

Legislative Council

Wednesday, 24th September, 1952.

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

QUESTION.

RAILWAYS.

As to Preference to Stock and Goods Trains.

Hon. A. L. LOTON (for Hon. A. R. Jones) asked the Minister for Railways:

In view of the serious position which exists with regard to transport of lambs for export, sheep from drought areas, wool from all areas, and phosphate to all primary producing areas, will he give his support to—

- (a) the temporary discontinuance of all passenger trains using steam power;
- (b) the use of crews at present stood down, to run trains, special or otherwise, during week-ends for the haulage of the above-mentioned stock and goods?

The MINISTER replied:

(a) Such country passenger services as are being run with steam trains convey also perishables, foodstuffs and urgent general loading. They are already considerably restricted and further reductions are not considered desirable or practicable.

(b) Locomotive crews cannot be brought on at week-ends without being paid for a guaranteed week, and until engine power is available, work cannot be found for additional crews.

MOTION—TRAFFIC ACT.

To Disallow Heavy Traffic Bylaw.

Order of the Day read for the resumption, from the previous day, of the debate on the following motion by Hon. L. A. Logan:—

That heavy traffic bylaw made by the Shark Bay Road Board under Section 49 of the Traffic Act, 1919-1951, as published in the "Government Gazette" on the 1st August,

1952, and laid on the Table of the House on the 12th August, 1952, be and is hereby disallowed.

As to Resumption of Debate.

THE MINISTER FOR TRANSPORT

(Hon. C. H. Simpson—Midland): In moving previously that consideration of this Order of the Day be postponed until after Order of the Day No. 2, which refers to the Address-in-reply, had been considered, I had in mind that the mover of this motion was opening a show and would not be back until 5.30 p.m. I had hoped that the Address-in-reply would be proceeded with and would continue until that time. However, I leave the matter in the hands of the House. I am quite prepared to go ahead; but, in justice to the hon. member who moved the motion under consideration, I had hoped to make the ministerial contribution to the debate while he was present. Perhaps the sitting could be suspended until 5.30 p.m., in order that Mr. Logan may be present.

Sitting suspended from 4.40 to 5.30 p.m.

Debate Resumed.

THE MINISTER FOR TRANSPORT

(Hon. C. H. Simpson—Midland) [5.30]: I have listened carefully to the views expressed by the previous speakers who have recommended that the bylaw be disallowed. If the House agrees the result will be that the people using the road will be restricted to a maximum load less than that permitted under the bylaw in dispute. This bylaw increased the gross load allowable, including the weight of the vehicle, to eight tons. If the bylaw is disallowed, the old bylaw will be automatically reinstated under which a maximum gross load of five tons only is permitted.

Hon. A. L. Loton: Was that bylaw ever policed?

The MINISTER FOR TRANSPORT: It should have been.

Hon. A. L. Loton: But was it ever policed?

The MINISTER FOR TRANSPORT: I am not sure, because the local road board was superseded by an officer of the local government department. The new bylaw reads—

No person shall drive, draw or impel on or over the Hamelin Pool-Shark Bay road between Nilemah Station and Denham townsite—

- (a) any vehicle of which the gross load including the weight of the vehicle is greater than eight tons or having upon any one axle a gross load of more than five tons;
- (b) any vehicle having dual wheels;
- (c) any vehicle having more than two axles.

The old bylaw, which was gazetted on the 14th November, 1947, and which this one superseded, prohibited the passage of heavy traffic over the Hamelin Pool-Shark Bay-rd. between Nilemah Station and Denham townsite situated in the Shark Bay Road District; and heavy traffic was defined to mean and include any vehicle the weight of which, including the load carried thereon, exceeded five tons, or exceeded 2½ tons on any one axle. So it will be seen that the bylaw desired to be disallowed is considerably more liberal than the former one which would return into operation if its successor is disallowed.

I have been informed by the Secretary for Local Government, who was appointed by the Minister for Local Government to exercise the functions of the Shark Bay Road Board, that the only complaint that the bylaw is too restrictive has been made by the Northern Supply Company—the largest wholesale fish merchants at Shark Bay. The company's next largest rivals have advised the Secretary for Local Government that, in their opinion, the bylaw is quite satisfactory.

Hon. H. C. Strickland: What about the wool that is brought down?

The MINISTER FOR TRANSPORT: Not very much wool comes from that area. The action taken by the Northern Supply Coy. in regard to this bylaw is not very creditable. Though being fully aware of the restrictions imposed by the bylaw, the company has ordered trucks to carry weights far in advance of the maximum allowed under the bylaw and the secretary of the company orally informed the Secretary for Local Government that the company had no intention of obeying the bylaw.

The stand taken by this company is entirely selfish. It has no compunction whatever in damaging the road, which is suitable for light traffic only and which was constructed as an amenity for the people in the entire district. Prior to 1945, motor traffic between Hamelin and Denham was practically impossible owing to long stretches of heavy sand. In this district, there is a dearth of materials suitable for roadmaking.

Hon. H. C. Strickland: That is wrong.

The MINISTER FOR TRANSPORT: I have been officially advised to that effect, and that the only suitable material is a clay known as birreda, which is obtained from small isolated clay pans. This clay is of varying quality as regards its suitability for roadmaking and there is not enough of it to build a road of full width.

Hon. C. W. D. Barker: There are miles of it.

The MINISTER FOR TRANSPORT: I am quoting the official report. For this reason, wheelways only could be laid down. In normal circumstances and subject to the light traffic for which these tracks are

suitable, they give excellent service. The district engineers of the Main Roads Department do not agree with the contentions of Mr. Strickland and Mr. Barker that dual wheels do not damage these wheelways. They state that dual wheels are responsible for the breaking and fretting away of the edges of the track and that this damage spreads further into the track. They have reported that on occasions heavy dual-wheel traffic has so damaged the road that light single-wheel vehicles have been unable to get through. It is not feasible to provide a road of full width as there are not sufficient suitable deposits of birreda clay in the locality for this purpose.

Hon. H. C. Strickland: There are thousands of acres of it.

The MINISTER FOR TRANSPORT: Even with a wider road, it is considered that heavy dual-wheeled vehicles would damage the road. This is information provided by the district engineer at Geraldton, who is responsible for the road. During 1945, work was undertaken to make the road between Hamelin Pool and Denham more suitable for traffic, it being at that time practically impassable. Since then the Government has spent £17,558 on this road, which is 83 miles long. Of this, 50 miles is the section concerned in the bylaw in dispute.

Hon. H. C. Strickland: That was to complete three miles of it which have never been used.

The MINISTER FOR TRANSPORT: The figures show that that sum has been spent on the whole road and a great proportion of it on the 50 miles in question. In addition, £7,400 is to be spent on the road this year. This conflicts very strongly with Mr. Strickland's information that only £100 would be spent on the road. It will mean that since 1945, the road will have cost the Government £25,000, and the 50 miles covered by the bylaw would account for a large proportion of this sum as the whole road is only 83 miles in length. This is a substantial amount in view of the many road commitments of the Government and the small population of the area in question. It is also a point in favour of the contention of the Main Roads Department that heavy traffic should not be permitted to damage the road unduly.

I have discussed this matter with the Deputy Commissioner of Main Roads, Mr. Leach, and the Secretary for Local Government, Mr. Lindsay, and have found both these officers very sympathetic to the requirements of the districts concerned. Mr. Leach and Mr. Lindsay are not armchair administrators. They have spent many years in country areas and both of them know this road well. In ad-

dition, Mr. Leach has fully discussed the matter with the district engineers. It is evidence of his sympathy that, as long ago as 1949, he recommended that the Shark Bay Road Board should increase the maximum allowable under the by-law to seven or eight tons. The board, however, took no action in the matter.

Incidentally, this was only one of the many responsibilities evaded by the board, whose dereliction of duty became so serious that in November, 1951, the Governor, acting under Section 122 of the Road Districts Act, removed the entire board from office, and the functions of the board were taken over by the Secretary for Local Government, who is still exercising this authority. One of the steps taken by the Minister was to amend the bylaw to allow gross weights of up to eight tons with a single maximum gross axle load of five tons to be carried over the Nilemah-Denham section of the road. It is considered possible that this maximum may be too great for the road, but it is felt that the long haul warrants as high a load allowance as possible.

A statement was made by Mr. Logan that the Minister had permitted the Northern Supply Coy. to carry 11 tons over the road. This was an isolated instance only. The company stated that owing to truck trouble, its refrigerator at Shark Bay, which held 40 tons, was full and it had fresh stocks of fish for the refrigerator. The company was permitted to clear the 40 tons at loads not to exceed 11 tons each in order that no wastage should occur.

The Main Roads Department has received complaints from other persons of the damage done to the road by the Northern Supply Coy's trucks. A few weeks ago, one of the company's trucks so badly damaged the road that assistance had to be obtained to haul the vehicle out of the hole it had made. Mr. Logan's information that the fishing industry would have to close down if the bylaw were retained is entirely discounted by reports from Shark Bay. As I have already stated, the second largest operator there is quite satisfied with the bylaw. Several suggestions have been made to the Northern Supply Coy. with a view to assisting it to observe the bylaw, but the company has resolutely refused to accept advice.

As members are aware, the Government is not in the fortunate position of having unlimited finance at its disposal, and the amount of money that can be spent on this road is restricted. It is considered that residents of the area have been treated liberally by the expenditure of £17,558 on the road to date and the proposed expenditure this year of £7,400. Requests for road access to many parts

of the coastline have been received to assist the development of fishing. Hundreds of miles of track improvement have been asked for in areas such as Esperance, Bremer Bay, Cheyne Bay to Albany, Gingin to Lancelin Island, Dandarragan to Cervantes Island, as well as many others, and all of these have to receive attention.

The crux of the matter is that, if this bylaw, which permits a loading of eight tons, is disallowed, the old bylaw limiting loads to five tons will apply. Reference to dual wheels has been included in the bylaw as their careless use would undoubtedly lead to road damage, notwithstanding the opinions expressed by previous speakers. The local engineers report that dual wheels cause much more damage than do the single ones. These men have practical roadmaking experience and are constantly watching the road.

Hon. H. C. Strickland: They why has the Main Roads Department got dual wheel trucks in Wenham now?

The MINISTER FOR TRANSPORT: Are they in use there?

Hon. H. C. Strickland: Yes, they are at Wenham at the present time.

The MINISTER FOR TRANSPORT: However, it is not the intention of the Local Government Department to enforce this part of the bylaw strictly. The northern Supply Company was warned on the 25th August last that it must comply with the load limit, but that no action would be taken regarding the use of dual wheels unless undue damage was caused to the road. The Secretary for Local Government is a tolerant and efficient officer. He has had practical experience of country problems and he intends to administer the bylaw with liberality and moderation. Any selfish use of the road, however, will be treated with fairness. An indication of the interest taken by the Main Roads Department is that, long before this matter was ventilated, the Deputy Commissioner had arranged personally to inspect the road next week.

As Minister for Transport, I have had a number of meetings with Mr. Johnstone who made applications to evade the conditions laid down by the road board, and later by the Local Government Department, which conditions were designed solely for the purpose of preserving the road for the great majority of the residents there. I found him to be a most unreasonable man. He claimed he was taking loads through to Geraldton, and that a restricted load would not pay. But he knew the state of the road and the conditions that were imposed to try to maintain it in reasonable order. Yet he consistently ordered trucks well above the tare weight so as to enable him to handle a reasonable pay load for the distance.

It was suggested to him that as the distance from Shark Bay to the main road was a relatively small portion of the whole journey, he might use a second vehicle over that section and then trans-ship its load to the big truck which could then be driven over the main road. He absolutely refused to consider the suggestion. It appears that whilst he claims to study the interests of the district, he is determined to evade the provisions of the by-law for the sake of himself and the company he represents; and to disregard entirely the entitlements of the other people in the district.

I have two files here containing a number of minutes which give some indication of the attitude Mr. Johnstone adopts. The following is a report from the Secretary for Local Government to the Minister:—

1. Attached is a letter handed to me this morning by Mr. Johnstone, Managing Secretary, Northern Supply Company.

2. I informed Mr. Johnstone that, as the person charged with the administration of the affairs of the Shark Bay Road Board, I was prepared to advise the Acting Secretary of the Shark Bay Road Board not to take any action for overloading in excess of the bylaw now in existence to enable the Northern Supply Company to clear their refrigerator at Shark Bay of 40 tons of fish now said to be stored there provided the gross load on any trip did not exceed eleven tons.

3. I advised Mr. Johnstone that I had been informed by you that you had advised him by telephone that a gross load of eleven tons would be agreed to. Mr. Johnstone replied, "he is a liar" as on no occasion was any gross weight intimated by the Minister.

4. Mr. Johnstone then stated that he was going to take the matter up with "The Sunday Times," "The West Australian" newspaper and Parliament and would give me the greatest showing up I had ever had. The interview then terminated.

5. I might add that when speaking to Mr. Johnstone on the telephone earlier this morning, he intimated to me that the weight of the vehicle he is now having constructed, with box, would be approximately 4 tons 11 cwt. He had 9 tons of beer and other stores to be carted to Shark Bay and he fully intended to cart it in one trip.

6. Mr. Johnstone produced bills of lading for some fish that had been exported to the Eastern States, but the total quantity as shown on the bills of lading was 7 tons.

Hon. A. L. Loton: What is the date of that minute?

THE MINISTER FOR TRANSPORT: It was written on the 4th July, 1952. The file contains quite a number of minutes which clearly indicate that both the Secretary for Local Government and the Deputy Commissioner of the Main Roads Department had been extremely sympathetic towards the difficulties encountered by people in these isolated areas. But they take the view—very sensibly I think—that there is a limit to the consideration which can be extended to small minorities; or in this case to an individual who seems determined, for his own special purposes, to damage a road to the detriment and inconvenience of the rest of the people in the district. I have the utmost confidence in these two gentlemen, and I say to the House that in this case where they are trying to assist the local people—

Hon. H. C. Strickland: They are not! They are restricting them.

THE MINISTER FOR TRANSPORT:—the carrying of the motion will be tantamount to a vote of no confidence in them. In view of what they have done, and what they intend to do, Parliament should seriously consider its position before it nullifies their good work in favour of an individual who is constituting himself a pressure group.

Hon. H. C. Strickland: There are others.

THE MINISTER FOR TRANSPORT: I sincerely hope the House will register a vote of confidence in these highly qualified administrative officers who are conscientiously carrying out their work. I trust the motion will not be carried.

On motion by Hon. N. E. Baxter, debate adjourned.

BILLS (2)—FIRST READING.

- 1, Margarine Act Amendment (No. 1).
- 2, Physiotherapists Act Amendment.
Received from the Assembly.

House adjourned at 5.54 p.m.