Legislative Assembly,

Wednesday, 15th September, 1926.

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

QUESTION—INSURANCE.

Midland Junction Railway Workshops.

Mr. NORTH, for Mr. Teesdale, asked the Minister for Railways: 1, What was the amount of loss occasioned by the fire at the Midland Junction Railway Workshops on the 11th December, 1909? 2, What is the present value of the buildings and contents of the workshops? 3, What is the amount of insurance cover at present afforded on such buildings and contents by the Government fund and otherwise?

The MINISTER FOR RAILWAYS replied: 1, The net loss was £35,437. 2, The total value, including land, sidings (approximately 24 miles), and equipment on 30th June, 1926, was £747,921. 3, The total credit in the Railway Insurance Fund on 30th June, 1926, was £80,165.

QUESTION—DREDGING, CAUSEWAY AND MAYLANDS.

Mr. CLYDESDALE asked the Minister for Works: 1, Has he ordered the necessary dredging plant required for reclaiming the swamp land adjoining the Causeway and Maylands? 2, When does he propose to commence the work?

The MINISTER FOR WORKS: 1, Two grab dredges have been ordered, and tenders have been called for the necessary suction plant. 2, As soon as the plant comes to hand, which it is anticipated would be about February, 1927.

BILLS (2)—FIRST READING.

1, Justices Act Amendment.

2, Weights and Measures Act Amendment.

Introduced by the Minister for Justice.

MOTION—WROTH BANKRUPTCY CASE.

To inquire by Select Committee.

Debate resumed from the 8th September on the motion by Mr. Richardson:—

That a select committee be appointed to inquire into the allegations made by the "Subiaco Weekly" newspaper regarding the Wroth bankruptcy case.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [4.38]: I do not propose to discuss this motion at length. I shall oppose the appointment of a select committee on the ground that the case as outlined by the mover has already been heard in the courts. The hon. member practically confined himself to the allegations made against the Official Receiver. Last year, as will be within the memory of most members, the Chief Justice heard a case raised particularly on that issue. The case came before him on a motion to remove the Official Receiver in respect of the 1894 bankruptcy and to appoint another trustee on the ground of various allegations against the Official Receiver. The Chief Justice went into the whole matter thoroughly and delivered a somewhat lengthy judgment, which I propose to read and then to lay on the Table of the House, so that hon. members not conversant with it at this stage may have an opportunity of perusing it and ascertaining the real position. If the case had not been before the courts, and if a motion asking for the appointment of a Royal Commission to inquire into it were agreed to by the House, it would be said that a gentleman of probity and integrity, and enjoying the respect of members, was needed for the inquiry. If the Government had selected the Chief Justice to conduct the proceedings as a Royal Commissioner, the vast majority of people would have said, "At last Wroth has an opportunity of bringing

all the facts of his case before a perfectly satisfactory tribunal, and if he has a good claim he will undoubtedly receive justice." Practicaly that is what has happened, except that instead of this House being asked to have the matter dealt with by a Royal Commission, the ordinary process of law through the courts of the land has been followed. The Chief Justice was particularly fitted to undertake the inquiry, inasmuch as since 1903 he has been the Judge in Bankruptcy. The case has been going on for about 30 years, and during 22 or 23 years of that period the present Chief Justice, as Judge in Bankruptcy, has dealt with many applications relating to the case, and has repeatedly gone into the matter. The judgment I propose to read sets out the facts exhaustively. Indeed, the Chief Justice gave Mr. Wroth an opportunity he might not have had under ordinary conditions to bring all the circumstances forward. Mr. Wroth was not stopped from submitting to the court anything to which he desired to call attention. The judgment of the Chief Justice sums up the position accurately and fairly, and I should not be doing justice to either the mover of the motion or to myself in opposing it if I did not read the judgment at length—

I feel some difficulty in delivering judgment in this case, because for the past two or three days I have been listening to matters which have nothing at all to do with the application which is really before me, and to which I am now going to confine my attention as closely as I can. Although it may have seemed that we were wasting time, I thought that as charges of such a serious nature were being made, it would be well to allow Mr. Wroth to say all that he could in order that it might not be open to anybody hereafter to say that there was material not brought before the court. I was anxious to discover as much as I could about this bankruptcy, and to see whether there was anything that had been overlooked in the past. I described it on the last application as being an unfortunate bankruptcy. I think that was mild language. This bankruptcy has really been a nightmare. It has given the Official Receiver, I am sure, and certainly myself as Judge in Bankruptcy, an enormous amount of trouble from the year 1903 onwards. The matter began as far back as 1893, when what is commonly spoken of as the first bankruptcy occurred. It was really a composition. Under that composition 7s. 6d. in the pound was to be paid, and Clarkson and Hubbard became responsible for that amount. A good many of the creditors for some reason that I do not know—I am not concerned to know—withheld their claims. Two men, Stewart and Holman, were appointed as trustees to see that that arrangement was carried through and that the creditors were paid. Holman died. Hubbard became bankrupt. The Official Receiver reported his death to the court. I can see no reason why he should have done so. Afterwards Stewart died. Wroth's property seems never to have been vested in anybody except Clarkson and Hubbard. Now we come to the year 1903. In the meantime the present Official Receiver, Mr. Moss, had been appointed Official Receiver in 1902 and I became the Bankruptcy Judge in 1903. In the early part of 1903 Wroth was made bankrupt, and the very first case I had to deal with when I took my seat on this bench in March, 1903, was an application in Wroth's bankruptcy. From that time up to the present there have been applications innumerable, in the High Court and in the Full Court, in Court and in Chambers, many of them being troublesome to deal with, but I must say I never had one of the character of the present application, which calls upon me to remove the Official Receiver, who is the trustee, upon the grounds of his dishonesty as such trustee, as well as by reason of his fraudulent connivance with the National Bank of Australasia, and with the sureties Bernard Drummond Clarkson and James Murgatroyd Hubbard, for the payment of the composition in the estate in 1893, and with Clarkson, and for his gross negligence and disobedience to the directions of this honourable Court displayed in not valuing or having valued the estate as or after the 24th October 1900, under the direction in the judgment of his late Honour, Mr. Justice Stone. There is a charge of fraud against the trustee. It is hardly necessary to say what a serious matter that is, because if there were any evidence at all to establish it, it would be my duty to remove him from the trustee-ship, and the duty of the Government, as soon as they became aware of the facts, to remove him from the position of Official Receiver; because the man who had that charge proved against him would certainly not be fit to carry out the duties of that office. At the time when Mr. Moss became trustee in his capacity as Official Receiver in 1903, everything in the 1893 composition had been disposed of. The only outstanding matter then was a claim which Wroth had against Clarkson. The great difficulty which it seems to me he has met on this application and which he has met on other occasions is his inability to limit his grievance to Clarkson. He seems unable to separate Clarkson's misdoings, as he considers them, from the Official Receiver. He seeks to make him also responsible. As between Wroth himself and Clarkson there might be a good deal to be said. Clarkson and Hubbard got an absolute assignment of Wroth's estate, and they wanted to keep the property after paying the composition. Mr. Justice Stone came to the conclusion that they were only entitled to hold the property until the composition had been paid, and until they had paid themselves an agreed commission, I think some £700, and that Wroth was then entitled to the balance. That judgment stands. It was never appealed against, and it seems to me that it is supported by the facts, as far as I know them, and by the probabilities. Therefore, Wroth had got a

right as against Clarkson and Hubbard to recover whatever money might be left. Hubbard became bankrupt, and the only man we need consider is Clarkson. There was a claim outstanding against him when the Official Receiver became trustee, and what Wroth ought to have done then was to see Mr. Moss and put his case before him and get him to pursue the cause of action against Clarkson. But Wroth kept away from the Official Receiver. He tells us that he did so deliberately, and if there is any fault to be attached to anyone for this claim not having been pursued, it seems to me it should be attached to Wroth himself. He did nothing. Clarkson died. His executrix finally got an order barring proceedings, but notwithstanding that order, the matter came before me on two occasions, and then counsel appearing on behalf of Wroth wanted to bring an action or to take proceedings in the name of the Official Receiver as trustee. No objection was taken to that course being followed, but Mr. Moss naturally wanted and was entitled to ask that provision be made for the liability which he knew he would incur for costs if these proceedings were taken, and a way was indicated by which that difficulty could be met. I have never been able to understand why Mr. Wroth, believing in the cause of action which he says he had against Clarkson, would not agree to the sale of the land which it was suggested should be sold for the purpose of financing the litigation, and why the matter did not go on. However, nothing was done, and since then there has been another death in the Clarkson family and the difficulties which might have been overcome if proceedings had been taken earlier have now become almost insurmountable. Therefore, whatever remedy there might have been against any member of the Clarkson family has perhaps gone, but it has gone not through any fault on the part of Mr. Moss. Of course, it must not be taken that I am finding as a fact that there was any liability on the part of Clarkson, because I have no right to come to that conclusion in the absence of the interested parties and without having the facts fully before me. But I assume, as Mr. Wroth says, that there was a cause of action which might have been profitably pursued if the means had been forthcoming. The only other point on which Mr. Wroth relies is the deed of 1904, which was brought to my notice. I am not going into the matters which led up to that deed, nor will I consider it in detail. It is enough for me to say that if any fault is to be found with that deed, Mr. Moss is not the person to bear the responsibility. It was originally suggested in the office of Mr. George Leake, who was at one time representing Mr. Wroth, and when the matter came before me it had been prepared in the office of Mr. Harney, who was one of the many counsel who at different times appeared for Mr. Wroth, and who on this occasion was appearing for his brother. He subsequently appeared for the present applicant and then he did suggest that I had been misled in connection with the deed, but he never suggested that I had been misled by Mr. Moss, because he said that he himself was the person who had misled me. Of course he meant that there had been some mistake as to the facts. I am satisfied that there is no misleading of the kind suggested. I am perfectly sure that at that time Mr. Wroth, who was a party to the deed and who was taking an active part in connection with it with Mr. Harney, knew everything that had taken place and knew exactly what the position then was, because if there is anybody who does understand this case from beginning to end, it is Mr. Wroth, the applicant. I am not sure that the Official Receiver or I even now understand it thoroughly. It is quite possible that the Official Receiver may have made mistakes. It is quite possible that I, as Bankruptcy Judge, may have made mistakes. In fact, knowing what I do of the case, I should say that it would be almost impossible for anybody to find his way through the intricacies of its mazes without going astray at some time or another; but that is a very different matter from making a charge of the kind I am dealing with now. I am not asked whether on this occasion or the other occasion the Official Receiver has made a mistake; as I said, he may have done so, not that I find any evidence of his having done so, but whether he has been guilty of this gross misconduct. When I come to consider the only matter that really is before me, and that is whether Mr. Moss has been guilty of any fraud or any misconduct or any gross negligence, I can only say that there is not the slightest scrap of evidence to be found which would justify me in coming to such a conclusion. I myself think that the Official Receiver has from the beginning to the end done the best he could, or that any man could be expected to do, in the most troublesome and the most difficult bankruptcy that I have ever been concerned with since I sat on the bench. If there is anybody to blame for the position in which the debtor now finds himself, I think it is the debtor himself; and his troubles began, as I have said, by his keeping away from the Official Receiver at the time when he, the Official Receiver, became the trustee, at the beginning of the bankruptcy of 1903. I should have been inclined to use very strong language in connection with this application, but it seems to me that Mr. Wroth is a man who has allowed his mind to be so obsessed by his fancied grievances that he has lost all sense of values, and I am not going to regard him as being so fully responsible for the statements which he has made as I would a man who had not been labouring under what he thinks is a sense of injustice for so many years past. I can only say that there is absolutely nothing to support the application which has been made, and that it must be dismissed. Application dismissed.

As I indicated when the hon. member was bringing the matter before the House, the job of the Government and of the Parliament is to so arrange the procedure and the facilities and the personnel of the courts of the State that people shall have every confidence in going into those courts in pursuance of their rights. Mr. Wroth had legal process. We provided the Chief Justice in

the matter, a man in whom everybody in the State has absolute confidence. That having been done, the responsibility of the Government ceased. If the majority of the people in the State had the opportunity to select somebody to deal with this case, I think they would unanimously select the Chief Justice for the task. Every court case is subject to appeal, but there has been no appeal in this case. If Mr. Wroth considered that the Chief Justice had made a mistake in not finding for him, he had the opportunity to take the matter to a higher court.

Mr. Richardson: What was that judgment you read out?

The MINISTER FOR JUSTICE: The judgment of the Chief Justice in an application made in 1925 for the removal of Mr. Moss as trustee, for alleged dishonesty and incompetence.

Mr. Richardson: Well, that reversed a decision by Mr. Justice McMillan in 1904.

The MINISTER FOR JUSTICE: No.

Mr. Richardson: But it did.

The MINISTER FOR JUSTICE: The hon. member, when bringing the matter before the House, confined himself almost exclusively to the allegations against Mr. Moss. That was the very application before the Chief Justice, a motion to remove the Official Receiver as trustee in bankruptcy and to appoint another trustee. That was the matter before the Chief Justice, the alleged dishonesty or gross negligence, call it what you will, of Mr. Moss in dealing with Mr. Wroth's bankruptcy.

Mr. Richardson: How did Clarkson and Hubbard come into this, when Holman and Stewart were appointed trustees?

The MINISTER FOR JUSTICE: That is ancient history. Clarkson and Hubbard were appointed to realise on the assets when the composition of 7s. 6d. in the pound was arrived at. Then, in order that there might be no mistake, two other men were appointed as trustees to see that that was done.

Mr. Richardson: Holman and Stewart were the trustees. Clarkson and Hubbard had nothing to do with it.

The MINISTER FOR JUSTICE: They guaranteed the 7s. 6d. in the pound.

Mr. Richardson: They got a lot more out of it.

The MINISTER FOR JUSTICE: Well, action could have been brought against Clarkson, but it was not brought. They stuck to the property.

Mr. Richardson: Clarkson and Hubbard came in and they got the whole of the estate.

The MINISTER FOR JUSTICE: That has nothing to do with the matter now at issue. The hon. member confined himself to the allegations regarding the actions of the official trustee. If Wroth has any case against Clarkson or against the executors of the Clarkson estate, it has nothing to do with this motion. The Government have provided courts to deal with such matters. This motion deals solely with the alleged irregularities or dishonesty on the part of Mr. Moss. The Chief Justice himself said it was an extraordinarily intricate and difficult case. I do not suggest that a select committee of this House would be incompetent to deal with it, but seeing that the case has been before the court for so many years and that the Chief Justice, with his peculiar experience of it extending over 22 years, dealt with the allegations made by the hon. member——

Mr. Richardson: I did not make any allegations. I merely mentioned the allegations made by the newspaper.

Mr. Thomson: How long has the Chief Justice been associated with the case?

The MINISTER FOR JUSTICE: About 22 years. He knows all about it, but even so he says it is an extraordinarily difficult case, bristling with side issues, which it would be very difficult for the lay mind to follow, particularly since most of the parties are dead.

Mr. Richardson: Do not forget the Chief Justice says that probably he made a mistake and the Official Receiver as well.

The MINISTER FOR JUSTICE: Are we getting to the position that the hon. member desires the appointment of a select committee to inquire whether the Chief Justice did in fact make a mistake?

Hon. G. Taylor: That would be a most unreasonable thing to ask.

The MINISTER FOR JUSTICE: Yes, and the Government could not support it.

Mr. Richardson: Why not? Surely there is sufficient intelligence in the House.

The MINISTER FOR JUSTICE: I do not say there is not sufficient intelligence in the House.

Mr. Richardson: You are disparaging the intelligence of hon. members.

The MINISTER FOR JUSTICE: The Chief Justice stated that he had listened to Wroth for two or three days notwithstanding that a lot of irrelevant matter was adduced, simply for the reason that he did not

wish it to be said that something had been shut out. After that he gave a decision.

Mr. Richardson: And in that decision he says that a mistake was probably made.

The MINISTER FOR JUSTICE: The hon. member now comes to the House and says, "Because the Chief Justice said that possibly he or the Official Receiver made a mistake, we should constitute a select committee to inquire whether in fact a mistake was made."

Mr. Richardson: The Chief Justice admits that probably he made a mistake.

The MINISTER FOR JUSTICE: No.

Mr. Richardson: He is not sure of his own decision.

The MINISTER FOR JUSTICE: Does the hon. member think that a select committee of this House would be in a position to form a competent judgment on the question whether the Chief Justice in fact did make a mistake?

Mr. Richardson: I think we have the intelligence here.

Hon. G. Taylor: In other words the motion expects five laymen to go into a legal question decided by a trained man and find out whether he was right or wrong. It is absurd.

Mr. Richardson: That is not quite right.

The MINISTER FOR JUSTICE: I cannot put it in any other way. The Chief Justice dealt with the matter as fully as he could. He did not block or burke anything brought forward by way of evidence.

Mr. Richardson: The Chief Justice admits that the case was difficult, that he may have made a mistake and that the Official Receiver also may have made a mistake. Probably there is someone who could find out if a mistake was made. It is not the last word.

The MINISTER FOR JUSTICE: It would be highly improper for this House to constitute a select committee to inquire into that. The duty of the Government is to provide courts in which the people have confidence to deal with purely legal matters. If it was considered that the Chief Justice made a mistake, there is a court of appeal to determine the question. Until the legal processes have been exhausted, I do not know that we as a Parliament should butt into a question that has formed the subject of inquiry by the court.

Mr. Sampson: There is a suggestion that the case was misrepresented to the Chief Justice.

The MINISTER FOR JUSTICE: I do not think so.

Mr. Richardson: How could a man without a shilling go to the court when it is demanded of him that he shall first put up £1,000 or something like it as a guarantee of costs?

The MINISTER FOR JUSTICE: Early in the proceedings when Wroth did have the opportunity, the Official Receiver as the trustee of his estate, showed him how he could get sufficient money to take the matter to a higher court, but Wroth would not agree to that. He would not agree to portion of his property being sold in order that the costs might be met. Consequently he could not have been too optimistic of the result. While he had plenty of property and could have realised on portion of it to vindicate his rights, he was so pessimistic of the result that he would not agree to adopting that course.

Mr. Richardson: If Wroth had property to sell and could have used the money for his own legal expenses, why has he not some of the money now?

The MINISTER FOR JUSTICE: Wroth did not have the money. The estate was vested in the Official Receiver, who said to Wroth, "You have the assets but I do not want to dispose of them unless you are agreeable and desire in your own interests to bring the matter before the court. I can realise on a portion of your estate to bring in sufficient ready money that the case may be brought before the court."

Mr. Richardson: Those assets must have been Wroth's assets or the Official Receiver had no right to tell him that. What has become of the surplus?

The MINISTER FOR JUSTICE: The hon. member said it was alleged that the Official Receiver had dishonestly or fraudulently dealt with the assets.

Mr. Richardson: I did not say that; I said the newspaper had alleged it.

The MINISTER FOR JUSTICE: Wroth having decided to bring all the allegations before the Chief Justice, the Chief Justice went into the case and had not only the evidence before him but a knowledge of the case extending over 20 years, and he came to the conclusion that there was no dishonesty or fraudulent dealing on the part of Mr. Moss.

Mr. Richardson: You say there were surplus assets that Wroth could have used in order to fight his case.

The MINISTER FOR JUSTICE: That was years ago.

Mr. Richardson: What has become of them? Wroth was not involved in any further expenditure.

The MINISTER FOR JUSTICE: The Chief Justice, who we must admit was competent to deal with the matter, said there had been no fraudulent or dishonest dealing on the part of Mr. Moss.

Mr. Richardson: But he also said that he as well as the Official Receiver might have made a mistake.

The MINISTER FOR JUSTICE. The hon. member returns to the same point. Replying to that, are we to constitute ourselves a court of appeal?

Mr. Richardson: No, but I want to see that justice is done.

The MINISTER FOR JUSTICE: So do I. The people of the State can rely upon justice being done in the courts of the land.

Mr. Davy: Do you say that the Chief Justice inquired into the whole of the subject matter that it is proposed should be inquired into by a select committee?

The MINISTER FOR JUSTICE: Yes.

Mr. Teesdale: To refresh our memories, repeat the words used by the Chief Justice about the possibility of a mistake having been made.

The MINISTER FOR JUSTICE: The Chief Justice said, "It is quite possible that the Official Receiver may have made a mistake. It is quite possible that I as Bankruptcy Judge may have made a mistake."

Mr. Richardson: He was not quite sure.

The MINISTER FOR JUSTICE: He was sure and he gave a definite opinion.

Mr. Davy: Will you read on further?

The MINISTER FOR JUSTICE: I have read it once, and I intend to lay the papers on the Table.

Mr. Richardson: I take it you desire an adjournment in order that members may see the papers.

The MINISTER FOR JUSTICE: The Chief Justice added, "There is not the slightest scrap of evidence to justify me in coming to such a conclusion."

Mr. Richardson: He says the Official Receiver may have made a mistake.

The MINISTER FOR JUSTICE: The hon. member might easily say of someone else that he may have made a mistake. Would anyone contend, "I and I alone am infallible"? It is quite possible for anyone to make a mistake. His Honour would not be so dogmatic as to affirm that the official Receiver had not made a mistake or could not make a mistake. He said, "Possibly he has made a mistake, but there is not the slightest evidence to show that he has."

Mr. Richardson: The whole case is so complicated that he thought a mistake might have been made.

The MINISTER FOR JUSTICE: The position has been dealt with exhaustively by the Chief Justice, and I do not know that anyone would doubt the probity and character of the Chief Justice. I think we can safely leave the matter in his hands. If there had been any thought of appointing a Royal Commission to investigate this case, everyone would have been satisfied with the appointment of the Chief Justice to conduct such an inquiry.

Hon. G. Taylor: No one can successfully cast aspersions on our bench.

Mr. Richardson: But many mistakes have been made in our courts.

The MINISTER FOR JUSTICE: That might be said of almost every case brought before the court. Every litigant thinks he is in the right when he goes to the court and naturally, if he is defeated, thinks that a mistake has been made.

Hon. G. Taylor: That is so.

The MINISTER FOR JUSTICE: A defeated litigant often says or thinks that the judge or magistrate was wrong in his decision. If he did not think he had a case, it is obvious that he would not take it to the court.

Mr. Richardson: But this is a rather remarkable case. It is not the sort of case that the member for Mt. Margaret is thinking of.

The MINISTER FOR JUSTICE: Being a remarkable case supplies a reason why a select committee should not be appointed to inquire into it.

Mr. Richardson: I think that members of this House appointed to a select committee would display common sense and do justice, whichever way the case went.

The MINISTER FOR JUSTICE: Have we reached the point that a litigant may first take a case to the Supreme Court and when the judge has given his decision and the litigant is not satisfied, he may come to Parliament and ask for a further inquiry by select committee?

Hon. G. Taylor: And 22 years afterwards!

Mr. Richardson: I should like to point out that in many instances judgments are reversed.

The MINISTER FOR JUSTICE: They may be.

Mr. Richardson: Which shows that our courts are not entirely infallible.

The MINISTER FOR JUSTICE: It also shows that we provide facilities for decisions to be reversed. Such facilities exist to-day and, while they exist, should Parliament constitute itself a court of appeal?

Mr. Richardson: This man has not the money to go to the court.

The MINISTER FOR JUSTICE: And when he had the opportunity he would not agree to portion of his own money being spent to enable him to go on with his case.

Mr. Richardson: That was when the Chief Justice admitted that he may have made a mistake.

The MINISTER FOR JUSTICE: Nothing of the kind. I do not think we can get very much further with this discussion. I do not intend to discuss the intricacies of the case because, once we embarked on such a discussion, there would be no end to it. The courts are the competent bodies to deal with legal cases, and the judges are people in whom we, as a Government, have the utmost and most implicit confidence. When we reach that position this is not the place in which to dispute the decision of a judge. The allegations made in regard to Mr. Moss were brought before the Chief Justice, who says definitely—

> When I come to consider the only matter that is really before me, and that is whether Mr. Moss has been guilty of any fraud or any misconduct or any gross negligence, I can only say that there is not the slightest scrap of evidence that could be found to justify me in coming to such a conclusion.

Have we as a House any right to question that decision?

Hon. G. Taylor: We are not capable of doing so even if we had the right.

The MINISTER FOR JUSTICE: I do not think we are. In a case of this kind we would be taking up a wrong attitude if we said that the Chief Justice, having dealt with the case and come to a certain conclusion, may be wrong, and that we are going to point out to him where he is wrong, and reverse his decision.

Mr. Richardson: The Chief Justice said he might be wrong.

The MINISTER FOR JUSTICE: He said nothing of the kind. He said possibly there might have been a mistake. Any ordinary fair-minded man would say, "I know I am right, but possibly there may be a mistake." One does not desire to be so positive with regard to any statement as not to admit one can be wrong.

Mr. Richardson: If you knew that you yourself were right about a thing, you would not say that.

The MINISTER FOR JUSTICE: A fair-minded man would say, "In my view the facts are so-and-so. On the information that is before me, I give you my assurance that I think such-and-such a thing is right, but there may be a mistake."

Hon. G. Taylor: The Chief Justice made it clear that he did not say there had been a mistake.

The MINISTER FOR JUSTICE: He said what I have already quoted from his judgment. He was quite clear on that point.

Mr. Richardson: Why did he make his first remark?

The MINISTER FOR JUSTICE: I do not know.

Mr. Richardson: He made it all the same.

The MINISTER FOR JUSTICE: If he had made it, are we called upon to appoint a select committee to inquire into it? Does the hon. member take up that attitude?

Mr. Richardson: Why has not Wroth been given a statement of accounts concerning his property?

The MINISTER FOR JUSTICE: That is not the point at issue.

Mr. Richardson: You should have the information.

The MINISTER FOR JUSTICE: Allegations of irregularities, fraudulent dealing and dishonesty have been made against Mr. Moss by a certain person. The matter has been thrashed out in the court by the Chief Justice. He allowed entirely extraneous matter to be brought into the case. He allowed Wroth himself to talk for two or three days, so that later on it could not be said that he was shut out from any information that was available to him.

Mr. Richardson: He goes on to say, "I may have made a mistake."

Hon. G. Taylor: Only possibly made a mistake.

Mr. Richardson: He was not too sure of his ground when he said that.

The MINISTER FOR JUSTICE: The associate to the Chief Justice says—

> I see from my record that Mr. Wroth talked steadily from 2 p.m. to 4 p.m. on the 10th, and for the whole day on the 13th, continuing

for a further hour on the morning of the 14th. He also replied for half an hour to Mr. Moss on the 15th.

After having heard all this information the Chief Justice comes to a definite conclusion in regard to the whole thing.

Mr. Richardson: There is nothing definite about it.

The MINISTER FOR JUSTICE: He says definitely, "I can find no scrap of evidence."

Mr. Richardson: He qualified that beforehand.

The MINISTER FOR JUSTICE: That was nothing. He makes a qualification and then says, "I come to this conclusion definitely and absolutely that there is not the slightest scrap of evidence that could be found to justify me in saying there was any dishonesty or fraudulent dealing on the part of Mr. Moss." Members will have an opportunity of perusing the file. There is not much on it except the judgment of the Chief Justice. The member for Subiaco (Mr. Richardson) says that Wroth for many years has been endeavouring to get his discharge. I cannot find any application for a discharge.

Mr. Richardson: They will not give it to him.

The MINISTER FOR JUSTICE: He has not applied for it.

Mr. Richardson: I think so.

The MINISTER FOR JUSTICE: He has not applied for it. If he wants to get a discharge, his duty is to go to the court and apply for one.

Mr. Richardson: I do not know about that, but I do know he cannot get a statement of accounts.

The MINISTER FOR JUSTICE: The hon. member said he could not get his discharge. He does not want it.

Mr. Richardson: I said he was an undischarged bankrupt.

The MINISTER FOR JUSTICE: From the remarks of the hon. member it would appear that he had not been able to get his discharge.

Mr. Richardson: That is right.

The MINISTER FOR JUSTICE: He will not get it until he applies for it.

Mr. Richardson: He cannot get a statement of accounts.

The MINISTER FOR JUSTICE: If he wants his discharge he must apply for it. No court, after having vested an estate in some trustee, will of its own volition say, "I want you to give this man a discharge."

Mr. Richardson: The Minister will agree that if he cannot get a statement of accounts he cannot know where he is, and cannot apply for a discharge. Why will not the Bankruptcy Court furnish a statement of accounts? You are in charge of it, and you ought to know.

The MINISTER FOR JUSTICE: I have never known of any application being made in Chambers for a statement of accounts. There is the process available for such an application. We provide all the facilities in the courts to enable people to vindicate their rights. If Wroth wants a statement of accounts, and the officials will not furnish one, he can go before a judge in chambers and tell him what he wants.

Mr. Richardson: I am quoting from the papers. I do not know about this of my own knowledge.

The MINISTER FOR JUSTICE: If he wants a statement of accounts he should go before a judge in chambers and say, "I think something is going on that is not satisfactory, and I want to know where I am."

Mr. Richardson: The paper says he cannot get a statement.

The MINISTER FOR JUSTICE: He certainly cannot get a discharge until he applies for it. I do not know that he has made any application for a statement of accounts.

Mr. Richardson: He does not know where he stands.

The MINISTER FOR JUSTICE: Having shown that the matter has been dealt with by a properly constituted and competent court, I think, if I lay the papers on the Table of the House, members will then be in a better position to come to their own conclusions regarding them than if I went any further into the matter. After reading the papers they will then be able to say whether they think a select committee should be appointed or not.

On motion by Mr. Sampson, debate adjourned.

BILL—GOVERNMENT SAVINGS BANK ACT AMENDMENT.

Returned from the Council with an amendment.

BILLS (5)—RETURNED.

1, Plant Diseases Act Amendment.
2, Federal Aid Roads Agreement.
3, Kalgoorlie and Boulder Racing Clubs Act Amendment.
4, Herdsman's Lake Drainage Act Repeal.
5, Vermin Act Amendment.

Without amendment.

BILL—GUARDIANSHIP OF INFANTS.

Second Reading.

Debate resumed from the 8th September.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.28]: I offer no opposition to the Bill. The Guardianship of Infants Act, 1920, was adopted from the New Zealand Act, which originally came from the Imperial Act. The Imperial Act has now been amended, and the member for Perth (Mr. Mann) desires that these amendments should be embodied in our own Act. It has been found necessary to amend the Act, particularly as it is desired to remove any sex disqualification that exists in any of our Acts of this kind. Previously under the Guardianship of Infants Act a disability was suffered by women in comparison with men with regard to the guardianship of infants. This Bill aims at giving the same rights to the mother as to the father. It goes further in two or three clauses. The interests of the children are considered to be greater than any rights the parents may possess. Originally it was declared that the parents should have complete rights to the possession of their children. We have reached the stage in our social life when we consider that the rights of parents are not the only ones to be considered, and that the rights of the children are paramount; and that their interests are considerably greater than the interests of the parents, who may desire for some ulterior motive to keep possession of a child to the detriment of that child.

Hon. Sir James Mitchell: It is a good measure, too.

The MINISTER FOR JUSTICE: I think so. The effect of this particular proposal was dealt with by Lord Halsbury when he said—

> A father, whose infant child is not in his custody, and a mother, where she is entitled to the custody, may, in the absence of good reason to the contrary, obtain the custody of the child by a writ of habeas corpus. The application of a parent to the court for the custody of a child may be refused, if the court is of opinion that the parent has abandoned or deserted the child, or has otherwise been guilty of such conduct that the court ought to refuse to enforce the right to the custody of the child. Where the parent has abandoned or deserted the child, or has allowed the child to be brought up by, and at the expense of another person, or by a school or institution, or by the guardians of a poor law union for such length of time, and in such circumstances, as to satisfy the court that the parent has been unmindful of the parental duties owed to the child, the court may not make an order for the delivery of the child to the parent, unless satisfied as to the fitness of the parent to have the custody, having regard to the welfare of the child.

So it would appear that a court need not make an order restoring a child to the custody of a parent if the court considers it best in the interests of the child to leave it in the hands of guardians who have bestowed upon it the necessary attention. The court could take the view that, notwithstanding the ancient rights of parents regarding the possession of a child, the fact that the parent had neglected his responsibilities in the past, or exercised those responsibilities in a lax manner, meant that he had forfeited his right to the child, the best interests of which would be served by leaving it with the guardians.

Mr. Mann: That is sound, too.

The MINISTER FOR JUSTICE: I think so. In these circumstances I offer no opposition to the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

BILL—MARRIED WOMEN'S PROTECTION ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th September.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton) [5.38]: I have no objection to offer to the Bill. As a matter of fact, as I have already informed the member for Perth (Mr. Mann), the Government had decided to introduce an amend-

ing Bill of this description, dealing not merely with matters relating to the Married Women's Protection Act, but to everything dealt with in the Justices Act.

Mr. Mann: Of course, I had already introduced the Bill before you informed me to that effect.

The MINISTER FOR JUSTICE: That is so. I have already given notice of my intention to introduce a Bill to amend the Justices Act, 1902-1920. The Bill deals with one Act, and there is no harm in allowing it to go through. The same principle will be applied to matters under the Justices Act in the Bill I shall introduce. In these circumstances I do not oppose the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

MOTION—RAILWAY GAUGE UNIFICATION.

Debate resumed from the 8th September on the following motion by Mr. North:—

That in the opinion of this House the time has arrived when the Federal policy of extending the standard railway gauge should be consummated in Western Australia.

HON. SIR JAMES MITCHELL (Northam) [5.40]: We should be grateful to the member for Claremont (Mr. North) for bringing forward this question, if only to remind us that the problem has to be faced sooner or later. Time and again inquiries have been made into the cost of standardising the railways of Australia. I remember attending a conference in, I think, 1922 when we discussed the question. As hon. members know, there are several railway gauges in Australia. In New South Wales the gauge is 4ft. 8½in., so that nothing need be done there. The gauge of the trans-Australian railway is the same, but in South Australia and Victoria it is 5ft. 3in. In Queensland the position is much the same as it is in Western Australia. All the States of Australia are interested in this question. At present we are not really linked up, although when we entered Federation the promise was given that the States would be properly linked up. It could not be suggested that under existing conditions the railway journey from Fremantle to Sydney is anything approaching a comfortable one. First we start off on a gauge of 3ft. 6in., then we go to one of 4ft. 8½in., back to one of 3ft. 6in., on to one of 5ft. 3in., until at Albury we get back to the 4ft. 8½in. gauge. The advantages to the State if Perth were linked up to the other capital cities of Australia by means of a railway of uniform gauge, may well be considered. In all probability people would disembark from mail steamers at Fremantle and proceed overland, but it is questionable whether they would contemplate the trip if the present gauges were allowed to continue.

Mr. Lambert: The sea trip is not half as rough as that on the Kalgoorlie express at times.

The Minister for Works: No, you do not often get pushed off a steamer!

Hon. Sir JAMES MITCHELL: At any rate, it is an important matter for Western Australia. People from the Eastern States may desire to travel by rail to Perth in order to shorten the time spent on the journey. At the same time, people coming out from England might desire to get to Melbourne or Sydney in the quickest possible time by availing themselves of the railway trip. Under the existing conditions, however, they would certainly hesitate to do so. At present neither the people from the Eastern States nor many people in Western Australia, who may desire to proceed to Melbourne or Sydney, are prepared to patronise the railways as they might if improved conditions obtained. While the importance of free intercourse between the people in different parts of Australia is recognised, we cannot have that freedom at present. I would not be prepared to make the journey overland unless I was anxious to cross Australia as speedily as possible. Certainly I would not do so if I could make the journey comfortably by boat. We were promised this line when we were being linked up with the Eastern States, and the idea was that the cost should be borne by all the States of Australia on a population basis. The advantage of the uniform gauge will be apparent to everybody. There would be the same trade advantage, because we know that goods cannot economically be tran-

shipped several times from the broad to the narrow gauges or vice versa.

The Minister for Works: You would not want the cost of the line taken on an area basis.

Hon. Sir JAMES MITCHELL: No, on a population basis. It would be of decided benefit to the whole of Australia to have a uniform gauge and it would be a splendid thing for Western Australia. The Commonwealth cannot be great with all the different breaks of gauge. In the case of Victoria and New South Wales a difficulty presents itself. At Albury I am told that at times there are 800 or 900 trucks held up waiting for goods to be re-loaded. We in Western Australia should interest ourselves now, and if possible, insist on the broad gauge. The Minister knows that if we had not the broad gauge from Kalgoorlie to Perth, some hundreds of miles of rails would be released and those rails could with advantage be used elsewhere. The gain to be derived from the broad gauge system can hardly be estimated by any of us. It would be great indeed. For defence purposes our railways as they are now would be quite useless. Even in other respects they are of very little account. One could have a comfortable trip if the whole service were on the 4ft. 8½in. gauge. In those circumstances one would not mind remaining on the train for a week, but it is far from comfortable when the changes are so frequent, and when the time taken is so much longer than it need be. We know that with the limited money at our disposal there is a great deal to do; we are under the necessity to use our money in the direction that will produce work and wealth. The question of the gauges, however, will have to be faced sooner or later and the longer it is delayed, the more will it cost. I do not suppose that we could convert our own system to-day; we could not afford to do that, nor would it be necessary to do so straight away. But it could be done bit by bit. The first work to be undertaken is that of linking up with the broad gauge that runs to Kalgoorlie. We as a State are going to build many new railways in the South-West where the traffic is heavy and where the population promises to become dense, and I daresay we could face some of the work of converting the other lines to the broader gauge. The question of one gauge for Australia is of great importance, but it must come about and the sooner a commencement is made in all the States, the better. New South Wales is being linked up with Brisbane, and the gauge will be uniform then from Albury to the Queensland capital. That is the commencement. Then we must have a similar gauge from Port Augusta to Albury and our section from Kalgoorlie to Perth must follow. We must endeavour to induce the Federal Government to do for us what they are doing now for Queensland. They are perfectly willing to carry out the work; our trouble has been to face the expenditure.

The Minister for Railways: We would have to pay our share.

Hon. Sir JAMES MITCHELL: We would have to come into the general scheme and pay on a population basis. The longer we delay, the more we shall have to pay because we are likely to have a bigger percentage addition to our population than any of the other States. Now that we are getting some substantial assistance from the Federal Government, we should reconsider the matter, and I hope it will be possible to carry out the work. The advantage to the metropolitan area and to Fremantle will be immense; there is no doubt also the conversion would pay us handsomely. I am not minimising the difficulty of finding the money, but I also bear in mind the importance of having the capitals of the Commonwealth connected with the broad gauge. We should be approached very soon by the Federal Government whose desire it is that the work should be done and from our own point of view we must not lose sight of the fact that we shall recover many thousands of pounds worth of material.

The Minister for Railways: We shall be able to use all the rolling stock.

Hon. Sir JAMES MITCHELL: In all probability we may be able to serve the people from Merredin down by means of the broad gauge line. It might pay to remove the narrow gauge altogether. I have much pleasure in supporting the motion so capably moved by the member for Claremont, and I hope the House will be unanimous when the vote is taken. We are not very far off having something done in regard to our section between here and Kalgoorlie.

The Minister for Railways: We discussed it informally with the Federal Minister for Works when he was over here.

Hon. Sir JAMES MITCHELL: The motion, if carried unanimously, will strengthen the hands of the Government.

MR. THOMSON (Katanning) [6.0]: The member for Claremont (Mr. North) has brought forward his motion opportunely, as the Federal Minister for Works, Mr. Hill, is to arrive in Perth on the 29th of this month. Therefore the motion, if carried, may prove the means of arriving at a solution of the railway gauge problem confronting Western Australia. I have travelled on the trans-Australian railway several times, and have found that among passengers, particularly those from other parts of the world, there is a good deal of dissatisfaction consequent upon the change from the broad gauge of that line to the Western Australian narrow gauge. It is true that passengers travel over a narrow gauge section in South Australia, but they are fortunate in doing so during the night. Further, I understand that the Commonwealth propose to extend their broad gauge line so as to avoid the necessity for travelling on the narrow gauge in South Australia. Now I wish to draw attention to the migration agreement laid on the Table by the Minister for Lands, Clause 1 of which provides, by paragraph (a), that the construction and equipment of developmental railways, tramways, etc., directly conducive to new settlement, but not including main trunk lines, may be included within the scope of the agreement. Under Clause 4 the Commonwealth Government assume the responsibility of floating all loans required by the State in connection with the undertakings agreed upon, and to issue the proceeds of such loans in such amounts as the State Government require, interest to be at the rate of 2 per cent. for the first five years, and at the rate of 2½ per cent. for the succeeding five years. The figures which I now propose to quote are approximate, and subject to correction by the Government. Speaking last Wednesday the Minister for Railways said it was estimated that Western Australia's share of the cost of extending the broad gauge railway from Kalgoorlie to Fremantle would be £1,078,000. The member for Williams-Narrogin (Mr. E. B. Johnston) suggested by way of interjection that this additional broad gauge construction should be through country permitting of the development of new agricultural areas. Thus the proposed broad-gauge line involves questions of Commonwealth defence and Western Australian development. If this State does not feel disposed to face the financial responsibility, then from a defence point of view it might be well worth the Federal Government's while to consider the desirableness of constructing the line on a route touching Norseman and coming into Albany.

Mr. Lambert: Also calling at Katanning.

Mr. THOMSON: Hon. members may smile, but a glance at the map will show them that my suggestion is sound and practical. Albany is one of the best ports on this side of the continent of Australia, and during the war period it housed large numbers of transports. Moreover, it is capable of giving shelter to a considerable proportion of the British Navy if necessary, and that practically without any costly extension. Therefore I offer my suggestion in no parochial spirit but from a broad national standpoint. Subject to my suggestion, the proposed line would pass through country which is quite undeveloped. Probably the member for Williams-Narrogin does not approve of the route I propose; but nevertheless that route would open up a large area of new country and link up the Federal railway with one the best ports Australia possesses. I sincerely trust that the day when the British Navy will need to use any Australian port for defensive purposes will not come in our time; but, still, we are taught that we must be prepared. I wish to quote a rather surprising statement made at the opening of a memorial hall by a distinguished Australian soldier, whom I had the privilege of hearing. The statement was—

> Far be it from me that I should be classified as one who is to be considered bloodthirsty, or anxious for another war. The man who has been in the war is either mad or a damned fool if he wants another war; but I want to impress upon you this fact, that if the British Empire had been ready for the war, instead of losing 10 per cent. of our efficients we probably would only have lost 3 per cent.

That statement shows how essential it is that we should be ready for eventualities. Therefore I offer my suggestion in all earnestness as one that is worthy of consideration in the interests of Commonwealth defence.

Mr. E. B. Johnston: Sir James Connolly suggested a better route.

Mr. THOMSON: Yes, through Narrogin. I repeat that my advocacy is not parochial, seeing that my centre is 115 miles distant from Albany.

The Minister for Works: How is your suggestion going to help towards the defence of the capital of Western Australia? Whom are you going to defend down at Albany?

Mr. THOMSON: The same argument might have been used during the war period, when defences were established or operations undertaken at various distant points. It is, of course, recognised that an attacking force generally endeavours to secure control of the Capital of the country invaded. I do not believe, however, that an enemy attacking Western Australia would go direct to the Capital.

The Minister for Railways: He would go to Geraldton.

Mr. THOMSON: Without claiming to be an expert in matters of defence, I consider it more likely that an enemy would go to Geraldton with a view to securing a base, than that he would in the first instance go to a place like Fremantle. I am not speaking facetiously, and I hope members will not treat the matter facetiously. It is an Australian problem to which I am addressing myself. At present we are under a grave disability by reason of the fact that people coming here by the trans-Australian railway have to tranship. If the standardisation of our railways is to be regarded as beyond the realm of practical politics, yet it is the duty of our Government to provide better rolling stock.

Mr. Teesdale: Hear, hear!

Mr. THOMSON: The change-over from the Commonwealth broad-gauge line to our narrow gauge is felt by travellers to be a great inconvenience. I realise that the Treasurer would have to provide the necessary funds, but I do offer to the Railway Department my suggestion regarding improved rolling stock.

Mr. Teesdale: We could stand the carriages if the rails were decent, but they make the train rock from side to side.

Mr. THOMSON: We are looking forward to the day when Fremantle and, I hope, Albany will be regarded as gateways. Fremantle in particular is bound to become the gateway of Australia. In the very early days of Federation I heard the late Sir George Reid, then Prime Minister of the Commonwealth, say he looked forward with confidence to the time when Fremantle would be the Golden Gate of Australia. That consummation is well within the bounds of possibility in these days of huge steamers, when it is hardly a business proposition to send such vessels across to the ports of the Eastern States. The time is coming when passengers will leave the mail steamers at Fremantle and proceed by train to the Eastern States. Probably imported goods of high value which happened to be urgently needed in the East would also be despatched by the trans-Australian train. Next I wish to show how the migration agreement enables this State to approach the Federal Government with a view to the construction of a broad-gauge railway from Kalgoorlie to Fremantle. Fortunately the agreement is retrospective. Subject to correction, I say that certain railways authorised and actually constructed by the late Government of this State—the Margaret River railway extension, for instance—come within the scope of the agreement.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. THOMSON: Regarding the migration agreement that has been entered into, the Federal Government have consented to generous terms under which the State can procure money at 2 per cent. for the first five years and for 2½ per cent. during the second period of five years. Thus, during the full term of 10 years the State will have money available at the remarkably cheap average rate of 2¼ per cent. I understand that under a clause in the agreement relating to the construction of railways for developmental purposes, those lines being directly conducive to new settlement, the Commonwealth Government will provide £4,280,000, of which £3,280,000 has already been made available for railway construction. Taking the interest saving of 3¾ per cent., we find that on the present value of money, the Commonwealth Government have presented to Western Australia, or at any rate enabled them to effect a saving of £1,666,000. It seems to me that the present time is opportune for discussing with the Federal Minister for Railways, who will visit the State shortly, the possibility of arriving at an agreement regarding the construction of a uniform gauge either from Kalgoorlie to Fremantle or, as I stated earlier, for the construction of a standard gauge railway from a little east of Karonie, crossing the Norseman-Esperance railway and linking up with the railway system extending from Ravensthorpe and thence to Albany, where there is one of the best harbours in the State for defence purposes.

Mr. Clydesdale: And then come round to Perth!

Mr. THOMSON: After all, Perth is not the hub of the universe. The country could

carry on without Perth, whereas Perth would have a very trying time if the country districts, and the development that is going on there, were, by some misfortune, to be wiped out. If that should occur, the gatherings that the member for Canning (Mr. Clydesdale) faces each Saturday, would not be attended by such large numbers of people.

Mr. Clydesdale: We would be all right; we would shift to Albany.

Mr. THOMSON: No doubt you would. The proposal is worthy of consideration. The migration agreement is a generous one and should prove helpful to the Government because of the cheap money that will be available. It has placed the present Government in a happier position that any other Administration that has been in office since I have been a member of Parliament. In addition to the amount provided for railways, there is £1,000,000 for agricultural water supply, roads and so forth, for use in connection with the Busselton groups.

Hon. J. Cunningham: We are not operating with that money.

Mr. THOMSON: Then where are the Government getting the money from?

Hon. J. Cunningham: At any rate, we are not operating with that money at all.

Mr. THOMSON: As I understand the agreement, the Commonwealth Government have made provision for that amount and the State Government are proceeding with the work. The State Government will be able to take advantage of the loan moneys to be made available by the Commonwealth for the construction of railways, the provision of water supplies, and so forth.

The Minister for Works: If our schemes are approved.

Mr. THOMSON: I understand they have been approved.

The Minister for Works: No, that it what we are waiting for.

Mr. THOMSON: The schemes have been put before the Commonwealth Government, and it is only a matter of confirmation.

The Minister for Works: Is it? They were placed before the Commonwealth Government at the beginning of the year, and we are still awaiting confirmation.

Mr. THOMSON: But did not the Minister's scheme involve an expenditure of £10,000,000?

The Minister for Works: Yes, over £10,000,000.

Mr. THOMSON: I understand that the provision made in the agreement was for the expenditure of £4,280,000. I am basing that statement on reports in the Press. We are in the happy position of getting that money at 2 per cent. I am pleased that we have got that.

The Minister for Works: But we have not got it.

Mr. THOMSON: The Government will get it, because they have entered into an agreement a copy of which was placed on the Table of the House by the Minister for Lands. We are fortunate in that the agreement has been made retrospective and will cover the expenditure by the previous Government and also by the present Government in connection with land settlement and group settlement. From that point of view, the agreement is decidedly beneficial to Western Australia. The only way by which we can open up and develop Western Australia is by borrowing money, and it has been provided for us at a very cheap rate. On the saving to be effected we will have sufficient money to extend the uniform gauge from Kalgoorlie to Fremantle. I am pleased that the member for Claremont (Mr. North) has brought the subject before the House, for the time is opportune for the State Government to discuss it with the Federal Minister, who will be in Perth at the end of the month. I support the motion.

On motion by Mr. E. B. Johnston, debate adjourned.

MOTION—RETIREMENT OF W. RIPPER.

To inquire by Select Committee.

Debate resumed from the 1st September on the motion by Mr. Griffiths:—

That a select committee be appointed, with power to send for papers and persons, to inquire into the retirement of Mr. W. Ripper, late resident engineer in charge of the construction of the Southern Cross-Kalgoorlie railway, and the refusal to grant him a pension after 27 years' continuous service.

HON. G. TAYLOR (Mt. Margaret) [7.40]: I listened to the remarks of the member for Avon (Mr. Griffiths) when he moved his motion, and I gathered from the explanation of the Minister, who should know the facts, that the ostensible reason for the action taken by the member for Avon was that Mr. Ripper had not been sufficiently compensated by the Government for

the loss of his position. It was pointed out very clearly that Mr. Ripper was not legally entitled to anything more than was put forward by the member for Avon in the former's favour. If it be a legal matter, I fail to see how the House can agree to deal with it by means of a select committee. The officers of the Crown Law Department advised the Government of the day that they had given Mr. Ripper all he was entitled to receive, and, I think, the Government gave him something more. The question hinges on the point as to whether Mr. Ripper is legally entitled to more. The Government say he is not entitled to more than he has received.

Mr. Griffiths: Yet others have received more!

Hon. G. TAYLOR: But the point in dispute is whether Mr. Ripper is legally entitled to more. No select committee appointed by the House could decide upon the legality of the position. It is for the law courts to decide that. Someone with legal knowledge would have to go into the question to decide what Mr. Ripper was entitled to under the Acts governing his engagement, and determine whether or not he was entitled to more than he had received.

Mr. Griffiths: It is not a question of legality, but one of correct interpretation.

Hon. G. TAYLOR: That gives added point to my claim that legal brains are required to determine the question of interpretation, not a select committee.

Mr. A. Wansbrough: A select committee could merely make a recommendation.

Hon. G. TAYLOR: They would be asked to deal with something they did not understand.

Mr. A. Wansbrough: That is all they could do.

The Minister for Justice: Parliament makes laws and judges interpret them.

Hon. G. TAYLOR: That is so, and the question at issue involves a matter of interpretation. It would be unwise for the House to appoint a select committee unless sufficient legal members were available. Even then I do not consider that any such task could be regarded as part of their functions. It is for the courts to interpret the law. I have every respect for Mr. Ripper. I know him well. No one has ever questioned his ability or his integrity. He has an unimpeachable record of service with the State. The Government gave him everything he was legally entitled to.

Mr. A. Wansbrough: What about his moral rights?

Hon. G. TAYLOR: Now somebody thinks that he should receive something more. If we could move the proper machinery to secure an interpretation of the Acts under which the dispute has arisen, I would agree to that course being pursued. I would agree to that, even if the State had to incur some expense in order to bring the matter before the tribunal capable of giving a proper interpretation of the legal position. I oppose the appointment of a select committee and would not think of accepting a seat on any such committee to undertake such an inquiry. I say that candidly. It is no position for a layman to occupy. I have every sympathy with Mr. Ripper, but it would be absurd to have a select committee deliberating on his case.

MR. E. B. JOHNSTON (Williams-Narrogin) [7.45]: I support the motion very strongly. It is a question for a select committee to find out why it is that these public servants after 20 years or 30 years of service are deprived of the rights they and everybody in the community thought they enjoyed. The member for Mt. Margaret thinks it is a question for lawyers. I say it is a matter for a select committee, with perhaps the advice of the Crown Law Department. It would be interesting to see whether Mr. Sayer, whom we all respect, could not clearly set out why it is that these public servants are deprived of their rights. I believe that Mr. Ripper would be satisfied if given an opportunity to go before the Appeal Board and state his case. The select committee might recommend that this gentleman be given the right to go before that board and urge that relief be given him if, through some legal technicality, the not giving of notice at the proper time, he has been deprived of his rights. Mr. Ripper did wonderfully good work for Western Australia in its pioneering days. He was resident engineer in charge of railway construction, and was so busily engaged looking after the public interests and helping to quickly build the railways required to develop the State, that he did not take the trouble to come down to Perth to see whether he was being paid from revenue or from loan funds, or whether his appointment had been approved by Executive Council. I am told that if his appointment had been approved by Executive Council 20 years before

he retired, he would have been legally regarded as serving in an established capacity. But the approval of his appointment was not obtained from the Executive Council at that time, and so he was deprived of rights that he and everybody else believed he enjoyed. It seems to me a mere legal quibble that because this gentleman was paid from loan funds instead of from revenue, he should be deprived of his legitimate rights. There was in those early roaring days of this State a lack of the departmental classifications that came in many years subsequently. Officers like Mr. Rolland all believed that they were established permanent civil servants; yet they woke up years afterwards to find that those men whose appointments had received the approval of Executive Council were given pensions, whilst those who had not had that formality attended to did not get pensions. It is absurd to say that a man who for 27 years worked for his country was a temporary servant during all that time, particularly when the Public Service Act states that an officer employed for two years continuously should be regarded as a permanent officer. However, it seems that that did not apply to the superannuation of public servants, but only to their rights under the Public Service Act. I am of opinion that Mr. Ripper's work was of a permanent character, that he served his country faithfully and well in an established capacity, and that the least we can do is to pass the motion and have the Crown Solicitor before the select committee, in order to get his opinion.

Mr. Sleeman: You have that already.

Mr. E. B. JOHNSTON: Only on the general principle. Let us find out whether Mr. Ripper is not morally entitled to a pension.

Hon. G. Taylor: Morally, yes; but not legally.

Mr. E. B. JOHNSTON: Well, if he be morally entitled to it, let us find out why he should not have it. I will support the motion.

MR. GRIFFITHS (Avon—in reply) [7.50]: The Minister for Lands said that because it was Bill Ripper who had a grievance, the motion was moved; that had it been Bill Bowyang, there would have been no squeal, no attempt to right the injustice. That was a contemptible statement for any man to make in reference to a member moving such a motion as this. I give place to no man in my sincerity on such a motion; whether it were Bill Ripper or Bill Bowyang, I would be only too anxious to assist him.

Hon. G. Taylor: You will be bringing in the widows and orphans presently.

Mr. GRIFFITHS: The hon. member makes me tired. I get bored stiff at some of his comments, particularly when he gets up in his high flown manner and talks about the legal aspect of this question. He blows himself out and talks about the legality of the thing. Let me tell him that the Federal Government have ignored this established position bogey by taking day labour men from the service of the State, placing them on their superannuation list and giving them pensions.

Mr. Marshall: It cannot be done.

Mr. GRIFFITHS: It has been done. In 1871 the Parliament of this State decided to bring in an Act that would carry out the spirit of the British Act of 1849 in reference to superannuation. The Act itself states that the remuneration shall be computed by daily pay, by weekly wage or by annual salary. That is significant. It was clearly intended to cover all those public servants who might not be properly covered by the Act, who had never received their appointment through the Executive Council, and that those men should be protected. I do not know that the State Government have acknowledged day labour or weekly wage men. Certainly they have not recognised them in point of superannuation. There is no justification in the Act for refusing the claims of salaried officers after long years of faithful service. The Moore Government informed the association that the Superannuation Act was merely an enabling Act empowering the Government to give or withhold a pension as they pleased. The James Government by a Cabinet minute had previously ruled that certain retrenched officers should not come under the Act if they had not served 15 years. The Wilson Government had given the association an assurance that all public servants who had pension rights prior to the passing of the Public Service Act of 1904 could rely upon such rights receiving full recognition from that Government. Apparently that assurance has in no way affected the methods of dealing with claims, and the same process continues of hunting up grounds for disqualification rather than deciding the issue upon the wording of the

Act and on common equity. I want to deal with Delaney's case, which has a special bearing on this question of established position, and to give the opinion of Mr. Pilkington in respect of that case. Mr. Pilkington's opinion was that while the Act imposes a duty upon the Government to pay the allowance therein provided, and failure to do so constitutes a breach of the Act and a breach of faith, the civil servant is precluded from enforcing payment. Mr. Delaney entered the service in 1892 as an employee in the Government Stores. During the whole of his 25 years of service there was not a black mark against him. At the age of 67 he was retired and paid £19 5s. in lieu of long service. In 1901 the then Crown Solicitor, now Mr. Justice Burnside, in a minute to the Auditor General on the interpretation of Section 1 of the Act said—

> The words "established capacity" have a correlative meaning and are intended in my opinion merely to emphasise the words "permanent Civil Service." In this connection the words of the Public Service Act indicate that the persons employed for two years and upwards are to be considered in the service for the purpose of the Act, and hence all persons for whose individual employment in the permanent service special provision is made by Parliament, and all other persons employed for two years and upwards in the permanent service, whether they are individually or collectively referred to in the Estimates, would in my opinion be employed in an established capacity. The questions are in my opinion of little importance, as the rights conferred do not arise until after 10 years' service, at the end of which time both the capacity and the service will have become settled.

I have quoted Mr. Pilkington as saying that whilst there is no legal authority to force the Government to pay pensions, at the same time not to pay is a breach of the spirit of the Act and a breach of faith. The action of the Commonwealth Government in the case of two transferred daily pay employees of the Postal Department, recently retired, is a more effective condemnation of the attitude taken by the State authorities in the administration of the Superannuation Act than is legal opinion unbacked by authoritative action, and establishes a precedent that the State Attorney General might well be guided by. Mr. T. Jackman was employed as a labourer at 9s. a day in the Postal Department, his duties being those of a watchman. He had been employed for five years under the State, and continued in the same occupation for a further 16 years under the Commonwealth. At retirement in 1915 and 1917 respectively—the other employee was Mr. W. E. Newton—the Commonwealth Government, on the advice of the Commonwealth Crown Law authorities decided that both officers were entitled under the constitution to be retired on a pension as prescribed by the State Superannuation Act, 1871, and the usual request to the Premier of this State for concurrence in the payment of the proportion of the allowance due to the State was submitted. In Jackman's case, which may be quoted to cover both, the Commonwealth Government were informed, in reply, that the Governor-in-Council had decided to disallow Jackman's claim for superannuation allowance under the Superannuation Act, 1871, on the following grounds:—"That on Mr. Jackman's transfer to the Commonwealth, he was not serving, nor had he served in any office, position or capacity to which pension rights attached, he being merely labourer temporarily employed. Section 84 only relates to existing and accruing rights of transferred officers." This reply was submitted to the Commonwealth Crown Solicitor, who overruled it. He affirmed his previous opinion that Jackman came within the meaning of Section 1 of the Superannuation Act, 1871, and that the Governor General-in-Council, not the Governor-in-Council of the State, was the constituted authority to determine whether or not the pension should be granted. The Commonwealth Attorney General, on this advice, recommended that an Order-in-Council be obtained. That man received his pension, although he was only a day labourer. I have consulted various blue books to get prima facie evidence of Ripper's service. The blue book of 1896, page 57, shows under the heading "Department of Commissioner of Railways" the following:—"Ripper, William, resident engineer, appointed July, 1896, salary £400 per annum, date of first appointment under the Government, April, 1892." In the blue book of 1905, page 74, Public Service List, Mr. Ripper is shown as a resident engineer under the Department of Works at a salary of £420 per annum with a special allowance of £80. This shows that Mr. Ripper's position was an established one. Much has been said about Mr. Ripper having been paid out of loan money and not out of revenue. This argument is brushed aside by the Appeal Board who do not con-

sider it an objection. It may not be generally known that this procedure has operated since 1920. In 1922, Mr. J. Hourigan, upon his retirement from the Public Service claimed to be entitled to a pension, but his claim was disallowed on the ground that he was not a person entitled to a superannuation allowance under the Superannuation Act of 1871. Against that decision an appeal was taken. During the hearing of the appeal some stress was laid upon the fact that the appellant's appointment under the board was expressed to be a temporary appointment. "In the opinion of the appeal board," said Mr. Justice Northmore, "that fact is not material to the point under consideration." I have several other instances much on a par with Mr. Ripper's case. These are the cases of Mr. Creagh, of the Public Works Department, a couple of years ago, Mr. Cairns, Mr. Delaney, and Mr. Nicolay, who were granted pensions, they being of the age of 60. Several others were refused pensions, they being under the age of 60. Recently, Mr. Castilla, of the Public Works Department, has been granted a pension by the appeal board. His case is almost parallel with that of Mr. Ripper's. Consequently when members wave their arms and talk about the legal aspect and say we cannot get away from the law, it seems to me that they are ignoring the spirit of the law. I am not particularly anxious to assume a further share of the white man's burden by sitting on a select committee, and I am willing to withdraw my motion if I can get an assurance from the Premier, or from the Minister representing him, that the Government will permit Mr. Ripper to appear before the appeal board. I do not wish to worry members with legal matters, on which the member for Mt. Margaret seems to think we might go very much astray, but I am anxious that Mr. Ripper should receive justice. If no other course is open to me, I appeal to the House to grant a select committee, which might make a recommendation to refer Mr. Ripper's case to the appeal board. I am satisfied the board would recognise the justice of Mr. Ripper's claim, as they have recognised the claims of other appellants, despite the legal aspect to which the member for Mt. Margaret alluded so eloquently to-night. I saw Mr. Ripper at Woolundra during the week and told him that I was certain the House was in sympathy with the motion, but that the only obstacle in the way was whether some insuperable legal difficulty would not prevent the granting of a pension. Mr. Ripper referred me to Mr. Stevens, secretary of the Civil Service Association, who immediately supplied me with particulars of the cases I have quoted in which men have been granted their rights. These instances show plainly that the appeal board are rightly interpreting the Act, and that the anomalies that were allowed to creep in have now been swept away. I appeal to the House to support the motion and do justice to Mr. Ripper.

Question put.

Mr. Griffiths: Divide!

Mr. SPEAKER: I think the ayes have it.

The Minister for Justice: The member for Avon has called for a division and therefore must vote with members on this side of the House.

Mr. E. B. Johnston: The hon. member called for a division before the Speaker had given a decision.

The Minister for Justice: Then I call for a division.

Mr. E. B. Johnston: You are too late.

The Minister for Justice: I am not too late. The member for Avon called for a division and I could claim his vote if I liked.

Division resulted as follows:—

Ayes	10
Noes	24
Majority against ..	14

AYES.

Mr. Angelo	Mr. E. B. Johnston
Mr. Barnard	Mr. Sampson
Mr. Brown	Mr. J. M. Smith
Mr. Denton	Mr. Thomson
Mr. Griffiths	Mr. Richardson
	(*Teller.*)

NOES.

Mr. Chesson	Mr. Marshall
Mr. Clydesdale	Mr. McCallum
Mr. Coverley	Mr. Millington
Mr. Cunningham	Mr. North
Mr. Heron	Mr. Panton
Miss Holman	Mr. Sleeman
Mr. Hughes	Mr. Taylor
Mr. Kennedy	Mr. Teesdale
Mr. Lambert	Mr. A. Wansbrough
Mr. Lamond	Mr. Willcock
Mr. Lutey	Mr. Withers
Mr. Maley	Mr. Wilson
	(*Teller.*)

Question thus negatived.

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the previous day; Mr. Lutey in the Chair, the Minister for Works in charge of the Bill.

Clause 7—Amendment of Section 10:

Mr. SLEEMAN: I move an amendment—

That the following words be added:—"Section 10 of the principal Act is further amended by adding thereto a proviso, as follows:—'Provided also that whenever a carrier's license is held by a person for a licensed vehicle, any carrier's license issued to the same person for any other licensed vehicle owned by him shall be granted without any fee being payable for any such additional carrier's license, unless the fee paid for such first-mentioned carrier's license is less than the fee which would have been payable for a carrier's license for such other vehicle, in which case the additional fee per wheel shall be paid.'"

I hope the Minister will accept the amendment. Many small men own two or three vehicles, all of which are not in use at the one time, and some of which may not be in use more than once in a month. Nevertheless, the owners have to take out a carrier's license for each vehicle. This presses very hardly upon them, and is far less favourable treatment than is accorded to many large firms, who may own 10 or 20 vehicles but do not use them in the same way as carriers use theirs.

Point of Order.

The Minister for Works: This amendment opens up a question which is not embodied in the Bill. It deals with fees, which do not come within the scope of the Bill. I submit, therefore, the amendment is out of order.

The Chairman: I rule that the amendment is out of order. The Bill does not deal with rating, and the amendment is clearly beyond the scope of the Bill. If an amendment of this character were permitted, it would mean that the whole scope of the original Act would be traversed.

Dissent from Chairman's Ruling.

Mr. Sleeman: I move—

That the Committee dissent from the Chairman's ruling.

[*The Speaker resumed the Chair.*]

Mr. Sleeman: It seems to me it does not so much matter at times what one does or how one does it, but it does seem to matter who it is that does it. I would draw the attention of the House to two similar amendments that were moved yesterday, for the same purpose, only for another set of persons. One was for the exemption of prospectors. The member for Katanning moved another amendment to exempt vehicles carrying children to school. My amendment is to make it unnecessary for carriers to take out more than one carriers' license. I do not think that relevancy or anything else enters into the matter.

Mr. Marshall: I support the attitude adopted by the member for Fremantle. I am surprised that the Minister should take the view that the amendment is not relevant. Clause 7 deals with the licensing of different vehicles for different purposes, and with the question whether certain vehicles should or should not be licensed. It amends Section 10 of the Act, which deals with the payment of license fees. I do not know whether members of Parliament are to have their activities affected in this fashion. Standing Order 227 allows members so far to amend a clause in an amending Bill as to lead to the alteration of the title of the Bill. If the liberties of members are to be tampered with in this fashion, I am afraid we shall handcuff ourselves, not so much now but at some future time when we may desire to have those liberties of which we may be depriving ourselves. I see nothing irrelevant in the amendment.

Hon. G. Taylor: Relevancy at times is difficult to define. The amendment certainly cannot be put out on the ground of going beyond the order of leave to introduce the Bill. The order of leave was to introduce an Act to amend the Traffic Act, 1919. On no ground can it be said that the amendment is out of order in that respect. Now we come to the question of relevancy. The whole principle of this amending Bill is to control traffic and its running. Clauses 34 and 35 propose to amend even a schedule to the Act. The amendment merely says that because a man pays a license fee for one vehicle, he shall not be further penalised if he has other vehicles. That amendment is not irrelevant to such a Bill as this, dealing with all forms of traffic, horse-drawn, petrol-driven, or otherwise propelled. The amendment is quite relevant to the Bill. For hours last night we discussed two amendments almost on all

fours with this one. I was amazed when I heard the Chairman utter the few short words, "I rule the amendment out of order because it is irrelevant." In my opinion the clause is perfectly relevant to the Bill, every clause of which gives greater power to the Commissioner of Police, or some local authority, to control traffic.

Speaker's Ruling.

Mr. Speaker: The Chairman of Committees has ruled that the amendment moved by the member for Fremantle is out of order on the ground that the Bill does not deal with fees and that the amendment is clearly beyond the scope of the Bill. There can be no question whatever but that it is an amendment to a Bill amending an Act imposing fees. If the amendment goes beyond the propositions or principles contained in the Bill under consideration, and amends the parent Act in some other particular, not contemplated within the scope of the Bill, the amendment is strictly out of order. There can be no doubt about the certainty of that ruling, which is expressed in "May," tenth edition, as follows:—

> Amendments also cannot be moved which are based on schedules or other provisions the terms of which have not been placed before the Committee.

Or, let me add, which are not before the Committee in the amending Bill. There have been rulings in New South Wales upon that point. I have hurriedly looked them up, but I will quote to the House only one case—

> Public Works Committee Election Enabling Bill. The amendment seeks to amend Subsection 7 of Section 9 of the principal Act, and the Bill before the Committee deals exclusively with Subsection 1 of Section 9. Although the amendment certainly would be covered by the Title of the Bill, it is clearly beyond the scope of the Bill. . . . If amendments of this character were permitted, it would mean that the whole scope of the original Act could be traversed.

Now, any amendment moved amending not the Bill under consideration before the Committee, but the principal Act, would be out of order; but my attention has been drawn to the fact that this amendment moved by the member for Fremantle amends a section which is included within the scope of the Bill and itself amends the principal Act. Clause 7 of the Bill amends Section 10 of the parent Act, and therefore Section 10 of the original Act presumably is before the Committee. In that section the whole subject dealt with is fees. Section 10 reads—

> Fees shall be paid to local authorities for licenses as set out in the Third Schedule to this Act: Provided that any vehicle license required for any vehicle belonging to the Crown or to any local authority, or belonging to any fire brigades board or used exclusively for purposes connected with protection against fire or ambulance work, or for any locomotive or traction engine used solely for ploughing, reaping, threshing, or other agricultural purpose, shall be granted without any fee being paid therefor. . . .

Therefore the question of fees in the amendment is clearly an amendment of Section 10, which deals with fees in one respect, and I have to rule that I cannot agree with the Chairman's ruling.

Committee resumed.

The MINISTER FOR WORKS: I submit that the amendment of the member for Fremantle is entirely out of place in this clause, which deals with exemptions. The amendment, on the other hand, deals with passenger vehicles and carriers' licenses, which are provided for by Part I. of the Third Schedule to the Act. The Speaker's attention was not drawn to that point before he gave his ruling, and I think his ruling was based on wrong premises.

Hon. G. Taylor: You cannot question or reflect on a ruling of the Speaker.

Mr. Marshall: You can place that aspect before the Speaker.

The MINISTER FOR WORKS: I had no opportunity of directing the Speaker's attention to it. He was already on his feet. My only opportunity would have been to move that his ruling be disagreed to.

Hon. G. Taylor: You could have informed Mr. Speaker when he was on his feet. Then he would have resumed his seat, and you could have put your case.

The MINISTER FOR WORKS: I would have been entirely wrong in interruping the Speaker when giving his ruling. However, the section which this clause proposes to amend deals solely with exemptions. The aim of the amendment is to permit carriers to take out a license for one vehicle and to use as many vehicles as they like.

Mr. Sleeman: That would be impossible.

The MINISTER FOR WORKS: The fee for a general carrier's vehicle is now 10s. per week. So long as he takes out a license fee for four wheels, he will not, under the amendment, need to pay any more. What

would that mean to big firms like Boan Bros. or Frank Cadd & Co.? The difference here in question is between a man who uses his own vehicle and a man who plies on the road for trade. Everyone has to pay traffic fees, and the general carrier has in addition to take out a license. What the amendment proposes is not done anywhere else in the world, nor do I think it would be tolerated in any other country. To say that the big firms trading in the city shall pay one license fee only for the vehicles they may use, is ridiculous. If the fee prescribed is considered too high, the proper way to deal with the matter is to move for a reduction of the fees set out in the schedule. To license one vehicle and allow a firm to use as many vehicles on a road as they like, merely because the one license had been taken out, would be wrong.

Hon. G. Taylor: Perhaps the amendment could be allowed to stand over until we deal with Clause 34.

The MINISTER FOR WORKS: I want the Committee to reject the amendment. It is not a fair proposition.

Mr. SAMPSON: If the principle outlined in the amendment were adopted, it would be a case of good-bye to the revenue of the local authorities. It would place every company of carriers with a large number of vehicles in the same position as a carrier owning one vehicle.

Mr. Mann: That is not the intention of the amendment at all.

Mr. Thomson: But that is what the amendment means as it stands.

Mr. SAMPSON: If more than one vehicle is using the road, surely more than one license should be taken out.

Mr. Hughes: What the member for Fremantle means is that where a man uses his vehicles alternately, he should take out a license for one vehicle only.

Mr. SAMPSON: It is no argument to say that because a carrier does not use all his vehicles every day during the year, he shall take out one license only.

Mr. HUGHES: I agree with the object the member for Fremantle has in view, but his amendment does not cover the ground. What he intends is that a man using his vehicles alternately shall take out one license only. I know of instances where men own two classes of vehicles, but they use only one class at a time, the second type of vehicle remaining in their yards. In such cases one license should be sufficient to cover the vehicles owned by those people, because only one vehicle uses the road at a time. I recognise the danger the Minister drew attention to if the amendment were agreed to as it stands. I suggest the further consideration of the amendment be postponed so that it may be re-drafted to give effect to what the member for Fremantle has in mind.

Mr. SLEEMAN: The Minister said that the amendment was ridiculous, but that is no argument. The Minister referred to the larger firms, but I have in mind the small man with two vehicles. I am prepared to give the big firms a fair deal and I consider that if they regularly use ten vehicles only, they should be required to take out ten licenses, but not a license for every vehicle owned by the firms.

The Minister for Railways: It would be foolish to tie up capital in a lot of vehicles that are not in use.

Mr. SLEEMAN: I know of one person who owns a dray, a spring cart, a lorry and a jinker, but he uses only one at a time. He does not employ anyone, but has to take out four licenses.

Mr. Sampson: How many inspectors would have to be appointed to carry out the intention of the Act if your amendment were agreed to?

Mr. SLEEMAN: Not so many inspectors would be required as the hon. member seems to think. If the Minister is not prepared to agree to the amendment, I hope he will give me time to re-draft it along the lines indicated by the member for East Perth.

Mr. MANN. I support the amendment. One of the big firms mentioned by the Minister, Moullin & Co., has to license eight or ten drivers. Mostly two-horse lorries are used. but occasionally one is left in the yard and a one-horse lorry used. The firm, having only ten drivers, cannot use more than ten vehicles.

Mr. Heron: But a temporary driver could be put on the job.

Mr. MANN: But he would have to be licensed.

Mr. Clydesdale: Some people have to pay for a license, although they use the roads two or three times only during the year.

Mr. Marshall: But that would be for pleasure.

Mr. Clydesdale: No, for work.

The Minister for Works: It is a new argument to advance that a man should not pay unless he uses the roads every day during the year.

Mr. MANN: Some vehicles are taken out a few times only during a year. Where is the equity in charging the same fee for a vehicle used twice a year as is charged for one used every day?

The Minister for Railways: A man would be foolish to tie up £60 or so in a vehicle that was used once a year.

Mr. MANN: A general carrier must make provision for all classes of carrying. Each type of vehicle will not be on the road at the one time. If the drivers are licensed, that is all that should be necessary.

Mr. Thomson: On which vehicle would you make him pay?

Mr. MANN: The heavy one. It is unfair to charge for 15 vehicles when only 10 are kept in use.

Hon. G. TAYLOR: I do not think the Minister can reasonably expect that a license fee should be paid for a vehicle standing in the yard for weeks on end.

Mr. BROWN: The amendment is absurd. A man should pay a license fee for each vehicle. The fee has to be paid in respect of any farmer's vehicle that goes on the road.

Mr. Marshall: The farmers are exempt.

Mr. BROWN: Only in respect of such vehicles as do not go on the road. If I had my way I would wipe out the cart and carriage licensing fee, but I agree that a license should be paid for every motor vehicle on the road.

Mr. SLEEMAN: I am not trying to exempt people who are using the road. The member for Pingelly says the amendment is absurd. If he were back in Pingelly and was using his heavy lorry on the Monday, his jinker for carting timber on the Tuesday, his spring dray on the Wednesday and his horse-drawn waggon on the Thursday, he would have so much to pay in licensing fees that probably he would conclude it was the Act, not the amendment, that was absurd. It is proposed to penalise the small carrier with his three or four teams because he is carting for a reward. I say that big firms like Fowlers, and Wood, Son & Co., with their 12 or 15 vehicles each, are getting just as much reward out of their carting as is the carrier.

Mr. THOMSON: Last night when I was endeavouring to secure exemption for those who use their vehicles solely to take their children to school, the member for Mt. Margaret contemptuously referred to the paltry sum of 15s. Now to-night he is anxious about the carriers who may have one or two vehicles not in continuous use; he is greatly concerned about the time those vehicles might be lying idle. The member for Fremantle points to what the member for Pingelly would have to pay if required to license every one of his vehicles. I say Lord help the traffic inspectors who had to assess the fees to be collected under the system suggested by the member for Fremantle, which would differentiate between vehicles used frequently and those used only occasionally. The farmer has exemption in respect of vehicles that do not go on the road, but the carrier cannot use his vehicle at all without taking it on the road.

The MINISTER FOR WORKS: It is a new line of argument that once the license fee is paid it should enable a vehicle to be on the road for 24 hours a day 365 days per annum. This is not a tax for using the road; it is a license fee for engaging in the carrying trade. No matter how many vehicles one may decide to use in that line of business, the basis of the tax is so much per wheel. If we are to discriminate and say that a fee shall be paid according to the use made of the road, then the motor car owner using his car only at week ends ought not to pay so much as the man who in the course of business uses his vehicle every day.

Mr. Sleeman: In the Old Country he has to pay more.

The MINISTER FOR WORKS: No, the taxes there are higher than we pay, but the tax is on the horse power of the engine.

Mr. Sleeman: The man using a car to earn his living pays less than he who uses his car for pleasure.

The MINISTER FOR WORKS: Nothing of the sort. The fee is based on the engine power. The member for Fremantle points out where the Act is likely to operate unfairly, but he does not point out where it will be beneficial. I know of firms employing 30 and 40 vehicles; under the hon. member's amendment such firms would pay a license fee on only one vehicle.

Mr. Mann: On every driver employed.

The MINISTER FOR WORKS: No, it says nothing about the driver. The hon. member's proposed system would cost more money than is derived from the whole of the traffic fees. We would require an inspector at the gate of every carrier's yard to check the vehicles being used.

Hon. G. Taylor: It would relieve the unemployed.

The MINISTER FOR WORKS: And it would relieve the local authorities of much of their revenue, leaving them very little for road construction. The owner of a woodyard would not be affected; he would not need a license because he would be using his own vehicle.

Mr. Sleeman: Of course he would not be getting any reward for carting on the roads!

Mr. Davy: He would not be a common carrier.

The MINISTER FOR WORKS: He would not be engaged in the carrying business: he would be doing merely his own business. If the idea contained in the amendment were accepted, it would work great injustice to the local authorities and would allow big business to escape the licensing of one lorry.

Mr. Hughes: Why not postpone the clause and give the hon. member a chance to get a proper draft?

The MINISTER FOR WORKS: Because this clause has nothing to do with the licensing of passenger vehicles. A postponement would be of no advantage.

Mr. SLEEMAN: I am surprised at the Minister's statement that a postponement would be of no advantage. First of all he cavilled at my moving the amendment. If we finish considering this Bill to-night, what chance would I have to bring forward an amendment worded as members think it should be? I move—

That the further consideration of Clause 7 be postponed.

The CHAIRMAN: You must withdraw your amendment first of all.

Mr. SLEEMAN: I will not do that.

Mr. Hughes: If the hon. member withdraws his amendment with a view to moving the postponement of the clause, would he be in order in moving the amendment again if the postponement were not granted?

The CHAIRMAN: Yes.

Mr. SLEEMAN: I ask leave to withdraw the amendment.

Mr. Marshall: On a point of order, if the amendment be withdrawn, it will, I take it, pass out of the possession of the Committee. I ask your ruling whether the hon. member could again move his amendment if the clause were not postponed?

The CHAIRMAN: Yes, he could move it again.

Mr. Marshall: But the amendment is in possession of the Committee.

The CHAIRMAN: Then the Committee can refuse to permit it to be withdrawn.

Mr. Marshall: I want the hon. member to understand that he is taking a chance, and may not be able to move his amendment again.

The CHAIRMAN: If he wishes to move it again in an amended form, he may do so.

Amendment, by leave, withdrawn.

Mr. SLEEMAN: I now move—

That the further consideration of Clause 7 be postponed.

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

Ayes	.. .. ..	13
Noes	.. .. ..	20
Majority against	..	7

AYES.

Mr. Angelo	Mr. Panton
Mr. Barnard	Mr. Sleeman
Mr. Coverley	Mr. Taylor
Mr. Davy	Mr. Teesdale
Mr. Hughes	Mr. Withers
Mr. Mann	Mr. North
Mr. Marshall	*(Teller.)*

NOES.

Mr. Brown	Mr. Lamond
Mr. Chesson	Mr. Maley
Mr. Clydesdale	Mr. McCallum
Mr. Cunningham	Mr. Millington
Mr. Griffiths	Mr. Richardson
Mr. Heron	Mr. Sampson
Miss Holman	Mr. Thomson
Mr. E. B. Johnston	Mr. A. Wansbrough
Mr. Kennedy	Mr. Willcock
Mr. Lambert	Mr. Wilson
	(Teller.)

Motion thus negatived.

Mr. HUGHES: I move an amendment—

That the following words be added:—"Section 10 of the principal Act is further amended by adding thereto a proviso as follows:—'Provided also that whenever a carrier's license is held by a person for a licensed vehicle, the Minister may grant exemption from payment of license fees for a vehicle used alternatively thereto.'"

The MINISTER FOR WORKS: I cannot possibly agree to such an amendment.

Hon. G. Taylor: You are not expected to, so do not get cross.

The MINISTER FOR WORKS: The Minister has nothing to do with the matter; he is not the licensing authority. The amendment would mean that every carrier from one end of the State to the other would have to send to the Minister.

Mr. Sleeman: But the Minister could give time to a member to draft another amendment.

The MINISTER FOR WORKS: The Minister can do a lot of things, but he cannot supervise the licensing of vehicles.

Mr. Sleeman: But you could give time.

The MINISTER FOR WORKS: If the hon. member was a little decent, he might get decent treatment.

The CHAIRMAN: Order! Hon. members must cease this crossfiring.

The MINISTER FOR WORKS: The amendment provides for an alternative vehicle. What is that to be? Who is going to keep a check on it? If the amendment were accepted it would mean that only half of the vehicles would be licensed, and when an examination was made the balance would be indicated as alternative vehicles. Only by the merest chance would the owner be caught using all his vehicles on the road.

Mr. Sleeman: All would pay their traffic fees.

The MINISTER FOR WORKS: If the hon. member wishes to attack that principle, he should do so where it occurs in the Act.

Mr. Sleeman: The Speaker said this was where it occurred.

The MINISTER FOR WORKS: He said no such thing. If the hon. member wishes to allow people to engage in the carrying business without a license, he cannot make provison for it under this clause.

Mr. Davy: Where should such an amendment be introduced?

The MINISTER FOR WORKS: If it is a question of having no licenses, the whole of the provisions dealing with licensing should be struck out.

Mr. Davy: Then the hon member is too late. Section 6 deals with that.

The MINISTER FOR WORKS: The fees are dealt with in the schedule. The amendment is foreign to the subject matter of the clause. It would be impossible to administer such a provision. A carrier might have a hundred vehicles and only twenty licensed, pleading that the rest were alternative vehicles. What could we do? It would mean more money to administer the Act than the traffic fees would amount to. The Government get nothing out of this. It is all a question of how it affects the local authorities.

Mr. HUGHES: I admit the amendment is not as well worded as it might be, but we have not been given sufficient time in which to improve it. This is the time when we must move it. If we allow the opportunity to go by we may be too late. In the Customs Department for years it has been usual to give drawbacks on a declaration from the persons concerned. Although it is not possible to supervise all the declarations, by means of tests a good check is kept upon the system. In connection with the petrol tax certain rebates are allowed on declarations being made; and these declarations are accepted as evidence of the good faith of the applicant. I do not see why the principle of statutory declarations should not operate in the case under review. If a person made a false declaration he could readily be dealt with.

Mr. SLEEMAN: There are many ways of regulating this matter. In the case of a driver's license, and of a man owning three vehicles but not using more than one, he would take out one carrier's license and have that always about him. A brass number could be provided for the purpose.

Mr. WITHERS: An injustice is being done to the carriers. I know of a man in my district who has two vehicles. One may be used for carrying a certain class of goods on one day, and the other used on another day for another class of goods. He never uses both carts at once. Some consideration should be given to these small people.

Mr. DAVY: I do not want any person to have discretionary power with regard to these exemptions. Members have shown that some reconsideration should be given to the principle upon which carriers' licenses are paid, and the Minister should give them an opportunity to deal with it. There should be an amendment to Section 6, which says that a carrier's license is required for every vehicle carrying goods for reward. That section should be modified. The license we are discussing is the license to go into the carrying business. It could be argued that if a person wished to enter such a business, he should be required to take out only one license to cover all his vehicles. It might even be possible to license a carrier on the basis of one license for himself and one for each of his employees. It would be the business that would be licensed, and not the vehicle employed in it.

Mr. MANN: A carrier may possess 12 lorries, but because of bad business may not be using more than eight of them.

Mr. Brown: He could sell the others.

Mr. MANN: Those are words of wisdom from the unwise. He may not want to sell his plant, and may store four of the vehicles in a shed. He should not have to pay a license fee for the vehicles that are idle.

The Minister for Works: He would not do so.

Mr. MANN: Of course he would. The authorities keep a record of the license numbers that are issued. Could not such a man have licenses for eight of his vehicles, and, if one of them became unfit for use, could he not transfer one of the licenses to another lorry that was lying idle in the shed? I suppose that would be regarded as an offence.

Mr. Clydesdale: Who would catch him?

Mr. MANN: The authorities would do so.

The Minister for Works: The case you have cited does not exist.

Mr. MANN: Many carriers have a larger plant than they can use. It is not fair that they should be obliged to take out licenses for more vehicles than they have business for. They should be permitted to take the number from a licensed lorry and put it on another lorry for that day.

Mr. MARSHALL: As a general rule, the person who pays one license fee enjoys full privilege in return for it. The case suggested by the member for Perth merits consideration; still, very few firms have more vehicles than their businesses demand. It is impossible to devise a statute which will please everybody and not penalise anybody: in isolated cases hardship must ensue. The amendment proposed would lend itself to abuse. However, the question could be dealt with on recommittal.

Hon. G. TAYLOR: The member for West Perth has pointed out that the proper place for this amendment is in Section 6 of the principal Act. Clause 4 of this Bill, which clause we have already passed, deals with that section. I do not think we can recommit the Bill in order to consider a clause we have already passed.

The CHAIRMAN: Oh, yes. Possibly the Bill might be recommitted to deal with the clause to which it is considered the amendment applies.

The MINISTER FOR WORKS: As I have said a dozen times, the clause has nothing whatever to do with the subject of the amendment. If the supporters of the amendment can draft something that is reasonable and workable, I will agree to recommit the Bill; and I will not later take the point that the Speaker having said the amendment is applicable to this clause, it must be inapplicable to any other clause.

Mr. Davy: Will you favourably consider an amendment providing that the amount of carrier's license shall be based on the number of persons employed as drivers?

The MINISTER FOR WORKS: I shall be prepared to consider it.

Hon. G. TAYLOR: The mover of the amendment might be satisfied with the Minister's assurance to recommit whatever clause the amendment is applicable to.

Mr. HUGHES: There does not appear to be any alternative to that. I ask leave to withdraw my amendment.

Amendment by leave withdrawn.

Clause put and passed.

Clause 8—Amendment of Section 13:

Mr. SAMPSON: Do the words "and if so ordered by the Governor shall be expended on specific roads" in this clause mean that if the Governor orders that money shall be spent on roads other than those classified as first-class or second class, the clause would apply?

The MINISTER FOR WORKS: Yes. I have on the Notice Paper an amendment giving a correct definition of roads referred to in paragraph (a), and also specifically exempting tramway tracks, as is already provided by another Act. The object is to make it clear that this Bill is not intended to over-ride that Act. I move an amendment—

That paragraph (a) be struck out, and the following inserted in lieu:—"(a) By adding to paragraph (b) of Subsection (2), as amended by the Act No. 16 of 1922, the following words:—the roadway or decking (exclusive of the tramway) of the Perth Causeway; the roadway or decking (exclusive of the tramway) of the North Fremantle bridge; that portion of Railway Road abutting on the Karrakatta Cemetery; that portion of road (known as Guildford-road) starting at the present North-East boundary of the City of Perth and proceeding thence along roads Nos. 1448 and 2 to Johnson-street, along Johnson-street to James-street, along James-street to East-street, along East-street to the York-road (No. 28), and along York-road (No. 28) to the present Eastern boundary of the metropolitan area; that portion of the Perth-Albany-road (No. 122) from the present boundary of the City of Perth to the junction with the Bunbury-road at the Old Narrogin Inn; and that portion of road (known as Canning Road No. 124 and Lower Canning Road, Nos. 760 and 9) from the present boundary of the City of Perth to the Eastern boundary of the Municipality of East Fremantle."

Amendment put and passed.

[*Mr. Panton took the Chair.*]

Mr. THOMSON: The member for Perth has on the Notice Paper an amendment relating to Clause 14 which also applies to this clause. In his absence, I move the following amendment—

That in paragraph (a) the following be struck out:—"The roadway or decking of the Perth Causeway and the Fremantle-road bridge."

In the absence of this amendment, a principle highly detrimental to country road boards might be laid down. In the case of some bridges the cost of upkeep would be too great an expense for the local authorities to bear.

The CHAIRMAN: Are you sure that this is what the member for Perth desires?

Mr. THOMSON: I am dealing with the amendment as it appears on the Notice Paper. The Minister has assured us that it is the accepted practice for local authorities to keep roads and bridges in order, and that is the phase I desire to debate. I do not want that principle embodied in the measure.

The Minister for Railways: We are not discussing that question.

Mr. THOMSON: I know that, unfortunately.

Mr. MANN: At the suggestion of the Minister a conference was held with the civic authorities and the Under Secretary for Works. The local authorities are satisfied with the distribution of the fees and, acting on their instructions, I withdraw all my amendments to the clause.

Amendment put and negatived.

Mr. SAMPSON: What period would be required in order to provide the amount necessary for the construction of the roads referred to in paragraph 5, so as to pay for the original work?

The Minister for Works: I have not worked it out.

Mr. SAMPSON: If there is not a reasonable period, the road will have disappeared before the sinking fund will reach the amount of the capital cost.

Clause, as previously amended, put and passed.

Clause 9—Amendment of Section 14:

Mr. DAVY: Some of the words proposed to be inserted in the Act appear to be very objectionable. I refer to the words, "in the opinion of the local authority," that are proposed to be inserted in paragraph (f) of Section 14. Therein are set out the reasons for which a local authority may refuse a license and paragraph (f) refers to persons of bad repute, or not fit and proper persons to hold a license. As the Act stands, it is a matter of fact. If the clause, with the amendment I refer to, be agreed to it will mean that if in the opinion of the local authority a man is not a fit and proper person to hold a license, the local authority may refuse to grant him a license. That appears to place a man who may be a perfectly respectable individual in an invidious position.

The Minister for Works: There is an appeal to the court.

Mr. DAVY: But if this be agreed to all the court can decide is whether or not a man was a fit and proper person in the opinion of the local authority. All that the local authority would be required to approve would be that it had bona fide come to the conclusion that the person was not a fit and proper person to hold a license.

Mr. A. Wansbrough: Such a person may be deaf!

Mr. DAVY: Then make the grounds specific! As the Act stands, the local authority may refuse to grant a license to a man because he is not a fit and proper person. That involves a question of fact that could be proved and the court would uphold the local authority. With the amendment, however, all that will be necessary will be for the local authority to show that the man is not a fit and proper person to hold a license in the opinion of that local authority. I suggest that that is a very arbitrary power to place in the hands of any local authority. I move an amendment—

That in lines 3 to 5 of Subclause 1 the words "and by inserting in paragraph (f) after the word 'or' in the fourth line thereof, the words 'in the opinion of the local authority'" be struck out.

Mr. SAMPSON: In the Act it is already competent in the local authority to refuse to grant a license if the applicant is of bad repute. It seems to me the clause is redundant.

The MINISTER FOR WORKS: I take it the member for West Perth's reading of the clause is entirely wrong. It does not deal with the character of the man at all. What it says is "or if in the opinion of the local authority the reasonable requirements of the public do not justify the granting of the license."

Mr. DAVY: I see that I was quite wrong. However, I am not prepared to accept the provision, even where it is. It changes what is a matter of fact into a mere matter of opinion. As it stands, if the reasonable requirements of the public do not in fact justify the granting of the license, it may be refused.

The Minister for Works: Somebody has to decide.

Mr. DAVY: It will be decided by the court. If the matter is to be left entirely to the opinion of the local authority, the court will have no jurisdiction.

The Minister for Railways: Who is the better fitted to make the decision, the local authority or the magistrate?

Mr. DAVY: The local authority ought not to be given that arbitrary power. I still move that those words be deleted, although the provision is not quite so objectionable as I thought it was.

The MINISTER FOR WORKS: I hope the Committee will leave the control of traffic to the local authorities. They know the requirements of the people, and are in close touch with the situation. I would sooner leave the decision with the local authority than with the court. Right through the Bill, we are giving the local authorities power to deal with these matters. There can be an appeal to the court, and the local authority will have to give some grounds for having arrived at their decision. Personally I would leave the position finally to the local authorities, without providing for any appeal at all, for the magistrate is not so favourably situated as is the local authority to decide such issues.

Mr. DAVY: My amendment would not cut out the local authority. It would leave the local authority in its present position, which is that if it declines to issue a license because the reasonable requirements of the public do not warrant it, the local authority will have to justify its contention.

The Minister for Works: The magistrate could over-ride the local authority.

Mr. DAVY: Only if the local authority cannot justify the opinion it has arrived at.

The Minister for Works: At present the magistrate can over-ride even the Minister. Is he in a better position to understand the requirements of the individual than is the Minister?

Mr. DAVY: I cannot conceive of any person in the community less fitted to understand the resuirements of the individual than is the Minister. I say that with every respect. It is because the Minister is overwhelmed with his multifarious duties. If this matter be left to the local authority, we shall find six or seven taxi-drivers in some little place bringing pressure to bear on the local authority to prevent the issue of further licenses. The local authority has sufficient power to refuse licenses now. Under the amendment, the local authority will merely have to show why the license was refused.

Mr. Marshall: Do you suggest that the magistrate would not be able to compel the local authority to grant the license?

Mr. DAVY: If the Minister's clause be carried, the local authority will be the sole judge. If it be held that the reasonable requirements of the public do not justify the license, no one can challenge the local authority's decision. I say the local authority is not a suitable body to exercise that large power.

Mr. Thomson: Would there be an appeal?

Mr. DAVY: If the local authority refuses the license, the applicant will appeal to the magistrate, and the local authority will have to justify its refusal. But if the Minister gets his way, the unsupported opinion of the local authority will be the final word.

Mr. Chesson: There would have to be good ground before the local authority would interfere.

Mr. DAVY: The member for Cue does not agree with the member for Coolgardie.

The Minister for Works: The member for Cue points out that the local authority would want the fees.

Mr. DAVY: The local authority throughout a large portion of the area is the Commissioner of Police.

The Minister for Works: Only in the metropolitan area.

Mr. DAVY: But that represents half the population, and probably more than half the licenses. A man should have a genuine appeal to some tribunal before he is prevented from getting a license to carry on his business.

Mr. BROWN: I think the clause is necessary. There is no inspection of motor vehicles and frequently we read of motor accidents.

Mr. Davy: I am not suggesting that inspection should cease.

The CHAIRMAN: The member for Pingelly is out of order. There is no question of inspection.

Mr. SAMPSON: The insertion of the words might tend to create a monopoly. If the local authority resolved that the reasonable requirements of the public did not justify the granting of a license, that would be the end of the argument. At present there is protection against the issue of an unreasonable number of licenses.

The MINISTER FOR WORKS: The decision as to the number of licenses that should be granted in a district can rest with no body better equipped to determine it than the local authority. A magistrate might visit a town only once a year, and he would be able to over-ride the decision of men living there. If the local authorities cannot be trusted to decide the tinpot issue of how many licenses there should be in a district, they should not be trusted with many of the responsibilities they have to-day. If they agreed to only a few of their friends holding licenses, there would soon be a public outcry. Has a man who sits on a bench a freer mind, or is he likely to make fewer mistakes than a local authority?

Mr. Davy: Is there an instance of a local authority having been over-ridden so far?

The MINISTER FOR WORKS: I am afraid that provision is not too well known.

Mr. Davy: It is known to every bus proprietor.

The MINISTER FOR WORKS: In the metropolitan area the police are charged with the control of traffic. They are watching the traffic every day, and yet it is proposed that a magistrate, after listening to evidence for a few minutes, should be able to overrule them,

Mr. Davy: But the Commissioner of Railways could bring the most powerful influence on the Commissioner of Police.

The MINISTER FOR WORKS: What influence would he have more than the hon. member? If the Commissioner of Police is going to listen to the Commissioner of Railways, he is not fit for his position.

Mr. Davy: Do not your department listen to a board who have no standing whatever?

The MINISTER FOR WORKS: I appoint a board to study the position and advise me when I am asked to give a decision.

Hon. G. Taylor: And you invariably act on their advice?

The MINISTER FOR WORKS: There would have to be substantial grounds before I ignored their advice. Members opposite would have the decision of experts overridden by a magistrate.

Mr. Davy: How often can one get a magistrate to over-ride the Government? It is almost impossible to get a man off when charged with an offence against the Traffic Act.

The MINISTER FOR WORKS: I am not too enamoured of the penalties imposed by magistrates for breaches of the Traffic Act. Look at the fines imposed upon speed maniacs.

Hon. G. Taylor: The magistrates have the power and will not use it.

The MINISTER FOR WORKS: I am sure the public are not at all satisfied with their decisions. I do not believe in granting appeals from the local authorities to the magistrates.

Mr. THOMSON: A local authority may decide not to issue any more licenses. I cannot imagine a magistrate over-riding the decision of the local authority if it had been petitioned not to grant a license for a vehicle to ply for hire in the district. We do not want to deprive people of the right of an appeal, in case a mistake has been made by the local authority. I support the member for West Perth.

Mr. SAMPSON: We now have an opportunity of restricting motor traffic and the issuing of motor licenses If the amendment is agreed to there will be a possibility of abuses creeping in.

Amendment put and negatived.

Progress reported.

House adjourned at 10.35 p.m.