Mr. May: You need not read them. We have all got them.

Mr. COURT: I have no intention of doing that. It is rather interesting that members in seeking for something to put their hat on, keep bringing up the point of the letters being typed on one typewriter. I have several here not typed on the same typewriter. I want to make this point: Almost without exception, the material I have here against the project is duplicated.

We cannot get anything more alike than duplicated documents. I have 22 documents in all here protesting against the project. They have obviously all been prepared on one machine and duplicated. All that has been done is to write in the name of "Mr. Court" on top. If we are to poke fun at one lot of documents which have the same typing, surely we should poke fun at the other lot, but I myself do not poke fun at either lot!

If the sporting bodies felt so keenly about the matter as to impress the public and members of Parliament, it is natural that they would get together. I am fairly safe in saying that the mainspring has been through the influence of one of these leading sporting bodies. I would not like to think for one moment that the members of this House treated with a sneer the letters they received from the various bodies, which are not only representative of the youth and sporting sections of this community, but are also composed of very responsible citizens, many of whom are office bearers doing great credit to themselves and to the State. I tried to answer the letters from both sides. In only one case did I get a reply in which I was thanked, where the writer was opposed to the scheme. Probably the others took umbrage and will not speak to me again.

In conclusion, I want to make one point which is very pertinent to this occasion. It has been suggested that when Parliament passed the 1954 amendments to the Parks and Reserves Act, because the reference was specific in connection with an aquatic centre and an orchestral shell, Parliament virtually gave away its right, or decided there and then the issue against those two projects. I am going to quote the words of the author of that particular Bill because I think it is pertinent and fair so to do. On page 3503 of the 1954 Hansard this is reported—

> Mr. Lapham: I deny that I brought down the Bill to prevent the establishment of an aquatic centre in King's Park.

He was specific on the point. He had been challenged at the time because it had been suggested that in a fit of pique on learning that the pool was not going to be established somewhere else, he brought down the Bill to stop it being established at King's Park.

He made this specific statement to allay the fears of those who were opposed to the Bill in 1954. That is satisfactory testimony. I think the member for North Perth would be fair enough to agree that it was not his intention when the 1954 legislation was decided, and these restrictions were imposed in the Parks and Reserves Act, that Parliament had decided the issue, once and for all, in respect of an aquatic centre and an orchestral shell. Having regard to the background of the park, the actions of one who is regarded as one of the fathers of the park, Lord Forrest, the views of Professor Stephenson in more recent years and the general conception set out in the dedication of this park, I consider this scheme is entitled to be authorised for establishment in King's Park for the benefit of the people of today and for posterity.

On motion by Mr. May, debate adjourned.

House adjourned at 10.30 p.m.

Legislative Council

Wednesday, 4th September, 1957.

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

QUESTIONS.

COMMONWEALTH AND STATES.

Financial Relationships.

Hon. F. J. S. WISE asked the Minister for Railways:

Will he advise for the years ended the 30th June, 1942, 1947, 1952, 1955, and if available 1957, the following:—

(1) The total sums received from all sources of taxation within Australia by the Commonwealth Government?

(2) The amount collected within the States of Australia by the Commonwealth from income tax?

(3) The amounts collected within the States in customs and excise duty?

(4) The expenditure by Western Australian Governments shown by Revenue Budget returns of the years mentioned?

(5) The receipts to Western Australia under States Grants (Taxation Reimbursement Acts)?

(6) The grants to Western Australia under Section 56 of the Australian Constitution?

(7) Amounts paid to all States, under Grants (Taxation Reimbursement Acts)?

The MINISTER replied:

(1)

1941–42	£177,783,000
1946–47	£373,860,000
1951–52	£919,028,000*
1954–55	£930,463,000*
1956–57	£1,095,400,000*

* Includes Wool Deduction Tax.

(2)

£'000.

Year.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Territories.	Total.
1941–42	25,981	18,921	4,789	3,584	2,968	670	Dr. 132	56,781
1946–47	48,707	31,249	8,630	6,385	6,577	1,589	109	102,246
1951–52	197,868	203,464	60,397	45,214	33,251	9,812	1,136	551,142
1954–55	193,354	205,784	56,638	37,273	28,579	10,192	1,096	532,916
1956–57			Details	not available				620,250

(3)

£'000.

Year.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Territories.	Total.
1941–42	26,763	35,835	6,034	4,508	2,978	1,286	160	77,564
1946–47	78,401	74,194	25,839	15,020	9,376	4,578	357	207,765
1951–52	85,976	67,589	23,118	18,017	14,803	4,212	202	213,917
1954–55	99,320	77,868	25,855	19,347	16,569	5,195	249	244,403
1956–57			Details	not available				286,010

Figures in Nos. (2) and (3) above are amounts collected in each State, but do not necessarily indicate the amounts contributed by the people of each State, as moneys are collected in one State in respect of assessments made or goods consumed in other States.

(4)

1941–42	£11,938,831
1946–47	£15,028,427
1951–52	£34,546,768
1954–55	£46,203,889
1956–57	£56,243,302

(5)

1941–42	*Nil*
1946–47	£3,384,000
1951–52	£9,400,000
1954–55	£11,806,004
1956–57	£13,705,834

(6)

1941–42	£630,000
1946–47	£1,873,000
1951–52	£5,088,000
1954–55	£7,450,000
1956–57	£9,200,000

(7) £'000.

Year.	N.S.W.	Vic.	Qld.	S.A.	W.A.	Tas.	Total.
1941–42	....	....	....	....	....	....	....
1946–47	16,477	8,860	6,601	3,458	3,384	1,220	40,000
1951–52	47,900	29,500	19,000	10,200	9,400	4,000	120,000
1954–55	58,474	37,378	24,105	13,161	11,806	5,076	150,000
1956–57	65,279	46,062	27,262	15,717	13,706	6,024	174,050

KALGOORLIE-BOULDER HIGH SCHOOL.

Status of School and Future of Students.

Hon. G. BENNETTS asked the Minister for Railways:

(1) Is it correct that the Boulder three-year high school is to be elevated to the status of a full high school?

(2) If so, does this mean that the Kalgoorlie-Boulder district will be zoned, and pupils will be directed as to which school they will have to attend?

The MINISTER replied:

(1) The Education Department has no proposals for extending the course provided at the Boulder High School from three years to five years.

(2) Answered by No. (1).

ROADS.

Construction and Maintenance Work in Geraldton District.

Hon. L. A. LOGAN asked the Minister for Railways:

(1) Has any consideration been given to widening, straightening and resurfacing sections of the Geraldton-Northampton-rd.? If so,

(a) When will such work commence?

(b) Will consideration be given to the construction of truck bays while such work is in progress?

(2) (a) Has any consideration been given to widening the Fig Tree crossing bridge, and to widening and straightening the approaches to this bridge on the Geraldton-Yuna-rd.?

(b) As other work is in progress on this road, will immediate consideration be given to the construction of truck bays?

The MINISTER replied:

(1) Provision of £39,400 has been made on the current programme for reconditioning, widening and surfacing of various sections of the Geraldton-Northampton-rd.

(a) In the summer.

(b) Yes.

(2) (a) In considering improvements to the Geraldton-Yuna-rd., priority has been given to extension of the surfacing towards Yuna and to strengthening of weak and narrow sections of the existing sealed pavement.

No funds have been provided to widen the Fig Tree crossing bridge or improve the approaches.

(b) Yes.

SALT.

Shipment from Port Gregory and Widgiemooltha Deposits.

Hon. G. BENNETTS asked the Minister for Railways:

(1) Is it correct that the Government intends building a jetty at Port Gregory, at an estimated cost of £500,000, for the purpose of shipment of salt from that area?

(2) If so, does he consider it wise to expend the sum required, whilst thousands of tons of salt are available at Widgiemooltha, with loading and storage facilities at that centre—also rail transport to the seaport of Esperance?

(3) Is he aware that the Widgiemooltha company is now negotiating with Japan for the sale of salt?

The MINISTER replied:

(1) No.

(2) Answered by No. (1).

(3) Yes.

FREMANTLE GAOL.

Temporary Release of Prisoner.

Hon. Sir CHARLES LATHAM asked the Minister for Railways:

(1) At whose request was a prisoner taken from Fremantle Gaol to the Mosque on Sunday, the 31st August, 1957?

(2) Who gave approval for this to be done?

(3) Is this intended to be a precedent for future requests?

The MINISTER replied:

(1) Mr. J. I. Mann, M.L.A., and Mr. A. M. Dean.

(2) The Acting Chief Secretary.

(3) There were special circumstances in this case which warranted the action taken; not necessarily to be regarded as a precedent.

TAXI PLATES.

Number on Issue.

Hon. Sir CHARLES LATHAM asked the Minister for Railways:

(1) What number of taxi plates were on issue in the metropolitan area on the 31st December, 1954, and the 31st December, 1955, respectively?

(2) What number were on issue on the 30th June, 1956, the 31st December, 1956, and the 30th June, 1957, respectively?

The MINISTER replied:

(1) On the 31st December, 1954 564
On the 31st December, 1955 571

(2) On the 30th June, 1956 572
On the 31st December, 1956 586
On the 30th June, 1957 640

WATER SUPPLIES.

Boring Plant for Wongoondy.

Hon. L. A. LOGAN asked the Minister for Railways:

As the financial resources of some setlers on the light land at Wongoondy have been seriously affected in an attempt to find water, without result, will the Government give urgent consideration to having a boring plant, capable of boring to a depth of 500ft. or more, sent to this area immediately?

The MINISTER replied:

Before drilling was undertaken, a detailed ground investigation of this area would be essential. The Mines Department is in course of setting up a hydrological section and has ordered two suitable drills and called applications for technical staff. It will be some time before drills can be obtained, and the department is therefore unable at this stage to help. This area could, however, receive consideration when the section is operating.

MILK.

(a) Scheme for Improvement.

Hon. L. C. DIVER (for Hon. N. E. Baxter) asked the Minister for Railways:

Will he inform the House whether the Milk Board has, at any time, prepared and submitted to the Minister for Agriculture any scheme for improvement of the quality of milk, particularly in relation to deficiency of solids-not-fat?

The MINISTER replied:

The Milk Board's administration has for many years been directed towards the improvement of the quality of milk, for example, by the production of milk under hygienic conditions from healthy cows, and by the pasteurisation and bottling of milk by modern methods, and the delivery to householders of milk in bottles and the sale of bottled milk from shops. Close attention has also been given to, and an extensive endeavour made by the board to improve and maintain, the solids-not-fat content of milk. These progressive steps, designed for the benefit and protection of consumers, have been made known by the board to Ministers for Agriculture from time to time.

(b) Designation in Regulations.

Hon. L. C. DIVER (for Hon. N. E. Baxter) asked the Minister for Railways:

(1) Is he aware that under the Health Act—Regulation No. 32, published in the "Government Gazette" on the 19th August, 1955,—milk is designated as being "the lacteal fluid product of a cow", whilst under the Milk Act—Regulation No. 154, published in the "Government Gazette" on the 17th March, 1950, milk is designated as being "the lacteal fluid product of an animal"?

(2) Can he inform the House the reason for the difference in the designation of milk under the two regulations?

(3) When the two regulations referred to were made, what was the basis and reasons for setting the solids-not-fat standard at 8.5 per cent. and not, for instance, at 8 per cent.?

The MINISTER replied:

(1) Yes.

(2) The definition of milk in the Milk Act agrees with that in the Health Act. However, the standards set in the food and drug regulations under the Health Act are for cows' milk only. Should it be necessary to set standards for the milk of other animals, the power to do so exists in the definition under the Act and the general authority to prescribe.

In the regulations under the Milk Act, the standards for milk are similar to those in the food and drug regulations and are set as being satisfactory for milk produced by cows. Goats are the only other animals from which milk is likely to be sold, and this milk would normally be above the standards set.

(3) The standard was set to maintain uniformity with standards in other Australian States, and is in line with standards in most other countries in the world.

WHEAT CARTING.

Successful Tenderers.

Hon. L. A. LOGAN asked the Minister for Railways:

When will the successful tenderers for road transport of wheat be made known to the public?

The MINISTER replied:

It is not usual to publish a list of wheat-carting tenderers but letters to tenderers notifying them of acceptance or otherwise of their tenders, are now being prepared and will be despatched this week.

A circular will be forwarded to farmers at an early date advising them of the names of contractors and their cartage rates.

BILL—COAL MINERS' WELFARE ACT AMENDMENT.

Read a third time and *passed*.

BILL—HEALTH ACT AMENDMENT.

Recommittal.

On motion by the Minister for Railways, Bill recommitted for the further consideration of Clause 8.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Railways in charge of the Bill.

Clause 8—Section 174A added:

The MINISTER FOR RAILWAYS: I move an amendment—

> That after the word "interest" in line 21, page 4, the word "and" be struck out and the word "or" inserted in lieu.

As the clause reads now, subparagraphs (i) and (ii), of proposed Subsection (3) (a), which set out the faults referred to, must be applied together before the commissioner can take any action. The word "and" joins the subparagraphs and it is evident that the word "or" should be inserted so that either can apply.

Hon. R. C. MATTISKE: When this clause was considered in another place it contained the word "or" until attention was drawn to it by Hon. A. F. Watts, and the Minister agreed to alter it to "and." The argument put forward by Mr. Watts was that if the Minister approved of the plans, and the contractor carried out the work, he should not be placed in the position of having to pull down some of the work already done and reconstruct it if there were a defect discovered which had been overlooked when the plans were prepared. Since then, has any information on this aspect come to light? Is there another point that was not considered when this clause was being discussed in another place?

The MINISTER FOR RAILWAYS: No other circumstance has arisen except that "or" is deemed to be the correct word. I am sure that members can think of many instances where a building may be quite safe, but may not be built on the correct site.

Hon. H. K. Watson: The two subparagraphs cover that.

The MINISTER FOR RAILWAYS: Joined together they do not. Before a builder can be required to remedy any defects, both of the conditions set out in the two subparagraphs must apply. The object is to make either one or the other apply. The Crown Law Department considers that the building would have to be both safe and in accordance with plan before any action could be taken.

Hon. H. K. WATSON: The position is not as simple as it is made out to be by the Minister. I would refer to the wording of paragraph (a) (i). That is different from the case of a builder putting up a structure which is not in conformity with the plans and specifications that have been approved. But where such plans and specifications have been approved and the builder in all good faith has proceeded in accordance with them, he should not become liable. If half-way through the construction, the Public Health Department or the local authority changed its mind about the plans and specifications which had been approved by them it would be most unreasonable to impose an obligation on the builder to pull down, to restore, or to make such alterations to the construction as might be considered necessary. I support the provision which imposes an obligation on the builder to rectify any mistake if the construciton is not in accordance with the plans and specifications. For those reasons I oppose the amendment.

Hon. G. C. MacKINNON: Certain amendments were put forward by Mr. Mattiske when this measure was being considered previously. It was pointed out that in the country districts quite a number of builders carried out alterations to public buildings, and that where big structures were being erected an architect was generally employed. The clause now under discussion requires that the plans and specifications have to be approved by the commissioner. After that has been done, the responsibility should rest with the person who prepared the plans. If the builder does comply with the plans, he has carried out his obligation.

There was a case in Bunbury recently where a builder carried out some work in accordance with P.W.D. plans prepared in Canberra; but the plans proved to be wrong. This brings us to the point that if a builder has followed the plans which have been examined and approved by the commissioner, he should not be liable for any fault in those plans.

The MINISTER FOR RAILWAYS: Here we are dealing only with public buildings and not private buildings. The approval of plans by a local authority does not guarantee that the builder will carry out the work in accordance with the plans. If it is found by the building surveyor that the builder has not worked according to the specifications and plans, and

there is a defect in the construction of a building which renders, or tends to render the building unsafe or prejudicial to the public interest, then it should be possible to order him to rectify any mistake. The object of the Bill is to divide this provision into two parts, so that if there is an omission by the builder in respect of either one, the local authority can compel him to rectify the mistake.

Hon. R. C. MATTISKE: The provision for a builder to become liable if he departs from the plans and specifications is already covered in full by proposed Subsection (2) (b). Once the plans have been approved by the commissioner and the builder adheres to them, he should not incur any liability.

Hon. Sir CHARLES LATHAM: I agree with the comments of the Minister. The clause is divided into two distinct parts. Proposed Subsection (3) (a) (i) is the first part, and proposed Subsection (3) (a) (ii) is the second part. If a builder does not comply with the specifications which have been approved, he must accept the responsibility for any defect.

Hon. R. C. Mattiske: I would refer the hon. member to proposed Subsection (2) (b).

Hon. Sir CHARLES LATHAM: That provides that when a builder does not comply with the specifications he has to remedy the defect. What would be the good of drawing the attention of the builder to any defect unless the commissioner had the power to order such defect to be remedied?

Hon. R. C. Mattiske: But that provision is already contained in proposed Subsection (2) (b).

Hon. Sir CHARLES LATHAM: The wording of this provision is very clear. The surveyor tells a builder there is a defect in the construction of the building which makes it unsafe and prejudicial to the public interest; and, secondly, that he has to comply with the plans and specifications already passed.

Hon. L. A. LOGAN: I am not sure that the Minister is right. The first part of this provision cannot exist without the second. It will be clarified by deleting paragraph (a) (i); then if a builder complies with the plans and specifications approved by the commissioner, and the inspector finds a defect in the plans and specifications, the builder cannot be ordered to rectify the work. But if the work is not in compliance with the plans and specifications already approved he can be required to remedy the defect.

Hon. Sir Charles Latham: What if the builder used substandard bricks?

Hon. L. A. LOGAN: Then he would not be carrying out the specifications. He could use substandard bricks, but he would not be building according to those specifications. What this provision does is to force the builder to rectify a mistake in the plans which have been approved by the commissioner. If a builder does not comply with the specifications, that is the time to make him rectify any mistakes.

Hon. J. MURRAY: If the Minister is not prepared to have subparagraph (i) taken out, I hope that the Committee will adhere to the word "and."

The MINISTER FOR RAILWAYS: If this clause is studied, it will be seen that the purpose is to give the commissioner the power to force a builder to rectify any defects which would tend to make the building unsafe to the public. Again, as Sir Charles said, the builder could put in some faulty material.

Hon. C. H. Simpson: Not if he complies with paragraph (b) of proposed Subsection (2).

Hon. A. F. Griffith: He would not be complying with the specifications then.

The MINISTER FOR RAILWAYS: On the other hand, the building could be quite safe but he could have omitted one lavatory, which has been known to occur. Specifications have stipulated that there should be so many latrines, and they have been known to be left out. If that is done, the builder must rectify it. Surely the Committee would not agree that a builder should be able to erect a structure which was unsafe to the public and get away with it.

Hon. H. K. Watson: Who is to say it is unsafe?

The MINISTER FOR RAILWAYS: In the metropolitan area, the Builders' Registration Board polices the building; and also the building surveyors in accordance with the Health Act. Outside the metropolitan area there are health inspectors, or whoever represents the local authority. This is purely a matter of protecting the public. If subparagraph (i) were taken out, anybody could erect a public building outside the metropolitan area, whether it stood up or not. But in the metropolitan area the Builders' Registration Board would see that the building was safe; otherwise it would deregister the builder.

Hon. H. K. Watson: Where does the Bill say that the registration board does the policing?

The MINISTER FOR RAILWAYS: The Builders' Registration Act covers the metropolitan area with regard to the inspection of buildings, and the board does the job thoroughly. There are many builders registered and the board desires to cut out as many "B" class builders as possible. The Committee would be wrong to delete subparagraph (i), because it would mean that anybody would be able

to erect a public building, and the health authorities would not be able to have a fault in the structure rectified—a fault that would render it unsafe to the public.

Hon. Sir CHARLES LATHAM: Since 1938 the Municipal Corporations Act has had a similar provision to this. Has any member opposing this provision heard of any action being taken in the last 15 years? Apparently nobody has found anything wrong with it; but now that it is proposed to have that provision in this measure, members object.

Hon. G. C. MacKINNON: The fact that a similar provision has existed in another Act is no reason why we should continue to put up with it. The Minister did not give any cogent reasons why subparagraph (i) should not be taken out. He told us who would inspect buildings; but whether a building was safe or not would be a matter of opinion. Surely we should take action only if a man does not comply with the plans and specifications! If it were found that they were wrong and that the design had produced an unsafe structure, that would be a different matter. But I still maintain that the builder or building contractor should not be liable. He should not be regarded as having committed an offence, because he would have complied with properly inspected plans and specifications.

The health inspector in a small municipality would not, I should imagine, be a man trained in engineering principles. He would have to be able to work out stresses and strains and do an analytical examination of cement and so on to be able to prove his case. The only way the building could be proved to have been unsafe would be for it to have fallen down.

Hon. F. R. H. Lavery: He would have assistant officers to help him, surely.

Hon. G. C. MacKINNON: He might and he might not. I know of a case in Bunbury in which the builder of a very large Commonwealth building fought for some time to be allowed to depart from the plans and specifications. An aluminium roof was desired, within a mile of the sea-coast; it would have lasted about twelve months. In the end he won his point, and the plans and specifications were altered to provide for asbestos, which is much better and safer. If he had not complied with the plans in regard to some of the cement supports and built them up from the specified 12in. to, say, 14in. instead, they would have been found not to be strong enough, and he would have been liable. They had ultimately to be enlarged to 2ft. by 2ft.

Surely if a man complies with the plans and specifications, he should not be liable. A builder is not competent in many cases to work out the complicated mathematical formulae demanded in regard to modern structures in computing stresses and strains, which would be essential for him to be able to police the plans and specifications.

Hon. H. K. Watson: If he departed from such plans and specifications, he would do so at his peril.

Hon. G. C. MacKINNON: Yes; and that is fair enough.

Hon. J. M. A. CUNNINGHAM: Sir Charles Latham asked whether anyone knew of action of this kind being taken. I know of two cases where action was pending and was only averted by very prompt steps taken by members for the district. One concerned a church at Kalgoorlie which had been completely rewired for D.C. A member of the church made available a considerable sum for an organ which had to be on A.C. The Health Department gave permission for the church to be wired in such a way that A.C. could be led into the building from one end while still having D.C. through the rest of the structure coming in from the other end. The Public Works Department refused to permit this and said that the whole church had to be completely rewired, although it had been only a matter of months since that had been done at a cost of, I think, £800 or £900. Had the members for the district not taken action to have the matter settled, the owners of the building—who find it hard to come by money—would have been involved in considerable extra cost.

The same organisation had a school built in Boulder. The plans and specifications had been passed and the work had been completed for some eight or nine months and also passed. Then the health inspector came around and said that certain power plugs had to be removed and certain conduits were not heavy enough, although these things were according to specifications. The church would have been involved in an expenditure of hundreds of pounds for replacements, without any redress, had the members for the district not taken action. It is possible for plans to be wrongly drawn, and for the builder to comply with them. A building could be perfectly safe and he need not have deviated in any way from the plans; and yet he could be liable.

In one set of plans for a new school, a certain room had no doorway provided for it and all the power points specified 50-cycle fittings; whereas the only current in that town was 110 D.C. with no likelihood of anything else being provided for years to come. Had the builder proceeded according to those plans and specifications, should he have been held responsible for subsequently rectifying stupid errors made by somebody else?

Hon. A. F. GRIFFITH: Let us assume that a public building is to be constructed in Perth. An architect draws up the plans

and specifications, tenders are called, and one tender is accepted. The plans and specifications have been approved by the local authority and passed by the Commissioner of Public Health. Then the commissioner comes along and says there is something wrong with the building. Has the builder to rectify the fault after he has complied completely with the plans and specifications? If that is the case, I think subparagraph (i) should come out.

Hon. L. C. DIVER: It strikes me that there has been a good deal of shadow-sparring in connection with this matter. We are told on the one hand that architects, in drawing up plans and specifications, make errors. On the other, hand we are told that if they make an error we should not take any notice of it. That is what would happen if we were to strike out subparagraph (i). It would mean that the commissioner or his inspector would have no power to rectify an error. Most members know of buildings which have been erected and in which there have been errors made by architects. In some cases a building has progressed quite a way before substantial errors have been discovered.

Hon. A. F. Griffith: Who would pay for it?

Hon. L. C. DIVER: Never mind that. We are here to protect the public. I would say that in such a case the architect would have to pay for it.

Hon. A. F. Griffith: You would change your tune if you were a builder.

Hon. L. C. DIVER: It is not a question of who is to pay for it, but rather one of looking after the public; that is what we are here for. As far as I am concerned, there has been much ado about very little, and the clause as printed should stand.

Hon. J. MURRAY: I do not want to weary the Committee; but as the subparagraph stands, it is wide open. I would not mind so much if it read "which renders a building unsafe". But it reads "which renders or tends to render a building unsafe". Who decides whether it "tends to render"? It also says "or prejudicial to the public interest". I can visualise a building being erected in a country district. The plans and specifications have been approved by the local authority; but, because of its being a congested area, with narrow streets, which neither the contractor nor anyone else can be responsible for, the building is prejudicial to the public interest. Who will pay for it?

Hon. Sir Charles Latham: The architect!

Hon. J. MURRAY: No. Therefore, if we leave subparagraph (i) in, for goodness' sake have the word "and" instead of the word "or".

The MINISTER FOR RAILWAYS: I refer members to the definition of "public buildings" in the Act. It is the responsibility of the Commissioner of Public Health to say that a public building is safe for the public; and before any public building can be erected, altered or extended, plans and specifications must be submitted to the commissioner. The person who would pay for any alterations necessary would be the person who was at fault. If the person who is erecting the structure does not comply with the plans and specifications, he will be told to remedy the defects.

Hon. H. K. Watson: There is no argument about that.

The MINISTER FOR RAILWAYS: There is an argument about it if members want to take subparagraph (i) out.

Hon. H. K. Watson: No.

The MINISTER FOR RAILWAYS: A place could be left completely unsafe if that subparagraph were removed.

Hon. R. C. Mattiske: It must be erected in accordance with the plans and specifications.

The MINISTER FOR RAILWAYS: A man might comply with the plans and specifications and use some faulty material. That is why the clause has been worded in that way.

Hon. R. C. MATTISKE: I do not agree with Mr. Diver when he says that we are shadow-sparring. The architect draws the plans and submits them to the Commissioner of Public Health, whose qualified architects, in the Public Works Department, inspect the plans with a view to ascertaining whether they conform to accepted standards. For that service a fee of up to £50 can be charged. Therefore, it is reasonable to assume that if such a fee can be charged, the architects must be competent; and if any errors are found after that, the architects under the control of the Commissioner of Public Health should be held responsible; and if a question of compensation should arise, they should pay.

In actual practice, one finds that if the builder is carrying on strictly in accordance with the plans and specifications, he is not liable in any way. It would rest with the owner; because if the commissioner changes his mind and says that the plans do not now provide for a safe structure, the onus is on the owner to alter the structure in such a way as to make it safe.

During the course of construction of any public building, it is subjected to inspection from time to time by inspectors under the control of the Commissioner of Public Health. They are competent men, and they know what they are looking for. They are continually on the job, and they have

every right to make sure that a building is being erected in accordance with the plans and specifications.

I think the Minister made a slight slip as regards the Builders' Registration Board. Members of that body do not inspect a building during the course of construction; they are merely a protection for the building public. If an owner feels that a builder has erected a building which is not in accordance with accepted standards, he can apply to the Builders' Registration Board; and its inspectors will examine the building, and cause the builder to rectify any fault. I think the clause as it stands is perfectly clear and would be watertight with the elimination of subparagraph (i). The clause says that if a person departs from the plans and commits an offence, the commissioner may serve notice on him to remedy the fault and then follows the penal section.

Hon. A. F. GRIFFITH: In other words, if he complies with the terms of the plans and specifications, it is not his fault if the terms of subparagraph (i) are brought about.

Hon. R. C. MATTISKE: That is so. So long as the builder conformed to the plans and specifications, he would not incur any liability. If he had to make good, even though the building had been built in accordance with plans and specifications, he would have a legal right of action against the owner.

Hon. L. A. LOGAN: Could the Minister or Sir Charles Latham answer some queries for me? I contract to do a job from plans and specifications which have been approved by the commissioner. I complete the job; and on examination, it is found that a defect "tends to render the building unsafe," and the commissioner requires me to remedy the position. Who pays me for it?

I agree with Mr. Diver that if something is found to be wrong during the course of construction, it should be rectified; but the contractor should not be forced to pay for it if he has built it according to the plans and specifications. Also, do not let us forget that there is a fine of £100 and £2 a day. But who pays me for rectifying the position? That is what I would like to know.

The MINISTER FOR RAILWAYS: I do not know whether the hon. member expects a benevolent society to contribute towards a builder who erects an unsafe building. Who should be expected to pay for such a fault? The man who made the mistake, of course! If he makes the mistake accidentally, it is just bad luck; but if it is made intentionally, he deserves to be punished.

Amendment put and a division called for.

The CHAIRMAN: Before the tellers tell, I give my vote with the ayes.

Division taken with the following result:

Ayes	13
Noes	12
Majority for	1

Ayes.

Hon. G. Bennetts	Hon. G. E. Jeffery
Hon. J. Cunningham	Hon. Sir Chas. Latham
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. J. J. Garrigan	Hon. J. D. Teahan
Hon. W. R. Hall	Hon. F. J. S. Wise
Hon. E. M. Heenan	Hon. F. R. H. Lavery
Hon. R. F. Hutchison	*(Teller.)*

Noes.

Hon. L. C. Diver	Hon. H. L. Roche
Hon. J. G. Hislop	Hon. C. H. Simpson
Hon. L. A. Logan	Hon. J. M. Thomson
Hon. G. MacKinnon	Hon. H. K. Watson
Hon. R. C. Mattiske	Hon. F. D. Willmott
Hon. J. Murray	Hon. A. F. Griffith
	(Teller.)

Pairs.

Ayes.	Noes.
Hon. G. Fraser	Hon. A. R. Jones
Hon. W. F. Willesee	Hon. N. E. Baxter

Amendment thus passed.

Hon. R. C. MATTISKE: I move an amendment—

That after the word "continues" in line 37, page 4, the following subclause be added:—

(5) Notwithstanding the provisions of Subsections (2), (3) and (4) of this section, a building contractor is not liable for an offence against this section for anything done or omitted, if the building, alteration, or extension, of the public building is supervised by a qualified architect, engaged by the building proprietor.

This was the subject of considerable discussion and the clause was postponed to enable further discussion with the officers of the Department of Public Health. That has been done, and the amendment is the result of that discussion.

The MINISTER FOR RAILWAYS: There is no objection to the amendment. The hon. member and the officers concerned worked it out to their mutual satisfaction.

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

Bill reported with further amendments.

BILL—COUNTRY AREAS WATER SUPPLY ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. C. DIVER (Central) [5.39]: As has already been explained, this Bill has two main features, the first of which is to give legal blessing to a practice in regard to water rating that has been in operation since 1947, in connection with several lots of land under different titles

being held as one lot by one individual. The only difficulty I can see in it—and it is one that I do not wish to labour very long—is that where a property consisting of one title is within 10 chains of a water main and becomes ratable, then all the land held by the owner of that one title within a radius of 1½ miles also becomes ratable.

This could be a little oppressive in its application where there is a small property that abuts a water main with the adjoining holding situated from half-a-mile to 1½ miles away. While the proprietor does enjoy a water service to a restricted portion of his holding, he has considerable expense in laying the water on to his property; and, in addition, he has to pay a substantial rating; whereas in the case that I have in mind, if the party concerned sells the small holding that abuts the water supply, and then obtains permission to get a water service and lays his own pipes on his property, he will only pay for the water consumed and not an annual rating.

I realise that such cases are rare, and that we will have to deal with them as they occur and as conditions warrant at the time. I certainly do not want to blight the country areas water supply by creating difficulties; but I thought it would be fair to mention that aspect in passing, so that the officers concerned could look into it.

As explained by the Minister, the other point concerns the question of drainage, and the lifting of drains and pipes. With those few remarks, I support the second reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North—in reply) [5.43]: The matter raised by the hon. member is one of those anomalies which are always found where a line or division has to be made; and this might affect other undertakings, quite apart from water supplies. Such anomalies always occur. However, I undertake to see that Mr. Diver's remarks are passed on to the responsible officers for consideration.

Hon. G. Bennetts: They are lucky to be in close proximity to water.

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—TRAFFIC ACT AMENDMENT (No. 1).

Second Reading.

Debate resumed from the previous day.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.45]: This Bill, as explained by Mr. Willmott, is one which removes an anomaly in the Traffic Act and no objection is raised to it.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; Hon. F. D. Willmott in charge of the Bill.

Clause 1—Short title and citation:

Hon. A. F. GRIFFITH: I would like to ask Mr. Willmott if he would report progress, as there is a phase in regard to the schedule which I would like to have an opportunity of looking into. The Bill has been brought on more quickly than I anticipated.

Hon. F. D. WILLMOTT: I have no objection.

Progress reported.

BILL—TRUSTEES ACT AMENDMENT.

Second Reading.

HON. G. BENNETTS (South-East) [5.48] in moving the second reading said: I am introducing this small measure on behalf of the Chief Secretary. The proposal in this Bill has been brought about by a request to the Government from the commissioners of the Rural and Industries Bank, who in doing so, are supported by the other savings banks operating in this State. I understand that in the first place the suggestion emanated from the Bank of New South Wales. As members will appreciate, from a legal point of view, the position of trustee is one of personal confidence; and therefore, unless this is specially authorised, cannot be delegated. However, Section 54 of the principal Act has, since the Act came into operation on the 31st December, 1900, empowered trustees, in writing, to authorise any bank to honour any cheques, bills, and drafts drawn on a trust's banking account by any one or more of the trustees. This authority continues until such time as the authority is revoked in writing. The position, therefore, is that unless the relevant deed of trust gives the trustees a specific power of delegation, all trustees must sign forms for the withdrawal of money from a trust's savings bank account.

This has caused complications. There are occasions when some trustees are not readily available. In fact, some could be out of the State. The Bill, therefore, seeks to enable trustees, in writing, to authorise any savings bank to accept withdrawal forms signed in the manner specified by the trustees in the written authority. All the savings banks operating in this State agree that this would

assist both them and their clients; and I, therefore, have no hesitation in commending the Bill to the House. I move—

That the Bill be now read a second time.

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

BILL—AUDIT ACT AMENDMENT.

Second Reading.

HON. E. M. DAVIES (West) [5.51] in moving the second reading said: The object of this Bill is to bring part of the requirements in the principal Act into line with the modern conception of auditing. The Act has been in operation since 1904; and some of its provisions, which were adequate to meet the conditions then, are not sufficiently elastic for modern auditing methods.

Section 39 of the Act provides that a cash book shall be kept at the Treasury in which all receipts and disbursements shall be entered. Section 40 specifies that the Auditor General shall examine the cash book daily and shall carry out a detailed check of all supporting vouchers and documents, etc. It is quite impracticable these days to comply literally with these requirements. The volume of supporting vouchers now is such that a detailed daily check is impossible; and so the Bill seeks to empower the Auditor General to examine the cash book, not daily but "at such times as he considers necessary."

Section 44 of the principal Act sets out, in considerable detail, the check of departmental accounts and stores required of the Auditor General. The enormous growth in departmental activities has made it impossible for the Auditor General to carry out these detailed checks. The Bill proposes, therefore, to give the Auditor General the power to dispense, where he thinks fit, with all or any part of the detailed audit of any accounts.

This provision would take the place of the present Section 48, which enables the Governor to exempt from detailed audit the accounts of receipt and expenditure of any department. Such exemption has to be tabled in Parliament within seven days of the exemption being made; or if Parliament is not sitting, within seven days of its meeting.

The proposal to give the Auditor General discretionary power of exemption is a less cumbersome method, and will assist to bring Government auditing into line with that of the audit offices in Australia, which have had to revise their methods in accordance with modern outlook and technique. On behalf of the Chief Secretary, I move—

That the Bill be now read a second time.

On motion by Hon. H. K. Watson, debate adjourned.

BILL—BREAD ACT AMENDMENT.

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.56] in moving the second reading said: The proposal in this small Bill applies only to an area within 15 miles of the G.P.O. The object of the Bill is to restrict any pastrycook in this area from commencing work before 5 a.m.

The pastrycooks' award prescribes that, within this area, the starting time for work shall be 5 a.m., and that penalty rates shall be paid to employees starting before that hour, or after a certain number of hours worked subsequent to 5 a.m.

The reason that the amendment has been asked for is that while the larger firms employing labour rigidly adhere to the 5 a.m. starting time, smaller firms and those employing no labour have been commencing work at much earlier hours, thereby being able to deliver their goods prior to those firms which do not start work until 5 a.m. Wherever an employee is concerned in the earlier starting hours he would have, of course, to be paid penalty rates.

The amendment has been sought by the Bakers' Union, which is of the opinion earlier starting is unfair to those pastrycooks who maintain the 5 a.m. start. The Arbitration Court has been consulted and has intimated that, in its opinion, so long as penalty rates are paid, there should be no restriction of hours. The matter has, therefore, been brought to Parliament for consideration.

I would emphasise again that the proposal refers only to an area within a radius of 15 miles from the G.P.O., this being the only area for which the award prescribes a starting hour. For instance, pastrycooks in the South-West Land Division are covered by the award; but in their case, no starting hour is prescribed.

This amendment is desired by the union and also by some of the larger manufacturing firms. As has been explained, the Arbitration Court considers that there is a starting time and there is also provision that anybody starting before that time can be paid penalty rates.

Hon. Sir Charles Latham: What about the man working for himself? Will he pay himself penalty rates?

The MINISTER FOR RAILWAYS: I do not know when he sleeps or rises. There are opinions, both one way or the other, in connection with this matter; and it has been decided to bring it to Parliament for consideration. I move—

That the Bill be now read a second time.

On motion by Hon. J. G. Hislop, debate adjourned.

MOTION—SCHOOL BUS CONTRACTS AND ROUTES.

To Inquire by Select Committee.

Debate resumed from the 24th July on the following motion by Hon. J. McI. Thomson:—

> That a select committee be appointed to inquire into and report upon school bus contracts and the curtailment of school bus routes and the method of the Department of Education in regard to same.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North) [5.58]: Before commenting on the statements made by Mr. Thomson regarding school bus contracts and rates, I would like to outline briefly the system which has operated in connection with the letting of contracts.

Tenders are called for all contracts, and then contracts of three or five years are made with the successful contractor. Thus, the tender price is an important factor in determining the rates paid.

Originally tenders were re-called as contracts expired; but it was realised that this might be detrimental to all concerned, as the contractors had no security of tenure and might be disinclined to carry out necessary maintenance to the buses, etc. It was then decided to renew contracts by negotiation in all cases where the contractors were satisfactory. When contracts are approaching the expiry date the contractors are asked if they wish to have the contracts renewed for a further term. If mutual agreement as to rates is not possible, the contractors can have recourse to competitive tendering. They never do!

Although the agreements did not include a rise and fall clause, the department realized that with the rapidly increasing costs following the war it was essential to review the rates from time to time. In this period rates have risen from an average of about 11d. per mile to an average rate of between 2s. 3d. to 2s. 9d. per mile at the present time.

Hon. C. H. Simpson: Over what period?

The MINISTER FOR RAILWAYS: Since the war ended. Reference was made by Mr. Thomson to the deputation which waited on the Director of Education in May, 1956, and he made the following statement:—

> Six months later the deputation received a notification of the outcome of the interview and they eventually agreed to accept a minimum basis of 31.05d. as the rate per mile to be paid to them.

I am advised the department does not understand the meaning of this statement. It certainly never made any offer of a minimum basis—a minimum rate of 31.05d. per mile for what? For a Volkswagen carying 15 or 16 children; a 25-30 cwt. bus carrying 20 children; or a five-ton bus carrying 50 children?

The position is that, following the deputation and subsequent discussions with the Western Australian Transport Association, it was agreed that the association should submit to the department schedules setting out what were considered fair and reasonable rates for each of the various types of buses in use; and, when agreement was reached, the department would take these index rates into consideration when reviewing the rates, having regard to the original tender rate.

Agreement has now been reached in regard to the schedules for each type of bus. The schedules are based on 15,000 miles per year, i.e., 75 miles per day. The rates for greater or smaller mileages per day will, of course, be adjusted proportionately. The agreed rates vary from 20.53d. per mile for the smallest type of bus up to 32.65d. per mile for the largest bus.

For the purpose of illustration I quote the details of the schedule for a five-ton bus—

	Austin 5-ton bus—Cost £3,800—75 miles per day	
	Claim by Association.	Departmental offer.
	Rate per mile. d.	Rate per mile. d.
(1) Depreciation (calculated on price of new vehicle)	6.0	6.0
(2) License and insurance	1.4	1.4
(3) Fuel	4.8	4.8
(4) Lubricants	.48	.48
(5) Maintenance and repairs	2.5	2.5
(6) Tyres	2.77	2.77
(7) Administration	.8	.8
(8) Interest (15% declining as depreciation deducted)	9.1	4.9 (8% on capital invested)
(9) Wages	10.56	9.0
	38.41	32.65

With reference to item No. (8)—interest—it would be very difficult to apply 15 per cent. declining as depreciation deducted as the rate would have to be reduced each year. An amount of 8 per cent. per annum on capital invested gives the same total over the life of the bus. Thus the department has agreed to the association's claim on all of the nine items except wages. The amount of 9d. per mile gives a weekly rate of £13 2s. 6d. for less than 20 hours of driving per week.

With reference to item No. (5)—maintenance—there is not much point in the hon. member asserting that the amount allowed by the department is too low. It is the amount claimed and has not been reduced by the department.

The reduction or deletion of spurs from bus routes is not unfair to contractors as practically all routes have, over the years, greatly increased in mileage by extensions and the additions of spurs. In any case compensating increases are granted when justified because of reduction in mileage.

It is not possible to apply these rates generally, as investigations by the department have revealed the following facts:—

Fifty-three per cent. of contractors are paid rates in excess of the agreed schedule.

Fifteen per cent. are paid in accordance with the approved rates.

Thirty-two per cent. are paid below the agreed rates.

But the number of contractors underpaid will be less than 32 per cent. as the interest on the agreed rates is calculated on the price of new buses, whereas a great many contractors are operating second-hand buses which cost considerably less than £3,800 and they are entitled only to interest on the amount invested.

Arising out of the foregoing, the Western Australian Transport Association was advised as follows:—

(1) The department proposes to continue the present tender system, as this is the most satisfactory method in view of the variety of conditions in different districts from Marble Bar to Esperance. It is the responsibility of the contractor to allow for the particular difficulties of the locality concerned.

(2) Contractors who consider they are underpaid can apply to the department for a revision of rates and these will be considered on their merits, having regard to the tendered rate and the approved operating costs. This is a continuance of present policy.

(3) As existing contracts expire, the department will negotiate with contractors and if agreement cannot be reached the department will recall tenders.

I would further point out that the department has always tried to resist the establishment of bus services and the granting of extensions and spurs where the cost was exorbitant by any economic standards, but under pressure many concessions have been granted at costs which are excessive having regard to the services rendered. The instructions from the Treasurer in December, 1956, to eliminate extravagant expenditure has accentuated the position, and the implementation of a policy which the department has always considered reasonable has led to the present bitter criticism.

There are many varying factors in connection with school bus services but the present issues can be divided broadly under two headings. Firstly, there is the elimination of spurs for children residing within reasonable distances of established bus routes. In organising school bus services, routes are designed to give the widest possible coverage, but the department cannot agree that the buses should run to every child's home. It is contended that parents who have the advantage of free bus services within two or three miles of their home should accept the responsibility of getting their children to the buses.

Secondly, there is the case of isolated families living so far out that it is economically impossible to provide bus transport. In a sparsely populated country, it is inevitable that a great many families live so far out that the provision of bus transport becomes an economic impossibility. There must necessarily be some financial limitation beyond which it is not reasonable to go.

A recent survey of bus routes has revealed many cases of exorbitant costs. Instances are a subsidised service at Mullewa costing 177s. per day for 10 children, i.e., 17s. per day per child. Another is an extension at Hyden for two children costing £14 per week, i.e., £1 8s. per child per day. For the information of members I quote the practice with regard to spurs prior to the recent amendment, and that now operating—

Up to December, 1956, the position was—

(a) No spurs for children living within 1½ miles of the route.

(b) Spurs if granted would not run closer to the home than one mile.

(c) A maximum spur of two miles for one child.

(d) A maximum spur of four miles for two or more children.

The principles governing spurs now are that these will be granted only to relieve hardship and the circumstances of each individual case will be considered. Within this general principle the following conditions will apply—

(a) Spurs not to run closer to the home than 1½ miles.

(b) Any spur of less than one mile to be deleted.

(c) The maximum length of a spur to be one mile for each child with a maximum of three miles.

(d) If the existing route is lengthy (i.e. in excess of 38 miles) the spurs for the children who are living reasonably close to the school to be eliminated.

I am assured by the Minister for Education and the director that they will be willing to give any information desired by members on request. Members will agree that the explanation given by the Minister for Education clearly covers the position and contains much detail. It is possible for any member, bus contractor,

or parents and citizens' association, or anyone concerned with the transport of children to a school, to approach the department with any complaint in connection with the contracts.

It has also been explained that the contractors renew their contracts or they sell to someone else; and that only on rare occasions—in fact, only in regard to new districts and new routes—does the department find it necessary to call tenders. So the contractors are in the happy position of not experiencing any opposition to the contracts they hold. They are renewed annually after mutual consultation, and after what the department considers is fair and reasonable treatment.

In regard to the detailed expenditure, as I have just explained, there was only one item that the contractors requested that was not admitted by the department, and that was payment for wages. All other costs in connection with assessing a rate per mile were agreed to. The department applied a different method of working out the depreciation; but in the long run, it works out the same as the other. The item of wages is, apparently, the only one attached to the bus contractors' costs in the claim submitted by the association, that the department did not agree to.

I therefore firmly believe that there is no need for a select committee to inquire into school bus contracts, and I oppose the motion.

HON. G. BENNETTS (South-East) [6.14]: I do not know whether everything the Minister has said is correct. The department is doing a good job, and the provision of buses for school children is costing the State a lot of money; but I have received three requests to try to bring about better conditions. I have one from Salmon Gums, one from Coolgardie, and one from Moorine Rock.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. G. BENNETTS: Before tea I was dealing with school bus services and referring to one or two cases that I know of which I think could be looked into. I have taken the matter up with the Minister in regard to those instances. Another which I have in mind is at Coolgardie, and the people concerned have a new Volkswagen van. They receive 1s. 6d. per mile and run 18 miles from Coolgardie to Bullabulling with 15 children. That is the railway mileage from the point at Bullabulling to the railway station at Coolgardie, but the school is about another mile further on. They are paid only for the 18 miles and consider that the amount they are receiving, in view of the price of petrol in that area, is not sufficient to warrant keeping the bus on the road. The result is that it is likely to be withdrawn.

I have written to the Minister, pointing out the anomaly, and I hope he will agree to give the matter consideration. In that instance the bus is running on a bitumen road; but two other cases I have in mind are Moorine Rock and Salmon Gums. In both these areas the buses run on rough bush tracks, the result of which is that the depreciation on the vehicles is terrific and maintenance costs are high. The operators of those two services thought the Government might be able to assist them with a reduction in sales tax on the purchase of new vans. That would help them out, and they would be prepared then to take that form of assistance instead of an extra sum per mile of travel.

The Government is to be commended on its education programme, and particularly in regard to school buses. I believe the next most commendable State in this regard would be New South Wales. In the Bruce Rock area a few weeks ago, we were discussing the local school bus service. In that area the bus runs one week around one section and finishes in a certain area, and the next week takes the reverse route. The people living close to Bruce Rock on the one side get home within reasonable time one week, but the next week it takes them three or four times as long.

It is a long trip and those concerned are prepared to help us. Instead of people being on that long run, they go in the four miles with their own cars and take their children home. Some of the farmers who have vehicles are prepared to assist by taking children to certain points in order to meet the buses, and they have built little sheds to shelter them in the event of rain or storm. I desired to express my grievances during this debate. But I will not support the motion as I think the Government is doing an outstanding, although costly, job in this regard. If members know of any matter in their districts that requires investigation, I believe that if they are not satisfied with replies received to correspondence they could overcome their difficulties by means of a deputation. I cannot support the motion.

HON. L. A. LOGAN (Midland) [7.36]: No doubt from the departmental point of view the Minister's contribution to the debate was an excellent one, and from it one would gather that everything in the garden was lovely. But unfortunately that is not the case. If the Minister happened to represent a country area where school bus routes operated, he would appreciate the amount of time spent by country members in dealing with problems associated with school buses. Probably the consolidation of schools has caused more headaches to the Education Department and to country members than any other problem that I have known of in the last few years.

The consolidation of schools was a policy adopted by one Government and pursued by succeeding Governments; and I believe

that where the smaller schools have been closed and consolidation has taken place, the people of those areas are entitled to school bus services. The inability of the contractors to deal individually with the Education Department eventually forced them to join an organisation, and they linked up with the Western Australian Transport Association, in an endeavour to get better representation in regard to the many requests in respect of which hitherto they had been unable to receive satisfaction.

I know, as the Minister stated, that the Western Australian Transport Association and the department went very carefully into the figures of what it costs to run school buses, and I believe that eventually they agreed upon a basis on which the rates should be applied. The basis agreed on, however, was only one for consideration, and actually was to operate as a minimum; and then, according to the circumstances of the district, the bus itself, and the route over which it had to operate, as well as the mileage, the figure was to be adjusted.

It would appear that in too many cases, however, the department is sticking to the minimum or very close to it, rather than taking cognisance of the whole of the ramifications of the bus route concerned. I understand that some school bus operators today are making a lot of money. But a large number are not; and unless sufficient finance is made available to enable them to replace the buses which they are now running, and to meet the increases in running costs that occur year by year, the stage will be reached where the consolidation policy will break down.

To say that satisfaction has been given is thoroughly wrong. I heard one school bus operator only last week say, "From next week onwards there are 16 children in this district who will not have a school bus, because I am certainly not going to carry on under the conditions with which I am supposed to comply." Obviously, when a school bus operator talks like that, there must be something wrong; and apparently he has not been able to get satisfaction. He was not handling his own case but was dealing through the chairman of the school bus operators' organisation.

On numerous occasions I have been requested to inquire into the amount paid to school bus operators. Surely if each member of the Country Party is receiving this type of request there must be something wrong! After investigation, of course, it may be proved that the claims made were not justified. But in my belief, in the circumstances, we are entitled to ask for an investigation; let these people air their grievances; and let the department state its case; and then we can sit in judgment and say whether school bus operators are receiving a fair crack of the whip.

I know that in the past the policy in regard to spurs has been to assist the picking up of children as far as possible within the realms of commonsense. Possibly it may even have been overdone in one or two cases; but on the whole there was always that one and a half or two miles that country children had to walk. I notice that there are not too many city children who have to walk any distance. If they have to travel only two blocks to school they pay a penny or twopence and ride on the bus.

Of course, we may say that in the old days we had to walk perhaps five miles to school, and we may be no worse off for having done so; but we must follow the trend, which today is not to walk but to ride. If city children are entitled to ride on buses to school for less than half a mile—although they are not subsidised—

Hon. J. M. A. Cunningham: And that is all most of them have to travel.

Hon. L. A. LOGAN: —surely country children, in view of the long distances they must travel and the hours that they are away from home, are entitled to some consideration. It appears to me that the Government, through the Education Department, has been endeavouring to economise on this particular phase. I believe its figure of £60,000 saving is correct. This saving, of course, has been made at the expense of the children, who have to walk three or more miles to the bus, or are driven to the pick-up point by their parents—who can ill afford the time—and then have to travel 30 or 40 miles in the bus.

Hon. F. R. H. Lavery: It is not only the country children that have to do that. The Coogee and Jandakot children do it, too.

Hon. L. A. LOGAN: They are very nearly in the country. Irrespective of which Government introduced the scheme, it is now Government policy that consolidation of these bus routes should take place, and also that the number of schools should be contracted. Therefore, if small schools are closed and bus services are introduced to transport the children affected to a school that is further distant, it is up to the Government to continue its policy; and it should not be cheese-paring in implementing it.

I would also point out that there is quite a difference in the figure quoted by the transport association and that given by the Government. The figure given by the transport association for the rate per mile was 38.4d. but the figure quoted by the Government was 32.65d. There is a fair margin between the two, and that could make the difference between a profit and a loss.

The Minister for Railways: It is based on cost-plus.

Hon. L. A. LOGAN: That could make a big difference.

The Minister for Railways: But they work on the cost-plus system.

Hon. L. A. LOGAN: It does not always work out, because they get down to the minimum very often; and they do not take into consideration the mileage travelled, the type of road traversed, the type of bus used, or anything else. I believe that these school bus contractors are entitled to have an inquiry instituted to find out what is wrong.

I have visited the department on several occasions to make inquiries into quite a number of these cases; and although the Minister has stated that every case is dealt with on its merits, it appears to me that the department considers that no case has any merit, because I do not know of one in my district which in the past few months has received favourable consideration and in which the position has been rectified. Therefore, it would appear that the departmental view is that there is not any case which has any merit.

I do not believe that that is true, because I feel quite sure that some of the applications that have been made have some merit in them. Mr. Thomson has said that he received 30 letters on this subject. I do not know from where he received all of those, but he was certainly not given any of the letters which were received by myself or my colleagues. He was, of course, referring to letters that had been received from people residing in the South Province, and he did not touch on the anomalies that are occurring in other provinces. So all in all, I believe that Mr. Thomson is quite justified in bringing forward this motion for a select committee to inquire into school bus contracts.

I hope that the House will give the motion its support so that we will know one way or the other whether this system is as good as the Minister says it is, or whether it is as bad as some of the bus contractors seem to think it is. I am perfectly certain that if the evidence that is presented to the select committee supports the case put up by the department, the select committee will reach a finding along those lines. There could be nothing fairer than that; and I hope, therefore, that the House will agree to the motion and give a select committee that opportunity.

On motion by Hon. C. H. Simpson, debate adjourned.

BILL—LOCAL GOVERNMENT.

In Committee.

Resumed from the previous day. Hon. W. R. Hall in the Chair; Hon. J. D. Teahan in charge of the Bill.

The CHAIRMAN: Progress was reported after Clause 264 had been dealt with.

Clause 265—Sale of Halls, Plant, Trading Concerns, etc.:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "municipality" in line 33, page 189, the words "or of bricks made by it" be struck out.

This is one of a series of amendments which I propose to move. If you will permit me, Mr. Chairman, I will group all of them in my remarks.

The CHAIRMAN: Very well. The hon. member may do that.

Hon. R. C. MATTISKE: My object in moving these amendments is to prevent municipalities embarking upon the trading undertaking of being brick-makers. Having had some experience of the brick-making industry I am aware that it is a very costly form of manufacture. Considerable capital is required, and the risks in the early stages are very great.

For example, the State Brick Works at Armadale experienced many initial difficulties when it first installed its new plant for the manufacture of wirecut bricks. These difficulties have been largely responsible for the fact that in the last two years there have been losses totalling £76,000. I point out that this is in a brickworks where the source of finance was quite sound and the best skilled labour was made available. Therefore, I consider that brick manufacturing is quite beyond the scope of any municipality and we should not encourage any of them to engage in it.

Hon. Sir Charles Latham: Would you apply that restriction throughout Western Australia?

Hon. R. C. MATTISKE: Yes, because there are many other types of materials that can be used in construction. If it is not desired that a timber-framed structure should be erected, cement blocks can be used.

Hon. Sir Charles Latham: Some of those are very porous.

Hon. R. C. MATTISKE: Yes; but the cost is considerably less than would be the cost of producing bricks in the area. Also, cement bricks are manufactured today which are quite capable of standing up to any weather. I therefore hope the Committee will agree to this amendment.

Hon. J. D. TEAHAN: I hope that the words which the hon. member proposes to strike out will be retained in this clause. At present municipalities have the right to deal and trade in bricks, and there is no reason why they should not be permitted to continue doing so. One of the main activities of the Kalgoorlie Road Board is the selling of crushed metal to various Government instrumentalities and

other bodies. As a result of that trading the Kalgoorlie Road Board is financially sound; and from the money obtained, the people of Kalgoorlie are enjoying better roads, parks, reserves and better local government. Municipalities have used this power wisely in the past, and I suggest that they should be permitted to retain and enjoy it.

Hon. Sir CHARLES LATHAM: This clause does not provide for a local authority to manufacture bricks, but for it to sell them. For instance, if a municipality bought a building and desired to sell the bricks obtained from it, it would not be permitted to do so if the amendment were agreed to.

Hon. R. C. Mattiske: But the words I propose to strike out are "or of bricks made by it."

Hon. Sir CHARLES LATHAM: But in this instance the bricks have already been made.

Hon. R. C. Mattiske: It refers to stone and materials obtained from any quarry.

Hon. Sir CHARLES LATHAM: But the hon. member's amendment would not prevent them from making bricks. It would simply prevent them from selling bricks. Bricks are extremely costly to transport, and I would suggest that the hon. member should have a further look at the amendment.

Hon. G. BENNETTS: I hope the Committee will not agree to the amendment, because many local authorities are now making pressed cement bricks. One of them is the Kalgoorlie Municipality. If the amendment is agreed to it will do a lot of harm to such local authorities. I suggest that the Committee should leave the clause as it is.

Hon. R. C. MATTISKE: I would like to make reference to Clause 496 in answer to Sir Charles Latham. Am I permitted to do that?

The CHAIRMAN: Yes, if the hon. member ties up this clause with it.

Hon. R. C. MATTISKE: It will be seen from Clause 496 that trading undertakings cover the supply of broken stones, clay or gravel, from the council's quarries, pits or land, and the supply of bricks from the council's brickyards. That is a clear intention to permit local authorities to operate brickworks.

I was very vocal when speaking to another section of this Bill dealing with the power of local authorities to control brickworks, as distinct from clay pits which are essential for the production of bricks. Linking all these things together, it appears to me very obvious that the Government intends to empower local authorities to embark on trading undertakings, including brickworks; and then to enable them, by the power which they possess, to restrict the activities of the brickyards in their districts. Thus a definite power is given to local authorities to take away from private enterprise their existing means of producing bricks. This matter should be viewed very seriously, and that is the reason I have moved the amendment to delete the words.

We have been given ample illustration of how the State Brick Works has been losing money in its business. We would be acting contrary to the best interests of ratepayers if we were to give authority to local governing bodies to embark on brickmaking. Mr. Teahan confined his remarks purely to the sale of stone by a local authority, and how that benefited the Kalgoorlie Municipal Council. That is a totally different proposition, and one with which I agree.

Where municipalities operate quarries, they should be permitted to sell some of the stone from such quarries, because they cannot use all that they produce. Furthermore, it is very expensive for anyone to start a quarry; and a municipal council which establishes a quarry and sells the surplus stone, is doing a great service to its ratepayers. In regard to the comment of Mr. Teahan on the bricks obtained from demolished buildings, that again is a different matter.

The words which I have moved to delete are, "or bricks made by it;" when they are coupled with the provision in Clause 496 it will be seen that this refers to bricks coming from the council's brickyard. A municipal council might open a brickyard in its district; and by applying restrictions to a private manufacturer, it would be able to put him out of business and thus create a monopoly for itself.

Hon. Sir Charles Latham: Wouldn't that apply to the private manufacturer?

Hon. R. C. MATTISKE: The private manufacturer operates in competition with others in the district. It is very significant that in the State there are just sufficient brickyards established to cover the requirements. Even in the immediate postwar years, when bricks were at a premium, it did not pay established brickworks in country districts to enlarge the works or to build additional works. In the metropolitan area it was slightly different because there was a far greater demand for bricks.

There are only a few brickworks established in country centres—one each at Albany, Narrogin, Katanning and Kojonup; one at Manjimup, which has since gone bankrupt; and two in Bunbury, one of which operates to enable the manufacturer to get sufficient bricks for building chimneys in addition to other construction work he is doing. The brickworks in country districts are battling for existence today.

Hon. F. R. H. Lavery: There is one in Wagin.

Hon. R. C. MATTISKE: There is a small one there, but I was dealing with the South-West. Brickmaking is a costly enterprise to embark on. There are other forms of solid construction, and in the last few years great advance has been made in the manufacture of cement blocks. If a solid building were required by a local authority in the outback districts, it would be well advised to purchase the bricks from an existing brickworks, or to obtain the cement to enable the blocks to be manufactured locally. It should not attempt to set up its own kiln to make clay bricks.

Brick-manufacturing is a particularly ticklish business. No matter how experienced the manufacturer may be, he must know the clay he is dealing with. Before the clay is fired it is air-dried for six or seven weeks, or two to three months, depending largely on weather conditions. The whole process must be perfect before good bricks are produced. Many failures are sustained.

I remember one occasion when the wirecut section of the State Brick Works was opened. The officers present went around to one of the square kilns where the first batch of wirecuts had been fired. It was found to be one large congealed mass of fused clay. That might have been due to the firing or due to the green bricks those works were manufacturing.

Today the State Brick Works is still not able to produce a good wirecut brick, and it will be many years before they will be able to make good bricks. It is largely a question of trial and error. This Committee should delete from the clause all reference to brick-making and so enable the existing brickyards to supply the present-day needs.

Hon. J. MURRAY: I support the amendment. The inclusion of these words in the clause presupposes that the Committee will, at a later stage, agree to local authorities being permitted to engage in several types of trading concerns, including brick-making. As a first step we should delete those words and so prevent that from happening. There is nothing to stop a local authority, when it demolishes a building, from selling the bricks, because those bricks are not manufactured by it. The deletion of the words will prevent it from selling any bricks it may manufacture.

Hon. L. C. DIVER: We are dealing with a difficulty created by the proposed merging of the Road Districts Act and the Municipal Corporations Act. I can understand the attitude of Mr. Mattiske in endeavouring to prevent local authorities going into the brickmaking business. But I am not altogether in agreement with his explanation that if the amendment is agreed to, then any local authority in a country district which wants to build a hall for, say, an ambulance depot, can import the cement to make the cement blocks.

He did not use the term "cement bricks," and it seems that a definition of the word "brick" is necessary. To me a cement block is the same as a cement brick. I am somewhat disposed to agree to the deletion of the words, but I would like to see the requirements of some local authorities being safeguarded.

Hon. J. Murray: The deletion of the words will not mean that local authorities will not be able to use bricks manufactured by them on their own jobs.

Hon. L. C. DIVER: If that were the position, then any surplus bricks manufactured by local authorities could not be sold. We should be very careful on this score. I agree that local authorities should not be permitted to enter into trade undertakings. It is bad enough for the Government to do that.

Hon. R. C. MATTISKE: I can see a way out of this. Possibly I have been doing an injustice to the framers of this measure, and I may have been off at a wrong tangent. In reply to Mr. Diver, I might point out that the industry normally refers to all cement bricks as cement blocks. I can see the point of Mr. Diver's remarks, and perhaps the best course to take would be to leave in these words and insert before them the word "cement." That would permit a council to dispose of any cement bricks made by it, but would preclude it from embarking on clay-brick manufacture, which would be extremely dangerous. I would like to hear from Mr. Diver whether he and other members would be prepared to accept the inclusion of the word "cement."

Hon. J. D. TEAHAN: It is only supposition as to what would happen in the future. Members forget that there is a restraining influence on the embarking on these big undertakings that Mr. Mattiske visualises. He forgets that a road board or a municipality consists of 10 or 12 men who would have to agree to embark on such an enterprise; not only they, but the people who elected them. We have not found them indulging in these grandiose schemes in the past, and I do not expect that they will do so in the future.

A municipality of which I have knowledge was very anxious to abolish the pan system and substitute the septic system. The cost was the governing factor. The municipality stepped in and undertook to produce cement bricks and supply them at cost, and in that way the installation of a septic system was made possible. The people were supplied with the bricks, and the cost was about £100 to each house. Any alternative would have involved a cost of about £200.

Local authorities use their power with wisdom and advantage to those who live in their areas. There is no need to impose a restraint on these people. Let us leave it to their good judgment not to embark on wild-cat schemes such as Mr. Mattiske has visualised.

Hon. L. C. DIVER: It is very nice to hear Mr. Teahan speak like that. But when we look at the Bill as drafted, we find that the intention of the Government was to vastly alter the constitution of local government. The intention really was to socialise the whole business; there is no question of that. This is one more aspect of that intention; and, in my opinion, now is the time to ensure that this Bill, when it becomes an Act, will be devoid, as far as possible, of any facility to allow that to take place.

Hon. R. F. Hutchison: Any progress.

Hon. L. C. DIVER: Perambulators! I would like to have the word "cement" inserted before the word "bricks" in line 33.

The CHAIRMAN: I suggest that Mr. Mattiske will have to give consideration to withdrawing his amendment, unless Mr. Diver wishes to move an amendment on the amendment.

Hon. L. C. DIVER: I think that what you have said is correct. All I wanted to do was to set things in motion.

Hon. R. C. MATTISKE: I am quite happy about that suggestion, and am willing to seek leave to withdraw my amendment to permit Mr. Diver to move his.

Amendment, by leave, withdrawn.

Hon. L. C. DIVER: I move an amendment—

> That after the word "of" in line 33, page 189, the word "cement" be inserted.

Hon. Sir CHARLES LATHAM: I have no objection; but I would like members to realise what this subclause provides for. Local authorities have had this power ever since they have been in existence, and the only time I have ever known it to be used has been in order to enable a small kiln to be established to enable bricks to be provided for buildings required by the local authority, which bricks would have been too costly to obtain from Perth or elsewhere. I do not think for one moment that any local authority—

Hon. E. M. Davies: They have too many worries without making bricks.

Hon. Sir CHARLES LATHAM: I was thinking that they are not likely to do it. There is concern about preserving some of these people who go into business and create monopolies. That is what I am frightened of—these people who create monopolies and keep others out of business. I would point out that local authorities would have to get the Governor's or the Minister's approval to engage in these undertakings. What I am wondering is why cement bricks should be included and kiln bricks omitted. Surely we want both kinds of brick.

Hon. R. C. MATTISKE: The answer to that question is that if a supply of cement bricks were needed in some outback area for the building of a hall, no elaborate equipment would be required to produce the bricks. All that would be necessary would be cement from the metropolitan area or the Eastern States, suitable sand —which is normally obtainable in most portions of the State within a reasonable distance—and water. But for the manufacture of clay bricks there is a heavy capitalisation. For a small brickworks it would be in the vicinity of £250,000.

Furthermore, the method of production is such that it could be two or three years before the teething troubles were overcome and bricks of a suitable quality were manufactured. For purposes of the erection of a hall or anything of that kind, it would be quite impracticable for a local authority to manufacture its own clay bricks.

Like Mr. Diver, I am concerned about the fact that throughout this Bill there is an attempt to socialise industry. When we have side by side clauses giving local authorities power to manufacture their own bricks and power to control other brick-making concerns, the whole game is entirely in their hands.

Consider a town like Narrogin. Suppose the people on the local authority were, for any reason, opposed to the local brick manufacturer. They could very smartly squeeze him out of business, though admittedly it would be costly to the ratepayers. If they really wanted bricks for their own purposes they would have all they required in cement bricks. The modern cement brick is very effective in construction work.

The MINISTER FOR RAILWAYS: Mr. Mattiske tells a very good tale, but it is unlikely that any local authority will spend £1,000,000 on this sort of thing.

Hon. R. C. Mattiske: I said £250,000.

The MINISTER FOR RAILWAYS: The only reason I can see that a local authority might want to start a brickworks would be because the ratepayers were being fleeced over the price of bricks. I see no harm in the clause as it stands.

Hon. E. M. HEENAN: It seems to me that Mr. Mattiske and some of his supporters are becoming unnecessarily alarmed about this proposal. It might be all right in the city, where there are a number of companies operating successfully and doing a satisfactory job. But what about some country towns, or towns on the goldfields, such as Menzies, Norseman and Esperance? Esperance is a town with a big future, and people there will need bricks. Someone will have to start manufacturing them.

Hon. R. C. Mattiske: You want the local authority to do it.

Hon. E. M. HEENAN: I want someone to do it.

Hon. R. C. Mattiske: I hope it will be more successful than the State Brick Works.

Hon. E. M. HEENAN: Why should not the people in those places have brick halls and brick homes just the same as the people of Bunbury, Albany and the metropolitan area?

Hon. R. C. Mattiske: Why not open up their own cement works?

Hon. Sir Charles Latham: We brought one here from England and it cost us a lot of money.

Hon. E. M. HEENAN: I do not think there is a brickyard nearer to those places than Northam.

Hon. Sir Charles Latham: The people in Esperance will get their bricks from Kalgoorlie.

Hon. E. M. HEENAN: But there are no bricks being manufactured at Kalgoorlie.

Hon. Sir Charles Latham: A brickyard will be opened up there.

Hon. E. M. HEENAN: I do not think a local authority will want to go into this business if private enterprise will take it on; but they should have the authority to do so if private enterprise will not do the job.

Hon. R. C. Mattiske: And lose money for the ratepayers.

Hon. E. M. HEENAN: I would leave it to the good sense of the local authority concerned. No local authority would want to open up a brickworks if private enterprise was rendering a service. I hope the clause will remain as it is printed.

Hon. G. BENNETTS: Mr. Heenan spoke about Esperance. I was there only a few months ago, and one area in that town has been declared a brick area. At that time there were a number of buildings under construction which did not conform to this requirement; and I suggested to the Government that it override the local authority to allow these people to erect their buildings, and that within three to five years they be replaced with brick structures. This means that a lot of bricks will be required.

The Esperance hotel has just been rebuilt with cement bricks, and it will be a first-class job. But there are other places which will desire clay bricks. I think we should leave the Bill as it stands; because if private enterprise will not do the job, somebody has to do it; and I cannot see any local authority opening up a brickworks if it will not be a payable concern, or if it is against the wishes of the ratepayers.

Hon. Sir Charles Latham: The ratepayers will control it.

Hon. G. BENNETTS: Of course they will! They would not allow a local authority to get away with £250,000; they would want to see something for their money. So let us leave the clause as it stands.

Hon. F. R. H. LAVERY: I want to throw a bouquet at Mr. Mattiske for his persistence on behalf of the brick manufacturers of this State. I feel that they have a very good advocate; and I am not saying that facetiously.

Hon. Sir Charles Latham: He represents everybody, and not only the brick manufacturers.

Hon. F. R. H. LAVERY: He is doing a good job for them at the moment; so do not take any credit from him. After listening to the debate on this measure, I find that tonight the opposition has come out in the open and has declared that this legislation is a socialist dream. I am just as much concerned about the people in the country as I am about those in the West Province; and I mentioned the brickyards at Wagin because I know a little about them. The people who are elected to local authorities are jealous of what happens in their districts; and Mr. Mattiske and those supporting him should have no fear that those local authorities will embark on any foolhardy project. I did not hear Mr. Mattiske saying anything about the sand-lime brick manufacturers in the metropolitan area.

Hon. R. C. Mattiske: Because it is a costly process and they are not a success.

Hon. F. R. H. LAVERY: Do they cost £250,000?

Hon. R. C. Mattiske: I cannot give you any figures.

Hon. F. R. H. LAVERY: The one at Jandakot, which makes a beautiful brick, cost less than £250,000. I assisted private enterprise in that instance, by getting the Government to guarantee the overdraft.

Hon. R. C. Mattiske: I was talking about clay bricks.

Hon. F. R. H. LAVERY: The word "clay" is not in the Bill. I hope the tenacity of the hon. member will not bear fruit on this occasion, and that the clause will remain as printed. At some stage before tea, Mr. Diver said that there was some kite-flying going on. I think that is so on this occasion. Mr. Diver has had a lot of experience with local authorities, and he must know that the local authority with which he has been concerned would not go into any mad-cap scheme; they would want to be sure that it would be a success.

Hon. L. C. Diver: I would draw the hon. member's attention to the fact that this Bill was drafted entirely differently to the old one.

Hon. F. R. H. LAVERY: This Bill has taken several years to draft. A previous Chief Secretary was not capable of drawing it up. He said so, and left it to an

incoming Government to do. So do not let us become political about it. I hope that this idea about the Bill being part of a socialist programme will be completely forgotten.

Hon. R. C. MATTISKE: I must object most strongly, but not heatedly, to the words used by Mr. Lavery. He said that I am here representing the brick-making industry, or words to that effect.

Hon. F. R. H. Lavery: Do you deny it?

Hon. R. C. MATTISKE: I represent not only the electors of the Metropolitan Province but also the rest of the people throughout Western Australia; and I do not look after any sectional interest, whether it be employers or employees. I take a broad view of the whole question. I have been mixed up with the building industry in the postwar years; and through that I have come in contact not only with brick manufacturers, but also with other people connected with the building industry; and any knowledge that I have acquired in that period, and which can be of use in this House, I will readily put forward because it is my duty to do so.

I hold no brief for brick manufacturers as such. I am merely trying to prevent local authorities from being brought into a scheme which will cost their ratepayers dearly.

Sir Charles Latham asked the difference between a cement brick and a clay brick, and I hope my answer satisfied him. If I had been in this Chamber when the Act was passed empowering the State Brick Works to undertake brick production I would have used all my knowledge to speak against it; and it is a pity that members were not able to dissuade the Government of the day from the action it took. It has proved costly, and has not contributed more bricks. If with my knowledge in these matters I am able to help the Committee to arrive at a correct decision, that is all I desire.

Amendment put and passed.

On motions by Hon. R. C. Mattiske, clause further consequentially amended by—

Inserting before the word "bricks" in line 37, page 189, the word "cement."

Inserting before the word "bricks" in line 3, page 190, the word "cement."

Clause, as amended, put and passed.

Clauses 266 and 267—agreed to.

Clause 268—Contracts above £500 to be by tender:

Hon. R. C. MATTISKE: I object to this clause because it will impede the work of local authorities. We have had experience in the Perth Road Board where various reputable firms have arranged to do work for the board; but the work could not be done without calling tenders, and drawing up elaborate plans and specifications.

Hon. Sir Charles Latham: What do you mean by elaborate specifications? You mean in detail, not elaborate.

Hon. R. C. MATTISKE: Very well, in detail as distinct from elaborate. For instance, Humes Ltd. could supply footpaths at a cost of £19 a chain. They would be in cement slabs, 1½in. thick, with a normal high-class finish. The paths would be 4ft. wide. The local authority is responsible only for the rough levelling of the area—that is, where any excavations or filling is required—and the engineer from that authority would put in the level pegs. At that time we were paying £30 a chain for bitumen surface paths 5ft. wide. The advantage of cement slab paths over bitumen paths is very great.

Cement slab paths can, of course, be lifted when necessary, whereas bitumen cannot. In order to negotiate by tender with Humes, or any other firm, would have meant spending a considerable sum of money in detailed plans and specifications. By doing it in smaller doses we were able to build up a working arrangement with Humes under which their work was inspected day by day by the engineer; and, if any alteration were required, it would be carried out by Humes the next day. As a result, the road board is now saving a considerable amount of money on its footpaths construction.

If we place a limit of £500, particularly on road construction, we will impede the work of local authorities. Greater opportunity should be given to them to make private arrangements with creditable firms without their being hamstrung. I hope there will be some discussion on this.

Hon. J. D. TEAHAN: My experience of local government is that it is wise in all cases to call for tenders. It allays any suspicion that might arise. In the case of an institution like the Perth Road Board, £500 might be a small amount; but for other local authorities, it would be a large undertaking. If we eliminate the necessity to call for tenders on an amount of up to £500, the way will be left open for criticism. I strongly favour tenders being called, and I oppose the views expressed by Mr. Mattiske. There is an escape for special cases of emergency.

Hon. R. C. MATTISKE: What is meant by the phrase "except in cases of emergency"?

Hon. Sir Charles Latham: Where there are culvert washaways.

Hon. J. D. Teahan: A bridge might need to be repaired in 48 hours, in which case you would not have to wait seven days for the calling of tenders.

Hon. R. C. MATTISKE: I would quote the instance of the culvert at Balcattard, which was damaged. It carried a lot of traffic, and the Perth Road Board had no authority to carry out that work.

Hon. J. D. Teahan: It will have under this.

Hon. R. C. MATTISKE: It had to call for tenders; and as a result, the road was closed for a considerable time.

Hon. Sir CHARLES LATHAM: That is surprising. I have been associated with road boards, and we have always been able to put on day workmen. I would say that this provision is very worth while. The cheapest method of getting work done is by contract, so long as it is done under good supervision. The hon. member was very concerned that we control brick-making; yet he now wants no tenders called for work over £500. I say we should give the road boards the power to do the work by contract.

Hon. R. C. MATTISKE: The hon. member misinterpreted what I said. The case I recited just a while ago was one in which the Perth Road Board had to call tenders. I was not saying it should have done the work itself. It could not do so, by the nature of the job, and had to call in an outside contractor. Under the Act it was necessary for it to call tenders for the job.

Hon. Sir Charles Latham: Why did it not do the work?

Hon. R. C. MATTISKE: Because it was a specialised job, which it was not fitted to carry out.

Hon. G. BENNETTS: I hope this amendment will not be agreed to, because in local government there are a lot of smart men who run a business and get the benefit of council or road board work. If no tenders are called, members of the local authority do not like to go against another person who is a member, as it would embarrass them. Therefore, a certain councillor gets the job. If tenders are called, it is fair and above board. I hope the Committee will leave the clause as it is.

Hon. J. M. A. CUNNINGHAM: I do not agree to the deletion of this clause. It says, "before entering a contract for the execution of work." Most councils have a trained work force and plant, and would normally do the work; and there would be no obligation to enter into a contract. The clause also mentions the purchase of goods. I can give a specific instance. During the Royal visit, there was need to replace a great quantity of carpet runner; and I would hate to say what might have happened at that time had we entered into an agreement to purchase that carpet without calling tenders or obtaining a number of quotes. It is just automatic and should be done whether the amount reaches £500 or not. It is a safeguard, and people are entitled to criticise any agreement, unless it is above board.

Hon. L. C. DIVER: I think the Committee might let this clause stand as printed; and if it does not meet with approval of shire councils when it is in operation, it can be amended at a later date.

Hon. R. C. MATTISKE: My purpose in drawing attention to this matter was to invite discussion. The debate we have had has been very good. We are now quite clear in our minds as to what could or could not happen, and I am happy to see the clause stand as it is.

Clause put and passed.

Clauses 269 and 270—agreed to.

Clause 271—Power to contract with other municipalities, departments and approved public bodies:

Hon. R. C. MATTISKE: I feel it is not necessary to obtain the authorisation of ratepayers at a special meeting before a council can contract with one or more other municipalities. I think it is labouring the process of local government. Therefore I move an amendment—

> That all words from and including the word "with" in line 37, page 194, down to and including the word "authorisation" in line 40, be struck out.

Hon. J. D. TEAHAN: At present the municipal Act requires that the consent of the Governor be given where contracts are entered outside a municipality's own boundaries. This clause requires that that be continued. I suggest to the Committee that the clause stand as printed.

Hon. J. M. A. CUNNINGHAM: I am inclined to agree to this amendment. It is a growing practice for one board in a specific district having a full plant to contract for work in the area of a smaller municipality which cannot afford such a complete plant, particularly in regard to road-making. This is particularly noticed in the Goldfields where there are three local governing bodies, all of which have some portion of road-making plant, but one in particular has a very complete set-up, from stone-cracking plant to heavy machinery. The Boulder municipality has had this board do a certain amount of road work and it was done much cheaper than the Boulder council could do it. I think it was only necessary to obtain the permission of the commissioner.

However, the requirement here is that a special meeting of ratepayers must be called; and, at such a meeting, not more than half a dozen may attend. If permission were obtained from the commissioner, I think that would be sufficient; but I do not think a special meeting of ratepayers would be necessary. They would not know much about it.

Hon. L. C. DIVER: I am of the opinion that if a local authority wanted the Main Roads Department to do work, it would have to call a meeting of ratepayers. Surely local authorities have the right to

enter into an agreement with the Main Roads Department in their area without calling a meeting of ratepayers and having a resolution passed for that specific purpose.

Hon. Sir Charles Latham: In the Municipal Corporations Act it cannot be done without the approval of the Governor.

Amendment put and passed.

Hon. R. C. MATTISKE: I now have two small consequential amendments which I wish to move. I move an amendment—

> That the word "the" in line 1, page 195, be struck out and the word "a" inserted in lieu.

Amendment put and passed.

Hon. R. C. MATTISKE: I move an amendment—

> That the words "without the necessity of obtaining authorisation mentioned in Subsection (1) of this section" in lines 14 and 15, page 195, be struck out.

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

Clauses 272 to 274—agreed to.

Clause 275—Council may take materials for road-making and enter to inspect:

Hon. L. A. LOGAN: If a council or municipality enters a person's land to take sand or gravel does it have to leave the land in a fit and proper state?

Hon. Sir Charles Latham: Have a look at Subclause (5).

Hon. G. C. MacKINNON: I refer to Subclause (3) (a). This paragraph states that a person who leaves a gate open commits an offence. I assume that would cover a person employed by a council.

Hon. Sir Charles Latham: "A person" would cover anybody.

Hon. G. C. MacKINNON: In paragraph (c) we have the words "a person," whereas in paragraph (a) we have the words "the council or person." Why the difference?

Hon. Sir CHARLES LATHAM: The reason is clear. The council does this by an instruction to an officer. A council does not open a gate, but a person does.

Hon. H. K. Watson: I was waiting to hear Mr. Teahan's answer to Mr. Logan.

Hon. J. D. TEAHAN: As I have not the full answer I shall obtain it and let members have it when next we discuss the Bill. Last night I was asked whether the measure contained any provision for the parking of motor-vehicles. I find that no such provision has been made.

Hon. J. M. A. CUNNINGHAM: In answer to Mr. Logan's question, I suggest he refer to Subclause (7).

Clause put and passed.

Clauses 276 to 280—agreed to.

Clause 281—Property in streets:

Hon. R. C. MATTISKE: I move an amendment—

> That the words "by, but subject to the provisions of, this section revested in the Crown" in lines 35 to 37, page 199, be struck out and the words, "and shall be vested in the municipality" inserted in lieu.

Under the Municipal Corporations Act, a road is vested in the municipality. I cannot see why in this measure it is desired to vest such land in the Crown.

Hon. J. D. TEAHAN: Under the Road Districts Act they are vested in the Crown, but under the Municipal Corporations Act they are vested in the municipality. Last night Mr. Mattiske argued to the contrary of what he wishes now when he asked that the Mines Department should govern a municipality in respect to minerals.

It is considered desirable that all the roads shall be vested in the Crown so that there will be less confusion than at present. In my own district there was confusion over some land which was made available for a home for aged pensioners.

Hon. G. C. MacKinnon: Would you explain how the confusion arose?

Hon. J. D. TEAHAN: A committee desired to build an aged pensioners' home on the Goldfields, and a plot of ground which was controlled by a road board was selected. The committee had quite a deal of bother getting the land vested in itself. The Lands Department suggested that in order to get the best results the road board should surrender its rights in the land to the Crown and the Crown would arrange to grant the freehold to this organisation. It would have been far easier had the Crown had the right to vest direct.

Hon. G. C. MacKinnon: Did these people want to build the home on what had been an old highway?

Hon. J. D. TEAHAN: Part of it was on a closed highway which had sort of been fenced off.

Hon. Sir CHARLES LATHAM: When a road is closed the Crown usually gives or sells the land to the adjoining holder. If there are two adjoining holders the land is divided between them.

One problem that I thought would have been dealt with in this measure is not mentioned, and this is in connection with right-of-ways in a municipality. Under the old Act, no subdivision was permitted without having a right-of-way at the back of the property. That property really belongs to the adjoining property holders, but there seems to be some clouded legal issue about closing these right-of-ways. The municipalities will do nothing and neither will the owners, because they say

they have no control over the right-of-ways; that their fences preclude them from having control.

These right-of-ways were necessary in the old days when the night carts had to travel along them; and they were also required for the delivery of goods. I was hoping that in such places as Maylands and North Perth the question of the right-of-ways, which are a menace, particularly as far as the Argentine ant is concerned, would have been dealt with.

Hon. G. BENNETTS: The land Mr. Teahan mentioned was held by Forwood Down's foundry in Kalgoorlie, and we bought it at a nominal cost for a pensioner's home. They gave us the right-of-way and part of the land on the other side of the roadway if we could get the Lands Department to give us the portion that had been closed. Mr. Teahan and I went to the Lands Department and they said it would be better for it to be vested in the Crown.

In Kalgoorlie, apart from the lanes behind the houses, there are some lanes running between the streets—about 8ft. wide—and they are causing trouble to the municipality owing to weeds and so on. In some cases the land is divided between the owners of property on either side, or one of them only may take it; but the land passing my property apparently was a watercourse, and is still marked that way on the plan; and I would have to go to a lot of trouble to get it. Those lanes should be closed.

Hon. L. A. LOGAN: This is another instance of trouble caused by trying to join two Acts. I believe that the clause should be redrafted. So far all roads and streets closed have been vested in the municipality; but in future they are to be vested in the Crown. I think the clause should be redrafted to allow roads to revert to the Crown and streets to revert to the municipality.

Hon. J. D. Teahan: I have no objection to the clause being postponed.

The CHAIRMAN: It will be necessary first for the amendment to be withdrawn.

Hon. R. C. MATTISKE: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

On motion by Hon. J. D. Teahan, further consideration of the clause postponed.

Clause 282—agreed to.

Clause 283—Declaration of dedication of public streets:

Hon. H. K. WATSON: I am not clear why the qualification in subparagraph (ii) of paragraph (b) of Subclause (1) is necessary. Apparently a sole owner can apply to have a private street made into a public street; but if there are two owners, they cannot apply unless the ratable value of their properties is more than half the ratable value of all the property in the street. In Adelaide Terrace, for instance, it would be difficult to find two blocks of the necessary value.

Hon. J. D. TEAHAN: I will secure more information on that.

Clause put and passed.

Clauses 284 to 287—agreed to.

Clause 288—Corners to be located:

Hon. R. C. MATTISKE: I cannot see the reason for this clause. I know of plenty of instances where survey pegs have been put in in the last few years; and if an owner wished to erect or dismantle any building, fence or other structure adjacent to the survey peg, under this clause he would be put to the expense of getting a licensed surveyor there to check the peg. I do not see the necessity for that in all cases.

Hon. Sir CHARLES LATHAM: While I was Minister for Lands, St. George's Terrace was resurveyed and a number of buildings were found to be off the line. Now, for all new constructions, the peg must be sighted by the Titles Office before building is commenced.

Hon. R. C. Mattiske: What about demolitions?

Hon. Sir CHARLES LATHAM: If there is no peg, one must be put in to indicate the corner for future purposes.

Hon. R. C. Mattiske: What about residential areas?

Hon. Sir CHARLES LATHAM: The seller of a property is supposed to give a clear title that the building or fence is on the line; and if it were not, I think he would be liable for damages. That is the reason for this provision.

Hon. R. C. MATTISKE: Would not a proviso to the effect that where a proper survey peg was in position the clause should not apply, cover the position? Where there was a peg already in position the owner should not be put to the expense of having it checked by a surveyor.

Hon. Sir CHARLES LATHAM: Recently, a property in which I was interested, and which was situated in the Cottesloe municipality, had its title transferred. The title was issued on a statement from a surveyor who six years ago had driven 10in. survey pegs in a certain spot and whose certificate was accepted.

Hon. R. F. HUTCHISON: I think this clause is necessary. It so happened that a block of land which my son had bought was 19in. out according to the survey peg. As a result, it had to be resurveyed, and my son had to alter the whole position of his house.

The MINISTER FOR RAILWAYS: This clause has been taken from the Municipal Corporations Act. I suggest that we pass

it as it stands and give it further consideration, if necessary, when the Bill is recommitted. In fact, I think the clause is quite all right.

Hon. Sir Charles Latham: So do I.

The MINISTER FOR RAILWAYS: The point that Mr. Mattiske is making is that if a person has a survey peg which is exposed, and he wishes to move his fence, he has first to approach a surveyor to locate the true survey line before he can shift the fence post which is adjacent to it. Some further inquiries could be made in regard to the clause, and an amendment could be made if required when the Bill is recommitted.

Clause put and passed.

Clause 289—Closing of streets:

The MINISTER FOR RAILWAYS: As this clause is consequential on Clause 281, I suggest it be postponed. I move—

That the clause be postponed.

Motion put and passed; the clause postponed.

Clause 290—Notice of subdivision of land required:

Hon. G. C. MacKINNON: Will the Minister ascertain whether this clause will conflict with the town-planning legislation?

The MINISTER FOR RAILWAYS: Yes; I will make the necessary inquiries. But I believe the town-planning legislation and the Local Government Bill have been framed so that they will not conflict.

Hon. L. A. LOGAN: If an individual applies to the local authority to subdivide a block of land, it in turn has to apply to the Town Planning Board for permission to subdivide. I think that is what happens.

Clause put and passed.

Clause 291—Power of council, of its own motion to construct, repair and clear private streets:

Hon. R. C. MATTISKE: I think this clause will impose undue hardship on owners involved. This work may be carried out at the expense of the owner, and he has no say in it. I move an amendment—

That all the words from and including the word "at" in line 29, page 214, down to and including the word "pay" in line 38 be struck out.

The MINISTER FOR RAILWAYS: Subclause (2) of this clause gives the council power to form, level, pave, etc., private streets, and to call upon the owners of private streets to pay for the cost and the work carried out by the council in the same way as if it were forming a new subdivision. The effect, therefore, would be to relieve the owners of the cost of the construction close to their properties. For those reasons I oppose the amendment.

Hon. R. C. MATTISKE: I cannot see how it would relieve the owners of the cost, because in line 29 it states specifically that the work will be done at the expense of the owners.

Hon. Sir CHARLES LATHAM: This is the usual practice. A person who resides in a road board area and who wishes to subdivide a tract of land has to pay so much a chain before the road board will agree to the subdivision of the land, such payment to be made according to the number of right-of-ways that are to be provided. A municipal council surveys the streets and maintains them, but it charges the cost to the owners of the land who are adjacent to such work, and the municipality will not allow anyone to subdivide any land unless the owner pays for such work performed by it.

Hon. R. C. MATTISKE: Any subdivision these days must first of all be approved by the Town Planning Board. Under this clause, however, it will be possible for a municipality to say, "Here is a right-of-way running between various properties. We will now remove certain trees and perform some levelling work, and we will charge the cost to the adjoining owners." Those owners would have no say in the work performed by the municipality.

Hon. E. M. Davies: That is already provided under the Health Act.

Hon. R. C. MATTISKE: I think it is entirely wrong. If the owner asked for the work to be done it would be different. But under this clause it would be done irrespective of the owner's wishes. After reading the definition of a private street, which includes right-of-ways as we know them, I may be under a misapprehension. But am I right in assuming that this clause will not deal with the ordinary right-of-way separating various blocks of houses and connecting two streets? If that is so, I will have no objection to the clause.

Hon. Sir Charles Latham: The Health Department will not permit such right-of-ways today.

Hon. R. C. MATTISKE: But there are hundreds of them in the Scarborough district.

Hon. Sir Charles Latham: But they were in existence many years ago.

Hon. R. C. MATTISKE: If my interpretation of this clause is correct, it would be possible for a local authority to pave a right-of-way and charge the cost to the adjoining owners. However, if a right-of-way were not covered by this clause it would be a different proposition.

Hon. L. C. DIVER: I think there is some merit in the argument put forward by Mr. Mattiske. Although many municipalities have existed as such for many

years they now govern many new localities. I know of some particularly expensive blocks of land which have only an access way that is 16ft. wide.

Hon. E. M. Davies: How could they have any frontage?

Hon. L. C. DIVER: The river is their frontage. At present the people have been told that if they wish to improve the street it is their responsibility, and that the council cannot do anything for them. If we are to save localities like that one we are to save localities like that one we should add something to this clause. The right-of-way which serves as an entrance to the properties is no solution to the problem.

Hon. Sir CHARLES LATHAM: I would ask the Minister to reconsider this clause. I do not know how the building permits were obtained originally because there is no frontage and the roadway is less than one chain wide.

Hon. R. C. MATTISKE: This point can be an important one, but on the other hand we may be under a misapprehension. If the Minister is prepared to postpone this clause I will seek leave to withdraw the amendment.

Amendment, by leave, withdrawn.

On motion by the Minister for Railways, further consideration of the clause postponed.

Clause 292—Authority by Council to construct and repair private streets on request:

The MINISTER FOR RAILWAYS: This clause is also tied up with the preceding one and relates to private streets. I move—

> That further consideration of the clause be postponed.

Motion put and passed; the clause postponed.

Clauses 293 to 323—agreed to.

Clause 324—Counties or regional groups:

Hon. R. C. MATTISKE: I move an amendment—

> That the words "with the authorisation of the ratepayers" in lines 5 and 6, page 236, be struck out.

The amendment speaks for itself and needs no further explanation.

The MINISTER FOR RAILWAYS: This clause contains the provision for the amalgamation of local authorities. Two councils may petition the Governor for an amalgamation, so at least the ratepayers should have some say on the matter. I must oppose the amendment.

Hon. L. A. LOGAN: In the early stages of this Bill it was made mandatory for ratepayers to have a poll before an agreement on amalgamation was reached. I cannot therefore understand the object of the amendment.

Hon. F. R. H. LAVERY: I support the remarks of Mr. Logan. In the last session of Parliament, when the proposal to amalgamate some road districts or municipalities was put forward, Dr. Hislop was very keen to ensure that the ratepayers had a say on the matter. On that very point the Bill was defeated.

Hon. R. C. MATTISKE: On reflection, I would ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 325 to 344—agreed to.

Clause 345—Notice by council of intention to fix levels:

Hon. R. C. MATTISKE: I move an amendment—

> That after the word "shall" in line 27, page 255, the following words be inserted:—
>
> > if the levels proposed to be fixed will cause any part of the natural surface at the boundary between the road and the adjoining property to be raised or lowered more than two feet.

I have another amendment on the notice paper and I would like to discuss both at the same time. Because this is a technical matter, I wish to quote from some notes prepared by an engineer of a large local authority. This engineer is of the opinion that—

> This section could be most onerous. It would greatly delay road works and increase administrative and construction costs. The wording is indefinite in that it does not state whether fixing a level of a street includes fixing the footpath levels as well as those of the road pavement and water tables. Considered that present practice, to peg and level the centre line of every new road and take sufficient building line levels to determine the most satisfactory centre line levels and road cross sections having regard for the interests of the building owners with respect to access to the properties and minimum cutting or filling along their frontages, is quite effective.
>
> Submitted that the fixing of levels is a technical operation any objection to which would need to be supported by a qualified engineer and that right of objection should be limited to cases where building line levels are proposed to be raised or lowered more than two feet and right of appeal to the local court where these changes are to be more than four feet. Appeals could be reduced in number if, by regulation under the proposed Act, standards of street design were laid down.

I hope the Minister has some departmental advice on the question to enable us to discuss the amendment.

Hon. J. D. TEAHAN: It is suggested there should be a proper plan of levels of all streets, and that therefore the clause could stand as printed.

Amendment put and negatived.

Clause put and passed.

Clause 346—Municipality liable for compensation for altering fixed levels:

Hon. R. C. MATTISKE: I move an amendment—

That the words "six years" in line 17, page 257, be struck out and the words "twelve months" inserted in lieu.

Apart from saying that the time is unduly long, I think no other explanation is required.

Hon. J. D. TEAHAN: The clause provides for a period of six years and the amendment seeks to change that to 12 months. It is considered that the provision in the Bill is preferable and that the clause should stand as printed.

Hon. Sir Charles Latham: Why?

Hon. J. D. TEAHAN: It is argued that where a road has been constructed for a short period it could be regarded as temporary but after it has been down for six years there could be no doubt that it is permanent, so the longer period is preferred.

Hon. L. A. LOGAN: There are many streets that are permanent as from the day they are finished; and whereas 12 months might be too short a period, I think six years is too long.

Hon. Sir CHARLES LATHAM: Members will recall the intention to put a street across the middle of Herdsman's Lake, but it was impossible because the pressure of the road on the 40ft. of mud there would make it insecure. I think this provision was taken from the Victorian measure and in that State there are many clay roads that are likely to sink; a difficulty that does not arise with sand. I do not think the provision will be used often.

Hon. J. D. TEAHAN: I have no objection to the amendment.

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

Clause 347—agreed to.

Clause 348—On notice from statutory authority council to fix levels:

Hon. R. C. MATTISKE: I hope the Committee will not agree to this clause. I believe it would be detrimental to the general interest and I ask the Committee to vote against it.

Clause put and passed.

Clause 349—agreed to.

Progress reported.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR RAILWAYS (Hon. H. C. Strickland—North): I move—

That the House at its rising adjourn till 2.30 p.m., tomorrow.

Question put and passed.

House adjourned at 10.31 p.m.

Legislative Assembly

Wednesday, 4th September, 1957.

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