

increased water allowance for the increased water rate, in addition to a supply of water for sanitary conveniences.

Then again, with the passing of the Bill many vexatious delays in approving of minor extensions of the water supply reticulation will be obviated. Often it becomes necessary to extend the reticulation main to serve a building in course of erection on land which is assessed at the minimum rate as vacant land. The annual valuation of the land cannot be amended until the following 1st July. As the revenue from rates on the vacant land is often insufficient to meet the annual charges—interest, sinking fund and maintenance—it is necessary to obtain a guarantee from the owner, or builder, to meet the deficiency, in many cases for one year only or less, as the return is sufficient when the land is rated as improved. The completion of the guarantee causes delays and much inconvenience. If the powers asked for in the Bill are granted, these guarantees in the majority of cases will not be required.

This is a full explanation of the Bill. It will, if passed, enable the Metropolitan Water Supply Department to exercise the same rating powers that are at present enjoyed by local authorities under the Municipal Corporations Act. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

House adjourned at 5.4 p.m.

Legislative Assembly.

Tuesday, 9th September, 1941.

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

QUESTION—DEATH PENALTY.

Mr. NORTH asked the Minister for Justice: 1, How many persons in Western Australia were charged with and sentenced for capital offences in the past decade? 2, Of these, how many were sentenced to death? 3, In how many cases was the sentence carried out?

The MINISTER FOR JUSTICE replied: 1, (a) 40 charged, (b) 18 sentenced. 2, 9, 3, 1.

BILL—WATER BOARDS ACT AMENDMENT (No. 1).

Introduced by Mr. Watts and read a first time.

BILL—NATIVE ADMINISTRATION ACT AMENDMENT.

Read a third time and transmitted to the Council.

BILL—GOVERNMENT STOCK SALEYARDS.

Report of Committee adopted.

BILL—PUBLIC TRUSTEE.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. E. Nulsen—Kanowna) [4.35] in moving

the second reading said: This is a very important Bill and I have often wondered why it has not been introduced sooner into this Chamber. The delay in its introduction has rather puzzled me. The purport of the Bill is indicated in the Title. The aim is to create a public trust office and to appoint a public trustee. That has been a long-felt want, and is a convenience to which the public has been entitled for many years. This is the only State in Australia which has not a public trust office.

Under the Bill, power will be given to the Governor-in-Council to appoint an officer to be called the public trustee. The office of public trustee was created in England in 1906, in New Zealand in 1876, in South Australia in 1881, in Tasmania in 1913, in New South Wales in 1914, and in that very conservative State of Victoria in 1939. The draftsman has gone to a good deal of trouble in preparing the Bill. He has consulted all the Acts to which I have referred and has investigated the various offices in the Eastern States. He realises the importance of the measure. I think it was intimated to him in 1939 that we would have a public trustee, and since then he has been engaged in drafting the best and most uniform Bill possible.

Hon. N. Keenan: Who is he?

The MINISTER FOR JUSTICE: The Crown Solicitor.

Hon. C. G. Latham: Mr. Dunphy?

The MINISTER FOR JUSTICE: Yes. The office of public trustee is important and the duties a public trustee has to perform are onerous. In consequence, the powers given to the public trustee under this measure are very extensive. It has been necessary to eliminate the offices of Curator of Intestate Estates and Official Trustee, but their elimination will save much confusion to the public and some of the Crown Law Department officers. Some doubt has existed as to the power and the duties of the Master of the Supreme Court and the Official Trustee in certain transactions. Furthermore, the Curator of Intestate Estates, the Official Trustee and the Official Receiver in Bankruptcy are all more or less in the one building, which is extremely confusing. The public trustee will be constituted a corporation with perpetual succession and a seal of office. He may be appointed a trustee, executor, administrator, guardian, next friend, committee, agent,

attorney, receiver or manager, exactly on the same basis as a private trustee. He may also work in conjunction with advisory trustees. That should be a great help, because, although a public trustee's knowledge must be extensive on account of the wide powers granted him, he cannot be expected to know and understand all businesses. Consequently, it will be of benefit to him to have advice from advisory trustees well versed in their particular spheres. He may also be appointed as a custodian trustee or as a guardian trustee. At times he will have charge of infants and will be required to attend to their maintenance and education.

The public trustee when acting in any capacity under and for the purposes of this legislation, will have the same powers as a private trustee in respect of his duties and responsibilities, and will also enjoy the same rights and immunities. He will have under his jurisdiction a safe deposit office where wills and other important documents may be kept under his control and care. He will also act as trustee for the parties concerned and will no doubt act judiciously in that capacity. He will have power to sell or exchange, to bring or defend cases at law, and will be able to act in any way required in that capacity. The object of these powers is to ensure stability of administration regarding investments, and to provide machinery for the speedy and cheap administration of estates.

In England and New Zealand, the value of trustee offices has been amply proved, and it is to be hoped that the office proposed to be established in Western Australia will be of great assistance to the people, just as it has demonstrated itself to be in other parts of the British Commonwealth of Nations. The need for the appointment of a public trustee has long been felt, and the convenience proposed is one to which the people are justly entitled. The public trustee will have more extensive powers than those exercised by the Curator of Intestate Estates and the Official Trustee. By this means beneficiaries in estates will be greatly assisted, and revenue will benefit.

The Bill has been drafted so as to make it as uniform as possible with other similar legislation. The draftsman has consulted other Acts dealing with public trustees so that our measure will be as similar as possible to those enacted in other parts of Aus-

tralia. In New Zealand a Royal Commission investigated the affairs of the Trust Office, and its report indicated how successful the undertaking had been. The Commission made clear how highly efficient the office had been in its operations, and how important it was in the life of the people of the Dominion. The Commission paid a tribute to the magnificent work of the Public Trustee. The magnitude of the task in New Zealand was shown to be stupendous, particularly in view of the fact that the Dominion is a small country. Its area is about 105,200 square miles—

Hon. C. G. Latham: But its population is nearly four times that of Western Australia.

The MINISTER FOR JUSTICE: — and its population is a little over 1,500,000. When the statistics dealing with the office are perused, the magnitude of the undertaking becomes apparent. The number of wills on deposit is 105,079, with an aggregate value of £64,436,092. Those figures in themselves leave no doubt as to the progress and service of the Public Trustee Office in New Zealand. The staff totals 1,110, of whom 117 are engaged at the head office and 993 at district offices. Let members consider those figures and they will appreciate how extensive is the work in New Zealand.

The popularity of the Public Trustee, as provided for in the various States, is reflected in the following figures indicative of the growth and business in the States mentioned:—

TASMANIA.
(Office opened in 1913.)

Year.	Total Value of Estates.	Net Profit.	Wills Deposited for Safe Custody.
	£	£	
1914	11,633	730	2
1915	14,912	143	20
1916	81,795	975	53
1917	148,716	1,317	70
1919	825,250	1,650	205

SOUTH AUSTRALIA.
(Office opened in 1881.)

Year.	Funds and Securities Held.	Revenue and Commission Account.	
		Year.	Amount.
	£		£
1881	14,066	5-year period to 1918	14,556
1890	248,128	" " 1923	31,949
1900	349,092	" " 1928	55,408
1935	2,931,502	" " 1933	57,341
		" " 1938	69,523

QUEENSLAND.
(Office opened in 1916.)

Year.	Staff.	Receipts.	No. of Wills.	New Estates.	Com-missions and Fees.
		£			£
1916	39	281,533	1,811	1,496*	7,804
1924	152	672,940	2,770	1,202	28,830
1934	174	1,805,040	3,817	1,312	40,700
1939	183	1,376,771	3,302	1,587	47,288

*Included soldiers' estates.

Those figures speak eloquently for the popularity of the Public Trustee Office. If similar progress is achieved in Western Australia, the benefit to this State and its people, especially the actual beneficiaries, will indeed be great.

The State guarantees against any loss. A common fund is to be created, and the whole of the estates will automatically fall into the common fund, except when there is direction to the contrary. But if the funds of an estate become a part of the common fund, then the capital and interest will be guaranteed by the State. On the other hand, if investments are made as directed by the will, and the estate does not form part of the common fund, then that estate will not be guaranteed, but will carry the full responsibility; and if there should be any loss, it will be the loss of the estate. Naturally, any extra profit accruing will be received by the estate.

The Bill deserves commendation from many aspects. Its aim is to create cheap administration and speedy procedure, with less formality than obtains in connection with private trusteeship. An Act on these lines has proved eminently successful in England. I could quote the figures, but they would not be comparable because England has a huge population relatively to the small populations of Australia and New Zealand. Nevertheless, I regard the New Zealand figures as amazing. Probably the Public Trustee Office of that Dominion is one of the most important government establishments there. Its officials are sworn to secrecy; they are not permitted to give out any official information of a confidential nature. The public trustee will not be required to take out a formal grant of letters of administration for any estate not exceeding £500. He has an option to obtain an ordinary grant of administration or to exercise his election. The Act governing the office of the Curator of Intestate Estates

contains a similar provision. Probably the arrangement will deprive our legal friends of a shilling or two, but it will facilitate procedure in relation to estates of £500 or less. The public trustee will be able to handle those estates at practically no cost to beneficiaries. I hope I may describe this measure as non-party.

Hon. C. G. Latham: All your Bills are non-party.

The Premier: Yes, purely for the good of the State!

The MINISTER FOR JUSTICE: The Leader of the Opposition looks at me suspiciously. As far as this side is concerned, the measure is non-party; and we hope that due consideration will be given to the benefits it will confer upon the State and upon beneficiaries. An executor or private trustee may hand over an estate at any time to the public trustee should he find that the duties he has undertaken are too onerous or such as he does not care to discharge. In such circumstances an executor or private trustee may hand over the estate to the public trustee, provided the latter will accept the responsibility.

Hon. N. Keenan: Provided there is something in it!

The MINISTER FOR JUSTICE: The duties of the public trustee will be indeed onerous, but their nature will also be comprehensive, and that is one of the reasons why it is proposed to clothe him with such wide powers. The office of the public trustee will be an important and business-like organisation. Promptness in dispatch of personal matters will be its motto. As I have already mentioned, investments will be safeguarded. All investigations of public trustee offices which have come under my notice have shown that their operations are triumphantly successful. I have every hope that a similar office established in Western Australia will prove of great benefit to our people. The time is appropriate for the introduction of this measure because so large a proportion of our citizens is enlisting to defend Australia against the common aggressor. A soldier can make a will or execute a power of attorney and be sure of the proper management of his affairs in his absence. He will also have every confidence that should anything happen to him, his wishes will be attended to properly.

The Bill specially provides for the charging of reduced fees for services rendered to members of the Forces or in relation to their estates. This provision is in line with the policy of reduction in estate duty which is to be extended to estates of deceased soldiers both by the Commonwealth and the States. It will apply to all services rendered by the public trustee for the benefit of members of the Forces, as it is felt by the Government that special concession should be made for this particular service. Accordingly the public trustee as trustee, attorney, agent or manager for an absent soldier will be able to charge a specially reduced fee, obviously for the benefit of the soldier himself. As executor or administrator of the estate of a deceased soldier, the public trustee, in granting reduction of fees, will benefit the estate and the widow and orphans whom he will then represent.

Whilst the Government hopes and believes that the war will end soon it proposes, by introducing this measure, to provide a public office to look after the affairs of the State's absent menfolk for their benefit and for assistance to and the protection of dependent women and children left behind. A soldier who puts his affairs in the hands of the public trustee will be assured not only of the capacity and integrity of the public officer whom he appoints, but of the security which the Audit Act affords and the certainty which the Government's guarantee establishes. No greater security could be offered than the provisions which make the public trustee answerable to the Auditor General, the Government, and finally Parliament itself. Whilst the benefit which this Bill will confer on members of the Forces is obvious, it must be just as clear that the benefit to the State generally will be considerable. This is to be a permanent social service which no doubt will grow and prosper if the experience of the other States and New Zealand is any criterion. From the points of view of immediate need and permanent value the creation of a public trustee must commend itself to the House. The office of public trustee has been created, as I have said, in nearly every part of the British Commonwealth; and I have not been able to read where the person so appointed has proved unsuccessful in the performance of his duty or where the office has not been of benefit to the people. Western Australia is the only State of the Commonwealth that

has not a public trustee. Even conservative Victoria created the office in 1939, so it behoves this Parliament to follow that good example.

Hon. C. G. Latham: It might be a bad example.

The MINISTER FOR JUSTICE: Events have proved beyond all doubt that the appointment of a public trustee has been beneficial to the people generally. Thousands of our citizens now enlisting and proceeding overseas will, if the measure be passed, be given the opportunity to put their affairs into the hands of a public officer, guaranteed by the State. His accounts will be subject to audit by the Auditor General.

Hon. C. G. Latham: You appoint the officer and guarantee him.

The MINISTER FOR JUSTICE: The Auditor General should have no scruples about the accounts, because they will be well and truly kept. I commend the Bill to members and trust they will give it due consideration and that, in 1941, the last public trustee in Australia will be appointed in this State. In my opinion, the office should have been created here years ago. New Zealand must have been a very small state indeed when its public trustee was appointed in 1876; and the population of South Australia must have been considerably less than is ours at the present time when its public trustee was appointed. Right from their inception those offices have made progress and contributed considerably to the revenue of the State. I move—

That the Bill be now read a second time.

Hon. N. KEENAN: I move—

That the debate be adjourned.

I ask the Minister to allow the debate to be adjourned till next Tuesday.

Hon. C. G. Latham: Move that it be adjourned till then.

Hon. N. KEENAN: No. I ask the Minister that it be adjourned till Tuesday.

The Minister for Justice: Yes.

Motion put and passed.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

Message.

Message from the Lieut.-Governor received and read recommending appropriation for the purposes of the Bill.

Second Reading.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam) [5.5] in moving the second reading said: There are only a few amendments in this Bill, but some of them are very important in character. Two alterations are proposed to be made in the definition of the term "worker." This term has several definitions in the Act, one of which is that no person shall be regarded as a worker if his remuneration exceeds £400 a year. That definition was included in the Act in 1920, the maximum remuneration per year before that time being £300. In the year 1919 there was no basic wage declaration as we understand the term today, but there was a general ruling rate for labourers of £3 6s. per week. Towards the end of 1920 that general ruling rate was increased to £3 18s. per week. The basic wage today is £4 10s. 5d. in the metropolitan area; £4 10s. 10d. in the South-West Land Division and £5 5s. 7d. in the districts of the goldfields and the North-West. It will be seen, therefore, that the minimum rate of wages for men employed in industry has increased considerably since 1920, which was the year when the maximum of £400 was provided in the principal Act for the purpose of defining those persons who were to be regarded as workers coming within the provisions of the Act. It is certain that the basic wage, as we now know it, will increase during the continuance of the war. Each quarter the Court of Arbitration takes into consideration movements in the cost of living; if such cost has increased sufficiently during the quarter under consideration an increase in the basic wage is ordered. The result of the increases already made in the basic wage during the war, together with increased margins awarded for skill, in addition to overtime earnings brought about by the demands of war industries, has been to exclude from the provisions of the Act a number of workers who were protected by it before the war.

It is certain, too, that as time goes on, the manufacture of munitions and other war requirements in this State will be substantially increased. That will necessitate the employment of more highly skilled men in the production of munitions and other war requirements and the working of overtime in those industries, with the result that a further number of workers now protected by the Workers' Compensation Act will be

excluded from its provisions because their remuneration will in many cases exceed the maximum of £400 a year now allowed under the Act. The proposal to increase the maximum yearly remuneration from £400 to £600 will bring back under the provisions of the Act workers who have already been excluded during the progress of this war and will continue to keep under the provisions of the Act a number of workers who, unless this amendment be made, will certainly be excluded from the Act. It can be admitted, at the same time, that the proposed amendment, if carried, will bring under the Act a number of new workers who have never previously been under its protection except if they worked at some time in the past at a lower wage or salary rate.

To those who might be inclined to argue against the amendment on the ground that it will bring under the Act a number of new workers, I submit that the new workers likely to be brought under the Act by this amendment will be workers that will constitute a very good risk for those providing workers' compensation insurance. The only new workers who can be brought in under this amendment will be those now receiving or likely to be receiving in the future over £400 and under £600 a year. Members will realise that workers of that type are almost without exception employed in positions where the risk of accident is not nearly as great as it is to lower paid workers engaged in more risky occupations. Nevertheless, although the risk of injury to workers in the higher wage and salary classes is not as great as it is to those in the lower wage and salary classes, the loss suffered by an individual worker in the higher class is just as great as the loss suffered by a worker in the lower class. In other words a worker in the higher wage or salary class can little better afford to suffer injury without any protection than can a worker in the lower wage or salary class.

It is therefore submitted that the amendment contained in the Bill in the direction I have indicated is essential to restore to workers already removed from the Act the protection of the Act, to continue the protection of the Act to those likely to be excluded because of rising wages and increased overtime earnings, and finally to include the comparatively small number of new workers who in the opinion of the

Government deserve the protection the Workers' Compensation Act provides.

The other amendment, covering the definition of the term "worker," has to do with what are known as sub-contractors in industry. At present the Act provides protection for one class of sub-contractors only. That class is employed in the timber industry. They have the full benefits and protection of the Workers' Compensation Act today just the same as has the worker who is employed upon a straight-out wages basis. It is considered that sub-contractors in the timber industry are entitled to the benefits and protection of the Act and it is also considered that sub-contractors in any other industry in the State are entitled to the same benefit and protection. Accordingly this Bill proposes to amend the definition of the term "worker" for the purpose of including all sub-contractors no matter in what class of industry they may be employed. No sub-contractor will be covered by the proposal in the Bill if he himself employs labour for the purpose of carrying out the contract that has been made available to him. A sub-contractor will be covered by the Act only if he himself, without the assistance of any other labour, carries out the contract upon which he is engaged.

In another part of the Bill it is proposed to alter the method now used for the purpose of assessing the weekly amount of compensation to which an injured worker is entitled. The present method is to pay to an injured worker one-half of his average weekly earnings during the period of 12 months immediately preceding the accident or during such lesser period if he has not been employed for 12 months. The present method of assessment has been discovered to be very difficult. In many instances it has created quite a deal of confusion and a fair amount of argument. Particularly has difficulty and unfairness arisen in respect of workers not permanently employed. The majority of casual workers have suffered as a result of the existing method of assessment. It is easy to conceive that a man engaged in casual employment would have a very low average weekly earning over a period of 12 months or even over a lesser period. The result has been that this type of worker has often received the minimum weekly rate of 30s.

compensation allowed under the Act. Members will readily perceive that this type of worker is the one who can least afford to suffer injury, and the one who can least afford to be paid only the minimum weekly rate of compensation for injury. The Bill sets out to remedy and simplify that position.

It is proposed that the weekly rate of compensation payable shall be assessed on a basis of taking into consideration the rate of wage actually being received by the worker at the time of his accident. The new method will be easy to understand and all calculations to be made under it will be capable of being made without difficulty and in the shortest time. The present method of assessment is plussed by the addition of 7/6 a week for each dependent child under 16 years of age, the total weekly compensation payment in any case not being permitted to exceed £3 10s. per week. The new method of assessing the weekly rate of compensation will also have those provisions attached to it. In other words, in addition to half of the weekly wage being payable to the worker, he will be entitled to receive 7s. 6d. a week for each dependent child under 16 years of age, but the total weekly payment receivable shall not, in any case, exceed £3 10s. a week. This amendment will commend itself to all members who have had experience of the operation of this particular part of the Workers' Compensation Act.

By this measure the present system of granting away-from-home and travelling allowances will be added to. The Act at present allows an injured worker to claim and receive away-from-home and travelling allowances if the employer, the employer's agent, or the employer's doctor, calls upon him to travel from one place to another for the purpose of receiving medical attention. Many injustices have arisen under the existing provision. In most country towns there is only one doctor. As soon as a worker suffers an injury in his employment, he goes to the doctor—the only available doctor—and he, in law, immediately becomes the worker's doctor. Many of the doctors in one-doctor towns find it necessary, from time to time, to send injured workers to a larger country town where better medical services, and better hospital accommodation are available. On many occasions, too, they send their injured workers to the city

so that the best possible medical treatment and hospital accommodation shall be available. Whenever a worker's doctor, in those circumstances, sends a worker to another town or to the city, the worker has no legal claim to travelling allowances, or to away-from-home allowances. He would only have such a claim if the employer or his authorised agent had called upon him to travel. Dozens of cases have arisen during the last 12 months where the workers' own doctors have called upon them to travel from one place to another, and where the insurance companies have refused to pay one penny for the travelling allowances or away-from-home allowances.

This measure aims to make both those allowances available to the worker if the employer, or the employer's agent, or the employer's doctor, or the worker's own doctor, calls upon the worker to travel from one place to another to receive further medical treatment. I think the proposal will commend itself to the majority of members. Even with the Act amended in that way, it will have a weakness in connection with the matter I have been discussing. That weakness will exist in the case of workers who are injured in places where no doctors are available. The country members of this House will be aware that many districts have lost their doctors since the present war commenced. There are many towns of considerable importance in the country districts of this State that have been deprived of the benefit of the services of a doctor. If a worker in such a district suffers an injury in any way serious, he must of necessity travel to some centre where the services of a doctor are available. Under the present law the worker would travel at his own expense, and for the period he would have to remain in the centre to which he travelled he would have to meet the whole of his away-from-home expenses. The Bill seeks to remedy that weakness by providing that any worker, when there is no doctor available, who travels to some place for the purpose of receiving medical attention, shall be entitled to claim away-from-home and travelling allowances, provided he is able to prove that it was necessary for him to travel as described.

An alteration to the daily payment made, under the Act, to hospitals for the accommodation and services they make available to an injured worker is sought. The present

Act provides a flat-rate payment of 10s. 6d. a day to hospitals in respect of every injured worker covered by the provisions of the Act. During the last two years both the Minister for Health and I have received deputations from representatives of country hospitals, and they have suggested that the amount of 10s. 6d. per day made available to them for injured workers does not meet the cost of providing accommodation and services to the workers concerned. The deputations have put forward a good case and the Government has come to the conclusion that they are entitled to some consideration.

Mr. McLarty: They are, therefore, paid more than for the ordinary patient.

The MINISTER FOR LABOUR: This Bill proposes that the existing rate of 10s. 6d. per day shall continue to be paid to hospitals within a radius of 15 miles of the G.P.O., Perth; that a daily payment of 12s. 6d. shall be made to hospitals situated in what is known as the South-West land division of this State; and, further, that a payment of 15s. per day shall be paid to hospitals situated outside the metropolitan area and outside the South-West land division. There is, however, an important proviso respecting the higher payments. It is that those payments will be paid only for the first 30 days during which the worker is in a hospital in the South-West land division, on the goldfields or in North-West districts. If the worker has been in a hospital in any one of those three sections of the State, the ordinary rate of 10s. 6d. a day is to apply for every additional day over the first 30 during which the man remains in the institution. The Government considers that that provision will reasonably meet the position of hospitals in the country districts. The Government holds that if a worker has been in a hospital for a period of at least 30 days he becomes, in a sense, a semi-permanent patient and the cost of providing accommodation and services for him is not as great as it would be if he were there for a period of less than 30 days.

The other important amendment embodied in the Bill deals with a proposal to establish what is to be known as a "Medical Register Committee." Members may easily consider it the most important provision in the measure. I think it will be regarded as a well-known fact that the cost of workers' compensation to industry in Western Aus-

tralia has been greatly increased over the years by what is classed as expenditure on the medical side in the interests of injured workers. The experience of the State Government Insurance Office has been that 30 per cent. of the total cost of workers' compensation has been absorbed in medical expenses. In other words, one-third of the total cost of workers' compensation business in the State Government Insurance Office has gone to the medical practitioners of Western Australia.

Hon. C. G. Latham: Do you mean one-third of the total collections?

The MINISTER FOR LABOUR: No, of the total payments under the Workers' Compensation Act.

Hon. C. G. Latham: One-third of that goes to medical practitioners?

The MINISTER FOR LABOUR: Yes; one-third of the total payments made under the provisions of the Workers' Compensation Act by the State Government Insurance Office, has been collected by the medical practitioners.

Mr. Warner: The good old doctors go in for their cut!

The MINISTER FOR LABOUR: The Government considers that percentage altogether too high, and too great an imposition to place on the industries of Western Australia in respect of the medical services made available in return for the expenditure. The fact is well-known that a number of doctors here have for years past regarded the Workers' Compensation Act as a piece of legislation that spells very easy money for them. I say at once that I regard the majority of the doctors in this State as thoroughly reasonable in their treatment of injured workers. The proposed medical register committee is not to be set up for the purpose of dealing with the majority of doctors who do the right and fair thing, but with the object of supervising the activities of the minority of doctors who, in my opinion, do not do the fair and reasonable thing.

Mr. Thorn: Lots of them hang on to their patients far too long.

The MINISTER FOR LABOUR: I propose to justify this amendment to the Act by drawing attention to instances of under-treatment of injured workers as well as to others of over-treatment. I have carefully investigated the position in recent months, and I assert that there are many instances

of over-treatment, many instances of under-treatment, many of careless treatment and many of unskilled treatment.

Mr. Stubbs: But the doctors never forget to send in their bills!

The MINISTER FOR LABOUR: There are many instances where doctors have collected much more money in the form of fees and charges than they were entitled to for their attention to injured workers.

Mrs. Cardell-Oliver: Many doctors collected less.

Mr. Thorn: Not too many of them.

Mrs. Cardell-Oliver: Yes, quite a number.

The MINISTER FOR LABOUR: The amendment proposed will in no way injure the position of doctors who take less than they should reasonably be paid. It will affect those doctors who outrageously charge more than they are entitled to be paid. Therefore, in considering the amending legislation, no member need have any fear of doing an injury to the honest doctor because of the attempt now suggested to curb the activities of the not-so-honest doctors in Western Australia. I perused recently the details of a case of an injured worker who had been in the hands of a doctor for 12½ months. During that period the doctor had found it necessary to see the worker on 130 occasions.

Mr. Warner: He was very attentive!

The MINISTER FOR LABOUR: Those having a knowledge of this particular case and with authority to speak reasonably upon it, have stated that if the doctor had seen the worker on an average once a fortnight during the period of 12½ months, the procedure would have been satisfactory.

Mr. Hughes: In such an instance the doctor could not recover his medical fees.

The MINISTER FOR LABOUR: The doctor could have recovered them until the maximum amount of £100 provided for in the Act had been paid out.

Mr. Hughes: No, he could not do so. I have known the court to refuse such orders to doctors.

The MINISTER FOR LABOUR: I know of instances showing that many doctors have got away with it, and I have no doubt the member for East Perth (Mr. Hughes) knows of more than one case where a doctor has grossly overcharged and yet has been able to get away with it, without having to go to court to justify the charges imposed. The discovery has also been made

that the use of X-ray plants has increased remarkably in recent years. X-ray photographs are taken in many instances on the slightest provocation. Particularly is that so where the doctor has an X-ray plant in his own surgery. In the majority of instances, the X-ray photographs, when developed, have disclosed nothing, but the fee for the use of the machine has been included and become a charge by way of compensation payment upon the industries of the State. In many instances doctors with injured workers under their control have kept issuing certificates regarding the unfitness of the men to return to work. The injured men have subsequently been called upon to submit themselves for examination by another doctor, and in many of those cases the doctor first concerned has immediately issued a certificate declaring that the worker was now fit to return to work.

There was a case recently of a worker who suffered a slight abrasion to one of his cheeks. For safety's sake, he consulted the local doctor, who certified that he was unfit for work. The man remained off duty for a period. A letter was sent asking him to report to another doctor for examination, whereupon the first doctor immediately issued a certificate stating that the worker was fit to return to his employment. Such cases could be multiplied.

Mr. Stubbs: Those doctors should be shown up. It is not fair to the honest doctors.

The MINISTER FOR LABOUR: The Bill does not set out primarily to show up such doctors, but it does seek to place them under the strictest possible supervision. If they carry on as in the past, provision is made for the imposition of very severe penalties. The proposal to set up this committee would not be justified solely on the ground that certain doctors over-treat patients. One might well argue that it is far better to over-treat than to under-treat an injured worker, and that it is far better to keep an injured worker under treatment for a week or two longer than is actually necessary rather than that he should be sent back to work a week or two weeks before he is fit to return. This proposal cannot be justified solely on the ground that it aims to eliminate as far as possible unnecessary treatment or over-treatment of injured workers. Justification for the proposal rests mainly on

the fact that many injured workers have been under-treated, carelessly treated and treated in a not very skilled manner by the doctors they have consulted. Mainly upon that ground I seek to justify this proposal.

It is surprising how quickly some injured workers are certified fit for work when the maximum amount of £100 provided in the Act for medical and hospital expenses has been used up. It is surprising, also, how many injured workers are kept under some doctors in the country until the maximum of £100 has been used up. When that sum has been exhausted, some doctors in the country say that the cases are beyond their ability and skill to treat properly, and so the injured workers are sent to larger country towns and sometimes from larger country towns to the city. In such cases it is often found that the treatment given to the patients has not been appropriate to the injuries they were suffering. In several instances the treatment has been altogether wrong, with the result that the recovery of the injured workers has been considerably delayed. Sometimes the subsequent treatment has had to be carried on over a long period of time and at very great expense.

Mr. Stubbs: You are making very serious charges.

The MINISTER FOR LABOUR: One important fact must be remembered regarding the cases to which I have referred. When the maximum of £100 allowed by the Act for medical and hospital expenses has been exhausted, all financial liability for further medical treatment and hospital accommodation falls upon the injured worker. It will be seen, therefore, that cases of under-treatment, careless treatment, or unskilled treatment are serious in the loss of the worker's services and the loss suffered by industry in the compensation paid over a far longer period than would be necessary if proper treatment had been given in the first place, as well as in the burdens imposed upon the injured workers because the £100 allowed by the Act has not been used to the best advantage.

Mr. Thorn: It would also have the result of increasing the premiums that have to be paid by the employers.

Mr. Hughes: You need to be careful that you do not cut down the allowance to workers below what should be granted.

The MINISTER FOR LABOUR: We need and have endeavoured to be very careful in that direction. The maximum amount of £100 for hospital accommodation and medical services, as now provided, is to be retained in the Act. There is to be no reduction at all in that regard. What the Government is anxious to do is to ensure that an injured worker receives the maximum benefit by way of medical attention as a result of money taken out of that amount of £100 which the Act provides for medical expenses and hospital accommodation.

The proposal is that the medical register committee shall consist of a judge or magistrate as chairman, with four other members to be appointed by the Governor in Council. Two of the committee members will be medical practitioners registered under our Medical Act. It will not be possible, therefore, to argue that the point of view of the medical profession will not be represented upon the committee. It will be represented thanks to the fact that at least two members of the proposed committee will be drawn from the ranks of the medical practitioners of Western Australia. They will be thoroughly qualified to state the point of view of the medical profession. They will be capable of checking up on every contention that may be put forward in defence by any doctor who is called upon to justify the treatment he has given to an injured worker or the fees he has charged in connection with such treatment. The medical register committee will be called upon to establish a medical register in which the names of doctors authorised to treat workers' compensation cases will appear. Only those doctors whose names appear in the register will be entitled to treat those cases. At the commencement, registration will be automatic—which means that every medical practitioner registered under our Medical Act will have his name placed upon the register. All the doctors will start off equal at the commencement of the proposed new section of the Act.

Mr. Stubbs: Will the register include the names of men who have been defrauding the unfortunate sick persons?

The MINISTER FOR LABOUR: At the commencement of the proposed new section every doctor will be registered without any black mark, and every doctor will be entitled to proceed to the treatment of injured workers who come under the provisions of

the Act. The committee will have power at any time to inquire into the treatment given by any doctor to any injured worker, or into the fees charged by any doctor in connection with treatment of any injured worker.

Hon. N. Keenan: Who will initiate that inquiry?

The MINISTER FOR LABOUR: The committee.

Hon. N. Keenan: But who will make the committee take action?

The MINISTER FOR LABOUR: It will be possible for any person to report a case to the committee for its consideration.

Hon. N. Keenan: Any person?

The MINISTER FOR LABOUR: Yes. As soon as the committee receives a report regarding a particular case, it will have the discretion of deciding whether the case so reported is a case that requires its consideration. If the committee finds that any case reported justifies an inquiry, a searching inquiry will be held. The committee will have power to deregister any doctor where it considers the circumstances of any particular inquiry justify such drastic action.

Hon. C. G. Latham: The committee can only deregister from attending workers' compensation cases, of course?

The MINISTER FOR LABOUR: The Leader of the Opposition is about a furlong ahead of me at the moment. As I have said, the committee will have the drastic power to wipe off the register the name of any doctor where the members of the committee consider themselves justified in taking such action. The deregistration of any doctor in the circumstances I have mentioned will disqualify such doctor from treating workers' compensation cases.

Mr. Doney: Will there be provision for an appeal?

Hon. C. G. Latham: There are some troubles ahead!

The MINISTER FOR LABOUR: There is no provision for an appeal, nor can I imagine the possibility of setting up a competent authority above the one provided in the Bill, to which an appeal could be made. The committee, when it does deregister any doctor, may deregister him for an unstated period, or for a limited period.

Hon. C. G. Latham: Of course the committee could not do that in isolated localities. There would have to be some doctor to attend persons who met with accidents.

The MINISTER FOR LABOUR: I am sorry the Leader of the Opposition has jumped to the conclusion that doctors in country places are likely to be deregistered. No one knows whether any doctors will be deregistered, or just which doctors may be deregistered, or which localities may be affected.

Mr. Doney: But that was not the point raised.

Mr. SPEAKER: Order! The Minister must be allowed to introduce his Bill.

The MINISTER FOR LABOUR: I do not know whether the member for Williams-Narrogin (Mr. Doney) is taking up the hopeless attitude that we must just wring our hands and lament the fact that these abuses do take place, and then allow the present position to continue without any attempt to remedy it. The medical register committee will have power at any time to re-register any deregistered doctor, provided the members of the Committee are convinced that such re-registration is warranted. A deregistered doctor during his period of deregistration would only have the right to treat workers' compensation cases when an emergency arose and the services of a registered doctor were not available.

It is realised that in practice some difficulties may arise in the operation of the scheme I have been explaining. Those difficulties, however, will be unimportant as compared with the difficulties experienced under the present unregulated and unsupervised system in connection with doctors who treat workers' compensation cases in this State. If members think they can improve the proposed scheme as set forth in the Bill, the Government will welcome any attempt in that direction and will be pleased to accept any improvements that can be made in the scheme. The proposed scheme is an earnest attempt to meet a serious position, one growing more serious as time goes on. It might very well be that the exploitation of this Act by some doctors should have been tackled years ago. I have it in my mind that such exploitation developed badly during the worst years of the depression, when the normal incomes of doctors in probably every part of the State were considerably reduced. People could not afford to be sick as frequently and as seriously during the worst years of the depression as they were in the years of prosperity. As a result, the income of nearly every doctor

in the State fell away seriously in 1931, 1932 and 1933. It was in those years that I really believe some doctors developed extravagant ideas about the treatment that should be given to workers' compensation cases, and particularly as to the fees they should charge for those cases. Such of the doctors who found that easy way of augmenting their income—and they were certainly in the minority—were evidently impressed with it and have continued to act just as badly ever since. This proposal is an important one.

I commend it to the serious consideration of members, because it is an attempt on the part of the Government to deal with a position that must be faced, unless we are content to allow workers to be under-treated, carelessly treated or treated in an unskilful manner, without holding an inquiry of any kind, without the doctor concerned having to justify himself, and without his having to risk the imposition of any penalty whatever for what he does. As I said earlier, the Bill is also an attempt to set up a system of supervision over those doctors who over-charge and keep injured workers under their care for periods longer than are necessary. I hope—I feel sure—that the Bill will receive the fair and earnest consideration of all members. If so, I am confident we shall pass a Bill which, when sent to another place will, with certainty, receive at least reasonable treatment at the hands of the members of that place. I move—

That the Bill be now read a second time.

On motion of Mr. Seward, debate adjourned.

BILL—MENTAL TREATMENT (WAR SERVICE PATIENTS).

Second Reading.

Debate resumed from the 4th September.

MR. WARNER (Mt. Marshall) [6.5]: This is but a small Bill and one to which I think the House will agree. It ought not to occupy much time in debate. It has the approval of many members of the Returned Soldiers' League, more particularly of those members of the League who have had, since the 1914-18 war, to do with the care of returned soldiers in mental homes. It will also be welcomed by most of the relatives of the men engaged in the present

war. No one knows in what state of health these men may return, although we sincerely hope they will not come within the scope of this Bill. Unfortunately during the last war no provision of this kind existed. It was only when our troops returned on that occasion that the position was remedied. In the case of those men who returned from the last war mentally sick, the only place to which they could go was the Claremont mental home. No doubt that was the wrong place for those who were afflicted mentally as a result of war causes. That oversight has since been remedied. Because of the action that was taken it was possible to make use of the new reception home at Heathcote for cases of that kind, and since then we have become possessed of Lemnos. The latter building was prepared for the housing of only about 60 patients, but it now holds approximately 86 persons. A new wing has been added to enable the authorities to give treatment to more persons, particularly to those who may be referred to as physically sick. Men who come within that category are those who have contracted various complaints such as influenza and others of a like nature. There are now from 12 to 16 patients of the kind we are discussing at Heathcote, 86 at Lemnos and 46 at Claremont. A considerable number of men are now eligible to be sent to Lemnos. Unfortunately there is at present, owing to the lack of accommodation, no room for them at that institution.

The Bill amends certain provisions of the original Act so that soldiers returning from the present war may be treated in the same manner as was subsequently provided in the case of those who returned from the last war. There is every necessity for such a provision. What is needed today is an establishment of large dimensions wherein patients of this class may receive the best possible treatment. Those men are entitled to the best treatment and the most comfortable conditions that can be provided for them. This may not be the proper time in which to suggest an agitation for the building of a large and adequately-equipped hospital of that kind, one situated in healthy and good surroundings and having attached to it a sick bay, but there is certainly a crying need for such an establishment. The Commonwealth Government

should immediately be requested to take into consideration the desirability of erecting in Western Australia a commodious and fully-equipped building in good surroundings, so that when the occasion arises it may be available for the housing and care of those men and women who come back from the present war unable to look after themselves for the time being. We know that with proper treatment such cases have been cured and restored to health. After a considerable period of quiet and nursing many of them have so fully recovered as never to have a recurrence of the trouble. We also know that a considerable number of our soldiers who come back from the present war will be very much like those who were similarly afflicted as a result of the last war.

All should collaborate therefore to see that those brave men and women who defied the filth and horrors of war, the germs and the diseases and went to the Front to do their bit that we others might live in quiet peace and security, are provided with every means that can be devised to ensure their complete recovery. They were satisfied to leave the State so that they might fight for the Empire and their native land. If they come back to us nervous wrecks and shattered in constitution, it is incumbent upon us to do the best we can for them and provide proper buildings in which they may receive every care. The Bill is undoubtedly a step in the right direction, and I trust it will become law. Its object is to ensure that those who left this State to fight for the Empire and return as patients shall receive all the treatment that is necessary to assist them to recover their normal state of health. I support the second reading.

MR. SAMPSON (Swan) [6.13]: To the remarks of the member for Mt. Marshall (Mr. Warner) it is not necessary for me to add a great deal. I have looked into this matter to some extent, and am gratified to know that the Bill seeks to carry on the good work that was started by the Act of 1917. That Act, however, applies only to the 1914-18 war, whereas the Minister for Health has arranged that this Bill shall apply to all those who suffer nervous sickness as a result of past wars, the present war and future wars.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. SAMPSON: The Bill is necessary. There is a differentiation in the treatment of returned soldiers who are believed to be mentally sick, and that given ordinary civilians. Under Part II, Section 5, of the Lunacy Act, it is provided that before anyone can become an inmate of the Claremont mental hospital—or to give it its correct name, the Claremont Hospital for Insane—he must be certified by two medical men supported by two justices of the peace. If mental disability is due to war service there is no need, nor is it customary, to have the patient examined with the object of certifying that he is insane. The Bill continues the beneficent legislation provided in the 1917 Act, and protects returned men from being placed in mental homes except with their approval. Ordinarily, an ex-soldier, subject to his agreement thereto, can be sent to an institution without being certified insane. The Bill provides that this cannot happen should he be opposed to such action. In this case, the customary procedure of certification of insanity would require to be followed.

That is, in effect, the Bill; but there is an aspect of the position of returned soldiers to which I think attention might fittingly be directed at this juncture. As mentioned by the member for Mt. Marshall (Mr. Warner) there are from 12 to 16 returned soldiers at Heathcote, which is very desirable, because there is no doubt that treatment at Heathcote has the effect of restoring to normal health some of those who temporarily suffer from nervous disabilities.

Hon. C. G. Latham: That is where they give the cardiazol treatment.

Mr. SAMPSON: That is so. The Heathcote reception home is doing wonderful work, and the new building is very well justified. It is clear that there is need for further buildings at Claremont. At present there are 46 returned soldiers in the Claremont Hospital for Insane, and that in spite of the fact that there are 86 at Lemnos, which is the greatest number that can be accommodated there. The increase in the number of patients at Lemnos from 60 to 86 means that the additional building recently constructed is fully occupied. In addition, as I have said, there are 46 soldiers in the Claremont mental hospital. That is very unsatisfactory.

The Minister for Health: That is not why they are at Claremont, though. The worst cases go to Claremont.

Mr. SAMPSON: There is no room for more patients at Lemnos, and new patients have to go to Claremont. Whereas at the 31st December the number of patients at the Claremont hospital was 420 males and 180 females, a total of 600, for the previous six months the total was 567. That is proof that the number of patients is increasing. A reference is made to the institution by the Board of Visitors in its latest report, which states—

The board would draw attention to their previous report in which they discuss the question of children sharing the same dormitory as old epileptics and dementals.

That is unsatisfactory.

The Minister for Health: That has nothing to do with this Bill.

Mr. SAMPSON: Of course it has! The Speaker is not to be drawn from the clear path of duty by statements such as that. From the report of the Board of Visitors to Lemnos soldiers' hospital, West Subiaco, I find that on the 31st January the number of patients was 83, whereas I am advised that today it is 86, and that is the full number it is possible to accommodate at that institution.

The Minister for Health: I suppose you are suggesting that nothing is being done about it.

Mr. SAMPSON: I am not suggesting anything of the sort. I am reading from the report. If the Minister is able to advise the House that steps are being taken to provide additional accommodation, I shall have nothing more to say.

The Minister for Health: Then you might as well sit down.

Mr. SAMPSON: The Minister has an idea that he is in some other place, but this is not the Leederville Football Club.

Mr. SPEAKER: Order! I must ask the hon. member to address the Chair.

Mr. SAMPSON: Certainly, Mr. Speaker. It is my desire to address you, with all courtesy. We now come to the report of the Board of Visitors to the Claremont Hospital for Insane for the six months ended the 30th June, 1941. I do not propose to read the whole of the report; in fact, I have nothing to say regarding most of the matters dealt with in the report, which are quite in order. I do, however, desire to read one paragraph, and when I read it I wish members to realise that in the Claremont Hospital for Insane there are 46 returned men.

How they are accommodated I am unable to say. I know this, that Lemnos is overcrowded and I shall be very much surprised if the Claremont institution is not also overcrowded.

The Minister for Health: It always has been!

Mr. SAMPSON: As a matter of fact—and this is not personal—there is more insanity today than has been the case for a long while.

The Minister for Health: Particularly outside Claremont!

Mr. SAMPSON: Possibly. The report states—

The board wish again to draw attention to the fact that there is no segregation of tubercular patients from the other patients. There are a number of tubercular patients in wards where a large number of non-tubercular patients are sleeping. The position is aggravated by the difficulty in keeping their utensils separate, in spite of the efforts of the attendants to do this. It is recommended that separate accommodation be provided for both male and female tubercular cases.

I do not know that one could add anything to that. It is a state of affairs that is far from pleasing. That must particularly apply when a Bill such as this is receiving the consideration of members. It is a good Bill: I admit that. It is a necessary measure, and is of distinct advantage to the mentally sick returned men. I intend to support the second reading, but I would be wanting in my duty if I allowed this opportunity to pass without drawing the attention of members to the need for accommodation both in the Hospital for the Insane, and at Lemnos. This matter should receive the very earliest attention possible. This country is in a position, at all events, to provide reasonable accommodation to its sick returned men.

Question put and passed.

Bill read a second time.

In Committee.

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

" BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the 4th September.

MR. SHEARN (Maylands) [7.44]: This measure is designed, among other things, to

extend some relief to the large body of motorists in Western Australia. As was pointed out by the member for Williams-Narrogin (Mr. Doney), it is a difficult proposition to arrive at an equitable basis for the adjustment of the fees since there is a certain amount of differentiation in the petrol rationing that has taken place. Considerable reference has been made to the conditions of producers in country districts. One may say, quoting from the speech of the Minister when introducing the Bill, that a greater measure of restriction has been imposed on metropolitan users. They comprise that large section of private owners who have been reduced something like 75 per cent., and those who use their cars for business and pleasure, and who have been reduced approximately 40 per cent. It might be well said for them that they have an undeniable claim to some considerable relief in this respect. I realise, however, as the member for Williams-Narrogin said, that it is a difficult proposition for the Government, and indeed for the House, to arrive at a basis that will do justice to all concerned and ensure at the same time a reasonable or full measure of equity.

I agree, too, with the member for Williams-Narrogin that a reduction of less than 25 per cent. would be hardly worth while, and that a greater percentage would seriously affect the vital interests of the local governing bodies throughout the State. Another State has already given a concession of a 25 per cent. reduction on these fees, and the Royal Automobile Club of this State, coincidental with its agitation for some reduction, has been successful in obtaining a reduction representing 10 per cent. of the insurance premiums on private cars. On these two counts a *prima facie* case has been made out for some consideration to be given in this State along the lines adopted in South Australia. A previous speaker said the adjustment of licensing fees, apart from the various other aspects which have emerged, brings into consideration the fact that the question of motoring costs generally, as a result of the war, and of course rationing, calls for some consideration. Side by side with this must of necessity be considered the vital interests of local governing authorities throughout this State. It is important to encourage motorists, as far as possible, to keep their vehicles in running order so that they may be readily available should a

national emergency unfortunately arise. I am, like other members, very concerned about the position of the many local authorities, both in the country and the metropolitan area, due to the difficult task they will have to face as a result of a major diminution of receipts from traffic fees.

One may accept the statement of several members representing country interests that the position of the local bodies there will probably assume serious proportions. The responsibility of meting out justice to those who have the duty of carrying on local government in this State and have to provide for roads and their maintenance, which in many instances will be high owing to deterioration through weather and other conditions, coupled with inescapable charges such as overhead costs, depreciation, interest and sinking fund on loan expenditure and other incidentals—presents an even greater problem than that of dealing with the undeniable claims of the motoring public. There are some districts in the metropolitan area where a raising of the general rating would materially assist in making good the deficiency occasioned in those districts by the reduction of traffic fees, but, as has already been stated, most districts have reached a rating level that might be described as the maximum having regard to the economic conditions now prevailing. We have to remember also that the motorists might be justified in contending that any additional revenue required by a particular local authority, instead of being a charge on them, more or less directly, should be a charge on the whole community.

Another important factor is the probable effect upon the future continuous employment of a large number of workmen whose particular form of skill is of such importance to local authorities as to constitute a serious disability should any diminution of the fees necessitate retrenchment. Speaking from my knowledge of one district, these men would be unsuitable for military service. They are married men with responsibilities; they are ratepayers; they are skilled men whose services are essential to the efficient construction of roads. This is an aspect that should receive consideration. I am aware that the Traffic Act does not specifically set out the purposes for which these fees shall be used. Nevertheless, I do not think there can be any argument that the money thus provided by motorists was

intended to be their contribution towards the provision of more and better roads and for the maintenance of those roads. This question bristles with difficulties, but some reduction is imperative. Therefore we should do whatever is possible for the benefit of all sections concerned. I agree with the member for Williams-Narrogin (Mr. Doney) that it is to be regretted a larger number of local authorities did not give us an outline of their difficulties and of the general situation in order that we might be better informed of the peculiar conditions affecting certain districts.

Mr. Seward: They are beginning to speak up now.

Mr. SHEARN: Yes. For some years local authorities, particularly those located between Perth and Fremantle, have derived considerable sums and consequential development from the expenditure of traffic fees, while many other districts whose motorists contributed large sums to this fund have been denied their equitable share in the distribution of the fees. The result is that the development of those districts has been greatly delayed. In some districts large and important development work is partially held up. Those districts are faced with a difficult problem. Just how the Minister will be able to deal with this aspect, I do not know, but I am sure he is sufficiently seized of the importance of continuing such development and will give this matter the special consideration it merits. I realise, too, that there are many country districts where the traffic fees represent an important, if not the major, portion of the annual revenue, and any serious depletion of this amount will place them in a very difficult position.

Every member will appreciate that in many of those districts it would be quite impracticable to contemplate raising the rating level. If the development of the whole of the metropolitan area is to be dealt with as it ought, I think it would not be unfair to suggest that where a district has been fortunate enough to complete its development works, it should, in the interests of the other sections of the metropolitan area, particularly the northern sections, agree to some revision of the allocation of the metropolitan traffic fees in order that they may participate much more equitably than before in the distribution. I feel that when within my own knowledge

there are various districts where traffic fees have been used against what may be termed the spirit of the Act, in the changed circumstances that we now have or will have upon the passing of the measure the Minister might well have a review made of the relative positions of the various local authorities, at any rate those in the metropolitan area, for the purpose of ascertaining whether or not there is any basis for the contention which I submit. If that is so, I urge the Minister to give serious consideration, following upon that investigation, to a more equitable distribution having regard to the requirements of the metropolitan area generally than, as I say, has obtained in the past.

Another aspect to which I desire briefly to refer, and which I trust the Minister will explain in replying to the debate, relates to what appears to me to be a form of differentiation in the case of a motorist failing to return his number plates and the authority claiming a renewal of the fee in consequence. I consider it only reasonable to suggest that the penalties in such cases should be uniform in character. I mean that if the license had been issued for one quarter, then the penalty should be a quarter's fee; and similarly in the case of half-yearly and yearly licenses.

Again, I would ask the Minister to advise us, in replying, if with the completion of the work specified for which 22½ per cent. has been deducted from license fees, he has in mind other similar essential works, or whether he is willing to give favourable consideration to placing some of the funds at the disposal of the local authorities in order to ease the difficult situation in which they, as I have said, must inevitably find themselves. I also ask whether it is possible to reduce the amount charged for the collection of fees. I refer now to the collection charge of 10 per cent. I am prepared to admit that apart from the actual cost of collecting fees the Police Department renders some additional services, at any rate in the metropolitan area to my knowledge. If some reduction were possible—and I respectfully submit that it should be—then that sum would go a long way towards bridging the gap which will be occasioned by the reduction of fees. Other provisions of the measure, such as that dealing with electric and Neon signs, will meet a want that has been receiving a certain amount of

public discussion for some time, and the control of which in the interests of the safety of motorists and others will, I am sure, be received with acclamation.

Apart from the important features to which attention has already been drawn in the course of this debate, the Bill will at any rate render some service to a large proportion of the people of Western Australia. I trust that in spite of the heart-burning that will result from the passing of this legislation, the people dissatisfied with it will at least acknowledge that the Government and the House generally have, in the circumstances, made an honest attempt to grapple with the situation that now exists. I personally support the second reading of the Bill.

MR. MARSHALL (Murchison) [8.5]: I merely desire to make observations on one or two aspects of the Bill. In my electorate the local authorities are divided with regard to it. One road board desires the passing of the measure, and several other road boards are opposed to it. I am now referring merely to reduction of license fees. On that aspect I consider it would have been much fairer if the Government had allowed the local authorities some discretionary power. As I read the measure—and I believe I understand it correctly—an all-round reduction of approximately 25 per cent. is proposed. Yet we shall find that the speedy and heavy long-distance traffic which aids industry or is employed in necessary services will still continue to carry the heavy loads at the same speed over long distances. I assume that it will make the same profit as it has always been making; but it also will get the reduction, although its activities have been curtailed either not at all or only in a small degree. With the introduction of suction gas the time is not far distant when there will be large numbers of cars, and particularly utility trucks, equipped for the use of that gas. These vehicles, again, will use the roads carrying the same loads as hitherto, and to all intents and purposes use them as much as ever they did before, or perhaps more.

I want the Government to realise that if any persons are withdrawing from an essential service because of petrol rationing, others will be coming in to render that service by the modern method of suction gas propulsion. In other words, those who have

the finance required to adopt suction gas will get all the work, and will use the roads more extensively than before and still have the benefit of a reduction.

Hon. N. Keenan: The Bill provides for the contrary.

Mr. MARSHALL: I hope it does; but I want members to understand that there is the other aspect of the matter, that those who use motor vehicles propelled by suction gas will use the roads probably more than they have used them with petrol, because the suction gas will be cheaper. They too, will get a reduction. That is the only aspect of the Bill on which I think the Government would have been well advised to leave the matter to the road boards concerned. I suggest that if the individual owner found it impossible to run his vehicle because of any other reason than petrol rationing, this Bill would not be needed.

It is only because of a Government restricting the use of petrol that Governments not responsible for the restriction are called upon to make some concession. For example, if the price of petrol had risen beyond the ability of some people to pay it for large quantities, those people would have used their cars less and would not have complained at all. But because the Federal Government has deemed it absolutely necessary to ration petrol, the State Governments and local authorities are called upon to grant some concession—not the Government responsible for the difficulty, but Governments in no way responsible for it. As my road boards, however, are divided on the question, I do not know that we should act so drastically and emphatically in the matter as is set down in this Bill. We might have said to the local authorities, "For the duration of the war you will have discretionary power to impose charges according to the use that is being made of the roads." In this way, of course, many will suffer, although many will profit.

Incidentally, I do not think it possible to provide absolute details in a measure of this sort so that it will affect all concerned fairly. But the decision might have been left to the local authorities, particularly those outside the metropolitan area where the fund does not exist, because they know exactly who are using their roads and to what extent; and, with the maximum charges set out in the old measure, they could have got along fairly well. In my

opinion that was the best way to handle the proposition. That is the only comment I wish to make. It is not very satisfactory to know that certain parts of one's electorate are clamouring for a measure of this kind, not that I know whether this will satisfy them; and that on the other hand other portions of one's electorate do not want it. We trust local authorities with matters much more important than this and in my opinion we could have trusted them in this matter.

HON. N. KEENAN (Nedlands) [8.12]:

It is to be regretted that the member for Murchison (Mr. Marshall) has such a set of divided road boards in his electorate. It is also to be somewhat regretted that he should think road boards should determine what we ought to do in our deliberations, because road boards may be wrong on certain occasions. I do not know how we could distinguish when they are wrong. It is, of course, quite correct to say, as the member for Murchison has so well shown, that this Bill is due entirely to the rationing of petrol. Had it not been for such rationing, almost certainly we would never have heard of the Bill. It is no use, however, to contend that the rationing of petrol is due to another Government; it is due to the war, to the enormous loss of shipping which has taken place in the world as a part of the war. We have to face that position and not try to pass any blame on to some other Government or some other authority. I support the Bill, although I regret some features of it do not meet with my approval. For instance, there is the fact pointed out by the member for Murchison, who said that owners of motor vehicles fitted with producer-gas attachments will be able to travel as great a mileage as they did when they used petrol. According to his view this Bill will confer a great advantage on them. If that is so, I must read it incorrectly. As I read the Bill, those who use anything except petrol for driving a motor lorry, motor car or motor vehicle, obtain no advantage under the Bill.

Mr. Hughes: Those who switch over to producer-gas are incurring a big expense.

Hon. N. KEENAN: That is so; it has been estimated at £100 a car. That estimate may be exceeded.

The Premier: It depends upon the type, and whether or not the attachments are built into the car.

Hon. N. KEENAN: Should we not encourage the use of producer-gas, rather than exploit those who have had the enterprise to use it? They will carry the burden that otherwise would fall on our shoulders. I am prepared to support the deletion of that part of the Bill providing that they shall be deprived of any rebate they have received. In my opinion, they should be encouraged in every way possible. If all the motor vehicles in this State were today driven by producer-gas—I am entitled to assume that it is a success—what an enormous advantage it would be!

Mr. Doney: But we would lose the petrol agreement.

Hon. N. KEENAN: We never get a great advantage without some loss.

Mr. Doney: That is the point.

Hon. N. KEENAN: There is one other feature of the Bill which I hope will be considered carefully in Committee. If the Committee takes the view I take, the provision will be struck out. It deals with learners' tickets. It is very properly provided that a learner must be accompanied by a driver, fully experienced, when driving a motor omnibus. For some reason or other, it is proposed that this provision should not apply to omnibuses in the service of the Commissioner of Railways. I notice that today an omnibus has been upset. Such an accident has not occurred for a long time. The vehicle was driven by a railway driver. Of course, an accident might happen to anyone, even to the most competent driver. But it is wise that a learner's ticket should not authorise the holder of it to drive an omnibus unless he is accompanied by a thoroughly experienced and competent driver, and this provision should apply equally to those employed by the Commissioner of Railways.

Mr. Cross: It probably does more so at the present time.

Mr. SPEAKER: Order!

Hon. N. KEENAN: I am sorry, but somehow or other I do not hear what the hon. member says. I am sure I miss a lot. I support the general provisions of the Bill, but I do not think we should be guided in our determination by the number of road boards that on the one hand vote in favour of it or by the number of road boards that,

on the other hand, vote against it. I am told that in my electorate the road board was equally divided, and that is probably the case all round.

Mr. Marshall: You are fortunate. You can speak either way and be safe.

Hon. N. KEENAN: Yes; if that is the proper light in which to look at the matter, which is not one that should be determined by road boards, having regard to their income, arriving at a certain determination, or by road boards, perhaps with better financial resources, arriving at a different decision.

Mr. WATTS (Katanning) [8.18]: I do not know that there is difficulty in coming to a conclusion to support the second reading of the Bill, which I intend to do, because even if there were not the provisions in it relating to Neon lights and other amendments of the traffic laws, there is an element of rough justice in the proposal to allow a reduction of license fees to motorists whose capacity to travel has been very severely handicapped by petrol restrictions. The difficulty I see in that regard is not the giving of the rebate to the motorist, but the ability of the local authority to pay it back. There I do find some difficulty, and I hope that in Committee we shall be able to evolve some method by which the rough justice of which I spoke, so far as the motorist is concerned, can be given and at the same time the local authority can be saved the burden—in many cases a very substantial one—of having to give the money back before its next financial year. It must be realised by members that the local authorities, like the Government, budget for their estimated revenue and expenditure for the period ended the 30th June each year, and they are entitled to assume that such things as motor license fees will be at the same rate as they were last year. Most of them, I think, were reasonable enough to estimate for some reduction in the number of vehicles that would be licensed, and to cut their cloth accordingly. Now they find themselves in the position of having received very substantial sums of money—less than last year, of course, because of the number of vehicles that were not licensed—and they have budgeted, as they have every right to do, for the expenditure of all that money on their roads, administration and other works to which they have to attend. Many of those local

authorities are in the position in which a substantial amount of their expenditure is—just as is the case with Government estimates—pledged to certain commitments which have been made in the past and the amount they have to expend in actual cash, after deducting the administration costs, is not very great. That amount, it now appears, is going to be taken from them by reason of their having to grant a refund to those people who are affected by the legislation we are now considering. So when they find themselves in that position, objections begin to come forward; and I think we must discover some way to overcome the necessity for this immediate cash refund, while at the same time not depriving the motorist of the relief which the consensus of opinion appears to demonstrate he is entitled to receive.

I think the member for Maylands (Mr. Shearn) suggested that figures might be provided to show what the local authorities would lose, or would have to refund, under this measure. I have some figures from two local authorities in the Katanning electorate. One says—

The remission proposed will cost my board £600 this year on the basis of last year's figures, and licenses for the current year so far have been roughly on the same basis.

Another board advises me that the cash refund will cost it £479, and the further loss on the next half-year's licenses—that is, those taken out for the half-year only—will amount to £215, a total of £754. The first-mentioned board says—

If carried through, it must mean a supplementary rate.

There is an aspect of the question which I think was mentioned by the member for Murray-Wellington (Mr. McLarty) who said that it appeared to him that a great many motorists would gain something from the remission provided by the Bill, only—if they were ratepayers—to lose it by the increased rates some boards would have to strike to make ends meet. That difficulty has to be considered when we view the benefit that a great number of motorists are likely to receive from this measure. Then there must be taken into consideration the fact that the two road boards to which I have referred will be deprived of no less than £1,354. That amount would pay £5 a week to quite a number of men for one week and to quite a number of men for a period

of weeks, though of course a smaller number. There is no doubt in my mind that local authorities will be obliged at least to put off earlier than otherwise they would have done some of the men now employed on their road works.

That amounts to this: In addition to the fact that a number of road board employees will be out of work, less work will definitely be done on the roads in particular districts. On the other hand, I do not know that the traffic is going to be diminished, because apparently the intention of the Bill is to induce more motorists to license. I do not think the traffic will diminish to the same extent as the work being done by the local authorities will diminish in consequence of their depleted revenue. The estimates for the work they propose to do during the current 12 months were made up many weeks ago. As winter is the best time for doing work on natural earth roads, the greater part of that money has been spent. For all the reasons I have given, I express again the hope—and I believe the road boards support that hope—that we shall be able to find a way by which this cash refund in the present financial year will be avoided. If we do not do that, I think the position of local authorities, of those who work for them, and of the roads in their districts, is not going to be improved; in fact, quite the reverse. But I think one has to support the principle of giving consideration to motorists, many of whom, as I have said, have had their travelling capacity substantially reduced.

The other night, the member for Murray-Wellington suggested that it would be proper not to allow the rebate in respect of vehicles belonging to primary producers and others, which vehicles have been licensed at half rates. I admit that a concession rate has been granted, but it has been in operation so many years that I have not regarded it as being a concession rate, but just the license fee which the primary producers, bona fide prospectors and others have been called upon by law to pay. That rate has been in operation for approximately 11 years and has been their license fee. Therefore admitting, as I said at the beginning, the rough justice of this proposal, it would be entirely wrong to exclude that section of the community from the benefits it is proposed to confer upon others.

In making their calculations, the two road boards that have written to me took into consideration the fact that that 25 per cent. rebate should apply to all vehicles. On the other hand we had the point raised by members that some motorists' excursions have not been considerably reduced because they have installed gas-producers. I am inclined to agree with the member for Nedlands (Hon. N. Keenan) that we should not complain about people purchasing gas-producers, because in the majority of cases they are going to considerable expense in order to carry on their business. The only reason I would support the proposal in the Bill to make the purchaser of a gas-producer pay the full license fee is that I would not like the position of the local authorities to be made any worse than it is. There is another section, however, which is not very greatly affected by petrol rationing. If I chose, I could mention the names of one or two motorists whose capacity for tearing about the country has not been substantially curtailed, primarily because the industry in which they are engaged necessitates considerable travelling. While their consumption of petrol may have been reduced to some extent, they are still covering a greater mileage than most of us would have done in normal times. They are going to get the rebate.

It is unfortunate we could not put forward some proposition whereby the local authorities could have had more authority to determine who should have the rebates as suggested by the member for Murchison (Mr. Marshall). There are risks attached to that, too. If too much discretion is given to a local authority it is natural to assume that it might exercise it to its own advantage. I have come to the conclusion that the only thing to do is to support the measure, and attempt to get over the difficulty of these cash rebates having to be made. That would satisfy the local authorities who have some justification, not for complaining which they did not do, but simply for stating what the position is. In good faith they made their estimates. In good faith they spent their money. They run the risk, if they have to make these refunds, of having to put men off at a time when they do not want to do it, and thereby have less road work done at a time when it is not very likely there would be greatly reduced traffic

on the roads, although there may be a reduction to some extent.

There are one or two other aspects of the Bill to which I am strongly opposed. One is the provision that imposes on a person who buys a new motor car and wishes to drive it to the district of some local authority to be licensed, the necessity of obtaining a permit from every local authority en route. Take the case of a man who travels from Perth to Katanning to license his motor vehicle.

Hon. C. G. Latham: Or Broome!

Mr. WATTS: We will not go further afield than that. I think he passes through two local authorities before reaching Armadale.

Mr. Sampson: Three!

Mr. WATTS: I stand corrected. There are at least eight more before reaching Katanning. If he reaches a district after five o'clock in the afternoon and is going to comply with the law—and we must assume people will comply with the law—he will have to wait until the next morning to get his permit as the offices of the local authority will be closed. When, travelling down the Perth-Albany road, he reaches what we know as the Half-way House, some 59 miles from Perth, he is in the territory of the Wandering Road Board, but is 17 miles from Wandering which is not on the way to Katanning unless he takes a roundabout route. Yet he has to drive in to Wandering to get a permit. If he were going to other places from Perth, as was suggested by the Leader of the Opposition, the situation would be more involved.

Hon. C. G. Latham: He could go into the office and get his permits before he starts.

The Premier: He could do that when going from Perth to Katanning.

Mr. WATTS: If the Premier will read the Bill he will find it is necessary to get a permit from every local authority en route.

The Premier: He could get it by letter.

Mr. WATTS: That is rather an involved performance. I do not think the Act requires amending. If it does, it is to enable a man to get from the local authority from where he starts a permit to travel on the road to the place to which he wishes to go. At the present time the local authority in the district in which he resides grants him a permit, knowing he is going to Perth to

buy a motor vehicle, and issues to him number plates. The permit entitles him to drive the vehicle back, with the number plates on, to pay the license when he arrives. That scheme has worked exceptionally well. I have here a form of permit issued by the Katanning Road Board for years. It reads:

Katanning Road Board. Permission is hereby granted to drive a bearing number plates KA. from Perth to Katanning for registration, to leave Perth on This permit is good until the above date only. Secretary.

The provision in the Bill is absolutely ridiculous. The only alternative is to provide that the permit should be obtained from where the journey starts and be good until the end of the trip. It is no use suggesting the permit should be obtained only in Perth because all new motor cars are not bought in Perth. One can buy a motor car at Albany and drive it to Narrogin. The same provisions should then apply as to one bought in Perth. That clause in the Bill badly needs amendment. If it cannot be amended satisfactorily it would be better to leave the law where it is.

The only other matter to which I desire to make reference deals with the powers of the Commissioner of Police, in regard to Neon lights and other lights too included in this measure, for the protection of the travelling public. I am quite in favour of these proposals being there and of the Commissioner of Police having fairly wide powers, but at the same time I do not think the legislature should leave a person without any appeal from his decision. I am hopeful the House will agree that there should be some right of appeal, as suggested on the notice paper by the member for Williams-Narrogin (Mr. Doney). If that is put in it will remove from the public the idea that there will be no redress against the decision of the Commissioner of Police, who might not always be justified in his view that any particular light or lights are dangerous to the travelling public.

MR. WITHERS (Bunbury) [8.36]: I support the second reading of the Bill. The difficulty of the Minister for Works in drafting a measure of this nature is appreciated. This Bill is necessary because of, what I might term, reactionary methods. Over a period of time we have encouraged people to change from the horse-drawn vehicle to the petrol-driven vehicle. I sympathise with

both parties, the vehicle-user and the local governing bodies, in this matter. It has been truly stated that the local governing bodies are suffering. During the time we have been operating under the new system they have taken advantage of the plant that has been offering, the conditions of purchase and so on, and have become involved to a certain extent, and are committed to certain payments. To be deprived of the income they anticipated from traffic fees, by their reduction, will put them in the position of not being able to meet the obligation. The same thing applies to the car owner who may have bought a new car, and committed himself to expenditure just prior to the petrol rationing. He finds his petrol consumption is very restricted, but his commitments still have to be met, and he does not get the pleasure—

The Premier: Or the business use!

Mr. WITHERS: Or the use for business which he anticipated.

Mr. Seward: He would be better able to save up to pay for it.

Mr. WITHERS: Possibly, but that is not always the case.

Mr. Rodoreda: He wants to earn money with it.

Mr. WITHERS: Very often! The Bill is essential. Something has to be done. I realise there will have to be a few amendments. I also think the Minister in charge of the Bill will welcome any suggestions from members because he is in a fairly difficult position. He will certainly not be antagonistic to suggestions representing improvements to the provisions embodied in the Bill. I have looked through the measure and one point that struck me had reference to the periods for which licenses may be issued. For instance, Subsection 3 of proposed new Section 9 states—

Application for a license may be made in the month preceding or during the financial year or half year or quarter in which the license is to have effect.

That provision does not seem quite fair to local governing bodies. I may desire to license my car for the quarter beginning in October and ending in December. According to the Bill as drafted, I could secure my license in September, a month preceding the commencement of the quarter, and need not hand in my number plates until 14 days after the expiration of the license. The ef-

fect of that is that I could have the benefit of the license for an extra six weeks.

Mr. Raphael: What is wrong with that?

Mr. WITHERS: I do not think it is equitable, and I hope the Minister will agree to an alteration when the Bill is in Committee.

Mr. Hughes: The license would not operate until the 1st October even if you secured it in September.

Mr. WITHERS: At any rate, the Minister can clear up that point later; we should be definite regarding the intention of that provision.

Mr. Hughes: You do not get anything out of the licensing authorities for nothing.

Mr. WITHERS: Another point arises in connection with the 25 per cent. reduction. I agree that if a man has paid for a half-year or a full-year license, he should be entitled to that percentage refund, but as the Bill stands that will apply also to the individual who takes out a license for a quarter. Such a person pays £4 for a year's license and for a quarter will pay £1 less 25 per cent., plus 1s. fee. I do not think he should be entitled to that much consideration; he gets sufficient as it is.

Mr. Rodoreda: He merely gets his due.

Mr. WITHERS: Possibly so, but we know what will happen.

Mr. Doney: You will not get many to agree with you there.

Mr. WITHERS: In view of petrol rationing many car owners will take advantage of this provision particularly during the summer months, which are best for motor-ing. They will take advantage of the license fee and apply for a rebate as from the 1st July. I do not know how the local authorities will get on with regard to retrospective rebates. Perhaps it will not be difficult to procure money from the local authorities but, generally speaking, we know how hard it is to secure a refund once money is paid out. I know of one local authority that, under this scheme, will be faced with the prospect of paying back £400 in rebates. After making inquiries regarding the position, I pointed out to that body that I did not think it would be a great deal worse off under that arrangement, which will not apply to road boards in large country areas. Those authorities cannot obtain supplies of bitumen. At present prices bitumen would probably cost as much per annum as a local authority will lose in rebates. Country local

authorities will be able to go ahead with their road construction without the necessity to purchase bitumen.

Mr. Raphael: They cannot even get far.

Mr. WITHERS: Many local authorities will be severely hit, but in the country areas where long lengths of road have to be constructed and where the bitumen problem does not arise, the local authorities concerned will be rather adversely affected. We should encourage motorists to license their vehicles, and local governing authorities would be well advised to keep that in mind. Even with the reduced rate they might be better off at the end of the year if they encouraged motorists to license their vehicles with the prospect of a 25 per cent. reduction, than if the cars were not licensed at all. It is all a question of economics, and it is for those concerned to determine which course will pay the better. I do not think local governing authorities should stand in their own light regarding this matter.

I am pleased to note that the problem of the extra weight of the gas producer unit is to be taken into consideration in connection with the license fee, and that the owner will not be charged for the extra weight. During the Address-in-reply debate last year, I mentioned that matter because I consider we should encourage the use of gas producers as much as possible.

Mr. Raphael: We already have twice as many here as in the Eastern States.

Mr. WITHERS: The Minister pointed out that in Western Australia we already have 1,213 gas producers installed over a very short period.

Mr. Raphael: Over 50 per cent. of those used in the Commonwealth.

Mr. WITHERS: If we progress at the same rate, within the next two years we should have upwards of 6,000 motor vehicles driven by producer gas. I do not know if we shall be any worse off in consequence. The business man who uses a truck is in a better position to convert from power fuel to producer gas than is the owner of a private motor car because although the cost at the outset is great, the business man can recoup himself quickly owing to the lower running expenses. From what I have observed from time to time, it will not be long before a majority of the heavy trucks in the South-West will be run on producer gas. I hope the Minister will give consideration to the suggestions mem-

bers have made, and I trust that during the Committee stage we can secure amendments that will make the measure more suitable to all concerned.

MR. CROSS (Canning) [8.50]: While I support the second reading, I realise that it will be most difficult to find a way of holding the scales fairly between all the interests concerned. The man who runs a car mainly for pleasure is getting a very raw deal. A motorist who formerly used, say, 20 gallons of petrol a month, has been cut down to four gallons. This means that while he will be able to use his car only one-fifth as much as before, he will receive a rebate of only 25 per cent. in the license fees. At the same time a man who uses motors in his business will receive a similar rebate in his license fees. Means should be devised to distribute the burden more fairly between the two sections. A motorist pays a big price for the privilege of being on the road. If he used 20 gallons of petrol a month, he would be paying £15 a year by way of petrol tax. On the other hand, a man who uses a gas producer plant on his car will enjoy a great advantage. As soon as motorists awaken to the fact that cars can be run so cheaply on producer gas, there will be many more such vehicles on the road. It is no wonder that makers of producer gas units for motor cars are snowed up with orders.

Mr. Sampson: Sooted up!

Mr. CROSS: This will create a difficult problem for local governing bodies. The greater the number of gas producers used, the greater will be the burden on the local authorities. I have a suggestion to offer the Minister, though I do not know how he will view it.

Hon. C. G. Latham: Coming from you, he will be glad to have it.

Mr. CROSS: Something should be done to relieve the burden, particularly this year when rebates will have to be made by the local authorities. I think something can be done. This State receives a considerable sum as its share of the petrol tax. As the Government cannot obtain supplies of bitumen, the road construction programme has been cut down. I suggest that it would be a good gesture on the part of the Minister controlling the fund if he made available to local authorities for the construction

of roads in their districts a sum equal to the amount of rebate they grant to the motor-ing public. The granting of this rebate will cause local authorities a lot of trouble and, without some recoup such as I suggest, will necessitate men in country districts being thrown out of work. There are many un-surfaced roads in the country that have to be kept in order with the grader.

Even if the local authorities could obtain bitumen to surface those roads, they could not afford it. The proceeds of the petrol tax have to be expended on roads. To give effect to my suggestion would entail a charge on the fund of only £25,000 or £30,000, and the relief thus afforded to local authorities would be greatly appreciated. The Government cannot get bitumen for main roads and is not doing the amount of road construction that was previously done. The funds from the petrol tax are accumulating, and if the revenue of local authorities is cut down by granting the reduction of license fees, there would be for this year at any rate a guarantee of the same amount of revenue or almost as much as they received in previous years.

Question put and passed.

Bill read a second time.

BILL—COMPANIES.

In Committee.

Resumed from the 4th September. Mr. Marshall in the Chair; the Minister for Justice in charge of the Bill.

Clause 3—Interpretation:

The CHAIRMAN: Progress was reported on this clause.

Hon. N. KEENAN: The definition of "mining purposes" is the purpose of obtaining any metal or mineral by any mode whereby soil, earth, rock or stone may be disturbed, or smelted, refined, crushed or otherwise dealt with. I move an amendment—

That the words "disturbed or" be struck out.

The word "disturbed" does not apply to mining. One might break down or remove earth but one does not disturb it. The remaining words give a clear definition and cover all that is necessary.

The MINISTER FOR JUSTICE: The words should be retained. The earth would have to be disturbed; otherwise mining operations would be impossible.

Hon. N. Keenan: It is not a mining term; it is rubbish.

The MINISTER FOR JUSTICE: It is not a mining term but the word is necessary. Had the amendment been put on the notice paper, there would have been an opportunity to consider it, but on the spur of the moment I cannot take the risk of upsetting the work of the select committee extending over eight months.

Hon. N. KEENAN: The Minister is correct in saying that I should have put the amendment on the notice paper. Unfortunately I was not here in time to do so. If the Minister's appeal means anything, it means that because the select committee, later a Royal Commission, spent considerable time in working on the Bill—a fact which I have already recognised and paid my tribute to—everything in the measure is to go through and this Committee stage is to be a mere form, and nothing in the Bill is to be disturbed; and here the word is properly used. In spite of the Minister's objection I shall persist in my amendment.

Mr. WATTS: Let us look to see what has been done in other States, where there may be draftsmen more skilled than ours. In Victorian legislation is to be found some justification for this use of the word "disturbed." The Victorian measure says that "mining purposes" means "the process of prospecting for or obtaining any precious or other metal of any kind by any mode or method whereby the soil or earth or any stone may be disturbed" and so forth. Precedent having been established, we have at least some justification for holding that the word ought to stand.

Amendment put and negatived.

Hon. N. KEENAN: I regret that again I have to take objection to phraseology. On page 10 of the Bill, beginning at line 6. "no liability company" is defined as "a company formed with no liability on the part of its members." That is not an accurate definition at all, because there is a liability, and a grave liability, upon its members—the liability to lose their shares if they do not pay calls. May I adduce another definition of a no-liability company—

"No liability company" means a company the shareholders of which are under no liability to pay any unpaid balances of monies beyond that already paid on any shares held by them in such company but subject to forfeiture of such shares in the event of failure to pay any call made lawfully in respect of such shares.

There is a proper definition of a no liability company. I would like the Minister to consult his legal advisers on the matter, because we are now placing on the statute-book a measure which should stay there for many years without amendment.

The MINISTER FOR JUSTICE: Again the definition of the Bill is taken from the existing Act. There, no exception was taken to it; and I see no reason why exception should be taken to it here. It strikes me as a mere legal technicality, without much meaning beyond the explanation made by the member for Nedlands. Shares in a no-liability company on which calls have not been paid may be sold at public auction. The member for Nedlands, who has had so much experience of company law, would have done well to appear before the select committee or Royal Commission and give information. The definition has been in the existing Act for a great number of years.

Hon. N. KEENAN: Since 1893. If we are to be told that what we find in this Bill is to be found in our Companies Act of 1893, that of course ends the matter. The definition is not a correct one.

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

Ayes	13
Noes	23

Majority against .. 10

AYES.	
Mrs. Cardell-Oliver	Mr. North
Mr. Hughes	Mr. Seward
Mr. Keenan	Mr. Thorn
Mr. Kelly	Mr. Warner
Mr. Latham	Mr. Willmott
Mr. Mann	Mr. Doney
Mr. McLarty	
NOES.	
Mr. Berry	Mr. Sampson
Mr. Coverley	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styants
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. Triat
Mr. Johnson	Mr. Watts
Mr. Leahy	Mr. Willecock
Mr. Needham	Mr. Wilson
Mr. Nulsen	Mr. Wise
Mr. Panton	Mr. Withers
Mr. Raphael	Mr. Cross
Mr. Redoreda	

(Teller.)

(Teller.)

AYES.		NOES.	
Mr. Collier	Mr. Boyle	Mr. Patrick	
Mr. Fox	Mr. Patrick	Mr. J. H. Smith	
Mr. Holman	Mr. Kelly	Mr. Abbott	
Mr. Leahy	Mr. Kelly	Mr. Thorn	
Mr. Tonkin			
Mr. Wilson			

Amendment thus negatived.

Clause put and passed.

Clause 4—Repeal of Acts and savings:

Hon. N. KEENAN: I do not know that it is much use commenting on the Bill. Three arguments are adduced: one, that it is the work of a select committee which was converted into a Royal Commission and is therefore sacrosanct; the second is that any provision contained in the Bill is to be found in some other legislation, either our own of 50 years ago or the legislation of some other State, and therefore again it is sacrosanct; and the third is that—

The CHAIRMAN: I ask the member for Nedlands kindly to address himself to the subject-matter before the Chair, namely, Clause 4.

Hon. N. KEENAN: I am explaining the difficulty in which I find myself in commenting on any clause.

The CHAIRMAN: Order!

Hon. N. KEENAN: I do not propose to speak further on Clause 4.

Clause put and passed.

Clause 5—Act not to apply to certain societies and companies:

Hon. N. KEENAN: The last two lines of the clause provide that the Bill does not apply to any co-partnership formed or to be formed for the purpose of carrying on the business of banking. Clause 11 provides that no company, association or partnership consisting of more than ten persons shall be formed for the purpose of carrying on the business of banking. Will the Minister reconcile the provisions of these two clauses?

Mr. Hughes: Clause 5 is to be found in the English Act of 1861.

Hon. N. KEENAN: It is to be found in existing legislation. The only provision about banking business is that the company formed for the purpose of conducting a banking business shall not be registered under the Act if it consists of more than ten persons; otherwise it has all the duties, obligations and privileges of a company under the Act.

Mr. CROSS: There certainly ought to be some control over companies formed for the purpose of carrying on the business of banking. I shall move an amendment as follows:—

That in lines 17 and 18 the words "or to be formed for the purpose of carrying on the business of banking" be struck out.

Mr. Wilson: That makes it as clear as mud.

Mr. CROSS: It is as clear as mud now.

Mr. HUGHES: Such an amendment would have my support. I think that the historical basis of all these special provisions relating to banking is that the Banks got themselves established in a privileged position and instead of being regarded as moneylenders, which is what they actually are, they have been able to convince the people that they are beneficial institutions established for the benefit of the public at large instead of merely being shrewder moneylenders than are the persons whom we know as the average Jew moneylenders.

The Premier: They are established under charter.

Mr. HUGHES: They started in that way but they are not all running under charter.

The Premier: Yes.

Mr. HUGHES: No, there are limited liability companies carrying on banking.

The Premier: Not in the ordinary sense.

Mr. HUGHES: If the Premier will walk down St. George's-terrace he will find that there are limited liability companies carrying on banking and not under Royal Charter. I would not be positive but I venture to say that not one-third of the banks operating in St. George's-terrace is under Royal Charter. Two-thirds are limited liability companies registered either here or in the Eastern States.

Hon. C. G. Latham: I do not think any are registered here.

The Premier: All the financial institutions are bankers. The banks themselves are under charter.

Mr. HUGHES: Not all; there are limited liability companies. Was not the old Western Australian Bank a limited liability company?

The Premier: No, it was under charter.

Mr. HUGHES: Unfortunately the enemies of the banks have become inarticulate for the time being and therefore I have to present the case against the banks. Here is the telephone book.

The Premier: That is not much good. It has been abbreviated almost out of existence.

Mr. HUGHES: It says here—"The National Bank of Australasia, Ltd."

The Premier: They are under charter just the same.

Mr. HUGHES: The word "Limited" is not included in the designation where a bank operates under charter. There is one bank that is a limited liability company.

Hon. W. D. Johnson: That statement is not proof.

Mr. HUGHES: That is their information, supplied to the Telephone Department.

The Premier: Any organisation could call itself a limited company whether it was so or not.

Mr. HUGHES: I think it will be found that more banks are operating in Australia and Great Britain not under Royal Charter than otherwise. It will be found that the great majority are limited liability companies registered under the Imperial Act or some of our Eastern States Acts.

The Premier: No fear! Banks have to be under charter to do business.

Mr. HUGHES: Here is another one from the telephone book—the Union Bank of Australia, Ltd.

Several members interjected.

The CHAIRMAN: I warn members that I will not tolerate this indignity any longer. If members will not display some courtesy towards the person addressing the Chair I will take action. The member for East Perth will kindly address the Chair and pay no attention to interjections.

Mr. HUGHES: I will treat them with the contempt they deserve. The banks have always been able to pretend to the people at large that they are public institutions conferring a benefit on the people, whereas in fact they are nothing more nor less than moneylenders, only they are shrewder than the ordinary moneylenders and take greater precautions. Prior to the Commonwealth taking control of the note issue they acquired and exercised in Australia the right to issue notes and when they got that right it gave them a greater advantage over the ordinary moneylenders. As a fact there are several firms whose primary business is that of dealers in farm and station produce. I refer to such firms as Dalgety's and Elder Smith's, who, so far as their customers are concerned, carry on the business of banking.

The Premier: And issue notes!

Mr. HUGHES: Yes. They issue paper that has a backing as good as a pound note, only it has sheep to back it, whereas the Commonwealth Bank note has a percentage of gold and a percentage of nothing. Dalgety's have this in their favour that they have good edible sheep to back their notes, whereas about 50 per cent. or 60 per cent. of the Commonwealth notes have no backing. I

suggest that for psychological reasons we should make an effort to break down the idea that banking is something different. Therefore I propose to move later to delete paragraph (d) of Clause 8 and Sub-clause 1 of Clause 11, so that we can say to people in Western Australia, "If you want to conduct a banking business and carry on the business of moneylending as a banker you must do it on the same terms and conditions as does anyone else carrying on under the Companies Act."

The CHAIRMAN: I point out to the member for Canning that I cannot accept his amendment because it does not make sense. If the hon. member had moved to strike out all the words after "Acts" in line 9 of Clause 5, his amendment would have made sense.

Mr. CROSS: If necessary I will move in that direction.

The CHAIRMAN: The hon. member may not go back to line 9 because he has already moved his amendment.

Mr. CROSS: Then I will carry on with my amendment as it stands.

The CHAIRMAN: I cannot accept the amendment because if it were carried it would not make sense.

Mr. HUGHES: With all due respect, I do not think the Chairman of Committees is entitled to be the arbiter of what is sense and what is not. I think it is within the power of this Parliament to pass non-sensical legislation if it so wishes and that is a power it has exercised on many occasions.

The CHAIRMAN: I draw the attention of the member for East Perth to the fact that I have the authority to refuse to accept an amendment when it does not make common sense.

Mr. HUGHES: If you do not propose to allow this amendment, Sir, I wish to move that your ruling be disagreed with.

The CHAIRMAN: The first amendment was not acceptable. If the hon. member had read it he would see it does not make sense. The hon. member can move an amendment from the word "Act" if he likes.

Mr. HUGHES: I move an amendment—

That in lines 9 to 11 the words "nor to any company or co-partnership formed or to be formed for the purpose of carrying on the business of banking" be struck out

The Minister for Justice: Can we go back?

The CHAIRMAN: I do not think I can accept that amendment.

The MINISTER FOR JUSTICE: I cannot agree to it either. I do not intend to interfere with this legislation. This is not the time to expect us to accept amendments which will affect the whole Bill when it has been so thoroughly considered by the Royal Commission. Amendments may be put on the notice paper and an opportunity given to investigate them. The Bill as it is now is only in conformity with other Acts in Australia.

The CHAIRMAN: We are dealing only with Clause 5, and the amendment in particular.

The MINISTER FOR JUSTICE: This amendment would not be uniform. One of the aims of the Royal Commission after thorough investigation was to keep the Bill as nearly uniform as possible. It is unreasonable to expect that this amendment should be accepted without consideration.

Hon. C. G. LATHAM: We ought to report progress. I quite understand the Minister's position. In most Parliaments such a Bill as this took two years, and in one instance, three years to go through, I have tried to follow this, but it is very difficult without knowing what effect the amendment will have on other clauses.

The CHAIRMAN: I hope the Leader of the Opposition will not go on with that line of argument. The amendment is under discussion.

Hon. C. G. LATHAM: The Minister says the clause must remain as it is.

The Minister for Justice: Nothing of the sort! I say it is not reasonable to force on me tonight an amendment affecting the whole Bill.

Hon. C. G. LATHAM: I agree that such amendments should be on the notice paper. The Minister should report progress.

Hon. N. KEENAN: I agree with that suggestion. The position is a delicate one and the Minister would like full opportunity to consider it. We may have to recommit the Bill. I asked the Minister to explain the effect of the two clauses, 11 and 5, but I suppose he has forgotten the request.

The CHAIRMAN: I only have before me this amendment which excludes banking business from the effects of the measure. I cannot allow any discussion outside that.

Hon. N. KEENAN: I do not wish to discuss that particular amendment. The Minis-

ter is quite justified in objecting to amendments being sprung on him.

The **PREMIER**: On account of the consideration given to this Bill by the Royal Commission, and the complicated nature of the legislation—

The **CHAIRMAN**: The Premier cannot discuss the Bill, only the amendment.

The **PREMIER**: The Minister is quite prepared to report progress. The Bill is of such a complicated nature that each amendment has to be considered in its relationship to the many clauses in it. The Government is not anxious to push the measure through. This is the most important legislation on this subject that has been introduced for many years and the Government wishes every consideration given to it. I appeal to members to go through the Bill carefully and to put their amendments on the notice paper. They can be considered, too, by the Parliamentary draftsman, and we will eventually get a Bill satisfactory to all.

The Minister for Justice: I agree to progress being reported.

Progress reported.

House adjourned at 9.38 p.m.

Legislative Council.

Wednesday, 10th September, 1941.

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

QUESTION—TAXATION.

Hon. C. F. BAXTER asked the Chief Secretary: Will the Minister lay on the Table a return similar to that used in his recent speech on the Address-in-Reply (page 248 of 1941 "Hansard") showing the difference in taxes payable on incomes for the years ended the 30th June, 1940, and the 30th June, 1941, by the following taxpayers:—

1, Single persons without dependants on a weekly wage of—(a) £4, (b) £6, (c) £8, (d) £10, (e) £12?

2, Married taxpayers without children—(a) £4, (b) £6, (c) £8, (d) £10, (e) £12?

The **CHIEF SECRETARY** replied: Yes.

QUESTION—PETROL.

As to Flat Rate.

Hon. A. THOMSON asked the Chief Secretary: 1, Has the Government given consideration to requesting the Price Fixing Commissioner to fix a flat rate charge for petrol throughout the State? 2, If not, will it take steps to ensure a flat charge, and if necessary request the Federal Government to proclaim such charge under the National Security Act?

The **CHIEF SECRETARY** replied: 1, The price of petrol in Australia is controlled by the Commonwealth Commissioner of Prices. 2, The suggestion made by the hon. member will be brought before the notice of the Commonwealth Government.

PAPERS—GERALDTON-MOONYOONOOKA BUS SERVICE.

HON. E. H. H. HALL (Central) [4.35]: I move—

That all papers in connection with the granting of the sole right to Mr. D. M. McVea, of Geraldton, to conduct a bus service between Geraldton and the Air Force training school at Moonyoonooka be laid on the Table of the House.

It will not be necessary for me to delay the House very long in order to secure the assent of a majority of members to my motion. At the outset I shall read a letter from Mr. H. V. Waldeck, of Mullewa, which I received recently—

Further to my communications regarding the bus service from Geraldton to the aerodrome, I am still very dissatisfied with the replies I have had from the Transport Board.