

## Legislative Council.

Thursday, 22nd October, 1942.

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The PRESIDENT took the Chair at 2.15 p.m., and read prayers.

### QUESTIONS (3).

#### EGGS.

##### *Supplies for Military Forces.*

Hon. G. B. WOOD asked the Chief Secretary: 1, Is the Government aware that a considerable quantity of dried eggs is being brought from the Eastern States for the use of the Military Forces in Western Australia? 2, In view of the plentiful supply of fresh eggs available in this State, will the Government endeavour to persuade the military authorities to patronise local industry?

The CHIEF SECRETARY replied: 1, Yes; 2, Fresh eggs are not included in the Army ration. Handling and transport would present almost insuperable difficulties. Local dried eggs will be utilised by the military authorities as soon as these are available.

#### DEFENCE.

##### *As to Government Employees.*

Hon. H. SEDDON asked the Chief Secretary: 1, With regard to the number of Government employees in the Military Forces, can he advise the number of such men who were formerly in the State railway service? 2, What number of male employees in the State services have been man-powered in the following age groups:—20-25; 25-30; 30-40? 3, What percentage do these comprise of the total employees in the services to which they refer?

The CHIEF SECRETARY replied: 1, 1,385 as at the 30th September, 1942; 2, To obtain the information requested would entail considerable research which is not justified, but a return is being prepared

under the recognised age groups and will be presented at an early date. 3, Answered by No. 2.

#### RESERVE 4156, ALBANY.

##### *As to Declaring Class "A."*

Hon. V. HAMERSLEY asked the Chief Secretary: 1, Is the Government aware that for a considerable period the Western Australian Historical Society has been endeavouring to have Reserve 4156, situate in the Municipality of Albany, declared a Class "A" reserve with the object of preserving for the public for all time the free use of this historic site—the landing place of Flinders in 1801, and of Edmund Lockyer in 1827? 2, Have any portions of this Reserve 4156 been leased to any person or company? If so, (a) for what purposes; (b) for what period? 3, Will these tenants eventually have a claim to the freehold of any portion of this reserve? 4, Is it not possible to declare the balance or portion of this area a Class "A" reserve to ensure that this historic landing place is not lost to future generations?

The CHIEF SECRETARY replied: 1, A request was made by this Society to the Lands Department in June, 1941. 2, Yes, to Caltex, Limited—(a) bulk oil stores; (b) 21 years; 3, They will have no claim what ever. 4, This reserve is set apart for "Residency." The house is occupied by the Resident Magistrate. The reserve is divided by the railway line. The land leased is on that part of the reserve separated by the railway from the site of the landing ground, and was not part of the original reserve.

#### BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Received from the Assembly and read a first time.

#### BILL—PUBLIC AUTHORITIES (POSTPONEMENT OF ELECTIONS).

Report of Committee adopted.

#### MOTION—LIQUID FUEL.

##### *As to Bulk Supplies.*

Debate resumed from the 20th October on the following motion by Hon. H. V. Piessé:—

That this House considers the Liquid Fuel regulations which prevent delivery of petrol to consumers of bulk lots of less than 200 gallons

imposes unnecessary hardship and extra expense of threepence per gallon on consumers, and requests the Government immediately to take up with the Federal authorities the matter of allowing consumers to obtain delivery of quantities not less than 44 gallons at one time and of the bulk delivery of 200 gallons reducing to a minimum of 100 gallons.

**THE CHIEF SECRETARY** [2.22]: The subject matter of the motion has been inquired into. I find the position is quite beyond the jurisdiction of the State Liquid Fuel Control Board and also beyond that of the Western Australian Transport Board. I was rather interested to learn that the Transport Board itself is in a somewhat similar position to that outlined by Mr. Piesse and has given consideration to the matter with the result that quite recently it carried the following resolution.

This Board is of the opinion that the decision of the Petroleum Pool to restrict deliveries of bulk petrol to not less than 200 gallons per month ought not to apply to Western Australia. The proposal of the Pool will cause great inconvenience and the minimum limit should be reduced to 100 gallons or agreement made to deliver a minimum of 200 gallons every two months.

I am informed that the board has communicated by letter with the Controller of Liquid Fuel Supplies in Melbourne covering the position as outlined by Mr. Piesse.

There is, of course, another side to the question, a side which has already been represented to me by the secretary of the Service Stations Association. The secretary points out that service stations and petrol bowser stations generally have been heavily hit as the result of war conditions, and that in their opinion deliveries of motor spirit in bulk will not be made in future to consumers where the consumption is less than 200 gallons per month. The proprietors of bowzers feel that the present circumstances are such that the additional volume of sales which will naturally come to them as the result of the promulgation of this regulation is something to which they are entitled. I pass no opinion on that. I merely point out that there is that side of the question to be considered.

Hon. A. Thomson: There is also the additional 3d per gallon.

**THE CHIEF SECRETARY**: I have already mentioned that the State Transport Board has taken the matter up with the Fuel Controller in Melbourne. There has

not, however, been time, I understand, to receive a reply to the representations made. Further than that I do not desire to comment on the motion at all.

**HON. L. B. BOLTON** (Metropolitan): I support the motion. I realised from the very first that the matter was beyond the jurisdiction of the Liquid Fuel Control Board. Many of these irritating regulations are framed in the Eastern States, and prove utterly inapplicable to Western Australian conditions. That is especially so in the case of this regulation. We have a strong board here; and I do not doubt that representations will be made to the proper authorities in Melbourne, and that if it is possible to amend the regulation that will be done; at all events I sincerely hope so. I am glad to hear that the Chief Secretary is on our side, and that the Government realises the disadvantages involved to larger users of petrol.

While I have much sympathy with the garages and agree that they are entitled to all the business they can secure, I realise that many large users of petrol are not looking at this matter from the aspect of the extra 3d. per gallon. They regard it rather from the aspects of loss of time and the extra mileage involved. Many private garages are situated at considerable distances from a public petrol station, and it is a serious matter for the firms to have to send large numbers of teams and lose time and suffer additional running costs as well as pay the extra 3d. per gallon. I hope that the motion will be carried, and that anything we can do to have the anomaly rectified will be done.

**HON. H. TUCKEY** (South-West): I consider the House should be careful in this matter, which certainly has two sides to it. We know that many people have invested money in garages for the sale of petrol to motor car users. Undoubtedly, if this motion is carried and given effect to, it will mean great loss to those people. If a firm has a large number of vehicles, it can well afford to buy the 200 gallons minimum. While there may be many arguments in favour of the proposal, we should be careful to see that profits are not reduced beyond a reasonable point. Investors did not construct garages in anticipation that the Commonwealth Government would take this action. Justice should be done to both sides.

**HON. A. THOMSON** (South-East): I have much pleasure in supporting Mr. Piesse's motion, but would like the addition to it of words to the effect that the resolution be forwarded to the Central Liquid Fuel Control Board. I want the motion strengthened by an indication to the Commonwealth authorities that this Chamber approves of the representations that have been made.

The Chief Secretary: That will be done.

**Hon. A. THOMSON:** With all due respect to Mr. Tuckey, I think big companies are well able to look after themselves.

**Hon. H. Tuckey:** There are small suppliers as well.

**Hon. A. THOMSON:** They should receive consideration. People who have to pay 3d. per gallon more say that it is not very much, but that when purchasing over a drum they should be able to buy at wholesale rates as formerly. If war conditions necessitate an increase, that should be considered. At present, however, this seems to me to be a case of feeding the fat pig and of taking from him that hath not even that which he hath. Persons requiring small quantities of petrol are to be penalised.

**HON. H. V. PIESSE** (South-East—in reply): I thank the Chief Secretary for his support. When putting my motion to the House, I was not aware that the Western Australian Transport Board had made representations to the East. I am greatly surprised at Mr. Tuckey's remarks. First of all, Mr. Tuckey is a road board man and must know the difficulties which road boards will suffer under this regulation when they cannot possibly send drums to the wholesalers. They will be compelled to become purchasers from the retailing bowzers. The retailers have not taken that trade in the past, and there is no reason why industry should be penalised to the extent of 3d. per gallon, apart from the difficulty of collecting the petrol. As has been pointed out, carriers requiring 150 gallons per month will need to make 17 trips to and from bowzers, and after that the petrol would have to be decanted. That is the serious part of the business. I feel sure that although the master carriers would like to see a minimum rate fixed, if the regulation could be altered in that respect to 100 gallons, everybody would agree to it.

Question put and passed.

## BILL—JURY (EMERGENCY PROVISIONS).

### *Second Reading.*

**THE HONORARY MINISTER** [2.34] in moving the second reading said: The Bill seeks to modify the law relating to juries during war-time and for purposes connected therewith. Because of the greatly increased calls which the Commonwealth is now making on manpower for national service, either in the Fighting Forces or elsewhere, and because the services of many jurors are nowadays urgently required in their businesses or employment, some temporary modification of the law relating to juries in criminal trials is necessary. A panel of jurors required for ordinary criminal sittings at Perth lasting not more than one week is about forty. If the sittings extend beyond one week, a second and sometimes a third panel must be summoned, as jurors cannot be required to attend a sittings for more than five days except to finish a part-heard case.

Each month large numbers of jurors are now applying, on good grounds, to be excused. To allow for non-service of summonses and for exemptions where a juror is engaged in defence or other essential work, or is in the Fighting Forces or for war-caused reasons cannot attend without great inconvenience, 75 summonses must now be issued each month to obtain the attendance of 40 jurors. The service of additional summonses throws extra work on the police force. The jury list for the Perth sittings has fallen from 5,053 in 1941 to 4,430 in 1942. These figures speak for themselves. In the country, where the jury lists are comparatively small, difficulties in obtaining jurors on the present scale are likely to become acute.

Several of the States are contemplating a reduction of the number of jurors in criminal cases, and in England, by the Administration of Justice (Emergency Provisions) Act of 1939, the number of jurors required during the war for criminal trials, other than murder or treason, has been reduced to seven. Under Section 4 of the Jury Act a jury for criminal trials consists of 12 persons. A jury for a civil action also consists of 12 persons, unless the parties otherwise agree or the court orders that six shall constitute a jury. Juries for the assessment of damages and coroners' enquiries comprise a maximum of six and a

minimum of three. There are very few civil actions which necessitate the attendance of a jury.

That briefly explains the present difficult situation, and in these circumstances it has been found necessary to submit this Bill, which provides that civil and criminal juries shall consist of six persons except in the case of treason or murder trials, or for any other charge which is considered sufficiently serious to necessitate a decision of 12 men. Treason and murder are capital crimes; that is to say, the penalty may be death. It is, therefore, considered that the juries should not be reduced on charges involving these particular crimes.

When there is a jury of 12, the prosecutor or the defendant has the right to challenge six jurors, this provision being contained in Section 21 of the Act. In other words, a party can object to any six jurors whose names are called and, once he has exhausted his objections, the jury becomes empanelled. It is now necessary to reduce this right of challenge or objection to three, and the Bill provides for this. The right of objection is cut in half, because the number of the jury has been similarly cut in half. On account of the reduction in the number of jurors it may be necessary for the jurymen to attend at court longer than was originally necessary. The limit of attendance is fixed in Section 24 of the Act at five days. The Bill extends that period to 10 days.

Section 5 of the Act deals with the age limits for jurymen, and provides that a person over 21 and under 60 is qualified and liable to serve on a jury. The Bill proposes to raise the age limit to 65. A limitation clause sets out that the period of the legislation shall be for the duration of the war and six months thereafter. I trust members will appreciate the necessity for the introduction of the Bill, which can rightly be described as a war-time requirement in an endeavour to overcome a difficult set of circumstances in which the Crown Law authorities have found themselves by reason of the manpower position. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

Bill passed through Committee without debate, reported without amendment and the report adopted.

## BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

### *Second Reading.*

THE CHIEF SECRETARY [2.44] in moving the second reading said: This is a simple Bill which seeks authority for an exchange of land between the Collie Recreation and Park Lands Board and the Forests Department, the proposal being to exclude an area from the reserve controlled by the board for inclusion in a State forest, and to exclude from the State forest land to be included in the area under the board's control. I have a small plan of the area, which I propose to lay on the Table.

Recently the Town Planning Commissioner was requested by the Collie Recreation and Park Lands Board to put up a scheme for the development of the reserve, and the scheme for this purpose, which has been submitted by the Town Planning Commissioner, involves the exchange mentioned. The area to be excluded from the State forest has been described by the Town Planning Commissioner as a natural amphitheatre of trees. It extends on both sides of the river near Collie, is well grassed and eminently suitable for a recreation ground, and would greatly add to the beauty and usefulness of the whole of the reserve. It contains little marketable timber and therefore is of no value from a State forest point of view.

Geographically speaking, the area concerned is part of the park lands, and it is essential that it be included in the park lands to provide for the continuity of the riverside drive and to permit of the land being developed for recreation purposes by the board. The small area to be excluded from the recreation reserve now under the control of the board adjoins the State forest and can be usefully added thereto. It comprises a large, steep and well-timbered hill, and the fact that it is severed from the park lands reserve by a railway line renders it of little use in a scheme of development for the board's purposes. The proposals in this measure have the support of all parties concerned, namely, the Collie Recreation and Park Lands Board, the Forests Department, the Town Planning Commissioner and the local authority, and I trust that this House will approve of the Bill, which we have submitted because the circumstances are a little

different from those usually associated with the exchange of land. I move—

That the Bill be now read a second time.

**HON. W. J. MANN** (South-West): I hope the Bill will be passed. I was in the vicinity of these park lands recently in company with the mayor and town clerk of Collie, and it was represented to me that by this exchange of land what is known as a local beautification scheme would gain a much desired area which would be developed for the use of picnickers, with the advantage of a swimming pool, and for general recreation purposes. The land to be returned to the Crown is not at all suitable for park land purposes. It is the wrong type of country and is not conveniently situated. If the exchange is granted, the additional area will add considerably to the recreation amenities of the town and district.

Question put and passed.

Bill read a second time.

*In Committee.*

Bill passed through Committee without debate, reported without amendment and the report adopted.

**BILL—ADMINISTRATION ACT  
AMENDMENT.**

*Second Reading.*

**THE CHIEF SECRETARY** [5.51] in moving the second reading said: This is another war-time measure, by which it is proposed to amend Sections 33, 98A and 138 of the Administration Act, 1903-41, which relates to probate and administration and the duties on the estates of deceased persons. Section 138 allows an executor, to whom probate of a will has been granted, or an administrator, who has obtained a grant of letters of administration and who is outside of Western Australia either temporarily or permanently, to appoint some person living within the State to act as the attorney of the absent executor or administrator.

Some executors or administrators are members of the Forces and, within the bounds of practical application, they might as well be absent from the State for all the good they can do with respect to the property of a deceased person. Obviously, if a man is in camp he can hardly attend to his own business, let alone manage the af-

fairs of a deceased person. The Bill provides that Section 138 be amended to allow any member of the Forces to appoint an attorney to act instead of him, even though the member of the Forces is still living in Western Australia.

Similarly, it is proposed to amend Section 33 which deals with the case of a person who is entitled to a grant of probate and administration, but who has not already obtained such a grant. If he happens to be outside the State he can nominate by power of attorney some person within the State to obtain the original grant. The difference between the two sections is that Section 33 applies before a grant has been obtained, and Section 138 applies after a grant has already been secured. There seems no reason why a member of the Forces should not be entitled to appoint an attorney in both these instances. It is not proposed to make the appointment of an attorney compulsory. The Bill simply provides that a soldier shall have the right to make the appointment at his own discretion, if he thinks that a civilian would be better able to look after the estate.

Members will probably recall that when the Administration Act was amended last year a new section (98A) was inserted, by which certain benefits with respect to probate duty were extended to the estates of members of the Forces. The widow or dependants of a deceased member of the Forces was given a concession in respect to probate duty if the latter was killed on active service. At present these concessions are restricted to members of the Naval, Military or Air Forces of His Majesty the King. It is now considered right and proper that these concessions should be extended to members of the Armed Forces of any ally of Great Britain, and the Bill proposes to do this. In Australia there are many Americans, some Dutch soldiers, and possibly soldiers of other nations who are fighting shoulder to shoulder with Australian troops. It is possible that some of these soldiers will be killed, leaving property in Western Australia. In such a case their dependants should have the same benefits as Australian troops enjoy regarding duty payable to the Crown.

The Commonwealth Government has already extended such a privilege in identical terms to those in the Bill. The States of New South Wales, Queensland and Tas-

mania have done likewise. The Prime Minister has requested all States to follow suit, and Western Australia is taking the first available opportunity to fall into line with the Commonwealth and other States in what is considered to be an appropriate gesture to the widows and orphans of allied soldiers who are unfortunate enough to be killed in defence of this country. In the amendment of last year, the term "active service" was expressly restricted because it was defined to cover service outside Australia only. That amendment was passed before the Japanese had entered the war. Even though a soldier is a member of the A.I.F. his dependants cannot get the concession with respect to probate duty if the soldier is killed within Australia. It is proposed, therefore, to amend Section 98A by deleting the words which restrict the present concessions. That covers the provisions of the Bill and I trust it will have the support of the House. In Committee I propose to move an amendment providing also for an executor or administrator who is a member of the Forces and is a prisoner of war or posted as missing. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. H. Hall, debate adjourned.

### **BILL—MAIN ROADS ACT (FUNDS APPROPRIATION).**

#### *Second Reading.*

**THE HONORARY MINISTER** [3.57] in moving the second reading said: Members should be familiar with the proposal embodied in this Bill. It seeks authority to transfer to Consolidated Revenue the 22½ per cent. of the Metropolitan Traffic Trust Account payable to the Commissioner of Main Roads, which amount will have been received through license fee collections, and proposes that an amount equivalent to that diverted to Consolidated Revenue shall be made available from petrol tax funds to the Commissioner of Main Roads for the improvement, reconstruction, etc., of roads and bridges within the metropolitan traffic area, purposes specifically set out in Section 33 of the Main Roads Act.

This Bill is identical with the one submitted to and passed by Parliament last year, except that it covers license fees collected in the metropolitan traffic area as at the 30th June, 1943. The 1941 Act was restricted to the 30th June, 1942, and the

amount paid to Consolidated Revenue as the result of that Act was £30,199. With the approval of this Bill, it is estimated that an amount of £22,000 will be paid to Consolidated Revenue for the year ending the 30th June, 1943.

Members will recall that in the Commonwealth Grants Commission's report for 1941 it was stated that £65,000 had been deducted from the amount assessed as payable to Western Australia because of the failure of the State to bring its road finances more into line with those of the non-claimant States. The amount assessed as due to the State was therefore reduced from £695,000 to £630,000. The report for 1942 has been received, and it is noted that no deduction has been made this year on the ground mentioned. I think it can reasonably be contended, therefore, that the State revenue has gained not only the £30,199 paid under the 1941 Act, but also a substantial amount by reason of the Grants Commission's recommendation, and without any loss or inconvenience being suffered by any local authority.

As at the 30th June, 1942, the total amount expended on roads in Western Australia from Loan Funds was £3,443,985, and the charges on Consolidated Revenue in connection therewith amounted to £167,308 for the year ended on that date. The relatively small amount involved in this Bill will make no difference so far as the State's road programme in country districts is concerned. It will be recalled that during last year's debate several members expressed concern in this connection; and it was then explained that for the 10 years ended the 30th June, 1940, of the total of £5,406,424 expended from the petrol tax on roads, 91 per cent. was spent in districts outside the metropolitan traffic area; while of the total of £1,113,660 expended on roads for the same period from General Loan Funds, 97 per cent. was spent in the country districts.

It is clear that, from the inception of the Federal Aid Roads Scheme, the country districts have received fair and proper treatment in regard to the expenditure from the petrol tax allocated to this State. This is as it should be, as the roads scheme was instituted for the development of Australia as a whole. The particulars which I have given to members, though brief, are sufficient, I think, to warrant their agreeing to pass this Bill. As I said at the outset, the

subject is a familiar one. It has been well debated in the past, and Parliament last year passed a similar measure.

All the Bill proposes to do is to make available a small proportion of the State road license fee revenue for the payment of loan servicing charges on loan expenditure on roads, and thus meet to some extent the oft-stated requirements of the Grants Commission, which in the past has been penalising the State because of its not falling into line with other States in this connection. I am aware that a long debate took place on a similar measure last year, but circumstances have changed, and I confidently appeal to members to support the one now before them. I move—

That the Bill be now read a second time.

On motion by Hon. H. Seddon, debate adjourned.

*House adjourned at 3.4 p.m.*

## Legislative Assembly.

*Thursday, 22nd October, 1942.*

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.

### QUESTION—PARLIAMENTARY DEBATES.

#### *As to Broadcasting.*

Mr. NORTH asked the Premier: 1, Has he any information as to whether broadcasting of the New Zealand Parliamentary debates has proved popular and useful or otherwise? 2, If so, will he inform the House, and also state whether the effect has been to shorten and improve speeches? 3, Is there any station in the city which could be acquired for the coming fight against unification?

The PREMIER replied: 1, No. 2, Answered by No. 1. 3, The State Government has no control over broadcasting. I presume "B" class stations are prepared to accommodate speakers for this purpose on their customary terms.

### BILL—GOLDFIELDS WATER SUPPLY ACT AMENDMENT.

Read a third time and transmitted to the Council.

### BILL—LOCAL AUTHORITIES (RESERVE FUNDS).

#### *Second Reading.*

THE MINISTER FOR WORKS [2.17] in moving the second reading said: This is a war measure introduced at the request of the Local Government Association, and is for the purpose of giving local authorities power, with the approval of the Governor, to create reserve funds from general revenue to place the authorities in a position to bring their roads and other works up to a proper standard of repair and efficiency when material and labour are available. The need for legislation arises from the fact that under Sections 396 and 397 of the Municipal Corporations Act and Sections 243 and 244 of the Road Districts Act, the local authorities are required, when striking the rates, to take into account credit balances remaining at the end of the financial year and to levy rates sufficient only to make up the discrepancy between revenue in hand and the estimated requirements for the coming year.

A number of municipalities will have substantial credit balances at the end of this year which, if taken into account, will result in very low general rates being levied for next year, notwithstanding the fact that these credit balances have resulted mainly from the general inability to keep roads and other works in a satisfactory condition owing to the shortage of material—particularly bitumen—and manpower. The limitation I have mentioned is a very important one. Municipalities and road boards are definitely limited to making up the discrepancy between revenue in hand and the estimated requirements for the coming year. The approximate credit balances anticipated at the 31st October, 1942, for the following municipalities are—

	£
Fremantle	2,000
North Fremantle	500
East Fremantle	3,000
Cottesloe	3,000
Claremont	4,500
Subiaco	4,000
Midland Junction	800
Guildford	800

These balances would have been much greater had it not been for expenditure on A.R.P. works. Many road boards are in a similar