

Hon. E. H. Gray: And they should do so.

Hon. A. BURVILL: I agree, but if the individuals concerned have proved their competency, as they have done, that should entitle them to a certificate of service. Some such provision appears in the Inspection of Machinery Act, under which certificates of service for internal combustion engine drivers, boiler attendants, and electric crane drivers could be granted, without examination, to drivers or attendants who produced satisfactory evidence that they had been in charge of such plant for at least one year within a period of two years prior to the commencement of that Act. If a similar provision were included in the Bill, it would be satisfactory. Without it, a hardship may be inflicted upon a great many persons, especially fishermen and others who, for a short time each year, ply for hire.

On motion by Hon. E. H. Gray, debate adjourned.

House adjourned at 6.3 p.m.

Legislative Assembly,

Tuesday, 21st September, 1926.

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

QUESTION—INSURANCE, ASSISTED SETTLERS' CROPS.

Mr. E. B. JOHNSTON asked the Minister for Industries: 1, Has the attention of the Industries Assistance Board been drawn to the opinion given by Sir Walter James, K.C., and Mr. H. B. Jackson regarding insurance of assisted settlers' crops, published in the "West Australian," and reading as follows: "If the Agricultural Bank and Industries Department, or any other department purporting to act on behalf of an assisted settler, effects any insurances against fire or hail with the Government, whether on crops, buildings or otherwise, all moneys paid to the Government by way of premiums would be illegally paid and the settler could repudiate all liability should any attempt be made to enforce payment against him. He could also challenge and have disallowed all debits made against him for any such premiums"? 2, In view of this opinion, is it still the intention of the board to proceed with assisted settlers' fire and hail insurances with the State office?

The MINISTER FOR INDUSTRIES replied: 1, Yes. 2, It is the intention of the board to proceed with settlers' fire and hail insurances.

QUESTION—RABBIT-PROOF FENCE, ROAD FACILITIES.

Mr. GRIFFITHS asked the Minister for Agriculture: 1, Is he aware that owing to the restriction regarding the use of the rabbit-proof fence road south from Burracoppin great difficulty is experienced by people from the areas between Merredin and Carrabin in getting access to the new Glenelg Hills find? 2, Will he endeavour to get the ban lifted to permit the use of this road, or make some arrangement to give the required access?

The PREMIER (for the Minister for Agriculture) replied: 1, No. Apart from the road along the rabbit-proof fence, there is access via Narembreen for the people on the Merredin side, and the find is also accessible from Southern Cross. 2, Permission to travel along the fence road cannot be granted, because it would soon become badly cut up, and the fence damaged. Consideration is at present being given to the construction of a permanent road to the find.

QUESTIONS (2)—RAILWAYS.*Tammin Platform.*

Mr. GRIFFITHS asked the Minister for Railways: 1, Does he contemplate doing anything towards providing a platform for the Tammin station? 2, Is he aware that Merredin, Hines Hill, Doodlakine, Kellerberrin, Cunderdin, and Meckering have all got platforms, and Tammin is still unprovided with this convenience? 3, Has he overlooked the fact that he has been petitioned by 234 residents of Tammin district for this facility?

The MINISTER FOR RAILWAYS replied: 1, Not at present. 2, Yes. 3, No.

Collie Coal Agreement.

Hon. G. TAYLOR asked the Minister for Railways: 1, Is it the intention of the Government to renew the agreement between the Commissioner of Railways and the Collie coal companies for the supply of coal for railway purposes? 2, If so, will Parliament have an opportunity to discuss the agreement before finality is reached?

The MINISTER FOR RAILWAYS replied: 1, The question of coal supplies for the Railway Department from 1st October next is now under consideration. 2, No. This is a matter upon which the Government will take the responsibility of any action decided upon.

QUESTION—POLICE PROTECTION, TAMMIN.

Mr. GRIFFITHS asked the Minister for Police: When will the promise of police protection for Tammin be given effect to?

The MINISTER FOR POLICE replied: As soon as practicable.

QUESTION—SCAFFOLDING INSPECTION FEES.

Mr. SAMPSON asked the Minister for Works: Will he advise—1, the amount of inspection fees charged each three months, from the inception of the Scaffolding Act? 2, The cost of administration and number of inspectors engaged in the work? 3, Is it proposed, in view of the heavy charges imposed, to take steps to reduce the fees charged?

The MINISTER FOR WORKS replied: 1, Quarter ending and fees charged—31st

March, 1925—Nil; 30th June, 1925—Nil; 30th September, 1925—£25 5s.; 31st December, 1925—£173 15s.; 31st March, 1926—£402 10s.; 30th June, 1926—£296 10s.; 1st July, 1926, to date—£167 15s. Total £1,065 15s. 2, £1,051 16s. 2d. Two full-time inspectors appointed under Section 4. Seven supervisors and one foreman employed by the Public Works Department (Architectural Division) have been appointed public inspectors of scaffolding under Section 5 of the Act, but no proportion of their salaries is charged to the scaffolding branch. No separate account is kept of the cost of stationery and printing, and the cost of these items is not included in the above total. 3, The above information shows that the charges are reasonable. No reduction is proposed.

QUESTION—SANATORIUM, UNFENCED GROUNDS.

Mr. SAMPSON asked the Honorary Minister (Hon. J. Cunningham): 1, Is he aware that the difficulty at the Sanatorium in regard to the absence of fencing continues? 2, Has decision regarding the provision of a fence been reached, and if so, when will the work be done? 3, In view of a report that six horses, one a valuable mare in foal, have been poisoned in the neighbourhood of the Sanatorium within the last few days, and the remains burnt by Sanatorium employees, will he cause inquiries to be made and advise this House?

Hon. J. CUNNINGHAM replied: 1, Yes. 2, No. 3, Certain re-arrangements of tuberculosis cases, designed to improve the status of Wooroloo Sanatorium, are contemplated, which may affect the question of fencing. 4, Three horses were found on a distant portion of the reserve, and three on the Northam Road: presumably death had been caused by eating poison plants. These circumstances do not affect the matter of fencing at the Sanatorium. When the hon. member was Colonial Secretary the question of fencing was brought under his notice, but he took no action.

Mr. Sampson: It was not brought under my notice.

BILL—SOLDIER LAND SETTLEMENT.

Returned from the Council with an amendment.

BILL—FORESTS ACT AMENDMENT.

Returned from the Council without amendment.

BILL—CO-OPERATIVE AND PROVIDENT SOCIETIES' ACT AMENDMENT.*Second Reading.*

HON. J. CUNNINGHAM (Honorary Minister—Kalgoorlie) [4.47] in moving the second reading said: This short Bill amends the Co-operative and Provident Societies Act, 1903. The object is to provide for the financial year ending on the 30th June in each year, instead of on the 31st December as heretofore. Legislation has already been passed to make a corresponding provision for the registered friendly societies, and this was done at their request. As the members of the co-operative societies are of the same class as those belonging to the friendly societies it is reasonable to assume that the change in the financial year will be equally welcome. Indeed, as co-operative societies are engaged in trading operations they will no doubt prefer the fiscal to the calendar year. There has been, for some years, a growing tendency amongst business houses to adopt the 30th June as the termination of their financial year. The change will serve a further purpose. It is desired to obtain uniform statistics throughout Australia relative to the co-operative movement. It is obvious that the data will be more valuable if prepared on the same basis in all the States. For this purpose a conference was held during October, 1925, in Sydney, representative of the State Statisticians within the Commonwealth. As the outcome of this conference it was decided that a move should be made in each of the States with a view to introducing uniform legislation for terminating the financial year on the 30th June. The Western Australian Statistician is now busily engaged in collecting information on behalf of the Commonwealth Statistician. It is generally recognised now throughout Australia that statistics regarding co-operative societies should be collected for general information. Co-operative societies in the Commonwealth are growing, and it has been deemed necessary to collect the whole of the information that is looked upon as being of some value to the co-operative movement. This will not only be of value to the move-

ment, but also a step in the direction of compiling very necessary statistics regarding co-operative societies. The Bill merely deals with the alteration of the dates.

Hon. Sir James Mitchell: It may be important.

Hon. J. CUNNINGHAM: It is looked upon as important, otherwise it would not be presented.

Hon. Sir James Mitchell: I mean important to the societies.

Hon. J. CUNNINGHAM: It is looked upon as important in the sense that I have indicated.

Hon. Sir James Mitchell: There is another side to the question.

Hon. J. CUNNINGHAM: Some of the States have made a move in this direction and decided to terminate the financial year of co-operative societies on the 30th June. If the other States make no move in this direction we shall have conflicting figures, and will not have for public information those statistics that are necessary so that we may consider the whole of these matters in connection with co-operation within the Commonwealth. Some of the States terminate the financial year on the 30th June, and others on the 31st December. That is regarded as undesirable by officers of the various departments connected with the statistics of the States. I think there will be no opposition to the Bill.

Hon. Sir James Mitchell: Don't make any mistake about that.

Hon. J. CUNNINGHAM: Where a change such as this is desired, and is being made for the purpose of compiling very necessary information in the interests of the public, even the Leader of the Opposition, I am sure, will be only too pleased to assist in the passage of the Bill.

Hon. Sir James Mitchell: We must consider it.

Hon. J. CUNNINGHAM: I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—SHIPPING ORDINANCE AMENDMENT.*Second Reading.*

HON. J. CUNNINGHAM (Honorary Minister—Kalgoorlie) [4.53] in moving the second reading said: The object of this Bill is to amend the Shipping and Pilotage Consolidation Ordinance 1855, as well as

the Port Regulations, and the Swan River Regulations, as framed under No. 18 Vict., No. 15. Section 3 of the Ordinance states that persons violating the regulations framed under that Act shall be punished, provided that no master or commander of a vessel shall be liable for any breach of such rules and regulations unless a copy thereof has been previously delivered to him or left on board his ship or vessel. It is found to be most difficult, when prosecutions are launched for breaches of the port or Swan River regulations, to obtain a conviction. It is almost impossible to expect representatives of the port authorities to serve a copy of the ordinance upon each owner of a craft. It is often found that people build small craft, say at Maylands, or further up the river, at Guildford, and the first that is known of them on the river is perhaps when an accident occurs. Because this Ordinance of 1855 has not been complied with by the departmental officers, in that a copy has not been handed to the commander or person in charge of a craft, it is impossible to obtain convictions. When one considers how old the Ordinance is and how altered the present day conditions are—it may have been a simple matter in those days to hand a copy to the owner of each craft that was sailing on the river—one must realise that some amendment is now necessary. If the Ordinance were applied to-day it would be necessary to hand a copy of it, and all the regulations appertaining to it, to persons concerned before the law could be carried into effect.

Hon. Sir James Mitchell: This refers to overseas shipping.

Hon. J. CUNNINGHAM: It refers to harbours and rivers. The purpose of the amendment is to make it possible to obtain convictions against people without it being necessary first to hand to the person in charge of a craft, its commander or skipper, a copy of the Ordinance. There are dozens of small craft on the river. Their owners have not been handed a copy of the Ordinance, and in the event of any breach of the regulations on their part they would get off scot free. It is very desirable that the owners, and those in control of small craft on the river, or indeed of any craft on the river should make themselves acquainted with the regulations governing river traffic.

Hon. Sir James Mitchell: That is all right for people that are here, but what about the master of a ship that has arrived at our port for the first time?

Hon. J. CUNNINGHAM: There is no doubt that in a case of that sort the shipping agents concerned would see to it that the skipper was made aware of his responsibilities the moment he entered the port, and was handed a copy of the regulations in question. I move—

That the Bill be now read a second time.

On motion by Hon. Sir James Mitchell, debate adjourned.

BILL—WEIGHTS AND MEASURES.

Second Reading.

THE MINISTER FOR JUSTICE (Hon. J. C. Willecock—Geraldton) [4.58] in moving the second reading said: This Bill was introduced last session and passed through this House. Unfortunately insufficient time was available for it to be passed through the Legislative Council. Apparently members there had no objection to it, but it did not reach them until the last morning of the session, and, as it was felt it could not be adequately discussed, it was allowed to lapse.

Hon. Sir James Mitchell: Was it precisely the same Bill as this one?

The **MINISTER FOR JUSTICE**: Yes, word for word. Members opposite slightly amended it, but the amendment was accepted by the Government, and the Bill that left this Chamber is precisely the same as the one now before us.

Hon. G. Taylor: It is the same as when it left this Chamber?

The **MINISTER FOR JUSTICE**: Yes.

Hon. Sir James Mitchell: We improved it a little.

The **MINISTER FOR JUSTICE**: Apparently so, because I agreed to accept the amendment. It is very necessary to have an effective Weights and Measures Act. At present there is practically no supervision over such matters. The Act of 1899 is practically the only one we have. This work devolves upon the municipal bodies, but they have taken very little action in connection with it. Since the City Council altered its offices it has done very little with regard to supervision or administration of the Weights and Measures Act.

Hon. Sir James Mitchell: It is an expensive thing to administer in this State.

The **MINISTER FOR JUSTICE**: Not very expensive, the way we are going to administer it. The administration will be

vested in the Police Department throughout the State.

Hon. Sir James Mitchell: You cannot load policemen with all sorts of duties.

The MINISTER FOR JUSTICE: There is nothing very startling in connection with this, particularly with regard to small weights and measures which do not have to be revised for two or three years. It is only a question of getting the weights and measures reverified and seeing they are all right. That is all that is necessary. It is rather in the city, where the distribution of products is effected, that close administration of the measure is required. I detailed the history of this legislation last year. In 1915 the then Labour Government carried an amending measure; but for several reasons, principally the war and the consequent difficulty of obtaining standards, there were delays. When the present Government took office, the position was as it had been eight or nine years previously. The standards which had been obtained from England were lying carefully packed up, and no attempt had been made to do anything with them because of shortage of office accommodation. We, too, encountered that difficulty; but we have now erected office accommodation in George-street for the Water Supply Department, and that department's present office room will be available for the staff to administer the Weights and Measures Act, and also for other staffs. The building in George-street is now well on the way to completion. By the time this measure passes both Houses, it can be proclaimed and put into operation. With a view to effective administration, Inspector O'Halloran, of the Police Department, who will have the chief responsibility in the matter, recently made a trip to New South Wales and studied the operation of that State's Act. He spent two or three weeks in Sydney, giving four or five days to the office work and during the rest of his stay accompanying the inspectors on their tours. With the experience gained by him we should not have much difficulty in satisfactorily beginning the administration of our measure. Undoubtedly the experience gained by Inspector O'Halloran will prove valuable. In him we shall have someone with more than a book knowledge of weights and measures legislation.

Hon. Sir James Mitchell: Will he do liquor inspection, too?

The MINISTER FOR JUSTICE: Yes. That will be one of the advantages in the administration of this measure. While travelling through the country on licensing business, the inspectors, when they have time to spare, will be able to give attention to the weights and measures used in the towns. The existing Act has never been proclaimed, and our desire is to have it brought up to date in the light of the experience gained during the last ten years in New South Wales. The amendments which the Bill proposes have been suggested by the experience of that State. Not many of them are important, but when we do proclaim our Act we should have it as effective as possible. The staff to administer it will not be a large one, and the fees will not be heavy. It is expected that the revenue from fees will just about balance the necessary expenditure.

Hon. Sir James Mitchell: You ought not to try to make money out of this business.

The MINISTER FOR JUSTICE: No. From Inspector O'Halloran's report I gather that in New South Wales the revenue from the administration of the Act is generally within £10 of the expenditure. As a rule the amount is between £7,000 and £8,000 on either side of the ledger. Two years ago there was a profit of £10; but during last year, owing to the necessity for putting on more men and training them, a loss of about £2,000 was incurred. The people of Western Australia are entitled to supervision of weights and measures, so that buyers may be protected. The Bill will not affect the honest trader, and 90 per cent. of traders are thoroughly honest. They are, however, in competition with a few unscrupulous persons who seek undue gain; hence the need for supervision. The fees will be prescribed by regulation. Last year's Bill embodied the fees in a schedule, but in deference to the wishes of the Opposition Leader and the member for West Perth (Mr. Davy) the schedule was deleted and provision made for fixing fees by regulation.

Hon. Sir James Mitchell: The fees you had in the schedule were pretty stiff.

The MINISTER FOR JUSTICE: We had no experience of the cost of administration then.

Hon. Sir James Mitchell: Therefore you made sure.

The MINISTER FOR JUSTICE: We took the fees prescribed in New South

Wales, and in doing so we thought we would not be far wrong.

Hon. Sir James Mitchell: You should keep away from New South Wales.

The MINISTER FOR JUSTICE: Under the guidance of the Leader of the Opposition this House decided that it was preferable to trust the Government to impose fees by regulation.

Mr. Sampson: In those days there was only an odd petrol filler here and there to be tested. Now the place is littered with petrol fillers.

The MINISTER FOR JUSTICE: There will be a regulation fixing the time which must elapse before the retesting of petrol appliances. I do not care to go through the Bill at length, as it was fully discussed last year. Power is taken to include in the Bill buyers when they are really traders. People who are in business as buyers should provide the necessary facilities for the proper conduct of that business. For example, a gold miner sells gold, but he cannot provide himself with the apparatus for weighing gold efficiently. Therefore the gold buyer should provide that apparatus. The same thing applies in the case of chaff buyers, who are really the traders, the farmers being customers. The merchant provides the necessary weights and measures to give his customer a fair deal. Another amendment deals with the sale of commodities in packets. Commodities can now be put up in packets of any size. Instead of putting up 16 ozs. in a pound packet, the seller can make the quantity $15\frac{1}{4}$ ozs. or $15\frac{3}{4}$ ozs., and state the actual weight in very small type, the packet being sold as a 1-lb. packet. The Bill regulates the size of packets, so that people may know what they are buying and thus get the full value of their money. Jam is a good illustration of this. Originally jam was sold in 1-lb. and 2-lb. tins. Competing manufacturers successively reduced the weight of the 2-lb. tin from 32 ozs. to 30 ozs., 27 ozs., 26 ozs., and 25 ozs., all these weights being sold as large tins of jam.

Mr. Sampson: The weight is shown, but nevertheless people are misled: and the object is to mislead people.

The MINISTER FOR JUSTICE: If the Bill becomes law, regulations will prescribe the weights in which commodities can be sold. Jam will probably have to be sold in 1-lb., $1\frac{1}{2}$ -lb., and 2-lb. tins, so that everyone will trade under the same conditions

and unscrupulous competitors will not be able to persuade buyers that they are getting the full quantity when they are actually getting a less quantity. The present weight of the large tin of jam is about 27 ozs.

Mr. Sampson: The trouble is that the plant is made to turn out a certain size of tin.

The MINISTER FOR JUSTICE: Yes, because people can be deluded into believing that they are getting more than the actual contents of the tin.

Mr. Sampson: The equipment comes from America, I believe.

The MINISTER FOR JUSTICE: The equipment can be made to put up any quantity desired. For years and years jams were sold in either 1-lb. or 2-lb. tins.

Hon. Sir James Mitchell: A very good rule too.

The MINISTER FOR JUSTICE: Yes. People knew what they were buying when they asked for a small tin of jam or a large tin of jam. Then the jam manufacturer who wanted to sell cheaper put 30 ozs. instead of 32 ozs. into a so-called 2-lb. tin.

Mr. Sampson: In America there is an obsession that everything must be in tens or decimals.

The MINISTER FOR JUSTICE: It is a recognised rule of trade that people buy certain commodities in certain sizes and quantities. Thus they know what they are buying. By the law of this State bread cannot be sold in anything less than 2-lb. loaves, unless it is fancy bread.

Hon. Sir James Mitchell: But moisture can be sold with the bread.

The MINISTER FOR JUSTICE: The product which is sold as bread must be sold at a certain weight. Though half-loaves of 1 lb. are permitted, a loaf of $1\frac{1}{2}$ lbs. cannot be sold. The ordinary loaf of bread must weigh 2 lbs.

Hon. Sir James Mitchell: But really it does not work. We get uncooked bread.

Mr. Sampson: Yes, bread which does not digest, bread which is a sodden, indigestible mass.

Hon. Sir James Mitchell: The baker gives an ounce over.

The MINISTER FOR JUSTICE: The bread is sometimes not kept in the oven long enough to allow of all the moisture being absorbed. Or one may say that the bread is not sufficiently cooked to ensure the evaporation of all the moisture. Thus the buyer gets two or three ounces over, but those two or three ounces represent water.

Hon. Sir James Mitchell: If the bread is underweight, though, the baker gets fined. So the system does not work.

The MINISTER FOR JUSTICE: The matter does not come within the scope of this Bill, but there is a movement on the part of the master bakers to get the Bread Act made more workable. The Bill provides that it must be done by the manufacturers of any commodity here, and in respect of commodities manufactured elsewhere, some person in this State must take the responsibility of guaranteeing that the contents of the tin or package containing the commodity, are of the standard weight. At present the wholesale dealers do not come under legislation of this type, but in future they will be responsible for the weight of commodities that they sell for distribution by retailers. There are exceptions to every rule and sometimes hardships may be caused by strict adherence to these provisions. Because of that, power will be taken to exempt certain commodities from this provision. For instance, under the parent Act, firewood was dealt with. At that time there was considerable dissatisfaction regarding the distribution of firewood and it was decided that those supplies should be sold by weight. We saw that wherever possible it must be sold by weight, but it will be recognised that in some country places no facilities are available for weighing firewood.

Hon. Sir James Mitchell: People have to pay for it just the same.

The MINISTER FOR JUSTICE: People expect to get a certain measure when they buy firewood. On the other hand the traders may say that they will not sell a given quantity, but merely a load, the traders themselves determining what the load shall be. Parliament will be asked to say to the firewood merchants, "No, you must sell a certain weight of wood in your load."

Mr. Davy: Will that involve the installing of weighbridges in every woodyard?

The MINISTER FOR JUSTICE: Most of the woollards have weighing machines already. Where large quantities are involved, the municipal weighbridges can be used. In most places where there are facilities for weighing loads of firewood, traders will have to conform to that provision. In other words, everything that is capable of being sold by definite weights or measurements will come within the purview of this Bill, but if this will involve hardships or be impracticable, power of exemption from the

operations of the legislation is provided. Another amendment embodied in the Bill relates to prosecutions. At present it is necessary to prove intent to defraud before dishonest traders can be convicted. Hon. members will realise that it is very difficult to prove intent to defraud. Now we say that each trader will require to have accurate weights and measures that will have to be verified and be up to a certain standard, failure to comply with which will involve an offence against the Act, for which the trader will be prosecuted and punished. After the proclamation of the measure, it will be the trader's responsibility to provide himself with proper weights. We will provide the facilities for verifying those weights and we will direct by means of regulations that the weights must be verified at intervals. Different weights require to be tested at different intervals. Some may not require verification for years, while others may require verification in six or 12 months' time. Petrol pumps will be brought within the scope of this legislation. These are to be seen in our streets in increasing numbers and some people are intensely dissatisfied regarding those conveniences. Some motorists contend that they can get a considerably better mileage from a tin of petrol than they can obtain from a reputed similar quantity from a petrol pump.

Mr. Sampson: I think they are wrong.

The MINISTER FOR JUSTICE: I know a man who has tested his car and knows exactly what it can do. He finds that he can get two or three miles more to the gallon from a tin of petrol than he can get from a similar quantity of petrol from some of these pumps in the city.

Mr. Latham: Do you propose to test the quality of the petrol drawn from the pumps?

The MINISTER FOR JUSTICE: That comes under a different provision.

Mr. Sampson: That is where the trouble probably arises.

The MINISTER FOR JUSTICE: That difficulty can be dealt with under the law as it stands to-day.

Mr. Latham: Then the law should be put into force to a greater extent than it is to-day.

The MINISTER FOR JUSTICE: We have had a number of complaints in that respect. Hon. members may know that in different places men put up placards in front of their premises reading, "We sell

Shell." The inference to be drawn from the placards is that Shell motor spirit is obtainable at the petrol pumps there. Experience shows that the quality of the petrol provided is not first quality Shell motor spirit.

Mr. Sampson: But that has not been proved!

The MINISTER FOR JUSTICE: No, because no prosecution has yet been undertaken. As a matter of fact, the manager of the oil company that deals with Plume motor spirit saw me regarding this particular matter three or four months ago. He told me that he frequently received complaints from customers that the quality of Plume spirit was deteriorating and that they did not get the quality spirit they asked for when purchasing their supplies. He informed me that he had asked the persons concerned where they had purchased their supplies. The motorist had informed him that they had purchased the spirit at certain places. The manager told me that the quality of spirit supplied was not first quality Plume spirit, but second quality. Those companies had to take the responsibility of prosecuting the people, if they desired to do so.

Mr. Sampson: It is complained that climatic conditions and the state of our roads enter into the difficulty too.

The MINISTER FOR JUSTICE: Those are the excuses people make, but we must admit that there have been abuses. The Bill will, to an extent at any rate, prevent those abuses and will certainly prevent motorists from procuring a less quantity from those in charge of pumps than they ask, and pay for. It is the responsibility of traders themselves to see that correct weights and measures are available for business purposes and failure to do that will be *prima facie* evidence of a breach of the law. Penny-in-the slot machines will come under this regulation as well, for hon. members will realise that those machines are useless unless they are correctly adjusted.

Mr. Marshall: You should bring the automatic telephones under that provision too.

The MINISTER FOR JUSTICE: The hon. member will have to complain to the postal authorities to have that complaint attended to. We will have to depend upon experience to determine how the examination of pumps shall be conducted. These machines represent an innovation and have been in existence here for the last two or

three years only. After we have had more experience with them we will be able to determine how often the machines should be tested and verified.

Mr. Latham: The pumps put in by the companies are all right, because the companies themselves test them.

The MINISTER FOR JUSTICE: Yes.

Mr. Latham: But there are the Bowsers and other types as well.

The MINISTER FOR JUSTICE: The trouble is that they do not provide the petrol of the quality sought by the motorists.

Mr. Sampson: But that is only alleged.

The MINISTER FOR JUSTICE: It has been proved by the managers of the companies here, but they have not taken any action, beyond intimating that they would not supply second quality petrol to be put into Bowser or other pumps.

Mr. Marshall: The Minister probably knows that after a while no pump will deliver precisely the same quantity.

The MINISTER FOR JUSTICE: The trouble is that people drawing their supplies from these pumps do not get a fair deal.

Mr. Marshall: The pumps are like the old spring scales. They do not give correct weights except during brief periods of the year.

The MINISTER FOR JUSTICE: There is a method of checking the quantity available from the pumps. The purchaser can see the quantity of spirit in the pump and so long as that is so, the motorist has the opportunity of verifying the quantity that is being delivered to him. It does not matter whether the pump is acting properly or not, so long as the man gets the quantity that he purchases.

Mr. Marshall: As a motorist you know that the lines indicating the quantities in the pump are rather thick.

The MINISTER FOR JUSTICE: Yes, that may be so. We can deal with that by regulation if it is considered necessary. There is one other important amendment and it refers to scale adjusters, who will have to be registered in future. At present anyone can put up a notice over his door intimating to the general public that he is a scale adjuster. Such persons can be engaged to handle scales costing £100 or £200 and in all good faith traders may employ such men who may destroy valuable scales. In order to protect the people against that sort of thing, we provide in the Bill that

anyone desirous of working as a scale adjuster must be competent to undertake the work. We have a similar regulation regarding plumbers. We do not allow incompetents to handle water supply or sewerage connections; duly qualified plumbers have to be licensed. A similar provision will be made in connection with the Bill. These are the main amendments. There is not much alteration regarding principles, but the Government desired before proclaiming the 1915 Act, to bring it up-to-date and thus enable honest traders to know that they will be competing on a fair basis with their business opponents. Hon. members will realise that it is necessary to have effective methods and efficient administration regarding weights and measures in the interests of the people concerned. The Bill will enable that to be done. I move—

That the Bill be now read a second time.

On motion by Mr. Davy, debate adjourned.

BILL—GOVERNMENT SAVINGS BANK ACT AMENDMENT.

Council's Amendment.

Amendment made by the Council now considered.

In Committee.

Mr. Lutey in the Chair; the Premier in charge of the Bill.

Add a new clause to stand as Clause 5, as follows:—“5. A section is inserted in the principal Act as follows:—‘18a. The State Savings Bank shall be deemed to be an incorporated bank within the meaning of section five of the Trustee Act, 1900, and trustees may invest or deposit trust funds in the State Savings Bank at a prescribed rate of interest on fixed deposit or otherwise.’”

The PREMIER: I see no objection to the amendment and I move—

That the amendment be agreed to.

Mr. ANGELO: I have no objection to the amendment, but I should like your ruling, Mr. Chairman, as to whether the Upper House has the right to propose an amendment which apparently is outside the scope of the Bill, as introduced into this Chamber.

The CHAIRMAN: In what way? I should like to hear discussion.

Mr. ANGELO: I think the amendment is irrelevant. We should be sure that we attain the desired end in the proper way, and

that another place has the right to propose such an amendment.

The PREMIER: I think it is perfectly in order. The Bill was for an Act to amend the Government Savings Bank Act.

The CHAIRMAN: I rule that the amendment is in order.

Question put and passed; the Council's amendment agreed to.

Resolution reported, the report adopted and a message accordingly returned to the Council.

BILL—JUSTICES ACT AMENDMENT.

Second Reading.

Debate resumed from the 16th September.

MR. DAVY (West Perth) [5.33]: There appears to be no objection to the proposed amendments. I imagine that most of them are to remedy defects pointed out by the Crown Law Department. There is, however, one defect in the Act that is not covered by this Bill and might be considered by the Minister for Justice. Whereas a properly appointed justice of the peace has to take an oath regarding the duties of his office before he acts as a justice, the gentlemen who become ex officio justices do not have to take an oath.

Mr. Marshall: Can you point out any virtue in it? What is the difference between one who takes an oath and one who does not?

Mr. DAVY: It is generally regarded that before people exercise high functions such as that of Minister of the Crown or member of Parliament, they are required to take an oath that they will carry out the duties of their office.

Mr. Marshall: But why perpetuate those antique customs for all time?

Mr. DAVY: Evidently it is not the view of the House that this is an antique custom; otherwise efforts would have been made to abolish the oath. To require one justice to take an oath and not another is an anomaly that should be removed.

Mr. Marshall: How much better is anyone for taking an oath?

MR. SAMPSON (Swan) [5.35]: Under the Municipal Corporations Act the swearing in of councillors is an established practice and there is no alternative to taking the oath. In road districts it is the custom for

the chairman of the road board to be a justice of the peace during the time he holds the position of chairman. It is not the custom to swear in members of a road board, and I have not been able to understand why it should not be done. Members of road boards, as well as members of municipal councils, are the elect of the ratepayers, and each member should be required to take the oath to carry out his duties to the best of his ability. The Minister, however, has not indicated any amendment to make provision for the swearing in of the chairman or members of a road board.

The Minister for Justice: I have an amendment here.

Mr. SAMPSON: I am glad to hear that; it will be appreciated that road board members are to be sworn in and that the standing of the chairman as a justice of the peace will, in future, be unchallengeable. In the past the position has been somewhat anomalous.

MR. J. H. SMITH (Nelson) [5.37]: I am pleased that the Minister has introduced this Bill. Although the member for Swan stated that in the past the chairman of a road board has not enjoyed the full power of a justice of the peace, I wish to assure him that he has.

Mr. Sampson: I said his position was questioned because he had not been sworn in.

Mr. J. H. SMITH: The chairman has been sworn in.

Hon. G. Taylor: That is, the chairman of any decent road board.

Mr. J. H. SMITH: When I became chairman of the road board in my district, I was sworn in as a justice of the peace. I dare say the member for Toodyay was also sworn in.

Mr. Lindsay: Usually the J.P. becomes the chairman of the board.

Mr. J. H. SMITH: I should like the Minister to go further and provide that every member of a road board shall be a justice of the peace.

Hon. G. Taylor: Oh, Lord!

Mr. J. H. SMITH: It is all very well for the member for Mt. Margaret to exclaim when he has no road boards in his district.

Hon. G. Taylor: Of course I have.

Mr. J. H. SMITH: Then the hon. member is not looking after the interests of his electors.

Mr. Marshall: You are late with your information; he has been neglecting them for years.

Mr. J. H. SMITH: I do not agree with the member for Murchison; I do not think he has neglected his electors. It would be a boon to the residents of the agricultural areas if the Minister provided that while a man is a member of a road board he should be a justice of the peace.

Hon. G. Taylor: How many members of road boards are there in the State?

Mr. J. H. SMITH: There is a dearth of justices. The Minister can tell us that he is inundated with requests for justices, and this is a way to overcome the difficulty. The Premier shakes his head.

Hon. G. Taylor: I should think so.

Mr. J. H. SMITH: Members of road boards must be men of reputable character.

The Minister for Justice: Not necessarily.

Mr. Latham: They cannot be of unsound mind.

Mr. J. H. SMITH: They must have all the qualifications of a member of Parliament.

The Minister for Justice: Some road boards have difficulty in getting members at all.

Mr. J. H. SMITH: The Minister for Works can enlighten the Minister for Justice.

The Minister for Works: What are the qualifications for a member of Parliament?

Mr. J. H. SMITH: I do not know, but certainly not the ability to make the most noise. As a matter of fact, road board members require more qualifications than do members of Parliament. I feel inclined to move an amendment in Committee that every member of a road board shall be a justice of the peace, because we require more justices in the country.

MR. LATHAM (York) [5.41]: It is not proposed that justices of the peace shall be appointed under this measure. The Road Districts Act provides that the chairman of the road board shall ex officio be a justice of the peace, but it is questionable whether he is a justice until he is sworn in. The member for Nelson told us that chairmen of road boards are sworn in. On the occasion when I was chairman of a road board, I inquired of a magistrate who informed me it was not necessary to be sworn in because the chairman was ex officio a justice of the peace, and therefore no oath was required.

What we should do is to make it perfectly clear that every justice of the peace shall take the oath of office. The chairman of a road board should certainly take the oath before he sits on the bench. It is not necessary to provide for the mayor of a municipality to take the oath because he already does so, but similar provision is not made for the chairmen of road boards. I am pleased that it is intended to register as justices the chairmen of road boards, so that in future it can be ascertained without doubt whether a man is entitled to put the letters "J.P." after his name. I hope the Minister will go further and see that such men take the oath before they sit on the bench.

The Minister for Justice: That is the effect of my amendment.

MR. THOMSON (Katanning) [5.43]: I recognise that an amendment of the Act is necessary, but I am wondering whether this phase has been presented to the Minister: Some gentlemen have occupied the position of chairmen of road boards for a number of years, have been justices of the peace and have sat on the bench and administered justice. After having acted as honorary magistrates for several years, on their ceasing to be chairmen of the boards, they have no longer been justices of the peace.

The Minister for Justice: Because they were justices *ex officio*.

MR. THOMSON: I have in mind a gentleman who was chairman of a board for a long time. When he ceased to be chairman he also ceased to be a justice of the peace. The people of the district desired to recognise his services, and we suggested that he should be appointed a justice for the district permanently, but the department replied that they did not consider it necessary. I would like the Minister to embody a clause in the Bill to provide that when anyone has occupied a position on a board for, say, three years, that should entitle him to have his name added to the permanent list of justices.

Mr. Marshall: Make him a sort of life member.

MR. THOMSON: We have an example in the granting of a free railway pass for life to a member of Parliament who has held Ministerial rank for three years. I consider that if a man has been competent to occupy the position of Chief Magistrate of a town—

The Minister for Lands: But he is not the senior member of the bench.

MR. THOMSON: Being mayor or chairman, he is the chief citizen, and having had three years' experience he should be entitled to a permanent appointment as a justice.

Mr. Angelo: He is chief citizen in an honorary capacity.

MR. THOMSON: Yes, and should be entitled to continue to sit on the bench to administer justice, and having served three years should be appointed permanently.

HON. G. TAYLOR (Mt. Margaret) [5.48]: I certainly consider that in the case of a man who has been chairman of a road board for three years, if application were made to the Government to appoint him to the Magistracy, in all probability, unless there were good grounds against making the appointment, the Government would accede to the request. Of course, if something had gone wrong during that person's term of office, then he would be ineligible to continue to sit on the bench. If it were provided in the Bill that such a person should be permanently appointed on the termination of his period of office as chairman of a road board, and there were something against that person, it would be unpleasant on the part of the Government to have to take steps to remove his name from the list of justices. I am glad that the Minister has made provision for the keeping of a roll of those who have been and will be chairmen of road boards and have therefore been *ex officio* justices of the peace. I consider it would be unwise to provide that merely because a person had served three years as an *ex officio* justice of the peace, he should retain the position after relinquishing the office of chairman of a local authority.

THE MINISTER FOR JUSTICE (Hon. J. C. Willcock—Geraldton—in reply) [5.50]: I merely wish to say in regard to an interjection that was made when I was introducing the Bill that, in connection with the swearing in of justices, I went into the position, and when the Bill is in Committee I will move an amendment making it necessary for chairmen or *ex officio* justices of the peace to be sworn in before they can take a seat on the bench.

Question put and passed.

Bill read a second time.

In Committee.

Mr. Lutey in the Chair; the Minister for Justice in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 9:

Mr. J. H. SMITH: I move an amendment—

That after "chairman" in line 1 of proposed Subsection 2 the words "and all members" be added.

Every hon. member has a difficulty in getting justices appointed for the electorate he represents. Road board members who are representatives of the ratepayers are entitled to the appointments. At the present time the appointment of justices is a matter of favouritism.

Mr. Marshall: And your amendment will aggravate the position.

Mr. J. H. SMITH: No. Under existing conditions a member of Parliament has a friend who asks him to exercise his influence in the direction of getting him appointed to the bench and when the appointment is made it is considered to be a great honour. I have been approached and asked to recommend someone for the position of justice, but I have refrained from doing so, unless the recommendation had the support of the local authority.

Mr. Marshall: That is the usual procedure.

Mr. J. H. SMITH: It is not. I know that in the past the ear of the Minister has been obtained and in that way some appointments have been made. Often the people appointed should never have been asked to accept the position. If we carry the amendment it will mean that a section of the ratepayers will pin their faith to certain individuals who are worthy of being appointed. If the Minister thinks that I am asking too much I shall not object if he suggests that instead of being appointed justices, the members of road boards should be made commissioners for declarations.

Mr. LATHAM: It would be of great advantage to road boards generally if such an amendment were inserted. We should, however, go through the roll of justices and strike out the names of those who are not rendering any service. It would be advisable to keep a roster, and if a justice refused to carry out the duties that were expected of him, his name should be struck off.

Mr. LINDSAY: I fail to see the necessity for the amendment; the road boards have not asked for it. I have had a good deal of experience with road boards and I do not hesitate to say that there are some members that I would not for a moment recommend for appointment as justices, though they may be good road board members. It does not necessarily follow either that a man who is a member of a road board happens to be residing in that part of a district where the services of a justice are required. A great number of members of road boards are justices and rightly so, but to say that all should be justices, is wrong. If a member of a road board is a fit and proper person to be a justice of the peace and the fact is recognised, the other members of the board will see that his appointment is brought about. If the amendment is carried we shall have the anomaly that as every year one-third of the members retire and so cease to be members of the board, they will have to be re-sworn in as justices if again elected. I will oppose the amendment.

The MINISTER FOR JUSTICE: I, too, will oppose the amendment. Incidentally, it does not seem to meet with the approval of the Committee. We require to be very jealous of the administration of justice, and whilst I admire the public spirit in members of road boards, I know that some of them do not desire to be justices, and I feel that others would not make desirable justices, because they lack the calm, deliberative judgment required in such an official. We are always prepared to take the recommendation of members of Parliament, if not of full justices, at all events of commissioners for declarations.

Mr. E. B. Johnston: Yet sometimes it is difficult to get those recommendations through.

The MINISTER FOR JUSTICE: Not if the nominee be a duly responsible man and is recommended by a member of Parliament. We appoint such commissioners at the rate of two or three per week, and in my experience only one nominee has been turned down.

Mr. MARSHALL: I will oppose the amendment. I agree with the Minister that it is very seldom a person nominated by a member of Parliament as a commissioner for declarations is not in time appointed; yet frequently it is a confoundedly long time before his appointment is put

through. In one instance, 18 months elapsed.

Mr. Thomson: You were lucky to get it through so soon.

Mr. MARSHALL: Where we require justices is out in the sparsely populated localities. We wanted Mr. Peter Campbell, the mail contractor, appointed, but although he was recommended by the Meekatharra Road Board and there was no question of his fitness for the post, it took 18 months to get the appointment made.

Mr. LINDSAY: Another reason why we should not agree to the amendment is that it would flood the country with justices who were also road board members. Such justices cannot sit on road board cases, and even to-day it is difficult to find outside justices to take such cases. Under the amendment, the difficulty would be increased.

Amendment put and negatived.

Mr. LATHAM: Will the Minister explain what is meant by "president of every district council"? I know of no district councils other than those of the Primary Producers' Association and of the Labour Party.

The MINISTER FOR JUSTICE: The Minister for Works is proposing to amend the Road Districts Act. Under the amending Bill, the designation "road board" is to be changed to "district council." The two Bills were being prepared at the same time, and so "president of every district council" has been inserted here in anticipation of the other Bill becoming law.

Mr. DAVY: Have the Crown Law officers expressed the view that this will automatically apply to district councils when the local authorities are known by that name?

The Minister for Justice: Yes.

Mr. DAVY: Well, if they are satisfied, it is all right.

Mr. Latham: But should it not read "or the president"? To have it reading "and the president" is to contemplate both chairman and president existing at the same time.

Mr. DAVY: A misunderstanding may have arisen by reason of the fact that these two Bills were prepared at the same time on the assumption that the Road Districts Bill would come up before this one. I suggest that the Crown Law officers be asked whether this is in order in becoming law before the Road Districts Bill becomes law. It is just doubtful whether we can legislate

for something that may come into existence in the future.

The Minister for Justice: If no district councils come into existence, there will be no presidents of such councils.

Mr. DAVY: No, but even if the Road Districts Bill is subsequently passed, it may be that this will not apply to it because, when this legislation was passed, there was no such thing as a district council. I suggest that the Minister draw the attention of Crown Law officers to the point.

Mr. SAMPSON: It is by no means certain that Parliament will approve of the Bill to amend the Road Districts Act. I understand there is a constitutional difficulty in anticipating legislation. I ask you, Sir, if it is not so?

The CHAIRMAN: From what the Minister said, I understood he would be prepared to recommit the clause, if necessary.

Mr. SAMPSON: But if this be accepted by the Committee, it might be taken as an indication that the Committee is in favour of the proposed change from "road board" to "district council."

The MINISTER FOR JUSTICE: As a matter of fact, I made inquiry of Mr. Sayer, who assures me that this is all right. It is merely making provision for something that may occur in the future.

Mr. Latham: Well, will you strike out "and" and insert "or"?

The MINISTER FOR JUSTICE: It is to make proper provision that this has been framed in the way it appears here. I am assured the drafting is quite all right.

Sitting adjourned from 6.15 to 7.30 p.m.

Mr. SAMPSON: Subclause 2 provides for the chairman of a road board and the president of a district council to be justices of the peace. I understand that when an amendment of the Road Districts Act is brought down, provision will be made to overcome any difficulty arising from altering the term "road board" to "district council." That measure, however, has not yet reached us and even when it does, it is not certain that it will be agreed to. I move an amendment—

That in line 2 of Subclause 2 the words "and the president for the time being of every district council" be struck out.

Amendment put and passed.

On motion by the Minister for Lands, Subclause 3 consequentially amended.

J. H. SMITH: I move an amendment—

That the following be added to Subclause 2:—"and all members of road boards shall be commissioners for declarations."

It is a reasonable amendment and the Minister might well accept it.

The Minister for Lands: A special Act deals with declarations.

Mr. J. H. SMITH: I claim it is possible to make the necessary provision in this measure.

The MINISTER FOR JUSTICE: The amendment is entirely out of order. This is a Bill to amend the Justices Act and nothing in it deals with commissioners for declarations.

Mr. J. H. Smith: Very well, I shall not press it.

Clause, as previously amended, agreed to.

Clauses 3 to 7—agreed to.

New clause—Amendment of Section 16:

The MINISTER FOR JUSTICE: On the second reading it was suggested that an ex officio justice of the peace should take the oath. To meet that request I move—

That the following be inserted to stand as Clause 4:—"Section 16 of the principal Act is hereby amended by deleting in the first line the words "an ex officio justice" and inserting in lieu thereof the words "a justice appointed by virtue of Section 12 of this Act."

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—TRAFFIC ACT AMENDMENT.

In Committee.

Resumed from the 16th September.

Mr. Lutey in the Chair; the Minister for Works in charge of the Bill.

Clause 21—Amendment of Section 41:

Mr. DAVY: Subclause 3 is being inserted to legalise the illegal regulation prohibiting the use of buses on other than prescribed routes. I have the gravest doubt whether that power should be taken. The subclause will give the Government power to preserve the monopoly in motor buses that exists at present. As a result those people fortunate enough to be in the business are probably in favour of the provision. I know from experience that a bus-owner wanted to chal-

lenge the power of the Government to enforce the regulation, and strong pressure was brought to bear upon him by the other bus owners to refrain from doing so. Like other people, the bus owners, once in a monopoly, like to preserve it, but we have to consider the general good of the community, and I doubt whether it is right that the Government should be able to say "There are six buses running on this route and no more buses shall run there." For what reasons do they wish to restrict the amount of traffic on any particular route? Is it because the road will not stand a greater amount of traffic? Is it because the Commissioner of Railways will suffer? What is the ground on which the Government will determine that there are sufficient buses running, say, between Armadale and Perth, or Perth and Fremantle? In the past, I take it, no particular theory governing the number of buses allowed on a particular route has been worked out. The Government have taken the advice of a board, one of whose members represented the Commissioner of Railways and the interests of the tramways.

The Minister for Lands: Public interests.

Mr. DAVY: If by that the Minister means the interests of the travelling public, how can those interests be guarded better than by allowing every bus owner to run his bus?

The Minister for Lands: By protecting public property.

Mr. DAVY: I take it the only consideration was that the tramways and railways should not be unduly interfered with.

The Minister for Lands: I was only referring to your statement.

Mr. DAVY: Presumably the Commissioner for Railways is represented on the board in order to guard against any competition that would seriously affect the revenue.

The Minister for Railways: There are millions of public moneys involved.

Mr. DAVY: Probably the lines upon which motor buses are restricted will be in the direction of protecting the railways and tramways.

The Minister for Railways: That is one phase.

Mr. DAVY: That phase ought never to be considered. Apparently nothing that tends to render obsolete any enterprise that may be started by the State is to be permitted to have a free run.

The Minister for Works: The Bill says nothing of the sort.

Mr. DAVY: A new method of transport, more convenient to the public has come into existence. It must offer something that the railways and tramways do not offer, or the public would not use it. There is only one way of dealing with the buses, and that is to ensure that they give the roads a fair deal. The tramways and railways should not be considered for one moment.

The Minister for Railways: The tramways pay a lot towards the upkeep of the roads.

Mr. DAVY: The buses must be made to pay a fair proportion towards the cost of maintaining the roads, and the trams must play their part. The tramways, owing to the vibration, do the roads a lot of harm.

The Minister for Lands: It is the road along the tramway track that carries the heaviest traffic.

The Minister for Railways: We pay the cost of all damage that is done.

Mr. DAVY: In addition to paying their fair proportion of the cost of maintaining the roads, the buses should be made to run to a timetable, and should be kept in proper order and repair. If we restrict any natural development of private enterprise, merely because it competes with something that is owned by the people, we shall have stagnation. I move an amendment—

That Subclause 3 be struck out.

Mr. SAMPSON: Many districts have benefited largely by the introduction of motor buses and other forms of motor transport. There are several centres in the State that are inadequately served by the roads, and where motor transport should be encouraged. A bus proprietor at Armadale found it impossible to secure a permit to run a second bus from districts around Armadale to Perth. The Premier gave the assurance that the license would be issued in the morning, but this has not yet been done.

The Premier: I am surprised that my attention has not been called to the matter before.

Mr. SAMPSON: The people of the districts concerned require such a service, but I understand the Routes Advisory Board did not approve of the routes it was desired to follow. I hope the Premier will yet carry out his promise. The Minister for Works said he had been informed that if more licenses were issued for buses between Perth and Fremantle, existing proprietors could not

make a living. It is well known, however, that the buses are able to pay their way, and that others, who are running a service along the same road, are also able to make a living. I hope the license to which I have referred will be issued. My constituent has observed the regulation, whether it be ultra vires or otherwise. I must support the amendment.

The MINISTER FOR WORKS: The member for West Perth and the member for Swan oppose the subclause because, they say, they disagree with the principle of restricting the number of charabanes. The subclause, however, deals not with the number of charabanes, but with routes.

Mr. Sampson: It secures the same result, though.

The MINISTER FOR WORKS: The member for West Perth made no allusion to routes. He had better put up his argument again when the clause to which it refers comes up for discussion. Routes can be laid down without any restriction being placed on the number of buses.

Hon. G. TAYLOR: The Minister is sidetracking the issue. If power is given to the Executive to decide routes, the license to run a bus will be a mere bagatelle. The subclause would empower the Government to restrict the competition of buses along tramway routes. In the district where I live it is dangerous to travel on the trams.

The CHAIRMAN: We ought to get away from the relative merits of trams and buses and deal with routes.

Hon. G. TAYLOR: I cannot discuss routes without referring to trams and buses. Our tramcars are rattletraps, and the tracks are in a shocking state; and the Government want to refuse the charabanes leave to run on the roads. While the tram tracks are in extremely bad order, the rest of the road, being maintained by the municipalities, is quite satisfactory. It is absurd for the Government to demand power to lay down routes for buses, the owners of which see their way to make a living by performing a public service.

Mr. SLEEMAN: The restriction of routes would not be so objectionable if it applied to everyone. However, foreign capital in the shape of "Yellow Cabs" will not be affected by the restriction. Those cabs will run from one suburb to another.

The MINISTER FOR LANDS: The "Yellow Cabs" do not enter into the consideration, as they will not run for 3d. fares. If

there is one man who during the last 20 years has stood up for public rights as represented by Government expenditure, it is the member for Mount Margaret; and therefore I am surprised at his attitude this evening. Public capital invested in tramways must be protected. Fremantle residents, besides paying for their own tramway system, have to assist in paying for the Perth trams.

Mr. Thomson: Why?

The MINISTER FOR LANDS: Because the Perth trams do not pay. People travelling home will always take the first conveyance that comes along so long as the fare is the same. The public have to pay for the upkeep of the trams either by way of fares or by way of rates. I challenge anyone to prove that the Government tramways in Perth lost less than £50,000 last year. Yet some members maintain that charabancs should be allowed to compete with those trams. Private enterprise will enter into that competition only in thickly populated districts, and the result of such competition is increased taxation of the people whose money is invested in the trams. The leading engineers of England conferred on this question and decided that for the removal of heavy traffic tramways were necessary because the charabancs could not cope with any extensive traffic.

Hon. G. Taylor: That is in the rush periods.

The MINISTER FOR LANDS: Trams could not be kept for rush periods only.

Mr. Davy: London traffic is shifted mostly by buses and the underground railways.

The MINISTER FOR LANDS: In the centre of London, with the exception of the Embankment, there are no trams. The traffic is handled by the tubes or railways.

Hon. G. Taylor: Do not the buses lift 2½ million people a day?

The MINISTER FOR LANDS: Perhaps so. There is another aspect. As the Minister for Railways mentioned, the tramways have to keep the roads in order, although they do not use the roads.

Hon. G. Taylor: But the trams shake the foundations to pieces.

The MINISTER FOR LANDS: There may be a sleeper or two loosened; that is what it amounts to. While the Fremantle trams do not pay to-day, if the charabancs and other motors were to be allowed to handle the short-distance traffic, the trams would have to be taken off the roads or increased taxation paid by the rate-

payors to maintain them. That would be unjust and unfair, seeing that such large sums of money have been invested by the people in providing the tramways. I have always regretted that the power of control was taken out of the hands of the local authorities. In my opinion, unless the power sought is provided, we shall not do our duty to the people who have to pay taxation to maintain the public conveniences.

Mr. Angelo: According to the departmental report, the Perth tramways showed a profit.

The MINISTER FOR LANDS: Did they? Is anything shown in the report for depreciation?

Mr. DAVY: The Minister suggested that my remarks were made at the wrong stage because the subclause deals with routes only. But the fact that the Government will be able to make regulations fixing the point to point between which buses may ply for hire, makes it necessary to deal with the matter at this stage. It is obvious that there is a necessity for prescribing a particular route for a vehicle, such as that which is known on the Perth-Fremantle road as the "village-on-wheels" capable of carrying up to 40 passengers, and weighing I know not what. Not all roads could carry such traffic. The Minister's proposal goes much further than that, for he proposes to take power to say that motor bus "A" shall only travel between point "Z" and point "Y" on that particular route, and that motor bus will not be allowed to go off that particular route. That power is absolutely ancillary to the power to restrict the number of bus licenses. It would restrict the number of licenses in the whole of Western Australia. As I suspected, the attitude of mind on the part of the Government, if we may judge by the remarks of the Minister for Lands, is wholly to protect the trams and railways.

The Minister for Works: The Minister for Lands did not say that.

Hon. G. Taylor: That is what he did say.

Mr. DAVY: He did not give any other reason.

The Minister for Works: Because the Minister gave one reason only, that does not say that the reason advanced by him was the only one actuating the Government.

Mr DAVY: If that was the only reason the Minister gave, we should be entitled to infer that it was the main reason in his mind.

The Minister for Works: That is a different thing. There is a difference between the main reason and the whole reason.

Mr. DAVY: I should say that 90 per cent. of the reasons actuating the Government constitute, according to the Minister for Lands, a desire to protect the tramways and railways.

The Minister for Works: He is sworn to do that.

Mr. DAVY: That is a novel proposition! Of course the Minister is sworn to do his duty.

The Minister for Works: To protect the interests of the people and of the State.

Mr. DAVY: If the Minister's trepidation is well-founded, and it is the Minister's duty to protect a system that is growing obsolete, then it merely means that he seeks to stem the onward rush of new ideas. I suggest that here is another point of view. The interests of the people may best be protected by allowing them to go forward with the march of science and the progress of human thought. If we are to close our eyes in future to any new ideas that threaten to prejudice large sums sunk in particular schemes, it seems to me that we will reach a certain stage of development at which our progress will stop, and other countries will march ahead of us. I am not prepared to say at the moment that our tramways and railways are obsolete, but I think that our trams have probably reached the peak moment of their usefulness to closely settled communities. It is quite likely that we will find motor buses increasingly taking the place of trams. It is for engineers to speak with authority on that point, and why not give them the opportunity? If we allow motor buses to ply on the roads without paying a fair share towards the upkeep of those roads, we not merely give the motor buses a fair deal, but we turn them into hot-house plants to the detriment of our public utilities. But if the buses pay a fair proportion of the cost of supervision from the traffic point of view, and of the cost of upkeep of the roads over which they travel, and can still compete with the tramways, I suggest it is because they are better fulfilling the requirements of the people than the tramways were supposed to meet. My view, subject to anyone pointing out the fallacy of it, is that this move is a retrograde step and discloses one of the chief dangers in the ownership of anything by the State. I hope the Committee will agree to strike out the subclause.

Mr. MANN: If the clause is to operate in the manner suggested by the Government, no harm will result. A bus runs between St. George's-terrace and North Beach during the week when there is not much traffic, but on Sundays there is a good deal. If other buses are to leave their regular daily routes in order to participate in the traffic to North Beach on Sundays, that may be considered unfair competition. If it is intended to stop that sort of thing, it may be all right.

Mr. Pantou: But you may penalise the people who wish to go to North Beach at the week end.

Mr. MANN: I do not know of any other use to which the clause could be put.

Mr. Pantou: Should it be put to that use?

Mr. MANN: There might be some excuse if it were applied in that manner. The authorities complain that buses licensed, for instance, to run between Fremantle and Perth during the week are taken off that route and put on another where there is more attractive traffic on Sundays, without considering the convenience of the public catered for by those buses during week days. When a bus is licensed to run on a given route the owner should be made to understand that he cannot leave his appointed route at his pleasure. But if this provision is to be applied, as was done in Melbourne, to run the buses off the road altogether, it is entirely objectionable. There is a proper way to bring that about. I should like the Minister to say just how he intends this provision to operate.

Mr. MILLINGTON: The general impression is that the obsolete trams cannot compete with the motor buses. Let me show the position from an entirely different angle. When the Tramway Extension Advisory Board were considering the West Leederville extension, there were already two established bus services in the district, namely, one in Cambridge-street and another in Ruislip-street. A representative deputation of citizens were asked individually by the board whether they would agree to the removal of the two bus services if the board recommended the extension of the tramway service. In every instance those citizens agreed that they would do without the bus services if they could get the tramway extension. Yet we are continually hearing of obsolete trams being beaten by the buses!

Mr. Davy: Do you say the trams can compete with the buses?

Mr. MILLINGTON: Possibly not, if we make the conditions altogether favourable to the buses. Yet in West Leederville, where there were two established bus services, the residents preferred to have a tram service.

Mr. Davy: How many people were they?

Mr. MILLINGTON: It was a deputation of about 20, representative of the district, and I presume they had taken means to acquaint themselves with the general opinion of the residents. So, where the people had a choice as between buses and trams, they asked for the trams.

Hon. G. Taylor: There are not many people who would prefer the Newcastle-street tram service to the buses—and you know it.

Mr. MILLINGTON: Some of the tram lines need renewing. However, wherever the buses are running the roads are in an impossible state; so on that point honours may be said to be easy. As I say, the people of Leederville preferred the trams to the buses.

Mr. Sampson: Out of their inexperience.

Mr. MILLINGTON: At all events, it seems that not only can the trams compete with the buses, but that the people prefer the trams.

The MINISTER FOR WORKS: The member for West Perth says this provision is to legalise doubtful actions taken in the past. He says we have in the past exercised the power asked for in this provision, but have exercised it in doubtful legality. Then he goes on to depict the dreadful things that would happen if these powers were given to us. So he answers his own case. The provision would only give us power to do without question what we have been doing in the past.

Mr. Davy: Except when the sword has been rattled at you; then you have caved in.

The MINISTER FOR WORKS: The sword has not been rattled at me.

Mr. Davy: No, not at you.

The MINISTER FOR WORKS: All that this will do is to allow us without question to map out the routes, as we have been doing up till now, and as is done everywhere else in the world.

Mr. Davy: No.

Mr. Teesdale: Would you allow deviations on Sundays, to cater for the week-end traffic?

The MINISTER FOR WORKS: Yes. Frequently special permits are given to bus owners to run on alternative routes on Sundays. The trouble is that at present we have not power to make those bus owners maintain a given time table. We are asking for that power.

Mr. Davy: You are not asking for it here. That power, we are all agreed, you should have.

The MINISTER FOR WORKS: On the route between Perth and Fremantle, save at certain hours, the Sunday traffic is not as good as the week-day traffic. Because of that the bus owners, ignoring the traffic that is offering, go off that route on Sundays, leaving their week-day clients to look after themselves, whereas the railways and the tramways have to maintain their time tables, week days and Sundays alike. The bus owners do not care about the convenience of the people; their sole desire is to get on to the road offering the biggest profit for the moment. I do not think anybody can argue that the buses should be allowed to take the same route as trams or railways. From all quarters there are demands for extensions of railways and tramways. If we are to allow this unrestricted competition by buses, the State cannot possibly undertake either railway or tramway extensions. I am not one to say that the tramway or railway officials should be permitted to sit down and allow their respective systems to become obsolete, that they should be protected from any competition from more convenient and later transport appliances. I will not encourage anything of the kind. Inquiries made from experts in England and America and officials in the Eastern States that have travelled the world show that motor traction is not suitable for shifting big crowds at peak periods. The people will be better catered for if we prescribe one street for buses while trams take another street than if both take the one route.

Mr. Davy: You are asking for power to define the route of each particular bus and not of buses generally. You already have that power.

The MINISTER FOR WORKS: It makes no difference. When we grant a license we want to know where it will operate.

Mr. Davy: Why?

The MINISTER FOR WORKS: Should we license buses indiscriminately to ply anywhere?

Mr. Davy: Why not?

The MINISTER FOR WORKS: There are a hundred and one reasons; the hon. member stated one of them. If motor buses are allowed to take any road they please, we shall be setting the local authorities an impossible task.

Mr. Davy: No, any route.

The MINISTER FOR WORKS: What is the difference?

Mr. Davy: You prescribe that buses plying between Perth and Fremantle shall go in a certain direction, but you ask for greater power to say that bus No. 1 shall run between Perth and Fremantle only.

The MINISTER FOR WORKS: There is power to give a special license for buses to run on another route. If we gave the bus owners a free hand to run anywhere, the local authorities could not construct roads to meet requirements.

Mr. Davy: We never suggested that that should be done.

The MINISTER FOR WORKS: We desire to lay down definitely the power we already exercise.

Mr. Griffiths: And you will endorse it on the license.

The MINISTER FOR WORKS: Yes, so that there will be no doubt about it. At present buses licensed to run between Perth and Fremantle leave their regular run on Sunday and go to Mundaring, Rockingham, Mandurah and other places.

Mr. Sleeman: They do not neglect their regular service.

The MINISTER FOR WORKS: They do not run to Perth at all.

Mr. Sleeman: Do you know that they run every seven or eight minutes?

The MINISTER FOR WORKS: I know they do not. There are only 20 buses on the route.

Mr. Sleeman: What you call buses, but they will all be buses when you get this power.

The MINISTER FOR WORKS: I am talking of what is happening with the buses. They do neglect their ordinary business by going on to other routes when greater traffic is offering.

Mr. Davy: Do not you prosecute them?

The MINISTER FOR WORKS: Outside the metropolitan area we have no power to do anything.

Mr. Davy: But you have assumed this power and have prosecuted under it.

The MINISTER FOR WORKS: We have assumed a lot and now we want the power definitely enacted. This control is essential. The people in the business agree that it is essential.

Mr. Mann: Do not you think there should be provision for a permit to go on another route?

The MINISTER FOR WORKS: There is power to grant a special license.

Hon. G. Taylor: You have already exercised it?

The MINISTER FOR WORKS: Yes. The railways and tramways, in which the people's money is invested, must continue, and we must have power to regulate the routes on which the buses are to run. The police have informed me that the traffic to Fremantle is getting dangerous, and we shall have to tackle the problem of widening that road or constructing a road on the other side of the river. If we divert the motor traffic to the side roads, the local authorities will be unable to maintain the roads to deal with it. Many motor lorries, to dodge the hill at Swanbourne, are taking the deviation by the railway and are playing havoc with that light road, which was never intended to carry such traffic. As the Leader of the Opposition said last week, we must have the widest possible power to cope with this difficulty; otherwise we shall be involved in an expenditure of thousands of pounds. Without doubt the motor traffic between Perth and Fremantle has proved a great convenience to the people and there is no question of running it off the roads, but if we are to serve the people's interests, we must have power to control that traffic.

Mr. Teesdale: You deplore the competition, but are not you increasing it by throwing open the traffic to outsiders such as Yankees and Eastern States people?

The MINISTER FOR WORKS: The yellow cabs do not come under this provision.

Mr. Teesdale: But they will be using the roads.

The MINISTER FOR WORKS: Then the point arises whether we should refuse to issue them licenses to go on the rank.

Mr. Teesdale: Are not the people fully catered for now?

The MINISTER FOR WORKS: The rank vehicles do not cater for a 6d. fare.

Mr. Teesdale: But they cause wear to the roads all the same.

The MINISTER FOR WORKS: The yellow cabs will do no more than the rank cars are doing now, but will simply compete with the men on the ranks.

Mr. Teesdale: It seems to me the men on the ranks will be driven off.

Mr. Davy: Only if the yellow cabs give a better service.

The MINISTER FOR WORKS: Without this power the measure would be useless and I would not go further with the Bill.

Mr. Davy: You keep on repeating that.

Hon. G. Taylor: In view of the statement of the Minister for Lands we should be chary about passing it.

The MINISTER FOR WORKS: The Minister for Lands dealt with only one phase—the need for protecting the public money that has been invested. The Royal Commission, recently appointed by the South Australian Government toured the whole of Australia and recommended regulations, of which these are an exact copy, and similar regulations have been in force in Victoria and New South Wales for years. Under them we do not propose to do more than we have done in the past. We cannot have a go-as-you-please policy, and even the bus owners admit the need for general control and have submitted to it.

Mr. Mann: Are you going to retain your advisory committee?

The MINISTER FOR WORKS: Yes, I see no reason to disband them. I am too busy to meet the bus owners and discuss the routes the buses should take.

Mr. Mann: You do not give full representation on that committee.

The MINISTER FOR WORKS: I have given representation to most of the interested bodies.

Mr. E. B. Johnston: This measure will merely give the Government power to make regulations, and it will still be open to the House to disallow them.

The MINISTER FOR WORKS: All this is done by regulation. This is the essential part of the Bill. We must have power to regulate the routes.

Mr. Davy: You already have it.

The MINISTER FOR WORKS: I am surprised the question has been raised. Those who are in the trade have agreed to this subclause.

Mr. Davy: They are in the monopoly now, and desire to keep it to themselves.

The MINISTER FOR WORKS: Have the public complained?

Mr. Davy: Yes.

The MINISTER FOR WORKS: I have heard nothing about it except that a few interested parties have desired to obtain additional licenses.

Mr. Latham: There will be many complaints if this is passed.

The MINISTER FOR WORKS: We have done this from the inception.

Mr. Latham: But you will do more if you get this.

The MINISTER FOR WORKS: If the buses had been allowed to run over every thoroughfare in the city, the public would not have tolerated them for a moment. Without power to restrict the routes it is futile to attempt to control the motor traffic.

Mr. DAVY: We are not attempting to prevent the Minister from regulating the routes. He always has had power to do that under the Act, Section 41, paragraph (i). He wants to be able to say that between any two points only a certain number of motor buses shall ply for hire and no more. He also wishes to be able to name the lucky persons who are to enjoy this monopoly, and endorse their licenses accordingly. It would thus be in his power to create a monopoly for a few persons between any two points in the State. Later on in the Bill he is asking for power to fix the fares. If he is going to give a monopoly he must, of course, have some control over the fares. It was the organisation of the taxi service between Perth and Fremantle that induced the charabanes to reduce their fares, and that conferred a benefit on the public.

The Minister for Lands: But for the collapse of the Fremantle bridge there would not have been so many on the road to-day.

Mr. DAVY: The Alpine taxi service was in full blast before the bridge collapsed. The routes must be defined, but competition should be allowed full play in the interests of the public.

Mr. SLEEMAN: The Minister for Works said that the buses on the Perth-Fremantle road had left the public to shift for themselves on Sundays. If this subclause is passed, they will be in an even better position to do as they please. As a fact, the taxis are now giving a seven minute service, and their Sunday trade is said to be better than it is on any other day in the week. There is no doubt these services will always compete with the railways. One of the rea-

sons for this is the railway service itself. Fares on the railways should be reduced and there should be an increase in the number of trains. This subclause will give the Minister power he has never yet had.

Mr. THOMSON: Apparently the desire is to protect the railways and tramways from competition. At the busy periods, the trams are packed.

Mr. Sleeman: But there are never any prosecutions for overcrowding.

Mr. THOMSON: The same thing applies to the railways, but prosecutions for overcrowding are never instituted against them. If a motor bus or taxi is overcrowded, the owner is summoned and fined. It has been said that motor transport is not paying much towards the upkeep of the roads.

The Minister for Works: Not as much as the tramways pay. They pay £5 per seat per annum, and the buses only 30s.

Mr. THOMSON: In the case of a 20-seater motor bus the owner pays £30 a year, and a minimum of £22 as a license fee. He also pays 6d. per gallon tax for his petrol, 3d. to the Federal Government and 3d. to the State.

The Minister for Works: The owner is not paying an extra 3d.; the companies are paying it. You know quite well that since the Commonwealth imposed that tax the oil companies have not increased the price.

Mr. THOMSON: But for the tax, the price of petrol would have been reduced by that amount. The buses pay more per seat to the State than the trams pay.

The Minister for Works: They do not pay half as much.

Mr. THOMSON: The depreciation on a lorry is not half as much as the depreciation on a motor vehicle. I strongly depreciate the creation of a monopoly by the restriction of licenses. Evidently the Minister for Works and the Minister for Lands are determined to prevent buses from competing with tramways or railways.

The Minister for Lands: If you lived in Fremantle, you would also want that.

Mr. THOMSON: The subclause empowers the Minister to cut out all competition. As various clauses already passed give him sufficient power to prohibit and regulate, I support the amendment.

Mr. E. B. JOHNSTON: I support the subclause. Our railways are not purely a business proposition, but are used for developmental purposes. How can we ask that

developmental railways shall be built for new districts while we refuse to give the Railway Department protection?

Hon. G. Taylor: This subclause does not apply to country districts.

Mr. E. B. JOHNSTON: It applies to the whole State. In any case, if a regulation is not approved of it can be disallowed. When the railways do not pay, it is the man on the land who has to make up the deficiency. If the Government can do something to make the railways and tramways pay better, it will be a very good thing.

Mr. TEESDALE: The Minister for Works has made a good case for the subclause. In West Leederville there is a railway running on one side of a block, and a tramway running on the other side. When traffic is amply catered for in that way, the Government are justified in demanding protection for their utilities.

Amendment put and negatived.

[Mr. Panton took the Chair.]

The MINISTER FOR WORKS: I move an amendment—

That the following be added to Subclause 7:—“And by inserting in the said paragraph a sub-paragraph as follows:—“(n) Prohibit the carriage by any vehicle on the roads or any specified roads in a prescribed area, of a load (including the weight of the vehicle) exceeding the weight prescribed as the maximum load that may be lawfully carried on such roads or specified roads.”

The object of the amendment is to empower the local authority to fix the maximum weight which will be permitted over either a specified road or a prescribed area. The Leader of the Opposition asked me specially to take this power. The Government now have an application to license a lorry which when loaded will weigh 16½ tons. At present there is no power even to keep such a vehicle on particular roads. I am asking the experts on the Main Roads Board to inform me what are the maximum weights to be permitted on various roads, as I wish to be in a position to warn motor proprietors as soon as possible that vehicles beyond a certain weight will not be permitted on our roads.

Amendment put and passed.

Mr. THOMSON: Subclause 6, which has been passed, gives power to prohibit the use of jinkers and whims on any roads or portions of roads either generally or during

certain months of the year. Now by Sub-clause 8 we propose to take away from the local authorities the power to obtain higher fees from these vehicles than are charged for ordinary vehicles.

The MINISTER FOR WORKS: I will move to postpone the consideration of the subclause.

The CHAIRMAN: That cannot be done as the clause has been amended.

The MINISTER FOR WORKS: Then will the member for Katanning accept my promise to look into the matter and recommend the clause if any danger attaches to it as it stands now?

Mr. Thomson: Certainly.

Clause, as amended, put and passed.

Clause 22—Regulations as to motor omnibuses:

Mr. THOMSON: The clause provides that the Governor may make regulations prescribing the routes "within the metropolitan area or in any other defined parts of the State." Why is it necessary to include any other defined parts of the State?

The Minister for Lands: If the Katanning Road Board decided that a tram should proceed along a certain street, it would be necessary for the Government to have power to make regulations accordingly.

Mr. THOMSON: That might be all right, but later on there is provision for the Minister having to satisfy himself as to the condition of the roads to be included in the route, that not sufficient other facilities are available for the conveyance of passengers and so forth. It seems to be conferring great powers upon the Minister.

Mr. SAMPSON: Would the clause not read more clearly if the reference to the metropolitan area and other defined parts of the State were omitted? The clause would then set out that the Governor by regulation might prescribe the routes to be observed by buses, and so on.

The Minister for Works: We do not want to operate all over the State!

Mr. DAVY: Why does the Minister require references to the power to make regulations repeated over and over again? We have just passed the clause dealing with the power to make regulations and the clause under discussion now deals with the same thing in different language. It appears to me that what happened was that a start was made by amending Section 41 and then

the draftsman took from another Act operating in another State, the whole of the section dealing with regulations and included it as Clause 22. As the Bill now stands, we have two clauses dealing with the same matters. The Minister will surely agree that it is not of advantage to load the Bill up in that way.

The Minister for Works: We might catch under one clause what we might miss under the other.

Mr. DAVY: On the other hand, the Minister might miss both ways. The Minister should desire to pass legislation in the proper form. I suggest that he agrees to further reconsider Clause 22 with a view to deleting unnecessary repetition and to embody the remainder under Clause 21 dealing with the power to make regulations.

The Minister for Works: I will agree to that.

Mr. DAVY: There are other parts of the clause that call for criticism. For instance, the Minister asks for power to fix not only maximum fares to be charged by motor buses, but also the minimum fares. I find it impossible to conceive any reason why the Government should desire power to fix minimum fares unless it be to block the competition of the buses by fixing minimum fares so much higher than those charged by the trams and the railways that no one would dream of travelling by the buses.

Mr. Millington: It might be to prevent dumping!

Mr. DAVY: That might be the reason. The only explanation for the Government desiring power to fix minimum fares would be the fear that the tramways and the railways would secure no patronage at all because of the small fares charged by the buses such as, for instance, a sixpenny fare between Perth and Fremantle. The Minister has shown a desire to constitute himself as a price-fixing commission. He indicated that in his desire to fix insurance premiums.

The CHAIRMAN: There is nothing about insurance in the clause and the hon. member must speak to the clause as it stands.

Mr. DAVY: With all the respect I have for the Minister's capacity, I do not think one human brain is capable of carrying the load of responsibility the Minister seeks to place upon himself. I move an amendment—

That paragraph (c) be deleted.

The MINISTER FOR WORKS: I will agree to the words "and minimum" being deleted. The Committee will agree that it is

necessary to control the maximum fares to be charged by the buses.

Mr. DAVY: Probably so, if you insist upon having a monopoly.

Amendment put and negatived.

Mr. DAVY: Has the Minister not agreed to strike out the provision for controlling minimum fares?

The CHAIRMAN: That cannot be done now, because the Committee decided that the paragraph should stand.

Mr. NORTH: Paragraph (ii.) prescribes that before any route is decided upon, the Minister may confer with the Commissioner of Railways and any local authorities concerned. The local authorities are very anxious that there should be no mistake about this, that they should be consulted. I move an amendment—

That in line 1 of paragraph (ii.) "may" be struck out and "shall" inserted in lieu.

Mr. THOMSON: The amendment, in making it mandatory that the local authorities shall be consulted, makes it also mandatory that the Commissioner of Railways shall be consulted. Yet it may be a proposal for a bus route in a district in which there is neither railway nor tramway, in which event the Commissioner of Railways would not be concerned. Surely it should be left permissive in respect of consulting the Commissioner of Railways.

Mr. North: I will withdraw my amendment.

Amendment by leave withdrawn.

Mr. NORTH: I move an amendment—

That after "and" in line 2 of paragraph (ii) "and shall confer with" be inserted.

That will leave it permissive in point of consulting the Commissioner of Railways, but it will be mandatory that the Minister shall consult the local authority.

Amendment put and passed.

Mr. DAVY: Paragraph (iii.) provides that before any bus route is prescribed, the Minister shall satisfy himself that there are not sufficient other facilities for the conveyance of passengers to, from or within the district proposed to be served. All the time the onus is to be on the persons asking for the bus route to show that there are not sufficient other facilities, that in fact the tramways or the railways cannot convey the passengers to, from,

or within the district proposed to be served. The mere fact that the bus route would be a greater convenience to the people or that they prefer buses to trams, is not to be sufficient; the Minister has to be satisfied that there are not sufficient other facilities for the conveyance of passengers. The chief person to be consulted by the Minister is the Commissioner of Railways who, like the Minister himself, must always have a leaning towards the railways. In these circumstances, is it likely that justice will be done to the public generally and their convenience consulted? I move an amendment—

That all words after "roads" in line 4 be struck out.

Mr. SAMPSON: It is unreasonable to expect the Commissioner of Railways to give an unbiassed decision in such a contingency. It would be like asking a judge to review a case that he himself had decided. The Commissioner would have to be more than human to resist his inclination to decide that the existing facilities for the carrying of passengers were sufficient.

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

Ayes	13
Noes	18

Majority against .. 5

AYES.

Mr. Angelo	Mr. North
Mr. Davy	Mr. Sampson
Mr. Griffiths	Mr. Taylor
Mr. E. B. Johnston	Mr. Teesdale
Mr. Latham	Mr. Thomson
Mr. Lindsay	Mr. Richardson
Mr. Mann	(Teller)

NOES.

Mr. Angwin	Mr. Lutey
Mr. Chesson	Mr. Marshall
Mr. Collier	Mr. McCallum
Mr. Corboy	Mr. Millington
Mr. Coverley	Mr. J. H. Smith
Mr. Cunningham	Mr. A. Wansbrough
Mr. Heron	Mr. Willcock
Mr. Lambert	Mr. Withers
Mr. Lamond	Mr. Wilson

(Teller)

Amendment thus negatived.

Mr. THOMSON: Paragraph (e) of Schedule 3 provides for the issue of special licenses to buses plying for hire. Is a special fee to be charged for such special license? Again, will this apply to a man with a motor truck who is asked to convey a football team from one petty town to another?

The Minister for Works: No, we dealt with that the other night. It is provided for in the amendment moved by the member for Swan.

Clause put and passed.

Clause 23—agreed to.

Clause 24—Amendment of Section 44:

The MINISTER FOR WORKS: I move an amendment—

That in line 3 the word "nine" be struck out and "by omitting the proviso" inserted in lieu thereof; and that after "two" in the same line the word "and" be inserted.

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

Clause 25—agreed to.

Clause 26—Amendment of Section 48:

Mr. MANN: Section 48 deals with the liability for damage to any road, bridge or culvert. I move an amendment—

That the following proviso be added:—"Provided that the owner of a vehicle shall not be liable for any damage to a bridge or culvert unless such bridge or culvert bears a notice stating the maximum weight such bridge or culvert will sustain."

The fairness of the amendment will be recognised. A driver would not think of crossing a bridge if the weight of his vehicle was in excess of the maximum prescribed for it.

Mr. A. Wansbrough: What would he do?

Mr. MANN: Take off part of the load and first carry over the balance.

The Premier: What would he do if it was a boiler, or a load in one piece?

Mr. MANN: That would be the driver's responsibility. It would not be difficult to affix such a notice to each bridge.

The Minister for Lands: Every bridge and every culvert in the country?

Mr. MANN: Yes.

The Minister for Works: Where has there been any hardship so far?

Mr. MANN: The Carriers' Association inform me that there have been cases of hardship. A bridge at Busselton collapsed under the weight of a traction engine. If the bridge had borne a notice stating the maximum weight, the driver would have made no attempt to cross it. The local engineers could examine the bridges and state what weight they could carry. The affixing of such notices would cost little and would save much trouble and probably litigation.

The MINISTER FOR WORKS: Not one case of hardship has been brought under my notice, and I believe the previous Min-

ister had occasion to enforce the section only once. The local authorities have no engineers, and who would examine the bridges and culverts?

Mr. Mann: Each local authority.

The MINISTER FOR WORKS: An expert would be required. Besides a driver would require a record of the weights of the various bridges and culverts before he started on his journey. I cannot imagine a man with a load of wool removing portion of it before crossing a bridge, and returning for it later. The local authorities can be trusted to use discretion. Only where a flagrant breach is committed are they likely to take action.

Mr. Mann: When a bridge gets into disrepair they put up notices.

The MINISTER FOR WORKS: Yes, notices to the effect that the bridge is closed and that people use it at their own risk. That is to prevent action being taken against the local authority. I doubt whether notices, if posted on bridges, would remain there long. If the amendment was passed and a notice was removed from a bridge, the local authority would have no redress. The amendment would cause trouble to local authorities and would save the carriers very little hardship.

Amendment put and negatived.

Clause 27—agreed to.

Clause 28—Insurance by owners of motor omnibuses:

Mr. THOMSON: I move an amendment—

That in line 4 of the proposed new Sub-section 1 all the words after "therefor" be struck out, and the following inserted:—"against liability for damages in respect of such vehicle in the case of injury to persons. Provided that such insurance shall be effected with an insurance office doing business within the State that has complied with the Insurance Companies Act, 1918."

I am in accord with the principle of insuring passengers so that there may be some fund out of which they may recover for injuries sustained. I do not, however, approve of the Minister having power to say with which company the owner of the vehicle shall insure. The local insurance companies comply with the regulations laid down by the Government, and have put up substantial deposits. They should, therefore, be entitled to carry on their business without restriction.

Mr. DAVY: I cannot support the amendment. Its effect would be to wipe out all

the business of an insurance office in Western Australia that is doing a substantial portion of the motor car insurance work. I refer to Lloyds, which is an agency for the underwriters in London.

The Minister for Lands: They put up a security in the same way as the other companies did. I was informed 12 months ago that this was so.

Mr. DAVY: Complaints have been made by the other companies that Lloyds were able to do this business without putting up the deposit. I am opposed to the whole clause. The Premier says that the natural corollary to compulsory insurance is State insurance. If we pass this clause we shall be walking into the trap with our eyes open. It is not provided that the owner of a motor bus shall insure his passengers, but shall insure himself against liability towards his passengers. In practice an insurance is between him and the company. All the company does is to enter into a contract with the owner of a bus to hold him indemnified against any liability that may accrue because of negligence. It is an inadequate method of arriving at what is desired. Before a man can get a third party risk policy he has to sign a proposal form, which contains a lot of information concerning his past history. If later on any of these pieces of information turn out to be untrue, the policy vanishes. On most policies there is a clause to the effect that the policy shall be void whilst a motor car is being driven by, or is in charge of, any person under the influence of intoxicating liquor. If damage is done to the passengers while the driver is under the influence of alcohol, the policy becomes valueless. If the owner fails to comply with certain conditions of the policy, the company becomes free. The general practice is that where there is failure to notify such things as threatened proceedings, etc., the companies do not stand on their rights, unless they have been prejudiced by the failure to comply with the conditions. If they are prejudiced, the companies may again be free. The clause is by no means a safeguard that persons injured by the negligence of the owner of the car shall be protected. If the principle is to be imported into the Bill, why should we not say that every man who drives a motor car on the road shall give some assurance that, if he does damage, he can stand up to it? I know of a case of a pedestrian who was injured by a motorist. When he sought his

remedy he found that the driver was not the owner of the car, was not insured, and was a man of straw. So he was left seriously injured, and with an excellent cause of action, but with no chance of recovering compensation. I would suggest to the Minister a much more certain remedy to persons so injured, and that is the importation into the law on land the law as it has existed with regard to ships for many years, what is called a maritime lien. This is defined in "Halsbury," the great standard work covering the whole of the law, as follows:—

A maritime lien springs into existence at once against a ship and her freight for damage by collision done by that ship caused by negligence of the servants either of the owners or of those in whom the control of the ship is with the consent of the owners vested, within the scope of their employment, and may be carried into effect when opportunity offers by a legal proceeding known as an action in rem.

The car that does the damage should be made responsible itself, whomever it may belong to; that is, of course, unless it has been stolen. I suggest to the Minister that he consider whether such an amendment as that would not be a better way of ensuring that innocent persons should have some remedy when injured by the negligence of drivers of motor cars.

The Minister for Works: But that would hardly be sufficient. A bus is worth only £1,200, say, and carries 24 passengers.

Mr. DAVY: Have we had any holocaust of the kind suggested by the Minister? The Bill suggests that bus proprietors should insure to the extent of £100 per passenger.

The CHAIRMAN: What the member for West Perth suggests would be a long way from the amendment. The amendment is to strike out certain words in Subclause 1.

The MINISTER FOR WORKS: Quite clearly, the provision intends that there shall be an insurance of third-party risk, so that passengers may have an assurance of recovering some damages in the event of meeting with accident. A copy of the clause suggested by the member for Katanning has been posted to me by the Underwriters' Association. Therefore there can be no question where that clause comes from. We propose to see that the rate of premium charged is not exorbitant. I do not think any Parliament would be justified in compelling people to go to insurance companies among whom there is no competition in rates.

Mr. Davy: But there is such competition. The MINISTER FOR WORKS: I say there is not.

Mr. Davy: Lloyd's came in here and cut rates considerably.

The MINISTER FOR WORKS: Lloyd's cut the rates of the others, but there is no cutting outside Lloyd's. The other insurance companies meet together and fix rates. We ought not to compel people to pay whatever rates may be fixed by the companies.

Hon. G. Taylor: The insurance companies got the idea from the way in which the Timber Combine worked with the Government.

The MINISTER FOR WORKS: That was before we came into office, and I have dissolved the arrangement since I took control.

Hon. G. Taylor: I am glad to hear it.

The CHAIRMAN: Order! The discussion of timber combines is out of order.

The MINISTER FOR WORKS: No Parliament in the world, knowing what cormorants the insurance companies are, would compel people to insure with them. Moreover, the insurance companies adopt all imaginable tactics to dodge payment when they are liable.

Mr. Thomson: That is not correct.

The MINISTER FOR WORKS: I am glad the member for West Perth has given us some hints as to the ways in which the companies can escape their obligations.

Mr. Davy: You had better get an ordinary policy and read it.

Mr. E. B. Johnston: My experience is that the insurance companies pay promptly and fully.

The MINISTER FOR WORKS: Then the hon. member has had a unique experience. My experience is all the other way, especially as regards workers' compensation, of which I have handled very many cases. I have never found it possible to get a settlement without an argument or a fight.

Mr. Thomson: That is hardly correct.

The CHAIRMAN: Order! Workers' compensation is not the question before the Chair.

The MINISTER FOR WORKS: Many motor drivers are men of straw, and do not even own their cars. On the Fremantle-road there are many drivers who have not even paid a deposit on their cars, but are simply paying so much per month. If such a driver met with an accident and passengers were maimed or killed, there would be absolutely no redress. The case for insurance

against that risk is unanswerable; the interests of the public must be looked after. If we compel the owners to insure, unquestionably we should exercise some control over the premiums to be paid.

Mr. Davy: You propose to start a State insurance office for that too?

The MINISTER FOR WORKS: We have a State insurance office now open to all business.

Mr. Davy: You have no legal authority for this business.

The CHAIRMAN: Order! We cannot go into State insurance.

The MINISTER FOR WORKS: We are doing the business.

Mr. Davy: What business?

Mr. Mann: The Premier said the State Insurance Bill dealt only with workers' compensation.

The MINISTER FOR WORKS: We are doing the business.

Mr. Davy: This business?

The MINISTER FOR WORKS: Never mind.

Mr. Davy: Why cannot you be candid?

The MINISTER FOR WORKS: We are open for all business and refuse none.

Mr. Davy: Now we know where we are. You get authority to do one sort of business, and you do all sorts.

The CHAIRMAN: Order! The Minister will proceed with his amendment.

The MINISTER FOR WORKS: The intention is clearly set out. It is necessary for the protection of the travelling public and when we say there shall be insurance, we have no right to hand the motor people over to the insurance cormorants to pay what they demand.

Mr. Mann: They have been satisfied with the companies for years past.

The MINISTER FOR WORKS: But formerly they were never compelled to insure. The insurance companies, with compulsory insurance provided in the legislation, could say that the motor people had to come to them, and therefore would have to pay what the companies liked to charge. As soon as the Workers' Compensation Act was passed the companies wanted to increase their premiums by 40 per cent.

Hon. G. Taylor: The risk was greater than that.

The MINISTER FOR WORKS: I do not think it was.

Hon. G. Taylor: I do not know, but that is what they said.

THE MINISTER FOR WORKS: It is for Parliament to see that justice is done all round. Unless this power is provided the companies may wish to put their charges up to an unreasonable extent. The argument that it is impossible for a Minister to examine a case and satisfy himself that the proposed rate is reasonable, will not stand examination because Ministers act in accordance with the advice of their professional advisers. We have in the employment of the Government the only qualified actuary in Western Australia. The insurance companies said they would accept without question his figures relating to insurance business. The advice of that officer is the best obtainable in the State. In the interests of the public and of those handling cars and in the interests of everyone bar the insurance companies, the clause should be agreed to. The insurance companies will be the only section penalised for they will not be able to fleece the people.

Mr. Mann: That means that these people must insure with the State.

THE MINISTER FOR WORKS: Nothing of the sort.

Mr. Thomson: Of course it does.

The Minister for Lands: You are making an incorrect statement.

THE MINISTER FOR WORKS: Did we say that employers had to insure with the State when we passed the Workers' Compensation Act?

Mr. Davy: No, but they had to.

THE MINISTER FOR WORKS: Only when the insurance companies said they would not accept the risks. It took 12 months before we took over the business.

Mr. Thomson: And now you will make these people insure with the State.

THE MINISTER FOR WORKS: You are not honest in making that statement.

Mr. Thomson: Yes, I am. You should withdraw that remark.

THE CHAIRMAN: Order! The Minister will get back to the amendment.

THE MINISTER FOR WORKS: How can the member for Perth say that we compel these people to insure with the State Insurance Department? There is no suggestion of that in the clause.

Mr. Mann: If the Minister fails to approve of the outside insurance companies these people will not be able to insure with them.

Mr. Davy: Of course: the Minister will not approve of them.

THE MINISTER FOR WORKS: Will the Minister not follow the advice of the Government Actuary? Will the Minister act unreasonably?

Mr. Davy: We do not think you are always reasonable.

THE MINISTER FOR WORKS: No Minister would dare to turn down the recommendation of the Government Actuary.

Mr. Davy: In the past we have had experience of your courage.

THE MINISTER FOR WORKS: At any rate, I hope the hon. member has some regard for my honesty.

Mr. Davy: I have never suggested otherwise.

THE MINISTER FOR WORKS: I do not think it can be suggested that I would do anything that was not fair and just. I have tried to deal out even-handed justice to everyone in my dealings with them and I desire this power to protect the travelling public and the bus owners as well. No Parliament, having agreed to insurance being compulsory, would agree to leave those concerned to the tender mercies of the insurance companies.

Mr. Davy: That is the weak point about it.

THE MINISTER FOR WORKS: I say it is not a weak point. I do not know from which aspect the member for West Perth is viewing the question, but I am regarding it from the point of view of those who will have to insure.

The Minister for Lands: There is no more harm in protecting the public from the insurance companies than there is in the Crown Law Department protecting us against lawyers.

Mr. Davy: That is an absurd statement.

The Minister for Lands: It is a fact. You cannot charge what you like.

Mr. Davy: The Crown Law Department have nothing to do with it.

The Minister for Lands: I did not say they did. The court can do so.

THE CHAIRMAN: Order! That has nothing to do with the clause.

THE MINISTER FOR WORKS: If the insurance companies submit a list of charges that the Government Actuary considers fair, there will be no interference with them so far as we are concerned. We know what happened when the Workers' Compensation Act was passed and I do not want the same experience on this occasion. Had I not the power vested in me under the Workers'

Compensation Act, the employers from one end of the State to the other would have had to pay 40 per cent. above their previous rates. I saved the employers 15 per cent. on their premiums.

Mr. Davy: That remains to be seen.

The Minister for Lands: It is a fact.

The MINISTER FOR WORKS: There is no question about it.

Mr. Latham: The rate was the same.

The MINISTER FOR WORKS: The rate was increased 25 per cent. but the companies wanted to increase it by 40 per cent.

The CHAIRMAN: Order! I have called order about five times.

The MINISTER FOR WORKS: It was the fact that the insurance companies acted in this way that led to the establishment of the State Insurance Department. That forced the position.

Mr. Thomson: At any rate, you admit that you are doing all sorts of insurance business now.

Mr. Davy: In defiance of the law you are accepting all forms of insurance business.

The MINISTER FOR WORKS: Defying the law!

Mr. Davy: Of course it is.

Hon. G. Taylor: They are like the White City, running illegally.

The MINISTER FOR WORKS: We want to protect human lives that may be in danger. At any time there may be a serious accident involving 30 or 40 people. There may be a fire or some part of the mechanism may fail, resulting in a terrible loss. Should that happen, under existing circumstances, people would be without redress.

Mr. Thomson: We are not arguing against insurance.

The MINISTER FOR WORKS: If there is to be compulsory insurance no Parliament would be justified in forcing people to insure at any rate that may be charged. I hope the Committee will agree to the clause as it stands.

Mr. WITHERS: What would be the position of a car owner whose car has been in use for a certain period but who is not able to insure with the present insurance companies? In my electorate a certain man plying for hire with a car is quite prepared to insure against the passenger risk, but the insurance companies declare that his car is becoming obsolete, and so they will not insure it. Yet that man is licensed by the local authority to carry passengers. If he can-

not insure his car, what will be his position under the clause?

The CHAIRMAN: The clause deals, not with the insurance of cars, but with the insurance of the passengers and the driver. Therefore the hon. member cannot deal with the insurance of cars.

Mr. WITHERS: Then I will oppose the clause.

Mr. THOMSON: I should not be permitted to follow the Minister in his denunciation of the insurance companies, but of my own experience I can say that the companies with whom I have insured my employees have never yet contested any claim made upon them; they have shown a sincere desire to settle all claims. The Minister said that, since we were introducing compulsory insurance for drivers and passengers, he was not going to allow the insurance companies to dictate the rates to be charged. It was said that the companies, at a round table conference, decided the charges to be levied. Yet Ministers have admitted that the Government themselves are unloading their risks with Lloyds in Sydney.

The Minister for Works: Who said that?

Mr. THOMSON: The Premier.

Mr. Angelo: That is fire risk on buildings.

Mr. THOMSON: Still, it is spreading the risk.

The Minister for Lands: You prefer that we should take our own risk.

Mr. THOMSON: Under the Act of 1918 each insurance company has had to lodge a deposit of £5,000. That is for the protection of the public; but the public have no protection against the State Insurance Office nor against the actions of the Government. The Government have taken upon themselves power to do certain things, and those dealing with the Government have to submit.

Mr. Sleeman: The King can do no wrong!

Mr. THOMSON: In the ancient days our forefathers fought the King and established their rights and privileges. To-day we are drifting. Some day the people will wake up to find they have sold their birthright.

The Minister for Lands: It will take a brighter man than you to enlighten them.

Mr. THOMSON: The Minister should accept the amendment. In the mass, the insurance companies have lodged £290,000 for the right to carry on business in Western Australia.

The Minister for Lands: Are they not carrying on their business?

Mr. THOMSON: If the Government are going to exercise compulsion, as they did in respect of workers' compensation business, there will be no business left for the companies.

The Minister for Lands: The companies compelled the Government to do what they did.

Mr. THOMSON: The Chairman will not allow me to discuss that.

The CHAIRMAN: I will not.

The Minister for Lands: I am not going to allow such a statement to go unchallenged.

Mr. THOMSON: It is that action that has made members on this side doubt whether they should permit this or any other Ministry to say with what insurance companies these policies shall be taken out. I recognise the necessity for restrictions and for the Government controlling traffic. This Bill will place great power in the hands of the Government. They will have the right to say that an individual shall not follow his calling as a motor bus owner plying on certain routes.

The CHAIRMAN: We have already passed that clause.

Mr. THOMSON: I am dealing with the principles of the Bill.

The CHAIRMAN: The hon. member must confine his remarks to the amendment.

Mr. THOMSON: I have no objection to this clause, which affords protection to the public, but I strongly object to the Minister taking the right to say with which office a bus owner shall insure. I believe in protecting the companies who have lodged with the Government £290,000.

The Minister for Lands: They are a little more wealthy than is the poor motor driver.

Mr. THOMSON: We are considering the public. If it were a matter of considering the driver only, I should strongly object to the passing of this clause.

The Minister for Lands: The driver has to pay.

Mr. THOMSON: Yes; he has to pay license fees and a petrol tax.

The Minister for Lands: He pays not the Government but the local authorities.

The CHAIRMAN: Order!

The Minister for Lands: In that statement you are not altogether honest.

Mr. THOMSON: I take exception to the Minister's remark: my actions are quite hon-

est. I am opposed to State trading concerns, and I object to giving the Minister the right to say with whom insurance shall be effected.

Progress reported.

House adjourned at 10.55 p.m.

Legislative Council,

Wednesday, 22nd September, 1926.

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

MOTION--INDUSTRIAL ARBITRATION ACT.

To Disallow Apprenticeship Regulations.

HON. J. NICHOLSON (Metropolitan)
[4.34]: I move—

That the Apprenticeship Regulations made (under and in pursuance of The Industrial Arbitration Act, 1912-1925) and published in the "Government Gazette" of 20th August, 1926, and laid on the Table on 24th August, 1926, be and the same are hereby disallowed.

In moving this motion I am not actuated by any hostility towards the apprenticeship system. On the contrary, I wish it to be made clear that I have always had, and still have, a sincere desire to see that this particular branch of our industrial life shall be placed on a firm and sure foundation. The one way in which to bring that about is to endeavour to see that whatever regulations are brought into force are established on a basis that will provide for the satisfactory working of all sections of the Act, the maintenance of that harmony which everyone wishes to see, and the establishment of