

ment, it should be placed on a footing with other Government institutions.

Mr. MULLANY: I am not in any way antagonistic to Mr. Fairbridge. But some years ago he arrived here from England in charge of a number of children for whose maintenance, he said, certain persons in England would be responsible; and within a short time after arrival those children became a charge upon the Charities Department. Now we find on the Estimates a sum of £150 to enable Mr. Fairbridge to bring more destitute children into the State. If the people at Home fail in their undertaking to maintain those children, the Charities Department must inevitably come to the rescue. We require immigrants, but we cannot afford to accept destitute children without some reliable guarantee of their maintenance. I move an amendment—

That the item be struck out.

[The Speaker resumed the Chair.]

Progress reported.

*House adjourned at 11.20 p.m.*

## Legislative Council,

*Thursday, 23rd October, 1919.*

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

### OBITUARY—HON. H. J. SAUNDERS.

Letter in Reply.

The PRESIDENT: I have to announce that I have received the following letter—

The President of the Legislative Council.  
Dear Sir, I and my family wish to tender our sincerest thanks to the members of the Legislative Council for the resolution passed expressing their deepest sympathy to us in our recent bereavement. (Sgd.)  
Julia Saunders.

### LEAVE OF ABSENCE.

On motion by Hon. J. Duffell (for Hon. J. Cornell), leave of absence for six consecutive sittings of the House granted to Hon. J. E. Dodd (South) on the ground of ill-health.

### BILL—SLAUGHTER OF CALVES RESTRICTION.

Third Reading.

The HONORARY MINISTER (Hon. C. F. Baxter—East) [4.34]: I move—

That the Bill be now read a third time.

Hon. J. MILLS (Central) [4.35]: In Committee I did not desire to infringe upon the Standing Orders, and bowed to the ruling of the Chairman in the matter of a clause I wished to insert in the Bill. I realise that the clause was not within the scope of the Bill, but would like to point out that the Bill only provides for the preservation of calves for six months and that, during that time, they would have to be artificially fed, and would be in fair condition. The small butcher in the metropolitan area would, therefore, probably give a better price for them than people in the country would give, unless some restrictions are placed upon the sale of them, or their preservation by other means. I trust that something of the kind will be done. I should like to have an assurance from the Honorary Minister that he will bring down a Bill to regulate the breeding of dairy cows within the defined areas, and preserve these calves so that they may not be used for any other purpose than for dairying. Then those who are operating in the country, who wish to get well bred calves, will have the assurance that these will have come from well bred dairy cows which have been under the supervision of Government officials. They will thus know that they are getting a good article for their purpose. I should like some assurance from the Honorary Minister that the Government will bring in a measure to provide for what I have suggested.

Hon. H. MILLINGTON (North-East) [4.37]: I have pleasure in supporting the remarks of Mr. Mills. Clause 4, which provides a penalty for the slaughter of any female calf of the age of six months, is the main clause of the Bill, and I presume the object is that dairy stock should be bred within the State. It appears to me that this Bill does not ensure this being done. Mr. Mills' remarks will, therefore, bring the matter under the notice of the Government. I suggest that the object desired in the Bill could be obtained in another way by a further measure. This is a question of great importance to our dairying industry. Those who wish to launch out in dairy farms will find it most difficult to get suitable stock. As time goes on this difficulty will be enhanced. If anyone has to do with such a

matter it is surely the Government. The question raised by Mr. Mills yesterday was presumably out of order, but it seems to me it will be impossible to discuss this question without introducing the point raised. I do not propose to infringe on the Standing Orders, because I believe it is sufficient to call the attention of the Government to the matter. Their attention has now been directed to the fact that their object cannot be gained by this Bill. There is nothing to provide for the preservation of female calves over the age of six months, and well bred calves will not be protected in the way desired. If only mongrel stock were concerned, there would be no incentive to buy it, but if dairy people had the assurance that the stock was well bred and suitable for dairy purposes, it would be a good proposition for them to take on. For these reasons I support the remarks of Mr. Mills, and congratulate him upon having drawn attention to the matter.

Hon. Sir E. H. WITTENOOM (North) [4.40]: As the matter has come up in this way, I should like to make one or two remarks. The Bill as it stands is futile and will not accomplish what it professes to accomplish.

Hon. J. Mills: That is so.

Hon. Sir E. H. WITTENOOM: If people want to kill a calf it is quite good enough veal at seven months for that purpose, and they have only to keep it for a month and improve it in condition for it to fetch a better price than it would do at six months. The suggestion Mr. Mills made yesterday was an admirable one, namely, that we should have a good strain in our young stock, so that it would be worth preserving.

The HONORARY MINISTER (Hon. C. F. Baxter—East—in reply) [4.42]: The Government are desirous of doing all they can to assist the dairying industry. I recognise that Mr. Mills has moved in the right direction. This is the first step taken by the Government in the matter of protecting calves up to the age of six months. When a calf reaches that age, and is of good dairy stock, it would be readily purchased by those engaged in the dairying industry, on account of its breeding. If, as Mr. Millington suggests, the calves are of a poor class, it is a good thing to butcher them, because it would not be a payable proposition to those in the dairying industry to purchase them.

Hon. J. Mills: If you had a good bull with the dairy cows, you would not have poor stock.

The HONORARY MINISTER: The dairymen in the metropolitan area, in which the Act would apply, are all very jealous in regard to seeing that they get good sires, and they keep for themselves the best of the progeny. When valuable milkers are mated with a good sire, the result must be good stock.

Hon. J. Mills: They do not keep many when they slaughter 851 calves from 500 cows.

The HONORARY MINISTER: The hon. member is taking advantage of a mistake that occurred. The figures I used were 5,000 cows, and not 500. It is obvious that 500 cows could not produce 851 calves in six months. This is only an initial step on the part of the Government, who will, if necessary, bring down measures to protect the industry in this and in other directions.

Hon. Sir E. H. WITTENOOM: Is this only in connection with the metropolitan area?

The HONORARY MINISTER: It may apply to such other large centres as Southern Cross, where there are two of the best dairies in the State, or Geraldton, or some other centre. We can do this by regulation. That is the reason for putting in the clause giving the necessary authority by regulation.

Hon. Sir E. H. WITTENOOM: What are the present intentions of the Government?

The HONORARY MINISTER: To apply the Act to the metropolitan area. If necessary it may be extended to other areas where any killing is going on. If it is found necessary, other measures will be brought in to safeguard the position.

Question put and passed.

Bill read a third time, and passed.

## BILL—TRAFFIC.

### Second Reading.

Debate resumed from the previous day.

Hon. J. F. ALLEN (West) [4.45]: It is my intention to support the Bill. When I moved the adjournment yesterday, it was for the purpose of looking into a phase of the question raised by Mr. Nicholson. Having satisfied myself on that point, I have very little further to say other than that for years past this State has been waiting for a Traffic Bill that would displace the old slipshod method of control which has existed for so long and give us something like uniformity of regulation over that control. We have been waiting for a measure which will eliminate that injustice under which drivers and owners of vehicles have had to be licensed in more than one district in order that they might ply their vocation. I am also pleased to notice that the Bill embodies the suggestion which I made on the Address-in-reply debate that all drivers of motor vehicles should be licensed. This will bring us into line with other parts of the world. I am in favour of the pooling of fees in the metropolitan area, which seems to me the only just method by which the smaller local authorities shall have that moiety of the fees to which they are entitled. For years past the larger centres in this State have been reaping a rich harvest of fees, which they have expended within their own boundaries, but which really should have been distributed over the surrounding districts. The Bill aims

at relieving that position. As I shall not have an opportunity of touching upon any of the clauses in Committee, I should like to refer to one or two of them now. By the second proviso to Clause 10 a minister of religion is entitled to a license fee free of charge for one vehicle kept by him for his own personal use. I take it that is because ministers of religion are very largely engaged in work of a charitable nature. But I should like to remind the Government that ministers of religion are not the only persons so engaged. For instance, the Silver Chain nurses and other representatives of charitable organisations have to do much the same work as ministers of religion without fee or reward, and I think the exemption should be extended to those persons. The Minister has intimated that it is his intention when in Committee to move an amendment of the definition of local governing bodies so as to bring it into line with those portions of the Bill which vest in the Minister the power to grant licenses in the metropolitan area. I should like the Minister, when replying to the debate, to indicate exactly what the amendment will be. Because, while in Clause 12 that power is vested in the Minister, in Clause 13 there is a provision that local governing bodies shall not refuse a license to any person applying for one.

The Minister for Education: No, the local authority.

Hon. J. F. ALLEN: Who, I take it, will be the Minister. In paragraph (f) of Clause 13 it is provided that the local governing body shall not have power to refuse a license unless the reasonable requirements of the public do not justify the granting of the license. That is to say, if the vehicles plying at any point in the metropolitan area are sufficient for the requirements of that locality, only the Minister shall have the power to refuse to grant licenses for any additional vehicles. I should prefer to see a provision prescribing that not only shall the Minister be consulted on this question, but that the local authority shall have the right to say whether or not such vehicles shall be licensed. I represent a province in which the provision in the Bill may create a certain hardship. Before many years are over it may be that other portions of the metropolitan area will be in the same position. In Fremantle we have a locally owned system of tramways controlled by a board elected by the people of the district. If the granting of licenses for vehicles to ply for hire in Fremantle were vested in the local authority, no license for, say, motor buses to run in competition with the trams, would be granted by the local authority; but if the amendment suggested by the Minister vests that power in the Minister without consideration for the local authority, it is possible that some future Minister for Works will grant a license to motor buses to run in competition with the Fremantle trams, and so destroy the people's asset. It is a vital point, and I trust it will be attended to. There are many amendments which could be made to the Bill.

I could suggest several myself, but as we have waited so long for the measure I am inclined to accept it as it stands and let the voice of experience dictate any amendments that may be required after the measure shall have been in operation for some time; I prefer this rather than delay the measure by trying to improve it at this juncture. For this reason I cannot agree with the suggestion that the Bill should be submitted to a select committee. I will support the second reading.

Hon. R. J. LYNN (West) [4.53]: I should not have had anything to say on the second reading but for the remarks of Mr. Cornell, who twitted me upon having changed my views respecting the Bill. When the Bill originally came before the House in 1912 I was opposed to it. That measure was not on all fours with the Bill now before us. On the second occasion, when I supported the second reading, I did so with the hope that the Minister would agree to a schedule of main roads being included in the measure, so that the money collected for license fees would be expended on the roads in the schedule; otherwise certain municipalities would have been asked to forego a large proportion of their revenue, and none of the roads in their districts would have been included, because the schedule would not have been agreed upon by the Government. The measure we now have is entirely different from any we have had before. I support the second reading because the moneys collectable from licenses are to be expended within the limits of the metropolitan area. No exception can be taken by the representatives of the West Province, because the money that must of necessity be expended in their area will be more than the amount collected from license fees in that area. Possibly another reason for my attitude in those days was that I had not studied the question to the extent that I have since done; the position was not forced on me as it has been since the introduction of the measure in 1913. When I went to the city council to take out a license fee for a motor car it at once dawned on me that I was not using that car in the city at all. I was using it in the Fremantle district, but because my home was in West Perth I was called upon to contribute to the city council the amount for a license fee for simply storing that car at night. I would be using the roads of half a dozen local authorities who would get from me no revenue for the maintenance of those roads, since I had to take out the license from the local authority in whose district I resided. I think it only reasonable that a percentage of the money collected by the city council for fees should be allocated to other districts for the maintenance of the roads on which the burden of traffic falls. Because of that I will support the measure. Also I am in favour of the pooling of fees collectable under the Bill. I realise that Subclause (2) of Clause 12 hands to the Minister a blank cheque as to where the money shall be expended. Person-

ally, I think it is a weak clause, because the onus of expenditure rests entirely on the Minister, and he alone shall decide as to where the amounts collected from license fees shall be expended. The warrant of the Minister shall be sufficient. But I hope that the statistics taken by the Minister respecting the traffic over the main roads will at least guide him to a wise allocation of the expenditure among the local authorities. Paragraph (f) of Clause 13 is to me objectionable, because apart from the Minister having the power to decide the number of licenses that shall be issued, it hands to the Minister an absolute control of the entire traffic and the business regulations in the whole of the metropolitan area. Assume, for instance, that three men are engaged as carriers in a certain locality. Under this clause it will rest with the Minister to say that those three men shall have a monopoly of carrying in that district, if in his opinion they are a sufficient number for the district. Quite possibly another carrier, if setting up in the district, might find sufficient employment, as well as the other three carriers. No man should be debarred from engaging in a competitive calling if he chooses to do so. So long as he is of good repute and pays his license fee, he should have the opportunity of competing. That is a privilege enjoyed in every other walk of life. The restriction in that clause will enable the Minister to create monopolies, and it should be eliminated. Under Clause 20, paragraph 2, a fee of 5s. is payable for the issue of all licenses. I agree with Mr. Cornell that if this fee is needed for revenue purposes, its amount might be increased to 10s., or 15s., or even £1, but that once a license has been issued to a man he should not have to come up every twelve months in order to obtain a renewal of the license and pay another fee.

Hon. J. Duffell: The object is to deal with illegal joy riders and car stealers.

Hon. R. J. LYNN: The licenses of such persons should be revoked. Let the amount of the fee be increased if necessary, but once the fee is paid the holder of the license should be entitled to use it permanently subject only to good behaviour, as is the case in every other walk of life. I realise the difficulty attached to the amending of the clause which refers to the schedule of fees. It seems to me, however, that the person responsible for the fixing of the fees in the schedule has only a faint idea of what would be fair rates for the various licenses. An ordinary motor car for private use, which perhaps may be on the roads only two or three afternoons a week, is to pay a license fee of up to £10. But for road locomotives and traction engines, of which we have several in this State, travelling continuously from 8 a.m. to 6 p.m. and even later, machines with great iron wheels and bars across them, the fee is only £6 per annum. Those engines are too heavy for many of the suburban roads, the lighter of which are built on sand, though they have six inches or eight inches of rock capstone and

perhaps a couple of inches of blue metal, and then a blinding. That is a fair road for reasonable traffic, but these engines weighing five tons almost fall through such a road. In winter they cut it up, and the damage they cause to it in summer gives rise to heavy maintenance cost. I suggest to the Minister that he reconsider the fee for locomotives and traction engines employed as I have described. Certainly the fee for these engines should not be less than that for a medical man's motor car. All the fees should be on an equitable scale. With these remarks I support the second reading of the Bill.

**THE MINISTER FOR EDUCATION**  
(Hon. H. P. Colebatch—East—in reply)  
[5.10]: I have to thank hon. members for the favourable reception that they have given to this measure, and I trust that they will not agree to the suggestion thrown out by Mr. Nicholson, to refer the Bill to a select committee. The Bill, as I mentioned in moving the second reading, has been before Parliament on previous occasions. Its provisions are well understood, and I think that whatever amendments may be necessary can very readily be made in Committee of the whole, without the delay involved in referring the measure to a select committee. The suggestion was made by Sir Edward Wittenoom that a minimum should be inserted in the Bill with regard to width of tires. The existing Width of Tires Act does provide a minimum. Section 2 of it reads—

On and after the first day of May, One thousand eight hundred and ninety-six, no person engaged in building, constructing, selling, or making vehicles shall build, construct, or make, sell, or hire, or offer for sale or hire, any vehicle, unless the width of the tires of such vehicle shall be in the following proportion to the diameter of the axle arm of such vehicle . .

The minimum diameter of axle arm is fixed at two inches, and the minimum width of tire at three inches. But in the case of that Act "vehicle" means "any wagon, dray, cart, or lorry," but it does not include "any vehicle intended solely to carry passengers." In this Bill "vehicle" means any vehicle included in the Second Schedule, which defines "carriage" as "any description of vehicle with springs drawn or propelled by animal but not human power, and mainly used for the carriage of persons." So that the width of tires provision under this Bill applies to all vehicles. In the opinion of the department, the minimum that will be arrived at by the process set out for defining the width of tires is sufficient to protect the roads. If it is thought desirable that a minimum width of three inches should actually be expressed, an amendment to that effect could be made. But if that were done I think it would be desirable to state clearly that the minimum applies only to the same class of vehicles as are included in the original Width of Tires

Act, and not to all vehicles as defined in the Second Schedule to this Bill. Sir Edward Wittenoom also desired an explanation of the rules for ascertaining power weight and power load weight, contained in the Third Schedule. I believe that on one occasion a Chancellor of the Exchequer when introducing his Budget was puzzled owing to some figures in his notes being expressed in decimal fractions, whereupon he turned to a colleague and showed him the figures and asked "what those demnition dots meant." I feel in the same position when asked for an explanation of these rules. However, the explanation is as follows:—At present motor vehicles are licensed on the basis of their horse power, which is on the R.A.C. formula, being a short form of expressing the basis adopted by the Royal Automobile Club of England. It is now proposed to make the basis of the licensing fee to be upon the horse-power combined with the weight of the vehicle, and for this purpose the term "power weight" is adopted. This means that the weight of the vehicle is added to the horse-power for passenger vehicles under the term of "power weight." In the case of motor wagons the basis is similar to that for passenger vehicles, the horse-power supplemented by the load the vehicle is intended to carry, thus making the term "power load weight." The difference between the R.A.C. formula for arriving at the horse-power of motors, and that of the Dendy Marshall, which it is now proposed to use, is that in the R.A.C. formula no provision is made for the stroke in the calculation, whereas in the Dendy Marshall basis the stroke is provided for, and the Dendy Marshall is regarded as a more reliable basis. It has already been adopted in this State by the local automobile club, who have used it in connection with certain of their speed, hill-climbing, and other tests; and it is therefore familiar to most motorists. Mr. Mills suggested the necessity for reinserting in the Bill a clause that had previously appeared, referring to the pooling of fees. There was no provision for pooling fees, but provision was made to cause the local authorities to restrict the fees collected by license to be used solely on the main roads, which would be defined by the Government. It was also proposed to supplement these fees on the basis of pound for pound, and the necessary provision was duly made on the Estimates of the day. It is considered that the financial position does not warrant that provision being made now, but the question of main roads is receiving the very careful consideration of the Government at the present time.

Hon. Sir E. H. Wittenoom: May I ask for information?

The PRESIDENT: The hon. gentleman must only rise in his place to interrupt the hon. member speaking if he wishes to raise a point of order or to make a personal explanation.

The MINISTER FOR EDUCATION: I think Sir Edward Wittenoom will have every opportunity to go into further detail on this question when we reach that point in Committee. I do not propose to go into Committee on this Bill to-day, and I throw out the suggestion that any hon. members who wish to bring forward amendments should put them on the Notice Paper, so that when we go into Committee on Tuesday next, we shall know where we are.

Hon. Sir E. H. Wittenoom: It was only information that I wanted.

The MINISTER FOR EDUCATION: I shall be able to give it to the hon. member. I am sorry that Mr. Cornell is not in his place in the Chamber this afternoon. He made rather a severe attack upon me for having changed my attitude in regard to this measure. He also referred to the Bill as one of unification, and he suggested that I was supporting unification by supporting the Bill. There are many matters in which uniformity is highly desirable. For instance, it is desirable that right throughout Australia we should have uniform laws relating to marriage and divorce and bankruptcy, but that is not to suggest that one believes in unification or unified control. It will, however, be readily admitted that there should be uniformity in regard to traffic regulation.

Hon. G. J. G. W. Miles: It is more decentralisation than unification.

The MINISTER FOR EDUCATION: In 1912 and in 1913 Bills somewhat similar to the present one were introduced and Mr. Cornell, while twitting me with change of front, was frank enough to remark that I did not say anything on this particular provision, and that I merely contented myself with voting against it. The only one I did speak against was the provision that the approval of the Minister should be obtained in connection with the appointment and dismissal of inspectors under the Bill, and that provision does not appear in the present measure. In connection with the Bill now before the House, the matter that appeals to me and must appeal to hon. members, is the greater efficiency of supervision which will be secured by the police control in the metropolitan area. Mr. Cornell suggested that the House had a responsibility on its shoulders in connection with recent accidents because of what was done in 1912 or 1913, but the Bills which were submitted at that time did not make provision for the control of the traffic in the metropolitan area by the police, so that the measure of my inconsistency is merely in regard to one clause, and that clause that the Minister should be the licensing authority for the metropolitan area. The hon. gentleman also told us that other hon. members changed their opinions and that the others, with the exception of myself, who voted against those Bills, had for one reason or another left the House. It is said that there is joy in the Kingdom of Heaven over one sinner who repenteth. I have no ill feeling against any hon. member

who changes his opinion. Mr. Cornell, too, may, on some matter alter his opinion and agree with me, and therefore I am disappointed that he resents my change of attitude on this small point in regard to the control of traffic in the metropolitan area. There is a great deal to be said in favour of the contention that motor drivers once having obtained a license should not then be taxed every year. The point is quite arguable and may be discussed in Committee. The practice elsewhere is to make these licenses renewable annually. The idea is that, for the welfare of the community, the licenses should be reviewed annually. Mr. Sanderson misunderstood me if he thought I regarded his reference to the matter of aeroplanes as unimportant. My point is that the control of aeroplanes is a matter which would not have a proper place in this Bill. I have no doubt that before long it will be necessary to pass through Parliament a Bill to control the employment of aeroplanes. The hon. member's speech will bring the matter prominently under notice, and we can watch legislation elsewhere and then be prepared to suggest legislation for this State when the time for its introduction arrives. I agree with the hon. member that it is desirable that all modern appliances should be made use of in the development of this country and it will not be long before we have so many aeroplanes that it will be necessary for them to be properly controlled. It is not, however, a matter that should be included in the present Bill. With respect to the objection raised by Mr. Panton regarding width of tires, I am inclined to think that it will probably disappear now that he has discovered that the weight he gave of a dray was really the weight of both horse and dray. The 500 bricks which the drays are supposed to hold weigh 40 cwt., and a dray with  $4\frac{1}{2}$  in. tires would be entitled to carry 54 cwt. I understood the hon. member to say that the weight of a dray was 15 to 17 cwt. Tires of  $4\frac{1}{2}$  in. in width would therefore be sufficient for the purpose. If not it will not be a serious matter to increase the width of the tires by half an inch. In any case, as I explained when moving the second reading of the Bill, there is room for a difference of opinion as to whether the amount should be 6 cwt. to the inch, or more or less. In Adelaide it was as high as 10 cwt., but that has been reduced, and it was stated here that it should be  $4\frac{1}{2}$  cwt. If thought desirable, however, it may be increased to  $6\frac{1}{2}$  cwt. These details can be considered in Committee. Mr. Nicholson raised several points, to which I think he gave a rather exaggerated importance. So far as the repeal of Section 179 of the Municipalities Act is concerned, it is quite possible that it may be desirable to make clear exactly the kind of vehicles that are alluded to in sub-paragraph (e) of that section. So far as the last paragraph is concerned, the reason for leaving this particular matter under the control of the local authority is that they are not governed by the Traffic

Bill. So far as other matters referred to in connection with Section 179 are concerned, the whole of them are included in the present Bill and will be governed by uniform by-laws, and there will be further the right on the part of the local authorities to make their own by-laws so long as they are not inconsistent with the uniform by-laws to be framed. The hon. member also took exception to the fact that the repeal of the seventh part of the 12th schedule would take away from the municipalities the necessary right to deal with sanitary carts. If the hon. member looked more closely into the matter he would find that in 1906, the year in which the Municipalities Act was passed, an amendment to the Health Act was also passed, and that amendment conferred upon municipalities, as the local health authorities, the whole of the powers contained in the Health Act, so that the taking away under this schedule of the Municipalities Act the control by the municipalities of such matters as the control of night carts, really does not affect the position at all, because there is ample provision contained in the Health Act which, by the Act of 1906, the municipal councils have full power to exercise.

Hon. J. Nicholson: Except that there are certain regulations with regard to that.

The MINISTER FOR EDUCATION: The matter does not suggest any difficulty whatever. With regard to Clause 13, dealing with the application to grant licenses, I explained, when moving the second reading, that the alterations which had been made to Clause 12 would necessitate an alteration in the definition. The exact nature of that alteration will be placed on the Notice Paper and hon. members will be able to see it. Mr. Nicholson suggested that, while on the one hand we were taking away from the metropolitan local authority the power to grant licenses, by Clause 13 we were compelling them to grant these licenses. I mentioned when moving the second reading that an amendment would be necessary to the definition of "local authority." The expression "local authority" used in the first line of Clause 13 will mean the Minister for Works, and therefore there will be no obligation on the part of the local governing bodies in the metropolitan area to do any of the things required by the clause. I do not think the objection raised to Clause 43 in regard to race meetings is at all important. The Minister has power to do this, but there is the provision that the consent in writing of the local authority shall first be obtained. Clause 52 merely gives the Minister power to close roads against traffic in those localities that are under his control, just as the local authority by Subclause 2 of Clause 52 is given power to close roads in any locality under their management. Regarding the pooling of fees, it was not expected that a provision of this kind would go through without opposition. On looking back at the debates in connection with the Bills of 1912 and 1913, I find that, although I opposed the proposal that the Minister be made the

licensing authority for the metropolitan area, I expressed the opinion that some arrangement should be arrived at by which there would be a fair distribution of the fees collected in the metropolitan area. That is the attitude that I have taken up at all times. I am still of opinion there should be a just distribution of the licensing fees, and this is merely all that is intended under this Bill. It is not a question of the Government stepping in and taking the fees from the local authorities. All the Government intend to do is to see that the fees are properly distributed among the different local authorities. Most of the other matters referred to can be thrashed out during the Committee stage. I am impressed with Mr. Allen's remarks regarding the possibility of motor 'buses being licensed to run in competition with the trams. That matter will be referred to the authorities between this and the next sitting of the House, and we shall then be in a position to discuss it. There is no reason to fear, as Mr. Lynn suggested, that the Minister would take up such an attitude as to give two or three persons a monopoly in any particular business which would provide employment for half a dozen. There is less fear of that being done under the control of the Minister than under the control of a local authority. That is a minor matter which also can be considered in Committee.

Question put and passed.

Bill read a second time.

The MINISTER FOR EDUCATION  
(Hon. H. P. Colebatch—East) [5.31]: I move—

That consideration of the Bill in Committee be made an order of the day for the next sitting of the House.

Hon. J. NICHOLSON (Metropolitan)  
[5.32]: I move an amendment—

That all the words after "Bill" be struck out with a view to inserting "be referred to a select committee."

Amendment put and negatived.

Question put and passed.

## BILL—WHEAT MARKETING.

In Committee.

Resumed from the previous day.

Hon. J. F. Allen in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Extension of Act to wheat harvested in 1919-1920:

Hon. Sir E. H. WITTENOOM: I take it the proviso to this clause does not apply to this measure but to the Acts quoted previously. When will this measure terminate?

The HONORARY MINISTER: It will terminate at the end of the next acquiring season. If it is intended to handle the

1920-21 harvest, a further Bill will be required.

Hon. A. SANDERSON: Does the Minister propose to put this Bill through Committee to-day? If so, I would ask members of the Committee to prevent it. Unfortunately, we are never able to get a full House on Thursday; thus a double responsibility is imposed upon those who are present. If this clause is passed, we shall have no opportunity to prevent a recurrence of what has happened this year, but shall be compelled, as we are now, to put the next wheat harvest into this pool, unless special provision is made to prevent it.

The Honorary Minister: We shall not be compelled to.

Hon. A. SANDERSON: At a meeting of the farmers' convention reported in the Melbourne "Age" of 10th July, it was stated that the farmers wanted the pool continued. Are we going to assist them to continue it? If so, let us have a full discussion and decide with our eyes open. But do not let us be told next year, as we have been told this year, that the thing is practically fixed up and that we had better bring up our objections in a year's time. The original Act was passed owing to the great scarcity of the means of transport and to the existence of a state of war. The war is over and the question is whether we are going to continue those Acts which were brought in as war measures. If the Minister gets this Bill through Committee to-day, the chapter will be closed this session, and next year we shall be again forced into a similar position.

The HONORARY MINISTER: I have no desire to force the Bill through the Committee stage. I am willing to report progress. This measure cannot commit us for the following year. We are asking power to acquire the wheat for the season 1919-20. Parliament may not agree to handle the 1920-21 harvest, but the Government must retain control of the wheat already acquired until it is disposed of. True, the original Act was a war measure. The Governments of the wheat-producing States find they have a large quantity of wheat on hand and, until they can reasonably clear that wheat, they cannot release their hold upon the harvest. The Government have no wish to control wheat once their hands are reasonably free. If the Government did not acquire the wheat this season, those who purchased it would be in competition with the Government for freights and sales, and would probably dispose of the new season's grain, leaving the old grain on the hands of the Government, with the result that heavy loss would accrue to the taxpayers.

Hon. Sir E. H. WITTENOOM: We quite understand the Government are to deal with the wheat. There is no objection to that; but we want to know the conditions under which it is to be handled. We want a clear and definite statement from the

Honorary Minister. The actions of the Government are to be governed by the Acts of 1916 and 1918, but there is a proviso that any agency agreement made under those Acts is not to be confirmed by this measure. However, we find that the Government have entered into an arrangement with a firm already and the arrangement only needs confirmation. How long is the proposed arrangement with the Westralian Farmers Ltd. to last? We do not want to find ourselves involved in an agreement next year for the 1920-21 harvest.

The HONORARY MINISTER: We only have a small Bill before us. The clause in question says—

Provided this Act shall not have the effect of extending the operation of any agency agreement confirmed by or made under the authority of the said Acts.

Hon. Sir E. H. Wittenoom: You have done it.

The HONORARY MINISTER: There is no agreement entered into.

Hon. Sir E. H. Wittenoom: There is only an understanding.

The HONORARY MINISTER: There is an agreement drawn up for ratification by Parliament. If it is not so ratified, there will be no agreement.

Hon. H. MILLINGTON: The Honorary Minister has said that this is a short measure. We could give Western Australia away with a Bill of one clause. It is, in fact, a most important measure, and because it only takes one clause to give this work to the Westralian Farmers Ltd. it does not follow that it takes only five minutes to discuss it. This measure has come to us very late in the session and, even if we wished to consider another firm, the lateness of the session would preclude any other firm from tendering for the business. Although I have a certain amount of leaning towards the Westralian Farmers Ltd., I think that other firms should have had an opportunity of doing this work.

The CHAIRMAN: I ask the hon. member not to deal with the next clause until we come to it.

Hon. H. MILLINGTON: When we come to that clause there will be some questions which require answering.

The HONORARY MINISTER: It would be a wise procedure to adopt the suggestion offered by Mr. Sanderson, and give those members who are not here this afternoon an opportunity of joining in the debate. It might be a good thing to report progress at this stage.

Hon. A. SANDERSON: The point I wish to discuss is that of the continuation of the pool. There is a great deal to be said on many sides in connection with this matter. I appreciate the fact that the Honorary Minister knows a great deal more of the details of the different proposals than I do. I want to assist the country, and the many people outside who are intensely interested in the matter, by finding out what the policy of the Government is, what the attitude of the

Federal Parliament is, and what the attitude of the Parliaments of the other States is. I believe that if we put in these words, "During the season 1920 and no longer," and if we had a clear statement from the Minister as to the attitude of the Government, it would be of the greatest value to everyone in the country. It is the uncertainty that is as bad as anything else.

Hon. Sir E. H. WITTENOOM: I want from the Honorary Minister, in connection with the agency agreement, a definite statement as to how long this agreement will last, and why tenders were not called instead of the work being given to the Westralian Farmers Ltd.

The HONORARY MINISTER: The agreement, if it is entered into, will extend over the acquiring of this season's wheat only.

The CHAIRMAN: The Honorary Minister cannot discuss the next clause.

[The President resumed the Chair.]

Progress reported.

#### BILL—MERCHANT SHIPPING ACT APPLICATION ACT AMENDMENT.

Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East) [5.55] in moving the second reading said: This is a very brief but somewhat technical measure. It is designed to remedy two defects in the Merchant Shipping Act Application Act, 1903. One of these defects is a defect of commission and the other is a defect of omission. The first defect places an unnecessary limitation upon the application of that Act, and the second necessitates the payment of certain moneys to the mercantile marine fund in Great Britain, which should be paid into the consolidated revenue of Western Australia. In order to make the position clear I should explain that the British Merchant Shipping Act of 1894 relates to shipping generally throughout the British Empire. Part II. of that Act deals with the engagement of masters and servants, their wages, their discharge, and the property of deceased seamen or masters of vessels. In many cases the Merchant Shipping Act—I am referring to the Imperial measure—applies only until and so far as it is not altered or adopted by legislation in the various parts of the Empire. By our Act of 1903 the Parliament of this State adopted Part II. of the Merchant Shipping Act, 1894, of Great Britain, and provided that it should apply to all British ships registered at, trading with, or being at any port in Western Australia, and to the owners, masters, and crews thereof where such ships are within the jurisdiction of the State. It is these latter words, "where such ships are within the jurisdiction of the State," that have been found to be not only unnecessary, but harmful in the re-

strictions they impose. There is a provision in the British Act that, where a Parliament in any part of the British Dominions adopts any part of that Act, or enacts similar provisions, the Act passed by that particular part of the Dominions holds good, not only in the place in which it is passed, but it is also recognised in other parts of the British Dominions. The effect of that is that had we merely in our Act of 1903 adopted Part II. of the Merchant Shipping Act of Great Britain without those words at the end of the Subsection (1) Section 2, which it is now proposed to strike out and substitute by other words, in the case of ships registered, say, at Fremantle or trading with Fremantle, it would apply to the crews of such vessels, and would also hold good in connection with what might happen to any person on one of these vessels, say, in South Africa, or any other portion of the British Dominions. But because these words "where such ships are within the jurisdiction of the State" were inserted in the Act of 1903, it is held that our Act would not apply if anything happened to any person on one of these ships, say, in South Africa. For instance, in Part II., which we adopted by our Act of 1903, there is a provision relating to the disposition of the property of deceased seamen who have been engaged on a ship trading with Western Australia. When this Act is amended in the way now proposed, if anything of that kind happened in South Africa, the authorities there could deal with it under our Act; but they cannot at the present time because of these words limiting it to cases where such ships are within the jurisdiction of the State. The first purpose of the Bill is to eliminate from the Act of 1903 the words "where such ships are within the jurisdiction of the State." By doing so the Bill will give the Act a wider interpretation and increase its usefulness. The other portion of the Bill relates to the disposition of the property of deceased seamen or masters of ships registered in Western Australia in cases where no claim is made to their property within six years after their decease. Section 179 of the Merchant Shipping Act of 1894, Part II., which was adopted by our Act of 1903, provides that in such cases the Government may in their absolute discretion apply the property in the manner provided by Part XII. of the Act. Unfortunately Part XII. of the Act has nothing whatever to do with Western Australia. It provides for the establishment of a mercantile marine fund, and as the Act now stands the money, if not claimed within six years, has to be remitted to the mercantile marine fund in Great Britain. This is provided in Section 676 of the British Act, and the succeeding section makes it clear that the moneys are to be expended on the salaries of the marine board, surveyors of ships, etc., all in connection with the Home Government. It is contended, and I think the contention is unanswerable, that these unclaimed moneys should be applied

to meet the expenditure in connection with the Merchant Shipping Act of this State, and the object of the Bill is to provide that this should be paid into Consolidated Revenue. Those are the only two purposes the Bill is intended to serve. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time,

## BILL—MIDLAND RAILWAY.

### Second Reading.

The MINISTER FOR EDUCATION (Hon. H. P. Colebatch—East [6.3] in moving the second reading said: This Bill has occupied the attention of successive Governments for several years past, and is one which, in justice to the Midland Railway Company, should be passed without further delay. Its first purpose is to vest in the company the land required for the railway. To this the company is entitled under the provisions of the original contract for the construction of the railway, confirmed by the Guildford-Greenough Flats Railway Act of 1886. The lands to be vested are delineated on 138 plans, deposited in the office of Titles, and the object of Clause 2 of this Bill is to vest the land in the company by Act of Parliament, thus avoiding the cost of preparing Crown grants. It will be seen by the provisions to Clause 2 of the Bill that the rights of the Crown and of all local authorities in regard to crossings, railway bridges, etc., are fully preserved. Clause 3 confers on the company the right to use motive power on its railway. This appears to be a somewhat belated concession, in view of the fact that the company has been using such motive power for over a quarter of a century. However, it is quite clear that the Act of 1886, whilst it authorised the construction of the railway, did not specifically confer upon the company the necessary powers for running that railway, and I think I am correct in saying that quite recently a case was contested in the court at, I think, Geraldton, in which the point was successfully taken that the company has not this right to use motive power in running its railway.

Hon. J. Nicholson: It is a nuisance when they have not the statutory power.

The MINISTER FOR EDUCATION: Quite so. The fact that the provision is not made in the existing Act renders it desirable that the rights of the company in this connection should be placed beyond dispute. That will be achieved by the passing of Clause 3. Clause 4 provides that the company should be deemed to be a common carrier, subject to the obligations and entitled to the privileges of such carrier. By Clause 5 certain of the provisions of Part III. of the Government Railways Act, 1904, are deemed to be incorporated in the Com-

panies Act of 1886. The provisions of Part III, which are to be incorporated in the Midland Company's Act, are as follow:— Clause 19, gates and cattle stops; Clause 22, Commissioner may fix charges; Clause 23, the Commissioner may from time to time make by-laws; Clause 24, provision as to by-laws; Clause 25, custody, carriage and delivery of goods; Clause 26, special agreements; Clause 28, power to collect and deliver goods outside limits of railway; Clause 29, penalty for giving false consignment note or way bill, extra charge also payable; Clause 30, lien; Clause 31, goods may be sold on refusal to pay charges; Clause 32, goods left by unknown owner may be sold; Clause 33, application of proceeds of sale; Clause 34, conveyance of dangerous goods; Clause 40, exemption from liability in certain cases; Clause 41, penalties for injuries to railways; Clause 42, penalties for grave offences on railways; Clause 43, offences on railways punishable by fine or imprisonment; Clause 44, removal of passenger not paying his fare; Clause 45, penalties for offences relating to tickets; Clause 46, penalties for travelling without payment of fare; Clause 47, definition of free pass; Clause 48, offences on railways punishable by fine; Clause 49, persons committing certain offences may be arrested; Clause 50, summary interference on breach of by-law; Clause 51, penalty for offences by railway servants; Clause 52, railway servants responsible for damage; Clause 53, railway servant may impound. All of these, I think, are provisions that any company carrying on a railway should have power to enforce. It will be noticed that not the whole of the powers contained in Part III. of the Government Railways Act of 1904 are to be conferred upon the Midland Railway Company by the Bill. The only powers conferred on the company by the Bill are those mentioned in the schedule, that is to say, Sections 19, 22 to 34, inclusive, 40 to 53, inclusive. The first three sections of Part III. would not apply. Sections 20 and 21 are omitted; that is to say, the privileges contained in those sections are not incorporated in the Bill. Sections 35 to 39, inclusive, also are not included in the new powers granted to the company, for the reason that it is considered these sections confer special privileges upon the Commissioner of Railways which should not be enjoyed by a private company. For instance, in Section 37 it is provided that no action shall be maintainable against the Commissioner unless commenced within three months after its cause has arisen in the case of loss or damage of goods, or within six months in other cases, while Section 39 limits to £2,000 the amount of liability for personal injuries. Briefly, the object of the Bill is to carry out the obligation set up in the contract for the construction of the railway, to vest in the company in fee simple the land on which the railway has been constructed, to confer on the company statutory powers for the work-

ing of its railway, and to incorporate such provisions of the Government Railways Act, 1904, as are necessary for the proper management, maintenance, and control of the railway, including the fixing of rates and charges and the making of by-laws. But in regard to the fixing of rates it is important to bear in mind that such rates will require the approval of the Minister. This is made clear by Subclause 2 of Clause 5, which further provides that the proviso to Section 22, under which the Commissioner may from time to time fix special scales of charges, shall not have effect in the case of the Midland company, without the consent in writing of the Minister. I think it will be found that the Bill protects the interests of the public whilst giving to the company something necessary to enable it to carry on its business in a proper manner. I move—

That the Bill be now read a second time.

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

House adjourned at 6.11 p.m.

## Legislative Assembly,

Thursday, 23rd October, 1919.

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

### QUESTION—RAILWAY SLEEPING BERTHS AND COLOURED PASSENGERS.

Mr. DUFF asked the Minister for Railways: In view of the pronounced objection on the part of the travelling public, who at present are compelled to occupy sleeping berth accommodation in compartments with coloured passengers, will he undertake to amend the railway regulations to provide separate accommodation for such passengers?