

ment, it will decide the issue. If anyone desires to discuss the Vote, he must do so now, or he will not have the opportunity.

The MINISTER FOR JUSTICE: You have arrived at that decision since I spoke.

The CHAIRMAN: That is my ruling now.

The MINISTER FOR JUSTICE: I am surprised at that ruling. The Chairman said I would have a suitable opportunity to reply. Now, by your altered ruling, you say that the general debate can continue. I will bow to your ruling, but I will have no opportunity to reply to other statements. That is not the proper way to carry on the business of the Committee.

Hon. P. D. FERGUSON: I would ask the Minister, when he replies—

The Minister for Justice: I cannot reply at all, in view of the Chairman's ruling.

Hon. P. D. FERGUSON: I want the Minister to give me some information regarding witness fees.

The Minister for Justice: I will be out of order if I reply.

Hon. P. D. FERGUSON: Leave that to the Chairman to decide.

The Minister for Justice: He has decided.

Hon. P. D. FERGUSON: The scale of witness fees has been in existence since the early days, and it is altogether inequitable now. I had occasion to give evidence in a case some time ago and other witnesses included an auctioneer, a foreman carpenter, a farmer and a farm labourer. The auctioneer was regarded as a professional man and was paid £1 1s. The foreman carpenter received £1 1s. I, as a farmer, received 15s. and the farm labourer received 10s. or 12s. A farmer may be subpoenaed to give evidence when he is in the middle of harvesting, seeding or shearing, and he should be entitled to receive at least as much as the professional man or the carpenter. Such payments fail to recognise the relative importance of witnesses. I ask the Minister to give the matter consideration with a view to seeing that a scale of charges that will be more equitable is adopted.

Amendment (that the Vote be reduced by £1) put, and a division taken with the following result:—

Ayes	..	..	..	..	13
Noes	..	..	..	..	17
					—
Majority against	..	..	..	..	4
					—

## AYES

Mr. Ferguson	Mr. Raphael
Mr. Latham	Mr. Seward
Mr. McLarty	Mr. Thorn
Mr. Mann	Mr. Waite
Mr. Marshall	Mr. Welsh
Mr. North	Mr. Doney
Mr. Patrick	

(Teller)

## NOES

Mr. Boyle	Mr. Munsie
Mr. Clothier	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Rodoreda
Mr. Fox	Mr. F. C. L. Smith
Mr. Johnson	Mr. Willcock
Mr. Lambert	Mr. Wise
Mr. Millington	Mr. Wansbrough
Mr. Moloney	

(Teller)

## PAIR.

AYE.	NO.
Mr. McDonald	Mr. Collier

Amendment thus negatived.

Vote put and passed.

Progress reported.

## BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Returned from the Council without amendment.

House adjourned at 11.5 p.m.

## Legislative Council,

Tuesday, 15th October, 1935.

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

## ASSENT TO BILLS.

Messages from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Cremation Act Amendment.
- 2, Land Tax and Income Tax.
- 3, Industrial Arbitration Act Amendment.

- 4, Fremantle (Skinner-street) Disused Cemetery Amendment.
- 5, Trustees' Powers Amendment.
- 6, Forests Act Amendment.

### QUESTIONS (3)—AGRICULTURAL BANK.

*Resignation of G. M. Cornell.*

Hon. H. S. W. PARKER asked the Chief Secretary: 1, Upon what date did George Meredith Cornell (No. 547, Public Service List, 1934) resign from the Agricultural Bank staff? 2, Who approved the resignation? 3, Upon what date was the resignation gazetted?

The CHIEF SECRETARY replied: 1, 2, and 3, The resignation was submitted, to date from 15th April, 1935. It was referred to the Minister, who is now out of the State.

*Motor Car Fleet.*

Hon. J. CORNELL asked the Chief Secretary: 1, How many motor cars have the Agricultural Bank Commission purchased, since assuming office, for use by—(a) Commissioners; (b) district managers; (c) chief inspectors; (d) field inspectors? 2, What was the total purchase cost of motor cars in each category? 3, Do all Agricultural Bank motor cars, other than those owned by district managers and field inspectors and run by them on a paid mileage basis, carry the Government number plate? 4, If not, why not? 5, How many motor cars were in use at the head office of the Bank, when the ex-trustees relinquished office by—(a) the ex-trustees; (b) the head office staff other than field inspectors attached thereto?

The CHIEF SECRETARY replied: 1, (a) Two; (b) Two; (c) Two; (d) One. 2, (a) £790; (b) £484 (replacements); (c) £675; (d) £219 (under purchase arrangement by inspector). 3, Yes. 4, Answered by 3. 5, (a) Nil. Branch managers' cars used; (b) One.

*Commissioners' Appointment.*

Hon. A. THOMSON asked the Chief Secretary: On what date were the Agricultural Bank Commissioners appointed?

The CHIEF SECRETARY replied: On the 18th March, 1935.

### CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT BILL SELECT COMMITTEE.

*Extension of Time.*

On motion by Hon. J. Nicholson, the time for bringing up the report was extended to Tuesday, the 29th October.

### BILL—FINANCIAL EMERGENCY ACT AMENDMENT.

Received from the Assembly and read a first time.

### BILLS (2)—THIRD READING.

1, Brands Act Amendment.

2, Droving Act Amendment.

Returned to the Assembly with amendments.

### BILL—RURAL RELIEF FUND.

*Further Recommital.*

On motion by Hon. H. V. Piesse, Bill recommitted for the further consideration of Clause 10.

*In Committee.*

Hon. J. Cornell in the Chair: the Honorary Minister in charge of the Bill.

Clause 10—Form of relief:

Hon. H. V. PIESSE: I move an amendment—

That in Subclause 1, after the word "Provided," line 8, there be inserted "that the trustees may remit the payment of any instalment or part thereof, and may release the farmer concerned from the payment of the instalment or part thereof so remitted; and provided also."

The object of the clause is to empower the trustees to insist upon the return payment of money advanced if they so think fit. The power of the trustees in this matter should not be curtailed, because there is no guarantee that the prices of primary products will be maintained. The trustees, accordingly, should have power to decide whether farmers to whom money is advanced should be required to repay if that would represent great hardship to them.

The HONORARY MINISTER: I must oppose the amendment, which I regard as purely a variation of a previous proposal. The amount to be repaid, and in what in-

stalments, are matters arrived at only after exhaustive consideration of the farmer's position, and will be fixed by the trustees on their estimation of the productivity of his farm.

Hon. H. V. Piesse: But there is no guarantee that the present prices will be maintained.

The HONORARY MINISTER: The rate of instalment will be such as, in the trustees' opinion, the farmer will be able to meet without hardship. If he should come upon still harder times and remain unable to meet the instalments, no pressure would be put on him. The trustees will have power to control the payment of instalments. Moreover such payment is to be spread over a period of not less than 20 years, during which, it may reasonably be assumed, there will be a season or seasons when things would not go as we would like them to go with an individual farmer; and the trustees will then have power to postpone payment of instalments or, if necessary, to extend the period of payment.

Hon. J. Nicholson: Mr. Piesse's amendment would give the trustees a much wider power to remit.

The HONORARY MINISTER: Yes, and I am afraid that if we gave them that power we would be placing upon them a responsibility which they might not be prepared to accept; for it is conceivable that they would be besieged by numerous farmers to waive any responsibility in respect of the advances. The treatment of farmers by the trustees will be sympathetic.

Hon. H. V. PIESSE: The farmer's morale to-day is such that where he can be given relief it should be given to him. The trustees are being vested with great powers, and surely we can give them this additional power. During the last two or three weeks I have been approached by a community of farmers, who said, "We do not want to escape payment of our debts, but we want our indebtedness written down by the Agricultural Bank. We do not wish to take advantage of the proposed legislation." Those farmers have not many outside debts. The money here in question is being given to Western Australia as a free gift. Let us vest the trustees with unfettered power to decide whether the money should be repaid by farmers.

Hon. T. MOORE: I have come to the conclusion that the amendment should be car-

ried, seeing that we have already given the trustees wide powers to set up conditions that the farmer is expected to live up to. Before getting an advance, a farmer is supposed to be able to make good. The trustees will base their demands for payment of instalments on a normal year, and the individual farmer will be able to meet those instalments in a normal year. However, no part of the Bill provides for an adverse period, such as we are sure to encounter. In fact, the present season is just as bad in parts of Western Australia as was the season of 1914. The amendment merely proposes a power which should be given to the trustees—power to meet the situation which has arisen this year. Many people do not realise that this year there will be a considerable shortage of water and feed for stock. Where dams are relied upon, farmers will be extremely short of water. No harm whatever can result from the carrying of the amendment.

The CHAIRMAN: Has Mr. Piesse read Clause 9?

Hon. H. V. Piesse: I have read all the clauses very carefully.

The CHAIRMAN: Does not the hon. member propose, by his amendment, to repeat in Clause 10 what is contained in Clause 9? Clause 9 provides that the trustees shall have unfettered discretion in regard to the advancing of funds to farmers for the purpose of the measure, but that no advance shall be made to any farmer who has not, in the trustees' opinion, a reasonable prospect of carrying on his farming operations successfully if assisted under the measure, and so forth. The hon. member's amendment repeats that.

Hon. H. V. Piesse: Nothing of the sort.

The CHAIRMAN: I say it is something of the sort.

Hon. H. V. Piesse: I beg to differ from you, Mr. Chairman.

The CHAIRMAN: I leave the matter to the good sense of the Committee. I will not rule the amendment out. Clause 9 declares that the trustees shall be unfettered. The hon. member now proposes to fetter them.

Hon. H. V. PIESSE: As Mr. Moore has pointed out how do we know what kind of seasons are in front of us and what the returns will be? This year our yield will be down 50 per cent. My desire is to give the trustees unfettered power.

Hon. J. NICHOLSON: Whilst I appreciate what Mr. Piesse desires to accomplish by the amendment I agree with the Chairman's observation that the amendment would be opposed to the general spirit of the Bill; but I go further and say that we are dealing with a method of legislation here which is distinctly novel. A certain sum has been allocated to this State by the Commonwealth for specific purposes, and it is necessary that legislation be drafted to deal with it. Clause 12 sets out precisely what is intended. It tells us that all advances repaid from time to time under the Act shall be paid into the fund at the Treasury and may then be re-employed under the provisions of the Act in granting assistance to farmers.

Hon. A. Thomson: That was not provided for in the Federal Act.

Hon. J. NICHOLSON: There is some provision in the Federal Act to that effect.

Hon. H. V. Piesse: Victoria and South Australia have disregarded the Federal Act.

Hon. J. NICHOLSON: They should not have done so, because it may affect them seriously in receiving their quota of the grant. I urge Mr. Piesse to allow this to work out its own salvation. We want to learn by experience and see how it is going to operate. The legislation will have a reactionary effect in a way we little expect, and in the interests of the farmers we should bear in mind the spirit surrounding the granting of this money. The idea is to help farmers over the stile, but if we leave the door open before we have experimented sufficiently with the Bill, we may exhaust the whole of the fund, no farmer will be benefited, and so we shall find ourselves deeper in the mire than before. We should not exhaust all the funds.

Hon. H. V. Piesse: We are not trying to exhaust the funds.

Hon. J. NICHOLSON: There will be a grave risk if power such as is proposed is inserted in the Bill.

Hon. C. H. WITTENOOM: I hope the trustees will be given the power proposed by the amendment. It is a most important amendment and I intend to support it. The money is a free gift to this State.

The CHAIRMAN: That has nothing to do with the amendment.

Hon. C. H. WITTENOOM: I consider that the power given to the trustees should

be sufficient to enable them to decide this point.

Hon. J. J. HOLMES: Interest and sinking fund will have to be paid, and who will pay it? The people of the Commonwealth. Clause 12 distinctly makes provision for the repayment of the money. My particular objection to the amendment is that we are putting too much responsibility on the trustees. With the clause amended as is proposed, imagine two thousand farmers having the right of appeal. The trustees would never get anywhere. I agree with Mr. Nicholson that the amendment is dangerous, and I shall vote against it.

Hon. H. V. PIESSE: Mr. Nicholson declared that if the amendment were passed the money might not be provided and we would not be carrying out the ideas of the Federal Government.

Hon. J. Nicholson: I did not say that.

The CHAIRMAN: Mr. Nicholson said that we were bound to carry out the ideas of the Federal Government.

Hon. G. W. MILES: I hope the Committee will not agree to the amendment. The trustees will have power to postpone payment. The depression is not going to last for ever, and the farmers may be the most prosperous people in the community in five or 10 years' time and may be in a position to pay. The trustees have power to postpone, and no interest will be paid. If a cycle of good seasons should occur the farmers will repay their liabilities and the fund will be established for further assistance being given in the event of another crisis.

The HONORARY MINISTER: No one will deny that a large number of deserving farmers are having a very bad time this season, and as a result may have a hard time next season. The Bill provides that there shall be no repayments for three years.

Hon. H. V. Piesse: How can we guarantee good seasons for three years?

The HONORARY MINISTER: No one would attempt that. Some members are trying to get ahead of themselves when they talk as they have been doing this afternoon. The Federal Act provides for the repayment of advances into the fund created by the Bill: in other words, it provides for a permanent fund for assistance to farmers and any man placed in the responsible position of trustee of a fund of this kind can be trusted to do the right thing. We should be prepared to

give the trustees our confidence to that extent, and having done that we have gone far enough. If circumstances should get worse to the extent that farmers require further assistance above what they will get under the Bill in the first place, and it is necessary to give the trustees further power, I do not think this House will stand in the way of that power being given. There is no necessity at present to carry such an amendment. The Bill should be allowed to run for a while before any additional powers are granted under it. At the end of three years we shall all be in a better position to determine to what extent this legislation should be amended.

Hon. A. THOMSON: Under Clause 9 the trustees are given unfettered discretion in the distribution of the money to the farmers. If we have sufficient confidence in them in that regard, we should also allow them the right to remit payments of instalments when they become due. What guarantee have we that the trustees will not exert pressure upon those who have received advances? It is reported that pressure has been brought to bear by the Agricultural Bank upon group settlers for the repayment of advances.

Hon. J. J. Holmes: Some group settlers never intended to pay.

Hon. A. THOMSON: A great measure of the failure of group settlements lies at the door of the early administration.

Hon. G. W. Miles: The Government were too generous.

Hon. A. THOMSON: Many group settlers refused to remain on their holdings because of the conditions that existed in the early days. If the trustees have not acquired sufficient commonsense to know when instalments should be remitted, they should no longer be entrusted with their duties. We should not worry as to when the money is to be repaid. Millions of pounds have already been lost in this State.

The CHAIRMAN: The question is whether the money should be repaid, not when it should be repaid.

Hon. A. THOMSON: I hoped more sympathetic consideration would be given to the amendment. We should extend to our trustees the same powers that are extended to similar officials in Victoria.

Hon. R. G. MOORE: Although I sympathise with farmers, I am opposed to the amendment. It would cause more dissatisfaction than satisfaction. Some farmers will endeavour to repay the advances made to them, but others will do their best to avoid such a thing. Already large sums of money are owing to the Agricultural Bank.

Hon. H. V. Piesse: And the State has to pay interest on them.

Hon. R. G. MOORE: If this legislation is carried out in the right spirit, a practically inexhaustible fund will be built up.

Hon. H. V. Piesse: Do you want a permanent debt adjustment fund?

Hon. G. W. Miles: It will be there for 20 years anyway.

Hon. R. G. MOORE: Yes. If farmers cannot repay advances in 20 years, it can be assumed they should no longer remain on the land. Most of them may be on their feet by that time, but many of them will be dead. Other periods of depression may occur, and the fund will be there to deal with them. The provisions contained in the Bill are liberal enough.

Hon. L. CRAIG: The Committee has already expressed its opposition to making this money a free gift to the farmers, and now Mr. Piesse is trying to bring in the principle by his amendment. The money is to be used for the purpose of effecting compositions, and 75 per cent. of it will be given away. The hon. member now wants to give everything to the farmers.

Hon. H. V. Piesse: I want them to have a chance.

Hon. L. CRAIG: Advances will not be made in hopeless cases, nor in the case of farmers who have a chance of getting through without assistance. The Bill deals only with people who with some assistance have a chance of getting through.

Hon. H. V. Piesse: Have you been through the wheat areas?

Hon. L. CRAIG: As a member of the Government Land Purchase Board at one time I am familiar with the whole of the wheat belt. I am opposed to this money being made available as a gift. In future there may be instances of hardship, and the trustees should have some money to enable them to assist the farmers concerned. The provisions of the Bill are liberal as they stand, and if the measure is properly administered, it will accomplish all that is anticipated. It would be wrong in principle to place upon the trustees the burden

of deciding who shall have free money and who shall have loan money.

Hon. E. H. H. HALL: It is distinctly wrong for Mr. Craig to say the amendment will mean that the money is to be given to farmers.

Hon. L. Craig: It may be given.

Hon. E. H. H. HALL: Nothing of the kind. The hon. member has remarked about his innocence, so we must have regard to that phase.

The CHAIRMAN: The Committee cannot help that.

Hon. E. H. H. HALL: The amendment will merely give the trustees power that they already possess with regard to advances. If they are to have unfettered power regarding advances, why should they not have similar power to—

Hon. G. W. Miles: Give the money away?

Hon. E. H. H. HALL: That is not the position. I can only accept that interjection as an indication of considered misrepresentation.

Hon. G. W. Miles: That is not so.

Hon. E. H. H. HALL: If I am out of order in making that statement, I shall withdraw at once before I am compelled to do so. I suggest that the statement represents unconscious misrepresentation. The amendment will give the trustees power to say what money shall be repaid.

Hon. L. Craig: Nothing of the sort.

Hon. E. H. H. HALL: It merely means that the trustees will be able to take into consideration extraordinary circumstances. For my part, I think the money should be available to the farmers as a free gift.

Hon. L. Craig: To which farmers?

Hon. E. H. H. HALL: To those who can prove to the trustees that they have genuinely tried but have failed to succeed through circumstances over which they have had no control. There are hundreds of farmers in that position to-day.

Hon. J. J. HOLMES: There is a very important principle underlying the amendment. In accordance with the Constitution, only Ministers, who are responsible to Parliament, can dispose of public money. Mr. Piesse moved an amendment in a Bill concerning road boards that had a similar effect, but when I pointed out the principle involved, he agreed that I was right. Now Mr. Piesse suggests that three trustees shall have power to give away public money.

Hon. A. Thomson: How is it possible for it to be done in Victoria?

Hon. H. V. Piesse: They are doing it in South Australia.

Hon. J. J. HOLMES: In this State, Ministers only have that power.

Hon. H. S. W. PARKER: We decided that this money is to be loaned to farmers under certain conditions. Everything has to be taken into consideration in order to allow farmers to carry on under existing conditions, and the money will be provided for those farmers who will be able to repay it.

Hon. A. Thomson: And give a mortgage over all their assets.

Hon. H. S. W. PARKER: Most decidedly. Not only farmers but other people have got into the habit of endeavouring to secure free money from the Government. Here is another instance of one section of the community desiring a similar privilege. I do not suggest that every farmer is in that position. Only the genuine farmer will come under this provision, and he will be prepared to repay. No advance of this money will be of any use unless it is made available on the basis of repayment. If that were not so, there would be chaos, because the trustees would not be able to carry on properly. As it is, the amendment would have the effect of the less energetic farmer securing a benefit at the expense of the hard-working farmer who will repay. I oppose the amendment. If circumstances should arise in which farmers should be released from their indebtedness, I might hold a different view.

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

Ayes	..	..	..	..	11
Noes	..	..	..	..	12

Majority against .. .. 1

#### AYES.

Hon. C. F. Baxter	Hon. A. Thomson
Hon. L. B. Bolton	Hon. H. Tuckey
Hon. J. T. Franklin	Hon. C. H. Wittenoom
Hon. V. Hameraley	Hon. H. J. Yelland
Hon. T. Moore	Hon. E. H. H. Hall
Hon. H. V. Piesse	(Teller.)

#### NOES.

Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Drew	Hon. G. W. Miles
Hon. C. G. Elliott	Hon. R. G. Moore
Hon. G. Frazer	Hon. J. Nicholson
Hon. J. J. Holmes	Hon. H. S. W. Parker
Hon. W. H. Kitson	Hon. W. Seddon
	(Teller.)

Amendment thus negatived.

Clause, as previously amended, agreed to.

Bill again reported, and the report adopted.

## **BILL—TRAFFIC ACT AMENDMENT.**

### *In Committee.*

Debate resumed from the 10th October. Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

The CHAIRMAN: Progress was reported on Clause 1, to which an amendment had been moved to strike out paragraph (a).

The HONORARY MINISTER: The effect of the amendment would be to strike out the word "regularly" from the Act. That word has made it exceedingly difficult for the department to succeed in prosecutions, even where they have known definitely that persons were evading the Act.

Hon. A. Thomson: In how many cases?

The HONORARY MINISTER: In scores of cases. Probably every member of the House knows of a number of cases in which this sort of thing has taken place. Because of the word "regularly" successful prosecutions are very rare. Unfortunately the word is interpreted to mean "constantly." Even where it is known that persons are evading the Act week in and week out, that is not interpreted as being regularly. To be sure of a successful prosecution, the authorities would have to show that the defendant had evaded the Act every day. Without some such evidence there is very little hope of success. It seems to me that word "regularly" should never have appeared in the Act.

Hon. H. S. W. Parker: Probably it got in there by mistake.

The HONORARY MINISTER: I should imagine so. Still, it is there, and advantage has been taken of it. It has created difficulties for the department, hence the desire to eliminate it and so tighten up the Act.

Hon. H. TUCKEY: If the word "regularly" is retained in the Act, then the words "hire or reward" in the next paragraph would also be retained.

The Honorary Minister: Oh no, that is entirely in the hands of the Committee.

Hon. J. NICHOLSON: The Committee appreciates the difficulties, as explained by the Minister, in prosecutions under this provision. The word "regularly" has a very

distinct meaning. The department must have had great difficulty in forcing home prosecutions, because to prove that a man has been regularly using a vehicle for the carriage of goods would depend upon whether he had been doing it day by day. But there is a difficulty in the way of striking out the word "regularly." A farmer having a cart or wagon might agree to allow his neighbour to use it for a day or two. But to let his friend have the use of that wagon would require the taking out of a carrier's license, because probably the owner of the vehicle would be receiving some hire or reward, as provided in paragraph (b). Doubtless the Committee would be glad to help the department sheet home these offences, but to wipe out the word "regularly" from the Act would create new difficulties.

Hon. J. J. Holmes: Where is the way out of it?

Hon. J. NICHOLSON: We might have a proviso to meet the case, but it would require some consideration in its drafting. Certainly the matter is deserving of further consideration.

Hon. H. S. W. Parker: A proviso providing that it shall not apply to farmers assisting one another.

Hon. J. NICHOLSON: That might do. A farmer might want his neighbour to bring a load from the siding to his farm, and on the principle of one good turn deserving another, the farmer might reciprocate in some other way. However, I could not at the moment suggest an amendment that would meet the case. If the Honorary Minister would allow the question to stand over, we might put it up to the Crown Solicitor to-morrow, when some of us are to see him on another matter.

The HONORARY MINISTER: I do not think the construction put upon this by the hon. member is the correct one. He referred to one farmer obliging another by the carriage of produce from the farm, or of goods from the siding to the farm. That has nothing to do with a carrier's license. In those circumstances a farmer is exempt from licensing his vehicle.

Hon. J. Nicholson: But that is for the transport of his own goods.

The HONORARY MINISTER: That is so, and in the instances quoted by the hon. member those conditions would apply.

Hon. L. B. Bolton: Suppose a farmer hired his vehicle to his neighbour, as is often done. He would require a carrier's license for it then.

Hon. H. S. W. Parker: If you leave in the word "regularly," you do not need a license at all; a farmer can then do all the carting he wants without a license.

Hon. J. Nicholson: It is not fair to the department.

The HONORARY MINISTER: There may be some point of view which has not been put to me, but if we are going to tie up this provision in regard to carriers' licenses, it will be necessary to have licenses before farmers' vehicles are loaned. The section in the Act states that this kind of thing shall not be done except with the permission of the local authorities. In the instance mentioned by the hon. member, is any local authority going to take exception to one farmer helping another?

Hon. A. Thomson: You do not know the road board secretaries.

The HONORARY MINISTER: I cannot imagine a road board secretary taking any exception. Provided the farmer goes to his local authority, I should imagine he would have no difficulty in getting the necessary permission. If he did not get permission and the local authority considered that he had infringed the law, I cannot imagine the local justices taking a very serious view of the case. So long as the word "regularly" is retained, the department will have the utmost difficulty in bringing to book people who deliberately infringe the Act. Some unlicensed people engage in carrying until they are caught. They have found that cheaper than to take out a carrier's license.

Hon. A. THOMSON: If "regularly" is deleted difficulties will be created for people in the country and in the city. The Act has operated successfully for five years. If my information is correct, the point has only now been raised because one or two persons who were not regularly engaged as carriers were being paid for services rendered to neighbours. I regret that some members have not a country conscience, and do not realise the difficulties confronting the people in the country. All such amendments are detrimental to and impose additional burdens on country residents. Payment to a farmer for services to a neighbour might take the form of petrol.

Hon. H. S. W. Parker: That would not be reward.

Hon. A. THOMSON: It would. If anyone were given payment in any form, there would be an infringement of the law.

Hon. J. J. Holmes: If farmers wish to be helpful to neighbours they need not charge for such services.

Hon. A. THOMSON: The hon. member's province is not affected by this measure.

Hon. G. W. Miles: The district where his interests are located is affected.

Hon. A. THOMSON: I represent a province—

Hon. G. W. Miles: Represent the State, not a province.

Hon. A. THOMSON: I hope that the Act will not be altered in this way.

Hon. H. TUCKEY: I should like to assist Mr. Thomson, but his amendment goes too far. Perhaps a proviso could be inserted to protect the people he has in mind. In many parts of the country difficulty is experienced to get carriers to pay their license fees. While they can carry goods without taking out a license, they will continue to do so. Those carriers who pay their license fees complain of unfair competition, and the local authorities cannot take action unless the Act is amended.

Hon. H. S. W. PARKER: It is essential that the word be deleted from the Act. While it remains, I cannot understand any person taking out a carrier's license. If a man has a vehicle which he uses only occasionally for hire and at other times for his own purposes, he does not require a carrier's license.

Hon. A. Thomson: You would not like to stand up to that opinion.

Hon. H. S. W. PARKER: It is a fact. Proof is necessary that the vehicle is regularly used. I would not be averse from inserting a proviso to cover the occasional lending or hiring of a truck by one farmer to another, but I do not think there are many such instances. Services of this kind are generally rendered in a neighbourly way, but a local authority would give permission.

Hon. C. F. Baxter: A farmer might be 15 miles distant, and if he wanted to borrow a vehicle, why should he have to travel 15 miles to get permission?

Hon. H. S. W. PARKER: Members want the Act administered by the local authorities, not the police, and surely they can trust the local authorities.



Hon. C. F. Baxter: All road board secretaries are after revenue.

Hon. H. S. W. PARKER: If any secretary overstepped the bounds, the board would control him. A man who pays his license fees should not be subject to unfair competition by others.

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

Ayes	..	..	..	..	9
Noes	..	..	..	..	14
Majority against					5

#### AYES.

Hon. C. F. Baxter	Hon. W. J. Mann
Hon. L. B. Bolton	Hon. H. V. Piesse
Hon. J. T. Franklin	Hon. A. Thomson
Hon. E. H. H. Hall	Hon. C. H. Wittenoom
Hon. V. Hamersley	(Teller.)

#### NOES.

Hon. L. Craig	Hon. R. G. Moore
Hon. J. M. Drew	Hon. T. Moore
Hon. C. G. Elliott	Hon. J. Nicholson
Hon. E. H. Gray	Hon. H. S. W. Parker
Hon. J. J. Holmes	Hon. H. Seddon
Hon. W. H. Kitson	Hon. H. Tuckey
Hon. G. W. Miles	Hon. G. Fraser
	(Teller.)

Amendment thus negatived.

*Sitting suspended from 6.15 to 7.30 p.m.*

Hon. C. F. BAXTER: I move an amendment—

That paragraph (b) be struck out.

If, as proposed by that paragraph, the words "for hire or reward" are deleted from Subsection 2 of Section 6 of the Act, it will mean that no one can carry a passenger in his car.

Hon. H. Tuckey: This does not affect motors at all, but only licensed trucks.

The HONORARY MINISTER: Mr. Baxter has put an entirely wrong construction on the paragraph. It applies not to motor cars, but to motor trucks, which in many cases are used for the carriage of passengers. It is not uncommon for the owner of a motor truck to carry from half a dozen up to 20, or even more, passengers on his truck.

Hon. W. J. Mann: That happens only occasionally.

The HONORARY MINISTER: It is not so occasional as we would like it to be. In some places it occurs regularly.

Hon. W. J. Mann: Perhaps once a week.

The HONORARY MINISTER: Unquestionably this traffic affects people who take out licenses for passenger-carrying vehicles and obtain the necessary insurance policies protecting their passengers. As regards

country districts, there is the proviso for obtaining the permission of the local authority when required. Even recently cases of serious accident have occurred in connection with motor trucks carrying large numbers of passengers.

Hon. J. Nicholson: The remedy is to stop motor trucks from being used for the carriage of passengers.

The HONORARY MINISTER: The paragraph would help up to a point, and is highly desirable. It is not right that motor trucks should take the cream of the passenger business without insurance policies being secured and license fees being paid. That is as regards the metropolitan area. In country districts exception would not be taken to a farmer carrying his family and neighbours on a motor truck to, say, an agricultural show.

Hon. W. J. Mann: I know where exception has been taken.

The HONORARY MINISTER: It is extremely difficult to prove that a car or truck owner carries passengers for hire to, say, a football match.

Hon. L. B. Bolton: You propose to put a great hardship on country sport.

The HONORARY MINISTER: Not at all. My experience tells me that what I have stated is the practice in many country districts. The road board secretary, representing the local authority, knows all about the matter, and there is no difficulty in securing through him the necessary permission for the conveyance of passengers in those circumstances. However, if an accident occurs, there is no remedy for passengers carried on trucks. We should ensure, as far as possible, that the trucks are safe.

Hon. J. Nicholson: Can you show us that the restriction is limited to trucks licensed to carry goods?

The HONORARY MINISTER: That is apparent from Section 6 of the Act.

Hon. L. B. Bolton: Is a utility truck included?

The HONORARY MINISTER: It may be if a carrier's license is taken out for it. If a truck is licensed as a carrier's truck and there is a desire to convey passengers on it, the passenger vehicle license must be taken out. So long as the local authority is satisfied that the truck is suitable for the carriage of passengers, there is no difficulty.

Hon. H. V. PIESSE: I wish to make it clear that in country towns very few

licenses indeed are taken out for passenger vehicles. I do not think there is one motor license taken out from Beverley to Albany. Of course, where there is summer trade, vehicle licenses are taken out. With the Minister's assurance that anyone can apply to the local authority for a license to use a motor truck for passenger traffic, I regard the paragraph as fairly reasonable. Football, cricket and hockey teams travel from one centre to another.

Hon. J. Nicholson: On every occasion the consent of the local authority would have to be obtained.

Hon. L. B. Bolton: That would be ridiculous.

Hon. H. V. PIESSE: Every country sports club wishing to transport players from town to town would have to get permission from the local authority?

Hon. H. Tuckey: Only if the vehicles were licensed to carry goods.

Hon. H. V. PIESSE: The farmer's truck could not be used.

Hon. J. Nicholson: If the words were struck out, the farmer could not carry such people.

Hon. H. V. PIESSE: That is the point on which I wished to be clear.

Hon. J. NICHOLSON: The striking out of the words would change the whole aspect of the section and the liability of owners of vehicles. Subsection 2 provides for a carrier's license for every vehicle used for the carriage of goods for hire or reward, and it also provides that a passenger vehicle license is required for such vehicle. Which vehicle is meant? It might refer to the vehicle for which a passenger vehicle license is required. The contention of the Honorary Minister was that if a carrier's vehicle were used for passengers, he must, in addition, have a passenger vehicle license. If we strike out the words, there is a grave risk that anyone taking passengers on a utility truck would require a passenger vehicle license. The Government do not wish to hamper the farmer in using his truck.

The Honorary Minister: Very few farmers' vehicles are licensed for carrying.

Hon. J. NICHOLSON: It would be preferable to retain the words; otherwise we shall cause trouble for owners of vehicles used in that way. Section 5 of the Act sets out that a vehicle license is required for any vehicle described in the Second

Schedule. Section 5 and subsequent sections deal with the different types of vehicle, and Subsection 2 of Section 6 deals with the carrier's license required for every vehicle regularly used for the carriage of goods. There is no definition of what a passenger vehicle license comprehends. Difficulty will be created if we strike out the words, and therefore I must support the amendment. The inclusion in paragraph (c) of Clause 4 of the right of the owner of the vehicle to carry members of his family or workmen would import that if a friend were picked up who did not come within the classification, there would be an infringement of the Act.

Hon. H. Tuckey: What kind of vehicle?

Hon. J. NICHOLSON: Any vehicle, because of the lack of description in the Act.

Hon. J. J. Holmes: You are not clarifying the position at all.

Hon. A. Thomson: It depends on the point of view. I think he is.

Hon. C. F. Baxter: You cannot clarify it to those who do not wish to see.

Hon. J. NICHOLSON: I am not raising objections unnecessarily. I am pointing out the possible interpretations if the words are struck out.

Hon. L. Craig: It would only apply to vehicles used to carry goods for hire or reward.

Hon. J. NICHOLSON: That is questionable. The Honorary Minister referred to trucks used for carriage of passengers in opposition to men who were licensed. The trouble could be overcome by prohibiting any person using a truck for the carriage of passengers except by leave of the local authority.

The Honorary Minister: Would that suit Mr. Baxter?

Hon. J. NICHOLSON: We should leave in the words "for hire or reward."

The HONORARY MINISTER: In the Act Subsection 1 of Section 6 provides that a carrier's license is required for every vehicle used for the carriage of goods for hire or reward, and a passenger vehicle license is also required for such vehicle if it is used for the carriage of passengers for hire or reward.

Hon. H. Tuckey: You are not altering that.

The HONORARY MINISTER: No, that stands. We say that a carrier's license is necessary in certain circumstances and if a vehicle which has a carrier's license is used for the purpose of carrying passengers, then it is also necessary for the owner of that vehicle to take out a passenger vehicle license as well. In the Bill we say that if it is desired to use that particular vehicle to carry passengers, then permission must be obtained from the local authorities. By striking out the words "hire or reward" it simply means that where a person owning a vehicle for which he has a carrier's license desires to use that vehicle for carrying passengers, the local authority must be satisfied that the vehicle is suitable for that purpose.

Hon. A. Thomson: Even if he carries them for nothing.

The HONORARY MINISTER: Yes. So that the owner will know where he stands, we must have a line of demarcation and therefore we have included in the Bill members of the family, etc. There are a number of country districts where the local authorities have been missing quite a lot of revenue for a long time by virtue of the fact that many people have been using vehicles for the purpose of carrying passengers without paying a license. They have been competing against others who not only pay a license for carrying passengers but who are compelled to take out insurance policies to protect their passengers. The passenger-carrying vehicle has to be insured. In the metropolitan area I have seen people taking out parties, even as many as 30, on a truck, and by devious means they are able to prevent the department from proving that the passengers are paying for the use of the particular vehicle. If a person applies to a local authority and the local authority is satisfied that the safety of the passengers will be properly looked after, permission will be given.

Hon. H. V. Piesse: Why not leave the country out of it?

The HONORARY MINISTER: The local authorities generally will welcome this provision, though not altogether from the point of view of getting revenue.

Hon. H. Seddon: It will ensure the safety of the people.

Hon. C. F. BAXTER: The Minister's main argument is about the danger of carrying people on trucks. We are tightening up Acts of Parliament to such an extent that

people will have no pleasure at all. The people about whom I am concerned are those who are in isolated areas and who may have an opportunity of getting a lift into town on a motor truck or some other vehicle. In the towns in my province I do not know that there are vehicles licensed to carry passengers, yet people are to be precluded from riding on motor trucks. Everything seems to be for administration and nothing for the people.

The HONORARY MINISTER: The construction put on the clause by Mr. Baxter is not correct. He talks of certain vehicles carrying passengers at the present time. I assume he is referring to vehicles of any kind—contract carters' vehicles or trucks generally. I again draw his attention to Subsection 1 of Section 6 of the Act, in which the words occur "for hire or reward." If those people are doing what the hon. member says they are doing, they are committing a breach of the existing Act.

Hon. C. F. Baxter: But they receive no reward. You are cutting out "hire or reward" and bringing them in.

The HONORARY MINISTER: It does not matter what sort of vehicle they are using, they should have passenger vehicle licenses. I do not want members to put a wrong construction on the provision. I have explained it fully, and personally I can see nothing wrong with it. I do not see that there will be any real inconvenience in the country if the paragraph be agreed to.

Hon. L. B. BOLTON: If it were the suggestion of the Minister that this should apply to the metropolitan area alone, I might support it. I still think he is doing the country more harm than he imagines. He has stressed the point that it is easy to get permission from the local authorities. But in a district I know of the "sports" take turn and turn about on Saturday afternoons and Sundays to pick up members of their football or cricket teams, and I know of several instances where they would have had to go some 30 miles to obtain the permission of the local authority.

Hon. J. J. Holmes: Is there no telephone in that district?

Hon. L. B. BOLTON: How could you expect to get permission by telephone?

Hon. L. Craig: But the local authority would not take action in that case.

Hon. L. B. BOLTON: I know what local authorities will do if they have the power, for I have had experience of it. This pro-

vision will inflict great hardship on country districts. What is the position regarding truck licenses on a farm? Is the farmer allowed to take passengers anywhere for hire or reward?

Hon. L. Craig: No, but he is allowed to take passengers.

Hon. J. J. HOLMES: Some members who say they do not understand the position do not wish to understand it. The section in the Act provides that a carrier's license is required for every vehicle used for the carriage of goods for hire or reward, and a passenger vehicle license is also required for such vehicle. Mr. Nicholson declares he cannot determine which vehicle is meant. However, it amounts to this: that if it is required to carry passengers, a passenger vehicle license is necessary.

The Honorary Minister: That is so.

Hon. A. THOMSON: The hon. member has clarified the position by making it a little more obscure. If the words "hire or reward" are struck out it will mean that a man who has a carrier's license will be committing a breach of the Act if he gives the Minister a ride in his truck, and so will be liable for a penalty of £20. I hope the Minister will insist on the words remaining in the Act.

Hon. W. J. MANN: This looks like a stunt to enable the local authorities to get a little more revenue. In many districts a number of men in a road gang have to go out 20 miles away from home and camp. Working with the gang are motor trucks that have carriers' licenses. At the end of the week those men, if they want to spend the week-end with their families, have to take advantage of one of the trucks going in. Are they to be deprived of that opportunity?

Hon. G. Fraser: Are they not charged for the journey?

Hon. W. J. MANN: That doesn't matter at all.

Hon. G. Fraser: Oh yes it does.

Hon. W. J. MANN: I know of a firm that has two large trucks licensed for carrying goods, and those trucks cover a large radius of country. When homeward bound they will not be able to pick up any of the firm's friends who might wish to make a business call on the firm. I have admiration for many local authorities, but on the other hand I have known a local traffic officer to go four or five miles out of town

and hide in the bush so as to catch an unfortunate truck-driver who had taken three or four friends out with him.

Hon. H. Tuckey: It could not be done under the existing Act.

Hon. W. J. MANN: There is a great deal to be said for the suggestion that if this provision is to apply at all, it should apply only in the metropolitan area. Some men who were working about 20 miles out of town decided one evening to go to the pictures in the town. The only available vehicle was the truck they were using on the road, and the driver agreed to take them in. They got in all right and went to the pictures, but the traffic officer appeared and attempted to assert his authority, and very nearly prevented them from getting back to their camp.

Hon. R. G. MOORE: I do not think I know as much about the subject now as I did before the discussion started. Still I am going to support the retention of the words "hire or reward," because after all the person whom the department wishes to catch is he who is carrying passengers for hire or reward. Of course if it is a vehicle licensed to carry goods, that vehicle comes under the Act. If the vehicle is not licensed to carry goods, the owner is not responsible, according to the Honorary Minister. The person who has already paid the license fee will be penalised, but the man who has a utility truck of his own and has no carrier's license will be able to carry passengers free. Because it is difficult to prove that a man is carrying people for reward, that is not to say we should strike out these words. I do not want it to be possible for the police to prosecute a man who out of kindness gives some pedestrian a lift along the road. I would rather see the Act abused by actions of that kind, than see it abused in the way it would be if these words were deleted.

Amendment put and a division called for.

The CHAIRMAN: Before tellers are appointed, I shall record my vote with the ayes.

Division taken with the following result:—

Ayes	..	..	..	..	15
Noes	..	..	..	..	7
					—
Majority for	..	..	..	..	8
					—

## AYES.

Hon. C. F. Baxter  
Hon. L. B. Bolton  
Hon. J. Cornell  
Hon. L. Craig  
Hon. C. G. Elliott  
Hon. J. T. Franklin  
Hon. E. H. Hall  
Hon. V. Hamersley

Hon. W. J. Mann  
Hon. J. Nicholson  
Hon. H. V. Piesse  
Hon. H. Seddon  
Hon. A. Thomson  
Hon. C. H. Wittenoom  
Hon. R. G. Moore  
(Teller.)

## NOES.

Hon. G. Fraser  
Hon. J. J. Holmes  
Hon. W. H. Kitson  
Hon. G. W. Miles

Hon. T. Moore  
Hon. H. Tuckey  
Hon. E. H. Gray  
(Teller.)

Amendment thus passed.

Hon. J. NICHOLSON: I have drafted a new paragraph to provide that no license shall be required by any person who uses or lends for use with or without hire or reward any vehicle belonging to him for the benefit of some other persons during seasonal operations, etc., or on regular occasions not being on successive dates. My object is to make good the deletion of the word "regularly." We could provide that a license is not required when one person lends a vehicle to another, such as a farmer lending his truck to a neighbour.

The CHAIRMAN: I suggest that a long amendment of that character should be put on the Notice Paper, and dealt with on the Bill being recommitted.

Hon. J. NICHOLSON: I agree, Mr. Chairman, and will adopt your suggestion.

Hon. C. F. BAXTER: I move an amendment—

That paragraph (c) be struck out.

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

Clauses 5 to 13—agreed to.

Clause 14—Amendment of Section 5:

Hon. W. J. MANN: I move an amendment—

That a new paragraph to stand as paragraph (c) be inserted as follows:—By adding a further subsection as follows:—(3) In addition to the obligations set out in subsection (1) it shall be the duty of any person who, in the course of using a vehicle on a road has caused injury to another person, to render such person all such assistance as may be necessary or practicable under the circumstances, including the obtaining of medical aid, and any person who refuses or neglects to render such assistance and obtain such aid shall be guilty of an offence against this Act. Penalty: Fifty pounds; and, if in the opinion of the court the offender has shown a callous disregard for the injured person, the court shall in addition impose a sentence of imprisonment for a term not exceeding twelve months.

Not much explanation is needed. There is quite enough evidence of the need for some

stringent provision dealing with the hit-and-run driver. The amendment may seem severe, but it applies only to the driver who shows callous disregard such as we hear of every week. Numerous illustrations might be adduced in support of the amendment.

The HONORARY MINISTER: I raise no objection to the amendment. Discretion as to imposing imprisonment remains with the court. The monetary penalty proposed is certainly not too severe.

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

Clause 15—New Section 25a; Duty to report accidents:

Hon. A. THOMSON: I move an amendment—

That in proposed new Section 25A after the words "police station," line 7, there be inserted "or traffic inspector."

This amendment is moved at the request of a local authority, and will be of convenience to all towns in the Great Southern district. It may be more convenient to report to the municipal traffic inspector than to the police. If costs are incurred by the prosecution, the local authority will have to bear them; and if a fine is imposed, it would go into the revenue of the local authority.

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

Clauses 16 to 19—agreed to.

Clause 20—Repeal of Section 35; New section:

Hon. L. B. BOLTON: On the second reading I appealed to the Minister to delete the latter portion of the schedule dealing with weights allowed to be carried by horse-drawn vehicles with iron or steel tyres. The old scale has operated for many years, and in my opinion has proved reasonable and fair. Upon the passing of the old Act, the tyres of many vehicles had to be altered. The Government should encourage the use of horse-drawn vehicles in country districts.

The HONORARY MINISTER: I cannot accede to Mr. Bolton's request. The alteration does not apply where the width of the bearing section of the tyre is six inches or more.

Hon. L. B. Bolton: There are not three such vehicles in the State.

The HONORARY MINISTER: There must be more than the hon. member suggests.

Hon. L. B. Bolton: Only large jinkers.

The HONORARY MINISTER: Section 35 of the principal Act does not define types of tyres in computing the weight to be carried by a vehicle. I am advised by the departmental experts that the proposed alteration is absolutely necessary. Mr. Bolton should give some reasons for his suggested exclusion of the second part of the schedule.

Hon. A. THOMSON: The Honorary Minister should give a comparison of the weight proposed to be carried on a 4in. tyre as against the old weight. I understand the proposed alteration materially reduces the load to be carried on an ordinary 4-wheeled waggon. Can the Minister state why the department deem the proposed alteration necessary? The discussion in another place does not disclose the reason.

The Honorary Minister: When the schedule is reached I shall be able to give information on that aspect.

Hon. A. THOMSON: The clause might be postponed until after the schedule has been dealt with.

The HONORARY MINISTER: I have no objection to that. I move—

That consideration of the clause be postponed.

Motion passed, the clause postponed.

Clause 21—Amendment of Section 41:

Hon. A. THOMSON: I move an amendment—

That the following be added to stand as paragraph (c):—“By adding the following subparagraph after subparagraph (xvi) of Subsection 1:—(xvii) Prohibit, restrict, or regulate the practice or occupation of attending or watching over vehicles on roads or public places for fee or reward known as ‘car watching,’ and control persons engaging in such practice or occupation when not prohibited from so doing.”

Having discussed this matter with a Minister in another place and with the Honorary Minister, I have come to the conclusion that the amendment would inflict hardship on local authorities who have established parking areas. I had expected to see an alternative amendment from the Honorary Minister on the Notice Paper, providing for car watchers and also protecting local authorities. We know the amount of money received by a sub-branch of the R.S.L. for car watching at the Royal Show.

Hon. J. T. Franklin: But that was on private property, not on a public street.

The HONORARY MINISTER: I suggest an alternative which, in the opinion of the Government, would be preferable. It reads—

A new section is hereby inserted after Section 43 of the principal Act:—

43A. (1) No person shall act as a car watcher on any road or in any public place in the district of any municipality or road board (including the district of the council of any municipality or road board in the metropolitan area as from time to time defined by regulation under this Act) unless licensed in that behalf by the council of the municipality or by the board of the road district as the case may be.

(2) Any such license shall be an annual license and may be issued subject to such conditions (including conditions as to cancellation) as the council or the board issuing the license thinks fit.

(3) The council or the board shall have absolute discretion as to the issue of any license to any person, and shall not be bound to give any reasons for refusing to issue any license.

(4) In addition to any power of cancellation of a license reserved under the terms of the license, a breach by the holder of any of the conditions of the license shall be an offence against this Act and shall be punishable by a fine not exceeding twenty pounds.

Hon. C. F. Baxter: That is excellent.

Members: Move it now.

The CHAIRMAN: The Minister is proposing to move it as a new section, and it will have to be dealt with at the end of the Bill.

Hon. A. THOMSON: I ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clause 22—Amendment of Section 52:

The HONORARY MINISTER: I move an amendment—

That the following paragraph be inserted after paragraph (b):—“(c) by striking out the words ‘and published in the *Gazette*,’ in the fifth and sixth lines of Subsection 4.”

The present procedure is too cumbersome. It might occupy a fortnight or more and meanwhile the vehicle could be used without being covered by insurance.

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

Clauses 23 to 25—agreed to.

Clause 26—Repeal of Fourth Schedule; new schedule enacted:

Hon. A. THOMSON: Will the Minister explain this clause?

Progress reported.

*House adjourned at 9.8 p.m.*