

Legislative Assembly,

Tuesday, 3rd December, 1929.

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

ASSENT TO BILLS.

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

- 1, Dried Fruits Act Continuance.
- 2, Industries Assistance.
- 3, Agricultural Products.

QUESTION—RAILWAYS, WONGAN HILLS SERVICE.

Mr. COWAN (for Mr. Marshall) asked the Minister for Railways,—Having regard for the much increased traffic along the Wongan Hills line, and the immediate advent of a large population to Wiluna, will he consider the necessity of immediately improving the facilities for the provision of refreshments to travellers?

The MINISTER FOR RAILWAYS replied: At present there are refreshment rooms at Goomalling, Mullewa, Yalgoo, Mt. Magnet and Cue. Light refreshments are obtainable at Northam, Wongan Hills, and Dalwallinu and a buffet car runs between Buntine and Mullewa. These facilities meet all present requirements. Should passenger traffic materially increase, consideration will be given to the question of providing additional facilities.

QUESTION—CANNING STOCK ROUTE.

Mr. COWAN (for Mr. Marshall) asked the Minister for Goldfields Water Supply,—1, Is it a fact that the organisations sent out to recondition the wells along the

Canning stock route have returned without completing the work? 2, What was the furthest point north reached by the party, and their reason, or reasons, for returning before the work was completed? 3, Has the supply of water in the wells so reconditioned been increased, and if so, by how many gallons per well per day? 4, Is it proposed to continue this work? 5, What is the total cost of the work to date?

The MINISTER FOR GOLDFIELDS WATER SUPPLY replied: 1, Yes. 2, Well No. 35. The unexpected and almost total destruction of wells beyond No. 25, which necessitated obtaining additional ironwork and consequent great delay. In the circumstances it is more economical to close down the work with a view to recommencing in cooler weather at a later date. 3, Five new wells have been sunk and the supply generally in all wells has been increased. A detailed report on all work done is in course of preparation. 4, Yes. 5, £9,000 approximately.

QUESTION—MINING, WILUNA CONDITIONS.

Mr. COWAN (for Mr. Marshall) asked the Minister for Mines,—1, Is it a fact that Inspector Phoenix, of Kalgoorlie, was recently instructed to proceed to Wiluna to investigate the ventilation and sanitation of the Wiluna Gold Mines, Ltd.? 2, If so, what was the reason for delegating an officer to inspect mines in the district of other inspectors whose competency and efficiency have not been challenged? 3, How long ago, and upon what grounds, did Inspector Phoenix receive promotion to a senior inspectorship? 4, Upon whose instructions did Inspector Phoenix proceed to Wiluna, and when and where can his report be examined?

The MINISTER FOR MINES replied: 1, Yes. 2, Inspector Phoenix is the departmental ventilation expert and is sent to any mine in any district when necessary. 3, Inspector Phoenix was promoted to the position of Senior Inspector upon the retirement of Inspector Greenard, on 1st September, 1926. 4, Upon instructions from the State Mining Engineer. If the hon. member so desires he may see the report upon calling at my office.

QUESTION—VERMIN BOARD FUND.

Mr. J. H. SMITH asked the Minister for Agriculture,—1, What amount stands to the credit of the Central Vermin Board? 2, What amount was paid out from the fund during the last financial year?

The MINISTER FOR AGRICULTURE replied: 1, Credit at 1st September, 1929, £40,976. This amount includes three years' collection and only two years' expenditure. The rate for this year has been reduced by one-half. 2, £40,151.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

TEMPORARY CHAIRMAN OF COMMITTEES.

Mr. SPEAKER: Owing to the delay caused by the absence of all the Chairmen of Committees, I will nominate the Hon. W. D. Johnson as temporary Chairman for the remainder of the session.

BILL—MAIN ROADS ACT AMENDMENT.*Council's Amendments.*

Schedule of 13 amendments made by the Council now considered.

In Committee.

Hon. W. D. Johnson in the Chair; the Minister for Works in charge of the Bill.

No. 1. Clause 6.—Delete the words "Subsection (3) of" in line sixteen, and insert after the word "by" in line seventeen the words "omitting the words 'on his own initiative or,' in Subsection (1) and by."

The MINISTER FOR WORKS: The Council's amendment seeks to deprive the Governor in Council of the right to initiate any proposal for a road. Apparently the Governor in Council cannot be entrusted with the responsibility of that duty. At present the practice is that either the Main Roads Board or a local authority initiates a proposal regarding a road. If both bodies are in agreement, the proposal is adopted, but should there be a dispute, the matter

is transmitted to the Minister for a decision. When new country is being opened up, a road has to be constructed to a dam or a school site, or when a road is necessary in connection with any project in which the Government are particularly interested, they will not, should the Council's amendment be agreed to, have any power to initiate the proposal to construct any such road. This is a deliberate slight, and no self-respecting Government could accept such a proposal. I move—

That the amendment be not agreed to.

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

No. 2. Clause 9.—Insert at the end the words "the said section is further amended by deleting the words 'subject as hereinafter provided' in paragraph (b) of Subsection (1) thereof."

The MINISTER FOR WORKS: The words proposed to be struck out are superfluous, seeing that the subsection referred to has been deleted. I move—

That the amendment be agreed to.

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

No. 3. Clause 10, Subclause (3).—Delete the word "traffic" in line seventeen and insert "license."

The MINISTER FOR WORKS: The word "traffic" appears instead of "license." I move—

That the amendment be agreed to.

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

No. 4. Clause 10, Subclause (5).—Delete the word "year" in line twenty-eight and insert "years." Insert after "1926-1927" in the same line "and 1928-1929."

The MINISTER FOR WORKS: The amendment involves our acceptance of the two succeeding amendments proposed by the Council. An explanation of the position can be given on this amendment. It will be remembered that when the Bill was introduced originally, it provided for the payment by the local authorities into the Main Roads Board's funds of 25 per cent. of the license fees. The measure was referred to a select committee and although the executive of the local authorities' organisation had agreed to the proposal in the Bill, the select

committee submitted a report under which an amended form of payment was adopted. Under that scheme the highest proportion to be deducted from traffic fees was 22½ per cent. and the payments were on a sliding scale down to 10 per cent. of the fees collected by a local authority. That involved a loss to the Treasurer of approximately £105,000, over and above what the local authorities had agreed to.

Mr. J. H. Smith: But the executive agreed to that without consulting the local authorities.

The MINISTER FOR WORKS: I am pointing out that the executive of the Road Boards' Association agreed with the Government regarding the original scheme. The Government adopted the report of the select committee and that meant that they had to face another £105,000. The amendment suggested by the Council seeks to make a clean sweep of the payments by the local authorities up to the end of June last, whereas the local authorities had asked for the waiving of the first year's payment only. The local authorities never at any time suggested there should be anything in addition to the first year's payments wiped out. The Council's proposal involves the Government in a further loss of £23,179. That is more than the Government can agree to.

Mr. Sampson: Do the boards not object to the principle of retrospective payments?

The MINISTER FOR WORKS: How can these payments be regarded as retrospective? If the local authorities owe money, have not paid it, and are called upon to pay, can that be regarded as retrospective?

Mr. Sampson: It is awkward for them if the money has gone.

The MINISTER FOR WORKS: The hon. member knows that the Government's money has gone. The Government have advanced a long way to meet the local authorities, but the more liberal we attempt to be, the more, apparently, we are asked to give. No one can complain that the local authorities of Western Australia are not liberally treated. Nowhere else do they get any portion of the traffic fees.

Mr. Thomson: That does not say that is right.

The MINISTER FOR WORKS: I am merely pointing out how liberally the local

authorities are treated in this State. In this instance the Government went further than the local authorities themselves suggested, and involved the State in a loss of over £100,000. At no stage of the negotiations did the local authorities ask for anything more than the waiving of the first year's allocation.

Mr. Sampson: I will promise you that will be remedied!

The MINISTER FOR WORKS: I will promise the hon. member that nothing more than we have agreed to will be given. It is as well to understand quite clearly that it is impossible for the Government to go any further. If the proposal in the Bill is not agreed to, then we shall have to enforce the existing law. The Government cannot go further than the select committee's report, and that is our last word on it.

Mr. Thomson: Surely you would not adopt that attitude because of £23,000.

The MINISTER FOR WORKS: There has been a nice mess made of the financial provisions of the scheme since we were forced to accept the proposal against our own ideas so that we could get a road policy. The present scheme has given satisfaction to no one, and not a penny piece has been paid by the local authorities towards the cost of work done. Now when a scheme is agreed upon as being likely to work more smoothly, and the Government have gone to the limit in an endeavour to assist the local authorities, we can do no more. We cannot turn on a tap and secure a flow of money. We can raise funds only by additional taxation. The Government promised the local authorities that if they could impose a petrol tax, they would do so, and thus get at the users of the roads who take most out of the roads.

Hon. Sir James Mitchell: What about the petrol tax that is proposed now?

The MINISTER FOR WORKS: We do not know anything about it so far. A petrol tax is regarded as the most equitable form of taxation for the purposes under discussion. In fact we did pass such a tax. If it is possible to get funds by that means, either through the Commonwealth or the State, then the whole financial phase of the work will be reconsidered.

The CHAIRMAN: We cannot discuss that matter at the moment.

The MINISTER FOR WORKS: That is so. The Government cannot possibly agree

to the amendments proposed by the Council and I move—

That the amendment be not agreed to.

Mr. THOMSON: I was hopeful that the Government would accept the amendment seeing that only £23,000 is involved, and that that loss is spread over 10 years.

The Minister for Works: That is not so; it is spread over three payments, two in one year and one in the second year.

Mr. THOMSON: I thought, according to the table, that the payments were spread over ten years. However, I am not going to jeopardise the Bill by stressing my support of the Council's amendment. I understand from the Press that the Minister for Works is about to go to the Eastern States to discuss these Main Roads Board questions with the new Federal Government. That may result in a change of policy. I am pleased to have the Minister's assurance about the Federal tax. I am quite sure it is possible to abolish the present method of paying for these roads and replace it by a Federal tax.

The CHAIRMAN: The hon. member cannot discuss that here.

Mr. THOMSON: The existing method is grossly unfair. Farmers having trucks that are actually on the roads only four months in each year have to pay exactly the same tax as a man who is using the roads every day. However, since the Minister has declared that he will not accept the Council's amendment, I am not going to jeopardise the Bill over it.

Mr. SAMPSON: I hope the Minister will agree to the Council's amendment, and allow the local authorities to continue their work without the embarrassment that the payment of this £23,000 would mean to them. The local authorities have made their estimates of work to be done, and in view of the general indefiniteness concerning the payment of this amount, they are not expecting to have to pay it. Already they are facing a very heavy problem, that of how to maintain the roads with the money that they have.

Mr. LINDSAY: As a member of the select committee I may say that committee intended that the local authorities should pay the allocations for 1927-28 and 1928-29. The Minister has been quite fair in the matter, and I will support him in his attitude towards the Council's amendment. The

select committee, after examining witnesses, arrived at a proper conclusion, which the Road Boards' Association could not do since they did not have all the facts. The Bill before us represents a much better deal to the local authorities than does the existing Act. I can safely say that 90 per cent. of the road boards are satisfied with the Bill. I am not sure how the Minister arrives at the sum of £23,000. Information given to the select committee shows that in 1926-27 the total yearly liabilities of the local authorities represented £4,702; for 1927-28 it was £11,989, and for 1928-29 it was £27,889. So that means nearly £40,000 as against the £23,000 of which the Minister speaks. Subclause 5 of Clause 10 provides that the apportionments for 1926-27 as set out in the repealed Section 30 are waived. The amendment provides for the insertion of the year 1928-29 after the year 1926-27. My interpretation of that is that the apportionments for 1927-28 are still to be charged to the local authorities. Yet the Minister gave us to understand that if this clause was passed, it would mean the cutting out of 1927-28 and of 1928-29. I am with the Minister in contending that the local authorities should pay for both those years. In my opinion, the select committee's report was largely in favour of the local authorities, and so I am with the Minister in his opposition to the Council's amendment.

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

No. 5. Clause 10.—Insert a new subclause to stand as Subclause (6), as follows: "The repeal of Section 30 of the principal Act shall not (except as provided by subsection (5) of the substituted section) affect its application to expenditure on permanent works and maintenance on main roads to the 30th day of June, 1929; and to enable the board to apportion half the amount of such expenditure, and to determine the matters referred to in paragraphs (a), (b) and (c) of subsection (1) of the said section, it shall be deemed to continue in operation until such apportionment is made and such matters are determined. Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first year's payment in respect of expenditure during 1927-1928."

The MINISTER FOR WORKS: This provision deals with the payments for the

two years, whether they shall be made merely as one payment up to the end of last June, or whether they shall go on for 30 years. The Bill as it left us could be interpreted to mean that these payments should go on for 30 years. But that was not our intention. The Council's amendment has been framed to make that clear, but the proviso included in that amendment endorses the principle in the amendment we have just agreed with. So I propose to accept the Council's amendment, while striking out the proviso and inserting another in its place. I move—

That the Council's amendment be agreed to, subject to the proviso being struck out and the following inserted in lieu thereof:—

Provided that the liability of local authorities under the said section shall cease on receipt by the Treasurer of the first two years' payments in respect of expenditure during 1927-1928 and the first year's payment in respect of expenditure during 1928-1929.

My amendment will make it clear that the payments shall not continue for 30 years, as might have been construed from the Bill as it left this Chamber.

Hon. Sir JAMES MITCHELL: I hope the House will not agree to strike out the proviso. All we need do is to alter the year. If we make it read "1928-29" we shall be doing all that is necessary to retain for the Main Roads Board the amount they should be entitled to collect. The Minister asks that a penalty should be attached if payment is not made promptly by a board.

The Minister for Works: The proviso in the Council's amendment is similar.

Hon. Sir JAMES MITCHELL: No; the Minister wishes to go further.

The Minister for Works: The words are the same, but I include the other two payments.

Hon. Sir JAMES MITCHELL: The first payment is £4,000, the second payment £11,000, and the final payment £27,000. Altogether the Minister wants £43,000, and apparently another place suggests that it should be £11,000.

The Minister for Works: That point was decided by the vote on No. 4 amendment.

Hon. Sir JAMES MITCHELL: It has not been decided. The Minister proposes that certain relief shall be given to the boards, but only to the boards that pay up their liabilities to the end of 1929. I do not know whether it will be convenient for every board to pay its portion of the £43,000,

and I hope no penalty will be inflicted on boards that are unable to pay.

Mr. THOMSON: I was under the impression that the Minister intended to charge only one amount, but the Minister's amendment indicates that the local authorities will have to pay for 1927-28 £11,969, and for 1928-29 £27,699.

The MINISTER FOR WORKS: The plain issue is that three years' work has been done and we agreed to waive the claim for the first year's work. Consequently there remains two years' work to be paid for. There will be two payments for the work done in the first of those two years, and one payment for the work done in the other year. Whether there is any difference between the figures given to me and the figures submitted to the select committee will not affect the issue.

Hon. Sir James Mitchell: What will the total be, £43,000?

The MINISTER FOR WORKS: The accountant's figures, given to me this morning, show a total of £23,179.

Mr. THOMSON: On page 68 of the evidence taken by the select committee the chairman of the Main Roads Board gave a total of £4,702 for 1926-27 and £11,969 for 1927-28. Now it is intended to deduct the £4,702, which will leave £7,267. There appears to be some confusion in the figures. Another place, judging by the discussion there, was endeavouring to clarify the position. The Minister's proviso is not as clear as I should like it to be. We should clarify the position, as that might save time later on.

The Minister for Works: I shall not go to a conference on this.

Mr. THOMSON: There is certainly some confusion in the figures.

The Minister for Works: You are quoting figures on the 25 per cent. basis, whereas that basis was altered when the select committee made their report.

Mr. THOMSON: The £4,702 does not continue each year, as shown in the report?

The Minister for Works: That is definite.

Mr. LINDSAY: In 1926-27 certain capital expenditure was incurred on which the local governing bodies had to pay 6½ per cent. In addition to the capital expenditure, there was £182 for maintenance, making a total for that year of £4,702. Under the Bill the liability of the local authorities for that year is wiped out. But the amount expended in the year 1926-

27 carries interest not only for that one year, but also for years to come. Consequently interest on that amount for the next year is added to the charges of 1927-28. In 1926-27 the State's half of the expenditure on maintenance amounted to £69,545, of which contributions by local governing bodies represented £4,520 for the year. In the following year the State's expenditure was £47,907, and contributions by local governing bodies totalled £3,110. To arrive at the amount the local governing bodies have to pay for 1927-28, we take the 1926-27 interest, £4,520, and add that to the £3,110, and then add the result to the maintenance contributions, £4,339, making a grand total payable by the local governing bodies of £11,998. In the two previous years there were expenditures by the Main Roads Board of some £69,000 and £47,000, and interest has to be found on those amounts for the two years. In the succeeding year, however, only £35,000 was so expended. Interest on that represents £2,293. Maintenance, however, amounts to £17,776. Now, £2,293 added to £17,776 does not make £27,699.

The Minister for Works: No. The two amounts total £20,069.

Mr. LINDSAY: I am now dealing with the select committee's report. Maintenance is not an annual charge. The money is paid for a particular year, and does not carry on to any other year. But interest on capital expended in the two previous years is added, and thus the total of £27,699 is arrived at. All payments for 1926-27 have already been out. Still, a certain amount of money was expended in 1926-27, and is due for accounting in the next year. There must be accumulation of interest year by year, but not accumulation of maintenance. If the provision had said "in the following year, three years' payments"—

The Minister for Mines: Only one year's payment, of course. We do not want to penalise.

Mr. LINDSAY: If the two years were cut out, and if one year were added, together with maintenance, I could understand the position. The local authorities are liable for 6½ per cent. interest, but not, except as regards one year, for maintenance. The local authorities are liable for maintenance in respect of 1927-28. For 1928-29 they are liable in respect of moneys spent during the previous year but not charged in that previous year.

The MINISTER FOR WORKS: It is quite clear that in respect of the payments for 1927-28 there were contributions towards interest and sinking fund totalling £3,110. That total has to be paid not only in 1927-28 but also in 1928-29. Thus the amount of £6,220 is arrived at; the amount represents two years' payments towards interest and sinking fund. Then there is the half of the State's expenditure on maintenance for 1927-28, which gives the £4,339. The whole of the charges for 1927-28—charges which would clean up 1927-28 altogether, would finally settle the liabilities of that year—amount to £10,559. Then there would be no carrying over at all. In respect of the expenditure during 1928-29, there is the contribution towards interest and sinking fund of £2,293—that is for only one year, because the slate is clean at the end of the previous year—and then there is the half of the State's expenditure on maintenance for that year, £17,776, making a total for the year of £20,069; and then that is the finish for the year. Thus we arrive at the aggregate of £30,668 for 1927-28 and 1928-29.

Mr. Thomson: And then we would start off in 1929-30 with a clean sheet?

The MINISTER FOR WORKS: Yes.

Mr. Lindsay: No.

The MINISTER FOR WORKS: It is less that amount of £7,449, being a payment during 1927-28. That is how we arrive at the £27,699.

Amendment on the Council's amendment put and passed; the Council's amendment, as amended, agreed to.

No. 6. Clause 11.—Insert after "deputation" the words "in which a member of Parliament takes part or at which he is present."

The MINISTER FOR WORKS: This amendment of another place refers to deputations to the Main Roads Board. As introduced, the Bill provided that the board should not receive any deputation comprising a member of Parliament. The same prohibition applies to the Commissioner of Railways. The select committee recommended that all deputations should go to the Minister, and that the Main Roads Board should not receive deputations at all. I would prefer to see the select committee's report adopted, but I have no strong feeling in the matter. In my opinion it would be better if all deputations went to the Min-

ister, so that he would have a grip of every phase of the position. It is to be borne in mind, too, that the Minister is responsible to Parliament. I move—

That the amendment be agreed to.

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

No. 7. Insert a new clause to stand as Clause 12, as follows:—12. A section is inserted in the principal Act as follows:—18a.

(1.) Where the Board, in reconstructing an existing road or building a new road, prejudicially affects the access to a property having a frontage thereto, the Board shall at its own expense provide reasonable access to the reconstructed or new road. (2.) If in carrying out the provision of Subsection (1) of this section, it becomes necessary for the Board to acquire any land belonging to a private owner, the expense of so doing shall be borne by the person requiring such access. Provided that, before any such land is so acquired, the Board shall give at least 21 days' notice of their intention to acquire, and in the event of the person requiring such access dissenting from their so doing, the Board's responsibility under Subsection (1) hereof shall cease.

The MINISTER FOR WORKS: This amendment of another place is a serious proposition. There will be a liability, if the amendment is agreed to, on the Main Roads Board to give fresh access to property whenever the level of the road is altered. Under the amendment the board are to provide suitable access to any property affected by alteration of a road level. The amendment really puts the Main Roads Board in a position in which it was sought to place local authorities many years ago. In what is known as the Annois case, a claim was made against the East Fremantle municipality on account of their having altered the level of a road and thereby affected the entrance to some houses.

Mr. Thomson: The houses were left about twenty feet in the air.

The MINISTER FOR WORKS: Mrs. Annois secured a judgment in our courts; and the local authorities throughout the State viewed the result with so much concern that they combined to carry the case to the Privy Council, where they won. Now it is proposed that what the local authorities fought against should be imposed on the

Main Roads Board. If that were done, it would logically follow that the same obligations should be placed on all municipalities and road boards. Thus a fertile field of litigation would be opened. Under existing arrangements the Main Roads Board have met property owners liberally. If drains have been put in front of gates or entrances, culverts have been built over the drains. Everything reasonable in the way of giving access has been done, and will continue to be done. There has been no serious outcry. However, to insert in the Act of Parliament such a provision as this, means an obligation of which the end cannot be visualised; and, I repeat, an obligation that should be imposed on all local governing bodies as well. Thus a road board might well be ruined. I move—

That the amendment be not agreed to.

Hon. Sir JAMES MITCHELL: We should consider the question before shelving the Council's amendment. Surely a question of access is not related to the case mentioned by the Minister. If the Main Roads Board do something that damages a man's property, they will, under the amendment, be required to make the damage good; and that is right. I have seen something of this sort happen. In one case a hilltop had to be cut down. The whole thing was ridiculous as well as frightfully costly, and did not do a scrap of good. I do not know why we should not compel the Main Roads Board to effect these repairs if they are responsible for the damage. I think they ought to pay and when they do any damage in the way of precluding the owner of land from having an outlet to a road, they should make the damage good. There is nothing very ungenerous about the amendment and I hope the Minister will agree to it.

Mr. THOMSON: I had hoped that the Minister would accept the amendment, because I thought it was reasonably drafted. I remember the case quoted by the Minister. In that instance the local authorities combined to defeat a private individual and a grave injustice was done. The private citizen could not continue to fight the combined road boards of the State. I would consider that I had a grievance if, after having erected my premises on a main road, an engineer came along and proceeded to reduce the grade of the road say by three feet,

and so left my premises high and dry. I know of such a case in the main street of a country town where premises were built in accordance with the levels given many years before by the local board's secretary. Then in their desire to grade and straighten up the street, the authorities cut it down about 15 inches in front of a person's property and left the shops in what was considered to be a dangerous position. In such a case, the local authorities should remedy the levels or so adjust them as not to inflict a hardship upon the citizens. The Legislative Council's request is reasonable, and while we are anxious to safeguard the interests of the Crown, we owe a duty to private citizens.

Mr. GRIFFITHS: I believe the mover of the amendment in another place was prompted to bring it forward by what he saw around Mingenew. The secretary and chairman of the road board there drew his attention to places where the Main Roads Board, after having constructed roads, had left big gullies which made it almost impossible for owners of property to reach those properties. The Merredin Road Board approached me with regard to this amendment and expressed the opinion that it might have the effect to which the Minister has drawn attention. All the same, I must confess that reasonable access should be given to an individual's property. The Minister asked what was meant by "reasonable access" I should say it was merely access that would be regarded as a reasonable approach to a man's property.

Mr. Thomson: Similar to what existed before.

Mr. FERGUSON: I hope the Minister will agree to the amendment because it is fair and reasonable.

Mr. Thomson: The Main Roads Board recognise the principle because they are already carrying it out.

Mr. FERGUSON: In most instances in country districts we find that farmers gain access to the road either by forming and gravelling, or possibly by gravelling alone. Then the Main Roads Board come along and rip up that access. In such a case, it is only fair that they should replace the access in a reasonable manner. I should say that in that case "reasonable" would mean something similar to what existed before the Main Roads Board began operations there.

The Minister for Works: That might be absolutely impossible.

Mr. FERGUSON: Anything that it reasonable is not impossible.

The Minister for Works: You said "reasonable" would in such a case mean as it was before. That might be quite impossible. Suppose it had been necessary to shift a mountain?

Mr. FERGUSON: This matter has occupied the attention of the executive of the Road Board Association on many occasions, and more than once it has been discussed with the Chairman of the Main Roads Board. I have here a report of the executive of the Road Board Association and it shows that a letter was received from the Under Secretary for Works intimating—

With regard to approaches to holdings, if side drains had been reasonably and properly constructed as incidental to the making of main roads, then the landholder would be responsible for the cost of the crossing, but in the case of the necessity for the removal of an existing crossing, affecting main road work, the Main Roads Board would provide same.

The Road Board Association decided that the chairman, Mr. Ferguson, M.L.A., and the secretary should wait on the Main Roads Board at the first opportunity with a view to having the crossings referred to provided for landholders in country districts. In the next report it was set out that the chairman, Mr. Ferguson, and the secretary had waited on the Chairman of the Main Roads Board and that the chairman had agreed, where a landholder already had a natural surface approach from the road to his holding, a satisfactory crossing would be provided by the Main Roads Board if that crossing was affected in the course of main road work. Next at the conference of delegates of the Road Board Association the executive presented this report—

Regulations under the Main Roads Board have hitherto provided that as to approaches to holdings, if side drains have been reasonably and properly constructed, as incidental to the making of main roads, then the landholder would be responsible for the cost of a crossing, but in the case of the necessity for the removal of an existing crossing affecting main road work, the Main Roads Board would provide same. The committee realised that so far as country districts were concerned, the landholder often had a natural surface approach from the road to his holding, and upon the matter being brought under the notice of the chairman of the Main Roads Board, he readily consented in such instances to provide a satisfactory crossing where the natural approach to the holding was affected in the course of main road work.

If the chairman was of opinion that a satisfactory crossing should be made in places where it had been detrimentally affected by the work of the Main Roads Board, it is fair to embody that in such a Bill as this, so that owners of land may know where they stand.

The Minister for Works: This affects a good deal more than crossings.

Mr. FERGUSON: It affects access to properties. If the Minister does not like the word "reasonable," would he agree to the word "satisfactory"?

The Minister for Works: We have proved ourselves to be reasonable. You had better leave us as we are.

Hon. Sir James Mitchell: We always thought the Main Roads Board had some power.

Mr. FERGUSON: We want to give the Main Roads Board power to provide reasonable access to a man's property in cases where such access has been spoilt.

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

Ayes	18
Noes	12
Majority for				6

Ayes.

Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Millington
Mr. Cowan	Mr. Munsie
Mr. Cunningham	Mr. Rowe
Mr. Kenneally	Mr. Steeman
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lamond	Mr. Wilson

(Teller.)

Noes.

Mr. Davy	Sir James Mitchell
Mr. Doney	Mr. Sampson
Mr. Ferguson	Mr. Teesdale
Mr. Griffiths	Mr. Thomson
Mr. Malley	Mr. C. P. Wansbrough
Mr. Mann	Mr. North

(Teller.)

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

No. 8. Insert a new clause to stand as Clause 13, as follows:—

13. A section is inserted in the principal Act as follows:—29a. Where the Board carts over roads belonging to local authorities material for the construction of

roads, the Board shall be responsible for paying to the local authority the cost of repairing and reinstating such roads in the same condition as they were prior to the carting over them of such material.

The MINISTER FOR WORKS: This amendment practically says that the Main Roads Board is not to have the use of public highways, and that when they do cart material over the roads, they have to pay for the right to do so. If any exceptional damage has been done by the board, they have always remade the road. But there have been instances where attempts have been made to impose upon them, notwithstanding that the work has been of material benefit to the district. For over 20 years the South Perth and Melville Park local authorities have been asking for a new Canning-road. When the work came to be done they actually refused to allow through traffic to use their thoroughfares whilst the Canning-road itself was under construction. They even barricaded the roads, notwithstanding that the contractor had agreed to keep them in order while he was at work. In another instance, the local authorities closed a bridge and endeavoured to force the Main Roads Board to reconstruct it before any material could be taken to the job. The bridge was quite safe for private contractors, but the moment the Main Roads Board wished to use it, an attempt was made to force them to build a new bridge.

Mr. Davy: Did not the Main Roads Board destroy one road while preparing to build another?

The MINISTER FOR WORKS: I have not heard of that. No one can deny that the Government are entitled to use the roads of the country.

Mr. Davy: They are not entitled to destroy roads that are maintained by only a small proportion of the people.

The MINISTER FOR WORKS: When a private contractor does work, there is no question about his right to use the road.

Mr. Thomson: He is responsible for any damage he does.

The MINISTER FOR WORKS: And the Government are responsible for any extraordinary damage they do. That is the law now. This amendment is an attempt to debit to the Government a cost which no private individual or local authority is asked to bear. That is what would happen if it were carried.

Mr. Davy: It could not be carried as it stands.

The MINISTER FOR WORKS: In the case of the Canning-road the amendment would mean that the Government could be levied on by every local authority from both ends over whose roads material was carted. It would place such a financial obligation upon the Government that they simply would refuse to undertake the construction of these roads. Any special damage that has been done has always been made good.

Mr. Sampson: You mean that without the amendment the Main Roads Board would make the requisite repairs?

The MINISTER FOR WORKS: I say that when exceptional damage has been done, it has always been made good.

Mr. Davy: Do you say that the section of the Traffic Act dealing with exceptional damage applies to the Main Roads Board?

The MINISTER FOR WORKS: We recognise it. The Armadale-road was a disgrace to the country. When the Main Roads Board set about rebuilding it, an attempt was made to prevent them from using a bridge that had to be crossed.

Mr. Sampson: It was dangerous to use it for such heavy traffic.

The MINISTER FOR WORKS: It was safe enough for anyone else but the Government. I would point out that at a recent conference, one of the States brought up the question, and the Commonwealth representatives laid it down that none of their money was available for claims of this kind. If the principle was admitted, no Commonwealth money could be spent on any road that would involve this class of work. I move—

That the amendment be not agreed to.

Sitting suspended from 6.15 to 7.30 p.m.

Mr THOMSON: The Minister has advanced reasons why we should not accept the Council's amendment. The Traffic Act provides the local authorities with power to make regulations to govern the use of roads. The powers include what is necessary to enable the road boards to prevent undue damage or the destruction of roads by traffic. Section 49 deals with the powers of local authorities to recover the cost of repairing roads that have been damaged. The Minister informed the Committee that the Main Roads Board had been putting roads into trafficable condition. The Council's amend-

ment is not aimed to prevent the Main Roads Board, or a contractor, from using the roads referred to, but merely to provide for the payment to the local authority concerned the cost of repairing roads that are damaged. If the Main Roads Board do as the Minister suggests, I cannot see why he should object to the amendment. What will be the position of a local authority in the event of regulations being framed to deal with this problem, should the Minister, in the interests of the Main Roads Board, veto them? Should the Minister override local authorities in that direction, what will happen?

Hon. Sir James Mitchell: The Minister would be rather scared to do that!

Mr. THOMSON: I do not think the Minister would be scared to do that, if he thought it would be in the interests of the Main Roads Board.

Hon. Sir JAMES MITCHELL: All we want is a reasonably fair deal. It is unthinkable that roads should be closed to the Main Roads Board for the carting of heavy materials. I was surprised to hear the Minister say that one local authority had objected to material being carted over their roads.

The Minister for Works: The South Perth and Melville Road Boards objected.

Hon. Sir JAMES MITCHELL: I would like to vote for a clause under which all local authorities would be treated alike in connection with payments for special damage done to roads. I do not think the Council's amendment fills the bill. It should be a matter of right that the Main Roads Board should make these payments to local authorities.

The Minister for Works: We hold ourselves bound to that, and do pay.

Hon. Sir JAMES MITCHELL: But I would like to see such payments made on a basis that will mean that all local authorities will be treated alike. For instance, the Minister for Agriculture refused my request for a small grant for the Northam Agricultural Society, but to my surprise I found that £100 had been given to the Kalgoorlie Municipal Council for damage done to a hall during a storm!

The Premier: I think that grant was to the Coolgardie Municipal Council.

Hon. Sir JAMES MITCHELL: I thought it was the Kalgoorlie council. The point is that I object to one section being accorded treatment that is denied another. Equal justice should be extended to all local au-

thorities whose roads are destroyed by the heavy traffic of the Main Roads Board.

Mr. Thomson: They should put the road in the condition in which they found it.

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

Resolutions reported, the report adopted and a Committee consisting of the Minister for Works, Mr. Lindsay and Mr. Cheson, appointed to draw up reasons for disagreeing with four of the Council's amendments, and agreeing to another with an amendment.

Reasons adopted, and a message accordingly returned to the Council.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. P. Collier—Boulder) [7.47]: I move—

That the House at its rising adjourn till 4.30 p.m. on Thursday next.

Question put and passed.

House adjourned at 7.48 p.m.

Legislative Council,

Wednesday, 4th December, 1929.

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

BILL—RESERVES (No. 2).

Recommittal.

On motion by the Honorary Minister, Bill recommitted for the purpose of considering a new clause.

In Committee.

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

New clause:

The HONORARY MINISTER: I move an amendment—

That a new clause to stand as Clause 5, be inserted as follows:—5. That portion of Reserve A1720 (King's Park), described in the Third Schedule hereto, is excised from the said reserve for the purpose of additions to Ferdinand and Thomas Streets.

The amendment deals with the widening of the two streets mentioned, running along the boundary of King's Park. The information necessary to deal with this excision was not supplied until the Bill had been drafted, and it has been deemed necessary to include a further amendment to cover the action taken regarding the widening of the streets named. The excision will consist of a strip of land 66 feet wide and will provide a circus at the Rokeby Road entrance to King's Park. The Subiaco Municipal Council and the King's Park Board have agreed to the excision, and it is considered that the widening of Thomas and Ferdinand Streets will provide a fine drive along the boundaries of the park. The width of the drive will be 126 feet, with variations in places.

Hon. G. W. MILES: The King's Park Board have exceeded their duty in allowing the excision to be made without first having obtained the consent of Parliament. The park is a Class A reserve and, in my opinion, the board had no right to allow work to be done without Parliamentary consent. This is a precedent, and in the future we may have a few hundred acres lopped off for some purpose or other.

Hon. A. Lovekin: You do not understand what you are talking about.

Hon. G. W. MILES: It seems to me that the board have agreed with the council and have surrendered portion of the park.

Hon. A. Lovekin: We have done nothing of the sort.

Hon. E. H. Harris: We are not in possession of the facts.

Hon. G. W. MILES: We should have them.

Hon. A. LOVEKIN: They can be furnished easily. An application was made for portion of the park in order to widen