

use. If the sewerage system were installed in lieu of the older system the Health Department would not be called upon to pay the sewerage rates. We should have power under the Health Act to collect such rates when the sewerage system is installed as well as in the case where the pan system is still in existence. I move—

That the Bill be now read a second time.

On motion by Hon. C. G. Latham, debate adjourned.

House adjourned at 9.34 p.m.

Legislative Council,

Thursday, 17th October, 1935.

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

QUESTION—MIGRANTS, REPATRIATION.

Hon. C. F. BAXTER asked the Chief Secretary: As the Premier has been reported to have stated that he is willing to supply a return showing the position regarding the repatriation of migrants, will the Chief Secretary have a return made, showing—(a) the number of persons repatriated; (b) the total cost of such; (c) the names of individuals repatriated; (d) the individual costs of such repatriations?

The CHIEF SECRETARY replied: (a) 81 families; (b) £10,742 16s. 2d.; (c) and (d) it is not considered advisable to publish the names.

QUESTION—ELECTORAL, ENROLMENT.

Hon. R. G. MOORE asked the Chief Secretary: 1, What is the object of enrolling only Legislative Assembly electors in the house to house canvass now being made in the Kalgoorlie, Hannans, and Boulder electoral districts? 2, Is it intended, later on, to make a similar canvass in the North-East and South Provinces? 3, If not, of what use, if any, will be the present canvass in the electoral districts mentioned, in the preparation of the North-East and South Province rolls?

The CHIEF SECRETARY replied: 1, A canvass (electoral census) is not being made in the terms of Sections 39 and 40 of the Electoral Act. If a census had been ordered the results of such census could alone be used in preparing new rolls. (See Subsection 3 of Section 39.) Enrolment for the Legislative Assembly is compulsory but the great number of changes and the large increase in population on the goldfields has necessitated house to house inquiries, preliminary, if found necessary, to enforcing the compulsory sections of the Act. 2, Province electors are given the opportunity of enrolling but there can be no compulsion exercised. No electoral canvass (census) has been ordered. See reply to 1 as to census. (Copies of notices left with electors are attached.) 3, If an electoral canvass (census) was ordered new rolls would have to be prepared and the result of such census could alone be used in preparing such new rolls.

(Copies of Notices.)

To State Legislative Assembly Electors.

Enrolment and notice of change of address are both compulsory: the penalty on conviction for not complying with the Electoral Act being a maximum of £2.

If you have any doubt as to your enrolment, please fill in a claim card and forward it to the Electoral Registrar for your district or to the Chief Electoral Officer, Perth.

The rolls are being reprinted on 30th September, 1935, and persons who fail to enrol or give notice of change of address before that date will render themselves liable to prosecution.

(Signed.) H. R. GORDON,
Chief Electoral Officer.

To State Legislative Council (Province)
Electors.

Enrolment for a province is not compulsory, but an elector having any one of the following qualifications may claim enrolment for the Legislative Council:—

- (1) Has a legal or equitable freehold estate in possession situate in the Electoral province of the clear value of fifty pounds sterling; or
- (2) Is a householder within the province occupying any dwelling house of the clear annual value of seventeen pounds sterling; or
- (3) Has a leasehold estate in possession situate within the province of the clear annual value of seventeen pounds sterling; or
- (4) Holds a lease or license from the Crown to depasture, occupy, cultivate, or mine upon Crown lands within the province at a rental of not less than ten pounds per annum; or if the name of such person is on
- (5) The electoral list of any municipality in respect of property within the province of the annual rateable value of not less than seventeen pounds; or
- (6) The electoral list of any road board district in respect of property within the province of the annual rateable value of not less than seventeen pounds.

(Signed) H. R. GORDON,
Chief Electoral Officer.

QUESTION—PALMER'S FIND TOWN SITES.

Hon. J. CORNELL asked the Chief Secretary: 1, Was any assurance given by either the Lands or Mines Departments to intending purchasers of Palmer's Find townsite business lots that upon the establishment of business premises within the townsite no person would be permitted to conduct any form of business in any premises situate on Crown lands, or any gold mining lease? 2, If so, why has this assurance not been enforced?

The CHIEF SECRETARY replied: 1, No. 2, Answered by No. 1.

CONGRATULATIONS—CHIEF SECRETARY'S BIRTHDAY.

HON. J. CORNELL (South) [4.35]: I crave the indulgence of the House for a few moments to submit the following motion:—

That this House extends its congratulations and good wishes to the Chief Secretary, Hon. J. M. Drew, on his attaining his seventieth birthday.

Members: Hear, hear!

Hon. J. CORNELL: It is an old saying that "good wine needs no bush." Mr. Drew needs neither bush nor tree to demonstrate his sterling worth, or the estimation in which he is held by members of this House irrespective of the political party to which they may belong. My association with Mr. Drew has been close and long, extending now over 24 years. Almost on the day I entered this Chamber I formed a friendship with him that has endured despite the vicissitudes of politics and despite party considerations. Not only has it endured, but it has matured and has strengthened. I regard his friendship as more valuable to-day than at any other period in my 24 years' knowledge of the hon. gentleman. Without further ado I submit the motion, and wish Mr. Drew many more birthdays. May he and his good wife ever enjoy the greatest of all earthly blessings, God's good health!

HON. J. NICHOLSON (Metropolitan) [4.37]: I feel it to be an honour indeed to second the motion submitted in such a happy vein by the Chairman of Committees. What Mr. Cornell has said is, I am quite sure, echoed by every member of the Chamber; for there is no man who fulfils public duties with a greater sense of the responsibility attaching to the office he now has the honour of holding than Mr. Drew. It is indeed a happy circumstance in life to find Mr. Drew after 70 years on this earth presenting such vigour, and such ability to lead this House with high intelligence and with the greatest benefit to the State at large. Mr. Drew at 70 years is an astounding testimony to the value of age in the service of such a Chamber as this.

Hon. J. Cornell: And he looks about 17!

Hon. J. NICHOLSON: As Mr. Cornell suggests, if Mr. Drew's age were to be determined by his looks, everyone would say that he was a man very much younger in years than actually is the case. I re-echo the good wishes expressed by Mr. Cornell, that

both Mr. Drew and his good wife, Mrs. Drew, may have long years together and be blessed with that greatest of blessings which can be bestowed only by good Providence—the blessing of good health.

HON. C. F. BAXTER (East) [4.39]: I am indeed pleased to have the opportunity to support the motion before the Chamber. The good health of our distinguished Leader, Mr. Drew, is an object lesson and a guidance to every hon. member. What little success I attained as Leader of the Legislative Council during a period of three years I regard as largely due to my knowledge of our distinguished Leader, thus being enabled to follow the good example set by him in the conduct of business. As Mr. Cornell has rightly said, Mr. Drew is held in the highest esteem by all sections of political thought. In this Chamber, I hope, there are no differing sections. However, each and every member of the Legislative Council holds the same opinion of Mr. Drew as a man and as a statesman—I will not use the word “politician.” During the short period of his absence from the House Mr. Drew was greatly missed. It was with a happy sense of gratification that we learnt he was returning after that spell away. His presence here had always been felt, as it is now. At every opportunity Mr. Drew has sought, and seeks, not only to do what is best for the State and for all sections of the people, but also to uphold the traditions and rights of the Legislative Council, irrespective of friend and foe alike. I trust Mr. Drew will have many more birthdays showing the same robust health as he exhibits to-day, and that for many, many years yet we shall be blessed with his presence in this Chamber and have his able assistance in carrying out the functions of the Legislative Council. I have the greatest pleasure in supporting the motion.

HON. G. W. MILES (North) [4.41]: I have the utmost pleasure in endorsing the remarks of previous speakers made in wishing Mr. Drew many happy returns of the day. I hope the general good feeling towards him will find practical expression by his return unopposed at the next election.

Members: Hear, hear!

HON. V. HAMERSLEY (East) [4.42]: As one who has been in this house for a number of years, and moreover as one who

was present when Mr. Drew first assumed the Leadership of the Chamber, I can speak with all sincerity in appreciation of the work he has performed, and of the kindly manner in which he has always carried out the duties that have devolved upon him. I must also mention the great consideration and courtesy he has shown to all members throughout the various periods when he has represented the Governments in which he has been a prominent figure. I feel sure it was that spirit of kindness and good nature, aided by clear deliberation, that has enabled him to be so excellent a guide of the destinies of Western Australia. Mr. Drew has held his present leading position in every Government with which he has been associated. The spirit that has guided Mr. Drew has been of the utmost value to those various Governments, and has fostered the kindly feeling between the two Houses of Parliament that is remarked within this State. I am one of those who have the highest appreciation of Mr. Drew and I sincerely join in wishing him success and prosperity, and many years' enjoyment of the fruits of his labours.

THE PRESIDENT [4.45]: Before putting this motion I should like to say that Mr. Drew has been a member of every Labour Ministry the State has had, except the Dalglish Ministry. I have been a member of the House during all the years that Mr. Drew has been a Minister, and I can say without the slightest fear of contradiction that no other member of any of those Ministries has had such a difficult task as Mr. Drew has had to face session after session in piloting through the Chamber the Bills of Labour Governments. He has during all that time shown a wonderful knowledge of members of the House, has proved himself a marvellous judge of men. It is through his tact and ability that his party has been able to do so much during all those years, and his tact and ability have also prevented anything in the nature of friction between the two Houses. Mr. Drew has the satisfaction of realising that the more we know of him in this House the better do we appreciate him. We trust that he will long remain a member of the Council, for we admire and respect him for his fairness, his industry and the keenness of his desire to do the very best in the interests of his own native country, Western Australia.

Question put and passed.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.47]: This is an entirely unexpected honour which has been conferred upon me. I did not dream that anything like this would occur this afternoon, and I am simply overwhelmed by the kindly sentiments that have been expressed towards me and the good wishes that have been expressed towards my wife. I cannot see that I deserve all that has been said in my favour. When first I entered the Council I was a young man, and largely the training I received in those days led to the course I have since adopted. It has been a rule of my life never to indulge in personalities. I attack arguments, and arguments alone. I feel that I deserve no special credit for that, but, as I say, I always attack the arguments, leaving the member alone, and it seems to me that is the only possible method for a member of Parliament to adopt. In return I may say that although frequently I have been severe in my criticisms in an endeavour to demolish the case of the other side, I feel sure it cannot be said that I have ever incurred the enmity of any member of Parliament. I have always been on the best terms with members, and nothing has occurred to disturb the friendship that has ever existed between us. That, I have attributed to the generous spirit of the members of the Council with whom I have had to deal. My experience in Parliament, whether long or short, will always bring back to my mind the most pleasant recollections of my tenure of office—and I have had a lengthy tenure as Leader of the House. That I am the only one to whom such honour as I have received this afternoon has been extended, is due to the fact that no other Leader of the House has reached the age of 70 years during the period of his leadership. I trust there will still be others who will deserve to a greater extent than I the honour extended to me this afternoon. Mere words cannot express my feelings, but on behalf of my wife and myself I gratefully acknowledge the honour conferred upon me.

STANDING ORDERS SUSPENSION.

THE CHIEF SECRETARY (Hon. J. M. Drew—Central) [4.50]: I move—

That so much of the Standing Orders be suspended as is necessary to enable a Supply Bill to pass through all its stages at one sitting.

I had expected the Supply Bill to come down to-day, but I now understand it will not be here until Tuesday next. Nevertheless, it can do no harm to suspend the Standing Orders to-day, since notice has been duly given.

Question put and passed.

BILL—WORKERS' HOMES ACT AMENDMENT (No. 3).

Introduced by Hon. J. Cornell and read a first time.

BILL—TRAFFIC ACT AMENDMENT.

Report of Committee adopted.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th October.

HON. J. J. HOLMES (North) [4.55]:

The underlying principle of the Bill is the creation of an appeal court or board for the hearing of appeals from determinations of the State Transport Board. It may be that such a court of appeal is justified, but still I do not think an appeal from the State Transport Board to a local magistrate is going to have the desired effect. However, there is some justification for the Bill because it is recognised, particularly in any branch of the Government service, that everyone should have the right of appeal. A lot of people who have put money into road transport have had their business taken from them without any redress. That, of course, is a very bad state of affairs, but I cannot help thinking the blame must be shared by those members of the House who have ever been so ready to support, or even bring forward, proposals for the building of agricultural railways. Time after time has the House been induced to authorise the construction of agricultural railways which nobody with any sense ever thought would pay. In many instances those railways were not justified, and if they had not been constructed the districts in which they are now running would have had a perfectly satisfactory motor service, not in competition with any railway, and so the people

would have got a service well suited to present-day conditions. However, the House has been led astray by the policy of building agricultural railways that were never justified and, as I say, that in itself has served to bring about the present unsatisfactory condition. Even two years ago, the session before last, when the depression was with us and settlers were leaving their farms, and the Government did not know what to do to induce them to remain in possession of their farms, we authorised the construction of two agricultural railways. Doubtless some of the members who supported those proposals have since regretted it. I knew, and numbers of other members knew, that those railways were not justified. I would go further and say it was never intended to build those railways, except as a means of providing a new works policy on which to borrow money. This policy of "You vote for my railway and I'll vote for yours," has been responsible for the construction of many railways that should never have been built. The State having embarked so much capital in the construction of those railways, I do not think it fair for some of the representatives of those districts, who had their super and wheat carried at a cheap rate on the railways and sent their goods at a payable freight by motor transport, to come to the House and complain of the treatment they have had. If the Bill had provided for an appeal to the Minister, it would have received my support. I have already explained why I object to a magistrate in a particular district having the right to come to a decision he may think proper. Again, I draw attention to paragraph (c) of Subclause 2 which I consider is foreign to the title. It proposes an amendment to the Municipal Act by allowing a municipality or road board to expend public funds in fighting these cases before the court. In my opinion such an amendment should not find a place in a Bill of this description; it should be in a Bill to amend the Municipalities or Road Districts Act.

HON. C. H. WITTENOOM (South-East) [5.47]: I intend to support the second reading of the Bill because I can say in all truth that my sympathies are entirely with the settlers of the Kojonup district in their request to be able to appeal to the local magistrate. Members like my colleague and

myself are able to appreciate the disabilities under which the residents of the Kojonup area suffer by reason of the attitude of the Transport Board. The needs of the State for economic development particularly in that part of the State, demand impartial and equitable treatment of all conflicting interests. In my opinion no other district has had the same treatment as has been meted out to the people of Kojonup. Before the Act came into force, they were enjoying excellent transport communication with the metropolitan area, and I am confident that when members voted in favour of the Act which is now in force, they did think that some consideration would at all events be given to instances such as have been quoted by my colleague. It appears to me that the only relief that has been granted by the Transport Board is exactly the same as that which has been given all over the State, and that is merely a slight relief in the way of freight charges on the railways. It has been very slight indeed. We thought that when motor trucks were put off the roads the freight charges on the railways would come down until they approximated somewhat the charges made by the trucks. I am not sure whether I read this in the report of the Transport Board or in the statement made by the Chief Secretary. An effort has been made to show by figures that the fat lamb industry was not affected by motor vehicles being prevented from carrying merchandise on their return journey from Perth. The fat lamb industry is almost in its infancy, and I am sure that if the Kojonup district were not subjected to the treatment about which we complain, it would become a big producer of export lambs. But to talk of sending lambs by rail over a distance of 240 miles exposing them to several changes and many stops and consequent rough treatment when the journey could be done comfortably by road over a distance of about 160 miles, is futile.

Hon. G. W. Miles: Will not the fat lambs shortly be shipped from Albany?

Hon. C. H. WITTENOOM: They will go from Albany next year. At the present time lambs have to be shipped from Fremantle. It would be quite all right if the stock were going to the Midland saleyards where they would be sold and perhaps slaughtered on the same day, but we all know that lambs for export have to be carefully handled. The Minister stated

that the freight charged by the trucks when they were able to take lambs to Fremantle and return with merchandise was exactly the same as that of the railways. That is not the point at all. What we have to consider is the loss of time in transit by rail, and more important still, the rough treatment which is avoided by sending them to Fremantle by motor vehicle. The Minister has told us that permission has been given to use motor trucks for the carriage of lambs, but if the trucks have to come back empty the cost of sending the lambs to Fremantle in that way is excessive. There are many other disabilities under which the Kojonup farmers suffer at the present time, but I do not intend to refer to them at this stage. I shall support the second reading of the Bill.

HON. E. H. ANGELO (North) [5.52]: From what I have read in the Press regarding the treatment of the Kojonup people by the Transport Board and from what Mr. Thomson has told us, I cannot but conclude that harsh treatment has been the lot of those people and my sympathies go out to them. At the same time, I do not think that the introduction of the Bill is the right way to rectify the grievance. The Bill will create a precedent.

Hon. A. Thomson: The Transport Board created a precedent when they drove the trucks off the road.

Hon. E. H. ANGELO: If the community thought that the Transport Board were not doing the right thing in some way or other, a Bill could then be introduced. The hon. member would have been better advised had he moved a motion asking this House to express the opinion that the Transport Board were not giving the Kojonup district a fair deal.

Hon. A. Thomson: Have you read their report?

Hon. E. H. ANGELO: I have. I feel certain that if the hon. member could have put up a good case, the motion would have received support and in all probability it would have been carried. I for one would have voted for it, but I cannot vote for the hon. member's Bill.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.54]: Like the hon. member who has just spoken, my sympathies are with the people of the Williams, Wandering and Kojonup areas, and I consider that

special consideration should be given to them by the Transport Board because of the difficulties under which they are labouring. But when I am asked to support a Bill to amend the State Transport Act in the direction the hon. member suggests, I am not able to do so. The Transport Board is still on its trial. I sympathise with the hon. members representing the South-East Province in their efforts to get the Bill through so that the people in that part of the State who have been harshly treated may derive some benefit or may be placed on an equality with the people in other parts of the State who may be more favourably situated.

Hon. H. V. Piessé: The board granted the Wandering area certain facilities.

Hon. J. M. MACFARLANE: But not enough to fill the bill.

Hon. H. V. Piessé: Why not give us practical sympathy?

Hon. J. M. MACFARLANE: We are being asked to put on the statute-book an amending Bill that will apply to the whole State. I cannot support any such proposal.

HON. A. THOMSON (South-East—in reply) [5.56]: The hon. member who last spoke expressed his sympathy for the people of the district and said he could not agree to an amendment of the Act which would apply to the whole of the State. I draw his attention to the fact that it does not apply to the metropolitan area, and that it does not affect the province he represents.

Hon. J. M. Macfarlane: I know that.

Hon. A. THOMSON: Not one person in the metropolitan area has suffered any disability. Let me also take exception to what was said by my friends from the North province. That province is exempt, and it has suffered no disabilities at all under the Transport Co-ordination Act.

Hon. G. W. Miles: You cannot look at anything except from the angle of your own particular area.

Hon. A. THOMSON: I think I am justified in drawing attention to the serious disabilities from which a portion of my electorate is suffering, the people of which requested me to introduce the Bill. I also draw the attention of my friends from the North province to the fact that they have a State Shipping Service, and that it is

not definitely laid down that the people in the North shall use that service and no other.

Hon. G. W. Miles: A great pity it has never been abolished.

Hon. A. THOMSON: All I am asking is that a similar privilege shall be extended to the electors in the South-East province, nothing more and nothing less. The reply of the Chief Secretary to my opening remarks was astonishing to me. I have carefully read and re-read what I said on that occasion, and I fail to understand how he or anyone else could construe what I said to mean that I desired to give power to the local authorities to enter into business as common carriers in competition with the Railways. I am somewhat constrained to draw upon the Bible for an illustration and to refer to the fact that when Isaac desired to bless his firstborn he said that the voice was the voice of Jacob but the hand was the hand of Esau. While the voice that delivered the speech in the House was that of the Chief Secretary, the hand that prepared the statement indicated the official mind of the Transport Board.

Hon. J. Cornell: Does a municipality or a road board own commercial goods vehicles?

Hon. A. THOMSON: No.

Hon. J. Cornell: Then why do you give them the right of appeal?

Hon. A. THOMSON: If the hon. member will read the Bill, he will see they are acting on behalf of the people of the district. At any rate that is the intention. As I have said it was the official mind of the Transport Board that was evidenced in the prepared speech that the Chief Secretary delivered, and the statement was a deliberate and gross misrepresentation respecting the purpose of the Bill.

The PRESIDENT: Did I understand the hon. member to say that any member of the House was guilty of deliberate misrepresentation?

Hon. A. THOMSON: No. I said that the reply prepared for the Chief Secretary by the Transport Board conveyed that. I did not say that the Minister was guilty of deliberate misrepresentation.

Hon. J. Cornell: But the Minister spoke in this House and not the Transport Board.

The PRESIDENT: The Minister made the statement in the House, and I wish the hon. member would not use the word "deliberate." I do not think that any member of this House, seeing that he is responsible

for his utterances in the Chamber, would deliberately misrepresent the position.

Hon. A. THOMSON: I will withdraw the word "deliberate" and say that the statement was a gross misrepresentation of the purposes of the Bill.

Hon. G. W. Miles: Is there any difference, Mr. President, between that statement and Mr. Thomson's earlier remark?

Hon. J. Cornell: It is a case of Tweedledum and Tweedledee.

The PRESIDENT: There may be gross misrepresentation, but it may not be deliberate. Mr. Thomson may proceed.

Hon. A. THOMSON: Doubtless that statement was intended to lead a large number of railway employees and the public generally to believe that the Bill was an insidious attempt to injure the railways. I introduced the Bill because the people of Kojonup felt that they had been suffering for a considerable period under the control exercised by the Transport Board and asked that something should be done. At the request of the Kojonup Road Board and people of the district I introduced the measure. I represent that district, and I am entitled to voice matters affecting their interests. That is what I am here for.

Hon. C. B. Williams: You do not make half the fuss that North Province members do.

Hon. A. THOMSON: The Transport Board in their second report for the year ended the 30th June, 1935, include the following statement:—

On the 24th April, 1935, Mr. Stubbs, M.L.A., and the Hon. Mr. Thomson, M.L.C., together with Mr. Honner, chairman of the road board, and Messrs. Benn and Partridge, members, waited upon the Minister and said that in their opinion the decision of the board should be reversed, and that the board should not be required to license motor trucks to carry all classes of goods to and from the Kojonup district. The Hon. Mr. Thomson said that it seemed to him that the action of the board had been to impose disabilities upon the country districts and not one had been imposed on the metropolitan area, and he made the challenge—

And I repeat the challenge here—

—that "not one service that was running prior to the inception of the Transport Board had been eliminated so far as the metropolitan area was concerned, but when it came to the country districts it had meant that the whole of the country districts had suffered."

Hon. H. V. Piesse: There are too many electors in the metropolitan area.

Hon. A. THOMSON: Then the Board refer to Section 33 of the State Transport Co-ordination Act. Here I think there is confirmation of the statement I made when the measure was before Parliament. Here is an admission by the Transport Board that it affects the country districts only and not the metropolitan area. When the Minister was dealing with the Bill—I quote his speech as it appeared in the Press—he said—

The Bill would also give the right of appeal to present-day applicants for licenses which had been refused. Under the State Transport Co-ordination Act only those who held licenses on the 31st December, 1933, had a right of appeal, and for a very good reason. Those people had vested interests. They had built up businesses, to a greater or lesser extent, and it was only just that the refusal to grant them a license should be subject to an appeal to a magistrate.

How did the Transport Board deal with the appeals? I draw the attention of members to another section of the board's report which appears on page 5. Therein they state that a careful review was made of all the particulars and the board was convinced that the existing state of affairs could not be permitted to continue if the intention of the Act was to be adhered to. The reference there is to the failure on the part of road transport operators to convey what are classed as "low-freight goods." I do not intend to go into details, but when I have been challenged in this Chamber with endeavouring to take away the power of control from the Transport Board, naturally I must endeavour to justify my action. For that reason I am dealing with the position. In the report the board say—

Approximately 100 applications for licenses to operate between the metropolitan area and country towns were refused, and in 51 of these instances the applicants lodged appeals against the board's decisions, as provided in Section 24 of the Act.

I want members to follow what I am reading and to mark the hypocrisy that the statement embodies. The report continues—

Requests were then made that the applicants be permitted to continue operating pending the hearing of their appeals, and temporary licenses were issued for a period of two months from the 1st July, 1934, and were later renewed for a further period of one month. Further representations were made to the board in September, 1934, the result of which was the execution of deeds between the board and the appellants, in which the latter volunteered—

I want to nail down that word "volunteered"—

—to withdraw the appeals lodged in consideration of their being permitted to continue their operations until the 31st December, 1934, on which date they would (and did) cease to operate.

I say definitely that the board imposed conditions upon the motor owners who "volunteered" to withdraw their appeals in the same way as the Abyssinians are volunteering to retire in the face of Mussolini's armed forces to-day.

Hon. J. Cornell: That is only a rumour.

Hon. A. THOMSON: The Abyssinians have volunteered to retire because they have been compelled to do so. In effect the Transport Board have adopted much the same attitude. They said to the motor owners, "Your position is such that we will not grant you an extension of time, and you must wait until the appeals are heard." The Government decided that all such appeals were to be heard in the metropolitan area, and it will be remembered that I moved that the regulation should be disallowed. The motor owners had no choice but to accept dictation from the Transport Board and that is amply demonstrated by the Board, who claim that they have extended justice to every person. The Minister said that the right of appeal was given in view of the vested interests involved. The most amazing thing to me, in view of that admission, is that the persons concerned did not receive one penny by way of compensation, although their living had been taken away from them. I mention that fact to show how generous the board have been to people who "voluntarily," as they say, retired from their appeals. It was not a matter of voluntary retirement but of compulsion, and it is merely rank hypocrisy for the board to submit such a statement to Parliament. It is misleading to the public and is unfair. Under Sections 24 and 27 we provided for appeals but unfortunately that right applies only to those who had commercial goods licenses as at a particular date. If a man held a driver's license and the Transport Board suspended it, the individual, under Section 54, could appeal to a stipendiary magistrate against the Board's decision. Therefore, the Act provides the right of appeal for an ordinary motor car driver, but settlers in the country districts who are suffering disabilities because of the operations of the Transport Board have not that

right of appeal also. In my opinion it was the intention of Parliament—it was my intention, and I was the member who moved to secure the right of appeal—that the people in the country districts should have the right of appeal.

Hon. J. Cornell: I hardly think the hon. member has quoted Section 54 fairly and squarely.

Hon. A. THOMSON: I have no desire to quote anything unfairly. I do not adopt those methods and I hope Mr. Cornell will exonerate me from any such intention.

Hon. J. Cornell: Section 54 deals with licenses that are issued.

Hon. H. V. Piesse: And these licenses were issued.

Hon. A. THOMSON: That is so, and the section also deals with quite a number of different matters. I maintain that the statement I made was perfectly correct. Probably because of the action I had taken on behalf of some electors in my province, I have not received the treatment I was entitled to expect. Bearing that in mind, I draw the attention of hon. members to the disdainful reply the Board gave to a question I asked on the 2nd October. The Chief Secretary had made a statement that 589 motor trucks had been licensed and in the questions I submitted in the House I asked how many of those trucks had been licensed in the metropolitan area. In my remarks I had naturally referred to trucks outside the metropolitan area, but I wanted to make sure of the position. The reply I received was "None—see Section 33 of the Transport Act." That reply gave me information that I already possessed. They do not license commercial vehicles in the metropolitan area but deal only with buses. Then I asked how many motor trucks outside the metropolitan area had been granted a license to convey commercial goods and the reply I received was: "589." I further asked a very plain question as follows:—

How many motor trucks have been granted, outside the metropolitan area, a license to convey commercial goods and on what routes do they trade?

The reply no doubt was a very clever one and the Transport Board should be thanked for their generosity in enlightening us as they did. The reply was—

For interpretation of "goods" see Section 3.

That was a deliberately evasive reply, and I strongly object to members of Parliament

being flouted in that fashion by the Transport Board. The definition of "goods" in Section 3 is as follows:—

"Goods" includes livestock and goods, wares, merchandise, commodities and movable chattels of every description.

The board's reply was insulting and I take strong exception to it. The board knew that within a few days they would be submitting their report to Parliament. I asked on what routes the trucks were trading and the reply was that the question would involve the preparation of a return. The Minister, in speaking on the Bill, said that the board, in the course of their investigations, had acquired knowledge which qualified them for their responsibilities. I must assume from that statement that the board have a thorough knowledge and a perfect record of all their transactions. They could inform the House that 589 trucks had been licensed outside the metropolitan area, but judging by their answer, they have no record of the number of vehicles licensed to carry goods, as provided for in Sections 32 to 43 of the Act which they are paid to administer. Let us be generous and concede that the board were anxious to give the House the fullest information on the subject. To enlighten us, they graciously advised us to look up Section 3 of the Act, which we must assume contained all the information that was in their power to give. Apparently the question regarding the routes for which licenses had been granted was far too involved for the knowledge possessed by the board. Certainly the board knew that they had granted 589 licenses for motor trucks. That was an easy question to answer. Apparently, however, they granted every application without obtaining the information deemed necessary under Section 35 of the Act. My question was quite simple, "On what routes do they trade?"

Hon. J. Cornell: Surely the hon. member did not expect to get the answer he wanted?

Hon. A. THOMSON: It is time we got reasonable answers and were not insulted, as I was, by the answer given. Section 35 reads—

Every application for a commercial goods vehicle license shall be in writing, and shall contain the following particulars:—(a) the route or area upon or in which it is intended that the commercial goods vehicle is to operate; (b) a description of the vehicle in respect of which the application is made; (c) the classes of goods proposed to be carried; and (d) such other particulars as are prescribed.

I am compelled to assume from the answer given that the board have granted 589 licenses without acting in accordance with the provisions of Section 35, and consequently they are not in a position to tell us how many commercial goods vehicle licenses have been granted. If the replies given to a member of Parliament seeking information and acting on behalf of the electors who returned him is a sample of the board's administration, in the name of heaven, what sort of treatment have the board meted out to truck owners and to people situated as are those in the Kojonup district? This is a despotic board from whose decisions nobody can appeal. Talk of Mussolini and Hitler! Some of the taxpayers in the Kojonup district consider that the Transport Board are on quite an equal footing with those men as dictators. Is it not time that the House indicated in no uncertain manner that it will not tolerate evasive and insulting answers from boards or departments that are the creation of Parliament and are paid by the Crown. If we submit to answers of the kind, we shall be creating an army of official autocrats who seem to be prepared to trample on the rights of the people. I for one refuse to submit to that. Some of my electors cannot understand the attitude of the Government in refusing the right of appeal against the decisions of the Transport Board. They contend that if it is right for the railway porter, the railway stationmaster, the police officer and other public officers in the Kojonup area to have the right of appeal, surely the men who are braving the task of wresting a living from the land should be entitled to a similar privilege. When the Electoral Commission were making inquiries, we were supplied with information showing how essential it was that the State Electoral Office should be retained. The rolls had to be maintained so that the polls could be taken under the Factories and Shops Act, for the election of mine workers' inspectors, for the election of members of the Railway Appeal Board, for the election of members of the Prison Employees' Appeal Board, for the election of members of the Lunacy Employees' Appeal Board, and for the Civil Service Appeal Board.

Hon. J. Cornell: Is the last-named under the Electoral Act?

Hon. A. THOMSON: No, but the others are. I do not object to those bodies of

Government employees having the right of appeal; in fact, I strongly support the principle, but it is amazing that the Government should consider it just for their servants to have the right of appeal while settlers working under adverse conditions are not to have a similar privilege. Let me deal briefly with the final remarks of the Chief Secretary in his speech. He said that the board, in the course of their investigations, had acquired knowledge which qualified them for their responsibilities. He added—

Mr. Thomson would give a magistrate, not possessed of the requisite knowledge, full power to override their decisions, to permit commercial vehicles to compete unfairly with the State railways, and to pick the eyes out of the traffic and leave the railways to carry the unprofitable lines. Mr. Thomson would set up various courts of appeal, each unequipped for the task of deciding whether William Jones or James Smith was entitled to a license over a route which the board considered should not be granted. If Mr. Thomson thought that every magistrate had all the necessary knowledge at his finger tips, his Bill should be one to abolish the board and leave the issuing of licenses to the magistrate.

I have no intention of abolishing the board. I stated in this House and at public meetings that the board would no doubt act justly, and that if any injustice were done, we would be able to amend the Act in a manner that would relieve the difficulty.

Hon. J. Cornell: If an individual applies to join the railway service and his application is not entertained, he has no right of appeal.

Hon. A. THOMSON: No, but if an employee of the railways suffers any disabilities or has a grievance against a superior officer, he has a right of appeal.

Hon. J. Cornell: That is the position under the Transport Act.

Hon. A. THOMSON: I am merely asking that the people in the Kojonup district should be given the right of appeal, but the Transport Board say, "No, we will not grant you licenses."

Hon. J. Cornell: The Licensing Board do the same thing.

Hon. A. THOMSON: That is a totally different matter. The Licensing Board deal with applicants who wish to enter a business in order to make profit for themselves, but the settlers of the Kojonup district are compelled to cart their produce and other goods 15, 18 or 20 miles away from Perth and then pay railway freight for a haulage

of 240 miles. Surely that cannot be logically supported as being in accordance with Section 10 of the Act, which requires the board to give consideration to the needs of the State for economic development. The people of Kojonup are suffering from economic disabilities imposed by the Transport Board, and can it be said that the board have given impartial and equitable treatment to all conflicting interests? Let me direct attention to the board's report, page 5, where the following occurs:—

Settlers and traders in one district in particular, namely, Kojonup, have repeatedly voiced protests against the cessation of road transport to and from the metropolitan area, but a complete investigation of the circumstances proves that the objections put forward do not justify the duplication of services in that area.

Who decided that the circumstances did not justify a duplication of services in that area? Though the settlers and traders of the district have voiced protests and have repeatedly requested consideration, the board's reply has been "No." Surely those people are entitled to some consideration. I wish to direct the Chief Secretary's attention to one paragraph in particular, and I say that, knowing him as I do, I am sure he does not approve of it. It is paragraph 31 of the board's report which reads—

Further, as a result of the serious misrepresentations which have been made by those who claimed to speak for the district from time to time, the board feel bound to draw attention to the statements made in endeavouring to support their alleged claims.

There is a direct challenge to the residents of that district regarding those who have been voicing the protests. Such a paragraph is an insult to the member for Wagin, to myself and to the chairman of the Kojonup Road Board, as well as to those who specially journeyed from Kojonup to Perth to submit their requests by way of deputation to the Minister. Yet the board accuse us of having made serious misrepresentations. I claim that the board have adopted an attitude towards the Kojonup people that is entirely inconsistent with the powers which we considered had been vested in them.

Hon. C. B. Williams: What have you to say about paragraph 36 of the report? They say the rates are £1 1s. 4d. cheaper by rail.

Hon. A. THOMSON: The argument is the other way. I do not say that the Kojonup Road Board, or the settlers, or the board are in the right.

Hon. H. V. Piesse: But the settlers require the convenience.

Hon. A. THOMSON: Yes. They should have the right of appeal, which is all I am asking for.

Hon. J. Cornell: Could not the hon. member confine his attention to the particular locality affected?

Hon. A. THOMSON: This matter came before our organisation, and has been made a party question. The settlers of the district felt so greatly injured by the action of the Transport Board that in season and out of season they have protested against it. A committee was appointed to approach the Parliamentary Draftsman to frame a measure dealing with the matter. We interviewed Mr. Wolff, and we now submit what he considers will remedy the difficulty.

Hon. J. Cornell: But it would apply all over the State.

Hon. A. THOMSON: Very well. Places like Katanning and Narrogin could not hope to appeal against the decisions of the board under the existing law.

Hon. J. Cornell: They could do so under the hon. member's Bill.

Hon. A. THOMSON: A resident magistrate has power to commit a man for murder, or, under the State Transport Co-ordination Act, to inflict a fine. To say that he would not also be competent to deal with evidence that would be submitted to him is to suggest that he is not competent to give a decision upon any matter referred to him. I have spoken somewhat heatedly. I have carefully left out all matters relative to the railways or any contentious questions. All I ask is that these people shall have the right of appeal to a resident magistrate against the decisions of the Transport Board.

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

Ayes	..	..	..	..	12
Noes	..	..	..	..	12
					—
A tie	..	..	..	..	—

AYES.

Hon. C. F. Baxter
 Hon. L. B. Rolton
 Hon. J. Cornell
 Hon. J. T. Franklin
 Hon. V. Hamersley
 Hon. J. Nicholson

Hon. H. S. W. Parker
 Hon. H. V. Piesse
 Hon. A. Thomson
 Hon. C. B. Williams
 Hon. H. J. Yelland
 Hon. C. H. Wittencoom
 (Teller.)

NOES.

Hon. E. H. Angelo
 Hon. A. M. Clydesdale
 Hon. L. Craig
 Hon. J. M. Drew
 Hon. G. Fraser
 Hon. J. J. Holmes

Hon. W. H. Kitson
 Hon. J. M. Macfarlane
 Hon. G. W. Miles
 Hon. T. Moore
 Hon. H. Tuckey
 Hon. E. H. Gray
 (Teller.)

The PRESIDENT: I shall follow the ordinary Parliamentary practice in casting my vote. So that the Bill may receive further consideration, I shall vote with the ayes. The ayes have it.

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. Cornell in the Chair; Hon. A. Thomson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 37 of principal Act:

Hon. J. NICHOLSON: Municipalities and road boards come in a different category from other bodies. I move an amendment—

That in line 2 of proposed Subsection 2 the words "or any municipality or road board" be struck out.

Hon. A. Thomson: I have no objection to the amendment.

Amendment put and passed.

Hon. J. NICHOLSON: In paragraph (e) of the same subclause the words "or any municipality or road board" should also be struck out.

The CHAIRMAN: That is consequential.

The HONORARY MINISTER: I think we should also strike out the words "or any other person" in lines 2 and 3 of the proposed subsection. Who would "any other person" be?

Hon. J. Nicholson: That refers to any other person who is interested in an application.

The HONORARY MINISTER: To what will this lead? We should not agree that "any person" should have the right to cause an appeal to be made to a magistrate in connection with a license for some other person. I move an amendment—

That the words "or any other person" be struck out.

Hon. A. THOMSON: When the Transport Board refused to grant certain farmers a license, they had to make a test case of the whole thing. A group of people may desire that a truck license be granted in their district, and such people would be comprised in the words "some other person." This is taken practically word for word from the New South Wales Act.

The CHAIRMAN: The paragraph does appear to be ambiguous.

The HONORARY MINISTER: The paragraph would give any person a right to appeal also against any of the terms and conditions attached to a license. That would certainly lead to a number of vexatious cases. From all we have heard regarding the district, it is evident that numerous people there feel keenly on the subject, and are prepared to test the matter if given an opportunity. They are also prepared to empower the local authority to test it on their behalf.

Hon. G. FRASER: The word "feeling" will have to remain, or the clause will not read correctly.

Hon. H. S. W. PARKER: As a lawyer, I say the provision ought to be allowed to stand as it is, since it gives every person in the district an opportunity for litigation. As the Honorary Minister pointed out, if the board grant a certain route, every person not residing on that route will object. I do not know where finality would be reached as regards the license. If the route is along road A, the people on road B will object; and if the route is shifted to road B, residents on road C will in their turn object. Eventually the owner of the service would decline to run it at all.

Hon. A. THOMSON: What are the conditions that will apply under the provision as amended? Under Section 24 any appeal must be backed by a deposit of £10. People will not raise frivolous objections while that condition obtains.

The CHAIRMAN: The hon. member's amendment proposes to do away with that stipulation.

Hon. A. THOMSON: No. Section 24 remains in the Act.

The CHAIRMAN: But the hon. member's amendment destroys it.

Hon. A. THOMSON: No. Section 24 deals with omnibus licenses. It is Section 37 I propose to delete.

The CHAIRMAN: The hon. member's Bill does not continue the stipulation that

in relation to any such appeal the provisions of Subsection 2 of Section 24 shall apply, and so on.

Hon. A. THOMSON: Yes. In connection with any appeal the appellant will have to put up a deposit of £10. I hope the Committee will be content with striking out only the words "or any other person."

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

Ayes	14
Noes	8
Majority for	6

AYES.

Hon. C. F. Baxter	Hon. J. J. Holmes
Hon. A. M. Clydesdale	Hon. W. H. Kitson
Hon. L. Craig	Hon. J. M. Macfarlane
Hon. J. M. Drew	Hon. G. W. Miles
Hon. J. T. Franklin	Hon. T. Moore
Hon. G. Fraser	Hon. H. S. W. Parker
Hon. E. H. Gray	Hon. H. Tuckey
	(Teller.)

NOES.

Hon. V. Hamersley	Hon. C. B. Williams
Hon. J. Nicholson	Hon. C. H. Wittemoor
Hon. H. V. Piesse	Hon. H. J. Yelland
Hon. A. Thomson	Hon. L. B. Bolton
	(Teller.)

Amendment thus passed.

On motion by Hon. J. Nicholson, paragraph (e) of proposed Subsection 2 struck out.

Progress reported.

House adjourned at 6.15 p.m.

Legislative Assembly,

Thursday, 17th October, 1935.

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

QUESTION—STATE SAW MILLS, FINANCES.

Mr. BROCKMAN asked the Treasurer: 1, How has the amount of £62,024, stated

by him to have been received by the Treasury from the State Saw Mills, been built up? 2, By how much will the payment of that sum (a) reduce the yearly interest on loans being paid off by the State Saw Mills; and (b) increase the yearly surplus of the concern? 3, Is the surplus credited to the State Saw Mills or is it taken into Consolidated Revenue?

The MINISTER FOR JUSTICE (for the Treasurer) replied: 1, Reduction of stocks built up in years of bad markets has placed the banking account in a position to repay an advance made some years ago from Revenue. 2, (a) £3,650. (b) Profit and Loss Account charges will be reduced by a similar amount. 3, Any surplus on Profit and Loss Account, such as referred to in No. 2, is paid to Consolidated Revenue in accordance with the provisions of the Trading Concerns Act.

QUESTION—POINT SAMPSON JETTY.

Mr. WITHERS asked the Minister for Works: 1, Is it a fact that turpentine piles are being imported for the Point Sampson jetty? 2, If so, why are local piles not being used?

The MINISTER FOR JUSTICE (for the Minister for Works) replied: 1, No. 2, Answered by No. 1.

QUESTION—QUAIRADING ROAD BOARD, COMPLAINT.

Hon. C. G. LATHAM asked the Minister for Works: Will he lay on the Table of the House all papers relating to a complaint by one M. J. O'Hanlon against the decision of the Quairading Road Board granting permission for the erection of gates across Road No. 3768, which passes through C. J. Woodroffe's property at Balkuling?

The MINISTER FOR JUSTICE (for the Minister for Works) replied: It is not considered advisable to lay them on the Table at the present juncture, for the reason that they may contain evidence that could be used by Mr. O'Hanlon in connection with certain court proceedings that he admits he is taking against the road board and against Mr. Woodroffe, but the departmental file is available to the hon. member for his own personal perusal.