

Fremantle Tramway Board. I understand there is no objection on the part of the department to this procedure. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 9.25 p.m.

Legislative Assembly,

Tuesday, 28th November, 1933.

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

ASSENT TO BILLS.

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

1. Yuna-Dartmoor Railway.
2. Southern Cross Southwards Railway.

QUESTION—PRIVATE MEMBERS' BUSINESS.

Mr. SLEEMAN (without notice) asked the Premier: 1, Is it the intention of the Government to close the session at about the second week in December? 2, If so, when is he likely to bring up private members' business on the Notice Paper?

The PREMIER replied: There is no set time for closing down the session. The session will continue until the business on the Notice Paper is disposed of. In accordance with the promise I previously made, private members' business will be duly considered.

QUESTION—LAND AND HOMES LTD.

Imprisonment of a Purchaser.

Mr. WILSON (without notice) asked the Minister for Justice: 1, Is he aware that Mr. S. M. Richards, of Collie, was arrested and lodged in gaol this morning under a commitment order at the instigation of Land and Homes Ltd.? 2, Was it not understood that the solicitor for Land and Homes Ltd. gave a definite promise some time ago that during the progress of the Commission and Committees re land purchasers, the company would not take any direct action or distraint against the purchasers of land for the time being? 3, Is he further aware that Richards has a wife and three children under 12 years of age totally unprovided for? 4, Will the Minister take steps to see that the wife and children of Richards are supplied with rations during his incarceration of 30 days? 5, Further, will he take steps immediately to have the said Richards released and returned to the bosom of his family?

The MINISTER FOR JUSTICE replied: I have only just received a copy of the question, and although I knew that a commitment order had issued, I was not aware that Richards was imprisoned. At this stage, when replying to a question, I do not wish to expound the law, but this is an action between two private parties, and it is a matter of contempt of court. As to taking steps to see that Richards' wife and children are supplied with rations, I can refer that to the Child Welfare Department, and no doubt provision will be made for the wife and family.

Mr. Sleeman: Will they have to pay for keeping him there?

The MINISTER FOR JUSTICE: No.

QUESTION—NEW BROADCASTING STATION.

Mr. HAWKE (without notice) asked the Premier: Was he or any other member of the Government invited to open the new broadcasting station 6IX last night?

The PREMIER replied: Yes, I was invited to open it, but was otherwise engaged.

PURCHASERS' PROTECTION BILL SELECT COMMITTEE.

Report Presented.

The Minister for Employment brought up the report of the Select Committee.

Report read.

THE MINISTER FOR EMPLOYMENT
(Hon. J. J. Kennelly—East Perth [4.38]:
I move—

That the report and evidence of the select committee be printed, and that the Bill as amended by the select committee be re-committed to a Committee of the whole House, and that its consideration be made an Order of the Day for the next sitting.

Question put and passed.

BILL—HEALTH ACT AMENDMENT. (No. 2.)

In Committee.

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

Clauses 1 and 2 agreed to.

Clause 3, repeal of sub-section (1) of section 43:

Mr. LATHAM: The interpretation of "local authority" in the principal Act defines those words as meaning a municipality and the council thereof, or the road board of a road district or the local board of health. Sub-clause 1 of this clause prescribes that every local authority may with the approval of the governor from time to time under the borrowing powers conferred by its local governing Act, raise a special loan for any of the purposes of

this Act. Does the Minister intend to give this power to municipalities and all health boards where the local authority is not a roads board?

The MINISTER FOR HEALTH: Yes, the Bill makes provision for that. The road board will get the authority where the local authority referred to is as the hon. member has just read out. This provision is for where there is not either a road board or a municipal council. There may be such a case arise in Western Australia, so why not have provision for the appointment of a health authority? If such an authority should desire to instal a sewerage scheme it will be governed by either a municipality or a road board.

Mr. LATHAM: Sub paragraph (ii) of paragraph (b) sets out that the maximum borrowing limit prescribed by its local governing Act shall not apply where the Governor is satisfied that the scheme is practicable, and that the revenue estimated to be derived therefrom will make it self-supporting. It is very dangerous to remove all limit to the borrowing powers of a local authority. A road board may already have been permitted to borrow for works within the Road Districts Act or the Municipal Corporations Act. Now it is proposed to give unlimited borrowing power for the purposes of the Bill. What is going to be the position of the existing bond holders who hold the security? I want to know whether the Government will be guaranteeing loans already floated.

The Minister for Health: Only where the arrangements have been made since the 1st September, 1933.

Mr. LATHAM: I hope the Treasury will give grave consideration to the effect it may have. A great deal of money has been borrowed by some local authorities. Take the City of Perth.

The Minister for Health: This has nothing to do with the City Council, which is controlled by the legislation for the metropolitan area.

Mr. LATHAM: What about South Perth?

The Minister for Health: That comes within the metropolitan area.

Mr. LATHAM: But this means taking away the powers we gave the local authorities in the metropolitan area.

The Minister for Health: We are re-enacting wherever necessary.

Mr. LATHAM: What will be the position of the bond-holders? When they lent money

to the local authorities, they had a fairly good margin in the way of rates. Now it is proposed to take away that safeguard, and allow local authorities to borrow an indefinite amount.

The Minister for Health: Only under certain conditions.

Mr. LATHAM: The clause says that the borrowing limit shall not apply where the Government are satisfied that the scheme is practicable, and that the revenue from it will make it self-supporting. I hope the Minister will not get into a tangle over this.

The MINISTER FOR HEALTH: The local authorities will have no power to borrow, except with the approval of the Governor in Council. They cannot exceed their rates unless they can convince the Governor in Council that the proposed scheme will be self-supporting. I do not anticipate that one per cent. of the authorities who go in for this scheme will impose on the ratepayers any higher charge than is incurred under the present antiquated system.

Mr. Latham: This applies only to deep sewerage?

The MINISTER FOR HEALTH: Yes.

The Premier: And then only when the Government are satisfied with the scheme.

Clause put and passed.

Clauses 4 and 5—agreed to.

Clause 6—Repeal of Sections 52-63 and Section 75 p.a.:

Mr. LATHAM: This clause indicates that the Bill will take away from certain local authorities powers that have already been given to them.

The Minister for Health: But these are reinstated later on.

Clause put and passed.

Clauses 7 to 11—agreed to.

Clause 12—Governor's approval necessary to all schemes:

Mr. HAWKE: I move an amendment—

That a new paragraph be inserted after paragraph (c) as follows:—"the source from which such funds are to be obtained, and the rate of interest to be paid thereon."

Before any decision is made as to the soundness of any plan that may be brought forward, the Governor in Council should know the source from which the local authority is

obtaining money, and the rate of interest to be charged.

The MINISTER FOR HEALTH: I hope the hon. member will not press his amendment. The clause as a whole provides for all the information that requires to be given, and paragraph (b) sets out "the mode in which it is proposed to obtain funds."

Amendment put and negatived.

Clause put and passed.

Clauses 13 to 16—agreed to.

Clause 17—Conditions on which Minister may recommend scheme to Governor:

Mr. PIESSE: The time provided in this clause for objection to be taken to any scheme is two months. That period is excessive, seeing that the water supply Act provides for a period of one month. I move an amendment—

That in line 1 the word "two" be struck out and "one" inserted in lieu.

The MINISTER FOR HEALTH: There is no difference between this clause and the corresponding section in the Metropolitan Water Supply Sewerage and Drainage Act. The period of two months is quite a reasonable time to allow.

Mr. PIESSE: When the Act to which the Minister refers was passed, unemployment was not so acute as it is to-day. Unnecessary delays have occurred in these matters in the past, and I think it is time we shortened up the period during which objection can be taken to any of these schemes.

The MINISTER FOR HEALTH: The Act definitely provides for a period of two months. The public should have the right to lodge an objection to any scheme that is brought forward, and the period provided is not too long.

Amendment put and negatived.

Clause put and passed.

Clause 18—agreed to.

Clause 19—Powers of local authorities in carrying out works:

Mr. LATHAM: Is it intended to give financial assistance to householders who desire to connect up with any of these sewerage schemes? Unless such assistance is given, it may be difficult to induce householders to connect up when the work is going through.

The MINISTER FOR HEALTH: I take it the Bill will give local authorities the right to expend money for the purpose of connecting up private houses with any scheme.

Mr. Latham: I cannot find that in the Bill.

The MINISTER FOR HEALTH: That is provided in the Metropolitan Water Supply, Sewerage and Drainage Act. No provision is made in the Bill for the Government to advance money to private people for this purpose, and I do not think it would be wise to embody any such thing in it. If we give local authorities the rights proposed under this Bill, we shall be going quite far enough. Similar conditions apply under the Health Act.

Mr. Latham: Where do they appear in the Health Act?

The MINISTER FOR HEALTH: Off-hand I cannot say. However, there is no provision that the Government shall make available money for the purposes of the Bill.

Clause put and passed.

Clauses 20 to 23—agreed to.

Clause 24—Interfering with works of other authorities:

Mr. LATHAM: Does the clause authorise local bodies to interfere with Commonwealth property such as telephone lines, which are mentioned? If so, the local body should bear the responsibility.

The MINISTER FOR HEALTH: I cannot answer the question, nor can I say why telephones are mentioned.

Mr. Latham: Probably because under the old Act the State Government had control of telephone lines.

The MINISTER FOR HEALTH: I do not think so. I believe there is only one place outside the metropolitan area where the telephone system is underground.

Opposition members: No.

The MINISTER FOR HEALTH: There should be the same power with regard to country districts as with regard to the metropolitan area. I have not yet heard of one difficulty arising between the Commonwealth and local authorities as to installation of sewerage.

Clause put and passed.

Clauses 25 to 36—agreed to

Clause 37—Local authority may enforce drainage of undrained houses:

Mr. HAWKE: To the proper understanding of the clause an explanation of the word "curtilage" is necessary.

The MINISTER FOR HEALTH: I do not know what the word means, but will ascertain and let the hon. member know.

Clause put and passed.

Clauses 38, 39—agreed to.

Clause 40—Making of sewers and drains under private land:

Mr. PIESSE: Does the Minister consider that sufficient powers are provided by paragraph (b) as to the granting of easements to local authorities? There was some considerable difficulty in this respect recently. Accordingly I have had an amendment prepared dealing with the matter. I move an amendment—

That the following words be added to paragraph (b):—"and the owner shall, on demand by the local authority, grant to it, over the strip of land under which the sewer or drain is constructed or which is occupied thereby, an easement conferring on such authority, in addition to any rights thereover conferred by this section, the right to enter on such strip of land at any time without notice and to keep it free and clear of all buildings and obstructions of any kind. Any easement so granted shall be valid and effectual against any person who, for the time being, is entitled to the land affected or to any estate or interest therein, and may be registered on the certificate of title of any such land which is under the Transfer of Land Act, 1893."

The MINISTER FOR HEALTH: I am informed that local authorities are definitely covered under the Health Amendment Act of 1932. The Parliamentary Draftsman assures me that the position is completely safeguarded. Therefore I do not consider that there is any necessity for the amendment.

Mr. PIESSE: In view of the Minister's statement, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 41, 42, Title—agreed to.

Bill reported without amendment, and the report adopted.

BILL—LAND.

Returned from the Council with amendments.

**BILL—PUBLIC WORKS ACT
AMENDMENT.***Second Reading.*

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [5.18] in moving the second reading said: Under the provisions of the Public Works Act, 1902, as they stand at present, the construction of railways, as and when authorised by Parliament, has to be carried out by the Minister for Works as Minister in charge of the Public Works Department. He is given power to delegate his authority in respect to railway construction to another person, who merely acts as the agent of the Minister and can not delegate his power to a third party. When the construction of a new railway has been completed by the Minister for Works, the line has to be certified as fit for traffic by the engineers of the Railway Department. On the necessary certificate being forthcoming, the Public Works Department hand over the newly constructed railway to the Minister for Railways and then the line is treated as part of the railway system and is operated by the Commissioner of Railways. During the term of office of the Mitchell Government it was decided for reasons of policy—principally, I think, on account of considerations of economy—that the Railway Department should carry out the construction of all new railways, and the personnel of the staff, who formerly carried out the work under the Public Works Department, or such of them as were wanted—it will be remembered that railway construction was severely curtailed owing to the lack of finance—and could be absorbed in the Railway Department, were transferred to that department and they are now officers of the Railway Department. The object of the Bill is to vest the authority to construct railways in accordance with the policy I have outlined in the Minister for Railways instead of in the Minister for Works as heretofore. One legal objection to that course being adopted is the fact that the Commissioner of Railways has to act in accordance with the Government Railways Act, 1904, the provisions of which

do not give him power to construct, or power to undertake the construction of, railways. The Bill became necessary in order to give effect to the policy that has been pursued for the last two years, and to provide the necessary statutory power to enable that to be done. The Mitchell Government had had a Bill drafted to give effect to the policy but, probably owing to the fact that no railway construction was in hand at the time, active steps were not taken to place the Bill before Parliament.

Mr. Latham: Some railways were being proceeded with.

THE MINISTER FOR RAILWAYS: They were provided for by the Minister for Works delegating his authority to the Commissioner. The legal position is that it is not quite competent for the Minister for Works to do that. In order to give statutory authority to continue the policy that is followed at present, it has become necessary to amend the Public Works Act, as I have indicated. Although the Bill contains eight clauses, the only one that requires serious consideration is Clause 3, which contains the vital amendment to the Public Works Act of 1902, and provides the authority to transfer from the Minister for Works to the Minister for Railways the power to construct railways. That is all the Bill provides. If it be passed, it will be necessary to deal concurrently with an amendment to the Government Railways Act, so as to insert in that measure the sections that have been taken from the Public Works Act. I move—

That the Bill be now read a second time.

On motion by Mr. Latham, debate adjourned.

**BILL—GOVERNMENT RAILWAYS ACT
AMENDMENT.***Second Reading.*

THE MINISTER FOR RAILWAYS (Hon. J. C. Willcock—Geraldton) [5.23] in moving the second reading said: I have already practically explained the provisions of the Bill to amend the Government Railways Act in my remarks in placing the Bill to amend the Public Works Act before members. The object of the Bill is to insert in the Government Railways Act the provisions that have been taken out

of the Public Works Act for the purpose of making the Minister for Railways responsible for the construction of railway lines. What I stated regarding the Bill to amend the Public Works Act applies equally to the present Bill. It merely seeks to give effect to the policy of the former Government, which is being observed by the present Government, of having railway construction carried out by the Minister for Railways. Opportunity has been taken of the amendment of the Act to introduce another amendment dealing with the membership of what is known as the Death Benefit and Endowment Fund, which has been in existence in connection with the Railway Department for many years. While the Commissioner is vested with every power necessary for the maintenance and control of the staff, subject to Arbitration Court awards, an amendment concerning which was passed in 1905, there is nothing to compel railway employees to join the benefit fund I have mentioned. It has been an established principle in the Police Department for some time past, and every member of the force is a member of the Police Benefit Fund. Throughout the Public Service, each male or female officer who joins the service has to agree, as a condition of employment, either to insure his or her life with some satisfactory insurance company, or else to deposit a certain amount each month, or three months, with the Treasury, so that on retirement there will be available for the officer at least some money with which he or she may carry on. Recently a request was made by the committee of management of the railway benefit fund to the Commissioner of Railways, who passed the request on to the Government, who have agreed to it, that the same principle should apply to the railway service. In consequence, the Bill makes it compulsory, as a condition of employment from the present time onwards, that each railway employee must accept membership of the railway benefit fund. I can give members some of the history of the Death Benefit Fund. I was in the railway service—other members who were employed in the Railway Department during some part of their lives will bear me out—and know that the fund was inaugurated about 25 years ago. Prior to that, accidents were frequent and deaths numerous. Every time a railway officer died in circum-

stances that left his family indigent, a subscription list was despatched throughout the service. They were weekly or fortnightly happenings. On pay day it was usual for railwaymen to contribute 1s. or 6d. towards the assistance of the dependants of one of their colleagues who had died, or had been killed.

The Minister for Employment: And the same few gave all the time.

The MINISTER FOR RAILWAYS: Yes, that was the trouble. It was always the same charitably-inclined few who contributed, and sometimes the collections seemed to be governed by how well known the deceased employee happened to be, rather than by the needs of the dependants. At any rate, about 25 years ago, it was decided to establish the Death Benefit Fund, to which each member contributed 1s. per week and a large amount was built up, out of which the dependants of any railway employee, who was a member of the fund, received substantial payments. Between 60 and 70 per cent. of the employees participated in the fund. At first the amount paid to dependants was about £200, which was gradually increased until between £230 and £250 was paid out in respect of members who had died. Various alterations were made and the amount was reduced to £200 and a certain proportion of the fund was held in reserve. With the outbreak of war, railway employees who went to the Front were not expected to contribute their subscriptions to the benefit fund, but the Government made good those amounts, entitling payment to the dependants of the men concerned up to £200. That benefit scheme was continued, with alterations as circumstances warranted from time to time. Finally it was considered that the fund should be extended to provide for endowments. It was arranged that when a man was retired through reaching the prescribed age, he would still be allowed to contribute in advance towards the fund, but in those circumstances he could draw nothing until he died. In view of the more general application of the policy of retiring officers almost compulsorily when the age of 65 years was reached, a number of railway employees, who were members of the death benefit fund, thought it would be much better if they could draw an amount when they retired at the age of 65 years. They altered the scope of the endowment fund and pro-

vided that everyone who contributed so much per unit during the time they were in the department could receive the amount of their endowment when they left the service instead of at death. The endowment fund is growing in popularity. It has been in existence only about 12 months and during that time over 600 members of the railway staff have joined while others are transferring from the death benefit fund to the endowment fund. It is recognised that the fund, to be successful, should have a larger membership. The scheme has been submitted to the Government Actuary and to other actuaries and has been pronounced sound. When such authorities tell us that an insurance scheme is actuarially sound, we can accept it as being sound. They take no risks. They know the average expectation of life, allow for contingencies and ensure that the fund shall be adequate to meet all liabilities. As we now have no pensions scheme for such employees, the Government consider it desirable to facilitate provision being made for employees who reach the retiring age. The method of contributing to the endowment fund is not like the method of paying premiums for an insurance policy. If a man takes out an insurance policy, he has to pay probably £5 premium every six months. Under the endowment fund, however, arrangements are made for the Commissioner of Railways, through the Comptroller of Accounts, to deduct a certain amount from each fortnightly pay to cover the contributions to the fund. That arrangement has given satisfaction. Members of the staff generally, approve of it. The fund has hitherto been conducted on a voluntary basis and the membership has represented between 60 and 70 per cent. of the staff. It is proposed that this arrangement should continue so far as present employees are concerned, but it is desired that all new entrants to the service shall be compelled to contribute to the endowment fund.

Mr. Doney: If you have the right to deduct the amount for contributions, why provide that the amount of membership contributions as and when they become due shall be a debt owing by the employee to the management of the fund and recoverable at the suit of the fund committee in any court of competent jurisdiction? There should be no need for that.

The MINISTER FOR RAILWAYS: I do not wish to discuss the wording of any clause on the second reading; we can do that in Committee. Provision has been made that apprentices and juniors shall not be compelled to contribute to the fund. The industrial union, who control the many and varied conditions of employment in the service, are satisfied with the provisions of the Bill. The committee of management of the fund are anxious to have this legislation and so also is the Commissioner of Railways. The Government are satisfied to adopt the policy of compulsory membership of the fund for future entrants to the service, and there seems to be no objection from any quarter. I do not think there will be any objection from members. I have explained the circumstances and the reasons that have actuated the Government in bringing down the Bill at this stage of the session. The contribution to the endowment fund is 2s. per week for one unit or 1s. for half a unit with a maximum of 2½ units for 5s. a week. Consequently employees may arrange for whatever endowment they consider necessary. The age for joining is limited to those under 50 years. Provision is made for contributors to the fund who leave the service previous to reaching the retiring age to have their money plus interest refunded. Of course if an employee dies before reaching the retiring age, his dependants will receive benefits on the scale laid down. The benefits range from £450 for an employee who joins at the age of 17 to £100 for an employee who joins at the age of 49. Consequently it will be to the advantage of employees to join the fund as early as possible. One unfair aspect of the death benefit fund was that many young fellows in the department, considering that they had many years of life before them, waited for 10 or 15 years before joining the fund. Often they waited until they married or undertook other responsibilities. Such employees thus dodged their responsibility of contributing to the fund for 10 or 15 years. In the death benefit section the reserve is equivalent to approximately £37,000. The fund has been in existence for over 20 years and has proved of immense benefit to the dependants of railway servants who died during their term of service. The endowment fund will be more advantageous because it will enable employees

to draw the benefits due to them on retiring from the service. The principle proposed in the Bill is one with which the House might well agree.

Mr. Latham: Will the Government make any contribution to the fund?

The MINISTER FOR RAILWAYS: Very little, if any. The Government undertake all the clerical work involved by the fund, that work being done by the Accounts Branch of the department, who collect the subscriptions without making any charge for the service.

Mr. Latham: Is there any direct contribution by the Government to the fund?

The MINISTER FOR RAILWAYS: No.

Mr. Latham: None whatever?

Mr. F. C. L. Smith: Has a valuation been made lately?

The MINISTER FOR RAILWAYS: The endowment fund has been in existence for only a short period, and the death benefits depend upon the amount of money contributed to the fund and to the calls likely to be made on the fund. The fund has been conducted on a conservative basis and there is £37,000 in reserve.

Mr. F. C. L. Smith: That is not much considering what the men are paying.

The MINISTER FOR RAILWAYS: No, but it should be remembered that the original scheme was on the basis of a "bob" in all round. Improvement after improvement has been introduced until a scheme has been evolved providing for certain benefits. At one period the death benefit was £200. It was reduced to £175 because the contributions being received were considered to be insufficient to meet probable demands. If it were found that the funds did not warrant the payment of benefits at the rate of £175, the committee could reduce the amount to £150 or even to £100.

Mr. F. C. L. Smith: That is not a very satisfactory arrangement.

The MINISTER FOR RAILWAYS: It has been so satisfactory that the fund membership has been increasing.

Mr. F. C. L. Smith: It is not the kind of insurance I would favour.

The MINISTER FOR RAILWAYS: It is more economical than any other form of insurance, because no administration or overhead costs are involved. The work is done by the Accounts Branch of the Railway Department. All the contributions are paid into the fund and are available

for payment in the form of benefits. No insurance company runs its business without overhead costs. This fund, however, pays nothing for directors, clerical assistance, postages or anything else. Nobody could run a fund so economically.

Mr. Latham: The funds are held in trust in the Treasury?

The MINISTER FOR RAILWAYS: Yes, just as are the moneys of the Police Benefit Fund. I do not think there can be any objection to the Bill.

Mr. Latham: Except the compulsory provision.

The MINISTER FOR RAILWAYS: That will not apply to anyone at present in the service, but if anyone wishes to join the service in future, membership of the fund is to be a condition of employment. The same principle obtains in the mining industry. If a man goes to work on a mine and will not contribute to the hospital fund, he is not allowed to continue. Membership of the hospital fund is a condition of employment.

Mr. Wise: It is a condition of employment in the Public Service in other States that a man contributes to a superannuation fund.

The MINISTER FOR RAILWAYS: Yes, or makes arrangements for insurance.

Mr. F. C. L. Smith: This is a flat rate contribution irrespective of age.

The MINISTER FOR RAILWAYS: Not for membership of the endowment fund.

Mr. F. C. L. Smith: No, but for the other fund.

The MINISTER FOR RAILWAYS: The benefit depends upon the years of service. If a contributor joins at the age of 17 he receives £450; if he joins at the age of 22 he receives £375, and if he joins at the age of 37 he receives £195.

Mr. F. C. L. Smith: But what about the death benefit fund?

The MINISTER FOR RAILWAYS: That fund has worked satisfactorily. One of the reasons why compulsory membership is desired is that a man might be in the service for 20 years before seeking to join the fund. A man could wait until he developed tuberculosis, cancer, or other incurable disease and then join the fund. No insurance company would accept such a risk, and yet the conditions of the death benefit were so open that a man in that state of health could join.

Mr. Latham: I take it that casual employees will be excepted.

The MINISTER FOR RAILWAYS: That is so. Juniors, apprentices, cleaners and part-time employees will also be excluded. I move—

That the Bill be now read a second time.

On motion by Mr. Latham, debate adjourned.

BILL—STATE TRANSPORT CO-ORDINATION.

In Committee.

Resumed from the 23rd November. Mr. Sleeman in the Chair; the Minister for Railways in charge of the Bill.

Clause 44—Aircraft not to operate unless licensed (partly considered):

Mr. LATHAM: When progress was reported on Thursday last, I understood the Minister was about to tell us what was proposed under this division of the measure. I pointed out that all possible encouragement should be given to aircraft. Although it is not the State's responsibility directly to attend to matters of defence, indirectly we have some responsibility. The cheapest form of defence is that of being prepared, and I know of nothing that would be more effective for the defence of Australia than the aircraft section. I hope we shall not do anything calculated to limit the development of aircraft in this State.

The MINISTER FOR RAILWAYS: It is not our desire to impose hampering conditions on the development of air travel or the training of pilots, or anything connected with aircraft, but we must remember that 10 or 12 years ago, if anyone had said to us that we had better pass a Transport Bill to co-ordinate motor traffic with railway traffic, we might have been inclined to scoff at them. The answer would certainly have been, "Why bother about it? There is no need to fear competition from such a source, or even if there should be, that competition will be negligible." Subsequent events have proved that motor vehicles have been capable of doing considerable harm to other means of transport, and that they are not only competing but duplicating transport. It is proposed to make a purely nominal charge in respect of aircraft and this will be solely for co-ordination purposes. There may be

established aircraft communication between places which might prove a detriment to existing transport facilities. The same argument applies to aircraft as applies to motor buses. To-day the railways suffer in many respects by reason of the competition, and they are obliged to carry a branch of the traffic that motor vehicles will not look at. I refer to the conveyance of people at excursion rates, for instance, delegates to conferences, school teachers, and school children. Of course the railways will be allowed to retain all that business. At the present time, aircraft is not very widely used for transport purposes and out of our total population I do not suppose more than 10,000 or 15,000 people have ever made use of it. But since we are dealing with the co-ordination of transport, it is desirable that we should take into consideration all forms of it. If the number of aircraft 10 years hence were the same at it is to-day, probably it would not be worth worrying about, but we know that development is going on all the time, and before that development has grown to any proportions, there should be power to deal with it. We should be able to take action before there are vested interests. The board that will be appointed will be actuated by the same motive as members themselves; there will not be any desire to impose undue restrictions on aircraft. At the same time, it will not be possible for us to tell the board what they should do and what they should not do. Aviation, as we are aware, is making rapid strides, and I understand that at the present time it is almost as cheap to buy an aeroplane as it is to buy a motor car.

Mr. Latham: A small aeroplane costs £850.

The MINISTER FOR RAILWAYS: I am told that it is possible to buy a very fair aeroplane for £500. I repeat that there will not be restrictions, but it is necessary to take the power at the present time to be able to co-ordinate the possible transport of the future with other forms of transport. If we do merely that, no one can take any exception to it.

Mr. SAMPSON: If the Bill passes as it is, those operating aeroplanes will find themselves surrounded by an atmosphere of restriction. Clauses 21 to 28 may be used to cause those so engaged a great deal of misery; for the history of aeroplaning in this country is frequently associated with bank-

ruptey. The whole of Division IV might well be struck out of the Bill. It is early in the history of aeroplaning to have legislation of this character brought in. We must look to the air for our main means of defence in a great lonely country like Australia, with a sparsity of good roads.

The Premier: In the Defence Department of Australia we have about 12 fighting planes.

Mr. SAMPSON: That is so; the development of aviation ought to be encouraged. I hope the Minister will agree to strike out Division IV, altogether, for the result of this part of the Bill may have serious effects on the development of air transport.

Mr. WISE: I am not satisfied that it is necessary to provide in the Bill for aeroplanes, nor do I think the House is competent to legislate for aviation in this way. I should like to refer members to a statement made by Lieut.-Col. White, a member of the House of Representatives, on the 22nd October, 1931, as follows:—

Civil aviation in Australia is controlled by departmental regulation, and it could hardly be expected that such a position would be entirely satisfactory. We have in Australia a position in which the whole of the problems of aviation on the public side are entirely controlled by regulation. The fault is not with this Government, because it is found that the Commonwealth has not the power, under the Constitution, to legislate on aviation.

If it is not in the province of the Commonwealth to legislate on aviation, I question whether it is within the province of this House to supersede Commonwealth regulations.

Mr. Latham: They appoint a supervisor of civil aviation.

Mr. WISE: All their activities are controlled by the Civil Aviation Department, under regulation. It is not governed in any way by statute in the Commonwealth. Under the international air law there are 27 countries who have subscribed to the international conventions relating to aviation. It is impossible for an American plane—America being outside the 27 countries which agreed to the international air law—to land in Australia. Again, in many respects the Commonwealth regulations overrule the English air regulations. There are being flown in England certain planes which in Australia would not pass the Australian conditions of airworthiness. I was interested in the Minister's reference to subsidies. In Clause

14 it is provided that the licence fee for aircraft may be up to 10 per cent. of the earnings of that aircraft. Those earnings must include subsidies and surcharges.

The Minister for Railways: No.

Mr. WISE: Yes, they must. Also I was interested the other night to hear the Premier interject that he was most anxious that the present subsidy should be withdrawn.

The Premier: I meant on the east-west air route. Do not confuse that with the North-West route.

Mr. WISE: In all the world there are only two commercial aviation companies operating successfully without a subsidy. I would be averse to anything happening which would be detrimental to the North-West air service. One is in New Guinea and the other in Columbia. Sir Eric Geddes, chairman of Imperial Airways, Limited, recently said that in spite of the isolated examples where aircraft had been a commercial proposition without a subsidy, generally speaking it was impossible in any part of the world to operate commercial aircraft on a profitable basis without a subsidy. I am sure the Committee realise to what an extent subsidies have meant the success of commercial aviation in Australia. It is a much bigger proposition than the comparatively small amount of subsidy paid on the route from Perth to Wyndham. The whole aviation vote of the Commonwealth is approximately only £140,000.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. WISE: The total amount voted by the Commonwealth Department of Civil Aviation last year for aircraft was less than £140,000. The total bonuses and subsidies paid by the Commonwealth Government ran into a large figure. Since the inception of civil aviation in Australia in 1921, the West Australian Airways have received a sum exceeding £400,000, the Quantas Company in Queensland £176,000, another aviation company received a similar sum, and various aero clubs have received £25,000. The question is whether commercial aviation is not too costly a thing for Australia. Last year the English taxpayers paid £46 for each ton of freight carried from London to Paris and £4 12s. 6d. for every passenger. Provided that every condition for public safety and utility are complied with, and every neces-

sary service is rendered, we should support the giving of subsidies to further the interests of aviation, but it is grossly unfair to view these subsidies and bonuses to commercial airlines as something from which the license fee must be deducted. The Bill says that up to 10 per cent. of the gross earnings of commercial aircraft shall be the basis of the license fee. It would be much better to state what the minimum fee would be. In the case of the Commonwealth the fee for a certificate of airworthiness is a guinea. If competition prevailed in our commercial air routes, it might be possible to bring down the subsidies. In my opinion the reference to Section 24 in Clause 46 should be deleted, because hardly any of it relates to aircraft.

Hon. N. KEENAN: No doubt the Minister wants to prevent unfair competition between aircraft and other services. Clause 44 would cover the case of aircraft which started on their journey in Western Australia with the intention of going beyond its boundaries, but which alighted for re-fueling purposes at some point within the State. It will be necessary to take some steps to prevent that clause from imposing upon Western Australian aircraft the necessity for registration. The member for Gaseoyne referred to the right of the State to legislate for aircraft. In 1920 the Commonwealth Parliament passed a statute giving effect to the convention in Paris on the 13th October, 1919. The Act gives power to the Governor-General to make regulations to carry that convention into effect. Elaborate regulations have been framed on that legislation. One provision is that none of the regulations framed under the Act affects the right of the Commonwealth to own and use aeroplanes. It overrides practically all State rights. There is nothing in the Constitution Act which gives power to the Commonwealth to do anything in relation to the user of the surface of the soil beyond what is contained in Section 51, which gives the Commonwealth the right to control the State railways in case of war. The Commonwealth regulations provide for the registration of all aeroplanes, examination by Commonwealth officers, the licensing of the personnel, the licensing of the aerodromes situated in any State, and the right to use certain places only for aeroplanes.

Mr. Latham: These are nearly all on Federal territory.

Hon. N. KEENAN: I think not.

The Minister for Railways: Even if the Commonwealth have bought the freehold, the land is still subject to State jurisdiction.

Hon. N. KEENAN: The owner of land cannot sell the rights of the State to it.

Mr. Latham: In many cases the State has transferred the land to the Commonwealth under the Land Act.

Hon. N. KEENAN: Every transfer is subject to the Transfer of Land Act. The States still retains the right to control the surface of the land. I am in favour of the State asserting its rights. The Government can traffic in the air as much as they can on the surface of the land. The convention on which the Federal Act is framed took place immediately after the war, and was almost the fruit of the war. It was recognised that by means of aeroplanes it was possible to discover what was happening in other countries. Certain nations accordingly arrived at an understanding to control the right of people to fly over their territories. Other nationalities did not do so. Turkey did not. In consequence, if any British aviator flies over Turkey he is liable to be shot down, or if he comes down in Turkey he is liable to imprisonment for having attempted to fly over that country. On that single section the Commonwealth have ventured to frame regulations governing almost every phase of aviation. I am exceedingly glad that we are asserting our rights. We own as much of the air of this State as we own of the surface. However, there is also the weighty consideration that, not withstanding the Commonwealth has no right whatever to invade the realm of government of the air so far as it is State air, we should to some extent concede that right in the interests of national defence. The commercial aeroplane within a few weeks, or at any rate within a few months, can be converted into a military machine. In the early days of the war Germany was not prepared for war in the air, but she had a number of civilian aircraft which were speedily adapted to war purposes. And so it may be that we should not insist to the full extent on our State rights. However, some of the proposed clauses appearing later, which now are not debatable, would appear to go somewhat too far.

Mr. GRIFFITHS: We are entitled to be proud of the West Australian Airways, who are carrying out their service as well as, if not better than, any other air serv'ce in

the Commonwealth. I understand they contemplate the extension of their enterprise to Wiluna. We must not discourage the investment of capital, especially in the development of air travel. The Minister may consider it wise to have some reserve of power as to aeroplanes, but he may well postpone dealing with airway traffic until some further time shall have elapsed. We are being so overwhelmed with rules and regulations that soon we shall not be able to breathe. True, the regulation of motor traffic has been delayed too long; but I fail to see that aircraft will be a serious rival to our railways.

Mr. RODOREDA: I feel somewhat dubious as to these clauses, at all events in their present form. We should exercise some control over air traffic in this State, but these clauses go somewhat too far. Let us rather lay down the principle that we have a right to control aircraft.

The Minister for Railways: That is what will happen.

Mr. RODOREDA: I agree with the member for Gascoyne that the board should not be given power to charge aircraft up to 10 per cent. of their earnings. If that is done, it should be made quite clear that a subsidy is not part of earnings. No aircraft company can run an efficient service without a subsidy. At present aircraft cannot possibly compete with railways or any other form of transport, but they may soon be able to do so. I have here a statement to the effect that within the last 10 years the cost of maintaining an aeroplane in service has been halved. Clause 44 seems to conflict with Clause 12, and it should be made clear which part of the Bill does really apply to aircraft. The basis of charging for licenses is doubtful, because though aeroplanes go from here to the North-West the one aeroplane does not go the whole way. It would be difficult to assess the charge among the various aeroplanes. If the fee were made nominal—say, one guinea, as the Commonwealth charges—that should be enough for present needs. The license fee could be increased, if necessary, after we have had experience of the effect of the Bill on air transport. We should walk warily when first legislating on the subject of aircraft. Moreover, the Bill is loosely framed. We may want to amend provisions dealing with both omnibuses and aircraft, but not to amend them as regards both omnibuses and air-

craft. Perhaps this aspect could receive attention on recommitment.

Hon. W. D. Johnson: Next session we could alter any portion of the Bill if necessary.

Mr. RODOREDA: But why not do it now? The Bill is mixed up in its drafting and we are referred back to previous clauses. I want to deal with the question of subsidy. It has been proved that an aeroplane service cannot be carried on profitably without a subsidy. In those circumstances, we should have some means by which we can know that we are getting an adequate return for the money expended in that way. Being conversant with the aerial service throughout the North-West, from an outsider's point of view, I do not think either the Federal Government or the State is getting a fair return. The company carrying out the air service has 12 aeroplanes, of which six are years out of date. A plane of the same type as that used in carrying passengers throughout the North-West was sold by the military authorities in Melbourne recently for £500. It was sold as being altogether too out-of-date. I do not think the use of such planes in Western Australia will tend to improve the efficiency of the service from a defence standpoint.

Hon. W. D. Johnson: That is all the more reason why we want a transport board to review the position.

Mr. RODOREDA: And I agree absolutely with the contention. At present, if a person desires to make a complaint, it has to be lodged at Canberra and that means it is impossible to get any satisfaction. A road board in the North-West complained about the mail service, but no satisfaction has been obtained, and the company seem to be a law unto themselves. If we have control over air services within the State, complaints could be made to the transport board and could be rectified promptly. Frequently eulogistic references appear in the Press regarding the way the air service is conducted in this State, but I am informed the newspaper companies are fairly large shareholders in the company running the air service and naturally get a large cut out of the profits made. The fees of the directors are so high that the Committee

would be astonished if they knew what was being paid.

Hon. W. D. Johnson: They must distribute their profits and cover them up, otherwise they would be in difficulties with the Commonwealth Government.

Mr. RODOREDA: I am merely dealing with information given to me on pretty good authority. We rarely see references in the Press to forced landings or accidents along the coast. I can assure the Committee that there is a growing feeling throughout the North-West that the aeroplanes at present in use are unsafe. The subsidy expires next April and the company will not purchase new machines now because they do not know whether they will get a renewal of the contract.

Mr. Ferguson: Do not the aeroplanes have certificates of airworthiness?

Mr. RODOREDA: Yes, from the Commonwealth; and the machines have to be inspected every week. The trouble is that the people who hold inspection licenses are, in some instances, pilots employed by the company. Naturally the question arises whether such a man would condemn a machine owned by the company that employs him.

Mr. Stubbs: I hope you are sure of your grounds for such statements.

Mr. RODOREDA: I am.

Mr. Stubbs: You may be asked to prove them.

Mr. RODOREDA: Some of the pilots have to give certificates for the planes each week. That position should be altered. It is not right that a man employed by a company should be asked to give a weekly certificate that the planes owned by the company are safe.

Mr. Griffiths: Do not you think that such men would desire to protect themselves?

Mr. RODOREDA: Of course, but they would also desire to protect the interests of the company employing them. I also make the statement, with a full sense of responsibility, that four of the passenger planes on the northern route are much out-of-date. The company has a modern machine in Perth that has had one trial flight up the coast and a second to bring down some passengers from a plane whose pilot had become ill. While we should have control over aeroplanes within the State, I would not wish to restrict their efforts in any way.

The MINISTER FOR RAILWAYS: I do not desire to say much about the discussion on the constitutional aspect of Federal and State control. Certain specific powers were granted by the States under the Federal compact, and those that were not delegated to the Commonwealth are still retained by the States as sovereign entities. At that time, of course, aircraft were not regarded as practicable possibilities. The member for Avon said that apparently the Government did not desire to encourage the investment of capital. One of the objects of the Bill and the proposed transport board is to discourage the investment of capital that is unnecessary and will tend to become a burden on the people. What we desire is to regulate the transport facilities that are necessary in the interests of the public.

Mr. Griffiths: You would not describe aircraft as unnecessary?

The MINISTER FOR RAILWAYS: I would, if it were proposed to run a passenger service by plane from Perth to Northam with the advantage of a subsidy paid by the State. I would regard that as entirely unnecessary and probably a board having control of the transport arrangements would say that the facilities already available were adequate to meet all requirements.

Mr. Lambert: Where would this restrictive legislation against competition stop? Is there some definite aim?

The MINISTER FOR RAILWAYS: Yes, a very definite and serious aim that I hope will be accomplished successfully. It is frankly and clearly indicated in the Bill that if the existing forms of transport are adequate, then the board will have power to say whether additional forms of transport proposed are unnecessary and whether they would tend to become an economic burden. If the board determined that such additional forms of transport would be unnecessary, they could decide that they would not be licensed. Some people seem to think that the Bill is not for the purpose of conserving the interests of existing facilities that are adequate for requirements. The Bill is not for the purpose of encouraging commercial goods vehicles that are unnecessary and desired merely because somebody wants to establish new facilities. The criticism of the Bill that has flooded the Press seems to suggest that the Bill represents an interference with the liberty of the people to commence operations. I frankly stated at the outset

that that was the object. There is no necessity to hide it. Where adequate transport facilities are available to meet the requirements of any particular district, before any additional form of transport can operate, the board will have to determine whether the additional facilities are required and perhaps prevent the expenditure of unnecessary capital.

Mr. Latham: One of the main objects of the board should be to cheapen transport.

The MINISTER FOR RAILWAYS: That will be the main aim, and one way will be to prevent unnecessary competition against those that are operating now.

Mr. Moloney: You are seeking to protect those who are operating now.

The MINISTER FOR RAILWAYS: That is so. What is sought is to conserve the best interests of the State. If we were in a position to start de novo, it would be an entirely different proposition. On the other hand, we know that £42,000,000 has been invested in the railways and that that expenditure has been necessary for the development of the State.

Mr. Lambert: The tramways have always been run subsidiary to the interests of the railways.

The MINISTER FOR RAILWAYS: The hon. member may hold that view, but he is not always right.

Mr. Lambert: Nor is the Minister always right.

The MINISTER FOR RAILWAYS: He is right 95 per cent. of the time and in this instance there is just the element of doubt—

The CHAIRMAN: Order! Will the Minister address the Chair?

The MINISTER FOR RAILWAYS: I am. I want the Committee and the public generally to be under no misapprehension regarding the Bill. The Bill is conceived in the interests of all concerned and a broad, general outlook has been adopted.

Mr. Lambert: It is a railways glorification Bill.

The MINISTER FOR RAILWAYS: The Bill is for the purpose of co-ordinating means of transport in a manner that will be best for the people and it is not one to give absolute liberty or license to anyone to do as he desires. The object is to co-ordinate and control means of transport. Aircraft, like any other form of transport, should

be subject to control that the best may be done in the interests of the State. The North-West aerial service is being subsidised by the Commonwealth Government. If, with the aid of the subsidy, that concern were able to compete, say, with the Midland railway, if the payable business were captured by aircraft and the Midland railway had to be closed, where would we be? The Midland country is recognised as being amongst the best in the State, and what would happen to that country without effective railway facilities? The Government do not pretend to be doing a lot of things to encourage commercial vehicles.

Mr. Lambert: Aircraft north of Geraldton should be exempted.

The MINISTER FOR RAILWAYS: They are exempted above the 26th parallel, which is a little north of Geraldton. If they come within the scope of the measure, there is no reason why they should not be subjected to some sort of control. Some members have argued that it is too soon to seek power to control aircraft. We are too late in seeking to control commercial motors. So long as there is reasonable control exercised in a reasonable way, there should be no objection to giving power to co-ordinate and control aircraft as well as other forms of transport. In the definition, "operate" as applied to vehicles means to carry or offer to carry passengers or goods for hire or for any consideration. Only when aircraft operate within the meaning of that definition would they be subject to control.

Mr. Patrick: They now carry passengers and goods to Geraldton.

The MINISTER FOR RAILWAYS: Then they are operating within the meaning of the measure and should be subject to control and co-ordination.

Mr. Latham: If a plane picked up a passenger for the far North it would be operating.

Mr. Lambert: If a plane took a passenger to Wiluna, the board could squelch it in one act.

The MINISTER FOR RAILWAYS: The board would not desire to squelch anyone. The whole object would be to do justice by the people of the State.

Mr. Latham: Justice!

The MINISTER FOR RAILWAYS: Yes.

Mr. Latham: That depends upon the board's interpretation of justice.

The MINISTER FOR RAILWAYS: I think we could get a board possessed of a reasonable conception of justice. The object of the measure is not to deny some person the right to make a living. If a person is providing unnecessary transport and operating to the detriment of the State, he must come under control.

Mr. Lambert: Why not separate the control of the railways and tramways, and let them operate as independent concerns? One has been a subsidiary concern to the other for years. Why not let them compete?

The CHAIRMAN: Order!

The MINISTER FOR RAILWAYS: That question had better be discussed at another time. Defence is not a matter to be considered at this stage.

Clause put and passed.

Clause 45—Licenses for aircraft:

Mr. LATHAM: This clause is objectionable in that the decision of the board is to be final and without appeal. There may be a conflict in regard to aircraft that would not occur in regard to road transport. The Commonwealth might set out a mail route, and the board's opinion might conflict if passengers were carried over that route.

The Minister for Railways: The Commonwealth have a right to do as they like with their mail services.

Mr. LATHAM: But by passing this clause the persons operating would be brought under dual control. I do not wish to delay the Bill because I know the Minister is anxious to get it to another place.

Mr. Lambert: You want to rush it to the guillotine.

Mr. LATHAM: I have not suggested any such thing. Would the board license a mail plane?

The Minister for Railways: If it were not carrying goods or passengers, it would not be operating within the meaning of the measure.

Mr. LATHAM: It would be carrying passengers and perhaps goods. I consider that the interpretation of the member for Nedlands is correct. So long as a plane picked up a passenger here or landed him here, no matter what its destination might be, it would come within the scope of the measure. I should like an assurance that

nothing will be done to hinder the carrying of passengers to the North. Once the members of the board are appointed I do not think their appointment could be terminated. They would have statutory power and would not be subject to any control.

Mr. Wise: What form of appeal would you suggest?

Mr. LATHAM: Appeal to a magistrate or to a court of petty sessions, as under the Traffic Act.

Mr. LAMBERT: The clause provides that the board may grant a license provided that all laws or regulations of the Commonwealth relating to the aircraft and its operation are at all times complied with. That pre-supposes that the Commonwealth have the right of control over aircraft within the State. The Commonwealth may have a right to control aircraft for military operations, but I have yet to learn that they have any right of control over aircraft in the State.

The Minister for Railways: If a foreign spy came here and the Commonwealth knew he was a spy, could not the Commonwealth do something?

Mr. LAMBERT: Yes, but under this clause the Minister pre-supposes that the Commonwealth can control aircraft within the State.

The Minister for Railways: Within the powers possessed by the Commonwealth.

Mr. LAMBERT: Those powers relate to military affairs. I disagree with the provision that the decision of the board shall be final and that there shall be no appeal.

Hon. W. D. Johnson: To whom would you allow the appeal?

Mr. LAMBERT: I should say to the Full Court.

Mr. Latham: That would be expensive. The Traffic Act provides for the court of petty sessions.

Mr. LAMBERT: There should be some appeal, and while I advocate an appeal to the Full Court, the judges need not sit as the Full Court.

Hon. W. D. Johnson: They would not have that power.

Mr. LAMBERT: Parliament can take any power.

The Minister for Railways: If you want to alter the duties of the judges, you will have to alter the Judiciary Act.

Mr. LAMBERT: The Minister would be wise if he desired to see the elimination

of the guillotine, as suggested by the Leader of the Opposition—

Mr. Latham: That statement is incorrect and I ask that it be withdrawn.

Mr. LAMBERT: I will withdraw it but I thought, by the hon. member's indirect threat—

Mr. Latham: You should not listen to what is told you.

Mr. LAMBERT: I have been going by the usually accurate newspaper report of the Leader of the Opposition's remarks. The Minister would be wise to listen to reason in connection with some of the clauses of the Bill, if he desires them to pass through another place.

The Minister for Railways: I have accepted about 15 amendments already.

Mr. LAMBERT: We have very definite ideas on this question. It is not only co-ordination of these services that we require; there are other co-ordinating subjects that the Minister for Railways will hear about, and in regard to which I will take a prominent part next session. When we provide two services, railways and tramways, both inefficient, and have them controlled by one head—

The CHAIRMAN: Aircraft is under discussion at the present time and the hon. member must confine his remarks to that subject.

Mr. LAMBERT: I should like to have some reasonable latitude.

The CHAIRMAN: I have been more than reasonable; the hon. member must confine his remarks to aircraft.

Mr. LAMBERT: We must make provision for appeal against the board's decision. With regard to aircraft, crude oil is now being used on the Continent and from that, together with the simplification of air machines, anyone can foresee that within the next decade rapid developments will take place. It is essential that we should march with the times and remember that the country can only be developed by spelling our future in two words, power and transport.

Hon. W. D. Johnson: Then you are opposed to the Bill?

Mr. LAMBERT: No, I want to preserve all the services that are necessary. If the Commonwealth have any rights in regard to aviation they will not hesitate to insist upon them. I move an amendment—

That in lines 2 to 4 the words "and provided that all laws or regulations of the Com-

monwealth relating to the aircraft and its operation have been and are at all times complied with" be struck out.

Mr. NEEDHAM: To my mind those words are superfluous, and I agree that they postulate the supremacy of the Commonwealth laws over commerce within the State. That is at variance with the Constitution of the Commonwealth. The Commonwealth have control over commerce between the States, but have no control over commerce within a State. The words proposed to be struck out presuppose that the Commonwealth have power over commerce and aircraft in the State. They have no such power. We have had a statement by the member for Gascoyne that the Commonwealth Government do not control aviation through any legislation. If so, there is no statute law of the Commonwealth with which any State law governing aviation would come into conflict. The hon. member said the Commonwealth governed commercial aviation simply by regulation. Even if there be any Commonwealth law dealing with aviation, it is not likely to conflict with this State law. If the words proposed to be struck out were really necessary, there are many other Acts in which they ought to appear. At all events it is not for us to police the rights of the Commonwealth Government; they will do that for themselves.

The MINISTER FOR RAILWAYS: There is no competent authority under State jurisdiction which has anything to do with aircraft, or the licensing of aircraft. The whole thing has been undertaken by the Commonwealth. If our transport board were to license an aeroplane to carry passengers, and an accident happened as the result of which the passengers were killed, the board would be blamed for having issued a license without satisfying themselves that the aircraft was air-worthy. The Commonwealth Government have undertaken that responsibility. We have definite organisations to deal with buses or commercial vehicles and see to it that they are safe, but we have no one to do that in regard to aeroplanes seeking licenses. The words proposed to be struck out should be retained, for without them the board will have nothing to go upon.

Mr. Latham: You do not want to duplicate that authority.

The MINISTER FOR RAILWAYS: Certainly not.

Mr. Moloney: The Commonwealth already exercise jurisdiction in that respect.

The MINISTER FOR RAILWAYS: Yes, and they have put up no harassing regulations, have done nothing beyond safeguarding the public. I oppose the amendment.

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

Ayes	..	..	..	..	8
Noes	..	..	..	..	38
					—
Majority against	..	..	..	..	30
					—

AYES.

Mr. Coverley	Mr. Needham
Mr. Hawke	Mr. F. C. L. Smith
Mr. Johnson	Mr. Wise
Mr. Lambert	Mr. J. M. Smith
(Teller.)	

NOES.

Mr. Brockman	Mr. Nulsen
Mr. Clothier	Mr. Patrick
Mr. Collier	Mr. Piesse
Mr. Cross	Mr. Raphael
Mr. Cunningham	Mr. Rodoreda
Mr. Ferguson	Mr. Sampson
Mr. Griffiths	Mr. Seward
Mr. Hegney	Mr. J. H. Smith
Miss Holman	Mr. Stubbs
Mr. Keenan	Mr. Thorn
Mr. Latham	Mr. Tonkin
Mr. McCallum	Mr. Troy
Mr. McLarty	Mr. Wansbrough
Mr. J. I. Mann	Mr. Warner
Mr. Marshall	Mr. Welsh
Mr. Millington	Mr. Willcock
Mr. Moloney	Mr. Wilson
Mr. Munsie	Mr. Withers
Mr. North	Mr. Doney
(Teller.)	

Amendment thus negatived.

Mr. LATHAM: I move an amendment—

That the words "final and without appeal" be struck out and "subject to appeal to a court of petty sessions" be inserted in lieu.

This amendment would stop the board from adopting an attitude of unfairness towards applicants for a license. The right of appeal, which is provided for in the Traffic Act, should be embodied in this Bill.

The MINISTER FOR WORKS: The police seldom refuse a license to a driver. I can see no comparison between an appeal from this board and an appeal from a policeman. This particular board will have to specialise in all forms of transport, but by the amendment an appeal could be made to any magistrate who might know nothing whatever about the matter at issue. Under the Traffic Act the only appeal is on the issue of a license to a driver. It was thought that the police might refuse to grant a

license out of prejudice, and this right of appeal was therefore embodied in the Act. Only one appeal has so far been made under the Traffic Act, and in that instance the police lost the case. I am convinced that the magistrate was wrong in his decision.

The Minister for Railways: The decision was entirely wrong.

Mr. Latham: You should not say that.

The MINISTER FOR WORKS: I will take action to show that the magistrate was wrong. In order to protect the lives of the public, I will see what I can do to have the law altered. The Leader of the Opposition suggests that on the whole scheme of the co-ordination of traffic, an appeal from the decision of the board may be allowed.

Mr. LATHAM: Section 14 of the Traffic Act says it shall not be competent for a local authority to refuse to grant a license in respect of any vehicle unless that vehicle is unfit to be used for the purpose for which the license is desired. The Act is not confined wholly to the issue of drivers' licenses, but deals also with the cancellation of licenses, transfers, etc. Against decisions appertaining to those things, an appeal may be made to a court of petty sessions.

The Minister for Works: There is nothing in the Traffic Act dealing with the control of transport.

Mr. LATHAM: But it does not apply only to those things the Minister said it did.

The Minister for Works: The question of the ownership of a vehicle does not enter into the matter: it is the vehicle itself that is licensed.

Mr. LATHAM: It does. The Act provides for an appeal to a court of petty sessions, whose order shall be final in any case where a license or the transfer of a license is in question.

The Minister for Works: You have just disproved your own statement.

Mr. LATHAM: It also says that, on the hearing of the appeal, the court may order that the license shall be granted, or may dismiss the appeal, etc.

The Minister for Works: That refers to a driver's license. Can one transfer a driver's license?

Mr. LATHAM: This refers to the license of a vehicle, and not to the license of a driver. The provision also refers to local authorities, because, while the police are the

only people who issue driver's licenses, local authorities issue licenses for vehicles. The Minister for Works has unintentionally misled the Committee.

The Minister for Works: You have got mixed; that's all.

Mr. LATHAM: I want the appeal under the Bill to be as it is under the Act.

Mr. Lambert: How about an appeal to a Supreme Court judge?

Mr. LATHAM: No. That mode of appeal would be too expensive.

Mr. MOLONEY: The Leader of the Opposition has tried previously to insert the same wedge. On Clause 24 he was unsuccessful. He is jealous of even the Minister having the slightest jurisdiction over the board. It is essential that the Minister should have such jurisdiction. Now the Leader of the Opposition desires the board's powers to be relegated to courts of petty session. The questions to be considered by the board are vital from the aspect of public interests; yet a magistrate with no special knowledge of those matters is to be empowered to place the board in the pillory. The members of the board are to be subjected to cross-examination by some petty-fogging but confusing lawyer, acting not on behalf of the public but on behalf of some individual. Such a lawyer might convince the magistrate that the board had erred. Then the magistrate, although really knowing nothing about the matter, would be entitled to say to the board, "You have erred; I give my decision in favour of the appellant."

Amendment put and negatived.

Clause put and passed.

Clause 46—agreed to.

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

Mr. LATHAM: This is one of the worst clauses in the Bill. I hope the Government will not insist upon it.

The Premier: It is a provision to be found in the law of Conservative old England.

Mr. LATHAM: Road transport there is totally different from road transport here. If this clause is dropped, the Bill may be acceptable.

Mr. SAMPSON: I move an amendment—

That in Subclause 1 the words "drive or," line 1, be struck out.

The clause strikes at the right of the proprietor to drive his own vehicle. It seeks to limit the hours which he as proprietor shall work.

The Premier: In the case of a commercial goods vehicle; put that in.

Mr. SAMPSON: Very well. That would be a serious matter to a man seeking to establish himself in business. We know what happened in connection with another measure—an alliance between the master bakers and the union. Such an arrangement is not in the best interests of the people.

The Premier: The whole of this provision is contained in the British Act.

Mr. SAMPSON: If a man operating his own vehicle becomes bankrupt because of this provision, we shall have been to some extent responsible for reducing him to bankruptcy.

The Premier: What nonsense!

Mr. SAMPSON: If the Premier were to start in business as an accountant—

The Premier: Or a newspaper man.

Mr. SAMPSON: If he were not allowed to work the hours he desired, he certainly would not last in his business.

The Premier: I certainly would not last if I worked all the hours that you would desire.

Mr. SAMPSON: I would want the Premier to work all the hours necessary until he got through his work, but not one minute longer. I suggest that if the Premier were in business he should have the right to engage—

The Premier: In unfair competition with anyone else?

Mr. SAMPSON: Of course, it would be fair competition. The employer has to work and pay his way, or lie in bed and wonder how he will be able to pay wages at the end of the week. I assure the Premier that that is correct, because I have tried both ways. I hope the Committee will not interfere with the right of an individual to make a success of his business.

The Premier: This will not interfere except to prevent unreasonable competition with others.

Mr. NEEDHAM: I hope the Minister will not accept the amendment. The clause contains a limitation of 5½ hours on the spread of driving. If a man is engaged in an office,

or some occupation in which no one else's life is affected, he is the arbiter of his own destiny, but if a person is driving for 5½ hours, with or without refreshments, after, perhaps, having been engaged in other activities, there is a possibility of danger not only to himself but to others.

Mr. Sampson: The refreshments might cause an accident, not the desire for rest.

Mr. NEEDHAM: There is the necessity to protect a man from himself, as well as the necessity to safeguard the public.

Mr. Stubbs: How could you police such a provision?

Mr. NEEDHAM: It might be difficult to police, but every such measure comes under that heading.

Mr. Hegney: The driver himself could police it by stopping when he had done his 5½ hours.

Mr. NEEDHAM: With the exercise of common sense and reason, there would be little need for the application of this provision.

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

Ayes	..	..	..	15
Noes	..	..	..	30
				—
Majority against	..	..	..	15
				—

AYES.

Mr. Brockman	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Griffiths	Mr. J. H. Smitt
Mr. Latham	Mr. Stubbs
Mr. McLarty	Mr. Thora
Mr. J. I. Mann	Mr. Welsh
Mr. Patrick	Mr. Doney
Mr. Piesse	

(Teller.)

NOES.

Mr. Clothier	Mr. Needham
Mr. Collier	Mr. North
Mr. Coverley	Mr. Nulsen
Mr. Cross	Mr. Rodoreda
Mr. Cunningham	Mr. F. C. L. Smith
Mr. Hawke	Mr. J. M. Smith
Mr. Hegney	Mr. Tonkin
Miss Holman	Mr. Trov
Mr. Johnson	Mr. Wansbrough
Mr. Keenan	Mr. Warner
Mr. Lambert	Mr. Willcock
Mr. McCallum	Mr. Wilson
Mr. Millington	Mr. Wise
Mr. Moloney	Mr. Withers
Mr. Munroe	Mr. Raphael

(Teller.)

Amendment thus negatived.

Mr. WANSBROUGH: The clause does not contain any reference to the control of the physical fitness of a driver. Men connected with the railway service are required to present a certificate regarding their medi-

cal fitness, their eyesight and hearing. I move an amendment—

That a paragraph, to stand as paragraph (d), be inserted as follows:—“Or who cannot produce a medical certificate of physical fitness, good eyesight, and hearing.”

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

Clause 48—Powers of members of police force and persons authorised by board for purpose of ascertaining whether provisions of Act or regulations are being contravened:

The MINISTER FOR RAILWAYS: I move an amendment—

That a paragraph to stand as paragraph (d) be inserted as follows:—“(d) to give information in respect to the load.”

The Leader of the Opposition has given notice of an amendment, the effect of which is to give farmers or owners of their own vehicles, who cart their own produce on farms, the right occasionally to convey goods from the country to the town. I am inclined to agree to the amendment but at this stage I want to mention that if we are to agree to any such provision, we should recognise it is possible that farmers, given that concession, may at time convey produce other than their own, and we should have the right to information from them as to what goods belong to them and what belongs to others. A farmer might make up a load with the goods of a dozen other people. We do not want that, so I want to insert here the provision that he has to give information as to whom the goods belong.

Amendment put and passed.

Mr. LATHAM: Subclause (2) provides that if a person fails to produce his license or other document for inspection, he shall be committing an offence against the Act. That is all right, but I think he ought to be given a little time. I move an amendment—

That a paragraph to stand as paragraph (d) words “within 24 hours” be inserted.

Amendment put and passed.

The MINISTER FOR RAILWAYS: Subclause (2) provides also that if a person fails to give his name and address, or if he gives a false name and address, he shall be committing an offence against the Act. I want to add to that a provision that when called upon he shall give information

in respect of the load carried. I move an amendment—

That after "thereon," in line 4 of Sub-clause (4), the words "or refuses to give information in respect of the load carried, or gives false information" be inserted.

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

Clause 49—Proof of person being unlicensed:

Mr. TONKIN: I do not like this clause, for it puts the onus of proof upon the accused, which is contrary to British justice. Under this an innocent man could be placed in a very difficult position. It could easily happen that in the opinion of the magistrate the weight of evidence would be against the accused person who, as I say, might be innocent. The onus should be on the Crown to prove guilt. I will vote against the clause.

The MINISTER FOR RAILWAYS: This has to do with a person charged with being unlicensed. The onus is on that person to prove that he is licensed. The holder of a license is the only man that can prove that he has a license. That is all the clause means. All that the owner of a license has to do, is to produce his license. He is supposed to carry his license with him, but even if he be without it at the time it is asked for, he can produce it subsequently.

Mr. Tonkin: But a man might have to prove that he was not operating an unlicensed vehicle.

The MINISTER FOR RAILWAYS: No, that does not come in here. Under this, all that he has to prove is that he has a license; and he is the only man who can prove that. So there is nothing wrong with the clause. Somebody avers that a certain driver has not a license, and all that the accused has to do is to produce his license. Without the clause as worded, when a man was charged somewhere up country with being unlicensed, it might become necessary for the board to send an official armed with certain books a long distance to prove that the accused had not secured a license.

Hon. N. KEENAN: The Minister is correct in saying that some portions are necessary, because it would be impossible for any person except the party charged to prove the facts, as, for instance, that he was the owner of a public vehicle or was licensed or held a particular form of

license. The only person who could show that the assumption was incorrect would be the party himself. In this instance, however, the proof would be available, and the party charged should not be required to disprove the complaint! If he was the owner of a public vehicle that was unlicensed, or the holder of a particular form of license, but did not operate the vehicle on a public road, there would be no offence. Only the operation of the vehicle on a public road would create an offence, and surely the person laying the charge could prove that he saw the vehicle operated on a public road.

The MINISTER FOR RAILWAYS: The clause must be construed in the light of the definition of "operate." It would be difficult to prove that a vehicle was carrying passengers for hire or consideration.

Mr. F. C. L. Smith: It would be just as hard for the driver to prove that the passengers had not paid. How could he do that?

The MINISTER FOR RAILWAYS: There would be a difficulty either way.

Mr. F. C. L. Smith: Then the difficulty should be the concern of the Crown and not of the person charged.

The MINISTER FOR RAILWAYS: Action would generally be taken only after complaint has been made. There would have to be corroboration of evidence on the question of operating. The Government do not intend to have inspectors going around and questioning people as to whom they have in their cars. Action would be taken only when there was reason to believe that systematic attempts were being made to defeat the law. If the passengers in a vehicle declared that they had not paid, their statements would have to be accepted as proof.

Hon. W. D. JOHNSON: I move an amendment—

That the words "or that the public vehicle was operated on a road" be struck out.

It would be possible for the Crown to prove that a vehicle was operated on a road, and it would be wrong to place the onus of disproof on the accused.

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

Clause 50—agreed to.

Clause 51—Penalties for operating unlicensed public vehicles.

Mr. SAMPSON: The fines enumerated in this clause are very ferocious. Surely the Minister would agree to reduce the penalty for a first offence to something like £10, as a maximum, and to £25 for a second offence as a maximum.

The MINISTER FOR RAILWAYS: I will accept an amendment to reduce the penalty to £20 for a first offence.

The Premier: Have you been fined very often?

Mr. SAMPSON: I do not want to be pressed on that point. Perhaps I should have been fined at times for speeding on a bicycle. I move an amendment—

That in line 6 the word "five" be struck out.

Amendment put and passed.

Mr. FERGUSON: I move an amendment—

That in line 7 the words "not less than £25 and" be struck out.

The penalty for a second offence should be left to the discretion of the court.

Amendment put and passed.

The MINISTER FOR RAILWAYS I move an amendment—

That in line 9 the word "less" be struck out and "more" inserted in lieu.

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

Clause 52—Proof that passengers carried at separate fares.

Mr. NORTH: I should be glad if the Minister would explain this clause.

The MINISTER FOR RAILWAYS: A provision similar to this has been in the Traffic Act for the last couple of years, and there has been no protest against it. It is difficult to prove that passengers are carried at separate fares, and this provision seems to be the only way to deal with the situation.

Mr. WANSBROUGH: I know of cases where passenger vehicles are licensed as such but an agent is employed to collect the fares. A man ought to be protected as to the seating fees that he has paid.

Clause put and passed.

Clauses 53 to 56—agreed to.

Clause 57—Regulations:

Mr. LATHAM: Paragraphs (e) and (f) of Subclause 1 are utterly unfair. If the particulars specified in them were made public, grave injury might result to individuals. Such information should be confidential. Moreover, the board should have only power to prescribe maximum fares. I move an amendment—

That in Subclause 1 the words "the maximum" be inserted at the beginning of paragraph (e).

Amendment put and passed.

Mr. LATHAM: I move an amendment—

That in Subclause 1, after the words "license fees," in paragraph (f), there be inserted "and such information to be treated as confidential."

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

Clause 58—agreed to.

Clause 59—Financial provision:

The MINISTER FOR RAILWAYS: In order to maintain the rights of public bodies who have received certain fees under the Traffic Act, I move an amendment—

That Subclause 2 be struck out, and the following inserted in lieu:—“(2) Out of the said fund there shall be paid the cost of administration of this Act, and at the end of the financial year any balance remaining in the fund shall be divided into two portions in the same proportion as the total license fees derived from licenses issued for omnibuses bear to the total license fee derived from licenses issued for commercial goods vehicles. The portion which is derived from the fees for the issue of omnibus licenses shall be applied towards the maintenance and improvement of the roads on which the omnibuses operate, and shall be divided equitably amongst the various statutory authorities concerned in the maintenance and improvement of those roads. The portion which is derived from the fees for the issue of licenses for commercial goods vehicles shall be applied in like manner towards the maintenance and improvement of the roads on which the commercial goods vehicles operate, and shall be divided equitably amongst the various statutory authorities concerned in the maintenance and improvement of those roads.”

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

Clause 60—agreed to.

First Schedule:

Mr. FERGUSON: I move an amendment—

That in paragraph (1) the words "between any farm or forest and railway station or town nearest to such farm or forest" be struck out.

There are people in my electorate, and in other electorates, whose only means of locomotion is the motor truck. When they want to come to the city after harvest or for a holiday, they usually put half-a-dozen bags of wheat in the back of the truck in order to get a reasonably comfortable trip for their wives and families. Under the paragraph they would be breaking the law if they did that.

The Minister for Railways: The Leader of the Opposition has on the Notice Paper an amendment dealing with that aspect.

Mr. FERGUSON: I do not think so.

Mr. WISE: I oppose the amendment.

The Minister for Railways: So shall I.

Mr. WISE: I trust the Minister will give me an assurance that certain persons I have in mind will not be penalised under the provisions of the schedule. Men are making their living by conveying goods from stations to rail heads within areas prescribed by the Bill both south and north of the 26th parallel. In the Murchison district there are many men carting produce to centres such as Geraldton, Ajana, Meekatharra and Mullewa, or to the nearest rail head that suits their purpose. They may be brought within the scope of the Bill, particularly if the amendment be agreed to. They will not be able to ply their trade and that would not be right. I would like to know whether they will be covered by paragraph (8) of the schedule which gives the board power to grant exemption. Then there is a man who runs from Carnarvon to Geraldton in the course of which he passes the railway line at Ajana. There is a train service to that centre once a week. It would be unfair if he were forced to unload his produce at Ajana. He should be allowed to travel on the road along the line to Geraldton although, as the Bill stands, that would mean breaking the law.

The MINISTER FOR RAILWAYS: When the Bill was being drafted, I informed the draftsman that there might be occasions when the board should be empowered to grant exemption and paragraph (8)

was included for that purpose. It was to deal with such matters as the member for Gascoyne has mentioned that that paragraph was inserted.

Hon. N. KEENAN: There is some confusion regarding this matter, perhaps on the part of the draftsman. Paragraph 8 deals with the granting of exemptions from the provisions of Clause 34, which has nothing whatever to do with it. Clause 33 is the clause affected.

The Minister for Railways: The Bill was altered during the process of drafting and apparently Clause 33 should have been referred to.

Hon. N. KEENAN: Perhaps so, but as it stands, the provision has no meaning. Similar legislation adopted elsewhere is much more generous from the standpoint of exemptions.

The CHAIRMAN: Order. We are dealing with the amendment.

Hon. N. KEENAN: Then I will deal with this matter at the appropriate time, but I would point out that I have merely followed the bad example of the Minister.

Mr. LATHAM: The words proposed to be struck out should stand part of the paragraph, but I would like the Minister to agree that when I move the amendment that I have placed on the Notice Paper, he will agree to the inclusion of a provision enabling a farmer to carry not more than 12 bags of wheat or other cereals on his truck.

The Minister for Railways: Just now the member for Irwin-Moore wanted six bags.

The Premier: If 12 bags are put on the truck, where will the family go?

Mr. FERGUSON: With the permission of the Committee, I will withdraw my amendment.

Amendment, by leave, withdrawn.

Mr. FERGUSON: I move an amendment—

That in lines 1 and 2 of paragraph 2 of the First Schedule, the words "owned by the producer of such grain" be struck out.

This provides for the carriage of grain in a vehicle to a flour mill. Most of the farmers carry wheat to a mill to get flour for their own requirements. The nearest siding to a farm is generally very handy to that farm, but a mill is situated in a large country centre or at a port, and so only those with motor vehicles can take wheat to a mill to get it gristed. Consequently it

is the practice for several farmers to club together and ask one man to take their wheat to the mill, it being impossible for them to take it in their own horse-drawn vehicles. I agree that generally speaking a farmer should get exemption only in respect of his own vehicle, but the Minister might agree to exemption being granted for a man taking a few bags of wheat, including some of his neighbour's, to a mill to have it gristed.

The MINISTER FOR RAILWAYS: All farmers have vehicles of some sort in which they can cart to a siding, and since all the flour mills are on railway lines, the farmer, if he has not a motor truck, can send his wheat by railway.

Mr. Ferguson: That would cost him too much.

The MINISTER FOR RAILWAYS: Only a few pence more than sending it by road in his own truck, if he had one. I cannot agree to the amendment, for it would open the door to all sorts of abuses.

Mr. SEWARD: I will support the amendment. In my own district the nearest siding is Narrogin, and many of the farmers who are 15 miles from Pingelly have very little farther to go to the mill at Narrogin than they would have in going to Pingelly. Consequently they combine and get their wheat taken by one of the farmers to the mill at Narrogin. I hope the Minister will agree to the amendment, for without it considerable hardship will be caused.

Mr. MOLONEY: As the result of an amendment, we have increased the area stipulated in Clause 33, and now Country Party members want to increase it still further. In my view, Clause 33 covers all that we are dealing with.

Mr. PIESSE: I hope the Minister will accept the amendment, for without it the clause will press harshly on those farmers who do not own motor trucks.

The Minister for Railways: How much would it cost such a farmer to send his wheat by railway?

Mr. PIESSE: It would cost him more than sending it by road, for whereas the distance to the mill by road would be, say, 15 miles, it might be 30 miles or 40 miles by rail. The average gristing for a farmer's requirements would be not much more than a ton, and small quantities carried over the railways have to bear the higher

freight rate. In some instances the farmers could combine to make up a truck load, but that is not always possible.

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

Ayes	..	..	..	..	16
Noes	..	..	..	..	23

Majority against 7

AYES.

Mr. Brockman	Mr. Patrick
Mr. Ferguson	Mr. Piesse
Mr. Griffiths	Mr. Sampson
Mr. Keenan	Mr. Seward
Mr. Latham	Mr. J. H. Smith
Mr. McLarty	Mr. Stubbs
Mr. J. I. Mann	Mr. Welsh
Mr. North	Mr. Doney

(Teller.)

NOES.

Mr. Olothier	Mr. Nulsen
Mr. Collier	Mr. Raphael
Mr. Coverley	Mr. Rodoreda
Mr. Cross	Mr. F. C. L. Smith
Mr. Cunningham	Mr. Tonkin
Mr. Hawke	Mr. Troy
Mr. Hegney	Mr. Wansbrough
Mr. McCallum	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Moloney	Mr. Withers
Mr. Munzie	Mr. Wilson
Mr. Needham	

(Teller.)

Amendment thus negatived.

Mr. LATHAM: I move an amendment—

That the following be added to paragraph 2 of the schedule:—"solely for the carriage of livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities, or wheat, from the place where they are produced to any other place, and for the carriage on the return journey of any farmers' requisites for domestic use or for use in producing the commodities named therein, and not intended for sale: Provided the vehicle is owned by the producer"

The MINISTER FOR RAILWAYS: The Leader of the Opposition has adopted certain verbal alterations to the amendment appearing on the Notice Paper and, in the form in which he has now moved it, I am prepared to accept it. Some of the alterations were contingent upon matters contained in Clause 33.

Mr. SAMPSON: I suggest that after the word "produced" the words "or stored" be inserted.

The Premier: The commodities would have to be produced before they could be stored.

Mr. HAWKE: Has the Minister fully considered the effect of the amendment? It seems to give power to the producers of

the commodities named not only to cart their produce wherever they wish, but to cart back on the return journey anything required for the production of such commodities.

Mr. DONEY: A similar provision appears in the Traffic Act.

The Minister for Railways: Provided he does it in his own vehicle.

Mr. HAWKE: This will give the farmer the right to take back to his farm anything from a ploughshare to a harvester.

Mr. Stubbs: That is in the Traffic Act now.

Mr. HAWKE: If the Minister is aware of what is intended, and is generous enough to accede to the wishes of the Leader of the Opposition, I have no fault to find with the proposal.

Mr. LAMBERT: In my opinion such a right as is conveyed in this amendment should be given only on a permit.

Mr. Latham: It is already contained in the Traffic Act.

Mr. LAMBERT: That is a very different provision. Farmers in the Yilgarn area would not benefit from this amendment. The Minister should hesitate before he gives these indiscriminate powers to the producers. Further debate on the schedule should be postponed. The Minister has been exceedingly generous in accepting this amendment.

The Premier: We are in a generous mood.

Mr. LAMBERT: The taxpayers as well as the farmers are entitled to consideration. If we are going to run through the clauses like this, the whole system for which we are providing will break down. We should not give sectional concessions like this. Parliament is right in the attention it is giving primary producers. The amendment is excellent political propaganda. If we are going to lend ourselves to that sort of thing, my time here has been mis-spent. Up to now the Minister has been well nigh inflexible, but on this subject he has fallen in with the wishes of the Leader of the Opposition. The amendment opens the way to an absolute defeat of the principles of the Bill. Too much tolerance has been shown to those crying and whining and moaning about the primary producers, for whom no one has a greater regard than I have. I wonder that the Minister for Railways allows himself to be used in the manner suggested by the Leader of the Opposition. How are the

farmers in the Yilgarn area to benefit from the amendment? The inclusion of wheat was an after-thought of the Leader of the Opposition. The carrying of the amendment would make it impossible either to administer or to police the measure.

Mr. TONKIN: If the Minister accepts the amendment, I fail to see the logic of his position. The carrying of the amendment would mean a wonderful win for the Opposition. Earlier in the proceedings an Opposition member was denied a concession in paragraph (1) of this schedule. Now we are about to let the farmers cart anything anywhere and bring back what they like. Let us either abandon the Bill or control what we set out to control. The Opposition will say very little about this matter, hoping by their silence to get what they want.

Mr. NEEDHAM: If the Minister accepts the amendment, he is slipping. It will be highly difficult to police. If the farmer only brought back with him on the return journey something for his domestic use, it would be all right; but he might bring back something for the domestic use of many farmers en route. The amendment is a drag-net provision. However, I would support it if I were sure its operation would be restricted to the domestic requirements of the owner of the vehicle.

The Minister for Railways: The matter is governed by a clause, passed earlier in the evening, as to averment. The farmer has to prove that the goods carried are for his domestic consumption.

Mr. NEEDHAM: Paragraph (8) gives quite enough without anything additional.

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

Ayes	..	..	..	..	28
Noes	..	..	..	..	11

Majority for 17

AYES.

Mr. Brockman	Mr. Nulsen
Mr. Collier	Mr. Parnell
Mr. Cross	Mr. Piesse
Mr. Ferguson	Mr. Rodoreda
Mr. Griffiths	Mr. Sampson
Mr. Hawke	Mr. Seward
Mr. Keenan	Mr. J. H. Smith
Mr. Latham	Mr. Stubbs
Mr. McCallum	Mr. Troy
Mr. McLarty	Mr. Wainbrough
Mr. J. I. Mann	Mr. Welsh
Mr. Millington	Mr. Willcock
Mr. Munzie	Mr. Wilson
Mr. North	Mr. Doney

(Teller.)

NOES.

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

Amendment thus passed.

The MINISTER FOR RAILWAYS: I find that the word "principally" has a tremendously wide application and the use of "solely" would make the position more clear and prevent litigation. I move an amendment—

That in line 1 of paragraph (3) "principally" be struck out and the word "solely" inserted in lieu.

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

Schedule 2:

THE MINISTER FOR RAILWAYS: I have an amendment on the Notice Paper to substitute a new Part I which will, while containing practically the same words, set out what is desired more clearly. I move an amendment—

That Part I be struck out and the following inserted in lieu:—

PART I.

Rules for ascertaining power to load weight of commercial goods vehicles (not including trailers or semi-trailers) for the purposes of this Schedule.

1. The power weight (P.W.) of a commercial goods vehicle, which is a motor vehicle, is ascertained by adding the weight thereof expressed in hundredweights (cwt.) (complete and ready for use, including the tools, oils, spare parts, tyres, and other accessories usually carried) to the horse-power calculated on the Dendy Marshall formula.

2. The power load weight of a commercial goods vehicle, which is a motor vehicle, is ascertained by adding to the power weight of the vehicle the carrying capacity (expressed in hundredweights) as verified by statutory declaration when application is made for a license.

3. The horse-power (H.P.) of a commercial goods vehicle, which is a motor vehicle, is ascertained according to the Dendy Marshall formula by multiplying the square of the diameter of the cylinders (expressed in inches) by the number of cylinders and the length of stroke (expressed in inches) and dividing the result by 12.

4. The power load weight of any other commercial goods vehicle which moves under its own power shall be ascertained in the prescribed manner.

Provisos relating to increased fee where commercial goods vehicle fitted with other than pneumatic tyres.

Provided that all commercial goods vehicles:—

- (a) fitted with solid rubber tyres may be charged an additional 40 per cent. on the fee so assessed;
- (b) fitted with cushion tyres, neither solid nor pneumatic, may be charged an additional 10 per cent. of the fee so assessed;
- (c) fitted with metal tyres, shall be charged an additional 80 per cent. of the fee so assessed.

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

Progress reported.

House adjourned 11.29 p.m.

Legislative Council,

Wednesday, 29th November, 1933.

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

BILL—MINE WORKERS' RELIEF ACT AMENDMENT.

Third Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [4.36] in moving the third reading said: I take this opportunity to supply information which on the second reading I promised I would secure before