

*Vote—Labour, £15,111:*

Hon. G. TAYLOR: Can the Minister give a rough idea of the number of unions which have cited cases in the Arbitration Court during the year?

Mr. Thomson: It is in the report of the department.

Hon. G. TAYLOR: I have not seen the report.

Vote put and declared passed.

Hon. G. Taylor: I wanted an opportunity to deal with the factories section.

The CHAIRMAN: We have finished the whole of the Labour Vote.

This concluded the Estimates of the Minister for Public Works and Labour.

Progress reported.

*House adjourned at 9.30 p.m.*

## Legislative Council.

*Tuesday, 22nd October, 1929.*

BILLS:	ROYAL AGRICULTURAL SOCIETY ACT AMENDMENT, 3R.	1056
	Inspection of Scaffolding Act Amendment, 3R.	1056
	University of Western Australia Act Amendment, report	1056
	Main Roads Act Amendment, 2R.	1056
	Dried Fruits Act Continuance, 1R.	1061
	Vermula Act Amendment, 2R., Com.	1061
	Agricultural Products, Com.	1062
	Reserves, 2R., Com.	1063
	Transfer of Land Act Amendment (No. 2), 2R., Com.	1067
	Road Districts Act Amendment, 2R.	1069

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

### BILLS (2)—THIRD READING.

1, Royal Agricultural Society Act Amendment.

Passed.

2, Inspection of Scaffolding Act Amendment.

Returned to the Assembly with an amendment.

### BILL—UNIVERSITY OF WESTERN AUSTRALIA ACT AMENDMENT.

Report of Committee adopted.

### BILL—MAIN ROADS ACT AMENDMENT

*Second Reading.*

Debate resumed from the 17th October.

HON J. CORNELL (South) [4.37]: When the Minister replies to the debate I would esteem it a favour if he would inform the House why so much work has been done by the Main Roads Board in the new settlement south of Holleaton and why not one-pennyworth of work has been done in the new settlement north of that locality. For many months all kinds of work has been going on in the former district, but none whatever has been undertaken either by the local road board or the Main Roads Board to serve some 150 men who have taken up locations north of that centre. The Minister might also inform the House whether the work that has been done to the south of Holleaton has been carried out with money derived from the migration scheme, or from revenue belonging to the Main Roads Board. If we can clear up those two points it will please both you, Sir, and I, and remove much misapprehension that has existed for a long time amongst a very deserving section of the community. The Bill makes no provision to alter the existing state of affairs from the point of view of the administration of the Main Roads Board. That board, as we know, consists of an engineer as chairman, another engineer, and an accountant or business man. The select committee which dealt with this question made a valuable recommendation. If members will turn to their report they will find that the committee recommended that the three-member board should be departed from and the administration placed in the hands of one man. I am fully in accord with that view. The alteration should be made without delay, and as much Ministerial control as possible removed. If we want an example of direct control by one man, we have only to look to our own railways, the management of which is vested entirely in the hands of one commissioner. I remember when an endeavour was made

in this House to substitute three commissioners. The Bill to bring that about was introduced by Sir Hal Colebatch, but when a division was taken his only supporter was the Honorary Minister, Mr. Baxter. This was proof positive that the House at that time—I do not think it has altered its opinion—favoured wherever possible, control by one Commissioner and not three. If we desire a still more striking illustration of one-man control, we need only turn to the Canadian National Railway system, which is the largest in operation in the world. During the war the Canadian Government were obliged to take over 24,000 miles of railway. They vested the whole service, representing a capital of £400,000,000 in the hands of one man. A special Act of Parliament was passed giving him full power, without any interference, Ministerial or Parliamentary, to run the whole concern on a business basis.

Hon. E. H. H. Hall: Was he subject to any union control?

Hon. J. R. Brown: To what union did he belong?

Hon. J. CORNELL: In the course of four years, this man converted a loss of £7,000,000 into a profit of £10,000,000. It would be difficult to find a more striking example of the value of single control. Let us analyse the position of the Main Roads Board since its inception, and see how far and to what extent the three-member principle has operated. Before the Main Roads Board could be properly housed—it was placed in a building that could hardly shelter a pigeon—the chairman was sent away on a trip round the world and was absent for nearly 12 months. At the time I agreed as to the advisability of that trip because it would necessarily be of advantage to the State. The remaining two members of the board carried on during his absence, and not long after the chairman returned, we lost through death the services of a very fine and estimable public servant and member of the board, the late Mr. Anketell. For many months the Main Roads Board has been functioning with the remaining two members, and it is safe to say that from the inception of the three-member system control, it was on rare occasions only, and even then for brief periods, that the three members functioned together. I consider that in the present chairman of the Main Roads Board

we are fortunate in having a most capable man. He has all the qualifications and necessary capacity to hold down the job as a single commissioner. I have already pointed out that the Act provides for a chairman who shall be an engineer, a second member who shall be an engineer and a third member who must be an accountant or man of business training. I submit that under the single commissioner system, we would get better service and better results. If there are two engineers on a board of control, they may differ and then on an engineering question, the business man will have the deciding voice by the casting of his vote. That is a most undesirable state of affairs. If we had a single commissioner in the person of Mr. Tindale, all the necessary engineering advice he would require could be obtained by paying a man to carry out those duties, and he could also secure all the information he required from an accountancy standpoint by paying a qualified officer to carry out that part of the work. I am hopeful, without any disrespect to the other two members of the board, that the House will endeavour to have effect given to the recommendation of the select committee with regard to the single commissioner. As the select committee pointed out, in South Australia and in Queensland, the work of the Main Roads Board is done by a single commissioner. I think it can fairly be said that if we compare the results of the work of plural boards as against single commissioners, the latter will come out on top eight times out of ten. By no stretch of the imagination can we compare the Main Roads Board with banking institutions or many other companies, in connection with which the directors content themselves practically with matters of policy, leaving the general managers to look after the business side of the concerns. That is as it should be. With regard to the Main Roads Board, the Minister, or rather Parliament, can decide matters of policy, but we should allow a man possessing the technical knowledge and business capacity to manage the concern, and to carry on with a minimum amount of interference. So long as we have three members of the board, we will not derive that satisfaction from their operations that is likely to arise from control by a single commissioner. When I mention that there should be as little Minis-

terial interference as possible with a body such as the Main Roads Board, I will direct the attention of hon. members to the fact that in the Bill an effort is made to cut right into the business side of the board, even as it is constituted to-day. The Bill proposes to so circumscribe the board in its activities that it will not be able to let a contract for an amount in excess of £1,000, without the consent of the minister. The method of raising funds for the Main Roads Board has been laid down. There is an arrangement whereby a subsidy is available under the Federal Aid Roads Act to supplement the money raised by the State. I understand that the members of the Main Roads Board have much greater power now in connection with the letting of contracts and the expenditure of money, so that the step contemplated in the Bill is retrogressive. All that the board has to do is to spend money to the best advantage and the greater freedom we can give the members of the board, the better it will be for the State. Despite that, the Bill proposes to circumscribe the activities of the board.

Hon. C. B. Williams: The Minister has to take the responsibility.

Hon. J. CORNELL: What responsibility has he to take?

Hon. C. B. Williams: He has to stand up to all the rows.

Hon. J. CORNELL: One reason why Ministers get bouquets or bricks thrown at them occasionally is to be found in the set of circumstances that I am arguing we should get away from. Could it be expected that any Minister could possibly be conversant with the business side of all the departments and sub-departments under his control? It would be a matter of impossibility. There has never been such a Minister, nor is there ever likely to be one. I do not refer to the present Government but to all Governments. If Ministers were to confine themselves more to the question of policy and to seeing that the money was properly raised from certain sources, it would be better for the State. The less interference with the work of the board the better it would be for all. I will conclude by referring to Clause 11, which sets out that no deputation shall be received by the Main Roads Board, but by the Minister only. If the Main Roads Board were constituted in conformity with the control of the railways by a Commissioner, and if that board worked

as, and had the freedom possessed by, the Railway Department, there might be some substance in the objection indicated to deputations. I have accompanied deputations from country road boards on several occasions when we waited on the Chairman of the Main Roads Board, and I have yet to learn that those deputations did the slightest bit of harm. What is the difference between accompanying a deputation to a Minister, who will probably have the Chairman of the Main Roads Board with him in order that he may be au fait with the points dealt with by the deputation, and taking that deputation to the members of the Main Roads Board themselves? At every deputation I have attended, all I did was to say to the members of the Main Roads Board something on these lines: "These gentlemen are representing a certain road board and they desire to put certain matters before you. It would ill become me to take one side or the other, and my task is finished. Here is the deputation. You are the men holding down your jobs and if you think there is any substance in what the members of the deputation put before you, you will do justice to them. If you do not think there is any substance in their complaints, you will tell them so." I shall not labour the question further. I think the present Act could be amended with advantage by vesting the control of main roads matters in a single commissioner and that the necessary amendments could be included in the Bill. Apart from that, I have nothing to say against the Bill. I will support the second reading, hoping that action will be taken during the Committee stage to test the feeling of another place.

**HON. G. A. KEMPTON** (Central) [4.56]: I listened with interest to the speeches made by other members, particularly by Mr. Seddon and Mr. Stewart, who were members of the select committee appointed by this Chamber. I also listened with appreciation to the speech delivered by Mr. Glasheen. The gentlemen I have mentioned agreed that the Bill would be all right provided that certain amendments were made to it, and certain proposals included that would have the effect of making the measure more workable. In common with Mr. Seddon and Mr. Stewart, I am sorry that the select committee was not

allowed to finish its labours. Had that been possible, I am sure much constructive criticism and many helpful suggestions would have been advanced, and the effect of it all might have been to secure a much more workable Bill. The select committee did one thing: it let daylight into the administration of the Main Roads Board. The committee was also able to show that a great deal of money had been spent unnecessarily. I listened with interest to the remarks of Mr. Cornell regarding the placing of the work of the Main Roads Board under a single commissioner. The majority of the members of the select committee considered it would be in the best interests of the State and of the administration of the Main Roads Board Act, if there were one commissioner instead of three members on the board. I hope something will be done to have the constitution of the board altered and single control substituted. Our experience has been that control by a commissioner is better than a board of three in charge of our State railways. There is not the slightest necessity to have a board comprising three members, and I am sure that if we placed a single commissioner in charge of the administration of the Main Roads Act, we would secure much better results. I wish to refer particularly to Section 30 of the Act, which will be affected by the provisions of the Bill. To take away from the local authorities the traffic fees, as it is proposed to do, would be a very serious matter for them. All the local authorities have many financial calls and with this additional handicap it will be almost impossible for some of them to carry on. A few years ago, and not too long ago either, the local authorities received from the Government certain amounts of money each year. So far as the municipalities are concerned, that money has been cut out, and not only has that been done but those bodies have certain other obligations to meet that they did not have when they received assistance from the Government. Take the Geraldton Municipal Council. I may have to quote Geraldton two or three times while speaking because I know that town particularly well, and I suppose one local authority is very similar to another. The whole of the South-West Division of Western Australia has grown, and therefore the figures of a place like Geraldton can be made to apply to other parts of the South-

West Division. About two years ago Geraldton floated a loan of £25,000, principally for the construction of roads. The municipality borrowed that money feeling that it was secure in receiving the whole of its traffic fees. Interest and sinking fund on the loan amounted to something like £2,196 annually. Now it will mean that if a portion of the traffic fees is taken, Geraldton will have to pay another £650 year. In the past Geraldton did not have as many obligations as the town has to meet to-day. For instance, the town has to subscribe to the Fire Brigades Board to the extent of about £500 a year. That amount had not to be paid in years gone by and it will mean now that if the municipality has to contribute 22½ per cent. of its traffic fees to the Main Roads Board, the rates will have to be raised something like 5d. in the pound. If that applies to Geraldton, it will apply equally to all other districts in the South-West area. I notice that when the Bill was first introduced the Minister for Works suggested that 33 1/3 per cent. should be paid by the local authorities. After some discussion the amount was reduced to 25 per cent., and after still further discussion it was reduced to 22½ per cent., 15 per cent., and 10 per cent., which will average at something under 20 per cent. It was claimed at first that it was necessary to have the 33 1/3 per cent. to finance the Main Roads Board. Now the Minister is satisfied with 20 per cent. Of course there is the fact that each year he will collect a greater amount by way of traffic fees from the local authorities. In all the different districts each year traffic fees have been an increasing quantity. Geraldton collected in 1924 £670; in 1925 £1,171; in 1926 £1,338; in 1927 £1,990; in 1928 £2,255; and in 1929 approximately £2,700. These figures mean an increase in 1925 of £481; in 1926 £166; in 1927 £652; in 1928 £265; and in 1929 approximately £450. This gives an average increase over those years of £403 per annum. Thus, at the end of five years, there will be a huge amount collected from the different local authorities. It will mean that the local authorities will find it more and more difficult as the years go on, and as population becomes greater, to construct their domestic roads. I notice that a number of the witnesses who gave evidence before the select committee recently advocated the imposition

of a petrol tax. There is no doubt that such a tax would be the best method for raising money, but apparently it is outside the province of this or any other State to levy such a tax. To save the local authorities, surely something could be done to overcome the difficulty. We are often accused of pulling down and making no suggestion in respect of building up. Time after time we say that certain things should not be done and we do not suggest anything that should take the place of that which we would remove. It struck me that it might be possible to assist the local authorities by increasing the traffic fees. I know that would be unpopular with a majority of the people because no one likes to pay more than he should.

Hon. W. J. Mann: You are increasing taxation right away.

Hon. G. A. KEMPTON: What I am trying to point out is that it is absolutely impossible for the local authorities to pay what the Bill suggests.

Hon. V. Hamersley: They will have to recoup themselves by increasing the rates.

Hon. G. A. KEMPTON: Of course it would be better to have a petrol tax. That would take more money from the people than would an increase in the traffic fees. Last year the State imported 16,359,566 gallons of petrol. A 1d. tax on that quantity would yield about £68,000. That would be a greater amount than could be collected by way of traffic fees advanced by 25 per cent. The increase in the amount of traffic fees by 25 per cent. would provide something like £55,000.

Hon. A. Lovekin: A petrol tax would be more equitable.

Hon. G. A. KEMPTON: If we raise the traffic fees it will mean that we charge the people who use the roads. In connection with the petrol tax a difficulty would arise in respect of those people who used petrol-driven vehicles on their farms. Thus it would be difficult to adjust the tax so that it would be levied equitably.

Hon. W. J. Mann: How would you differentiate between the man who uses the roads continuously and the man who uses the roads occasionally?

Hon. G. A. KEMPTON: You could not do so. A great majority of cars are privately owned and again I would quote Geraldton as an example of what may be said

to apply in any other town of the State. In Geraldton private cars number 170, private and business cars 66, and business cars 77. Private and business and business cars thus total 143, and private cars number 190. So we would make the people who use cars for pleasure pay the extra amount of money, and we would be saving the local authorities who are doing so much for the State and who are hard up against it. I have every sympathy with the local bodies and I speak feelingly because I was associated with the Geraldton Municipal Council. I have no doubt that quite a number of other local bodies are similarly situated. The 25 per cent. increase in the traffic fees would not amount to a very great deal. The average fee for a car is £6 10s. A 25 per cent. increase would be £1 12s. 6d. a year, or 7½d. per week. The average license fee for a truck is £7 16s., and a 25 per cent. increase on that would be £1 19s., or 9d. a week. That would not be a very serious matter, especially when we remember that it will be disastrous for the local bodies if 22½ per cent. is taken from their traffic fees. I have said all I wish to say on the subject of Clause 30, but I do desire the House to realise that it will be impossible for the local authorities to carry on as they have been doing if we are going to impose this burden on them. There are one or two other matters to which I should like to refer. I was in the Yandanooka district the other day with the local road board members and the Main Roads Board engineer, and my attention was called to a great deal of annoyance caused where a road existed and to which there was a natural entrance from properties on either side. Road drains had been cut and certain obstructions left, and it devolved upon the owner of the land to put in culverts to enable him to have access to the road. This is quite wrong, because if municipalities or other local authorities when rebuilding a road alter the entrance to a place, they must make that matter good. At North Perth recently a road was lowered with the result that the council had to build a wall so that the property of the owner affected would not fall away, or his fences fall down. The Main Roads Board engineer, however, told me that the board would not on any consideration make any arrangement for people to have access to the road. Accordingly, when in Committee, I shall propose the

addition of the following clause to the Bill:—

Where the board reconstructs an existing road or builds a new road, it shall provide equal facilities of access to such road for adjoining owners as existed prior to such reconstruction or building.

That clause would cover the matter. It would represent no great thing for the Main Roads Board, but a great convenience for land owners on either side.

Hon. Sir Edward Wittenoom: It would obviate a great hardship against owners.

Hon. G. A. KEMPTON: Yes. I desire to have another clause added, if possible. Frequently the Main Roads Board when making new roads cart over existing roads belonging to local authorities, and cut them up so badly that heavy expenditure is required to put them in order again. This is utterly unfair, and I hold that the Main Roads Board should be compelled to put the roads in the order they were in when the board started their work. Accordingly I shall move the following new clause:—

Where the board carts over roads belonging to local authorities materials for the construction of roads, the board shall be responsible for paying to the local authority the cost of repairing and reinstating such roads in the same condition as they were in prior to the carting over them of such material.

Hon. Sir Edward Wittenoom: Quite right.

Hon. G. A. KEMPTON: The last clause, I consider, should be deleted. It provides that no deputation shall wait on the Main Roads Board, and that deputations shall be received only by the Minister administering the Act. Such a provision I regard as quite wrong. Frequently members of local boards come from far back districts to Perth for a day, during the course of which they have to call upon the officers of several departments. The Minister, before whom the clause requires such members to place local grievances, cannot be expected, in view of the multiplicity of departments he administers, to know much about roads in outback districts. If it is feasible for the members to wait on the Main Roads Board, Mr. Tindale, who has the whole thing at his finger ends, and has all plans and maps and other information necessary, will be able to satisfy them completely in five minutes as to whether their proposal can be carried out or not. If such deputations cannot wait on the Main Roads Board, it

means writing letter after letter before a request is finalised. I do not greatly care for deputations, but I consider it perfectly right to give to outback residents every possible facility and aid when they come to town. A section corresponding to this last clause appears in the Government Railways Act, but a railway is a very different proposition from a road. Railways are generally located in more or less settled areas, whereas the roads are often in outback districts, and it is impossible for the Minister to know anything about them. Thus, if deputations are restricted to the Minister, local wants will reach the Main Roads Board only at secondhand. I shall therefore ask the House to delete the last clause, with a view to the better working of this legislation. Subject to the amendments I have indicated, I support the Bill.

On motion by Hon. W. J. Mann, debate adjourned.

#### **BILL—DRIED FRUITS ACT CONTINUANCE.**

Received from the Assembly, and read a first time.

#### **BILL—VERMIN ACT AMENDMENT.**

*Second Reading.*

HON. H. J. YELLAND (East) [5.22] in moving the second reading said: This short Bill aims at the elimination of charitable institutions, religious organisations, and educational institutions from taxation under the Vermin Act. It is a long recognised principle that such bodies should be relieved from general taxation; but when the parent Act of 1928 was placed on the statute-book that aspect was overlooked. The same feature escaped attention in the amendment Act of 1926. Indeed, the omission was not noticed until such time as assessments were sent out. Then it was discovered that these institutions were taxable under the Vermin Act, in direct opposition to the principle laid down in all other taxing measures. It is only necessary to glance at the various classes of taxation from which institutions of this nature have been exempted. I regard the omission to exempt under vermin legislation as a pure oversight, and I move—

That the Bill be now read a second time.

**HON. SIR EDWARD WITTENOOM** (North) [5.23]: I shall not oppose the Bill; indeed, I shall support it. However, I would like to have a new clause added to it. Constituents of mine at Port Hedland have written to me stating that kangaroos and euros have become such a nuisance in the district that they should be declared vermin. The matter has been brought up previously, but in order to show how great the nuisance is, I will quote from a letter addressed to me by the secretary of the Port Hedland Vermin Board—

We have been paying a bonus of 6d. on kangaroos and euros for the last four years, and are just beginning to do some good. Since July we have paid on 2,500, and the next two months will be the best time to get them, as the swamp water is drying up, and they are coming to the wells for water.

The immediate purpose of the letter was to request the Minister controlling the central Vermin Board to devote part of their surplus to the destruction of kangaroos and euros; but the Minister says the board are subject to conditions which make the funds at their disposal available only for the destruction of definitely-named kinds of vermin. In the circumstances, the Minister states, the board are unable to apply any of their moneys to the destruction of kangaroos and euros. In Committee I shall move the insertion of a clause making kangaroos and euros vermin beyond the 26th parallel of latitude. I have much pleasure in supporting the second reading of the Bill.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; Hon. H. J. Yelland in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 100a:

Hon. G. W. MILES: I suggest that progress be reported in order that Sir Edward Wittenoom's new clause may appear on the Notice Paper.

Hon. H. J. YELLAND: I have no objection whatever to progress being reported. In fact, it was my intention to ask that the Committee stage be fixed for the next sitting of the House.

Progress reported.

**BILL—AGRICULTURAL PRODUCTS.**

*In Committee.*

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

Clause 1—agreed to.

Clause 2—Interpretation:

Hon. Sir EDWARD WITTENOOM: Does "shop" include shop window? The matter is highly important.

The CHIEF SECRETARY: "All premises whatsoever" would include a shop window.

Clause put and passed.

Clause 4—Powers of inspectors:

Hon. A. LOVEKIN: I can quite understand its being necessary to inspect the packing of produce being conveyed or transported for sale; but the clause would also apply to a package sent from a friend in the country to, say, a person in town. I do not think it is intended that an urban resident who is going to receive such a package shall be at the risk of an inspector opening the package while it is in transit and then leaving it to the mercy of the elements and of the thieves who unfortunately are about in some parts of this country. In order to obviate that risk I propose to try to confine the clause to products that have been conveyed or are in transit for the purposes of trade. I move an amendment—

That in line 1 "for the purposes of this Act" be struck out, and the words "whenever and wherever agricultural products are exposed or offered for sale or are in process of transport for the purpose of sale" be inserted in lieu.

The CHIEF SECRETARY: I have no objection to the amendment, provided the hon. member will agree to the insertion of the words "whenever the inspector has reasonable grounds for believing that." It might be very hard for the inspector to prove the goods were exposed or offered for sale, and it might be difficult also to prove they were in transit for the purposes of sale. It should be sufficient that the inspector has reasonable grounds for believing these things.

Hon. A. Lovekin: I will not object to that.

The CHIEF SECRETARY: Then I move an amendment on the amendment—

That after "wherever" the following words be inserted:—"an inspector has reasonable grounds for believing that."

Hon. H. SEDDON: How will that affect a case of goods being transported for the purpose of a gift? On what grounds would the inspector base his interference with those goods?

Hon. A. Lovekin: We must chance that; we must give the inspector some discretion.

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

Hon. A. LOVEKIN: I move an amendment—

That in line 6 of Subclause 2 the word "and," on its second appearance, be struck out, and the following inserted in lieu:—"but such inspector shall take all reasonable precautions to protect such packages of products or lots from injury, damage, theft, or loss to the owner."

As the clause stands, there is no responsibility on the inspector to safeguard against any loss. The inspector, having opened packages of fruit in the absence of the owner, should not be allowed to leave them as they are, or to take possession of them until such time as proceedings against the owner have been finalised, which might be weeks afterwards, when the produce will have rotted.

Hon. J. Nicholson: Yes, take stone fruit.

Hon. A. LOVEKIN: Some responsibility must attach to the inspector to see that the goods are protected.

Hon. H. A. STEPHENSON: The amendment is very necessary. On many occasions the inspector will find there is nobody present when he opens packages of fruit or other produce, and it is only fair that he should have to protect those goods on behalf of the owner.

The CHIEF SECRETARY: I have no objection to the amendment.

Amendment put and passed.

Hon. V. HAMERSLEY: When a case is taken into possession by an inspector, he should give immediate notification to the owner of the package. Probably it is in transit and the owner knows nothing about the action of the inspector. So the produce may be allowed to deteriorate, to the loss of

the owner, who has no opportunity to protect himself.

Hon. J. Nicholson: Why not move an amendment to supply the omission?

Hon. W. J. MANN: I move an amendment—

That Subclause 3 be struck out.

If the subclause be struck out, I will move that the following be inserted in lieu thereof: "(3) In the event of an inspector taking possession of and detaining any package in the absence of the owner he shall do so in the presence of a reputable witness and shall affix to the package a statement giving his name and the date of his inspection." It is only reasonable that the inspector, when he takes action in the absence of the owner, should do so in the presence of at least one witness. If a prosecution follows, the witness will be able to corroborate the evidence of the inspector. If, on the other hand, it is found that the product is quite good and conforms to the regulations, the witness would be available on behalf of the owner of the goods. Also it is only right that the inspector, when taking such action in the absence of the owner, should make the package secure and affix to it his name and the date of his inspection.

Hon. A. LOVEKIN: If the words indicated by Mr. Mann are inserted, I shall suggest adding that as soon as practicable the inspector shall notify the owner that he has taken possession of and detained such package.

The CHIEF SECRETARY: While I am prepared to accept the additional words, I hope the hon. member will not persist in urging the deletion of Subclause 3. The subclause provides that such package or lot shall at all times during such detention be at the risk and expense of the owner thereof. An inspector must have reasonable grounds for believing that a package of products does not comply with the Act, and if he decides to detain the package for examination, he should be protected against any risk while the package is under his control. Unless protection were given to the inspector, he would be subject to all sorts of actions at law, and though the inspector might win the cases, it would be harassing to the administration of the measure. Mr. Lovekin's proposal meets the position and is acceptable to the department. It would



place on the inspector the responsibility for taking reasonable precautions.

Hon. W. J. MANN: I have no desire to embarrass the Government, but the Bill deals mainly with perishable products which, if held for any length of time, would become useless. If an inspector failed to prove his case, severe loss might be entailed.

Hon. A. LOVEKIN: I agree with the Chief Secretary. An inspector should be relieved of the risk. My proposal would meet the point raised by Mr. Hamersley.

Hon. W. J. MANN: I am not disposed to withdraw my amendment to delete Sub-clause 3.

Amendment put and negatived.

Hon. W. J. MANN: I move an amendment—

That the following be inserted:—“(4) In the event of an inspector taking possession of and detaining any package in the absence of the owner, he shall do so in the presence of a reputable witness, and shall affix to the package a statement giving his name and the date of his inspection.”

Hon. A. LOVEKIN: I move—

That the amendment be amended by adding the words “and shall as soon as practicable notify the owner that he has taken possession of and detained such package.”

Hon. W. J. MANN: I accept the amendment on the amendment.

The CHAIRMAN: Then I shall embody the additional words in the amendment.

Hon. W. J. MANN: I think “immediately” should be inserted.

Hon. A. Lovekin: The words “as soon as practicable” are preferable.

Hon. V. HAMERSLEY: I am doubtful how the words “as soon as practicable” might be interpreted. It should not be left to the inspector to quibble over the matter.

Amendment put and passed.

Hon. W. J. MANN: I move an amendment—

That the following be inserted:—“(5) An inspector taking action under the provisions of this section shall, if and when called upon, produce satisfactory evidence of his appointment as such.”

It would entail no difficulty for an inspector to carry in his wallet a card testifying to his appointment. That would also obviate the risk of inspectors being impersonated.

The CHIEF SECRETARY: I have no objection to the amendment.

Hon. A. LOVEKIN: It would be preferable if the amendment were made to read—“An inspector acting under the provisions of this section.” “Taking action” might mean proceeding in the court. What we desire is to prevent a vagabond from posing as an inspector and perhaps getting away with a box of strawberries.

Hon. W. J. Mann: I accept Mr. Lovekin's suggestion.

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

Clauses 5, 6—agreed to.

Clause 7—Evidence:

Hon. A. LOVEKIN: I move an amendment—

That in paragraph (b), after the word “products,” in line 2, “for sale” be inserted.

This will make the clause consistent with the previous one.

The Chief Secretary: I have no objection to the amendment.

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

Clause 8—agreed to.

New clause:

Hon. J. NICHOLSON: I move—

That a new clause be inserted to stand as Clause 5, as follows:—“Nothing in this Act contained shall apply to any products or lot or portion of products consigned or forwarded to the consignee for the purpose of manufacture or processing or packing, and marked or branded as may be prescribed.”

This is somewhat different from the new clause which appears on the Notice Paper. It is the result of a discussion I had with the Director of Agriculture. Some regulations will be needed so that any goods that are consigned to a factory to be dealt with, or, consigned to a packing shed for packing or grading, may be marked in a certain way for designation purposes. The object of the new clause, therefore, is to leave it to regulation to provide what is necessary to cover such goods.

Hon. A. LOVEKIN: I do not like the idea of the matter being left to regulation. It is a bad principle. The owners of products should know whether they are within the law or not. They should not be expected to find that out by looking at the

"Government Gazette" If fruit, upon consignment, has legibly marked upon it the fact that it is ungraded, the Act should not apply to it. The clause should be so worded that no one can make any mistake about it. It is not likely the department will put into the regulations anything that is outside the scope of the Act. Mr. Nicholson should reconsider the matter.

Hon. J. NICHOLSON: I have considered the point. The Director pointed out that regulations would have to be prepared. One class of goods might require one brand and another might require another brand. If we use the word "ungraded," this might not be applicable to certain classes of goods.

Hon. A. Lovekin: The clause could be framed to cover all classes.

Hon. J. NICHOLSON: We came to the conclusion that, in the case of products that were not being consigned for sale, there should be some elasticity concerning the type of brand required to be placed upon them. The best way to deal with such a situation is by regulation. By that means any alteration that was required could be effected without necessarily altering the Act.

Hon. A. LOVEKIN: It is better to have everything embodied in the Act. Mr. Nicholson has not mentioned any point that could not be provided for by legislation.

Hon. J. NICHOLSON: It is impossible to carry out Mr. Lovekin's suggestion. In the case of eggs, the owner may find they are under-sized and decide the best thing to do with them is to send them to a factory to be pulped. The brand upon the package would therefore be "Egg pulp," or "Eggs to be pulped," or something of the kind.

Hon. A. Lovekin: They could be called ungraded eggs.

Hon. J. NICHOLSON: Whether they are pulped or remain as eggs, they would still be a product. One form of brand may not be suitable for all kinds of products. The only way effectively to deal with the situation is by regulation.

Hon. A. Lovekin: That amounts to legislation by regulation.

Hon. J. NICHOLSON: I am generally opposed to such a thing, but in this case I can see no alternative.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

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

## BILL—RESERVES

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [7.30] in moving the second reading said: Perhaps I shall make the meaning of the Bill more clear if I refer to the clauses seriatim. Clause 2: The Wyndham Road Board have had great difficulty in locating a suitable site for a cemetery. Various sites have been tried, but on account of the rocky nature of the ground or distance from the town involving heavy cost of burials, these sites have proved unsuitable. The Board have now selected portion of what is known as Cambridge Park, which is a Class "A" reserve, for park lands and recreation. This reserve is bordered red on the litho No. 1, and the portion which has been selected for a cemetery site is coloured blue. The position is so acute that the Board have stated that they wish to be relieved of the responsibility for further burials if they cannot get this site. Departmental officers have no objection to granting this site, but, being a Class "A" Reserve, parliamentary sanction for the transfer is necessary. Clause 3: Mr. Latham, M.L.A., as Chairman of the Narembreen Greater Sports Ground Association, has requested that the present school site at Narembreen, as bordered red on tracing No. 2, be granted to the Association in exchange for other land bordered blue, with the exception of that portion coloured green, which it is desired by the Education Department to retain for Teachers' Quarters. The Association has agreed to remove the school at present existing on the reserve, and to re-erect it, to the satisfaction of the Government, on the site bordered blue. The Education Department has agreed to the proposal provided no expense is involved. The present school site was donated to the Government by Messrs. Connolly and Hale, but they have agreed to this exchange, which is evidently in the interests of the district, as the present school site is on one of the low-lying portions of the town. It is in the main business street, and dangerous owing to the amount of traffic. The proposed site is larger, drier and much safer for children. The difference in value would be compensated by the fact that the Association is going to bear the cost of removal and re-erection of the school and also to move the fence round the teachers' quarters

to the surveyed boundary of the lot, as shown in the tracing. Clause 4: The small reserve, shown in red on lithograph No. 3, at Inglewood is set apart as a Class "A" reserve for recreation. The Perth Road Board desire this ground to be set apart exclusively for a children's playground, and it is proposed to dedicate it for that purpose during the Centenary Celebrations. In order that the reserve may be used exclusively by children, it is necessary that the purpose be changed. Clause 5: For twenty years, the site, coloured blue on litho. No. 4, has been used by the road board at Southern Cross for a pound, and the board have only recently realised that this is part of a Class "A" reserve set apart for recreation. The board have to impound a lot of stray cattle and the removal of this pound would cost money which they do not possess. It is, therefore, desired that the area referred to be excluded from the recreation reserve and set apart for a pound site. There is ample provision for recreation on the eastern side of the line where they are concentrating all sports. Clause 6.—The Crown Grant of Mandiga Lot 24 is held by trustees for the purpose of an agricultural hall site. It is desired to transfer the land to the Mount Marshall Road Board, but as the trustees have no power to surrender the Crown Grant, not being a body corporate nor representing any particular society, it is necessary that parliamentary authority be obtained for the surrender of the trust in order that the land may be vested in the Mount Marshall Road Board, which the trustees have agreed to. Clause 7: For some time, the Claremont Road Board have been endeavouring to create a reserve over a large area of picturesque country at Swanbourne, portion of which is suitable for recreation purposes and on which an oval has been constructed. The boundaries of the proposed reserve are bordered blue on litho. No. 6. Some time ago a loan was granted to the board by the Treasury for the purpose of purchasing the area, coloured green, which was low-lying and not suitable for residential purposes. The Treasury now desires repayment of this loan, but the board are unable to do so, and it is proposed to grant the area coloured yellow to the board with power to sell in order that they may refund to the Treasury the amount of the loan. It is anticipated that if this land were subdivided and made available for

sale, there would be a fairly good demand. As this is portion of Class "A" Reserve 7804, parliamentary sanction is necessary for it to be excluded therefrom and granted to the board with power to sell. The area coloured brown is also portion of Reserve 7804 and it is desired that this should be granted to the Education Endowment Trustees in exchange for portions held by them as marked "C" and "J" on litho, the former being required for inclusion in the recreation ground, and the latter for the widening of the street, which will eventually provide an approach to this land. The inclusion in the reserve of the sanitary sites north of Hensman Street cannot, of course, be carried out until the question of the removal of these sites has been decided. Clause 8: In January, 1907, Narrogin Lot 12, containing 1 rood 20 perches, as shown on the litho, attached, was vested in the Narrogin Municipality for a pound site. Owing to the growth of the town, this is now in an unsuitable position as it is surrounded by dwellings and the council desire to remove it on to land already under their control. In order to meet the cost of removal, the council desire to obtain the Crown Grant of the lot, with permission to sell. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

Clauses 1 to 6—agreed to.

Clause 7—Reserve A7804:

Hon. H. A. STEPHENSON: Has any objection been raised to this proposal by the Claremont Municipal Council, or any local authority in that district?

The CHIEF SECRETARY: There is no reference to the municipality at all.

Hon. H. A. Stephenson: I would be surprised to hear that no objection had been raised.

The CHIEF SECRETARY: I have not heard of any objection. If the hon. member wishes, I will postpone the consideration of the clause.

Hon. H. A. Stephenson: I wish the Minister would do so. I would like to find out the position before I vote in favour of the clause.

Hon. A. LOVEKIN: I suggest that progress be reported, because I have been approached on this subject. I understand that this portion of the Bill does not meet with general approval. I gather that there is some controversy with the people of Swanbourne. About £6,000 was borrowed from the Government for the purpose of converting a swamp at Swanbourne into a recreation ground. The Government now desire the repayment of the loan, and the proposal is to cut up part of the Ocean Beach reserve and to give power to enable the land to be sold so that the £6,000 may be repaid to the Government. I am informed that the Swanbourne residents are indignant about the proposal. If progress were reported, we might learn something more about the position.

Hon. C. F. BAXTER: I take a different view of the matter. The Government granted a loan to the Claremont Road Board, and in order that they may be recouped, they turn around and transfer certain land, presumably Government land, to be sold in order that the board may liquidate the debt. That is rather a remarkable way of financing. It may be good from the board's point of view, but remarkable from the State standpoint.

Progress reported.

## BILL—TRANSFER OF LAND ACT AMENDMENT (No. 2).

### *Second Reading.*

HON. J. NICHOLSON (Metropolitan) [7.50] in moving the second reading said: This is a comparatively simple Bill which embodies certain provisions relating to the attestation of documents or instruments under the Transfer of Land Act. A few days ago we had before us a Bill to amend another section of the Transfer of Land Act, and I was hoping it would have been possible to incorporate in that Bill the amendments we are now discussing so as to save a multiplicity of Bills amending one Act. Unfortunately, however, owing to the Standing Orders, that was found impracticable. I had placed on the Notice Paper the amendments that are now embodied in the Bill and thus members have had the opportunity to study them. Briefly this is the position: It has been found in the course of experience that there has been a

great deal of inconvenience caused to people from time to time in getting documents attested because of the provisions that are laid down in the Transfer of Land Act relative to the qualifications of the persons who may attest. The inconvenience has been more keenly felt particularly in the case of a person abroad. For example, if a Justice of the Peace in this State, who would be competent to witness a document under the Transfer of Land Act in the State of Western Australia, happened to go to South Australia, or Victoria or elsewhere, and someone sent a document to South Australia or Victoria for the purpose of being executed, and asked that particular Justice of the Peace from Western Australia to attest the document, the attestation would be invalid because of the provisions of the Act as they stand at the present time. That is absurd. Amongst various other anomalies, the Bill is designed to remedy this defect. About 18 months or two years ago I was approached by the Justices Association in regard to the disability existing in this as well as other matters, and I was asked to introduce a deputation to the Minister for Justice. I did so and this question was brought forward. The Minister promised that something would be done to rectify the position. The Minister did take some steps in the direction indicated, and it was the intention of the Government to introduce a Bill to deal with a number of other amendments of rather an extensive character in connection with the Transfer of Land Act. It has been found hardly possible during the present session to submit that measure because the nature of the Bill is such that it will involve a good deal of discussion, and will require to be reconsidered and probably recast to a certain extent, and rather than delay the matter until that Bill should come before the House it was thought, after consultation with the Crown Law authorities, that the wisest course would be to move the amendments I have embodied in the Bill before us. I am advised by the Crown Law Department that the clauses in the Bill have been taken from the draft Bill now in the hands of the department. I went through the clauses, and I also took the opportunity of submitting a copy of the Bill to the Registrar of Titles. That officer called my attention to one matter and the suggestion he made, I think, was a good one. In paragraph (b) of Clause 2 power is given to

any Justice of the Peace in any part of the King's Dominions to attest documents outside Western Australia. The Registrar pointed out that that there might be a little difficulty in this respect, and he thought it would be better to limit the justices to those who are actually resident within the Commonwealth and New Zealand. The department would then be able to get a copy of the Justices lists from time to time, and so keep a check when documents came before them. They would then be able to see whether the witnesses who attested the documents were actually Justices of the Peace or not. With that object in view, I intend to move an amendment to that clause. I also propose to amend it by striking out the word "accountant" and inserting "acting or sub manager of a bank." The clause will then read "or manager or acting sub-manager of a bank." In other respects the Bill is largely a copy of the Act in force in Victoria. Many of the clauses have been drawn from the Victorian Act, or follow the lines of the Victorian Act. As the matter has passed under the review of officers of the department interested, I have much pleasure in commending the Bill to the House. I move—

That the Bill be now read a second time.

**HON. H. SEDDON** (North-East) [7.57]: I am in accord with the object of the Bill, and as legislation of this nature is required I have much pleasure in giving it my support.

**HON. A. LOVEKIN** (Metropolitan) [7.58]: I suppose the Bill is all right, but it seems to me that it wants a little consideration. Powers of attorney and other documents might come before the authorities here, bearing the signatures of people whose name might not be familiar, and it might be possible for frauds to be committed. Still, we have to bow to the opinions of lawyers in matters such as this, and of course they may be quite all right. All the same, such a Bill should have the support of the Government.

Hon. J. Nicholson: I can assure you that this has the support of the Titles Office.

Question put and passed.

Bill read a second time.

### *In Committee.*

Hon. J. Cornell in the Chair; Hon. J. Nicholson in charge of the Bill.

Clause 1—agreed to.

Clause 2—Attestation of instruments and powers of attorney:

Hon. A. LOVEKIN: I do not know that "police magistrate" and "resident magistrate" are the proper terms to apply. At Home they are generally called "metropolitan magistrates."

Hon. J. NICHOLSON: I understand that these words are contained in the Victorian Act. Unfortunately I did not go through the draft Bill; but so far as my recollection serves me, these are the same words as appear in the Victorian Act. I had intended to bring the Victorian Act with me here to-day, but forgot to do so.

Hon. A. Lovekin: There is no such thing as a "resident magistrate" at Home.

Hon. J. NICHOLSON: But there are stipendiary magistrates. In certain other British Dominions there are resident magistrates, though not in England, where the term is "stipendiary magistrates." As this measure will extend to other Dominions, such as Canada, where I believe there are resident magistrates, the words have been included.

Hon. G. W. MILES: I think the mover said he had not had time to go through the draft Bill.

Hon. J. Nicholson: No; I did not say that.

Hon. G. W. MILES: Then I misunderstood the hon. member. On a Bill of this sort lay members rely on the legal members.

Hon. J. NICHOLSON: On the second reading I stated that the Bill is really a copy of clauses included in a draft Bill which the Government had intended to present by way of amending the Transfer of Land Act in this and various other important respects. As that Bill was not being proceeded with, the only means of overcoming the inconvenience occasioned in connection with attestation of documents both inside and outside Western Australia, was to introduce the present measure. I went through the Bill and compared it with the corresponding sections of the Victorian Act. The greatest care has been taken in the preparation of this Bill. It has been perused by officers of the Land Titles Office. I have here a letter from the Registrar of

Titles thanking me for giving him the opportunity of perusing the Bill and commenting on it. I am about to move an amendment on lines suggested by that official.

**THE CHIEF SECRETARY:** Some days ago I conferred with the Minister for Justice as to his attitude on this Bill; and he has since informed me that he approves of it, and that it simply comprises extracts from a large measure in course of preparation to deal with the Transfer of Land Act. Later a Bill will be presented by the Government incorporating all these matters.

**Hon. J. NICHOLSON:** Mr. Harvey pointed out to me that the Bill makes no reference to the acting mayor or the acting town clerk, whereas it frequently happens that travellers pass through some city while the mayor or town clerk is away on holiday, particularly in summer time; and thus inconvenience results. Accordingly Mr. Harvey suggested adding the words "or acting mayor." I move an amendment—

That in paragraph (b) of Subsection 1 of proposed Section 145, after "town clerk" there be inserted "or the acting mayor or other acting chief officer or acting town clerk."

**Hon. A. LOVEKIN:** What about the chairman of a borough council? There are boroughs at Home.

Amendment put and passed.

**Hon. J. NICHOLSON:** In order to limit the justices of the peace who will be competent to act as witnesses, I move an amendment—

That in paragraph (b) of Subsection 1 of proposed Section 145, after "justice of the peace" there be inserted "holding a commission from the Government of any of the States of the Commonwealth of Australia or of the Dominion of New Zealand."

**Hon. A. LOVEKIN:** What about the Lord Mayor of Perth? Within the limits of Western Australia the Lord Mayor of Perth is not competent to act as a witness.

**Hon. J. NICHOLSON:** I have no objection to adding the Lord Mayor of Perth, but I do not think it necessary as regards within the State of Western Australia. We have plenty of other witnesses here.

**The CHAIRMAN:** Does not "mayor" include the Lord Mayor?

**Hon. J. NICHOLSON:** Yes; or the words "chief officer" would cover it.

Amendment put and passed.

**Hon. J. NICHOLSON:** I move an amendment—

That in paragraph (b) of Subsection 1 of proposed Section 145, "accountant," in line 14, be struck out, and "acting or sub-magister" inserted in lieu.

**Hon. A. Lovekin:** Can all or any of the persons mentioned make any charge for their services in attesting?

**Hon. J. NICHOLSON:** No.

**Hon. A. Lovekin:** Not even a notary public?

**Hon. J. NICHOLSON:** A notary public is by Statute entitled to charge. The variety of witnesses is inserted so as to allow persons to go before them and get documents attested free of charge.

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

Clause 3, Title—agreed to.

Bill reported with amendments.

## **BILL—ROAD DISTRICTS ACT AMENDMENT.**

### *Second Reading.*

**THE CHIEF SECRETARY** (Hon. J. M. Drew—Central) [8.17] in moving the second reading said: Two road board conferences attended by delegates from all parts of the State, passed resolutions requesting the Government to seek further legislative power to enable them to deal with the difficulties which they had experienced in the course of their duties. As a result of those conferences, a Bill was prepared to meet the situation, and it was introduced in 1926. Provision was also made in the Bill for an amendment of the franchise in accordance with the principle of one vote to each ratepayer, instead of a number of votes, from one to four, according to the value of the land held by the ratepayer. The Bill passed the Legislative Assembly with a few alterations, but the Legislative Council did not approve of the principle of one ratepayer one vote, and the Government decided not to go on with the measure. Since then the Road Boards Association, as well as many of the boards individually, have pressed the Minister to introduce amendments that experience has taught to be essential to the removal of difficulties under which the local authorities have been, and are still, labouring. The Minister for Local Government

feels that the urgent necessity for the provision of the additional powers sought, warrants the postponement of the consideration of the principle of one ratepayer one vote, in order that the local authorities may have the requisite machinery to enable them to conduct their business in keeping with the growing needs of this State. Hence, with reluctance, the principle of one ratepayer one vote has been excluded from consideration, and a Bill with other and less debatable amendments is now put forward. The Bill as submitted is otherwise very similar to that introduced in 1926, with the addition of some further provisions which can be briefly mentioned. The amendments embrace the following: Power is given to enable councils to obtain money from the State and Commonwealth Banks by way of loans, and to repay the same with principal and interest added, in half-yearly or other instalments, instead of the existing procedure of issuing debentures. The councils' powers are extended to provide various facilities for the ratepayers. It is provided that when territory is transferred from or to a municipal district, such new territory shall be exempt from any rates that should not justly apply to it. There are provisions to enable further evidence to be given in cases where appeals against valuations are taken from councils to the local courts. Various other machinery clauses are inserted, and if necessary these can be referred to more fully when the Bill is in the Committee stage. The first portion of the Bill alters the name "road board" to "district council," and with that alteration the term "president" is used instead of "chairman," and "councillor" instead of "member of a board." It is generally recognised that in the years gone by the title of "road board" was appropriate, because the activities of these bodies were confined mainly to the building and maintenance of roads and bridges. The passage of time, however, has brought about numerous changes. Many local authorities now not only look after roads and bridges, but, among other things, concern themselves with electric lighting schemes, the control and administration of public halls, water supply and drainage works, hospitals, etc. In Victoria and New South Wales the rural districts are designated "shires," and in South Australia "district councils." The latter appeals to the Government and it has been approved of at road board conferences. The Bill provides for the extension of the

definition of roads and towns. It is made clear that immediately a plan is publicly issued by the Lands Department and roads are shown thereon, they automatically become roads within the meaning of the Act, and under the control of the board. A town is now described as the site of a town or village subdivided and laid out by the Lands Department. Therefore towns such as those along the Midland Railway line and elsewhere where privately owned land has been cut up and sold as town lots are not towns within the meaning of the Act. By enlarging the definition, those towns will be granted powers now possessed by others. The Act provides that when an election falls on a Saturday which is a public holiday it must be deferred, and the election shall be held on the next following Saturday which is not a public holiday. Saturday is considered a good day for the holding of elections, and so provision is made that an election can be held only on a Saturday. The Governor has authority to abolish a road district if the revenue from general rates over a period of two years does not average £300 per annum. Two or three districts have actually been abolished and merged into others, under this provision, but it is considered that no district should be constituted and no old board be permitted to continue to exist if its revenue from general rates falls below £600. Provision is also made in the Bill that when a road district is converted into a municipal district, or vice versa, the local authority of the newly constituted district shall automatically take over all assets and liabilities. In the Act this provision is made in so far as adjustments of road districts are concerned. It is now provided that no person can become a member unless he possesses certain qualifications, but, through some oversight, it is not further provided that such person must be registered as an elector. The Bill now makes this clear. It is proposed that general elections shall take place once every three years instead of annually, as at present. The reason for this is that very wide powers are given to road boards under the Bill and that those powers may be either misused or not utilised in accordance with the wishes of the ratepayers as a body. With the continuance of the present law, a board could go on doing something contrary to the de-

sires of the ratepayers for a considerable time before the majority of them could be ejected from office. But with general elections every three years, the ratepayers would be able to shape a well-defined policy with some prospect of its being carried out: or they could remove a board that had embarked on enterprises which were considered to be opposed to the interests of the district concerned.

Hon. G. W. Miles: Did the road board conference recommend that?

The CHIEF SECRETARY: I am coming to that presently. Under existing law it would be a piecemeal process, and therefore impracticable. If we are giving large powers to road boards we should have some means of dealing with them effectively in bulk if those powers are abused. Besides the reasons I have already given, there is another and a very strong one which I shall deal with at greater length in Committee should it be necessary. I would point out to hon. members that, while it would be easy to continue the existing system if districts were not divided into wards, it becomes a difficult matter when we have wards varying in numbers from two to ten, and many with only one or two members. This makes the arrangement for one third of the members to retire every year only possible in many instances by tossing a coin, and sometimes the Minister has to decide who shall retire. Under the present Act the member who at his election received the least number of votes goes out of office first, and if he received the same number of votes, or there was no ballot, it has to be decided by lot which of them shall go out of office. If the board cannot come to a decision on the matter, the Minister makes the determination. I can give further information in regard to that when the Bill is in Committee. This proposal was originally requested at one or more of the road board conferences, but at the last conference it was brought up in a thin house and defeated. Since then, on the 12th September, 1929, a road board conference of 16 road boards of the South-West passed a resolution reading—

This Association approves of the amendment to the Road Districts Act making the duration of a council three years. The opinion of this association is that the possibility of an entirely new council being returned is remote, and such possibility is outweighed by the advan-

tages in giving the ratepayers the opportunity of expressing their opinions and the saving in cost of elections, which would be reduced to one-third of present cost.

Under this Bill it is provided that in addition to the election of a president there shall at the same time be elected a vice-president, and the Bill sets out the circumstances in which the vice-president shall act. Difficulties have arisen because under existing legislation no authority is given for the permanent election of a vice-president. The Act enables a road board, with the consent of the Minister, in certain circumstances, to pay a gratuity to an officer. The Bill extends that authority to other employees, but it confines the maximum amount to be paid to 12 months' salary, and stipulates that, except in cases of death or incapacity, no gratuity shall be paid unless an officer or employee has served for at least 10 years. This is similar to the provision in the Public Service regulations.

Hon. G. W. Miles: How many road boards are there in the State?

The CHIEF SECRETARY: One hundred and twenty-seven. It is also proposed to make it easier under certain conditions for road boards to rescind or alter resolutions passed at previous meetings. The necessary safeguards in this respect have been provided. Many public halls are vested in road boards, and as the Act stands the committee of management can consist only of members of a board. It is, therefore, provided that various institutions which are named, can, if the board think fit, be looked after by committees, members of which need not necessarily be members of the board. Existing conditions demand that all minutes shall be hand-written into minute books. It is provided in the Bill that minutes may be typewritten and pasted into books, but certain precautions are stipulated. Twenty or more persons may now make a demand upon a board to hold a special meeting, and such meeting must then be held. The Bill provides that when that is done, the requisition shall clearly state the business which is to be presented at such meeting. A petition asking for a poll in connection with a loan may be withdrawn within not less than 14 days of the date of the referendum. Any person who sells land must give notice to the board of such sale. Land, however, might be disposed of in other ways, and provision is made in the Bill



accordingly, and it is also made clear that a notice must be given within 21 days. Further than this, it is provided that no person shall remove or demolish any house or building without giving seven days' notice. In some instances lands upon which buildings are erected have no saleable value. Therefore the only security for unpaid rates is in the improvements. That provision is made for the protection of the local authority. Boards now have power to do certain specified things when necessary for the drainage of a road. It has been deemed desirable that some of them should have similar power when they wish to drain a recreation reserve or other land vested in a board. The Bill provides for that authority, and also gives additional power in regard to reserves or recreation grounds. Under the Traffic Act a board is prevented from closing a road for an indefinite period. It is set forth in the Bill that no board shall have power to close a road temporarily for a longer period than 28 days, without the consent of the Minister. The Act empowers a board to subsidise a ferry service for a period not exceeding two years at any one time. The Bill extends this to provide that a board may acquire, establish, conduct or subsidise a ferry or a passenger transport service, under certain specified conditions. Existing legislation gives authority to acquire and operate a quarry, but strange to say it does not give authority to a board to acquire land and then open and develop a quarry. The Bill puts that right. Boards have drawn attention to the fact that they are at times compelled to carry out drainage work in connection with roads, and that those works sometimes materially benefit private property. The Bill gives power for the board to rate land so benefited, and if any owner desires to protest, machinery is provided whereby he can do so. Provision is also made to enable two or more local authorities to combine when it becomes necessary to construct a drain which can be rendered effective only by constructing it through one or more other districts. A board may now use its revenue for maintaining or improving halls, libraries, etc. The Bill extends that to enable a board to acquire or build, and to purchase sites. Boards may now allow discount not exceeding 5 per cent. if rates are paid promptly. The word "promptly" is considered to be too vague.

and so the Bill stipulates that such discount shall not be allowed unless the rates etc., are paid by the 30th September, or for a month longer if the Minister agrees. Power is given to boards to compel the use of hoardings, fences, lights, etc., when buildings are being erected and for regulating and controlling the exhibition of bills, placards, or advertisements on hoardings, whether they are on private property or in a public place. Boards are also enabled to make regulations controlling the erection of hoardings on private property. Another necessary provision is the granting of power to a local authority to refuse to permit a building to be erected on land which cannot be sufficiently or conveniently drained. It has occurred that buildings have been erected on low lying lands and demand have later been made on the local authority, and also on the Government for the draining of those lands. Another provision which is now urgently necessary is one which gives the boards power to control the erection and use of bowsters and tanks containing inflammable matter, and weighing-bridges or weighing machines. Authority is also given to prescribe a building line on any road or portion of a road. Owners of property are protected by certain conditions which are set out in the Bill. At present a board has no control over any person who might be conducting quarrying operations or who might acquire and operate gravel pits in townsites. Therefore suitable provision is made in the Bill. Land taken up under conditional purchase conditions is exempt from the payment of rates for two years. It sometimes happens that before the two years are up, the land reverts back to the Crown either by forfeiture or through the Agricultural Bank. When it is again reselected it is once more exempt for a further period of two years. The Bill makes it clear that such exemption shall not extend beyond the two years unless the Under Secretary for Lands certifies that further exemption should be allowed. Many local authorities have adopted low valuations—some very low as compared with the established valuations of the Taxation Department. Anomalies and complications arise where one district has a fair valuation and another a low and unfair one. The Minister now has power to compel any board to adopt his valuations, which would probably be the valuations of the Taxation Department but

if this is done owners of land can appeal against such valuations to the appeal board, constituted from members of the road board, so that the appeal board could, if they thought fit, nullify the intention of the Minister. It is provided in this Bill that when such action is taken the valuations must be adopted without appeal. This is reasonable, seeing that land owners have the right to appeal against valuations when made by the Taxation Department. Quite a number of road boards find that they cannot adequately finance, and numerous requests have been received to enable higher rates to be levied. The rates now prescribed were fixed in pre-war days. Those now set out in the Bill are considered to be reasonable. It has happened that a board has borrowed money for the construction of works which benefit only one portion of the district. The intention of the Act is that only the ratepayers so benefiting shall pay loan rates until the loan is liquidated, but boards taking advantage of that have levied upon the whole of the people rates for a loan which has benefited only one section. The Bill makes it clear that this is not to be done in future unless the approval of the Governor is given. This will not be granted without abundant justification. The Bill also makes it clear that a board shall levy a loan rate which shall provide not only for interest but also for sinking fund, and if there is at any time a surplus after doing this, such surplus can be taken into revenue by the board. The Bill will also enable boards to levy a special rate for the lighting of a town. When boards borrow money it must be for a fixed term and they must establish a sinking fund which will redeem it at the end of that term. The Treasury controlling savings bank, and private banking institutions as well as the boards ask for authority for boards to borrow money and to repay principal and interest by instalments. The Bill makes provision to this effect. When property has to be sold on account of non-payment of rates the Act sets out the manner in which the proceeds shall be shared. Boards find that they are put to a considerable expense, and sometimes others have to be satisfied before they recover their rates. Provision in the Bill places them in a better position in this respect. The principal Act does not provide that when a road board is merged into a municipality

(and this might be done in the metropolitan area) money borrowed by such municipality shall remain a debt only upon that part of the territory. The Bill makes it clear that when a road district is dissolved and amalgamated with another district only the ratepayers of the dissolved district will be called upon to bear the interest and sinking fund of loans raised by them prior to the dissolution. It further provides that when districts are merged, the combined revenues for the preceding two years shall be calculated when exercising their borrowing powers. The Act sets out that monies can be borrowed for certain specified purposes, and with the consent of the Governor for other works. The Bill makes further provision, namely for undertakings. For instance, the taking over of an electric lighting system would not necessarily be a work. It would be an undertaking. At present when twenty or more resident ratepayers demand a poll in connection with the proposal to raise a loan, a referendum must be held; and, unless an absolute majority of all resident ratepayers on the roll vote in favour, the loan cannot be raised. It is only in rare instances that it is found possible to secure a total poll of a majority of the resident ratepayers, so the Bill provides that a majority of the resident ratepayers voting will settle the question, and when it is settled in favour of a loan then such loan must be raised within twelve months after the poll has been taken. Provision is made as well to reduce a sinking fund if the treasurer certifies that by continuing to pay the rate fixed a loan would be redeemed before maturity. It is also provided that road boards shall be given the same security as municipalities, in regard to claims for damages by reason of construction of works which are needed for public convenience or use. The second schedule of the Act which relates to the erection of buildings, etc., is to be amended in certain directions, and power is to be given to a board to define an area within which it would be unlawful to erect factories or other buildings in which work might be done that would be offensive within a residential area. I move:

That the Bill be now read a second time.

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

*House adjourned at 8.52 p.m.*