. I have no objection to papers being sent direct to those who will handle them, but I would like him to clean up the point as to why he finds it necessary to impose this particular restriction on the road board secretaries, and yet does not consider it necessary in the case of town clerks.

Hon. C. G. LATHAM: It is not easy to determine a policy for a big State like this which will satisfy everyone. Once these postal-vote books are issued they are left with the returning officer because, if a by-election comes along, there is a perfect right for an elector to demand a vote, and they have to be in the care of somebody. It would be far better to limit them in between elections to some responsible person in each district than to have them scattered throughout the State. In a road board district like York there are probably eight postal-vote officers. There are a couple in each ward. These men have postal-vote books.

The Minister for Mines: They have in the State.

Hon. C. G. LATHAM: They have in the Assembly, too. If a man dies his wife may not know that he has them, but the road board secretary would know if that man were a postal-vote officer, and have that interest. By this means we are taking away that interest from him and throwing the responsibility on the departmental officer under the Minister, who would not know whether the man was still there. On one occasion a farmer, who was a postal-vote officer, sold out his farm and left his books behind for the incoming farmer. He was not a postal-vote officer, but he had the book. When I went there I said, "Have you been appointed a postal-

vote officer?" He said, "I have a book here. I suppose it is all right." It was not all right. If I had not found out our returning officer would never have known about it. I told him that the book was there and that he ought either to appoint the man a postal-vote officer, or else appoint somebody else and transfer the book. To centralise the despatching from head office is not a very wise thing. It would be better for the road board secretaries to write in to the department and ask that the books be sent to the men nominated by the local board. The Minister is trying to avoid duplication. He wishes to send them out direct. There is no reason why he should not do that now. The secretary would write and say he had appointed Brown, who is 100 miles from Hall's Creek, and ask that a book be sent direct to him.

The MINISTER FOR WORKS: There is no looseness in the administration of this. Every ballot paper issued bears a distinct number, and on its counterfoil appears the same number. By that means the central office can keep a full record.

Hon. C. G. Latham: Will it check them every year?

The MINISTER FOR WORKS: That is what it looks like. It would certainly have a record of who had ballot papers, and this Bill provides that it shall be responsible. These appointments are made on the recommendation of the road board. I have to appoint them now, and it is always on the recommendation of the road boards or the local authorities. I do not know how the man referred to by the Leader of the Opposition secured the ballot papers in his possession.

Hon. C. G. Latham: You know that ballot papers are sent out in book form.

The MINISTER FOR WORKS: He must have procured the ballot papers from a postal vote officer.

Hon. C. G. Latham: He was a postal vote officer, but he left the book of ballot papers on his premises when he sold his farm.

The MINISTER FOR WORKS: That man would be called upon to produce the balance of the ballot papers in his possession.

Hon. C. G. Latham: He should have returned them to the department.

The MINISTER FOR WORKS: Of course he should. If the Leader of the Op-

position recommends the appointment of careless men of that description, we will have scandals!

Hon. C. G. Latham: You know that I did not do so!

The CHAIRMAN: Order! The Minister will address the Chair.

The MINISTER FOR WORKS: Those who are recommended for appointment as postal vote or absentee vote officers must be entrusted with the ballot papers, and should an extraordinary by-election be necessary it would frequently be impossible to furnish postal vote officers with ballot papers in time for the election if that system did not prevail. I point out that the provision embodied in the Bill was requested by the road boards, and if members object to it they will probably hear from the local authorities.

Hon. C. G. Latham: Do not threaten members!

Mr. SAMPSON: The discussion has been pleasing to me because it has made perfectly clear that the words "during any year" in the last sentence of the proposed new Subsection 6 are quite superfluous and misleading. The sentence I refer to reads: "Every ballot paper issued during any year shall bear a distinct number and its counterfoils shall bear the same number." Each year that ballot papers are issued for absentee voters and specially marked for that particular year will involve unnecessary expense and a violation of the paper rationing orders.

The Minister for Mines: And that would completely upset the new order.

Mr. SAMPSON: It might tend in that direction. I move an amendment—

That in line 12 of proposed new Subsection 6 the words "during any year" be struck out. I hope the amendment will be agreed to because the retention of the words will lead to confusion. The amendment will not affect the sense of the new subsection, but will make for a clearer understanding of the position.

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

Ayes	..	..	..	..	14
Noes	..	..	..	..	18
					—
Majority against	..	..	..	..	4

## AYES.

Mr. Berry  
Mrs. Cardell-Oliver  
Mr. Hughes  
Mr. Keenan  
Mr. Latham  
Mr. Mann  
Mr. McLarty

Mr. North  
Mr. Sampson  
Mr. Seward  
Mr. Warner  
Mr. Watts  
Mr. Willmott  
Mr. Doney

(Teller.)

## NOES.

Mr. Coverley  
Mr. Hawke  
Mr. J. Hegney  
Mr. W. Hegney  
Mr. Johnson  
Mr. Millington  
Mr. Needham  
Mr. Nulsen  
Mr. Panton

Mr. Raphael  
Mr. Rodoreda  
Mr. F. C. L. Smith  
Mr. Styants  
Mr. Triant  
Mr. Willcock  
Mr. Wise  
Mr. Withers  
Mr. Cross

(Teller.)

## PAIRS.

## AYES.

Mr. Boyle  
Mr. Patrick  
Mr. J. H. Smith  
Mr. Kelly  
Mr. Abbott  
Mr. Thorn

## NOES.

Mr. Collier  
Mr. Fox  
Mr. Holman  
Mr. Leahy  
Mr. Tonkin  
Mr. Wilson

Amendment thus negatived.

Mr. WATTS: The more I look at the proposed new subsection the more I think it ought not to be included in the Bill. As I understand the practice regarding absentee votes, the present procedure is that the necessary ballot papers are sent in book form to the secretary of a road board, and he distributes them to persons in his district who have been appointed for the purpose of taking absentee or postal votes. When the election is over, he calls in the books containing such ballot papers as have not been used, and places them in safe custody in the board's premises. There is no provision in the Act so far as I know for the unused ballot papers to be returned to the Minister and certainly such experience as I have had indicates that they have not been returned to the Minister or to his department, but have been collected by the secretary of the board from those appointed to use them, and he in turn keeps them in safe custody. Now we are to have a scheme in which the responsibility of the secretary, which existed under Section 87 (6), is to be taken away, and the ballot papers are to be sent to the returning officer and to all the people appointed by the Minister in particular districts to take postal votes.

The secretary will have no obligation to collect the papers after the election, and the books will remain in the custody of the persons who took the votes. The responsibility is being shifted to the wrong place. The secretary of the board is the responsible officer. If secretaries are changed, the records and documents in the office pass to

the new secretary as an officer of the board. This proposal will result in leaving unused ballot papers in the hands of all sorts of people who have no connection with the board beyond that of being postal vote officers, and that is entirely wrong. The clause should be deleted. If the Road Boards' Association has asked for this—and I accept the Minister's assurance to that effect—it must have been under a misapprehension of the situation likely to arise, and I am prepared to exercise my judgment in the matter.

**THE MINISTER FOR WORKS:** The road boards have asked for this. The hon. member has unwittingly misled the Committee because there is no instruction in the Act that postal vote officers shall return unused papers to the secretary of the board. So on that point it is a case of "as you were." If the men entrusted to take postal votes are not reliable, the whole business of postal voting falls to the ground.

**Hon. C. G. Latham:** Some of them are not very reliable.

**THE MINISTER FOR WORKS:** What does the hon. member propose to do about it?

**Hon. C. G. Latham:** I do not know.

**THE MINISTER FOR WORKS:** Do away with the postal voting?

**Hon. C. G. Latham:** I am not advocating that.

**THE MINISTER FOR WORKS:** I should think not. The principle of postal voting still stands. This provision has been asked for because in practice it is necessary to take the vote expeditiously, especially at by-elections.

**Mr. WATTS:** The statement I made was that my recollection of the practice followed by such secretaries as I had come into contact with was that they recalled the ballot papers and did so on their understanding of the existing law.

**The Minister for Works:** How do you know they do it?

**Mr. WATTS:** I have seen it done.

**The Minister for Works:** There is no instruction in the Act that they shall do it.

**Mr. WATTS:** Their understanding of the section is to that effect.

**The Minister for Works:** Where did the member for Swan get that ballot paper?

**Mr. WATTS:** I do not know. Section 87 (6) contains the following:—

All ballot-papers and counterfoils used under this section shall be in the prescribed form, and be issued by the Minister, and no other form

shall be used, and the Minister shall supply to the secretary of every board such number of ballot-papers and counterfoils as shall be necessary, and such secretary shall be charged with the duty of keeping the safe custody thereof, and shall permit the same to be taken out of his custody by returning officers or other persons appointed as aforesaid only for the purposes of this section.

While I freely admit that the section does not say that the secretary must take back into his custody the papers once issued to the returning officer or other persons—

**The Minister for Works:** We are in agreement there.

**Mr. WATTS:**—he is charged with keeping them in safe custody, and such secretaries as I know have regarded it as their duty to exercise supervision over the fate of unused ballot-papers. There is nothing in the Bill to indicate that the secretary shall interest himself in any way in what happens. That is the difference between the Act and the Bill.

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

Ayes	..	..	..	..	17
Noes	..	..	..	..	15

Majority for .. .. . 2

#### AYES.

Mr. Coverley	Mr. Raphael
Mr. Hawke	Mr. F. C. L. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Triant
Mr. Johnson	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Cross
Mr. Pantou	

(Teller.)

#### NOES.

Mr. Berry	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Hughes	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. Latham	Mr. Watts
Mr. Mann	Mr. Willmott
Mr. McLarty	Mr. Doney
Mr. North	

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Collier	Mr. Boyle
Mr. Fox	Mr. Patrick
Mr. Holman	Mr. J. H. Smith
Mr. Leahy	Mr. Kelly
Mr. Tonkin	Mr. Abbott
Mr. Wilson	Mr. Stubbs

Clause thus passed.

Clause 6—agreed to.

Clause 7—Amendment of Section 162:

**Mr. McLARTY:** I am indeed pleased that the Minister has introduced this clause. Boards should be empowered to give guarantees in connection with electricity extension. Without such a provision any district might be deprived of electrical services for a very

long time. I am not quite clear, however, whether the clause empowers boards to contract with the Government.

The Minister for Works: Yes, it does.

Mr. McLARTY: Otherwise I would move that "supplier" be substituted for "person." On further consideration, I move an amendment—

That in line 2 of proposed new paragraph (8a), the word "person" be struck out, and the word "supplier" inserted in lieu.

The MINISTER FOR WORKS: If the hon. member wishes to retain the clause he had better not spoil it. Under the Interpretation Act "person" includes a body corporate.

Hon. N. Keenan: But that is not the point. You are about to include a semi-Crown instrumentality. Put in "body corporate."

The CHAIRMAN: Order! I inform members that I will not continue calling for order. Any further infractions will operate to the detriment of some members.

The MINISTER FOR WORKS: The clause does not deal only with the Government, but also with boards contracting with boards. I advise that the paragraph be left as it is. The Crown Law Department can be trusted.

Hon. N. KEENAN: I am interested in the point that the word "person" does mean "body corporate" in our interpretation; but it has no reference whatever to either the Crown or a Crown instrumentality. What the member for Murray-Wellington wants to be certain of is that road boards in his electorate will be able to enter into contracts with the Crown instrumentality that supplies electricity. I thought the hon. member's suggestion as to the word "supplier" would be received by the Minister with thanks.

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

Ayes	..	..	..	18
Noes	..	..	..	15
				—
Majority for..	..	..	..	3
				—

#### AYES.

Mr. Berry	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. J. Hegney	Mr. F. C. L. Smith
Mr. W. Hegney	Mr. Thorn
Mr. Keenan	Mr. Triat
Mr. Laitham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney

(Teller.)

#### NOES.

Mr. Coverley	Mr. Raphael
Mr. Hawke	Mr. Rodoreda
Mr. Hughes	Mr. Styan
Mr. Johnson	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Cross
Mr. Pantou	

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Collier	Mr. Boyle
Mr. Fox	Mr. Patrick
Mr. Holman	Mr. J. H. Smith
Mr. Leahy	Mr. Kelly
Mr. Tonkin	Mr. Abbott
Mr. Wilson	Mr. Stubbs

Amendment thus passed.

Progress reported.

### BILL—COMPANIES.

#### In Committee.

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

Clause 1—Short Title and Commencement:

The MINISTER FOR JUSTICE: Before proceeding to deal with Clause 1, I desire to inform the House how pleased I am that this Bill has reached the Committee stage. Much work has been put into it; it has proved difficult and complicated. The select committee that was appointed to consider the measure was afterwards converted into an honorary Royal Commission and I desire to thank the members of the Legislative Council and the members of this House who comprised the Royal Commission. All members of it were extremely helpful throughout the proceedings. The original Bill consisted of 455 clauses and 13 schedules. The select committee worked on it for about eight months and had in all 26 sittings, which speaks volumes for the patience and impartiality of the members. Throughout the proceedings the members were harmonious and on the whole fairly unanimous; there was almost a complete absence of acrimony, because each member was particularly desirous of placing before Parliament a measure that would be of great use to the people of the State. My own task was greatly lightened. Members will get an idea of the thoroughness of the investigation when I say that the committee passed 340 amendments to the original Bill.

Hon. N. Keenan: Where is the original Bill?

The Minister for Mines: You have a copy in your drawer.

The MINISTER FOR JUSTICE: It should be in the Chamber.

Hon. C. G. Latham: The original?

The MINISTER FOR JUSTICE: Yes. The reprinted Bill is a credit to the honorary Royal Commission. I venture the opinion that it is the most modern and efficient piece of company legislation in Australia. In its report, page iv., the Commission states—

We are satisfied that, if the Bill is passed with the recommended amendments, it will be the embodiment of all that is necessary for the proper protection of the financial and commercial sections of the community, the investing public, and the interests of individuals likely to be affected by the provisions of the Act, and that, in the main, the enactment will be uniform with the company legislation passed in England and adopted by the various States of the Commonwealth.

The Commission's investigations would have been more or less futile without the assistance of commercial bodies and persons interested in this legislation. Our thanks are due to the witnesses, who were practically all experts. On page iv. of the report, members will see a list of the witnesses. I do not propose to read the names, but they should be sufficient to convince members that we obtained the advice of those fully qualified to advise on the measure. Our special thanks are due to Mr. Briskham, the Registrar of Companies in South Australia. We also owe a debt of gratitude to the Premier and the Government of South Australia for allowing him to give that evidence, which was very helpful and informative. He gave us his experience of the South Australian Act upon which our Bill is to a great extent modelled.

I wish also to give credit to the Solicitor General, who worked very hard. The Bill consists of 455 clauses and he had to draft the whole of them. That was a monumental task in itself but, in addition, there were 340 amendments to be drafted. I could not refrain from giving praise to the secretary of the Commission, Mr. Cowan. He did a wonderful job, not sparing himself in any way. He worked a good deal of overtime and was very conversant with the Bill. He is a certificated accountant and has also passed his magistrate's examination. His knowledge, energy and willingness to help were appreciated not only by myself as chairman but also by every member of the Commission. I desire also to thank Miss Godwin, my secretary, who took a keen interest in the proceedings.

The first clause of the Bill provides that the Act shall come into operation on a date

to be fixed by proclamation. We were of the opinion that it was desirable for the Act, if passed, to be proclaimed, but in view of the present state of national emergency felt that some eventuality might make compliance with certain provisions of the Act difficult. It is therefore proposed that certain provisions of the Act may be suspended for a period to be specified by proclamation.

I trust the Bill will be passed and that members will treat it as the Commission treated it, as non-political, and that if any amendments are moved they will be moved with only one object in view, namely, the betterment of the legislation and the prevention of exploitation of the people of Western Australia such as has occurred in the past.

Hon. C. G. LATHAM: The Minister has been asked whether this is a copy of the old Bill that was introduced on the 12th November, 1940. Do I understand that the Bill before us has been redrafted in accordance with the amendments suggested by the committee?

The Minister for Justice: That is so.

Hon. C. G. LATHAM: If the Bill had been printed with the alterations in italics or heavier print, members would be more easily able to follow the amendments. We have not the old Bill before us. The Bill we have is the one drafted after the meetings of the Commission.

The Premier: The old Bill had no consideration by the House at all.

Hon. C. G. LATHAM: It passed the second reading so it must have had some consideration.

The Premier: Not at all!

Hon. C. G. LATHAM: It passed the second reading and now we have reached the Committee stage and have before us the Bill as amended by the Commission. I have no objection but I wanted to make the point clear. I sympathise with the Minister in having charge of a Bill like this. The Committee will have to be fairly tolerant. I make an appeal to you, Mr. Chairman, not to hurry through the measure. You can read marginal notes rapidly and get through a Bill at a terrific pace. The measure is important and we need to understand it. I have gathered from the Minister that he will not go past Clause 100 tonight.

Several members interjected.

Hon. C. G. LATHAM: I know what happens to a lot of these Bills!

The CHAIRMAN: I hope the hon. member will not begin debating that matter. I have given him a lot of latitude. If I had confined him to Standing Orders he would not have been permitted to say as much as he has. I hope he will be as generous to me.

Hon. C. G. LATHAM: I wanted to clear up these matters, because it will save a lot of subsequent talk. I hope we shall not go beyond Clause 100.

Hon. N. KEENAN: Will you allow me, Mr. Chairman, to express the appreciation of the party with which I am associated concerning the admirable work done by the Commission, and the very voluminous matter brought before us, so voluminous that it is extremely difficult to grasp. I do not know that the Minister was quite right in suggesting that there is no political matter in the Bill. What he probably meant was that there was no party bias. While I appreciate the work done I reserve my right to ask the Minister to explain to the Committee various clauses that appear strange to me and that I desire to have elucidated. I read some of the evidence and it was not convincing to me, especially that of the gentleman who came from South Australia. I thought that some of the matter he was good enough to place before the committee was not acceptable. However, that is only my personal opinion.

Mr. WATTS: As the only member of the Commission present, apart from the chairman, I wish to add a word or two to what he said. Particularly I wish to say something in regard to the Minister himself. We found him—and I am sure other members would agree with me if they were here—most courteous and attentive to the requirements of the Commission and most anxious to assist in every way. I do not think the opportunity should be lost of placing that fact on record. There were parts of the report with which it was difficult to be in agreement. We had some very friendly debates, and the conclusion arrived at by the members of the committee was that when a majority of the committee decided on any given recommendation we would be prepared to stand by it. That was carried out with very few exceptions. I think only two were recorded in the report. Even if we did not altogether agree in matters of detail, on

matters of principle we were aiming at practicable reform which would entail the protection of the public from the evils which had taken place in the past, which we did not wish to see recur. At the same time we did not wish to make life unbearable for those associated with companies, and were prepared to give them sufficient facilities to carry on their business without disturbance so long as they were prepared to follow the elementary principles of straight dealing and giving the public the treatment which we, as the Legislature, claimed it was entitled to receive.

Having got that far, and taking that as a basis for discussion, it became much easier to arrive at a greater number of conclusions than had we not had those tenets before us. Lastly, this first clause which provides the Executive Council with power to postpone the operation of certain portions of the Bill was inserted in view of the fact that parts of the proposals involved a great deal more work by company officers at a time when they probably would be short-staffed, or staffed with inexperienced persons; and also when a great number of men employed in company work under the old legislation would be absent from the State. With these considerations in mind we ask the Committee to agree to the proposals in Clause 1. I subscribe to the Minister's thanks to the Solicitor General for the very capable manner in which he dealt with a great number of subjects, some of which were put upon him in a great hurry without much opportunity for investigation. I also join with him in expressing gratitude to Mr. Cowan for the services rendered and courtesy shown to the committee, which surpassed all my expectations.

Mr. THORN: I move—

That progress be reported.

Motion put and negatived.

#### *Point of Order.*

Hon. W. D. Johnson: Is this procedure exactly in order? We passed a Bill entitled "An Act to Consolidate, etc., etc." which was exactly the same title as that of the present Bill. It passed the second reading. At that stage it was submitted to a select committee for investigation and report. We decided, under our Standing Orders, to leave the Bill that passed the second reading, and carry on, without going through the second reading, with the Bill prepared and



submitted as a result of the select committee's investigations. Are you sure, Mr. Chairman, that the Bill now being considered is the Bill that passed the second reading? If it is not, I question whether we can take the second reading as being passed unless we take the same Bill that was passed, and insert, as a Committee of Parliament, the amendments the select committee has incorporated. In other words, the Bill cannot be altered outside of Parliament, even by a select committee.

The Premier: Oh, yes!

Hon. W. D. Johnson: I want to be sure of that. I think it is a matter on which we should all be sure. Not only might we be wrong from a constitutional point of view, but another place may take the point and make it appear as if we are somewhat lax in carrying out correct procedure. Members will understand that I am raising this question simply because I am doubtful myself.

Hon. C. G. Latham: This is a report of a Royal Commission, not a select committee.

Hon. W. D. Johnson: I do not care what it is. The Bill is being dealt with because it passed the second reading, but this is not the Bill that passed the second reading.

The Chairman: The hon. member wants a certain point cleared up.

Hon. W. D. Johnson: Yes.

The Chairman: The Bill before the Committee is in accordance with procedure which has always been adopted when a measure is referred to a select committee, that is, it is first referred to a select committee and the amendments then made are reprinted, and the Bill again submitted as reported on by the select committee, and in accordance with such report. This Bill is the same. I admit, according to the Minister's statement, that this is an amended Bill when compared with the original Bill, but that is the procedure usually adopted in the circumstances. This Bill is in order in that regard.

Hon. W. D. Johnson: I accept your decision, but it is the first time in my experience that anything like this has been attempted. I will not argue it more, but I say, and I desire to have it placed on record, that the Bill, as submitted for consideration in Committee is not the Bill that passed the second reading of Parliament.

The Chairman: I hope the hon. member accepts my ruling without challenge. The Bulk Handling Bill was similarly treated.

Hon. C. G. Latham: Mr. Chairman—

The Chairman: I am going to take a stand. I have given privileges, but they are being abused. Because a privilege is granted to one member it seems that everyone can take advantage of it and create an exaggerated position.

Hon. C. G. Latham: But on a point of order: the report before us is not a report of a select committee, but of a Royal Commission, and the report of the Royal Commission contains the amendments. I do not say we are not agreeing with it, but it is a question of getting the proper procedure. This was originally the work of a select committee which was afterwards converted into a Royal Commission. The bulk handling instance you referred to was that of a select committee appointed by this House, and which reported back to the House. On this occasion it is different. This is the report of a Royal Commission. Has it the same application in this Committee as the report of a select committee? That is the question to which I draw attention.

The Chairman: I can say this: There is a distinction between the two. I will concede that much to the Leader of the Opposition, but I want it to be understood that I am not prepared to permit a discussion of this sort to go on in the circumstances. I understood that the Committee was quite agreeable to taking this Bill up on this condition, and it was taken up by motion, as far as I know. That being so, I think it unfair, because I permitted certain liberties, that members should take advantage of it in order to create a new atmosphere entirely concerning the Bill.

Hon. W. D. Johnson: I did not raise this question as one of liberty but under our Standing Orders.

The Chairman: I agree that the hon. member did so.

Hon. W. D. Johnson: I respectfully suggest that the Minister should report progress and have the point investigated because I definitely doubt the correctness of the procedure. I shall not argue the matter further. I certainly think we should be sure of our ground before we proceed.

#### *Committee Resumed.*

The PREMIER: I move—

That progress be reported.

The CHAIRMAN: I cannot accept the motion as 15 minutes have not elapsed since a similar motion was moved.

Clause put and passed.

Clause 2—agreed to.

Clause 3—Interpretation.

Hon. N. KEENAN: Will the Minister inform the Committee where he obtained the definition of "attorney"?

*Point of Order.*

The Premier: On a point of order! Am I permitted to move that progress be reported on a different clause within the 15 minute period? If so, I should like to do so.

The Chairman: No; there must be an interval of at least 15 minutes between motions for reporting progress.

The Premier: It cannot be done on a different clause?

The Chairman: No. The clause does not enter into the matter; it is a question of time, and 15 minutes must elapse.

Mr. Raphael: Then we had better pull round the hands of the clock.

The Chairman: Order!

*Committee Resumed.*

Hon. N. KEENAN: I again ask the Minister if he will tell the Committee from what source the definition of "Attorney" was obtained. The word "attorney" has a distinct legal meaning. It means a person who is appointed under a power of attorney, which must be registered in the Supreme Court. When one refers to an attorney, one does not refer to an agent, director, manager or secretary of a company, but to the individual whose power of attorney is registered in the Supreme Court. I do not know where the definition included in the interpretation clause was obtained.

The Minister for Labour: With which part of the definition are you most concerned?

Hon. N. KEENAN: I am concerned with the extraordinarily wide and loose language used in the definition as a whole. I do not know if the definition was taken from the South Australian Act.

The Minister for Justice: It was taken from the South Australian Act.

Hon. N. KEENAN: One thing that I deplore in this Chamber is the manner in which we worship the Eastern States.

Members: Hear, hear!

Mr. Raphael: You have a lot of supporters for that statement.

Hon. N. KEENAN: When we hear what the Eastern States have done, we bow our heads and worship at the eastern shrine. Here we have taken from an Eastern States Act a definition that appears to me to be far too wide.

Mr. Rodoreda: This definition was taken from the United Kingdom Act.

Hon. N. KEENAN: Does the English Act contain the same definition?

Mr. Rodoreda: Yes.

Hon. N. KEENAN: I have not seen it.

The Minister for Mines: We will how lower now!

Hon. N. KEENAN: Has the hon. member himself read the English statute?

Mr. Rodoreda: Yes.

Hon. N. KEENAN: And the definitions of "attorney" are identical?

Mr. Rodoreda: Yes.

Hon. N. KEENAN: Then it may be used for a different purpose under the English statute. I cannot understand why the definition appears in the Bill in such a form.

The MINISTER FOR JUSTICE: The definition in the interpretation clause reads:—

"Attorney," in relation to companies, includes agent, director, manager, and secretary, whether appointed by power of attorney or otherwise, or any person for the time being discharging any of such offices in this State.

I am not a lawyer, and all I can say in reply to the member for Nedlands is that the draftsman took the definition from the South Australian Act. I assume that due consideration was given to it before the definition was included. Two lawyers sat as members of the Royal Commission and both did good work during its deliberations. I take it they gave consideration to the definition as well. I cannot give the member for Nedlands the meaning of the definition, and I am a bit doubtful if any other member of the Chamber could do so.

The Minister for Labour: Did the witness from South Australia give evidence on this point?

The MINISTER FOR JUSTICE: He gave evidence, but not on this particular point.

Hon. N. Keenan: Is there any clause in the Bill where the word "attorney" is used?

The MINISTER FOR JUSTICE: I cannot tell the hon. member.

Mr. HUGHES: We should not take evidence from South Australia as gospel, because the gentleman who tendered that evidence had nothing to do with the drafting of the South Australian Act.

The Minister for Justice: Nor with the Bill.

Mr. HUGHES: Frisby-Smith drew up the South Australian Act and spent about 12 months in cutting out sections from various Acts, correlating them and embodying them in the South Australian measure. The man who is the Registrar of Companies in South Australia had nothing at all to do with the work. I do not think there is one section in the South Australian Act for which he was responsible. I was in South Australia just after the Companies Act was passed, and I brought back a copy of it. I doubt very much if this definition of "attorney" is in the English Act. I have not got a copy of that statute at the moment, but I have Halsbury's "Laws of England" Vol. 5. The only reference in the index to "attorney" is the following: "Attorney to execute deeds, appointment of, 413." On that page there appears Section 682 of the English Companies Act, which reads:—

A company may also, by writing under its common seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute deeds on its behalf in any place not situate in the United Kingdom; and every deed signed by such attorney, on behalf of the company, and under his seal, binds the company, and has the same effect as if it were under its common seal.

Furthermore, the prolific references in the margin of the interpretation clause are not reliable. For instance, it says that the interpretation clause was taken from the United Kingdom Act, Sections 79 and 380; from the Western Australian Act, Section 3; from the New South Wales Act, Sections 6 and 184; from the Victorian Act, Sections 3 and 79; from the South Australian Act, Sections 8 and 99; from the Queensland Act, Sections 5 and 84; from the Tasmanian Act, Sections 2 and 101, and from the New Zealand Act, Sections 3 and 89.

The Premier: What about Section 3 of the Western Australian Act?

Mr. HUGHES: The definition in that section reads:—

"Attorney" in sections two hundred and twenty-three to two hundred and forty, inclusive, includes agent, director, manager, and secretary, whether appointed by power of attorney or otherwise, or any person for the time being discharging any of such offices in this State.

That definition is supposed to have been taken from 61 Vic. No. 35, which is based on the old original English Companies Act, but that refers only to foreign companies. These references are frequently at variance with the sections mentioned. I shall show on what I consider is the vital clause that the reference does not agree with the English section quoted.

Mr. WATTS: Many of these definitions were discussed at length and were referred to the Crown Law Department for alteration, but I do not think that this was one of them. It appeared to be exactly the same definition as had been in use since 1893. The use of this word, I think, is confined to foreign companies. Therefore I do not know what substantial objection there can be to following the definition of "attorney" in regard to foreign companies, which has been in use since 1893. As to the references mentioned by the member for East Perth, many of them were checked with the statutes from which they were alleged to have come, but if it was expected that the committee should check every one, the sittings would have lasted till 1942.

Hon. N. KEENAN: Will the Minister explain the definition of "director"? The Bill says:—

"Director" includes any person occupying the position of director by whatever name called.

A director of a company is a person appointed by the shareholders under the articles of association with specific powers which are set out in the articles of association. He has no power whatever beyond that. To define a director as a director is to say something that is unnecessary. We want to make this statute simple and easy for the man in the street to understand. What apparently is not recognised is that a company affords the means for small men to combine to carry on business. Only by the machinery of company law can a man of small means join with many others to carry on business. The law should be made as simple as possible, and we do not want to include a statement that a director is a director. A director is appointed by shareholders pursuant to authority to be found in the articles of association, and this would include a general meeting of shareholders.

Mr. HUGHES: There is a much stronger objection to the definition than that mentioned by the member for Nedlands. As he

has pointed out, the definition is meaningless. The Bill quotes the English Act as the authority for this definition, but why did not the committee follow the English Act? The definition in the Bill includes any person occupying the position of director by whatever name called. The English Act has a much more effective definition. Halsbury, volume 5, page 347, states—

For the purposes of the above-mentioned provisions the expression "director" includes any person in accordance with whose directions or instructions the directors of the company are accustomed to act.

The Premier: That definition is not in the English Act.

Mr. HUGHES: Yes, it is Section 110 (5) of the English Act. That definition is perfectly clear. Not only the man in the street but other men as well find difficulty with the company law.

Mr. Rodoreda: Even men in a solicitor's office.

Mr. HUGHES: Yes; this measure will probably prove a god-send to the lawyers.

The CHAIRMAN: Order! We are discussing Clause 3 of the Bill.

Mr. HUGHES: I am discussing only one portion of Clause 3. If the member for Roebourne listens, he will realise that the English definition is both clear and good. It might seem peculiar to say that the directors of a company are accustomed to act under the direction of someone else, but there is a reason for wording the definition in that way. A man might set up a company and have his dummies as directors, and although at law they may be directors of the company and responsible at law for the affairs of the company and carry all the responsibilities of directors, there may be a secret agreement between the directors and some other person that they will carry out the duties of the directors in accordance with his instructions. The English authorities decided to legislate beyond the ostensible director who is a dummy and bring in the real man who gives the instructions, although at law he is not a director.

Hon. W. D. Johnson: But the articles of association direct the directors what they are to do.

Mr. HUGHES: The articles of association usually provide that there shall be directors, and the powers and duties of directors are defined.

Hon. W. D. Johnson: How can anyone outside the company interfere with that?

The CHAIRMAN: Will the member for East Perth kindly address the Chair and take no notice of any interjector?

Mr. HUGHES: Yes, Mr. Chairman. The member for Guildford-Midland asks how can a person who is not a director instruct a director what to do? He does it by agreement. Suppose a man wants to create a company but does not want to appear in it and does not want to have any of the responsibilities or liabilities attaching to a director. He forms the company, but does not have a share in it. So far as the world knows, he has nothing at all to do with the company; but the man who is a director enters into a secret agreement with this individual that the director will vote and carry out his duties as a director in accordance with instructions of the person under cover.

Hon. W. D. Johnson: But then he must not violate the articles of association, if there are any; and there should be.

Mr. HUGHES: The articles of association cannot set out all the things that will be done in connection with the company.

The Minister for Justice: There is a similar definition in the Acts of South Australia and New South Wales.

Mr. HUGHES: I consider the English definition to be the best one. It has been inserted for a special purpose. Such an agreement existing between a person who is not a director, and a director, is a perfectly lawful agreement which can be enforced. The director can be compelled to carry out his agreement. The English Act, however, says, "We will go beyond the dummy and saddle the person who gives the instructions, because he really is the director, the man who gives directions." The object is to shift away the dummy and make the person who is the real director shoulder the responsibilities of a director. Without such a provision in this Bill we shall perpetuate in Western Australia the person who is a director of a company but discharges his duties in accordance with the instructions of a person who does not appear in the company at all. Under the Bill a person can occupy the position of director although he is a director only in name. Can we not substitute the English definition, or can we not add that English definition to the one contained in this clause?

Progress reported.

*House adjourned at 9.36 p.m.*