Legislative Council,

Wednesday, 13th October, 1937.

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

QUESTION—SECESSION DELEGATION, COST.

Hon. H. SEDDON asked the Chief Secretary: 1, What was the total cost of the Secession Delegation to London? 2, What was the amount received by Mr. H. K. Watson?

The CHIEF SECRETARY replied: 1, £5,071 5s. 9d. 2, £3,322 2s. 6d. (including fares). Full details of the expenditure will be found in the Auditor General's reports for 1934-35 and 1935-36.

QUESTION—AGRICULTURAL BANK.

Hon. A. THOMSON (for Hon. H. V. Piesse) asked the Chief Secretary: 1, What is the number of employees in the Agricultural Bank? 2, How many are resident in the country districts? 3, What is the total cost of the new Agricultural Bank premises at Denmark?

The CHIEF SECRETARY replied: 1, 291. 2, 178. 3, £1,721.

BILL—LEGAL PRACTITIONERS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. S. W. PARKER (Metropolitan-Suburban) [4.38]: This Bill should not cause members any serious anxiety. I understand that it has been moved first of all to prevent premiums being charged for articled clerks. I propose in Committee to move an amendment to that provision and I believe there will be no serious objection to it. Another object of the Bill is to require English barristers who come here to serve two years' articles, so that those people will have to spend as much time in getting through as local people have to spend. At present a man can go to England, pass his law examinations, and be called to the bar in England, and I understand that the minimum time required is three years, whereas here it takes five or six years to get through. The Bill provides that anybody who goes to England to qualify should serve two years' articles in Western Australia before beginning practice here. I cannot see that it matters much whether that is done or not, because any English barrister who came here would not be likely to set up to advise people until he had obtained local experience. This measure will require him to gain local experience. Again I shall move a slight amendment to that provision. One of the other main features of the Bill is that an articled clerk shall be permitted to earn outside his employment as an articled clerk. I have no objection to that proposal, but again I have an amendment which I understand the mover of the Bill will accept. Still, it strikes me as being rather curious that a man who is so keen on supporting apprenticeships generally, who believes in the principle of one man one job, and who considers that when anyone is learning a business he should give the whole of his time and attention to it, is prepared to say, when it comes to the legal profession, that one need not devote the whole of one's time and attention to it but may earn outside. This Bill would leave the matter entirely open, but I have indicated certain amendments to the mover of the Bill that will not leave the provision quite as loose as it otherwise would be. Another clause deals with solicitors' costs. When a solicitor renders an account to a client, the client may take it to the Taxing Master for decision as to whether the charges are reasonable and proper. If a proportion of one-sixth is disallowed, the practitioner has to pay the costs of those proceedings. It is now proposed to make the proportion one-tenth instead of one-sixth, and I see no objection to that.

Hon. G. W. Miles: Does that apply when a solicitor puts in a bill?

Hon. H. S. W. PARKER: I cannot recollect any practitioner's bill having been taken to the Taxing Master for adjustment. I have known people to complain of solicitors' bills, but as soon as they have been taken to

another solicitor, the matter has been quickly adjusted. I do not know whether it would be possible to find any bill as between solicitor and client that had, in fact, been taxed. Presumably there have been some isolated cases.

Hon. J. J. Holmes: What about costs between party and party?

Hon. H. S. W. PARKER: That is another matter. There is another feature of this Bill. When a solicitor sends an account to a client and the client objects, the solicitor may say, "I consider it a reasonable bill, but I am prepared to send you a new bill and charge all that I am entitled to charge." This would often increase the bill by a considerable amount. That has been done; the increased bill has been taken to the Taxing Master to be taxed, and the one-sixth rule has applied. It is now proposed that once a bill is delivered, it shall be final. Again I see no objection to the proposal. I would like to remind hon. members that the legal profession is the only profession whose charges are laid down by the law, item after item. Nothing can be charged except what is allowed by law. So far as I know, that does not apply to any other calling, except those callings in which wages are fixed by the Arbitration Court. Even there a man can, if he likes, charge more for his services than the court has fixed. The question is whether he can get it or not. On the other hand, members of the legal profession are not allowed to charge more than the fees fixed by law.

Hon. J. J. Holmes: This Bill, then, will do away with cheap law?

Hon. H. S. W. PARKER: I do not think it will make any difference. The scale of lawyers' fees was, I think, fixed somewhere about 1810. True, quite recently lawyers were authorised to charge 25 per cent. additional on a certain number of items. I have no objection to the measure, and I shall vote for the second reading with a view to amending it in Committee.

HON. E. M. HEENAN (North-East) [4.48]: I also have gone through this small Bill, and intend to support the second reading. I shall not elaborate on the remarks made by Mr. Parker, who has dealt with the proposed provisions quite reasonably. In the Committee stage I shall offer a few observations regarding certain phases of the amendments proposed. In the meantime I commend the second reading to hon. members.

On motion by Hon. G. W. Miles, debate adjourned.

BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).

Second Reading.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.50] in moving the second reading said: This is a Bill to amend the Municipal Corporations Act, which has been in existence for 31 years. During the intervening period minor amendments have been made to that legislation, especially in 1912, 1915, 1919 and 1920. Hon. members at all familiar with local government matters will know that the original Act has been out of print for a number of years, and that very few members of municipal councils at present in office have been able to procure a copy of the Act under which they work and which they are called upon to administer. As a result of this position, Governments have been urged for years past either to reprint the old Act or to introduce an amending measure. If Parliament approves the present Bill, it will not be printed exactly as a consolidating measure but will be incorporated with the principal Act and all prior amending Acts in the one reprint. The reprint will, therefore, be of more value than the mere printing of this amending Bill, if passed. Apart from the proposal provided for the abolition of plural voting which is contained in the Bill, its main provisions are machinery amendments. Many of them, I feel sure, will not meet with any opposition. I think that in view of the fact, which I regard as incontestable, that the Bill is primarily a Committee Bill, it is not really necessary for me to deal with many of the amendments in detail. I do propose, however, to refer in detail to a few of the more important amendments. I assure hon. members that if I do not mention any particular amendment they may be interested in, I shall be prepared to give all information required when I reply on the second reading, or when the measure reaches the Committee stage. On this occasion I feel perfectly justified in describing the Bill as a measure that will without fail reach the Committee stage. I have no doubt that hon. members have a pretty fair idea of what the Bill contains.

Hon. J. Nicholson: I have not read it yet: and I do not think many hon. members have, either.

The CHIEF SECRETARY: I presume the hon. member has what I may describe as a good superficial knowledge of many amendments which have been asked for during the past few years and which are incorporated in the Bill. Considerable assistance has been given by local governing bodies in directing attention to various limitations of the existing Act. Last year the Minister administering the Act invited the Local Government Association of Western Australia, the Country Districts Local Government Association, and the town clerks of Perth, Midland Junction, and Boulder to submit proposals for improvements in the Act. Many of the suggestions advanced by those bodies and officials have been included in the Bill. Again, the recent revision of the Road Districts Act afforded an opportunity of investigating the various powers of municipalities; and as a result of these researches it was decided to embody many of the provisions of that measure in this Bill. A proposal suggested by the Road Districts Act gives extended powers to municipal councils to make by-laws relating to fencing, hawkers, stall-holders, petrol pumps, lawns and gardens in streets, and the erection of verandahs. Another proposal taken from the Road Districts Act, and a proposal which has from time been advocated by municipal councils, relates to the annual valuation of rateable property. The amendment provides for the additional system of valuing on the unimproved value of land, as well as on its annual value. If the amendment is agreed to, municipal councils will have the option of making their valuation either on the unimproved or on the annaul value, or on both.

Hon. J. Nicholson: That power is given by the Road Districts Act.

The CHIEF SECRETARY: Yes. The Bill also proposes to repeal the present sections dealing with distribution of proceeds of sale of land for unpaid rates, and to substitute for them provisions similar to those found in the Road Districts Act. An amendment that will enable municipalities to make considerable savings in interest charges empowers councils to redeem a loan by half-yearly payments instead of creating a sinking fund. Again a similar provision already exists in the Road Districts Act. The present Municipal Corporations Act provides that a council must pay interest on the full amount of principal involved until such time as the loan has matured. Consequently the proposed amendment will afford relief in that direction. The Bill proposes to amplify the powers of municipal councils as to the spending of their moneys. It is provided that a council may, with the approval of the Governor in certain instances, spend a sum not exceeding in the aggregate 10 per cent. of its ordinary revenue on any road, aviation landing ground, pleasure resort, recreation place, or other similar work, or tourist propaganda outside the municipal district. That is a provision which I regard as necessary.

Hon. H. Tuckey: It is highly necessary.

The CHIEF SECRETARY: Yes. I have knowledge of instances where a municipality would have greatly liked to spend a few pounds in a given direction, which would have been in the interests of not only the particular municipality but of adjoining areas; but the present Act prohibits such expenditure. It is further proposed to enable a council to subsidise any adjoining municipality or road district in respect of expenses incurred in providing the works I have mentioned within their respective districts, when these will be of benefit to the residents of the first-mentioned municipality. Again that is quite a desirable provision. Some of the main clauses of the Bill relate to a subject which has been dealt with at considerable length on previous occasions—the abolition of plural voting. The proposal is no stranger to hon. members. It is on very similar lines to previous proposals in that direction. It may be recalled that on a previous occasion a Bill was brought before this Chamber providing for "one ratepayer, one vote." That Bill was defeated. I hope that on this occasion we shall have a little more luck.

Hon. J. Nicholson: Was not that the trouble which prevented a new Act being brought in, that the municipalities would not agree to the "one ratepayer, one vote" proposal?

The CHIEF SECRETARY: It may be so. Hon. members will probably agree that it is desirable that the functions of local authorities should embrace something more than the mere collection of rates and the provision of roads and bridges. There are many duties which local authorities are called upon to perform in accordance with existing Acts. For instance, they already deal with matters

of health and exercise control over certain other activities of the people. In this respect they are governing bodies in the same way as our State Parliament is a governing body and that being so, it is desirable that every ratepayer should have a vote and that no ratepayer should be in a position to out-vote another.

Hon. J. T. Franklin: He may have to pay extra for interest on land.

The CHIEF SECRETARY: I am pointing out that there is no reason why a man who owns a property of a higher value than another should have a greater voting power than the other. It should not depend upon the value of a person's property as to how many votes or what authority or power that person should have in a particular municipality. The Act at present sets out that a qualified person is entitled to vote in accordance with the value of the property owned or occupied by him. The Act lays down the number of votes a person shall be entitled to exercise in accordance with that principle.

Hon. J. Nicholson: A maximum of four, is it not?

The CHIEF SECRETARY: In the election of a mayor a ratepayer may have from one to four votes according to the qualifications set forth in Section 84 of the principal Act. With regard to the election of a councillor the minimum is one vote and the maximum two, according as to whether the rateable value of land owned by the ratepayer is £50 or under or more. I cannot see any justification for a man owning land or property of a value of £49 having one vote, while another man having a property valued at £55 has two votes. We have long passed the stage when we should be prepared to accept a principle of that kind. Under the existing Act if a person possesses a property in every ward in a municipality he has the right to vote in each of those wards in accordance with the principle to which I have just referred.

Hon. J. Nicholson: But only for a councillor in each ward.

The CHIEF SECRETARY: It would be possible for a person in Perth to record 16 votes at a municipal election if there were a contest in all the wards of Perth.

Hon. J. J. Holmes: He would pay eight lots of taxes.

The CHIEF SECRETARY: He would not be paying any more through his eight lots of taxes than another man with property of a similar value in one ward. I do not think it can be argued that an individual should have the right to eight times the voting power of another man with property of equivalent or higher value in the same municipality. It is now proposed that a qualified person shall have the right to only one vote for mayor and one vote for councillor irrespective of the value of the land he may possess in the various wards of any given municipality.

Hon. J. Nicholson: You are retaining the one vote for a councillor in each ward?

The CHIEF SECRETARY: No. We are providing that he shall have one vote only. It will be necessary for him to select the particular ward in which he is desirous of recording his vote. I am informed that in the Eastern States the laws provide that a ratepayer shall be entitled to cast one vote only in mayoral elections irrespective of the value of the lands he may own. I have here a very brief summary of the provisions governing the franchise in New Zealand and the Eastern States in respect to the election of councillors. It is rather interesting to note that the provision we are seeking to embody in this Bill is already in operation in more than one of those Eastern States.

Hon. H. Tuckey: It does not seem fair if the ward system is going to be strictly adhered to.

The CHIEF SECRETARY: That is a matter for the people in a particular district to determine for themselves. If they prefer the ward system I see no reason why they should not have it. In New Zealand it is provided that every elector shall have one vote and no more at each poll at which he is entitled to vote. A person having qualifications in more than one ward may select the ward for which his name shall be entered. We are endeavouring to bring about the same condition of affairs in this State. In New South Wales the provisions are similar to those of the New Zealand law.

Hon. V. Hamersley: That is where they had Mr. Lang, is it not?

The CHIEF SECRETARY: In Victoria the votes are according to property qualification.

Hon. J. Nicholson: Is the property qualification in Victoria the same as we have here?

The CHIEF SECRETARY: Very similar.

Hon. J. Nicholson: Then there is one State doing what we are doing.

The CHIEF SECRETARY: They are not doing in Victoria what we are doing at the present time. At present it is possible here for one man to have two votes for a councillor in every ward. In Victoria they have a property qualification.

Hon. J. Nicholson: You have not the particulars of the property qualification?

The CHIEF SECRETARY: I have them, but not here. If the hon. member desires them, they can be supplied. In South Australia the ratepayer has only one vote for each ward in which he owns or occupies property. Where the municipality is not divided into wards he has only one vote. While that is the position there it hardly seems to me to be the right thing. It does not seem fair that because a particular municipality is divided into wards, that should give one man with property in various wards added powers over another man who possesses property of the same or greater value, but whose property happens to be in one ward. In Tasmania ratepayers are entitled to cast from one to six votes. In the case of subdivided municipalities a ratepayer has up to six votes in each ward, so that in Tasmania they are worse off.

Hon. J. Nicholson: You mean better off.

The CHIEF SECRETARY: Well, it all depends on the point of view. I say that the person entitled to one vote is worse off there than the person who is entitled to one vote in Western Australia, because in Tasmania there are other people in the same district entitled to record six votes.

Hon. G. B. Wood: Why alter the position? It is going on all right now.

The CHIEF SECRETARY: A lot of people think it is not going on all right and I am one of them. Anyone who has to contest a municipal election under the present franchise realises, as well as I realise, that there is an unfairness about that franchise which should be altered as quickly as possible. In Queensland the ratepayer is entitled to only one vote in mayoral or council elections, irrespective of whether the municipality is subdivided or not. That is a direct equivalent to the proposal we have in this Bill and the law as it exists in New Zealand and New South Wales. One of the proposals of this measure relates to the extension of preferential voting to all elections. Under the amending Act of 1919 provision was made for this system, but the Act stipulates that it shall apply only to the election of a mayor, or in the case of a councillor when the municipal district is divided into wards. And not all municipal districts are divided into wards. With regard to absentee voters, it is proposed that if a person is unable for certain specified reasons to attend a polling booth on the day of an election, he may vote in absence before the returning officer, a town clerk, or other person appointed by the Minister. Justices of the peace, unless appointed for the purpose by the Minister, will not be permitted to take absentee votes. I think that perhaps the question of the franchise is the most important amendment contained in the Bill. The Bill is quite a large one with a considerable number of amendments. I have no doubt that many members will be in agreement with most of them, but there may be some particular amendment on which they would like specific information and I will be only too pleased to give whatever information I can at the right time. Amongst other provisions of the Bill are amendments relating to—

(a) The machinery sections which deal with the electoral roll and the election of the councillors.

(b) General and special meetings of ratepayers, and other proceedings of councils.

(c) Payment of expenses of delegates to municipal conferences.

(d) Building by-laws.

(e) Power to expend money for the erection of camps and so on near pleasure or health resorts.

(f) The setting aside of land for children's playgrounds.

(g) The mode of arriving at the unimproved value of land.

(h) The manner of making up the rate-books.

(i) Power to amend valuations and adjust rates.

(j) Appeals to the local court.

(k) Owner's liability for rates.

(l) Repeal of the section which provides that unpaid rates shall carry interest.

The Bill provides that a debt owing to the Council shall be recoverable by civil action in any court of competent jurisdiction.

(m) The method of recovering rates and the abolition of distress for rates.

(n) The amplification of the works and undertakings that shall be deemed as such for the purpose of those sections dealing with borrowing powers, and

(o) The election of auditors.

There are other and perhaps more minor amendments which have been considered to be highly desirable for some time past.

There is much that could be said on a Bill of this kind, but if one went into detail at this juncture one would have to repeat himself at the Committee stage. Therefore I have confined my remarks to a general outline, believing that members will be just as keen and desirous as I am of getting the Bill into Committee so that we may do something there in the direction of what has been sought for a considerable time by every municipal body in Western Australia. I move—

That the Bill be now read a second time.

On motion by Hon. J. Nicholson, debate adjourned.

BILL—AIR NAVIGATION.

Received from the Assembly and read a first time.

BILL—MINING ACT AMENDMENT (No. 2).

Second Reading.

Debate resumed from the previous day.

HON. C. G. ELLIOTT (North-East) [5.22]: The object of the Bill is for the purpose of preventing the Minister for Mines granting any further reservations in the mining areas to individuals or companies. As one who has had wide experience of mining in all its branches, I have given the question of mining reservations a certain amount of attention. The provision in the Bill is that Section 297 of the principal Act shall be amended by the addition of the following words:—

Provided that, after the commencement of this Act, no right of occupancy shall be conferred on any person authorising such person to exercise any rights of mining or prospecting for gold on any such land, or conferring any renewal or extension of any such rights hitherto acquired.

I do not intend at the moment to discuss whether Section 297 of the Mining Act does, in fact, give the Minister the necessary power to grant mining reservations, but I am inclined to believe that when Parliament passed that section it did not intend that this full power should be given to the Minister. I am of the opinion that it is too much power to give to a Minister of the Crown. I consider that when an application is being made for a mining reservation, it would be preferable that the warden of the particular district should deal with it in court, and that his recommendation should be submitted to the Minister. The Bill now before us is, in my opinion, one of first-class importance to the mining industry. That is undoubted, and I would say that if any Bill requires the assistance of a select committee to go into its various phases it is the Bill now before the House. That being so I would suggest that a select committee be appointed.

Hon. C. B. Williams: What about a Royal Commission? We could find out then who has had all the graft.

Hon. C. G. ELLIOTT: I suggest that a select committee be appointed, but it should clearly be understood that if the suggestion be agreed to it will be very necessary for the committee to visit the goldfields so that the work of its members might be carried out thoroughly, and where they could get all the necessary evidence on the spot. While fully realising the importance of doing everything necessary for the encouragement of the natural flow of capital into the mining industry, it is very questionable to me whether the wholesale granting of extensive reservations is the right method to adopt. The granting of mining reservations comes under two headings—open and closed reservations. The open reservation allows prospectors to search for gold, and if successful to hold mining tenements or mining leases on them. This is subject to the provision that should a prospector make a find on a reservation and is disposed to sell it, he is compelled to give the first option of purchase to the holder of the reservation. On the surface that would appear to be all right, and as a matter of fact the Minister for Mines has stated on several occasions that if he had to go prospecting he would certainly prefer to try his luck on an open reservation. I now propose to give particulars of what may happen to a man holding a goldmining lease on an open reservation. Some few years ago a party of prospectors held a mining lease about 60 miles from Kalgoorlie. They opened up a sulphide lode, and a buyer came along who was representing an influential English company. He liked the proposition and, subject to sampling, tentatively arranged a price for the show. He promised to send along his sampler within a week. In the course of a couple of days one of the prospectors vis-

ited Kalgoorlie and he met the buyer, who informed him that he had discovered that the show he was arranging to buy was on an open reservation, and that that being so his company were not prepared to interfere in any way with the holders of that particular reservation. The owners of the reservation refused to give the price required by the prospectors. Then the prospectors found themselves in the position of being absolutely at the mercy of the holders of the open reservation, and eventually they had to abandon their show. It can be realised by the case that I have quoted that open reservations in effect can be open in name only. In comparison with the open reservation the closed reservation is most anomalous. Any person entering a closed reservation can be proceeded against for trespass. A closed reservation is closed only by imaginary lines. There are no datum pegs and no boundary marks. I can give instances where men after months, and sometimes years, of prospecting have located a prospect on a closed reservation, pegged a prospecting area, then travelled to the nearest mining registrar for the purpose of registering the claim, only to find that their location was on a closed reservation. The result, of course, was that they had to forfeit it. There are many closed reservations in my electorate. I can mention a reservation at Mount Monger that has been held for a number of years. No money has been spent on it by the holders by way of prospecting.

Hon. C. B. Williams: Who are the holders?

Hon. C. G. ELLIOTT: Claude de Bernales.

Hon. C. B. Williams: That's the chap.

Hon. C. G. ELLIOTT: Because of the representations of the local branch of the Prospectors' Association the holders of the reservation decided to abandon 500 acres of it in May of this year. The result speaks for itself. At present there are between 30 and 40 prospectors holding mining tenements and gold mining leases engaged in working the ground and producing gold. Another reservation at Comet Vale, comprising nearly 800 acres, has been held for a period of over 18 months. This is held by the Sand Queen Gold Mining Company, but as a matter of fact that, too, is Mr. de Bernales.

Hon. C. B. Williams: That is closed down.

Hon. C. G. ELLIOTT: One shift is being worked there. This reservation has been held for 18 months. I discovered in answer to a question that no money has been spent by the holders in prospecting the area. No prospector has the right to prospect there. I could give many instances to show that reservations have been held for many years without the expenditure of a single shilling in prospecting the ground. These reservations are being held for one purpose only, namely, for speculation. They are held at a peppercorn rental, and no revenue in the shape of lease rentals is being paid to the Crown. The holders are not compelled to man the areas, as holders of mining leases are compelled. A prospector may find a show and decide to take it up as a mining lease. In the second year he has to pay £1 per acre per annum, and to put on two men for every 12 acres that he holds. The unfairness about these closed or open reservations is that the holders do not have to pay anything by way of lease rents, nor do they have to mine the area, as is the case with the prospector who holds a mining lease.

Hon. C. B. Williams: Or a prospecting area.

Hon. C. G. ELLIOTT: During the time that these reservations have been held, not one find has been made upon them by the holders. On the other hand, during the same period, although prospectors have been prohibited from prospecting on these closed reservations, they have been responsible for the discovery of many major finds. Some of these have been taken over by companies, developed, treatment plants erected, and they are now producing thousands of pounds worth of gold monthly. I am prepared to state that had these closed reservations been available for prospecting, many other important finds would have been made. It is time the question of granting reservations was cleared up. If it be shown that a modified system is necessary for the expansion of the gold mining industry, I shall be the last to object. On the other hand, if it can be shown that the wholesale granting of reservations has outlived its usefulness, and is no longer necessary for the further expansion of the industry, then the sooner we finish with the granting of such reservations the better. I have tried to give a brief outline of the methods adopted regarding these reservations. I have also tried to describe the disabilities that occur when closed reservations are granted, and I have also endeavoured to point out the importance of the

matter to the mining industry. I should like again to suggest the necessity for appointing a select committee thoroughly to inquire into the whole question, so that evidence may be taken from both angles and proper deductions arrived at.

Hon. C. B. Williams: Only one deduction can be arrived at.

Hon. C. G. ELLIOTT: I support the second reading.

HON. E. H. H. HALL (Central) [5.35]: As representative of the Central Province, which includes the Murchison goldfields, I listened with interest last night to Mr. Williams' speech. That he made serious charges against the Minister for Mines cannot be denied. Mr. Elliott has suggested referring this Bill to a select committee. I agree with the interjection that if an inquiry is to be made, in justice to the Minister and the Government, nothing short of a Royal Commission will meet the case. I suggest to Mr. Williams that he finish the job by moving in that direction.

Hon. C. B. Williams: We might get another Royal Commission such as that which whitewashed the Premier over the Yellowdine options.

Hon. E. H. H. HALL: Some months ago I was asked by a man in the Victoria district to make inquiries into a deposit known as the Tallearing iron ore deposit. It was not being worked, but there was considerable discussion and publicity given to the deposit some years ago. I made inquiries from the Mines Department. The place is situated along the Mullewa-Cue railway. I found that an agent of the gentleman who was responsible for introducing the capital which has taken over and is developing the Big Bell mine is the holder of a reservation which takes in the iron ore deposit. No one can get into it to-day. Last week, in company with several other members of Parliament, I was present at the opening of the Big Bell mine. I was asked there to make inquiries concerning an iron ore deposit known as Wilgemia, some distance out from Big Bell. I made inquiries at the Mines Department, and found the outstretched hand of the same gentleman again playing a part in the matter. It was either he or his agent, Mr. Max Kott, of Perth. If a Royal Commission were appointed it would show that we were desirous of getting to the bottom of things. There are two sides to every story. We heard one from Mr. Williams last night. Nothing short of a Royal Commission is required to deal with this very serious state of affairs. It means a lot to Western Australia. We want to encourage people with capital to come here and help us develop the State. We are constantly being reminded of that necessity. We should do all we can to assist people who spend their money in opening up our mining propositions. We also want to give them every protection. We should also give every assistance to the old-time genuine prospector as well, so that he may assist in opening up our mining propositions. After listening to Mr. Williams, I am reluctantly forced to the conclusion that we are not doing all we should in this direction. Many statements have been made, and I have nothing authentic to go upon, concerning what Mr. Mandelstamm, who influenced the Big Bell capital to come here, actually got out of the business. I understand he had the Big Bell proposition in his pocket for a number of years.

Hon. C. B. Williams: He had three propositions.

Hon. G. W. Miles: He was justified in the case of the Big Bell.

Hon. E. H. H. HALL: Ultimately he was successful in getting the Big Bell on the market in London.

Hon. C. B. Williams: For his own particular benefit.

Hon. E. H. H. HALL: We should be grateful to him for having influenced so strong a financial company in coming here and opening up this big low-grade proposition. He should be handsomely rewarded for his efforts. If, however what I hear about the rake-off he received is true, I feel it is not a fair thing to the people of the State that any man should be able to enrich himself by disposing of something which belonged to the people. Of course he should be rewarded for making that contract, and for the expense he incurred in meeting influential people and visiting expensive clubs and so on, but I cannot think that any man had a right to get the enormous sum that I understand this gentleman received. I hope Mr. Williams will move for the appointment of a Royal Commission. The Minister for Mines has always been accepted as a good Minister. It is only fair to give him an opportunity to clear himself of the serious charges that have been made against him. It is with pleasure that I support the second reading.

HON. E. M. HEENAN (North-East) [5.45]: As a representative of a mining province I feel I should give my views to the House. I trust that members will deal with the Bill dispassionately. I am disposed to regard the proposal to refer it to a select committee as a very wise one.

Hon. C. B. Williams: For what purpose? To perpetuate this sort of thing?

Hon. E. M. HEENAN: I hope I shall deal fairly with both points of view, and I trust Mr. Williams will bear with me for a few minutes. As regards the intention of the Legislature with respect to reservations, I agree that the section never contemplated the extensive application of the principle that has been pursued. Be that as it may, I will be quite fair and admit that the granting of such reservations has probably had something to do—if not directly, at any rate indirectly—with the vast amount of overseas money that has been expended in the State in recent years.

Hon. C. B. Williams: Has the expenditure of that money produced one ounce of gold?

Hon. E. M. HEENAN: I cannot say. I was impressed by the remarks of Mr. Williams and Mr. Elliott. Both have probably given this Bill more consideration than I have had time to devote to it. I accept their word that probably no rich find has resulted from the granting of reservations.

Hon. C. B. Williams: Not an ounce of gold, let alone the discovery of one rich mine.

Hon. G. W. Miles: What about the Big Bell?

Hon. C. B. Williams: That was a mine when you were a child.

The PRESIDENT: Order! I would remind Mr. Williams that he will have an opportunity to reply to the debate.

Hon. C. B. Williams: That is correct.

Hon. E. M. HEENAN: I repeat my statement that, in my opinion, the granting of reservations has indirectly, at any rate, to some extent been justified. It has, in part at least, been responsible for the expenditure of a lot of overseas money in Western Australia. If the granting of a reservation was responsible for opening up the mine at Big Bell and placing the field in its present position, I think we can all agree that the granting of reservations has, to some extent, been justified. Now I come to another aspect. I travel extensively around the North-East Province, which includes such mining centres as Laverton, Lawlers, Menzies, Leonora, Broad Arrow and others nearer to Kalgoorlie. Frequently I come in contact with prospectors. Anyone with a knowledge of the mining industry and of what is going on in the outback districts must have the highest regard for that section of the community. I would go further and say that whatever stage our mining industry has reached, the main credit must be given to the prospector. We cannot give that credit to the investors in London, Adelaide or elsewhere, but undoubtedly it must go to the prospectors who have ventured into the out-back and have been responsible for locating practically all the finds that subsequently developed into the prosperous mines we have to-day. In my opinion, the point of view of the prospectors is worthy of consideration. Almost to a man, the prospectors are opposed to the system of reservations. I do not propose to state the particular grievances the prospectors have in that respect, because I think Mr. Williams did that very adequately last night. That hon. member pointed out instances where men had gone out prospecting, found shows, and had returned to apply at the warden's court for a lease, only to be told that the particular localities they were interested in were covered by a reservation. That is certainly not a satisfactory state of affairs. At this stage I would not be rash enough to say that the system of granting reservations should be abolished absolutely, or that the system has sufficient merit to warrant its continuance in a modified form. A careful investigation should be made before determining those points, and that is my reason for agreeing to the appointment of a select committee. If the system does continue in a modified form, in my opinion any reservation should be applied for in the local warden's court, and be dealt with by the warden of the district. A similar system in a modified form should operate, in my opinion, to that relating to the application for a goldmining lease. If a man applies for a lease of that description, he has to peg out the ground in an approved manner; pegs of a suitable size have to be placed at the four corners; the boundaries have to be properly marked; notices must be posted on the ground; his application has to be advertised in a paper circulating in the district. In due course the merits of the application are dealt with in open court.

Hon. H. Seddon: He is supposed to run his lines.

Hon. E. M. HEENAN: I said that the boundaries had to be marked in an approved manner.

Hon. C. B. Williams: How are you going to ring the boundaries on a property that covers 16 miles by ten or more? Have some sense!

Hon. E. M. HEENAN: I hope Mr. Williams will give me credit for having some sense. I quite agree that if a fairly large area has to be marked, a less strict system would suffice. On the other hand, notices can be placed on the locality, thereby giving people there an opportunity to know that an application for a reservation was being made. That would enable them to oppose it, if necessary, when the time arrived. However, the wardens gain an extensive knowledge of their respective districts, and if applications were made as I suggest, many of the injustices recited by Mr. Williams would not occur. That is all I propose to say at this juncture. I listened attentively to the speech delivered by Mr. Elliott, and I commend his remarks to the House. I also commend his suggestion that the Bill should be referred to a select committee, which would permit of a more careful investigation of this matter than is possible for the average member.

HON. C. H. WITTENOOM (South-East) [5.54]: Had I been walking along St. George's-terrace yesterday and been asked by a friend interested in mining what I thought of this proposal to amend the Mining Act, I would have said without hesitation that I was entirely opposed to it, that it was quite wrong, that if agreed to it would have a bad effect upon the mining industry, that it would prevent the investment of capital in the mining industry, and that, generally speaking, the Bill was no good at all. That would have been before I heard the excellent speech by Mr. Williams. After listening to that hon. member, I commenced to think about the matter. I have always looked upon Mr. Williams as a competent and useful member of this Chamber, particularly with regard to mining matters. He has been associated with the industry practically all his life. After considering the statements he made, I thought about the whole question, and I could not fail to remember that the principal Act is very old. It was introduced in 1904, and much water has run under the bridge since then. Mr. Elliott suggested that possibly the Minister had acted illegally when he granted the reservations that prompted the introduction of the Bill. Why on earth have we a Crown Law Department, a Crown Solicitor, and other law officers to deal with such matters? No doubt since attention was drawn to this matter last session, the whole business has been before the Crown Solicitor, and the Minister's action was declared to be perfectly right. It is useless to talk about the Minister for Mines illegally granting these concessions. In spite of the excellent speech by Mr. Williams last night, I am convinced that such reservations should be granted, but not quite in the same way or under the same conditions as in the past. For that reason I shall vote for the second reading of the Bill. I was sorry to note the references Mr. Williams made in his speech, not only to the Minister for Mines but to certain mining companies in addition.

The Chief Secretary: I thought you said it was an excellent speech.

Hon. C. H. WITTENOOM: The subject matter was excellent, but it is always possible to pick out a few bad patches in a speech. Mr. Williams commented in a very derogatory manner on two of the big mining companies. I refer to the Western Mining Corporation and that controlling the de Bernales group. In my opinion, he was most unfortunate in selecting those two organisations, because they have been responsible for operations on certain big mines being revived, and possibly of new mines being developed on a big scale. I understand that those two concerns have already spent about £1,500,000 each, which means that a total of £3,000,000 has been spent already in connection with the goldmining and other operations of the State. In addition to that there is the Big Bell mine, on which the company controlling it have spent some £600,000. And many other mines have been worked and brought to light by means of those concessions. Probably nothing would have been heard of them had not those concessions been granted. It would have been much more to the point had Mr. Williams mentioned those concessions that had been held for a considerable time without anything being spent on them. I think it is wrong for a big concession to be given to a

wealthy company for a mere bagatelle of say, £5 or £10. There is no doubt that wealthy companies should be made to pay a much higher fee and should be made to comply with certain labour conditions. After leases have been granted to prospectors they have to comply with the labour conditions, but prior to that they do not have to regard them. At least two members speaking this afternoon have suggested that the Bill should go to a select committee. There are so many points in the measure that I would support the appointment of a select committee to deal with them. It would be rough on a prospector who, after he had spent half his life at the work, and had found gold and pegged out a lease, should discover that owing to the nature of the reef or the lode far better prospects had been obtained by indiscriminate persons coming along and pegging out the ground around his lease. Possibly that predicament could be avoided by the issue of a prospecting area of, say, 24 acres. As soon as the prospector sees it is going to be a payable concern he has to peg out a lease in the ordinary way. Of course a prospecting area of 24 acres would be of no use to a big company, and so they would not help to induce capital to come into the State.

Hon. C. G. Elliott: But the big company could take up several such areas.

Hon. C. H. WITTENOOM: Yes, I know that. They could take up several in that way. But some concessions are several square miles in extent.

Hon. G. W. Miles: One of them has 16 square miles under that method.

Hon. C. H. WITTENOOM: That is so. Nothing should be done to prevent capital coming into the State; but we require to do all we can to encourage prospectors. This class of concession is very much against the interests of the prospector. I do not agree with Mr. Williams that reservations have not been the means of gold being found, for the granting of those concessions has been the means of bringing in a large amount of capital from abroad, and certainly gold has been found upon them, whether directly or indirectly. I hope we shall get a deal of information from our mining members about this question. I am quite in accord with the proposal that the Bill should go to a select committee and so I will support the second reading.

On motion by Honorary Minister debate adjourned.

BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

Second Reading.

HON. A. THOMSON (South-East) [6.6] in moving the second reading said: Some members may hold that this endeavour to amend the State Transport Co-ordination Act is what might be termed King Charles's head, which always seemed to turn up in one of Dickens's books. But if one honestly believes that something should be done, then one is perfectly justified in submitting again for the consideration of members an amendment of this Act in such a way that one thinks it will possibly remedy at least some of the defects in the parent Act. With the permission of the House I propose to read a statement made by the present Premier, then Minister for Railways, when he moved the second reading of the parent Act on the 14th November, 1933. Mr. Willcock said:—

> This legislation is entirely new to Western Australia, although to some extent we have had control over motor buses and motor transport per medium of the Traffic Act. For the purposes of co-ordinating and controlling the whole system of transport in Western Australia, this is the first time a measure of this description has been before Parliament. It will be agreed that transport plays a very important part in the economic and social life of the people. Any measure that has for its object the control of transport may have very serious results, one way or the other, upon the progress of the State. The proposals contained in the Bill will need to be carefully studied so that the House may be assured after passing it, that it will improve the existing conditions for the general welfare of the people, and that there will be no retrogression following upon its enactment. Transport is like most things in these times. Many and extensive improvements have been made. The evolution of the internal combustion engine has brought with it great convenience and great mobility, besides playing a useful part in the development of the country. No reasonable person would endeavour to stop the progress of or deny the advantage of motor transport. Undoubtedly there is a sphere of usefulness for trams and trains, as well as for motor transport, and even transport by means of horses. So long as each of these respective spheres keeps to what it can do best in the interests of the community, no harm will be done, but much good

will accrue to the State. Each system of transport should be encouraged so long as it is used in the best way to supply the needs of the people.

It will be remembered that when the Bill came before this House I strenuously fought it clause by clause; because while I realised that the Railway Department had their difficulties, and were justified in asking for some measure of protection, I also realised that it was going to inflict a grievous hardship on those resident in country districts. Also in this House on several occasions I have submitted for the consideration of members the proposal that a select committee should be appointed to inquire into the working of the Railway Department with a view to reducing the capital cost of the railways. However, my proposal was refused by the House. Apparently I was somewhat before my time. It is very gratifying for me to find that in another place at present there is a motion which has for its object the appointment of a Royal Commission to consider the working of our Railway Department, which is the largest spending department we have. Whilst I have fought for certain amendments to the State Transport Co-ordination Act I have always had the greatest sympathy for the Commissioner of Railways in the task that has been placed on his shoulders. In New South Wales and in Queensland a very substantial reduction has been made in the capital cost of the railways. Moreover, the secretary of the Railway Officers' Union has submitted a very well-thought-out plan to the Press, urging that the capital value of the railways should be reduced to enable the Commissioner of Railways to reduce railway freights, and to place the railways in a position to meet legitimate competition. The Railway Department has had to carry a burden of many lines that were built to open up and develop various parts of the State. In the Eastern States the Railway Commissioners have been compensated for such railways. I think that Victoria pays half a million a year to the Commissioner of Railways for services rendered in the running of non-paying lines.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: I was dealing with the amount of money provided for the Victorian railways on account of non-paying lines to relieve the Commissioner of Railways of some of the expense. The Queensland Government have written off £28,000,000 of the capital cost of the railways of that State. Victoria has written off £30,000,000 and Tasmania has written off over £4,500,000. Our railways have a capitalised value of approximately £26,000,000. I am satisfied that if the Commissioner of Railways here could obtain similar relief to that granted to the railway systems in the Eastern States, he would not be as keen in his criticism of transport co-ordination as he is in his annual report tabled a few days ago. I again direct attention to the remarks of the Premier when this legislation was introduced. He said—

> The proposals contained in the Bill will need to be carefully studied so that the House may be assured, after passing it, that it will meet the existing conditions for the general welfare of the people and that there will be no retrogression following upon its enactment.

I wish members to contrast that statement with the remarks of the Commissioner of Railways in his annual report. On page 11 he states—

> Three years have passed since the State Transport Co-ordination Act came into being, and it is timely, perhaps, to review briefly its operation. In the main the measure may be said to have achieved the purpose for which it was framed. Unfair and irresponsible road competition, which had assumed alarming proportions, has been eliminated except for relatively short distances, and railway finances, despite heavy contemporary rebatements of freights, have benefited substantially as a result. In place of the wasteful duplication which existed previously, rail and road transport has been co-ordinated in the economic service of the community, whose convenience has not in any material degree suffered from the change.

There is somewhat of a contradiction in that paragraph. In the first place, the Commissioner comments upon the unfair and irresponsible road competition having been eliminated, and then he says that rail and road transport has been co-ordinated in the economic service of the community. If that is the interpretation placed upon this legislation and its working, the Commissioner's viewpoint is certainly at variance with the remarks of the Premier when he introduced the measure. I propose to show how the Railway Department view the convenience of the country districts. The Commisioner, in his report, proceeded—

> As is only to be expected in any evolutionary measure of the kind, operation of the Act has revealed certain deficiencies in its machinery, and there is good reason to believe that some

of the exemption clauses are being exploited in a manner foreign to their real intention.

That is the reason why I am again submitting an amending measure for the consideration of Parliament. In my opinion the Act certainly has revealed deficiencies that ought to be remedied. One point in the Commissioner's report demonstrates the official mind and viewpoint as to the convenience of the public. The Commissioner says—

Producers also are revealing a tendency to take undue advantage of the privileges reserved to them to convey, as back-loading on their own trucks, requirements for domestic use or for use in the production of their wares, and special trips to the city are, in many cases, undertaken for the prime purpose of replenishing petrol or fuel requirements for themselves and for neighbours, rather than for the marketing of their perishable and other products, as contemplated by the exemption.

How remarkable that a man drawing approximately £2,000 a year should sit in judgment upon producers who are endeavouring to wrest a living from the soil and who are trying to reduce their costs of production! Because they use their own trucks and in their own time try to save a few shillings, they are, in the eyes of the Commissioner, committing a crime and should be debarred from thus attempting to run their business economicaly. It is illuminating to recall the sentence I have quoted from the Premier's speech and the narrow view submitted as the considered opinion of the Commissioner of Railways. I am of opinion that the Act should be amended and somewhat liberalised. The official viewpoint is amazing. It is common knowledge that the town of Williams is 100 miles from Perth by road. The distance by rail via Narrogin is 183 miles, and via Brunswick Junction 194 miles. A protest was entered and the Transport Board agreed to allow a motor to travel on that route for the carriage of goods. A request had been submitted to the Commissioner of Railways previously that his charges for goods conveyed to that town should be based on the direct mileage. The Commissioner, however, would not agree. The Transport Board issued a license to a carrier to convey goods to and from the town. The service was proceeding satisfactorily until suddenly a bombshell was dropped on the people and the department indicated that in view of the extreme competition received from one motor truck a station master would not be retained there. Naturally the people took exception, and I believe that as a result of the division of opinion a vote of want of confidence in the road board was carried, and the board resigned. Let me further quote to show the official viewpoint. I have a copy of a letter signed by the secretary of the Williams Road Board that I received in June last. It stated—

The Commissioner of Railways has given notice of his intention to remove the station-master from Williams, which action will leave the whole line from Bowelling to Narrogin unattended.

At the time of the passing of the Transport Act, the Commissioner promised that as a result of increased business, there would not only be a reduction of freights, but that increased facilities would be provided

There can be no doubt that the railways are enjoying increased revenue from the station and sidings under the control of Williams since the passing of the Transport Act, and my board considers that by his action the Commissioner is not only breaking his promise, but is using an unfair lever to coerce the residents into parting with the truck, to which the Transport Board considers the districts' geographical position entitled them.

A minority of the people would prefer this to happen rather than that the district should lose its station-master, but all are agreed that we are fully entitled to both facilities. In view of the above facts my board asks you to use your best endeavours to retain them for this district.

My board feels convinced that a mere threat by the Transport Board to remove wool from the prohibited list would be sufficient to induce the Railways Commissioner to keep the promise he made.

In company with my province colleagues, Messrs. Piesse and Wittenoom, and the member for the district, I waited on the Minister for Railways to protest against the removal of the station-master, especially as there was none between Narrogin and Bowelling, and on the ground that there was no need for this convenience to be denied to the people. In due course we received a reply from the Minister, and again I wish to direct attention to the official mind as disclosed in this letter. It reads—

With reference to the recent deputation on the question of the withdrawal of the resident staff of Williams railway station, as promised, I have inquired further into the matter and, after examination of the position from all angles, I am drawn to the same conclusions as those arrived at by the Commissioner of Railways.

Of course we would not expect the Minister to override the Commissioner of Railways. Therefore that part of the letter was easy to understand. But I want to draw particu-

lar attention to the second paragraph, which reads—

It will perhaps be conceded that whatever claims Williams has to-day to be a thriving agricultural centre have been brought about solely by rail transport, but this very important fact, by the residents' defection to road transport, has apparently been lost sight of, and in view of the dwindling receipts disclosed by the traffic returns the retention of the station-master can no longer be justified.

I do not know how old Williams is. Mr. Harold Piesse probably could give accurate information on that point. I do not wish to ask him his age just now, in view of the fact that so many ladies are present; but I know that the hon. member was born at Williams. I know also that long before there was any railway to Williams, it was known as a thriving township. Yet we find the Minister in charge of the State railways writing a letter such as this, asserting that the town of Williams, which was established long before railways had been thought of, was only brought into being by the fact of its having railway communication. Williams is probably a hundred years old.

Hon. L. Craig: It is very small to be so old.

Hon. G. Fraser: It is not like Johnny Walker; it does not improve with age.

Hon. A. THOMSON: I do not think Mr. Fraser is justified in making that interjection, because he has not been at Williams. Let me mention that substantial buildings are now being erected in the main street of that town. This shows that the district is an improving one. The removal of the station master was merely in the nature of a threat; he is still there. However, the license of the motor truck was cancelled.

Hon. H. Seddon: What is the annual tonnage from Williams?

Hon. A. THOMSON: I have not that information. The residents maintain that the tonnage has increased. I have quoted the official mind because I am leading up to what I hope will satisfy hon. members that there is reason for the amendments proposed in the Bill. Now I wish to read a letter, published in the Press, which was sent to the secretary of the Williams Road Board by the Western Australian Transport Board. It reads—

The Secretary,
Williams Road Board,
Williams.

Sir,—I am writing in reference to correspondence which has taken place relative to the removal of the railway station-master from Williams and the question of the Perth-Williams road transport service.

My board has given the fullest consideration to those matters, and has arrived at the conclusion that the operation of the road transport service is not warranted. The operator, Mr. L. Fairhead, has been informed that he must cease the service as from the 16th August.

In this connection I am directed to point out that this board has never at any time considered that the town of Williams was entitled to special treatment in the matter of road transport. Fairhead's license was granted merely with a view to ensuring service to Quindanning.

It is now proposed to make other arrangements for a service to cater, as the granting of Fairhead's license will no longer exist.—Yours, etc.,

R. H. HOWARD,
Secretary W.A. Transport Board.
Perth, 15th July, 1937.

Again we see the official mind even in the Transport Board. The convenience of the general public and the convenience of a district are not considered: the Railway Department come first in the mind of the Transport Board. Indeed, the general welfare has been entirely lost sight of not only by the Railway Department but also by the Transport Board. It is reasonable to suggest that the price of commodities is involved in this question. Crossman is 106 miles from Perth by rail, and about 80 miles from Perth by road: so there would be 20 miles of cartage. It has been suggested—I do not know that the suggestion will be considered—that the business people of Williams should have the right to rail their goods to Crossman, involving only 100 miles of railway freight, and then to cart them from that centre to Williams. Let me point out the serious position in which the Williams business people find themselves. On one side of them there is the town of Collie, a fairly large centre, from which competition is keen. On the other side there is the town of Narrogin, which also competes keenly. Both Collie and Narrogin are closer to the metropolis than Williams is, and therefore pay lower railway freights: moreover, at their railway stations every facility is available. Therefore the additional impost placed upon Williams by the cutting-out of road transport means that the local business people have to meet the competition of two large towns in addition to paying higher railway freights. The railway rate on first-class goods to Crossman is 47s. 11d.

per ton, and the rate on second-class goods is 62s. 7d., for the 106 miles. If the goods have to travel 183 miles to Williams, the first-class rate jumps to 73s. 9d. and the second-class to 96s. 6d. It will be seen that Williams settlers are heavily penalised by the elimination of road transport and the circuitous route thereby involved. I do not propose to deal further with that aspect. I shall now briefly outline the proposals of the Bill. The measure is exactly the same as was submitted last session, and I hope that this time the House will pass it in its entirety. Last session it was passed subject to certain deletions. In another place, if my memory serves me rightly, it was defeated on the casting vote of the Speaker. The old adage says, "If at first you don't succeed, try, try, try again." I honestly believe that our just cause will ultimately triumph. Perhaps this session the measure may meet with more success in another place, if I can prevail upon this House to pass it. The first proposal is to amend Section 33 of the principal Act by extending the distance of cartage without permit from 15 miles to 30 miles in the metropolitan area. The Railway Department have recognised—it is admitted in the Commissioner's report—that bricks, firewood, and other materials of the same nature should be transported by carriers. It has been proved that motor trucks can carry bricks 30 or 40 miles with less damage than that for which the Railway Department is responsible. I believe the Commissioner of Railways has had to admit that serious damage occurs to bricks transported over his lines. I know of a case where a contractor ordered bricks from a point on the Great Southern Railway to be delivered at Kondinin. The bricks were of a class which has been carried 30 or 40 miles on the roads and then arrived in fair condition. One can imagine the horror of the contractor when he found, at Kondinin, that the bricks had been absolutely rubbed down, by oscillation of trucks and the roughness of the track, from a depth of 3 inches to 1¼ inches.

Member: Were they State bricks?

Hon. A. THOMSON: No. State bricks brought the Commissioner of Railways to heel, if I may so express it, causing him to permit bricks to be carted by motor truck instead of being transported in railway trucks. Even on the short journey to the metropolitan area, State bricks, which left the works as first-class, deteriorated to such an extent that they could not possibly be used as first-class bricks. We tell the people that under present conditions they must get out of the city, that we do not want them to live in closely congested areas, and that we do not want them to live in flats, but that we want them to build homes a reasonable distance out. Working people are enabled to do that by virtue of the land further out being much cheaper. On the other hand, if they go out over 15 miles, they are penalised as regards delivery of goods. Therefore the Bill suggests that the distance of carriage by truck without permit should be increased from 15 to 30 miles.

Hon. G. Fraser: Would not the firms delivering up to 15 miles go beyond the 15 miles?

Hon. A. THOMSON: They have to obtain a permit to go beyond the 15 miles.

Hon. G. Fraser: I understood the limit was 15 miles irrespective of the Act.

The PRESIDENT: Surely a point of that kind had better be discussed in Committee.

Hon. A. THOMSON: Certain people, for obvious reasons, are undesirous to have their names mentioned; but they would be pleased to have the opportunity of delivering their goods outside the 15-mile limit.

Hon. L. Craig: There is another amendment in that clause.

Hon. A. THOMSON: That extends the distance of 15 miles to 30.

Hon. L. Craig: That applies to the metropolitan area.

Hon. A. THOMSON: It applies to the whole State. I am pointing out to metropolitan members that their districts, as well as the country districts, would benefit from the passing of the amendment. Section 37 of the Act deals with the right of appeal. I think that all of us, when this section was before the House, were under the impression that it would allow anyone who was dissatisfied with a decision of the board to appeal to a stipendiary magistrate against the board's refusal to grant an application; but we have found that it does not provide that right of appeal. Therefore, in Clause 3, I am proposing that Section 37 of the Act shall be repealed and the following section substituted:—

37. (1.) Subject to the provisions of this Part, the board may grant the application

(with or without variation) or may refuse to grant the application.

(2.) (a) Any owner of a commercial goods vehicle or any other person feeling aggrieved by any decision of the board refusing or varying the application, or attaching any terms or conditions to a license granted by the board on such application, may appeal to the resident magistrate in whose magisterial district is situate or principally situate the area or route which would be served by the service or the proposed service.

I think I should be able to claim the vote of every Labour member in this House and in another place for the right of appeal. If I committed a certain offence and was brought before an ordinary court of law, I would have the right to appeal against the decision of the magistrate. It will be found in the Industrial Arbitration Bill which has been submitted to us for consideration, that there has been included a clause which asks, in effect, that an employee who may be dismissed from private employment should have the right to appeal against the dismissal.

The Chief Secretary: Which clause is that?

Hon. A. THOMSON: I think that is the intention, and when we come to the Bill I shall be prepared to discuss the matter with the Chief Secretary.

Hon. L. Craig: There is a right of appeal in the Act, but you say it shall be to a resident magistrate and the Act says it shall be to a stipendiary magistrate.

Hon. A. THOMSON: There is not a right of appeal; that is what I am pointing out. It would appear to the hon. member and to others at first glance that there is a right of appeal, but that applies only to licenses which were in existence when the Act came into being; but now there is no appeal at all. The best case in the world could be put up to the Transport Board, and if they said they would not grant the application, there would be no appeal from their decision to anybody.

Hon. L. Craig: You mean when they could not receive a license?

Hon. A. THOMSON: Yes. If a man applies for a license to-day and the Transport Board turns him down, he has no right of appeal. I would draw attention to the anomalous position which has just arisen in the Claremont-Nedlands area. We are aware that there has been a considerable amount of discussion regarding the inconvenience to the travelling public along the Perth-Fremantle road. The Claremont Municipality and the Nedlands Road Board approached the Transport Board and asked that passengers should have the right to join buses travelling backwards and forwards, but that was refused by the board. Subsequently at a meeting of the Nedlands Road Board, according to a report in the Press, the chairman of the board said that a petition had been completed for presentation to the Legislative Assembly and that all those who had promised their support in getting signatures were asked to get into touch immediately with the board's secretary, or the town clerk of Claremont. The report continued:—

> The board approved of the petition which, after setting out the present restrictions on the bus services through the district, and the disabilities suffered by residents as a result, and pointing out that the promise to have the trolley bus service in operation by January, 1937, had not been fulfilled, continued as follows:—"Your petitioners therefore humbly pray:—That your honourable House will be pleased to receive this their humble petition and to give it your earnest and immediate consideration."

Hon. G. Fraser: By petition those same people got the trams.

Hon. A. THOMSON: They apparently found the trams unsatisfactory. The hon. member belongs to a body which has the right of appeal against awards of the Arbitration Court, and rightly so; but in this connection there is no right of appeal. The board simply says, "We will not grant your request," and these people are therefore constrained to prepare a petition to submit to Parliament, and humbly ask Parliament to consider it. But unless Parliament amends the Act, it has no more power over the Transport Board than have the Claremont Council or the Nedlands Road Board. If this section which I am seeking to amend is amended, the residents of those districts will have the right to appeal to a stipendiary magistrate, or the resident magistrate, who will give a decision. Surely that is not asking too much. After all, the convenience of the public should receive consideration. We find that at the meeting of the road board, the Transport Board was criticised. The report read as follows:—

> The road board meeting also had before it a letter from the Transport Board in reply to a request for the granting of a temporary license for a bus service. The Transport Board stated that it could not approve of the operation of a temporary omnibus service, as sug-

gested. Tenders called by the Railways and Tramways Department for the construction of bodies for the new trolley buses had already closed, and a decision would be made by the department in good time to commence the construction on arrival of the chassis.

Then the following resolution was passed—

This board requests the Transport Board to state its reasons for refusing to grant a temporary license for the buses to pick up and set down passengers along the routes pending the inauguration and proper running of the trolley buses.

Those people are still suffering that same inconvenience. Members have been told that there is no money to provide certain necessary facilities. Some of us are under the impression that the £80,000 which is going to be spent on trolley buses could have been used for much better purposes in other parts of the State, particularly in view of the lack of water supplies and educational facilities in outback areas. When the Education Department is approached, they say that they would like to do this and that, but that they have no money. That, however, is by the way. I have quoted the position of the Nedlands and Claremont people to show that the disabilities to which I have referred apply equally to the metropolitan area and to the country districts, and that people here, as well as in the country, are denied the right of appealing against the decisions of the board. It is of no use appealing to the Minister for Railways, because the Minister for Railways cannot override the decisions of the Transport Board. It is therefore essential that the right of appeal should be inserted in the Bill. In view of the experience of the Claremont Municipality and the Nedlands Road Board, I hope this House will agree to the retention of the clause in the Bill, which states—

A road board or municipality whose district is affected by any decision mentioned in the preceding paragraph may, on being petitioned in that behalf by at least 20 ratepayers, exercise in respect of such decision the same right of appeal as is given to an owner under the preceding paragraph.

The rest of the clauses deal with the right of appeal, and I do not propose to labour that question any further. Clause 4 of the Bill proposes to amend paragraph 3 of the First Schedule to the principal Act by inserting after the word "wheat" the words "or wool." I hope that the House will agree to the insertion of those words. I cannot understand why wool producers should be debarred the right to cart on their own trucks to any market, their own wool which they have produced on their farms. That seems to me to be a fair and reasonable thing to ask. I move—

That the Bill be now read a second time.

On motion by Chief Secretary, debate adjourned.

House adjourned at 8.12 p.m.

Legislative Assembly.

Wednesday, 13th October, 1937.

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

QUESTION—LICENSING ACT.

Applications by Members of Parliament.

Mr. MARSHALL asked the Premier: 1, Can he give the House an assurance that the Government will exercise the powers conferred under Section 47 of the Licensing Act and refuse to grant the petition where it appears that the applicant is a member of any Parliament within the Commonwealth? 2, In order to prevent any possibility of fraud in this regard can he assure the House that in future all applicants for licenses under Section 47 of the Licensing