

## Legislative Council,

Tuesday, 23rd September, 1941.

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

### METROPOLITAN PROVINCE.

*Seat Declared Vacant.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.43] : I move—

That this House resolves that owing to the death of the Hon. John Nicholson, late member for the Metropolitan Province, the seat be declared vacant.

**HON. G. W. MILES** (North) [4.44] : I second the motion.

Question put and passed.

### BILL—CRIMINAL CODE AMENDMENT.

Introduced by Hon. J. Cornell and read a first time.

### LEAVE OF ABSENCE.

On motion by Hon. J. A. Dimmitt, leave of absence for twelve consecutive sittings granted to Hon. H. S. W. Parker (Metropolitan-Suburban) on the ground of military service.

### BILL—PROFITEERING PREVENTION ACT AMENDMENT.

Read a third time, and returned to the Assembly with an amendment.

### BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 18th September.

**HON. A. THOMSON** (South-East) [4.38] : I have carefully read the speech of the Honorary Minister when he introduced the Bill. On another measure, which has been already dealt with, I said it seemed to me that these were a kind of one-way traffic Bills. I have no sympathy whatever for the man who endeavours to impose excessive rents or otherwise to take advantage of people living in rented houses. I do consider, however, that in suggesting a penalty of £50 the Government is going a bit too far. For the unfair and extortionate landlord I certainly hold no brief. I shall not oppose the second reading, but I trust that in Committee the measure may be so amended as to make it more reasonable and just. The Federal fair rent regulations appear to provide highly efficient control. If we bear in mind, while framing the Bill, that there are hardships on both sides, we shall succeed in so fashioning it that the scales of justice will be balanced evenly. I understand that under the Act, although a lease has expired, the lessee may carry on and the lessor may have to take proceedings to recover possession of the property. When the Honorary Minister is replying to the debate, I hope he will clarify the position. I do not intend to oppose the Bill.

**HON. J. CORNELL** (South) [4.41] : Like Mr. Thomson, I do not intend to oppose the second reading of the Bill, but I shall indicate to the House a fault which I consider needs rectification. In introducing the measure, the Honorary Minister did not touch on the point with which I am about to deal. The Minister who moved the second reading of the Bill in another place, however, gave an assurance that Section 12 of the Act does not operate to extend leases beyond their term. I am told that in one sense that is correct, but in another sense it is misleading and, in effect, Section 12 does extend leases. I am informed that if the lessor takes proceedings to get possession of the property demised by the lease, he is immediately confronted with Section 12; unless he can satisfy the Court on one of the conditions set out in Section 12, he cannot obtain possession.

Hon. A. Thomson: He can only get possession for his own purpose.

Hon. J. CORNELL: He might have the very best reason in the world for obtaining possession, but the lessee could put him to all the expenses of a Supreme Court action—probably at a cost of £100 or more—in order to obtain such possession, and the unfortunate lessor, having obtained his order, might then be unable to recover anything from the lessee in respect of the costs of the action, because the lessee might not have anything with which to pay those costs. The position is iniquitous because it takes away from the lessor his rights as owner and interferes with the freedom of contract generally.

The parent Act goes beyond the Federal regulations which were meant to ensure that a fair rent would be charged by the landlord. Our Act goes ever so much further and not only provides for payment of a fair rent but, in effect, also permits a lessee to continue in possession after his term has expired unless the lessor embarks on expensive litigation to evict him. The result of this will be that litigation will be increased and heavy costs will be incurred. Nothing of the sort should be allowed to happen. Ill-feeling will be caused by reason of such litigation, whereas, if the lessor and lessee were left to their contractual rights, subject to the very laudable condition that the lessor cannot charge anything more than a fair rent, the situation would be much more satisfactory.

Hon. C. B. Williams: It would suit the hotel-keeper. He would not have to pay any ingoing.

Hon. J. CORNELL: The chap that stopped in would not pay ingoing. This does not necessarily apply to hotels only; it can apply to other businesses. When parties agree to a lease for a term of years, each understands the position and realises that when the lease expires the lessor is entitled to regain possession of his premises and the lessee must terminate occupancy. With this knowledge the lessor has probably entered into other contractual obligations on the faith and understanding that he is to secure possession of his premises on the expiration of the term of the lease. It is most disconcerting—and in many cases causes great loss to a lessor—to find that he is denied the right to possession of his premises at the expiration of the lease.

The strongest argument against this very invidious operation of our Act is the fact that the Federal Parliament purposely refrained from any such enactment and all the big States of the Commonwealth have adopted the Federal regulations. As I understand it, the position is that when a lease expires in any of the other States that have adopted the Federal regulations, a lessee cannot retain possession of the property. In this State, however, the Federal regulations do not apply. Our Act governs the position here. If the Federal Government promulgated those regulations in Western Australia they, as members are aware, would prevail, and our Act would be inoperative. It has been found that our measure does not work out in practice as it was believed it would.

I think that the amendment I propose to move in Committee is reasonable. I presume that when the Minister introduced this Bill in another place, he was fortified by what he was told by the Crown Law Department, namely, that as it exists the law provides for what I claim it does not provide. If he has been fortified by Crown Law advice, I on the other hand have been fortified by the advice of two King's Counsel who have assured me that the law does not so provide.

Hon. C. B. Williams: That is how lawyers exist; by pointing out these differences. They all agree to differ—at a price.

Hon. J. CORNELL: It has been said that when lawyers differ somebody comes into his own. I hope that the House, when the Bill is considered in Committee, will agree to the amendment I have placed on the notice paper.

On motion by Hon. H. Seddon, debate adjourned.

#### **PAPERS—GERALDTON-MOONYOONOOKA BUS SERVICE.**

Debate resumed from the 10th September on the following motion by Hon. E. H. H. Hall (Central)—

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

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.49]: The motion requests that all papers in connection with this

matter be laid on the Table. There is no objection to that procedure except that three files are involved and as they are in constant use it would be rather inconvenient to have them lying on the Table for the rest of the session, as would be necessary under Standing Orders.

Hon. J. Cornell: They can be released.

The CHIEF SECRETARY: There is a history attached to the case mentioned by the mover of the motion. The story of the omnibus services in the Geraldton district commences in 1938 when the desire for passenger transport to Bluff Point and the beach was first brought before the notice of the Transport Board. Although a school bus operated between Bluff Point and Geraldton, there were no facilities for the conveyance of ordinary passengers. As a result of the representations submitted, efforts were made by the board to secure a satisfactory service and, although tenders were advertised and closed on the 19th April, 1939, no tender was received. The board maintained communication with the Geraldton Municipal Council for some time afterwards, but was unable to secure an operator who was willing to cater for the public requirements. Eventually Mr. McVea submitted an application stating that he was quite prepared to put on a service and the board accepted his offer. It seems to me as though at that time there was no idea that the aerodrome at Geraldton would develop into the large undertaking it is today, but Mr. McVea was prepared to take a risk.

As activities in connection with the aerodrome developed, other people were apparently anxious to step in and secure a share of what they considered to be a lucrative proposition. I do not know if it is or is not. At any rate, Mr. Hall told the House that Mr. McVea has had two buses running and was endeavouring to secure a third. The Transport Board adopted the view that it would not have been fair to allow anyone else the right to conduct a bus service over the route unless the party concerned was prepared to accept the responsibility of providing a service to the beach, as Mr. McVea had done earlier. I must say that Mr. McVea is a very reputable citizen of the district. I understand that he supplied references from the district inspector of the Postmaster General's Department, the Customs officer at Geraldton, the town clerk of the municipality, and from the district inspector

of police. However, it appeared to the board that an opportunity offered to deal with an outstanding matter in a satisfactory way and that by this means could be provided a service that the local residents had requested for a considerable time. Therefore a license was granted. In fact, another individual whose application had also been received prior to that of Mr. Waldeck, withdrew it stating that "the other applicant will be in a position to operate a better timetable than I can, and also to put on a more up to date bus."

Briefly, that is the position regarding the complaint by Mr. Hall that no tenders were called. I have shown that tenders were called in the first instance, but no response was received. Later the board took action as I have indicated and, when Mr. McVea intimated that he was prepared to meet the situation as it had developed, his offer was accepted. It was not a case of Mr. McVea having been "presented with a bus service," as suggested by Mr. Hall. The position resolves itself into the fact that, after unsuccessful attempts to provide an omnibus service in Geraldton, the board took advantage of Mr. McVea's offer. It is interesting to note that Mr. McVea's letter applying for a license was received on the 6th December, 1940, and a license was granted by the Transport Board on the 15th January, 1941, but Mr. Waldeck's application was dated the 16th January, 1941—a day after the license had actually been granted. This is not the only instance where the board has had difficulty in arranging a new bus service. I have been informed that a similar experience occurred regarding the service between Midland Junction and Swan View. Tenders were called but there was no response, whereupon the board was compelled to take other action to secure a suitable operator.

The Wiluna case referred to by Mr. Hall is in no sense a parallel instance. The Transport Board did not originally call tenders for that service, but issued licenses to owners of vehicles when it felt assured that a satisfactory service could be arranged. Numerous complaints were received concerning the service provided, and the board issued warnings over an extended period to the effect that if licensees would not comply with the board's requirements in the interests of the public, tenders would be called. It was not until then that tenders were actually called, as mentioned by Mr. Hall. Members will

realise that it is not obligatory on the Transport Board to call tenders in respect of any service. The Act merely provides that the board may call tenders, and it is the policy of the board to do so where it is considered that the requirements of the public would be better served by that procedure.

During the course of his remarks, Mr. Hall quoted a letter he had received from Mr. Waldeck wherein the following appeared:—

The latest is that applications were dealt with in Melbourne, which I know is untrue. I am at a loss to know why men in such positions as the manager of the Transport Board should have to write such untruths.

It is ridiculous to suggest that an application for a Transport Board license would be referred to Melbourne. I do not think any member of the House, on being told that it would be necessary to refer to Melbourne an application of that description, would be prepared to accept the statement. Naturally, I made inquiries regarding the matter, and find that no such assertion was ever made by the Transport Board, either verbally or in writing. It appears that Mr. Hall has been misled by Mr. Waldeck in this regard.

A similar position exists concerning Mr. Waldeck's statement that—

On the 10th January he telephoned to the office of the Transport Board . . . and was informed that, at that date, no application had been lodged.

The chairman of the Transport Board has advised me that such a statement was made previously by Mr. Waldeck and, after making inquiries at the time, he was certain that no advice such as that referred to was given by himself or any member of the staff. Reference was also made by Mr. Hall to Mr. Pomeroy, taxi-owner of Geraldton, who is a returned soldier. As for that person not having been given an opportunity to tender, I have explained previously that when tenders were called, there was no response.

There is nothing more to be said about the matter. There is no objection to the files being laid on the Table of the House. They could have been made available to Mr. Hall for inspection at any time he desired. Had he made application accordingly at the office of the Transport Board, he could have seen the papers and secured all the information in the possession of the board. If the House desires that the papers be laid on the Table, that course will be followed. I have explained the situation and it seems to me that the position will be met properly by

Mr. Hall making the necessary inquiries at the office of the Transport Board, seeing the papers for himself and, if necessary, securing a personal explanation from the chairman of the board. If that course had been adopted, there would be no necessity for the motion nor for some of the wild statements made by the hon. member in support of it.

**HON. E. H. H. HALL** (Central—in reply) [5.0]: I want to make it quite clear, and I think the House will agree with me, that I had nothing to say against the character of Mr. McVea, who obtained the right to conduct the service under review. The testimonials submitted by Mr. McVea could just as easily have been put in by Mr. Pomeroy or any other man on the taxi rank at Geraldton, and also by Mr. Waldeck, even though he lives at Mullewa. Mr. Waldeck is a man of good repute and if he has made in the letter he sent to me assertions that are not absolutely correct, I shall be much surprised. I listened to the long explanation made by the Chief Secretary. Anyone who knows Geraldton well will be aware that I am correct when I say that Bluff Point is a little suburb two miles north of Geraldton. The calling for tenders for a bus service to Bluff Point has nothing to do with the case before the House. Moonyoonooka is east of the town in an entirely different direction from Bluff Point.

In view of the statement made by the Chief Secretary that the Act does not compel the Transport Board to call tenders, I ask the House to support my motion that the papers be laid on the Table. Very likely it will be necessary for me to take further action in the matter. Members will not be in a position properly to inform themselves unless they are able to peruse the papers. In case I have forgotten anything, I want to emphasise that I never uttered one word of disparagement concerning Mr. McVea, who is a fine young man. I said that the sole right had been granted to him for a very profitable undertaking. I do not think that we should stand for the granting of a monopoly of any kind. The Bluff Point service has nothing to do with the issue. There are, or should be, two distinct services, and how the Transport Board, the members of which I hold in very high esteem, sandwiched the two into one, passes my comprehension. I hope members will support the motion.

Question put and passed.

## BILL—GOVERNMENT STOCK SALE-YARDS.

### *Second Reading.*

Debate resumed from the 18th September.

**HON. C. F. BAXTER** (East) [5.5]: I asked for the adjournment of the debate on this small Bill because, when the Chief Secretary was introducing it, I felt the measure would have an effect which the Government did not anticipate. There is no doubt that the Bill was introduced by the Government in all good faith, but unfortunately its drafting is such that it will not do exactly what is desired and will go a great deal further than the Government wishes.

**Hon. V. Hamersley**: Probably that is intended.

**Hon. C. F. BAXTER**: I do not think so. I believe the Government set out to put an effective Bill on the statute-book, but, unfortunately, the draftsman has brought in something the Government did not intend. For years there has been, in the opinion of stock salesmen operating at the Midland Junction saleyards, no proper control in connection with the arrival by road of stock for sale in the yards. A check is kept upon the stock arriving by rail. It is also considered that there is no proper control of the deliveries and removal of stock from the saleyards when sales are completed. Some butchers who slaughter at the Midland Junction abattoirs have been in the habit of leaving their stock, or some of them, in the pens in which the animals were when purchased, instead of removing them to the holding facilities which the abattoir authorities have provided apart from the saleyards so that the butchers can draw stock for slaughter from their holding pens. It naturally follows that illicit removal of stock from the pens, after the sales have been completed, has resulted in disputes between individuals in the butchering trade and between them and stock agents. The Controller of Abattoirs has been asked to institute a system of pass-out checks to control this phase and so ensure that the butchers using the facilities at Midland Junction shall, under a proper system of checking, have delivered to them the stock that they bought, for removal to their own holding pens. The same check could be applied to anybody removing stock by road after purchase. The stock dispatched by

rail could be checked on to the trucks and accounted for to the satisfaction of both buyers and selling agents. Another point that was stressed by the selling agents when they made representations to the Controller of Abattoirs was that the gates opening from the road into the abattoirs and saleyards were left unlocked. This permitted arrivals of stock by road during all hours of the night and the equal possibility of removals of stock during the night by any person so disposed.

**Hon. J. J. Holmes**: You do not want legislation to lock the gates, do you?

**Hon. C. F. BAXTER**: No. Then again, no control has been exercised over the working of dogs in the sheep pens. Although an arrangement was made that no unmuzzled dog should be permitted to be in the yards, it has not been observed and cannot be enforced. One can easily visualise the damage that might result to the producer's stock through the indiscriminate movement of unchained and unmuzzled dogs, particularly amongst sheep and lambs. The reply of the Controller of Abattoirs was that there were no regulations governing the control of the saleyards and he was unable to take any action that would give the relief desired until a measure was promulgated to enable such regulations to operate.

As to the Bill itself, there are only two points to which I take exception. One is the definition of "saleyard" in Clause 3, which I suggest be amended to clarify the position. I also take exception to Clause 10 as I think its inclusion is unwise. Under the Bill "saleyard" means a "place belonging to the Crown (including a reserve) where stock are held pending or for the purpose of sale." I propose to submit an amendment to that definition providing that "saleyard" means "a place, including a reserve, conducted by the Crown for the purpose of selling stock or holding stock pending sale." Elder Smith's dairy cow and horse market is conducted on a railway reserve, the land in question being under lease from the Commissioner of Railways. As the interpretation clause stands, power is given for the control of all reserves where stock is held. Redrafting of the definition in the form I have suggested would remove the ambiguity. Clause 10, under which the Governor may prohibit sales of stock elsewhere than in a saleyard, is, I contend, not material to the Bill and, if passed, would place authority

in the hands of any Government to interfere seriously, by means of an Order in Council, with the legitimate business of stockbroking firms. It would be illegal to effect any sales of stock privately by companies such as Elder Smith, Dalgetys, Goldsbrough Mort and the Westralian Farmers, in their Perth offices or, in fact, anywhere within the metropolitan abattoir district or the goldfields abattoir district.

The companies mentioned do a great deal of private selling of stock in their Perth offices either by interview as between sellers and buyers or by correspondence. This particularly applies to the disposal of store cattle and store sheep which are available from time to time in the pastoral areas. Sales by private contract in the offices of the stock-selling agents are frequent. The same would apply to the goldfields abattoir district, where stock agents either have offices or local representatives to transact a similar class of business. Under the clause, by Order in Council, auction sales of livestock, such as dairy cattle or horses, in private saleyards erected specially for this purpose, might be prohibited. Clearing sales of livestock such as might be conducted for, say, a dairyman at Osborne Park who is relinquishing business, or for a farmer who has disposed of his property and wants to sell his livestock, if the property is situated within the metropolitan abattoir district or the goldfields abattoir district, would be prohibited. The dairyman or farmer would be compelled to take his livestock into a Government saleyard and leave his plant, machinery, household furniture, etc., to be disposed of on the property. This would add unnecessary expense to the individual concerned. It is found in actual practice that it is much more satisfactory to sell everything on the farm or dairy, rather than divide the business in the manner contemplated under the Bill. Those are the only two discrepancies in the measure and I believe that the draftsman did not take particular care in dealing with them. I support the second reading of the Bill, the provisions of which have been required for some time. There has been a lot of thieving at Midland Junction.

Hon. G. W. Miles: Not only at Midland Junction.

Hon. C. F. BAXTER: The Controller of Abattoirs will, by authority of this measure, if it becomes law, and by regulations to be

promulgated later, take control of the operations at the abattoirs and put an end to the thieving which has been going on. I believe the thieving is much greater than possibly some members imagine. If a saleyard is unclosed at night and there is an open gate through which people can drive, there is temptation; where there is temptation many people fall to the detriment of others. With the amendments I have suggested, the measure should prove quite satisfactory.

**HON. G. B. WOOD** (East) [5.16]: I support the second reading. The Bill, in my opinion, is long overdue. It is a somewhat remarkable coincidence that I, with a member from another place, actually interviewed the Parliamentary draftsman with a view to framing a measure along the lines of this Bill, a desirable feature of which is that those in control of the saleyards must lay on the Table of both Houses a profit and loss account each year. The opinion has been held by primary producers that the Government has been making too much out of the fees collected at the saleyards. Although members have repeatedly asked the Government to disclose what the profits are, the reply has been that the accounts were included in those accounts of the abattoirs. I am therefore pleased to see this provision in the Bill.

When the Controller of Abattoirs takes charge I hope something will be done to remedy the present deplorable condition of the yards. The Government might well—out of the profits of the yards, which I know must be fairly large—cement the portion of the yard at present untreated in that way. Although many people have suggested that the yards should be roofed, I am not so much concerned about that phase; but the portion of the yard now laid down with sleepers should be cemented. The offices, too, are in a disgraceful state, not having been painted for years. Eastern States visitors have remarked upon the dilapidated condition of the building. The abattoirs in the Eastern States have brick offices, surrounded by lawns; these have a pleasing effect and create a good impression. In Midland Junction the offices consist of an old iron building, which at least should receive a coat of paint.

A clause dealt with by Mr. Baxter was the one prohibiting the sale of stock. I would not go as far as he suggests. I think

the provision giving the Government power to prohibit the sale of fat stock is desirable. I remember that when the outbreak of rinderpest occurred in Western Australia, complications arose in regard to the sale at Midland Junction of stock which had come from the infected areas. That matter was probably at the back of the mind of the person who framed the Bill. I remember having purchased about 1,300 sheep at the Midland Junction saleyards at that time. The sheep had travelled through the rinderpest area and when I got them to my farm I was forced to quarantine them for a period of six months. I hope Mr. Baxter will closely examine the clause before he moves to amend it.

Another phase is the late running of stock trains to Midland Junction. I question whether the controller of the yards will be able to overcome that difficulty, but there should be some co-operation between the saleyards and the Railway Department. Often stock does not arrive at the yards until as late as 2.30 and even 4 p.m. Whether that is because the Railway Department has not delivered the stock, or whether it is due to delays on the main line, I cannot say; but the fact remains that stock sales are on occasions carried into the late afternoon. I hope the Government will give consideration to this aspect when it secures control of the saleyards.

**HON. L. CRAIG** (South-West) [5.21]: The intention of this Bill is good. It is the outcome of a deputation which waited on the Minister some time ago asking him to exercise better control over Government abattoirs and saleyards. The intention is to give the Government that control; but, as Mr. Baxter has pointed out, the Bill goes further. This is hardly the time to talk about specific clauses of the Bill, but I agree with Mr. Baxter that some amendments will be necessary. The Bill deals not only with Government saleyards, but also saleyards on Government reserves. There are several private saleyards on Government reserves and, in my opinion, this House should not give the Government control over saleyards merely because they happen to be situated on such reserves. The amendment suggested by Mr. Baxter will, I am sure, be thoroughly discussed and agreed to when the Bill reaches the Committee stage. I commend the Bill. Its objective is good and I support the second reading.

**HON. L. B. BOLTON** (Metropolitan) [5.23]: I support the second reading and commend the Government for at last taking the action necessary to secure better control of the saleyards at Midland Junction. I support what Mr. Wood has said and am glad on this occasion to be on his side. I have been selling stock at Midland Junction for the last 25 years and am a regular attendant at the saleyards. The condition of the yards is, in my opinion, deplorable, particularly in the winter months. A truck of sheep handled under proper conditions and sold on the cemented side of the yard invariably brings from 4s. to 6s. per head more than a similar truck load sold on the side of the yard laid down with sleepers. Although the Minister did not say so when introducing the measure, I understand it is the Government's intention to put the yards into a better state of repair, and I hope that, in the interests of the producers, that work will be carried out as early as possible. The trading conditions are most unfair to the agents, whom I have seen in all weathers walking about in muck and filth nearly up to their knees. The Government should at least expend some money in repairing the yards, if it is not possible to cement the portion now sleepered.

Sheep landed at the Midland Junction saleyards by rail arrive in a condition inferior to those transported by road. Therefore, the farmer has an inducement to avail himself of road traffic rather than rail. Mr. Wood said that stock frequently arrived so late at the saleyards that the sales had to be carried on into the afternoon. Only a fortnight ago, when I was at the yards, sales were held up on two occasions because the stock had not arrived. Although the trucks were in the yards, the stock were not available until after 12 o'clock. I can cite an instance where a farmer sent lambs a distance of 130 miles to the saleyards. They left his farm at about 3 o'clock in the morning and were sold in good condition at the saleyards before 9.30. A truck of lambs had also been sent from the same siding on the previous afternoon at about 2 o'clock, but were not landed at Midland Junction until mid-day the following day. Those are some of the disabilities suffered by the unfortunate producer.

Some remarks were made by Mr. Baxter regarding loss of sheep. Perhaps I am one of the fortunate producers, but I have never

lost one head of sheep all the time I have been selling them at Midland Junction. I admit there is laxity in the receipt of stock at the saleyards and that it is necessary to make some arrangements so that stock sent by road can be taken delivery of during the night.

Hon. L. Craig: It is usually the butcher who loses the stock after he has purchased it.

Hon. L. B. BOLTON: Probably that is so. I would rather the butcher lose than that the grower should suffer in that respect. My sympathies at present are more with the grower than with the butcher. It is about time the Government submitted this legislation and I hope that, as a result, one of the first jobs will be to put the yards at Midland Junction in good condition.

Question put and passed.

Bill read a second time.

## **BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.**

### *Second Reading—Defeated.*

Debate resumed from the 18th September.

**HON. L. B. BOLTON** (Metropolitan) [5.28]: As I shall vote against the second reading and have no desire to cast a silent vote, I shall briefly give my reasons for opposing the Bill. If I am to be consistent, I must oppose it, because it will simply, in my opinion, give a State trading concern advantages over private enterprise. Why the Government should set up a board to control transport and then desire to exclude itself from the scope of the board, is entirely beyond me. How can Government competition against private omnibus owners be considered fair when the Government has so many advantages not enjoyed by private companies? Firstly, the State pays no license fees. It has practically a free hand in arranging its time-tables and charges, and is exempt from rates and taxes on any profits made. Lately, we have occasionally heard of profits being made by State trading concerns. They are free of any taxation, and free from prosecution for infringements of the law concerning overloading and the like. The remarks of Mr. Dimmitt, when he pointed to the preferential and unfair competition the companies face from Government buses, must have surprised

most members of this House. The Government should not lose sight of the fact that much development, particularly of the outer metropolitan area, has been entirely due to the enterprise of private bus owners. They should receive every consideration at the hands of the Government, and from the powers that be. Previous speakers have pointed out that for the year ended the 30th June, 1940, no less than £26,738 was paid by these private concerns for transport and traffic fees. The figures are not yet available for the year ended the 30th June, 1941, but it is quite certain they will be in excess of that amount.

Should the Government eventually decide to take over the complete control of all metropolitan transport—and it seems, from remarks dropped recently by members of the Government, that that is its ultimate policy—members can realise the huge volume of taxation which will be entirely lost to the State. The amount I have quoted is in addition to income and profits taxes, which would not affect the Government. It is also worth while remembering that the private companies have a wages bill of approximately £130,000. The number of operatives employed is in the vicinity of 500. The Minister in introducing the Bill in another place said that one of the objects was to prevent unfair competition by the private companies with the Government. I think the boot is entirely on the other foot. If this measure is passed private companies will be up against the most unfair competition it is possible to imagine. I intend to vote against the second reading of the Bill.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West—in reply) [5.38]: Members have taken the opportunity in this debate to introduce quite a number of extraneous items, and I do not for one moment propose to attempt to reply to all the statements made. One or two, however, were a bit far-fetched. The private interests concerned should be very thankful indeed for the fine support given them by members of this House, who have been prepared to stress the facts of the case to suit their own argument in a way which cannot be supported by the actual facts. Mr. Thomson, for instance, suggested that Government omnibuses would not be subject to the Traffic Act if the Bill is agreed to. He made that statement, notwithstanding that

I definitely pointed out, when introducing the Bill, that there was nothing in it which would have the effect of taking the buses outside the scope of the Traffic Act, and that there was no intention on the part of the Government to eliminate them from the application of the traffic regulations.

All the talk about the revenue produced by private enterprise has very little to do with the particular issue before the Chamber. It is admitted that private omnibus companies are doing a pretty good job, and that they are providing a fairly large sum of money each year in the form of license fees and so on. The Government is not criticising them. From the Government standpoint, private enterprise has been somewhat fortunate in that it has been possible for those concerned to establish themselves, as they have in recent years, and obtain a monopoly under State legislation which gives them wonderful opportunities for making large sums of money for themselves, even though they do contribute a considerable amount each year in the form of license fees and so on.

There is a difference, however, between private omnibus companies and the Government tramways. Private omnibus companies will not render a service unless they can make a profit. It is well-known that in the outer sections of quite a number of routes they have not been prepared to give the same service that the Government tramways are required to provide when a new route is established. Instances can be quoted where private companies are giving the service only at what might be called the peak hours of the day. They are not concerned with the other periods of the day. Because they cannot run at a profit they are not giving the service the Government tramways would be expected to render had that utility initiated that route.

All the talk to the effect that the Government is endeavouring to increase State enterprise, or that there is an endeavour to give to the Government an unfair advantage over private enterprise is so much bunkum. Members know full well the Government has been faced with the necessity, which it was keenly desirous to meet, of giving satisfaction to the people in the districts concerned. They know that had it been possible for the Government to secure chassis for trolley buses it would have done so, but the chassis have not been available. It has, however, been possible to secure a certain

number of chassis for petrol buses, and they have already been put on the road with the object of augmenting the existing tramway service. Is it not reasonable that those buses should be placed in the same category as the trolley buses and the trams?

Hon. J. A. Dimmitt: No, there is no limit to their operations!

The CHIEF SECRETARY: The hon. member would like to have private enterprise given the extension of these routes which have been pioneered by the Tramway Department.

Hon. J. J. Holmes: Where has the Tramway Department pioneered?

Hon. L. B. Bolton: I do not think it has pioneered any district.

The CHIEF SECRETARY: That is the most ridiculous statement ever made in this Chamber. The Government says that wherever the Tramway Department is serving the people of a district it is going to provide them with the best facilities available. That is what is being done at the present time.

Hon. A. Thomson: The Tramway Department does not go out where there is no traffic. It is there before it goes out.

The CHIEF SECRETARY: That is not strictly correct.

Hon. A. Thomson: Neither is your statement.

The PRESIDENT: Order! It is impossible to hear what the hon. member is interjecting, and it is very difficult for Hansard to report the debate when the reporter cannot hear the interjection.

The CHIEF SECRETARY: The Government is anxious to give the best possible service to the people in those districts being served by the Government at the present time. The Government has no intention of competing with private enterprise. Apparently quite a number of the members of this Chamber are of the opinion that the word of the Government is not worth very much.

Hon. G. W. Miles: We accept your word. At present you are not competing.

The CHIEF SECRETARY: If that is so, why does the hon. member object to the provisions of this Bill? As a matter of fact, the Bill is merely brought forward as a matter of courtesy to this House. There is no real need to bring it forward at all.

Hon. Sir Hal Colebatch: Why waste time over it?

The CHIEF SECRETARY: Under the Tramways Act the Commissioner of Railways has no need to submit the matter in this way. It has been brought forward because the Government says the State Transport Co-ordination Act should be brought up to date. In view of the fact that the Tramway Department is today running a limited number of buses and because it might be necessary to run a few more buses on these particular routes, we should make the legal position particularly clear. For that reason the Bill has been introduced.

Hon. J. J. Holmes: If it is a courtesy Bill it does not matter if it goes out.

The CHIEF SECRETARY: That is the actual position, and it is just as well for members to know.

Hon. A. Thomson: It is something on the same lines as railway freights.

The CHIEF SECRETARY: I have made the position particularly clear. Members have taken the opportunity to criticise different phases of Government services. Not much room exists for criticism in regard to the trolley bus services of this State. Nor can members criticise the Government in its endeavour to secure additional vehicles to meet the extraordinary position created in the last few months.

Hon. A. Thomson: We do not!

The CHIEF SECRETARY: The railways and tramways are exempt from the operations of the State Transport Co-ordination Act. It is only right that that should be so. This House agreed that that was all right in 1933 when the Bill was agreed to. All that is asked now is that the words in the Bill shall be inserted in the principal Act. That will exempt from the State Transport Co-ordination Act, but not from the Traffic Act, any buses which may be on the track at the present time, or which the Government may put on the roads in the future.

Hon. G. W. Miles: Any roads?

The CHIEF SECRETARY: There can be no real or sensible objection to this proposal. If the House does not agree with the view-point of the Government, I can not help that. The railways and tramways are operating under an Act of their own. They have been specifically exempted from the operations of the State Transport Co-ordination Act. This measure makes the position particularly clear regarding omnibuses.

Hon. G. Fraser: Some members flog themselves into worrying over nothing.

The CHIEF SECRETARY: The Government has no desire to run petrol buses; we would prefer to run trolley buses. In one case we have to rely upon imported fuel. We, therefore, prefer to use the local product, electricity. For some time past the policy of the Government has been that where any extension of the present tramway services is required, preference is given to the trolley bus system. It is only on account of the unusual circumstances created by the war that the Government is running any petrol omnibuses at all. Having been forced into that position, we come to Parliament and say that, in order to make everything particularly clear, we desire this amendment to the Act. If the House does not agree with that principle, I cannot help it.

Hon. V. Hamersley: What about the raiding of other routes by the Government?

The CHIEF SECRETARY: I wish the hon. member would be more specific. Is he referring to the long-distance journeys that have been made by buses?

Hon. J. J. Holmes: He is referring to Mr. Dimmitt's remarks.

Hon. V. Hamersley: I was referring to his jibes, and to the backing-up by the board of the raiding of other routes.

The CHIEF SECRETARY: I do not know to what the hon. member is referring. The Government is anxious to give service to the public, and will continue to do so to the best of its ability. If the House is not in favour of the State Transport Co-ordination Act being amended in this way it will not be so amended, but in fairness to members I point out that all the power required already exists in the Government Tramways Act.

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

Ayes	..	..	..	11
Noes	..	..	..	13

Majority against .. 2

# AYES.

Hon. J. Cornell	Hon. W. H. Kilsen
Hon. J. M. Drew	Hon. H. V. Plesse
Hon. G. Fraser	Hon. H. L. Roche
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. T. Moore
Hon. E. M. Heenan	

(Teller.)

## NOES.

Hon. C. F. Baxter  
Hon. L. B. Bolton  
Hon. Sir Hal Colebatch  
Hon. L. Craig  
Hon. J. A. Dimmitt  
Hon. V. Hamersley  
Hon. J. J. Holmes

Hon. J. M. Macfarlane  
Hon. G. W. Miles  
Hon. H. Seddon  
Hon. A. Thomson  
Hon. F. R. Welsh  
Hon. H. Tuckey  
(Teller.)

Question thus negatived.

Bill defeated.

## BILL—INSPECTION OF MACHINERY ACT AMENDMENT.

### Second Reading.

Debate resumed from the 11th September.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.50]: I do not raise any strong objection to this Bill. When the measure is in Committee I propose, however, to move an amendment to Clause 2, providing that the same wording shall appear in it as appeared in the Order in Council to which Mr. Baxter made reference when moving the second reading.

Hon. C. F. Baxter: Which Order in Council?

**The CHIEF SECRETARY:** The hon. member referred to an Order in Council introduced in 1922. That is the one.

Hon. C. F. Baxter: The order dealing with electricity?

**The CHIEF SECRETARY:** The order to which I refer is that in which certain exemptions were made. The hon. member did not draw attention to the very important limitation included in that Order in Council.

Hon. C. F. Baxter: I read it all.

**The CHIEF SECRETARY:** It was to the following effect:—"upon which no labour other than that of the owner is employed."

Hon. C. F. Baxter: I read it all to the House.

**The CHIEF SECRETARY:** I am not contradicting the hon. member. That, however, is the important part of the Order in Council. Provided the hon. member is agreeable to the inclusion of those words in the Bill, no difficulty will be encountered so far as I am concerned. If those words do not appear the Bill will have the effect of exempting all power-driven machinery used by agriculturists, whether those machines are operated by the owner or by an employee. The Government considers that some safeguard for employees should be embodied in the Bill and, if necessary, I propose to move an amendment accordingly. I do not offer

any objection to the amendment included in proposed new paragraph (a) in Clause 3, but the reason given by Mr. Baxter as to the necessity for it is not correct. Section 53 quoted by the hon. member deals solely with certificated attendants for certain classes of machinery and has nothing to do with the inspection of machinery. Until the section contains the words "any winding engine," provision cannot be made for the training of engine-drivers for electric winding engines only, or for issuing certificates in connection with electric winding engines. Both Mr. Baxter and the Government are at one as to the necessity for the amendment, but not as to the reasons given for it.

Hon. C. F. Baxter: I used the wrong words.

**The CHIEF SECRETARY:** That accounts for the difference between us. We are at one with regard to the necessity for both this and the other amendment. I raise no objection to the Bill, but in Committee I hope the hon. member will agree to the amendments to which I have referred.

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

## BILL—ABATTOIRS ACT AMENDMENT.

### Recommittal.

On motion by Hon. L. Craig, Bill recommitted for the further consideration of Clause 2.

### In Committee.

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 2—Amendment of Section 6:

Hon. L. CRAIG: I move an amendment—

That in line 2 of proposed new paragraph (c2) the word "stock" be struck out and the word "lambs" inserted in lieu.

When moving the second reading, the Chief Secretary stated it was the intention of the Government to treat only with lambs, and to separate them from the other stock.

**The Chief Secretary:** I did not say that.

Hon. L. CRAIG: I thought that was the intention of the Minister, but some other speaker may have said that the Bill was only to be used for the purpose of discriminating between the ages of stock.

Hon. G. B. Wood: I think I made that remark.

Hon. L. CRAIG: The Bill should be confined to one section of stock. It may be necessary to mark lambs so that people will know they are getting lamb. If the intention is to mark all classes of meat I think the expense involved will be considerable. Let us begin with the marking of lambs. Should it then be found desirable to extend the principle—though I am sure it will be neither advisable nor practicable—let us do so. Some butchers have told me they look upon this Bill as a joke. Stock agents think it unnecessary, unworkable, and will involve considerable expense.

Hon. G. B. Wood: How much?

Hon. L. CRAIG: It will involve the appointment of more inspectors and that will be reflected in the price of the stock, to the detriment of the producer.

Hon. V. HAMERSLEY: I support Mr. Craig's amendment. To confine the provision to lambs for the present will be going quite far enough. The inclusion of all kinds of meat is not advisable. It would involve much delay and inconvenience, and add to the cost. Moreover, to producers of stock it would mean a definite reduction in market prices. The butcher purchasing in the open market is the best judge of what he needs for his customers. If the clause is passed, all the experience of butchers will be scrapped. They will not know in what grade an inspector will place meat if it is just under first grade. Butchers would lose control of their own business.

Hon. G. B. WOOD: Mr. Craig has shifted his ground considerably since last week. Then he would not have this provision at any price.

Hon. L. Craig: Half a loaf is better than no bread.

Hon. G. B. WOOD: The whole loaf would not have been asked for if it was not thought desirable. Let us pass the clause, rejecting the amendment and giving the people concerned an opportunity to test this legislation. Last week extravagant statements were made as to the cost of the proposal. Mr. Craig gave no definite figures. I tried, but unsuccessfully, to get in touch with Mr. Dunbar on the subject. Today I had a conversation with a health inspector, and I asked him how much his inspection of lambs

and sheep cost. It, of course, takes much longer to inspect a sheep for health than to pass a lamb. This inspector said he could do a thousand sheep or lambs in one day. If he is paid £1 per day, the cost per head is a farthing. In this instance the cost, I maintain, would be far less.

Hon. J. M. MACFARLANE: I have learnt that the system has been tested out, and that in the case of lambs it is easy. The position with beef, however, is different. If the brands are to be shown on each joint in the retail shops, the cost must be greater. I support the branding of lambs as an experiment. Then in 12 months' time the system can be applied to beef if thought desirable.

Hon. H. L. ROCHE: I oppose Mr. Craig's amendment, and am surprised to hear the number of reasons that can be conjured up against a proposal which has been put forward by the organised producers and which the Government is prepared to implement. The number of members who have expressed themselves against the proposal is astonishing, seeing that the producers' representatives support it. Mr. Craig discussed the matter with butchers and members of stock firms, but not with producers; and therefore I am not surprised that it was ridiculed. The finance committee of the Royal Agricultural Society seems to have taken a strange attitude on the question. That committee, however, is not composed entirely of producers. I know that a prominent gentleman who has been a vice-president of the society expresses himself whole-heartedly in favour of the Bill and believes that many members of the society share his view. I understand the Minister has some illustrations of methods of branding in other parts of the world, and I trust he will display the illustrations and explain the methods to the Committee. I also hope that he will be able to remove the doubts of some members. Mr. Hamersley's attitude, too, surprises me. The association which on its industrial side deals with these questions supports the Bill whole-heartedly. The Government is making a genuine attempt to protect the consumer and to fall into line with and assist the producer. I oppose the eliminating of all kinds of meat except lamb.

Amendment put and a division called for.

The CHAIRMAN: Before appointing tellers, I give my vote with the ayes.

Division resulted as follows:—

Ayes .. .. .	12
Noes .. .. .	12
A tie .. .. .	0

**AYES.**

Hon. Sir Hal Colebatch	Hon. J. J. Holmes
Hon. J. Cornett	Hon. J. M. Macfarlane
Hon. L. Craig	Hon. G. W. Miles
Hon. J. A. Dimmitt	Hon. H. Seddon
Hon. V. Hamersley	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. H. Tuckey

(Teller.)

**NOES.**

Hon. C. F. Baxter	Hon. W. H. Kitson
Hon. L. B. Bolton	Hon. T. Moore
Hon. J. M. Draw	Hon. H. V. Plesse
Hon. G. Fraser	Hon. B. L. Roche
Hon. E. H. Gray	Hon. G. B. Wood
Hon. E. H. H. Hall	Hon. A. Thomson

(Teller.)

The CHAIRMAN: The voting being equal, the question passes in the negative.

Amendment thus negatived.

Progress reported.

*House adjourned at 6.18 p.m.*

## Legislative Assembly.

*Tuesday, 23rd September, 1941.*

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

### QUESTION—AGRICULTURAL BANK.

*Abandoned Farms.*

Mr. DONEY asked the Minister for Lands: 1, What was the method of calculation adopted on behalf of the Agricultural Bank in arriving at the proposed acreage

allotments in respect of the bank's abandoned farms? 2, Is not a number of these proposed allotments substantially in advance of those warranted by past sowings? 3, If the answer to question No. 2 is in the affirmative, how does the Government justify the acreage figures? 4, Will the committees of review and the advisory committee appointed under the wheat stabilisation scheme be permitted to adopt in respect of their right to vary existing allotments—the same calculations as resulted in the present allotments to abandoned Agricultural Bank farms?

The MINISTER FOR LANDS replied: 1, Average about one-third of the cleared land. 2 and 3, No cases are known where the allotments are unwarranted. Arrangements have had to be made for the transfer of settlers from the marginal areas. To meet this position, allotments have been made for areas on other vacant properties which are eligible but upon which the bank has not applied for a license. Such areas will be required for the settlers transferred. 4, The committee has in cases recommended a reduction in area on bank's vacant properties and these recommendations will be sent to the chairman of the Wheat Stabilisation Board, Canberra, for consideration.

### QUESTION—SHIPBUILDING.

Mr. SEWARD asked the Minister for Industrial Development: In view of a statement appearing in the "West Australian" of the 13th instant in which he outlined the recent activities of the Government regarding shipbuilding, 1, Does the Government intend to establish the shipbuilding industry (a) as a Government activity; or (b) to assist private industry to undertake the work? 2, Are the men referred to in the above-mentioned article as being experienced in shipbuilding, now (a) employed in the Government service; or (b) employed outside of Government activities?

The MINISTER FOR INDUSTRIAL DEVELOPMENT replied: 1, (a) and (b), The Government aims to establish the industry on a basis of co-operation between the Government and private industry. 2, (a) A number of the men are employed in the Government service; (b) a number of the men are employed outside of Government activities.