

the instances I have given supplies one reason why quite a number of people would not accept positions offered to them in recent weeks. I think I have said sufficient to ensure that members will at least agree to the second reading of the Bill. I have pointed out that I am prepared to consider amendments that may be proposed in Committee. I contend that a measure that was passed in 1909, and that has not been amended since—

Hon. J. J. Holmes: It was amended in 1912 and in 1918.

The HONORARY MINISTER: What were the amendments?

Hon. J. Nicholson: There was a consolidation in 1912.

The HONORARY MINISTER: What were the amendments?

Hon. J. Nicholson: In 1918 we provided for an equal distribution of the fee between employer and employee.

The HONORARY MINISTER: That was the only amendment made?

Hon. J. Nicholson: In 1912 other amendments were made and then the Act was consolidated.

Hon. J. Cornell: The year 1912 is a long way back.

The HONORARY MINISTER: That does not vitiate the point I was making. So many years have elapsed since the Act was amended, and the conditions have altered so greatly meanwhile, that it is, to adopt the words of Mr. Holmes, necessary that the law should be tightened up in some respects.

Hon. E. H. Harris: That is what the Minister for Works said when he introduced amendments in 1925 and 1927.

The HONORARY MINISTER: I am speaking of the existing position. If members do not approve of all the clauses—I should consider myself fortunate if they did approve of all the clauses—they will be at liberty to submit proposals as to what should be done and, so far as possible, I will be prepared to meet them.

Hon. J. Cornell: I think those people should be under the police.

The HONORARY MINISTER: The hon. member may be able to justify that statement, but I have not suggested anything of the kind. I move—

That the Bill be now read a second time.

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

## ADJOURNMENT—SPECIAL

THE CHIEF SECRETARY (licn. J. M. Drew—Central) [9.33]: I move—

That the House at its rising adjourn till Tuesday, the 5th December.

Question put and passed.

*House adjourned at 9.34 p.m.*

## Legislative Assembly,

*Wednesday, 29th November, 1933.*

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

## QUESTIONS (2)—EMPLOYMENT CONDITIONS.

### *Canning Weir Camp.*

Mr. RAPHAEL asked the Minister for Works: 1, Is he aware that no facilities for bathing are provided at Canning Weir for the wives and children of men engaged on the job, there being a large number of women and children in the camp? 2, Would it be possible for the Government to subsidise a doctor to visit the camp? 3, Do the Government intend to provide a school at the camp? 4, Is he aware of the sanitary arrangements at the Canning Weir married people's camp?

The MINISTER FOR WORKS replied: 1, Material is on order for erection of the

permanent camp facilities which will include separate bathing accommodation for women and children. The material is now coming to hand and buildings are in course of erection. 2, A doctor is available at Kelmseott, 10 miles distant, and the job is connected by continuous direct telephone. If as the job proceeds further facilities are deemed necessary, due consideration will be given to the matter. 3, If sufficient children are on the works at the beginning of 1934 a school will be opened. 4, Owing to non-arrival of materials the number of latrines has been restricted. The additional latrines required are now in course of erection.

#### *Yanchep Workers.*

Mr. RAPHAEL asked the Premier: Is he aware—(a) that the 48-hour week is still in operation at Yanchep; (b) that workers at Yanchep under the State Gardens Board are allowed no margin for skill, no holiday pay, and no camping allowance; (c) that men are charged 3s. 6d. per week for transport to and from the job and 1s. 4d. per week for camp; (d) that truck drivers are not paid extra for driving the men home and back at the week-end, but have to make up any time lost through being late on Monday morning and have to work 53 hours per week?

The PREMIER replied: (a) The question of hours is now the subject of negotiation between the State Gardens Board and the A.W.U. (b) These workers are allowed margins for skill. They have had paid holidays at Christmas, New Year and Easter: there has been no loss of pay through wet weather; sick pay has been allowed; last Christmas every man drew a small bonus according to the number of his family. Interest free loans, totalling £282, have been made, and other cash grants of £26. Bills of sale have been taken over for men paying 40 per cent. Camping allowances are not provided, as most of the men are in barracks. (c) They are charged 3s. 6d. for transport for a 65-mile journey, and 1s. for camp hire and other facilities. (d) An arrangement was made at the men's request which enabled their own drivers to convey them to town and back during the week-end; otherwise transport could not be guaranteed. They do not work 53 hours per week as alleged.

#### **BILLS (2)—FIRST READING.**

1, Loan, £3,946,000.

Introduced by the Premier.

2, Farmers' Debts Adjustment Act Amendment.

Introduced by the Minister for Lands.

#### **BILL—HEALTH ACT AMENDMENT (No. 2.)**

Read a third time and transmitted to the Council.

#### **BILL—PUBLIC WORKS ACT AMENDMENT.**

##### *Second Reading.*

Debate resumed from the previous day.

**MR. LATHAM** (York) [4.38]: As pointed out by the Minister yesterday, this is a Bill to enable the Minister for Railways to construct railways, which work was previously carried out under the Public Works Act, and the only authority to construct railways was provided under that Act. During the term of the previous Government, it was felt that, in order to give effect to the policy of economy then operating, the railways should be built by the Railway Department. Personally I consider it is a good idea. As the Premier stated the other night, the people best qualified to build railways are the people who are subsequently called upon to operate them. The Railway Department have an engineering staff quite competent to do the work, and at present they make all the deviations and carry out all the re-grading and work of that kind. Consequently the change will not present any great difficulty to them. The qualifications of the engineers in the Railway Department are almost, if not quite, equal to those of the engineers of the Public Works Department. In years gone by sufficient consideration has not been given to the matter of grades, and it is hard to understand why some of the lines were laid where they have been laid and why the many changes that have taken place should have been necessary. Between Perth and Northam the line has been deviated in the same place not once but three or four times.

Mr. Wansbrough: Six times, in one place.

Mr. LATHAM: If the Railway Department constructed the lines, they would choose the best grades in the first place, because that would save expense in the long run.

The Minister for Works: It was a matter of money.

Mr. LATHAM: It has not always been a matter of money. I can hardly believe that money played a very important part five or six years ago, because it was then plentiful. The Minister for Works will naturally defend his department, and I do not blame him.

The Minister for Works: It does not affect me.

Mr. LATHAM: I quite realise that when a Minister takes charge of a department, he makes it his baby, which is a very good thing for the State. Frequently we have found that after the Works Department have handed over a railway, alterations have been considered necessary before a train was run over the line.

The Minister for Mines: That has not been the case except when lines have been built by contract.

The Minister for Works: The Railway Department have to give a certificate before taking over a line.

Mr. LATHAM: And frequently they have made alterations afterwards. I do not intend to enter into an argument as to the better system under which to construct railways—contract or otherwise.

Mr. SPEAKER: To do so would be out of order.

Mr. LATHAM: Some of the best lines constructed have been built by contract. The handing over of the constructional work to the Railway Department will not prevent our constructing lines by contract if that should be the policy of the Government.

The Minister for Mines: Over the Horse-shoe line the department refused to run trains at more than 12 miles an hour.

Mr. SPEAKER: Order! The hon. member must not discuss the building of railways by contract.

Mr. LATHAM: I have no desire to do so, but Ministers are interjecting about contract building.

Mr. SPEAKER: And interjections, of course, are quite out of order.

Mr. LATHAM: The Government are merely giving effect to what was proposed last year. It was felt that the Minister for Works could delegate his authority to the Minister for Railways, and the lines then under construction were continued by the delegated authority. I have perused the Bill carefully and I cannot see that the draftsman has missed any points. With the proposals in the Bill, I see no reason to find fault.

### THE MINISTER FOR RAILWAYS

(Hon. J. C. Willcock—Geraldton—in reply) [4.43]: Touching the matter of grades, I wish to point out that certain lines constructed years ago were built for certain purposes. The main eastern line, for instance, was constructed about 35 years ago when all the heavy loading went to the goldfields. That was the position for 10 or 15 years, but with the development of the agricultural policy and the growing of wheat, the time came when the bulk of the traffic was in the opposite direction, namely, towards the coast. When the loads ran towards the goldfields, the builders of the line did not bother much about the grades in the opposite direction, because there were only light loads to haul to the coast. When the heavier loads had to be hauled this way, however, the matter of grades became serious, because working costs were increased. Consequently a policy of reconstruction and regrading was necessary to make it possible to haul the loads to the coast in the most economical manner. Some people do not realise the change that has taken place in that respect, but the Leader of the Opposition is aware of it. The Geraldton-Cue line was built in the early days, and any grade in the direction of Geraldton was not bothered about. It was not expected that the time would come when heavy loads would have to be hauled towards the coast. When wheat growing was undertaken along the Wongan Hills line and when that railway was linked with Mullewa, we found that most of the haulage was running against the grades and a lot of re-grading had to be undertaken. In 1895 nobody in Western Australia considered that this State would become an agricultural province with wheat farms 200 or 300 miles from the ports, necessitating the hauling of heavy traffic to the coast. On account of the development since we have been obliged to spend money in regrading and reorganising

our railway lines, in order that they may be worked most economically.

Question put and passed.

Bill read a second time.

*In Committee.*

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

**BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the previous day.

**MR. LATHAM** (York) [4.49]: Most of the clauses of this Bill make provision for the alterations necessitated by the passage of the previous Bill. Clause 8, however, is a lengthy provision dealing with compulsory endowment. As a rule I do not think it wise to insert in any Act of Parliament a clause telling people to do something which they do not wish to do. I fail to understand, however, why railway employees should not voluntarily join the endowment fund.

The Minister for Railways: This morning I heard that during the last six weeks the membership of the fund has increased by 50 per cent.

**MR. LATHAM**: It seems peculiar that we should pass an Act of Parliament to compel people to do something in their own interests. There were one or two points in the Bill I wanted to question the Minister about, but they have been cleared up by the perusal of a copy of the rules which I have obtained. I was wondering what would be the position of a man joining the service at the age of 55 or 56 relatively to the endowment fund, but I find that a man cannot join at a greater age than 49. I do not oppose the Bill in any way. It is an excellent thing that the officers and men of the service should have something to look forward to upon retirement, or that their wives and children should know that some benefit is provided for them.

Question put and passed.

Bill read a second time.

*In Committee.*

**Mr. Sleeman** in the Chair; the Minister for Railways in charge of the Bill.

Causes 1 to 7—agreed to.

Cause 8—New section; Certain employees to contribute to Western Australian Government Railways and Tramway Employees' Death Benefit and Endowment Fund:

**Hon. N. KEENAN**: In connection with the endowment fund, is any provision made for returning to an officer who retires from the service any portion of the premiums he has paid?

The Minister for Railways: He gets all the money he has paid in.

**Mr. LATHAM**: Will a person who has a life assurance policy be debarred from becoming a contributory to the fund?

The Minister for Railways: No.

**Hon. W. D. JOHNSON**: This Bill is a matter of great concern to many of my constituents. They have been trying for some considerable time to obtain an improvement of the position of the fund. They have been in negotiation with the Government Actuary, **Mr. Bennett**, in order to arrive at a scheme which will do justice as between the present contributors and those who will follow them. The scheme arrived at has been approved, and the Government are confirming it by enabling it to be put into operation. This is a good Bill. It accomplishes something that has been under consideration for a long time, and has been endorsed by the experts. The measure will be gratefully received.

Clause put and passed.

Clause 9, Title—agreed to.

Bill reported without amendment, and the report adopted.

**BILL—STATE TRANSPORT CO-ORDINATION.**

*Standing Orders Suspension.*

**THE PREMIER**: I move—

That so much of the Standing Orders be suspended as is necessary to enable the State Transport Co-ordination Bill to be re-committed and passed through its remaining stages at this sitting.

Question put and passed.

**Mr. SPEAKER**: I have counted the House. There is an absolute majority of members present, and there is no dissentient voice.

*In Committee.*

Resumed from the previous day; Mr. Sleeman in the Chair; the Minister for Railways in charge of the Bill.

Postponed Clause 5—State Transport Board:

Hon. N. KEENAN: I move an amendment—

That all the words in the first paragraph of Subclause 1, after the word "For," in line 1 to the word "property" in line 8 be struck out.

My desire was to delete the whole of the clause, but as you, Mr. Chairman, have informed me that that course would prevent the moving of an amendment which has been placed on the Notice Paper in the name of the Leader of the Opposition, I have naturally fallen in with your views. The Bill of which this clause is one portion is a measure designed to co-ordinate and regulate the means of transport, not for the purpose of imposing any undue burden on any particular kind of transport, nor for the purpose of favouring any particular kind of transport. So it becomes a matter of the greatest importance to secure the appointment of a board which will command in the highest sense the confidence of the public at large and of all who are concerned in the problem, and a board which will possess a special knowledge and a special skill. The powers which must be entrusted to the board in order that that body may successfully discharge its duties must be drastic powers—powers which, if abused, would lead to injustice, and which, if misused from ignorance, would lead to unwarrantable loss. The major problem of which the board will be called upon to find a solution is the problem of bringing the new transport which came into existence through the improvement and development of the internal combustion engine into fair association with the older forms of transport by steam and by electricity on rails. At the very outset of approaching the problem it has to be accepted that those two older forms of transport are absolutely necessary for the industrial life of this State, and that the time has not yet arrived—no one can say when it will arrive—for scrapping them. So the problem is to associate the new form of transport that has come into existence with the advance of scientific knowledge with those two older forms of necessary transport

that must continue to exist. But above all, the problem is to bring about the association of the older with the newer form of transport in such a way that the result will be the greatest possible net economic gain to the community. This board, therefore, will be faced with the duty of doing justice, on the one hand, to the railways and tramways, and on the other hand, to the new challenger that has come into our midst, as I have already pointed out, in consequence of the advancement of scientific knowledge. It seems to me manifestly unjust to permit one of the parties with those associated with, or in any way influenced by one of the parties, to appoint this all-powerful board; yet that is what the Bill proposes to do, because it provides that the board shall be appointed by the Governor. The Governor means the Governor-in-Council and that, in turn, means the Ministers of the Crown for the time being. It would be absurd to suggest that Ministers are not influenced by considerations in favour of the railway and tramway services. So, in order to command for this board that confidence without which it would be absurd to imagine they could successfully discharge the duties that will be cast upon them, I propose, in order that we may obtain that measure of confidence that is so necessary, to follow the precedent that was set last April when the Imperial Parliament dealt with a measure to co-ordinate the passenger traffic in London. If it were possible, I should have liked to see the whole scheme of that Imperial measure adopted for the purposes of the solution of the problem we are dealing with, and I believe no real co-ordination, in the fullest sense of the word, can be arrived at until a measure similar to the Imperial Act is adopted; that is to say, until all forms of transport are collected in common stock, for it then becomes a matter of no importance as to earnings in any particular form or in which way the traffic is diverted or affected. Under such a system, the effect would be immediately to direct the traffic into the very best channel. I feel I would be trespassing on your indulgence, Mr. Chairman, and the indulgence of the Committee if I were to attempt, in the course of debating this particular clause, to deal with the general question, so I shall return to Clause 5 itself. In the case of the London passenger transport system, as in our case to-day, the problem was to secure a

board that would be not merely impartial, but one entirely beyond and above any possibility of suspicion.

Mr. F. C. L. Smith: In London did they not take over the whole of the transport system?

Hon. N. KEENAN: They did.

Mr. F. C. L. Smith: They managed the railways and everything else.

Hon. N. KEENAN: If the hon. member had paid a little more attention to what I said, or if I had made myself clearer, he would have realised that that is what I have already stated. I regret that the remedy we are attempting is not so thorough or so likely to be successful as the remedy in the case of the London transport system. Indeed, I further stated, and again repeat, that I do not believe we can get a full measure of success without going along the same lines as the Imperial statute. Accepting, as we must, what is practicable to-day, the problem is not merely to appoint a board that is impartial, but one that is above suspicion of any partiality whatever. It is beyond question that, however impartial a board might be, if it were appointed in the manner proposed in the Bill, it would lie under suspicion of partiality. That would be certain where a board to deal with problems such as this board will be called upon to attend to, was appointed by parties who, it may reasonably be supposed, would have greater regard for the interests of one party than for those of others. Particularly is that so when we remember that this appointment is to be made by a political body that represents political bodies. It is unavoidable. If we allow the appointments to be made by the Governor-in-Council, it is absolutely obvious that such appointments cannot escape the taint of political influence. The duties that the board will be called upon to discharge are such that, only with the possession of a complete measure of confidence on the part of the public, will the board be able to discharge them with any success. However undeserved a charge of partiality may be, if that charge could lie, it will materially affect that measure of confidence without which the board cannot be successful. In order to find some means for the appointment of the board that will relieve it from any possible suspicion or taint of partiality, I propose to ask the Committee to follow the precedent set by the Imperial Act, and to create a body that will

be known as the Appointing Trustees. The personnel of that body is indicated in my amendment on the Notice Paper. That personnel, however, may be taken exception to, and others may be substituted for those I have set up. That can be done without in any way impugning the principle, which is to get a body wholly independent and apart from any political or sectional influence, or influenced by parties concerned, and to give to that body the right to appoint the board. Those who I suggest shall be the Transport Board, I have selected merely because they are men of representative character. If members desire to adopt a different personnel, that is a matter of no importance so long as the personnel consists of representative men. It will be impossible for me to make clear the reasons prompting the suggestion of this particular course without going a step further. I am calling your attention to that, Mr. Chairman, because if I am not in order, I shall desist. I propose to go a bit further and refer to the board I suggest shall be brought into existence, per medium of the appointing trustees. It will be noted that I propose the board shall first of all consist of two railway officers of certain experience in the department who have held certain responsible offices. I have heard the Minister in charge of the Bill express the opinion that it is very undesirable that there shall be representatives on the board of the transport interests with which they will have to deal. I do not agree with that view for one moment. On the contrary, since this board must, if it is to achieve any measure of success in carrying out the work, possess a most intimate knowledge of the details of transport and of every matter bearing on the problem, the fact that members of the board possess that knowledge must be of obvious advantage, nor is there any reason to suppose that because members of the board did possess that special knowledge and skill that there would be any more wrangling on the board than if those appointed did not possess that knowledge themselves. I cannot for the life of me see that those sitting on the board who possessed that knowledge as the result of their daily activities, would be any more likely to wrangle and refuse to come to reasonable conclusions than would be men who were merely puppets or the mouthpiece of outside influences, knowing nothing themselves about the problems. Although the Minister had

behind his statement the authority of a certain professor, I submit he had not behind him the authority of common sense or of experience. We all know that, in connection with the Traffic Act, an advisory board has existed for years. This board, which has worked with the Minister for Works and his officers in the administration of that Act, consists, to a large extent, of parties interested in transport, and the board has proved most successful.

The Minister for Works: There is one outside interest only represented on the board, and that member has been there for a little while. The board operated for years without that interest being represented.

Hon. N. KEENAN: There has always been some representative of the motor transport services on the board.

The Minister for Works: No.

Hon. N. KEENAN: Then perhaps I was wrong; I was under the impression that there had been. Even with the limited experience that the Minister must have had, can he say that there has been any disadvantage experienced from the fact that there was someone present on the board who could give first-hand information on a particular form of transport, and who knew what he was talking about? I very strongly urge the appointment of two railway officers by the appointing trustees that I ask the Committee to bring into existence. Next I propose that there shall be one member of the board selected from the governing body dealing with the carriage of goods by motor, and one member from the governing body dealing with the carriage of passengers by motor. The reasons for the inclusion of those two are identical with those I put forward for the selection of the two railway officers, namely that they are intimately acquainted with phases of transport and will be the best source of information for other members of the board.

Mr. Moloney: Would not they be representing sectional interests?

Hon. N. KEENAN: In a sense, yes, but also they would be representing sectional knowledge; and even if they were to attempt to go beyond that, they would still be only two members of a board of seven; so they cannot in any sense be dangerous to the proceedings, while they can be of the highest possible service. Next I propose that there shall be on the board two representatives of the public at large, the public

who use all these transport services. There is no doubt that what should guide and determine every decision of the board is the service of the public, which could not be better brought before the board than by having on the board two representatives of the public. Lastly, I propose that there shall be on the board a Government official, some officer of a Government department other than the tramways or railways. Preferably it should be a Treasury official, and he should be the chairman of the board. A board constituted in that manner would command general support. I believe also that such a board would function admirably, that it would deal with the various problems in the light in which those problems should be dealt with; in the light particularly that it is necessary to find a fair and legitimate association between the older forms of transport and the newer forms that have come into existence as a result of the development of the internal combustion engine. I am desirous of finding some solution of this problem which will be a workable solution and will have all the elements of success, and I believe the nearest we can get to that will be by adopting the course of legislation I have indicated.

The MINISTER FOR RAILWAYS: The proposed amendment deals with two principles, the first being the appointment of the board and its method of appointment, and second the personnel of the board, and whom they should represent. While, as the hon. member said, we have a recent precedent from London as a method of appointing such a board, the conditions in London are vastly different from those in Western Australia. In London, where there are millions travelling every day by all sorts of transport, there are hundreds of conflicting interests which have to be co-ordinated in one board. Perhaps in view of the very immensity of the problem in London it was thought necessary to have the appointment of the board made by a circumlocutory method, instead of by direct means as in the past we have adopted here. This proposed board will be a very important body. But the Government of the day have made very important appointments, and generally with satisfaction to everybody. It is not suggested that the Government of the day should not take the responsibility of making appointments to the judiciary, who have far

greater powers than the proposed board will have, the power of life and death, and power over a person's liberty. Yet, past appointments to the judiciary in this State have been regarded as entirely satisfactory. I am sorry the hon. member should have suggested that the Government might not succeed in appointing a satisfactory board. Our magistrates also are appointed by the Government, and they, too, carry out highly important duties. The very board the hon. member referred to, the Advisory Board under the Traffic Act, were appointed by the Government. That board has never yet set out to do anything against the interests of the public; in fact since that board came into existence, passenger motor transport in the metropolitan area has made immense strides. Another public utility appointed by the Government, and which have exercised a more important influence on the economic life of the community than the Transport Board are likely to do, are the trustees of the Agricultural Bank. They exercise tremendous power. So in this State there is no need to declare that the appointment of the proposed board should be taken out of the hands of the Government. The Committee would not be justified in departing from a well established principle which has given every satisfaction in the past. And even if the Government were to appoint a more or less unsatisfactory board, the Government would have to answer for it to Parliament and, through Parliament, to the electors. On the other hand, if the proposed appointing trustees were to set up an unsatisfactory board there is no one to call them to book, because they are independent and not subject to criticism by anybody. So nothing could be done about it and the unsatisfactory board would remain in office. Despite the precedent afforded by London, I do not think there is warrant for our departing from a well established system. Again, the appointing trustees will be representing sectional interests.

Hon. N. Keenan: The appointing trustees will have nothing to do with transport.

The MINISTER FOR RAILWAYS: But one of them will represent sectional interests.

Hon. N. Keenan: No, certainly not. Would the Commissioner of Railways or the Chairman of the Main Roads Board represent the transport association?

The MINISTER FOR RAILWAYS: Not directly. The Government are anxious to do the best they can for all the people, and could not agree to the suggestion of the member for Nedlands. The Harbour Trust are appointed by the Government. That authority acts in the interests of the State, and no one has claimed that the appointments to the trust should be taken out of the hands of the Government. The implication in the hon. member's proposal is that the Government have lost the confidence of the people in matters of this kind, and that a revolutionary change is required.

The Premier: The Government appoint the judges of the Supreme Court.

The MINISTER FOR RAILWAYS: And they have power over the lives of people. There is no justification for such a revolutionary change in the system of making these appointments. The Government are charged with a responsibility towards the State, and cannot delegate those responsibilities to anyone else. Under the proposal the board might do all kinds of foolish things, and yet it could not be interfered with. The Lord Mayor of Perth might happen to be an ex-railwayman with strong leanings towards the railways, and the same might be said of the chairman of the Road Boards Association. On the other hand, others of the appointing trustees might have definite leanings towards road transport, and so there would be bias one way or the other. The board that would be appointed by the trustees would be an entirely irresponsible body. The trend of thought seems to be in favour of the type of board that is suggested on the Notice Paper by the Leader of the Opposition. With the exception of a few amendments in phraseology, that suggestion will not be seriously objected to by the Government as to the representation on the board of the different phases of the situation. I have always felt it would be unsatisfactory to have a board consisting of representatives of particular interests. In Victoria, sectional interests were represented on the board, and some time elapsed before satisfactory results were achieved. If the Government had wanted to force their policy upon a transport board, they could have taken steps towards that end, and motor transport could have been pushed off the roads. That was never in the minds of the Government. If we had desired to squeeze motor traffic, we could have taken steps to



do so. Members would do well to make the Government directly responsible to Parliament for their administrative acts, and reject the proposal of the member for Nedlands. I am prepared to accept the principle embodied in the suggestion which has been advanced by the Leader of the Opposition.

Mr. NEEDHAM: I commend the member for Nedlands upon the manner in which he presented his case, but I am afraid it does not entirely meet with my approval. Notwithstanding that the system he has advanced is in operation in London, and has the Imperial blessing, it does not appeal to me. The authority he proposes would be unwieldy owing to the number of members involved. The interests represented would also be so varied that very often the deliberations of the board would reach a deadlock. I cannot agree to a delegation of Government authority to the appointing trustees. Any Government which accepted such a position would no longer be fit to hold office. It would be an admission of incompetence and unfitness for their task. Important though the appointments to the board may be, I would point out that appointments of still greater importance than that have been made by the Government, who are directly responsible to the people. I do not think the object the hon. member has in view would be achieved through the selection of appointing trustees. No one is free from bias in one direction or another. The smaller the personnel of the board, the more effective will be the working of the machinery. I do not like the Government proposal of a board of three, two of whom would be Government officials, and I do not like the word "official." I should like to see a board of three consisting of one transport man, one man well versed in finance, and a third possessing special organising ability. If we can get a board of that nature, we shall do all that we need and there will be a better prospect of more effective work being carried out. The amendment suggested by the Leader of the Opposition is nearer the mark; it is certainly a vast improvement on that submitted by the member for Nedlands. Personally I would prefer a board of three, and if I get the opportunity I shall move in that direction. I would permit the Government to select the men, and I am confident they would choose three who would conduct the work satisfactorily. If

the Government were not able to make a satisfactory choice, I should say they were not fit to carry on the affairs of the country.

Hon. N. KEENAN: As I have already explained, the desire is to keep the board clear of political difficulties. The personnel can be altered without changing the principle. It has been said that the Government in the past have made appointments of far greater importance than that now proposed, and the appointment to the judiciary was cited as an illustration. Everyone knows that those appointments are made on the nomination or recommendation of the Chief Justice.

The Minister for Works: Not always.

Hon. N. KEENAN: No appointment has been made in opposition to the wishes of the Chief Justice. If such an appointment has been so made, I am not aware of it. The Minister for Works contradicts my statement.

The Minister for Works: I know of one that was not made on the recommendation of the Chief Justice.

Hon. N. KEENAN: There may be such a case but I have no knowledge of it. The Minister for Railways referred to the Agricultural Bank Trustees, but he did not bear in mind the emphasis given by the Managing Trustee of the Bank to the statement that a lot of his troubles were due to political influence.

The Premier: Would this board of trustees be entirely immune from influence any more than any other board?

Hon. N. KEENAN: After all, people most susceptible to pressure and influence undoubtedly must be political parties.

The Premier: Not at all.

Hon. N. KEENAN: It is part and parcel of their existence; they cannot get away from it.

Mr. Moloney: You are measuring us by your own bushel.

Hon. N. KEENAN: I am measuring the hon. member's bushel according to the usual standard. I have stated why what I now propose was adopted by the Imperial Parliament. Nobody imagines that Imperial Ministers are in any way less worthy of exercising powers than are the Ministers of the Colonies or the Dominions.

The Premier: We do not sell titles here as they do there.

Hon. N. KEENAN: That does not matter. Within our limits, we are just as bad and just as good. We are putting ourselves

on an absurd pedestal by imagining that we are superior. This particular procedure was adopted in England to avoid influence.

Mr. Lambert: They are not called upon to control our railways.

Hon. N. KEENAN: In this instance they are called upon to bring into existence a very powerful body to deal with a far more intense problem than that with which we are dealing. I do not propose to attempt to convince those who will not be convinced. I know I cannot convince the Premier; I just regard him as hopeless. The Minister complained about my speaking of political influence, but I assure him that my remarks had no application to the present Government. When I speak of matters of that kind, I am not referring to any one Government but to all Governments. In my opinion all Governments are susceptible to pressure from political quarters. The Minister, of course, will understand that my remarks have no personal application. Everybody in Western Australia is subject to some pressure, but the question is the degree of it. The Minister also dealt with the number of members of the board. From my point of view, I should be sorry to see a small board appointed. The interests that have to be dealt with, and justly dealt with, and to be considered from an expert point of view, are of many kinds. Why should we attempt to restrict the number of the board to prevent all those interests getting due recognition? So long as we do not allow the board to become lopsided, the board will be able to function satisfactorily. That is a matter of common sense. I regret my proposal has not received a greater measure of support. I have done all in my power to place the position as it appears to me before Parliament. We have the old and the new means of transport, and we recognise that the old cannot be abolished. The state of our industrial life will not permit it. To deal with both these means of transport, we should have a board of the kind that I propose, a board that should be possessed of the knowledge of all details.

The MINISTER FOR WORKS: From the remarks of the hon. member who has just resumed his seat one would consider that at the moment no control is being exercised over motor traction. If one were to judge from his speech, one

would imagine that transport in this State had had free play, that it could go where it liked and do what it liked, without direction or control of any description. That is far from the facts. We are one of the States that has had control from the commencement; a board has been operating ever since charabancs and taxis started, and there is no compulsion on the part of the Government to declare routes. We can refuse to prescribe routes; we can refuse to allow anyone to enter into the business in competition with the railways. We established an advisory board consisting exclusively of Government employees. That board was established when I was in office previously. At the commencement that board was comprised exclusively of Government officials, but subsequently I agreed to the appointment of a representative from the motor interests. Not always, however, has the Minister acted upon the recommendation of the board.

Mr. Patrick: They are merely an advisory board.

The MINISTER FOR WORKS: The board have been in control, the industry has operated mainly on their recommendations, and there has been no outcry about hardship or partisanship. The motor interests agree that they have received a fair deal and have little of which to complain. The board have, to an extent, introduced a little order into the chaos that existed previously. The member for Nedlands, in speaking of the trustees who he suggests should appoint the board, said it could not be argued that they were partisans or representatives of the motor industry. How can the hon. member say that? Could he give any guarantee that they would not be the direct nominees of the motor interests? No one would suggest that the Commissioner of Railways would be non-partisan. The Chairman of the Main Roads Board is specified by the hon. member, but there is no such body and no such officer. The title was altered two or three years ago and the officer is known as the Commissioner of Main Roads. The Lord Mayor of Perth is suggested as one of the appointing trustees. Will anyone dispute that the motor interests could elect whom they liked as Lord Mayor? They have the money and the influence and, if they cared to exert their power at an election, they could elect whom they liked. If the continuance of their business depended

upon the election of their nominee, they could take measures to ensure that the appointee held views favourable to them. The hon. member suggests the chairman of the Roads Board Association. The same argument would apply to him. Would anyone contend that the position of chairman of the Road Boards Association could not easily be captured? Can the hon. member say that the occupant of that position is not interested in the motor industry?

Hon. N. Keenan: To my knowledge he is not.

The MINISTER FOR WORKS: Can the hon. member give an assurance that that gentleman is entirely disinterested?

Hon. N. Keenan: To my knowledge, yes.

The MINISTER FOR WORKS: Then the hon. member had better make further inquiries. It would be quite easy for the motor interests to capture that position.

Hon. N. Keenan: How would they do it?

The MINISTER FOR WORKS: There are a dozen or so men comprising the association and they could easily work through the different country boards. Frequently there is no contest for seats on country road boards; difficulty is experienced to get men to offer their services. A live organisation could certainly capture that position. So I might continue right through the proposed constitution. The hon. member contended that we should have a board representative of the different interests and that a case to the contrary lacked commonsense. Anyone appointed to an organisation to represent a certain interest goes there to do his best for that interest. If all the different interests were represented on the board and if each representative did his job, there would be nothing but wrangling. The main work of the board, to co-ordinate traffic, would be lost sight of. How could all the interests be represented? Operating on the Perth-Fremantle-road are charabancs and taxis, and seldom a week passes without my having to receive representatives from one or the other organisation complaining of the other party and asking me to take action to prevent something that is considered to be detrimental to the complainant's interests. The same applies to people conducting other forms of transport; they are always complaining. If men are appointed to a board to represent certain interests, their concern will be to do what they can for those who sent them there. That is the common-

sense view. The hon. member claims that a representative must have knowledge of and must understand the position. What is there to understand? The work of controlling the traffic is at present being done by Government employees. Members opposite, who represent largely country interests, will agree, I think, that the board, in exercising the power to exempt certain farmers from provisions of the Traffic Act regarding the cartage of their produce, have done so fairly freely. In fact, exemption has been granted over large areas. Take the Dale district: Since the road has been built from Armadale to Brookton, leading to Midland Junction, producers can take in their stock by motor truck, and they have less than half the mileage to traverse and can do the distance in a fraction of the time that would be occupied in carting their produce to the Great Southern and railing it to Midland Junction via Spencer's Brook. Every farmer who has applied for exemption has been granted it. That has been done by the Minister after his officers have examined the applications and have reported to him. There has been little or no complaint of the manner in which the power has been exercised. It is a matter of common-sense and sound judgment; no special knowledge is required. I cannot conceive of the Government appointing a board that would be likely to be tainted or partial. No matter which party were in power, they would select a board whom they considered would honestly do their best for the people and for the country. That has been the guiding principle in appointing all boards. The importance of the board, I consider, has been over-rated. There is a similar body operating to-day. True, the proposed board would have wider authority, but in essence the organisation is in operation at present. To suggest that our little transport service should be compared with or should require such an organisation as that of London is like taking a steam-hammer with which to crack a nut.

Amendment put and negatived.

Mr. LATHAM: I move an amendment—

That the words "two of whom shall be Government officials and one of whom shall not be a Government official" be struck out with a view to inserting in lieu thereof "one of whom shall be a Government official, one representing rural interests, and one city interests, but none of whom shall be financially

interested in any form of transport service or contract."

I understand that the Minister is prepared to accept the amendment with slight verbal alterations.

**THE MINISTER FOR RAILWAYS:** I have no great objection to the principle contained in the amendment. With a board constituted as suggested, a considerable amount of objection would be dissipated. The Government feel satisfied to entrust the control of transport to a board of the kind outlined. They believe that they could appoint a board conforming to the amendment that would be of advantage to the State. Instead of referring to rural interests, I think the hon. member should adopt rural "industries," and it would be advisable to follow the wording of the Victorian Act in describing the representative of city interests.

**Mr. Latham:** My wording would give the Government a very wide field of choice.

**THE MINISTER FOR RAILWAYS:** The Victorian Act specifies one person engaged in commercial pursuits within a radius of 25 miles of the G.P.O. To that I would agree.

Amendment (to strike out words) put and passed.

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

**Mr. LATHAM:** I move an amendment—

That the following words be inserted in lieu of the words struck out:—"one of whom shall be a Government official, one representing rural interests, and one city interests, but none of whom shall be financially interested in any form of transport service or contract."

A board so constituted would be a fair and well-balanced board. Conditions in the Old Country are totally different from those here. At Home there are no public utilities. The object there was to avoid a change-over from the county councils.

**THE MINISTER FOR RAILWAYS:** I consider the amendment in principle; but I consider that "industries" would be better than "interests" as regards the country, and for "one city interests" I would prefer "one person engaged in commercial pursuits within a radius of 25 miles of the General Post Office, Perth." I move an amendment on the amendment—

That the word "interests" appearing after "rural" be struck out, with a view to inserting "industries" in lieu.

**Hon. N. KEENAN:** I am not opposed to the amendment, but I would like to know what is the meaning of "rural industries." The Victorian statute makes clear what is meant. Most of us have some fruit trees; are we therefore engaged in rural industries? On the other hand, "primary producer" has a well-known, definite meaning from custom. To make the amendment specifically clear, we should say exactly what we mean by a person engaged in rural industries.

**THE MINISTER FOR RAILWAYS:** The term "rural" is a distinct term implying the antithesis of "urban." Urban interests would be represented, and the opposite to urban interests is rural interests. "Primary producer" can mean anybody who produces anything from the soil anywhere.

**Hon. N. Keenan:** Is mining a rural industry?

**THE MINISTER FOR RAILWAYS:** So far as this State is concerned, yes. All these terms are accepted in their general meaning.

**Mr. HAWKE:** When the member for Nedlands moved his amendment to give separate interests separate representation on the board, one of the chief arguments advanced against it—advanced by the Minister amongst others—was that it would be wrong in principle to give sectional or special interests direct representation. The Minister having used that argument, we now find him accepting an amendment which will set up the vicious principle against which he argued a little while ago.

**Mr. Doney:** But the Minister was referring to transport interests.

**Mr. HAWKE:** The Minister argued that it was better to leave the appointment of the members of the proposed board to the wisdom of the Government. The clause as it now stands states merely that the board shall consist of three members, and in my opinion that is all that should be imposed on the Government. After setting out the number to be appointed to the board, we should leave it to the good sense and discretion of the Government to choose the men to be appointed.

**Mr. Patrick:** The amendment still leaves it to the Government.

**Mr. HAWKE:** But it requires those appointed to represent certain interests. Both the amendment and the amendment on the amendment are ambiguous. One member is to be a representative of rural industries.

If McKay's Harvester Co. established a branch of their works at Merredin, would that be regarded as a rural industry?

Mr. Doney: Certainly.

Mr. HAWKE: If that be so, then every motor garage or business in the country, including country storekeepers, would be regarded as engaged in rural industries.

Mr. Patrick: But the appointments will be in the Minister's hands.

Mr. HAWKE: But that is no excuse for accepting amendments, the meanings of which are not clear. The Minister would be well advised to accept the clause as it stands at present, and that would mean we would merely set out that the board would consist of three members. That would leave the Government free to exercise their judgment in making the appointments. If we are to agree that one member of the board is to represent city industries and another is to represent rural industries, that would merely set up wrangling so eloquently touched upon by the Minister for Works in arguing against the amendment moved by the member for Nedlands. If rural and city industries are to be represented, why should not the mining interests have representation too?

Mr. Doney: Those interests are rural.

Mr. HAWKE: They may be regarded as such, but there is room for argument on that question. Again, if rural and city industries are to have representation, why should not the industrialists of the State have representation too? If the Minister agrees to the amendment of the clause, I shall feel inclined to move a further amendment to give industrialists representation as well.

Mr. F. C. L. SMITH: I favour the clause as it stands now, merely setting out that the board shall consist of three members. It is neither right nor wise to impose restrictions upon the Government with reference to the selection of board members. There can be too much direction in a Bill of this description. It is prescribed that members of the board shall be persons capable of assessing the financial and economic effect on the State as a whole, of any transport policy. That should be the main consideration and should embody sufficient direction from Parliament to the Government. If rural and city industries are to receive representation, why should not the goldfields have representation too?

The Minister for Railways: The goldfields industries are rural from a transport standpoint, on account of distance from the city.

Mr. F. C. L. SMITH: What industry will the Government official represent? He will represent the interests of all the people of the State, and that is what should weigh as a first consideration with the board as a whole. In his report on road and rail transport, Professor Hytten states—

South Australia has the best record in regard to this type of legislation. This State appointed a board of three men, who had little experience in transport, and the remarkable fact is that this board, despite its lack of technical knowledge, has been working extremely well, and has been accepted by all parties as impartial.

The Premier: In South Australia the board has had a very able and well trained secretary, who possesses a powerful personality.

Mr. F. C. L. SMITH: That is what is required on such a board.

Mr. Withers: In those circumstances, the secretary would be the board.

Mr. F. C. L. SMITH: What is required is someone possessing character in the sense that Emerson referred to, and, one might almost say, one possessing expectations that will outrun their performances. Professor Hytten also said—

This seems to point to the lesson that lack of special knowledge is not as severe a handicap as it may seem, if it is replaced by sound commonsense and a sense of fairness.

Then again, Mr. Poynton, the manager of the Midland Railway Company, referring to appointments to the board, said—

A board of three is probably the best so long as it is recognised that in the appointments, high qualifications are called for. It should not be regarded as a recommendation that the proposed appointee has any knowledge, or only possesses knowledge of transportation as an industry, or that he would represent particular interests. There is only one interest, and that is the public good in the broadest sense. There is only one measure of fitness, and that measure every successful business man knows.

I agree with the contentions of Professor Hytten and Mr. Poynton, both of whom I consider are qualified to express an opinion. We should not restrict the Government by inserting provisions that will hamper them in the selection of members of the board. If we leave the clause as it stands now, we

will throw the responsibility on the Government and, by carrying out their duty with a due sense of that responsibility, Ministers will select men most fitted to carry out the task.

**The MINISTER FOR RAILWAYS:** The word "rural" is used in the clause in the sense of its application to transport. People in the rural districts are entirely dependent on transport for the successful carrying of their produce. To such an extent are those people dependent on transport that the Government are prepared to give them representation on the board; not any one branch of the rural industry, but people who, in rural districts, are dependent on adequate transport for the carrying on of their industry. Transport is everything to those people, and we think they should be represented on the board. Likewise the city interests are concerned in omnibuses and trams and other forms of transport, and so they, too, should have representation on the board. As for the criticism of the member for Northam, when we brought down the Bill we said we were prepared to test the feeling of the House and of the country. Much hostile criticism has arisen because it was thought the provisions for the constitution of the board would enable the Government to appoint to that board two railway men.

**Mr. Hawke:** You could do that under the proposed amendment.

**Mr. Ferguson:** But you would not be keeping faith with the farmers if you did.

**The MINISTER FOR RAILWAYS:** The Bill deals with transport and therefore, if any member of the board had any particular interest in transport, it should be that interest and that alone that he represented.

**Mr. Latham:** We would hope that he would represent everybody.

**The MINISTER FOR RAILWAYS:** We hope that he would represent people engaged in industry at some distance from the port of distribution, which would necessitate their making a successful use of transport. The Government desire to get the Bill through so that we shall be able to co-ordinate transport and cease the uneconomic form of competition which defeats itself inasmuch as it raises costs instead of reducing them. If the board be constituted as we wish, I am sure the public will be satisfied. We have had expressions of opinion from many sources, and from those expressions it

appears that the board we propose will meet with general approval. We want a board that will protect the interests of the whole State.

**Mr. NEEDHAM:** This afternoon I indicated that I would move an amendment. I should like your direction, Sir, as to whether or not I can move it at this juncture. I proposed to move to strike out "two," in line 12, and insert "one," and in line 13 to insert the words "the letter 'a'."

**The CHAIRMAN:** The words the hon. member desires to strike out have been struck out already, and the question before the Committee is the amendment by the Minister for Railways on the amendment by the Leader of the Opposition.

**Mr. NEEDHAM:** In the event of the amendment being carried, shall I then be in order?

**The CHAIRMAN:** Not if the amendment by the Leader of the Opposition be carried.

**Mr. MOLONEY:** The member for Northam is on the right track. Under the proposed amendment the Government will trammel themselves and not achieve anything that they seek. The Government, as the custodian of the people's rights, have the right to appoint the three men best fitted for the job, irrespective of where they happen to reside. We want on the board people who will not administer its affairs from a sectional point of view. We, as a Committee, cannot determine the lines of demarcation between rural interests, city interests and goldfields interests. If we provide representation for city interests, possibly we shall find appointed to the board someone who has no knowledge of those interests, except that he has financial interests in existing monopolies. We must not consider the interests of any particular coterie. The whole thing should be administered on the basis of equity. If we provide that certain interests shall be represented on the board, we shall not be contributing to the best functioning of that board. The right thing to do would be to leave it open to the Government to appoint the best persons available, irrespective of what interests they may represent.

**Mr. LAMBERT:** I oppose the amendment. It would be far better to leave the Government untrammelled in the choice of those who are to serve on the board.

**The Premier:** If the Government are left untrammelled, they may be charged with hav-

ing appointed three Government officials or persons interested in Government activities.

Mr. LAMBERT: The public have already expressed their confidence in the Government.

The Premier: But we have no mandate for this Bill.

Mr. LAMBERT: We should not lay down any specific line of sectional interests, because that would lead to undue influence being brought to bear upon the Government.

The Premier: We are not open to undue influence.

Mr. LAMBERT: I should say "influence." The arguments used by the member for Northam were unanswerable, and his suggestions should be followed.

The Premier: If it were possible to get such a Bill through.

Mr. LAMBERT: If it is not possible to pass the Bill in decent form, the Government should tell the country the position that has arisen. If we are merely endeavouring to placate certain interests in order to get some kind of legislation through, then Parliament has outlived its usefulness. If some other branch of the Legislature stands in the way of our getting decent legislation, the country should be informed about it.

The CHAIRMAN: The hon. member should speak to the amendment.

Mr. LAMBERT: If I am not doing that, I do not know to what I am speaking. If we start on wrong lines now, in this matter, it will take us all the longer to bring about the desired result. It would be highly dangerous to set up a board of the kind suggested by the Leader of the Opposition. If the interests he refers to are entitled to representation, industrial interests should also be represented. The Committee should be broadminded enough to leave the selection to the Government. It would always be competent to provide, if thought necessary, that the appointments that are made must be ratified by Parliament.

Mr. TONKIN: I oppose the amendment. The Committee have already carried an amendment to exempt rural interests almost entirely from the operations of this measure. It is now sought to give representation to those interests on the board. How is it proposed to select the representative of the rural interests? Will he be a storekeeper, a farmer, a blacksmith, all of whom will have

divergent views? In the case of a city representative, will the choice fall upon some motor mechanic or a banker? In South Australia a board of three, without the representation of any special interest, has worked very well. Nothing should be allowed to stand in the way of the Government appointing the best men available. We should reject both the amendment and the alteration suggested by the Minister. That raises another doubt in my mind. Do we mean that a man who represents country interests must be a man who must necessarily reside in the country or reside in the city and carries on business in a representative capacity for country districts? That has not been explained.

Mr. Stubbs: Have you no faith in the Government?

Mr. TONKIN: It is the job of the Opposition because the suggestion has come from there. What have hon. members in mind when they talk about representation of rural interests?

Mr. Latham: We are not here to dictate to the Government.

Mr. TONKIN: The Leader of the Opposition should give us some samples of the type of man he requires to represent rural and commercial interests.

Mr. Latham: I would have done so long ago if you had only sat down.

Hon. J. CUNNINGHAM: I understood you, Mr. Chairman, to say that the amendment before the Committee was that moved by the Minister for Railways to delete the word "interests." There has been a most extraordinary debate ever since and the word "interests" has not been mentioned. In addition I have not heard an explanation of the difference between "industries" and "interests." It seems to me I am quite in order now in asking the Minister for Railways to inform me what is the difference between the words "industries" and "interests." I represent a gold mining constituency, and we have been informed by the Leader of the Opposition that "rural industry" would cover mining as well as the farming industries. In my constituency there are also buses and taxi-car associations and there is also a tramway system. Thus it would be well to know if those businesses come under the definition of "rural industry." I am rather inclined to think that the word "interests" will cover the situation as

far as the industries in my district are concerned, much better than the word "industries." Some years ago, as you, Mr. Chairman, are aware, an application was made by certain people to become registered as an industrial union under the Arbitration Act. This application was ruled out because the industry concerned did not come within the definition of the word "industry." I take it the Leader of the Opposition has moved the amendment with a view to directing the Government on the question of the representative to be appointed to the board. The amendment, if agreed to, will be a direction to the Government to appoint representatives of the various industries or interests. Well, we want to understand the meaning of "interests" and "industries." I am inclined to think "interests" will suit the people better than "industries." We might have the board thrown into confusion on some occasions and it might be necessary to move the Court for a definition of the terms "interests" and "industries." The term "interests" would suit me much better.

Mr. J. H. SMITH: I cannot understand the position. It seems to leave sole control of the selection in the hands of the Government, and they will have exactly the same power as was proposed in the original clause, except it was specified that "rural interests" should be represented. I cannot understand the hostility to the amendment. I am 100 per cent. in favour of the railways, but there is no doubt in the minds of some members that, if the clause is allowed to stand as it is printed, there might be railway officials appointed. I intend to support the amendment.

Mr. WITHERS: One can understand metropolitan members taking a conservative city view of the position, but when one represents rural interests one can readily support the amendment moved by the Leader of the Opposition. There is no need to take a narrow view. If we allow the clause to remain as it is without amendment, we leave it in the hands of the Government of the day to appoint whom they wish. We have struck out certain words, and we say that we shall appoint three to the board.

Mr. Tonkin: What is wrong with that?

Mr. WITHERS: Are not the people in the back country entitled to some consideration?

Mr. Tonkin: Do you mean to say that the Government will never give the country any consideration?

Mr. WITHERS: We are talking about representation on the board, and we know from experience that the method of transport in the country is similar to that in the city.

Mr. Tonkin: Give us your idea of a representative of rural interests.

Mr. WITHERS: We do not know that he is going to be a farmer, a railway man or a contractor, but he is to be a man with considerable experience. The Government of the day will have the opportunity of deciding whether that man has had the experience in transport or otherwise. The Government will know whether the individual has had experience throughout the rural districts in connection with transport. I might point out that the Railway Department has suffered by the fact that the Commissioner of Railways has never in the past taken into consideration country interests. In this respect the railways have been a damnable failure, and the position is a disgrace to the Commissioner of Railways, who, for a period of years has drawn a high salary. If we are to continue under similar conditions the best thing we can do is to throw out this Bill immediately. I consider it is better to accept the amendment moved by the Leader of Opposition and in that way get direct interests represented. The person chosen need not be a blacksmith or a farmer but he can be someone who has knowledge other than that of centralised interests. Transport does not stop in the city.

Mr. Hawke: Give the Government a free hand.

Mr. WITHERS: They have a free hand in connection with this. We leave it to the Government to say who the three shall be. I trust that country members like the member for Northam, will give the matter the consideration to which it is entitled. It is not a question of saying whether we shall have on the board the member for York who is a farmer, or a legal practitioner, but we do want to get hold of someone of practical knowledge of transport conditions in the back country.

Amendment on the amendment put, a division called for and the bells rung.



The CHAIRMAN: There being no dissentients, the division is called off.

Amendment on amendment thus passed.

The MINISTER FOR RAILWAYS: I move an amendment—

That the word "industries" be inserted in lieu of the word struck out.

Amendment put and passed.

Mr. NEEDHAM: Shall I be in order in moving an amendment before the main amendment is put?

The CHAIRMAN: The hon. member may move an amendment on the amendment.

Mr. NEEDHAM: I move—

That the amendment be amended by inserting after "members" the words "one of them shall be a Government representative."

The CHAIRMAN: I cannot accept the amendment.

Mr. NEEDHAM: You have accepted an amendment on the amendment and have not yet put the amendment as amended.

The CHAIRMAN: I cannot accept an amendment to insert the words in the place you have indicated.

Mr. NEEDHAM: The amendment, under my proposal, would provide for a board of three, one of whom shall be a Government representative.

The CHAIRMAN: That cannot be done.

Mr. NEEDHAM: Then I move—

That the amendment be amended by striking out all the words after "official."

The CHAIRMAN: I cannot accept the amendment. The hon. member may move an amendment to only that portion of the amendment subsequent to where "industries" was inserted.

Mr. NEEDHAM: Then I move—

That the amendment be amended by striking out all the words after "industries."

It appears to be the opinion of the Committee that the board should consist of three members only, and I wish to ensure that one shall be a Government representative. I would not have sought to impose that condition but for the possibility of three railwaymen or three Government representatives being appointed.

Mr. LATHAM: If the hon. member's amendment on the amendment be defeated, the Committee will have decided to retain the remaining words. Would it then be

possible to make the amendments indicated by the Minister?

The CHAIRMAN: No, the remaining words would have to stand.

Mr. LATHAM: Then the Minister will be placed in an awkward position.

Mr. F. C. L. SMITH: If a member desires that the whole amendment be rejected, how can he act under your ruling, Mr. Chairman? It is impossible to indicate that I approve of the word "industries" as against "interests" without signifying approval of the whole proposition.

The CHAIRMAN: The amendment as amended will be put at a later stage, and if the hon. member so desires, he may vote against the amendment as amended.

The MINISTER FOR RAILWAYS: The words should not be struck out. We have decided that the board shall be composed of three members, and that of the three, one shall be a Government official and one a representative of rural industry. I wish now to provide that the city interests shall be represented. The best course will be to amend the amendment as suggested, and then members will have an opportunity to vote on the amendment as amended. Would the member for Perth withdraw his amendment on the amendment for the time being in order that we may get the amendment into shape?

Mr. NEEDHAM: I am prepared to withdraw if I shall be permitted to move my amendment on the amendment at a later stage, but I am afraid I shall not be permitted to do so.

The CHAIRMAN: I cannot quite understand the hon. member.

Mr. NEEDHAM: I cannot understand your ruling, either. If I withdraw my amendment, shall I be able to move it later?

The CHAIRMAN: If the hon. member's amendment on the amendment be defeated, the Minister will be debarred from moving the amendment he has indicated.

Mr. NEEDHAM: Then I shall stand by my amendment.

Mr. LATHAM: I hope the member for Perth will give members an opportunity to express themselves. My amendment needs to be amended further, but whatever be the decision on the hon. member's amendment, we shall be debarred from amending it. The Bill could be recommitted at a later stage to allow the hon. member to move his amendment.

The MINISTER FOR RAILWAYS: I do not want to be placed in the position of doing something that we do not desire.

Mr. Tonkin: We need a revision of the Standing Orders.

The MINISTER FOR RAILWAYS: That cannot be discussed now. If the amendment on the amendment be passed, the words will be struck out. If the amendment on the amendment be defeated, the words will stand, and we shall be unable to alter any of them.

Mr. Thorn: And the city people will have no representation on the board at all.

The MINISTER FOR RAILWAYS: That is so.

Mr. NEEDHAM: On further consideration, I ask leave to withdraw my amendment.

Amendment on amendment, by leave, withdrawn.

The MINISTER FOR RAILWAYS: I move—

That the amendment be amended by striking out "city interests" and inserting in lieu thereof "one person engaged in commercial pursuits within a radius of 25 miles of the G.P.O., Perth."

Mr. HAWKE: I oppose the amendment. I would prefer to retain the words "city interests." If the amendment on the amendment be accepted, the Government will have to appoint as a member of the board a person engaged in commercial pursuits, and it would probably be difficult to get such a person to act. If anyone could be found to act, his time would be divided between the duties on the board and his own private interests. Excellent men might be available to represent city interests, men not engaged in commercial pursuits. Thus the Minister's amendment on the amendment is restrictive. He should withdraw it in the interests of obtaining the services of the best men available.

The Minister for Railways: I ask leave to withdraw my amendment on the amendment.

Amendment on the amendment by leave withdrawn.

Mr. HAWKE: Shall we have a further opportunity of voting against the clause after the fate of the amendment has been decided?

The CHAIRMAN: Yes; the clause as previously amended.

Amendment put and passed.

Clause as amended put, and a division taken with the following result:—

Ayes	..	..	..	..	33
Noes	..	..	..	..	11

Majority for .. .. 22

#### AYES.

Mr. Brockman	Mr. Raphael
Mr. Collier	Mr. Rodoreda
Mr. Ferguson	Mr. Sampson
Mr. Griffiths	Mr. Seward
Mr. Johnson	Mr. J. H. Smith
Mr. Keenan	Mr. J. M. Smith
Mr. Latham	Mr. Stubbs
Mr. McCallum	Mr. Thorna
Mr. McDonald	Mr. Troy
Mr. McLarty	Mr. Wansbrough
Mr. J. I. Mann	Mr. Warner
Mr. Millington	Mr. Welsh
Mr. Munsie	Mr. Willcock
Mr. North	Mr. Wilson
Mr. Nulsen	Mr. Withers
Mr. Patrick	Mr. Doney
Mr. Piesse	(Teller.)

#### NOES.

Mr. Clothier	Mr. Needham
Mr. Ounellingham	Mr. F. C. L. Smith
Mr. Hawke	Mr. Tonkin
Mr. Hegney	Mr. Wise
Mr. Lambert	Mr. Coverley
Mr. Moloney	(Teller.)

Clause, as amended, thus passed.

Postponed Clause 14—Fees for licenses:

The MINISTER FOR RAILWAYS: I move an amendment—

That the clause be struck out.

Amendment put and passed.

The MINISTER FOR RAILWAYS: I move—

That the following be inserted to stand as Clause 14:—

"Fees for Licenses. of. N.S.W. 32 of 1931 s. 18.

14. There shall be payable to the Board, in respect of every public vehicle license, the following fees:—

(a) For an omnibus license under Division 2 of this Part or for an air-craft license under Division 4 of this Part, a fee determined by the Board, and to be assessed and payable in manner prescribed, based on the earnings of the vehicle: Provided such fee shall not be greater than ten per cent. of the gross earnings of such vehicle as so assessed.

The additional license fees prescribed under Part II. of the Third Schedule of the Traffic Act, 1919-1932, shall not be payable in respect of an omnibus which is licensed under this Act;

(b) For a commercial goods vehicle, other than a commercial goods vehicle operating in the matter referred to in

section thirty-three or other than than a trailer or semi-trailer, a fee determined by the Board, but such fee shall not exceed the sum of seven shillings and sixpence per power load as ascertained in accordance with the provisions of Part I. of the Second Schedule to this Act, plus the respective percentage increases specified in the said Part I. of that schedule where the tyres fitted are not pneumatic tyres;

For a trailer or semi-trailer operating as a commercial goods vehicle, the fee shall not exceed the fee prescribed in the second part of the Second Schedule."

Mr. LATHAM: The 10 per cent. charge is a pretty high rate as compared with the present rate.

The Minister for Railways: The charge might be only half per cent.

The Premier: The 10 per cent. is merely the maximum.

Mr. LATHAM: It is possible that the whole transport system might be crippled by the board for a start. I want a reasonable amount fixed. The actual percentage at present is about 6 per cent. Let us make the maximum  $7\frac{1}{2}$  per cent. The board, it is to be remembered, need not refer to the Minister.

The MINISTER FOR RAILWAYS: The original clause set out that certain fees were to be charged. The Traffic Act provides three different sets of fees—the ordinary passenger license fee, dealing with buses; the passenger vehicle license fee; and the seating fee. The Government did not want to load any form of transport with additional burdens; therefore the clause has been recast to provide that the license fee imposed by the Bill shall supersede the seating fee. Regarding commercial goods vehicles it is provided that the fees under the second part of the Second Schedule to the Traffic Act shall be replaced by the fees under this Bill.

Mr. Latham: I do not think the seating fee is done away with.

The MINISTER FOR RAILWAYS: Yes; the Parliamentary Draftsman was instructed to redraft the clause for that special purpose. This also deals with the red-plate fees. The seating fee was charged to an omnibus whether the vehicle did one trip a day or 20 trips a day. The Taxation Department would have no concern whatever with the measure. The provision will be

more equitable in the interests of those who may have to pay the third fee.

Mr. SAMPSON: If the Minister will include in the provision something that would indicate that the fee will be a comprehensive one, it would clearly obviate any possibility of misunderstanding.

The Premier: What would be the interpretation of a "comprehensive fee?"

Mr. SAMPSON: That would mean all-embracing.

The Premier: And what would "all-embracing" mean?

Mr. SAMPSON: It would indicate that that was the limit of the taxation proposed in this respect. If the Minister does not think the inclusion of words such as I suggest would improve the provision, I will not press the matter.

The MINISTER FOR RAILWAYS: I want to make it clear that one of the fees that will be paid by everyone is the ordinary motor license fee. The other one that will be paid by passenger vehicles will be the fee that will be required so that there can be the inspection that is necessary in order to assure the safety of passengers.

Mr. Stubbs: But the provision for 10 per cent. might mean that if the gross earnings were £5,000, a fee of £500 could be taken.

The MINISTER FOR RAILWAYS: Yes, but that would not be done. Under the Criminal Code there is provision for a fine upwards of £100 for quite trivial offences, but no such fine is ever imposed.

Mr. Raphael: If you were to tell that to a starting price bookmaker, he would not agree with you.

The MINISTER FOR RAILWAYS: No such fine is ever imposed on a first offender of that description.

Member: It would be better if it were.

Mr. SAMPSON: It is quite possible that although a concern might show a large gross profit, the net result of operations might be a considerable loss. Nevertheless the Bill indicates that the board will take 10 per cent. of the gross takings.

The Minister for Railways: The Bill is quite clear.

Mr. SAMPSON: As the Minister has indicated, it is not intended that the board shall exercise the full power to impose such a levy—

The Minister for Railways: I did not say anything of the sort. While the Bill provides that full power, the board will not be likely to exercise it to the full.

Mr. SAMPSON: I do not think that is reasonable, and I hope the Leader of the Opposition will persist in his desire to have the percentage reduced.

Mr. RODOREDA: I move an amendment on the proposed new clause—

That in lines 2 and 3 of paragraph (a) the words "or for an aircraft license under Division 4 of this part" be struck out.

If the amendment on the new clause be agreed to, I shall later move to insert a new paragraph to stand as paragraph (c) providing that the aeroplane license fee shall be 21s. The Minister assured us the other evening that there was no intention to impose a heavy license fee for aeroplanes, and that being so, he should not object to the amendment.

The Minister for Railways: There will be no heavy fee until the necessity arises.

Mr. RODOREDA: When the necessity arises, we can amend the Act.

The Minister for Railways: But it can be done by way of regulation.

Mr. RODOREDA: I am concerned about the position of the subsidy paid to Airways. As the clause will read, it seems to me that the board will be able to include the subsidy in the gross earnings of the company and take 10 per cent. accordingly.

The Minister for Railways: No.

Mr. RODOREDA: I will not accept the Minister's assurance on that point.

The Minister for Railways: But the subsidy, while it may be part of the gross income of the company, does not represent earnings and the license is to be based on earnings.

Mr. RODOREDA: I am not satisfied on the point, but if the subsidy does not come under the heading of earnings, then we should amend the Minister's proposal by inserting after "earnings" the words, "which do not include the subsidy."

The MINISTER FOR RAILWAYS: I oppose the amendment. When I was discussing the aeroplane phase previously, I pointed out that there was no need for much supervision regarding aeroplanes at present, and for the time being I supposed a small license fee only would be charged. I pointed out, however, that any assurance I gave the

Committee could not be binding upon the board after its appointment. Should the aeroplane become a formidable form of opposition to existing means of transport in a comparatively short time, it might become necessary to increase the fee, and that could be done by way of regulation without the necessity to introduce a Bill to amend the Act.

Mr. RODOREDA: I am not so much worried about the 10 per cent. based on the earnings of an aeroplane, but I am concerned about the possible imposition of that percentage charge on the subsidy paid.

The Minister for Railways: That is not in contemplation at all.

Mr. RODOREDA: As the amendment reads now, the board will have power to collect 10 per cent. of that subsidy.

Mr. Raphael: And if they can get their fingers on it, they will collect it.

Mr. RODOREDA: That is what I am concerned about. There will also be the difficulty in assessing the license fee on the basis of the passenger fares and other earnings. That would be all right if only one plane were concerned, but all the planes on the North-West run have to come to Perth from time to time for an overhaul. How will it be possible satisfactorily to assess the license fees on the earnings of each plane south of the 26th parallel? If it applied to the East-West service only, it would be another matter, because the whole of that service is flown south of the 26th parallel.

Amendment put and negatived.

Mr. F. C. L. SMITH: In the first part of the clause it is declared that the license shall be payable on the earnings, and subsequently it is prescribed that it shall not be greater than 10 per cent. of the gross earnings. What is the difference here between earnings and gross earnings? Another aspect is as to whether the earnings shall include revenue from advertisement receipts on the buses. Will the Minister explain this?

The MINISTER FOR RAILWAYS: There is no reason why it should not be gross earnings in both places. The fee will be on the earnings of the vehicle.

Mr. Sampson: Well, make it net earnings.

The MINISTER FOR RAILWAYS: The hon. member is always looking for some trifling point. Previously the fee was on

the seating. Under this it will be on the earnings, but it cannot be more than 10 per cent. of the gross earnings.

Mr. F. C. L. Smith: Does it include receipts from advertisements?

The MINISTER FOR RAILWAYS: No, I do not think it will.

Mr. LATHAM: I move an amendment—

That in line 8 of paragraph (a) "ten" be struck out and "seven and a half" inserted in lieu.

A bus earning £2,000 now pays 5.44 per cent., and if we give the Minister a margin of two per cent. above that, it should be sufficient. It is a fair amount for a bus company to pay in direct taxation in order to be permitted to conduct its business. If the Minister finds the fee is insufficient, it can be increased.

The MINISTER FOR RAILWAYS: We have not any reliable data on this fee. We have gone on the experience in New South Wales and the 10 per cent. is inserted merely as a maximum. It may work out at something less than 7½ per cent.

Mr. Stubbs: Then why not start at 7½ per cent. and, if necessary, increase it?

The MINISTER FOR RAILWAYS: We want from the licensing fee only sufficient to recompense the board and make an effective contribution towards the maintenance of the roads. As yet we do not know what will be a fair thing, and so it is to be left to the discretion of the board, up to a limit of 10 per cent. Some of these buses pay as much as £100 in seating fees.

Mr. Stubbs: They cost £2,000 each, and their life is only a few years.

The MINISTER FOR RAILWAYS: But they do perhaps a hundred thousand miles up and down the roads in a couple of years. We must have a fee sufficient to give a reasonable contribution to the maintenance of the roads. That fee will be assessed by the board. All that we say here is that it shall not exceed 10 per cent. No one can find out what these buses earn.

Mr. Latham: I dare say you have a pretty good idea.

The MINISTER FOR RAILWAYS: I have not any definite knowledge, but the board will have that when it prescribes regulations for the making of returns. Then the board will be able to say what is a reasonable fee.

Mr. SAMPSON: The Minister said my suggestion for net earnings was a very small matter. Actually it is a very big one. To strike a fee on the gross earnings would spell ruination for the bus companies, who already pay taxes in many ways.

The Premier: How do you know? What are their gross takings?

Mr. SAMPSON: Under this the board would have power to plus that 10 per cent.

The Premier: Do you know what the Metro people pay?

Mr. SAMPSON: I have a very good idea. I know the buses have been cutting their fares, and I fear the effect of the Bill will be to increase the fares, and ultimately preclude the buses from carrying on.

Mr. LATHAM: Under the existing system a taxi carrying seven passengers pays fees to the aggregate of £36, and under this proposal those fees can become £53. The limit should be reduced to 7½ per cent. Reasonable earnings for a seven-seater taxi would be £480.

The Minister for Railways: We cannot find that out.

Mr. LATHAM: At all events 7½ per cent. gives a very big margin.

The Premier: You cannot be in possession of any information to enable you to assess it at 7½ per cent.

Mr. LATHAM: I have already quoted the fees that are charged, making a total of £36.

The Premier: You do not suggest that the board would do an unreasonable thing, do you?

Mr. LATHAM: The board would have no more figures than the Minister has, because the Act will not come into force until the 1st July.

The Minister for Railways: Of course they will have the figures.

Mr. LATHAM: Where would they get the information?

The Minister for Railways: From the bus people.

Mr. LATHAM: I consider that 7½ per cent. is reasonable, and I will test the feeling of the Committee on the subject.

Amendment put and negatived.

Mr. WISE: I move an amendment—

That in line 9 of paragraph (a) after the word "assessed" the words "and does not apply to subsidies paid to aerial services" be inserted.

The Minister said he would have nothing to do with aerial subsidies, but I want to ensure that this legislation shall not apply to them. The Commonwealth fee is only one guinea. If it is not the desire of the Minister to charge a license fee proportionate to the subsidies, I do not think he will object to this amendment.

The Minister for Railways: I have no objection to it.

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

New clause:—

Hon. N. KEENAN: I move—

That a new clause to stand as Clause 11 be inserted as follows:—

(1.) In the event of the Board refusing to renew a license to any owner of a public vehicle to carry on the business of a carrier of goods or passengers for hire in a manner previously lawfully carried on by him, and over a route previously used by him, because only of such carrier competing with some other transport service which, in the opinion of the Board, gives or is capable of giving satisfactory service for conveyance of goods or passengers upon such route, the Board shall compensate such carrier for any loss incurred by him in respect of plant owned by him being rendered useless or depreciated in value by reason of such refusal of his application for a license.

(2.) For the purpose of assessment of such compensation, such owner may bring proceedings before the local court magistrate of the district in which such route is situated or partly situated, and such magistrate shall be empowered to assess such compensation on evidence tendered on oath before him.

(3.) The amount of such compensation so awarded shall be payable out of the Transport Co-ordination Fund, or to the extent that such Fund is insufficient to pay same by the owner of the transport service operating on such route, and if more than one such service is operating over such route, then in such proportion as to each such service as the magistrate may order, on application by the party to, whom compensation has been awarded.

A man may be lawfully carrying on the business of conveying passengers on a route on which he has been authorised to conduct operations. The board may then come to the conclusion that the service he is performing is unnecessary, and for that reason only may refuse to renew the license. It would be highly unjust to leave such a man to bear the full loss of his plant which may be rendered absolutely useless by the loss of his license. I am not wedded to Subclauses (2) and (3). It may be that the loss should be

paid by the successful parties who are still carrying on the business, but I ask the Committee seriously to consider the necessity for passing Subclause (1).

The Premier: The possessor of the license had no guarantee of continuity. He took an ordinary business risk.

Hon. N. KEENAN: So do all persons who engage in business.

The Premier: But they do not get compensation.

Hon. N. KEENAN: Compensation has been paid in the case of hotels. The holder of the license had a right to expect that he would not be interfered with whilst he behaved himself. Can the Premier justify leaving on the hands of a man a plant which has been rendered useless by reason of his being deprived of his license, on the ground that such license was superfluous?

The Premier: If there is not sufficient money in the Transport Co-ordination Fund, where will the compensation come from?

Hon. N. KEENAN: That could be provided by the transport services which derive benefit by the refusal to grant a license in the other case.

The Premier: That might be the railways or the tramways.

Hon. N. KEENAN: I am not wedded to the mode of compensation.

The Minister for Railways: Would the buses have to pay if a tram route were closed down?

Hon. N. KEENAN: It would be a proper claim to make, provided the earnings of the buses were increased by reason of the closing down of the tram route. It is possible, however, that the tram service would be a losing proposition, such as the Claremont service, and that the State would gain by reason of its being closed down. If a tram service was making a profit and was closed down by the board, the department would be entitled to compensation.

The Premier: Did we compensate the cab drivers when we allowed buses to run on the road?

Hon. N. KEENAN: A cab driver can turn his plant to other uses. The horse remains a horse after all, but if a bus is put out of action there is no use for it.

Mr. Hawke: The cab driver was driven off by free competition.

Hon. N. KEENAN: The other man is driven off by force of statute. The answer that we are going to exercise power because we have that power is a disgraceful answer.

The MINISTER FOR RAILWAYS: I cannot accept the new clause. The reasoning seems to be that because some people get into competition with others and are displaced because the board hold the competition to be uneconomic, they should receive compensation. A man gets into the transport business, and the board, after efforts at co-ordination, decide that he ought not to be in the business. Thereupon money is to be taken from the Railway Department to compensate him. He was not allotted a route.

The Premier: He only needed a carrier's license.

The MINISTER FOR RAILWAYS: Yes; and he could not be refused that license under the law. Moreover, such a case is not a case of pioneering. Under the liquor law people have been deprived of their licenses, but the law provides that a compensation fund shall be contributed to by all persons engaged in the liquor trade. In this instance compensation could only be paid out of a similar fund imposed on those engaged in the transport business. The idea underlying the new clause is not practicable. In the interests of the general community something is done by the board, and the amendment proposes that for that reason compensation should be paid. I am altogether opposed to the new clause.

Mr. McDONALD: The people here concerned embarked on a lawful occupation at the time. They were given Government licenses to drive on the roads and undertake this kind of traffic. They did this to meet a public demand.

The Minister for Railways: They did it to make money.

Mr. McDONALD: It was a lawful occupation in which they earned a livelihood.

The Premier: They had no guarantee of continuity.

Mr. McDONALD: They had to run all the risks of free competition, of which nobody can complain. But something more is involved here. It is a principle of legislation, or a well-accepted guide, that when a person's property or rights which he lawfully had are taken away by legislation, he shall be given compensation. The exact source from which the compensation shall come may be a matter for consideration. I see no difference whatever between the taking-away of a man's lawful occupation as a carrier, thereby rendering useless his expen-

diture on vehicles, and the case of taking-away a man's land because the Government want to run a railway through it. No one will argue that this should be done without compensation.

The Premier: It is done without compensation in the case of new railways.

Mr. McDONALD: Only under a special limitation contained in the Crown grant. The man bargained for that when he took the land. If a road is run through the centre of Perth and involves the pulling-down of a man's house and the taking-away of his land, he must be given lawful compensation for whatever loss he suffers. The position is similar as regards money invested in the transport business. I fail to see any difference in principle. If the one man is to be compensated, the other should also be compensated. The compensation referred to here is for plant, and the full value is not asked for, but the loss which the man suffers. If his vehicles can be sold to somebody else at the same price as he paid, he suffers no loss; but if, owing to dispossession, he has to sell his vehicles at a loss, his right to compensation is the amount of that loss, which need not necessarily be serious. The principle is the same in the case of the transport business as in the case of land.

Mr. HAWKE: I am somewhat in sympathy with the principle of the new clause. Where the transport law declares that a person who has been engaged, possibly for many years, in conveying passengers or goods must go out of the business such person is entitled to some consideration in respect of the vehicles he has used for the transport service. I think the wording of the new clause could be improved so as to remove some doubts. The new clause provides that the board shall compensate the carrier for any loss incurred by him in respect of plant owned by him being rendered useless or depreciated in value in the case under review. No doubt the member for Nedlands meant those words to convey that the owner of such vehicles should be compensated for their worth at the time they were removed from the routes over which they were operated. On the other hand, they could be interpreted to cover the loss of profit resulting from the removal of those vehicles. In order to make the provision more clear, I move an amendment—

That all the words after "shall" in line 10 of Subclause 1 be struck out, and the follow-

ing words inserted in lieu:—"transfer such carrier to some other suitable route or shall purchase from him the vehicle or vehicles that he declares himself unable to use profitably."

If my suggestion be adopted, consequential alterations will be necessary in the remaining subclauses. It may be argued that if we agree to my proposal, the board will find itself in possession of a number of vehicles that will represent a burden and loss to it. On the other hand, the board will comprise members of sufficient ability to dovetail such vehicles into a service in some area and enable them to act as feeders to existing transport services, either in the city or the country districts.

Hon. N. KEENAN: I should like to know whether the Minister will accept the suggestion of the member for Northam.

The Minister for Railways: I am not prepared to accept the principle at all.

Hon. N. KEENAN: If the Minister were prepared to accept it, then the proposition would be one I would assent to. But we could easily be led into a trap if we agreed to the striking out of the word suggested, without completing the amendment along the lines suggested.

The MINISTER FOR RAILWAYS: I am not prepared to accept anything in the way of compensation under this heading. Anything I can do to defeat such a proposal, I will willingly undertake. There is no need to talk about members being led into a trap, because I made it clear that I will not accept any provision for compensation.

Amendment put and negatived.

Mr. MOLONEY: I oppose the proposed new clause. What impressed me was the fact that two legal minds have proclaimed the fact that sentiment should guide us in this instance. Those associated with legal processes know that that is about the last argument to be advanced in such a sphere. Perhaps this is an exception.

The Premier: Sentiment, plus something else.

Mr. Lambert: Mostly something else.

Mr. MOLONEY: If we consider the question from the standpoint of sentiment, it has not yet been shown that those who have embarked in these occupations, have done so without considerations of gain but solely in the interests of the public. Considering the position from the standpoint of vested

rights, the people concerned in these undertakings received no charter, nor did they receive any guarantee that in the event of their business failing, they would be recompensed. For such persons, business failure means bankruptcy. I do not desire to harass anyone, but we must consider this question from the practical point of view. Nothing specific is provided regarding any fund that is to be established from which compensation could be paid. It must be remembered that those people embarked upon their industry of their own volition. If it be found that, as a result of economic necessity, they are not operating at a profit, that will not necessarily decide the board to cancel their license, although in those circumstances the company might welcome such cancellation. I cannot imagine anyone with a legal training putting forward a case merely on sentimental grounds.

Mr. HAWKE: The principle in the amendment is not entirely new. When the South Australian Parliament passed their control measure in 1926 they included in it provisions for compensation. Any person or firm who might be controlled out of existence as the result of the operations of that Act was to be compensated. I cannot say where the money was to come from, but the principle of compensation was to the effect that the board would take over on fair valuation the vehicle of any person engaged in transport whose business might be taken from him as the result of the decisions of the board. I am sorry this provision was not brought up much earlier, so that the Government might have looked into it to see if some system of compensation might not be evolved. There are two arguments in favour of this amendment: The first is that its acceptance will greatly enhance the possibility of the measure passing another place, and the second is that it will placate and reduce outside opposition.

Hon. N. KEENAN: In the London Transport Act provision for compensation is made on lines similar to those provided in South Australia. Section 16 of the Imperial Act provides that the board may take over the undertaking of any man or firm whose application for permission to continue to run his vehicles was refused by the board. I cannot understand the attitude of the Minister for Railways, who does not pretend to say that there is any justice at all in doing what he is going



to do. We are not asking for any allowance for loss of business.

The Premier: You are most modest; you are not doing justice to them.

Hon. N. KEENAN: It is not an extravagant demand; on the contrary, all that it asks is that a man shall be compensated for loss in respect of the value of his plant. He might show that he had been making a very good income; he will not be granted anything because of that.

The Premier: Who is compensating the railways and tramways for the loss caused them by this competition?

Hon. N. KEENAN: There is a wide difference between loss through free competition and loss arising from the operation of a statute. The loss spoken of by the Premier has arisen from free competition. The Premier must address his mind to this, for it is too big a subject to be treated jocularly.

The Premier: I am not jocular. Motor transport has plenty of special pleaders in this House, and not altogether disinterested, either.

Hon. N. KEENAN: If the loss arises from free competition, why should there be compensation?

The Minister for Lands: Can you call it free competition when the motors are running 24 hours against the railways which are running eight hours?

Hon. N. KEENAN: That could be provided for quite apart from abolition. If compensation were asked for loss of business or loss of plant arising from competition free and legal, it would be an impossible request, but when compensation is asked for interference with a man's rights by statutory enactment, one is on safe and sure ground, and I am surprised that many members do not view the matter in the same way.

New clause put and a division taken with the following result:—

Ayes	..	..	..	..	17
Noes	..	..	..	..	20

Majority against .. .. 3

AYES.		
Mr. Ferguson	Mr. Piesse	
Mr. Hawke	Mr. Sampson	
Mr. Keenan	Mr. Seward	
Mr. Lambert	Mr. J. H. Smith	
Mr. Latham	Mr. Thorn	
Mr. McDonald	Mr. Tonkin	
Mr. McLarty	Mr. Welsh	
Mr. J. I. Mann	Mr. Doney	
Mr. North		(Teller.)

## NOES.

Mr. Clothier	Mr. Nulson
Mr. Collier	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Hegney	Mr. Troy
Mr. McCallum	Mr. Willcock
Mr. Millington	Mr. Wilson
Mr. Moloney	Mr. Wise
Mr. Munsie	Mr. Withers
Mr. Needham	Mr. Wansbrough

(Teller.)

## PAIRS.

AYES.	NOES.
Mr. J. M. Smith	Miss Holman
Mr. Brockman	Mr. Coverley

New clause thus negatived.

Title—agreed to.

Bill reported with amendments.

### Recommittal.

On motion by the Minister for Railways, Bill recommitted for the further consideration of Clauses 31, 33 and 47.

### In Committee.

Mr. Sleeman in the Chair; the Minister for Railways in charge of the Bill.

Clause 31—Omnibuses to be registered as motor vehicles:

The MINISTER FOR RAILWAYS: Clause 31 provides that a license shall not be granted for an omnibus unless it is licensed as an omnibus under the Traffic Act 1919-32. To be licensed as an omnibus, a vehicle has to pass a certain inspection and there are three classes of fee that must be paid before the license can be issued—(a) the ordinary motor vehicle license fee; (b) the usual passenger vehicle license fee; and (c) the extra seating fees prescribed by Part II. of the third schedule of the Traffic Act. As the clause reads, it imports that quite apart from any statutory requirements as to inspection, etc., and the design of the omnibus, the extra license fee must be paid for seating. This is not so, because we relieve the owner of that obligation under Clause 14. Therefore it is necessary to make Clause 31 subject to the provisions of Clause 14. I move an amendment—

That the following words be inserted at the beginning of the clause:—"Subject to the provisions of paragraph (a) of section fourteen."

Amendment put and passed.

Clause 33—Application of part:

The MINISTER FOR RAILWAYS: In paragraph (c) we struck out "solely" and

inserted the word "principally" in order to conserve certain forms of traffic. Later on, under the first schedule, we agreed to exempt the particular class of vehicle from license fee under this measure. There is now no necessity for the word "principally" because it would conflict with the wording of the schedule. I move an amendment—

That in paragraph (c) "principally" be struck out and the word "solely" inserted in lieu.

Amendment put and passed.

Clause 47—Limitation of time for which drivers of certain motor vehicles may remain continuously on duty:

The MINISTER FOR RAILWAYS: During the passage of the Bill, paragraph (d) was inserted in this clause. It is now found that it is not in order, and should not find a place in the measure. I move an amendment—

That paragraph (d) be struck out.

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

Bill again reported with further amendments, and the reports adopted.

Read a third time and transmitted to the Council.

#### **BILL—MINE WORKERS' RELIEF ACT AMENDMENT.**

Returned from the Council with amendments.

#### **BILL—FREMANTLE CITY COUNCIL LANDS ACT AMENDMENT.**

Returned from the Council without amendment.

*House adjourned 10.45 p.m.*

## **Legislative Assembly,**

*Thursday, 30th November, 1933.*

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

#### **BILLS (2)—THIRD READING.**

- 1, Government Railways Act Amendment.
- 2, Public Works Act Amendment.

Transmitted to the Council.

#### **BILL—LAND.**

*Council's Amendments.*

Schedule of three amendments made by the Council now considered.

*In Committee.*

Mr. Sleeman in the Chair; the Minister for Lands in charge of the Bill.

No. 1: Clause 113, Subclause (5), page 52.—Delete the words "except as provided by the last preceding subsection."

The MINISTER FOR LANDS: I move—

That the amendment be agreed to.

The words are unnecessary. In the original draft of the Bill, Subclause 4 contained an additional proviso, which was struck out before the final print. The words alluded to that proviso, and when the proviso was struck out these words should have been struck out also.

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

No. 2: Clause 141.—Insert a subclause to stand as Subclause (2), as follows:—

(2) This section shall not affect the provisions of any Crown grant whereby a resumption shall not be made without compensation of any part of the land granted or demised upon which buildings are erected or other improvements have been made; and such compensation shall be