

tend to move any amendment dealing with the term "modified examination."

Clause put and passed.

Clauses 45 to 64, Schedule, Title—agreed to.

Bill reported without amendment, and the report adopted.

House adjourned at 6.4 p.m.

Legislative Assembly.

Thursday, 9th November, 1939.

	PAGE
Questions: War with Germany, railway employees, pay deficiencies	1853
Secondary industries, encouraging local firms	1853
Select Committee: Investment companies, extension of time	1853
Leave of absence	1853
Assent to Bills	1853
Bills: Builders' Registration, report	1854
Plant Diseases (Registration Fees), 2a., ruled out of order	1854
Sunday Observance, 2a.	1854
Administration Act Amendment, returned	1858
Municipal Corporations Act Amendment (No. 2), returned	1858
Dried Fruits Act Amendment, returned	1858
State Forest Access, returned	1858
Traffic Act Amendment (No. 2), Com. report	1858
Main Roads Act Amendment, Com.	1862
Superannuation and Family Benefits Act Amendment, 2a.	1871

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

QUESTION—WAR WITH GERMANY.

Railway Employees' Pay Deficiencies.

Mr. BOYLE asked the Minister for Railways: 1, Has the Railway Department made provision to make up any deficiencies in pay caused by the compulsory attendance of railway men in military camps where the military pay is less than that earned by the men in the Departmental service? 2, If not, can consideration be given to the question of making up the difference between military and departmental pay?

The MINISTER FOR RAILWAYS replied: 1, The matter is one of Government policy and a decision thereon will be announced in the near future. 2, Answered by No. 1.

QUESTION—SECONDARY INDUSTRIES.

Encouraging Local Firms.

Mr. NORTH asked the Minister for Industrial Development: 1, Are various ways and means of encouraging the establishment of new industries continually being investigated? 2, Will he consider whether any financial concession or taxation rebate could be granted to any local firms which make it a condition of employment that their employees shall purchase Western Australian goods wherever possible?

The MINISTER FOR INDUSTRIAL DEVELOPMENT replied: 1, Yes. 2, Yes.

SELECT COMMITTEE—INVESTMENT COMPANIES.

Extension of Time.

On motion by Hon. C. G. Latham, the time for bringing up the report was extended for two weeks.

LEAVE OF ABSENCE.

On motion by Mr. Patriek (for Mr. Doney), leave of absence for two weeks granted to Mr. Mann (Beverley) on the ground of ill-health.

On motion by Mr. Shearn (for Mr. North), leave of absence for one week granted to Mr. J. H. Smith (Nelson) on the ground of urgent public business.

On motion by Mr. Wilson, leave of absence for one week granted to Mr. Holman (Forrest) on the ground of urgent private business.

ASSENT TO BILLS.

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

1, Financial Emergency Act Amendment.

2, Contraceptives.

3, Mortgagees' Rights Restriction Act Continuance.

4, Supply (No. 2), £1,200,000.

BILL—BUILDERS' REGISTRATION.

Report of Committee adopted.

BILL—PLANT DISEASES (REGISTRATION FEES) (No. 1).

Second Reading—Ruled out of Order.

THE MINISTER FOR AGRICULTURE

(Hon. F. J. S. Wise—Gascoyne) [436] in moving the second reading said: The Bill is being introduced at the request of the orchardists of Western Australia.

Mr. Sampson: Some of them.

The MINISTER FOR AGRICULTURE: Of the commercial orchardists.

Mr. Sampson: Some of them.

The MINISTER FOR AGRICULTURE: The member Swan (Mr. Sampson) immediately becomes disorderly, and says, "Some of them." The Government received the request from the recognised organisation of the fruitgrowers, which covers all sections of the State and includes all the commercial orchardists of Western Australia. Perhaps it is necessary at this stage to review the circumstances that led up to the introduction in 1934 of the amendment to the Plant Diseases Act. That measure passed this Chamber, and was subsequently revived and submitted to the Legislative Council in 1935. However, the legislation, which ultimately imposed a fee of 1s. on all orchards, was first introduced in 1934. It was solely at the request of the Fruit Fly Advisory Board and of the fruitgrowers of Western Australia, the same people who have made the request on this occasion. On the 7th August, 1934—I mention this as an indication of how representative was the approach to the Government—the Fruit Fly Advisory Board met and discussed the urgent need of endeavouring to cope with the rapidly-spreading fruit fly.

Mr. Sampson: The city grower will not pay any more.

The MINISTER FOR AGRICULTURE: Those present on that occasion were: Mr. A. C. R. Loring, of Bickley Valley, who was chairman; Mr. T. Barrett-Lennard, of

Upper Swan; Mr. W. L. Holland, of Kalamunda; Mr. R. Knuekey, of Roleystone; Mr. A. Mayor, of Spearwood; Mr. H. A. Smith, of Gosnells, and Mr. H. J. Price, of Karragullen. So far nearly all of these operate in the electorate of the member for Swan, who appears to be somewhat out of step.

Mr. Sampson: Not necessarily.

The MINISTER FOR AGRICULTURE: Then the other growers on the board were Mr. C. H. Ozanne, of Bridgetown, and Mr. George Parke, of Argyle. At that conference in August, 1934, this board moved that an annual orchard registration fee of 5s. per acre or part thereof—one tree or vine to constitute an orchard or vineyard—be instituted. The request from the industry was that a registration fee of 5s. should be made and that the money obtained should constitute a fund for the purpose of combating fruitfly. It was further recommended that a graduated scale apply, that different fees be charged according to the susceptibility of certain types of fruit to fruitfly. The recommendation was that the minimum fee should be 5s. and the maximum £7 10s. per orchard or vineyard. That was the recommendation from the advisory board.

Bill Ruled Out of Order.

Mr. SPEAKER: Order! It may be as well to stop the Minister from going any further rather than allow him to proceed with a Bill that is out of order. The Bill is out of order because it does not comply with Standing Order No. 285, which states that—

The precise duration of every temporary Bill shall be expressed in a distinct clause at the end of the Bill.

That Standing Order has not been complied with so the Bill is definitely out of order and cannot be proceeded with. Another Bill will have to be introduced.

Mr. Sampson: We will not blame the Minister for that, anyhow.

BILL—SUNDAY OBSERVANCE.

Second Reading.

THE MINISTER FOR LABOUR (Hon. A. R. G. Hawke—Northam) [443] in moving the second reading said: The main object of the Bill is to prohibit work in the building trade on any Sunday.

Mr. J. Hegney: Hear, hear! It is long overdue.

The MINISTER FOR LABOUR: The term "building trade" is comprehensively defined in the Bill. The definition is such as to include every activity associated with the building trade in this State. There is also provision for the placing of any calling, trade or industry under the prohibited trade section of the measure. It is considered that the provisions of the Bill should first of all be tried out in one industry, and if, as a result of their trial in that industry, it is deemed necessary and desirable, they should be applied to other trades, callings or industries. Every member of this Chamber, and especially those who live in the metropolitan area, will be aware that activities in the building trade are being increasingly carried out on Sundays.

Mr. Sampson: At double rates.

The MINISTER FOR LABOUR: Many years ago it was quite the exception to see any work in connection with the building trade being done on Sundays. The only work of that description undertaken on that day in years gone by was work necessitated by some emergency or some occurrence that could not have been foreseen. Competition in the building trade has become intensified with the passing of the years. The worst years of the depression had a great deal to do with that. Previous to the depression, which commenced early in 1930, activities in the building trade in Western Australia had been expanding at a very rapid rate. After the depression had been upon the State for only a short period, those activities were considerably reduced. Competition for contracts became intense and prices were cut to a level that allowed little or no profit, and in many instances caused the builders and contractors concerned to suffer heavy losses. Certain aliens became builders and contractors at that time and the number of such persons engaged in the trade has increased from year to year. Sunday work in the trade began to increase more particularly from that period, and has continued to increase ever since. If there is one trade that should be capable of being carried out in five days of the week, or at most 5½ days, it is the building trade. There appears to me to be little justification for carrying on general building trade operations on

Saturday afternoons, as is now done, and no justification for such operations to be carried out on any Sunday. The Bill does not contain an absolute prohibition of any and all Sunday work in the building trade. It sets out clearly that Sunday work may be carried out if emergency conditions demand it. The prohibition is a general prohibition against Sunday work in the trade. The Bill also provides that when the Bill becomes an Act the operations of the Act may be restricted to such areas as are from time to time declared by the Governor acting in Executive Council. It appears to me that three main objections can be taken to general work in the building trade on any Sunday. The first is ethical, the second industrial, and the third is the competitive objection. The majority of builders and contractors do not carry on their activities on Saturday afternoons or on Sundays, but the minority does so on both Saturday afternoons and on Sundays. The Bill does not deal with the question of work in the building trade on Saturday afternoon.

Mr. Patrick: Many of them do not work on Saturday morning.

The MINISTER FOR LABOUR: Although I think legislative action even in that direction would be justified, I would point out that the builder or contractor who carries out general activities in the building trade on Sundays gathers unto himself very strong competitive advantages against the builder and contractor who does not carry on his activities on Sunday. The builder and contractor who operates on Sunday and on nearly every Sunday, usually operates also on Saturday afternoons. Such persons, therefore, are working seven days in every week; consequently they are able to do much more work than is the builder and contractor who takes a reasonable view of his industry and refuses to work more than 5½ days in any one week, and in many instances works only five days in any one week.

It is not thought that the minority of builders and contractors who carry on their activities on Sundays should be permitted to gain this powerful competitive advantage, as they do, for any longer period than can be prevented. The practice of Sunday work in the building trade is most undesirable. Like all undesirable practices, that will increase unless effective action is

taken concerning it. Those builders and contractors who are suffering through not carrying on their activities on Saturday afternoons, and Sundays particularly, will find the competition against them so strong as to force them to do as the others are doing. That is the law of competition which operates in every phase of industry and in every walk of life. Members of the Government feel it is their duty to give Parliament the opportunity to decide now whether activities should for much longer be carried out in the building trade along the lines I have indicated. The fact that certain builders and contractors do carry on building activities on Sundays means that certain workers in the building trade get employment for seven days a week; and that is also very undesirable from the industrial point of view as well as from other points of view. If certain workers in the building trade are to get seven days work in every week as a result of being employed by builders and contractors who operate on Sundays, it means that a considerably decreased volume of work is available for the other men who depend on the building trade for employment. There is also that very strong objection to the present volume of activity which goes on in connection with the building trade on every Sunday, and, unless Parliament takes the necessary action very severely to restrict Sunday work, the industrial evil or disadvantage to which I have referred will undoubtedly increase. The cumulative result of that will be that a small number of workers in the building trade will get far more work than they are entitled to receive, whilst the majority of the men employed in the industry will receive a lesser amount of work than that which should be theirs. There is a general tendency to regard Sunday as being of less and less importance in connection with a large number of activities in this State, as well, probably, as in the other States and in other countries. The tendency on the part of all people more or less carelessly to disregard the importance and value of Sunday is one that we may live to regret in the not distant future. If we are going to allow the spread of industrial activities on Sundays or during any Sunday, the time is not far off when those engaged in trades and calls other than the building trade will follow the lead given by the building trade, with the result that Sunday will

become more and more like an ordinary week day as the years go by.

Mr. Withers: Firewood and sleeper cutters are amongst the big offenders.

The MINISTER FOR LABOUR: I think any person engaged in any other industry who sees activities in the building trade increasing on Sundays, and also sees activities increasing in regard to other callings or industries on Sundays, is entitled to say that Parliament has no objection to what is happening because it has taken no action to deal with the matter.

Mrs. Cardell-Oliver: Do they have pictures on Sundays?

The MINISTER FOR LABOUR: If they do, I do not go to them. The time is not only due, but is probably overdue when Parliament should at least be given an opportunity to discuss this important question and come to some decision concerning it. If Parliament desires that Sunday work shall be encouraged, and that Sunday work in different directions shall be increased, it ought to say so, and those engaged in industries and trades of various descriptions would know the view of Parliament upon the question. I have no doubt about the decision at which Parliament will arrive, for I am convinced that both Houses will unanimously endorse the principle contained in the Bill. The member for Bunbury (Mr. Withers) suggested that other activities outside the building trade were carried on every Sunday.

Mr. Patrick: The cows have to be milked in Bunbury on Sunday.

The MINISTER FOR LABOUR: Many activities are carried out on Sunday which have to be carried out, and will still be carried out, and would have to be carried out even if legislation be passed with the object of preventing those activities from being carried out. But there are numerous activities, in addition to those associated with the building trade, now carried out on Sunday which should not be carried out on Sunday.

Mr. Sampson: Have there been mass meetings demanding this legislation?

The MINISTER FOR LABOUR: There is no necessity for such work being done on Sunday. One of the main reasons responsible for the development of work in certain directions on Sundays is associated with the fact that in recent years an increasing number of men have become contractors in

a small way, taking contracts to do one thing or another at prices altogether uneconomic, as well as unprofitable from their point of view. Having accepted a contract at an unprofitable price, such a contractor has been by economic circumstances compelled to work all hours of the day and all hours of the night, and also to work on Saturday afternoons and on Sundays and holidays. Thus he has been forced into that position. In my opinion it is the duty of Parliament to declare just when work in certain trades shall not be carried on. The provisions of the Bill, when it becomes an Act, will operate despite what may be contained in any other Act of Parliament or in any industrial award or agreement.

I have no doubt that in another place an argument may be raised by one member to the effect that we are doing something to interfere with decisions of the Arbitration Court. Such, of course, would not be a true contention; it would have no logic at all in it. But it at least would be forcible. The Bill does not propose to interfere with any decision of the Arbitration Court, because the Arbitration Court has never yet said in any award or agreement that Sunday work may be carried on. What that court has done in its awards and agreements has been to lay down the maximum number of hours that shall be worked in any one week at ordinary rates of pay, and then to prescribe rates of pay which must be paid when overtime is worked beyond the ordinary hours provided. So we as a Parliament are thoroughly justified in declaring that in certain trades no Sunday work shall be carried on except under special restrictive conditions. That is what the Bill aims to do. Exemption from the obligation of the provisions of the Bill will be given to those who, because of some emergency or some necessity, have to do some work in the building trade on Sundays. That is quite a sensible and quite a necessary provision, because, as every member knows, happenings might take place in the way of storm or otherwise which would compel some activity in that trade to be put in hand and carried through on a Sunday.

There is one difficult point associated with this matter which the Bill seeks to meet. I do not claim with any dogmatism that the Bill meets the point in the best way possible. The particular difficulty concerns the

person who is not engaged in the building trade as a business. The person concerned might be any one of us, or any person in the community. We know that men with homes of their own desire at times to make improvements or alterations. We know, too, that some young men contemplating marriage use their week-ends for the purpose of doing something in connection with the building of a home which the man himself and his wife-to-be anticipate occupying at a later date. While it might be considered that even those particular men should be discouraged from carrying out on Sunday any activities associated with the building trade, it is felt that it would be asking Parliament too much to provide a general prohibition against activities of that description by those persons. The Bill therefore provides that any person not engaged in the building trade as a business shall not be covered by the prohibition in the Bill, when it becomes an Act, if he carries out the work on his own property and if the work is not carried out for gain, and where it is carried on without the assistance of any other person.

Mr. Needham: What if he happens to be a builder himself?

The MINISTER FOR LABOUR: Then he will be under a prohibition, and under a very strict prohibition. It might be thought that a man who is himself a builder should be treated in the same way as any ordinary person in regard to any building activities he might desire to carry out on any Sunday in connection with his own property. There would be no objection to that except for the point that in this State many partnerships exist and operate, most of which—or the particular ones I have in mind—are made up of aliens. The partnership might consist of three persons, or it might consist of six, or of any number. If we provide that the builders themselves shall be allowed to carry out activities associated with the building trade on any Sunday, we give those partnerships, or the persons in them, absolute freedom to go along on any Sunday and carry out building trade operations.

Mr. Warner: They would build a house a month.

The MINISTER FOR LABOUR: Therefore I commend the general principle of the Bill to the House. I am convinced that it will receive the approval of the Chamber.

Mrs. Cardell-Oliver: What about Jews and Seventh-Day Adventists?

The MINISTER FOR LABOUR: I am not capable of speaking on their behalf; and I fear that so far as I am personally concerned I shall have to depend on the member for Subiaco to supply information about them and their activities. The Government is not married to some of the clauses of the Bill; but we are definitely and beyond any alteration married to its principle. If hon. members have any suggestions to bring forward regarding clauses of the Bill which do not touch its principle, those suggestions or perhaps alterations will receive every consideration. I think that possibly one or two clauses are capable of improvement. I shall be pleased to hear the opinions of those members who are interested in the measure—and I think every member will be interested in it. I trust that when the measure has received final consideration at the hands of Parliament it will be an Act capable of effective and beneficial operation. I feel convinced that the Bill, when passed into law, will prove an Act of which Parliament may well be proud; and I am convinced that its operations in the general community will have beneficial effects in more than one direction. Therefore I have pleasure in moving—

That the Bill be now read a second time.

On motion by Mr. Watts, debate adjourned.

BILLS (4)—RETURNED.

- 1, Administration Act Amendment.
With an amendment.
- 2, Municipal Corporations Act Amendment (No. 2).
- 3, Dried Fruits Act Amendment.
- 4, State Forest Access.
Without amendment.

BILL—TRAFFIC ACT AMENDMENT (No. 2).

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 13:

Hon. W. D. JOHNSON: In my opinion, it would be reasonable on the part of the

Government to postpone consideration of this measure until the Main Roads Act Amendment Bill has been disposed of. Members representing constituencies where local governing bodies are very much concerned about this measure are placed in a false position. Those bodies complain that the proposal is first to pass a measure depriving them of traffic fees and later to pass another measure restoring the money. No serious opposition is offered in my constituency to the taking over by the Government of the license fees; but it is considered that some provision should first be made for restoration of the money.

Mr. Patrick: Permanent restoration?

Hon. W. D. JOHNSON: I do not think that is possible, because it will depend upon the continuance of the Federal Aid Roads Agreement. If the Government cannot obtain funds from that source, of course the money cannot be paid. My desire is to allay the fears, doubts and anxieties of the local governing bodies. We are rather putting the cart before the horse by taking this Bill first. I suggest that progress be reported, and that we devote our attention to the next measure.

The MINISTER FOR WORKS: I am afraid the course suggested by the member for Guildford-Midland is impracticable. This measure must be passed first so that the license fees may be paid into Consolidated Revenue. We must get the money into the Treasury before we can pay it out. Have I the assurance of the Committee that if the succeeding measure were dealt with first and passed, this measure would then be passed?

Hon. W. D. Johnson: Surely the Minister can rely on that.

The MINISTER FOR WORKS: An amendment has been drafted definitely providing that this money will be restored to the local governing bodies. The amount to be returned will depend upon the amount collected.

Mr. DONEY: The Minister keeps insisting that all the money to be taken from the metropolitan local governing bodies will be returned to them.

The Minister for Works: I did not say that.

Mr. DONEY: The purpose of the Bill is to restore to the local governing bodies the sum of £120,000, or thereabouts. We have not had explained to us where the money is to come from.

Hon. W. D. Johnson: We know where it is coming from.

Mr. DONEY: The hon. member who has just interjected may know. I point out, however, that other members desire to be informed on this very point. They said they would oppose the Bill unless certain undertakings were given by the Government. The objection of members on this side of the House to the measure has been explained several times. We fear that the recouping of the money to the metropolitan local governing bodies will be at the expense of funds ordinarily set aside for the construction and maintenance of country roads. Every local governing body that has expressed itself on this Bill has been absolutely against it lock, stock and barrel. The only supporters of the measure appear to be the members of the Government. I hope the Bill will be defeated.

Mr. CROSS: There has been a tremendous amount of propaganda in connection with this Bill.

Mr. Thorn: You ought to be the best judge of that.

The CHAIRMAN: The Committee is dealing with Clause 2.

Mr. CROSS: Clause 2 has been the cause of the propaganda. I received many letters dealing with the subject before the Bill was explained at all. Many of the statements made are definitely untrue. For instance, I received this gem of a letter.

The CHAIRMAN: I remind the hon. member that he cannot make a second reading speech at this stage.

Mr. CROSS: Most of the correspondence I have received deals with this clause.

Mr. Doney: We did not get any such correspondence.

Mr. CROSS: This gem of a letter was received by me from a man who ought to know better, Mr. Rosman, the secretary of the Local Governing Bodies Association. The letter contains an untrue statement to the effect that at the present time the intention is not to amend the Traffic Act so far as concerns the collection of license fees by local authorities outside the metropolitan area; but that if sanction is given during this session to the metropolitan traffic fees being paid into Consolidated Revenue, it would appear to be inevitable that the next move of the Government would be to take all the license fees.

Mr. Doney: You are not in a position to deny that.

Mr. CROSS: The hon. member knows how small is the amount of traffic fees collected in the country.

The CHAIRMAN: I draw the attention of the member for Canning to the clause, which has nothing to do with local authorities. I ask the hon. member to confine his remarks to Clause 2.

Mr. CROSS: I am doing so. It is not the intention of the Government to take the traffic fees collected in the country, as they represent but a small amount. As a matter of fact, the Government is compelled to subsidise country local authorities. I have discussed the matter fully with local governing bodies in my electorate, and they say that, having had dealings with a generous department and a generous Minister, they are prepared to accept the Minister's word.

Mr. Thorn: Will you name the local governing bodies?

Mr. CROSS: The hon. member knows I cannot do so while the Committee is discussing Clause 2.

Mr. Thorn: You know you cannot.

The CHAIRMAN: Order!

Mr. CROSS: In my opinion, we should proceed with the Bill under discussion.

Hon. N. KEENAN: I intervene at this stage to point out that the Minister is wrong in objecting to the procedure suggested by the member for Guildford-Midland, on the ground that if we proceed with the other measure first and this present measure is rejected, the position will be a serious one. If he will peruse the second measure he will find that no liability arises under it beyond the amount of the traffic fees which are to be taken into Consolidated Revenue under this Bill. If the second measure were defeated, the Minister's position would not be affected.

Mr. J. Hegney: In that case, no traffic fees would be paid into revenue.

Hon. N. KEENAN: The Minister may have other reasons, but the one he gave will not stand, because, as I say, if the other measure were defeated, Consolidated Revenue would not be called upon to pay out a single penny.

The MINISTER FOR WORKS: Let me refresh the minds of members as to the existing position. The Police Department collects the whole of the traffic fees and pays

them into Consolidated Revenue. The Traffic Act imposes an obligation on the Government for the disbursement of the money. Ten per cent. is deducted for collecting the fees and then 22½ per cent. of the remainder is taken for main roads. The remainder is dealt with under the existing law and after certain deductions is distributed amongst the local authorities. This Bill will authorise the retention of that money. Although £197,000 was collected last year, by the time the three bites had been made, an amount of £127,000 was left for distribution amongst the local authorities. If the same amount is received this financial year, the Commissioner of Main Roads will be authorised to pay that sum to the local authorities.

Hon. W. D. Johnson: Under the Main Roads Act Amendment Bill.

Hon. N. Keenan: Why would the prior consideration of that Bill prejudice you?

The MINISTER FOR WORKS: That is a mere quibble; we are not a lot of school-children. Until this Bill passes, the Government can retain only the amount authorised by the existing law. Therefore the law has to be altered before we decide what shall be done in the matter of the distribution. The member for Guildford-Midland is opposed to the Bill.

The CHAIRMAN: I remind the Minister that we are dealing with Clause 2.

The MINISTER FOR WORKS: I am not going to give away money until I have first got it. I want a quid pro quo, whatever that might mean. If the Committee wishes to proceed in an orderly manner, we must first authorise the Treasurer to retain this money. When that has been done, I shall be only too pleased to give members an opportunity to authorise the Commissioner of Main Roads to pay a similar amount in the aggregate to the local authorities, and members can make that as definite as words can do. I am proceeding in the best way; the method proposed by the member for Guildford-Midland is only a second best. The member for Nedlands would not give away money before receiving it legally; otherwise he would not be in his present position.

Mr. DONEY: The Minister has answered quite a number of wholly unimportant questions that were not put to him. We are quite clear about the present method of collecting and distributing the traffic fees, and we understand the new method outlined in

the Bill. The point we are not clear upon is the one the Minister has not attempted to answer. If he collects £120,000 from traffic fees for distribution to the local authorities, where will he get the £120,000 he proposes to use in its stead?

The MINISTER FOR WORKS: We will get the money from the Federal Aid Roads grant.

Mr. Thorn: That is what we wanted to know.

The MINISTER FOR WORKS: That has been mentioned repeatedly during the last fortnight.

Mr. Doney: Not by anyone on your side of the Chamber.

The MINISTER FOR WORKS: The Commissioner of Main Roads will be authorised to pay from his fund to the local authorities for road purposes the exact amount that will be collected and paid to the Treasury in traffic fees, less the amounts at present deducted. That is the bargain. In this way the Treasury will benefit to the extent of the traffic fees. We want that money as revenue.

Mr. DONEY: The Minister's statement will merely stiffen the opposition to the Bill.

The CHAIRMAN: We are dealing with Clause 2.

Mr. DONEY: The point I am referring to arises under Clause 2. The Minister has plainly stated that the amount to be recouped to the metropolitan local governing bodies will come from the portion of the Federal Aid Roads fund that normally goes to financing the maintenance of roads in the country. For that reason I am opposed to the Bill.

Hon. W. D. JOHNSON: The Minister proposes to take from the local governing bodies of the metropolitan area a sum of £120,000. That is their money. They ask, "What are you going to give us in return?" I explained that the proposal was to recoup them out of the Federal aid roads grant. The reply was, "give us a guarantee making that clear. So long as we get the same amount of money, there is not much to argue about." I have no objection to the £127,000 going into general revenue, but I want to discuss the Main Roads Act Amendment Bill and ascertain how the £127,000 will be distributed under the formula referred to. The local governing bodies in my electorate will not receive the amount they are getting

to-day, and I cannot give them a guarantee that the money will be recouped. Seeing that the local bodies have been receiving this money for years, we would be wrong in taking it from them without making clear how it is to be recouped. As representatives of the local bodies, we are being placed in a false position by taking this Bill first. I know the Minister's position; he is limited to the provisions of the Federal Aid Roads Agreement and under that he cannot monkey with the money. He can only give it for specific purposes.

Mr. J. HEGNEY: I appeal to the Minister to defer consideration of the Bill until after the consideration of the other measure. Even assuming that the Bill we are now dealing with is lost and the other Bill is carried, the position will be that under the other Bill there will be a direction regarding the amount to be paid into Consolidated Revenue, and if that Bill is not carried, there will not be any money paid into Consolidated Revenue. If the Bill now before us is carried without consideration having been given to the other Bill, we shall be taking from the local authority £127,000. If the other Bill is not carried, the local bodies will lose the £127,000. This measure should be postponed and the House should proceed with the consideration of the other.

Mr. CROSS: A ridiculous proposal has been advanced by members who want the second Bill discussed before the Bill under consideration. What would be the position of the Minister if the other measure were discussed first and it were carried and then the measure now under consideration were thrown out? Members know the contents of the Bill that is before them and there is no need to waste any further time.

Mr. DONEY: The Minister should be glad of the opportunity to make the point plain.

The Minister for Works: What point are you dealing with?

Mr. DONEY: I should like the Minister expressly to state that the money allotted from the Federal Aid Roads grant will not be reduced or interfered with in any way, on account of the collection of the metropolitan traffic fees.

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

Ayes	..	..	..	..	21
Noes	..	..	..	..	18
Majority for	..	..	..	..	3

AYES.

Mr. Collier	Mr. Panton
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Fox	Mr. F. C. L. Smith
Mr. Hawke	Mr. Styant
Mr. W. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Lambert	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Wilson
Mr. Nulsen	

(Teller.)

NOES.

Mr. Berry	Mr. Sampson
Mr. Boyle	Mr. Seward
Mrs. Cardell-Oliver	Mr. Shearn
Mr. J. Hegney	Mr. Stubbs
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. Patrick	Mr. Doney

(Teller.)

PAIR.

AYE.	NO.
Mr. Willcock	Mr. Latham

Clause thus passed.

Clause 3, Title—agreed to.

Mr. DONEY: Mr. Chairman, you did not state the result of the voting on Clause 3, that is, you did not state whether the "ayes" or the "noes" had it. Therefore there was no opportunity for me to call for a division, had I wanted to do so.

[The Speaker took the Chair.]

Bill reported without amendment.

The MINISTER FOR WORKS: I move—

That the report be adopted.

Mr. DONEY: I do not like making a nuisance of myself in regard to this matter, but I wish to mention, Mr. Speaker, that after Clause 3 was called by the Chairman of Committees, he did not give his decision on the vote.

The Minister for Mines: On a point of order. Is the hon. member in order in disputing at this stage a decision given by the Chairman of Committees?

Mr. SPEAKER: Certainly not. Do I understand the hon. member is criticising the action of the Chairman?

Mr. DONEY: Yes, and I was on the point of explaining my reason for so doing. He did not give the Committee any opportunity to divide on the clause.

Mr. SPEAKER: That point cannot be raised now.

Mr. DONEY: I raised it at the time if I might say so.

Mr. SPEAKER: Order!

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

Ayes	..	..	..	23
Noes	..	..	..	17
				—
Majority for	..	..	6	—

AYES.

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Lambert	Mr. Wise
Mr. Marshall	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Needham	

(Teller.)

NOES.

Mr. Berry	Mr. Seward
Mr. Boyle	Mr. Shearn
Mrs. Cardell-Oliver	Mr. Stubbs
Mr. Hill	Mr. Thorn
Mr. Keenan	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. Patrick	Mr. Doney
Mr. Sampson	

(Teller.)

Question thus passed; the report adopted.

BILL—MAIN ROADS ACT AMENDMENT.

In Committee.

Mr. Marshall in the Chair; the Minister for Works in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 31:

Mr. J. HEGNEY: I move an amendment—

That after the word "roads" in line 7 of subparagraph (iii) of paragraph (a) of Subsection (1) of proposed new Section 31, the words "and footpaths" be inserted.

Some doubt exists in the minds of local authorities as to whether footpaths are covered by the definition of "road" in the Act. I am aware that the Commissioner of Main Roads has constructed certain footpaths, but in order to remove any doubt the amendment should be agreed to.

Mr. SAMPSON: I hope the member for Middle Swan will agree to move his amendment later on in the subparagraph where the word "roads" appears the second time. If inserted where he suggests, it would make the subparagraph refer to construction, maintenance and supervision of roads and footpaths, "whether main or developmental roads" under the Act or not.

The MINISTER FOR WORKS: The amendment proposed certainly does not fit in appropriately, but, quite apart from that, the Committee would be ill-advised to accept it. There are two funds from which money for road work is expended. The original fund was established for the purpose of the construction, reconstruction and maintenance of roads. The purpose of that fund is quite definite. The second fund consisting of the extra half-penny agreed upon, is used for works in connection with transport. The Commissioner of Main Roads has discretionary power regarding the expenditure of the second fund, and I certainly think footpaths would be classed as work connected with transport. The amendment, however, would not be advisable for various reasons. I do not think there would be any quibble on the part of the Commissioner of Main Roads regarding local authorities' certificates where money has been spent on footpaths. I think they would be legally entitled to payment for such work. While there is a doubt as to whether the money could be paid from the original fund, the Commissioner certainly has discretion regarding the half-penny fund, which provides about £120,000 per annum, although portion of that is earmarked in that the Commonwealth has the right to say that 10 per cent. of the fund shall be expended on roads that it nominates. It would be wrong to make the proposed addition to this Bill. I oppose the amendment.

Mr. J. HEGNEY: Perhaps I can achieve my purpose by moving this amendment at a later stage. I ask permission of the Committee to withdraw it.

Mr. SAMPSON: Need exists for the provision of footpaths, although I agree with the Minister that the proposed amendment is not being inserted in the correct place; it should be inserted further on in the clause. A desire was expressed to construct a footpath on the Perth-Armadale-road, as the absence of a footpath makes the road dangerous. When the matter was discussed with the Main Roads Department, however, it was stated that footpaths were not included in the definition of road. If I have the Minister's assurance that "footpath" is included in the definition, I shall have nothing further to say on the matter.

Mr. Doney: It is not included.

Mr. SAMPSON: I hope the member for Middle Swan will agree to the insertion of

the word in what I consider to be its correct place. If he does not, I will move a further amendment to that effect.

The CHAIRMAN: The member for Swan may not deal with prospective amendments.

The MINISTER FOR WORKS: I desire the Committee to be satisfied on this point. I am assured by the Commissioner that he has the right to spend money on any roadway; money can be expended from the main roads fund on the clearing of trees and on drainage necessary for the preservation of a road. Why limit this provision? If the Commissioner has power to spend money in this way, he can authorise local authorities to spend money for the same purpose.

Mr. McDONALD: From a hasty glance at the Act, it appears to me that the definition of road includes footpath. The definition embraces all parts of a highway. It would be unwise for the Committee to pass the amendment. We are dealing with Federal money, which must be used in accordance with the parent Act. We cannot by this Bill enlarge the scope for which such money can be used. If the word "footpath" were inserted, doubts would be cast on all other Acts dealing with roads.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. W. D. JOHNSON: I understood the member for Middle Swan did not intend to press the amendment. Before tea he asked leave to withdraw it, but that desire was frustrated by the member for Swan, who refused to agree. The debate proceeded and the member for Swan was particularly anxious to have the word "footpath" included, as suggested by the member for Middle Swan. I am inclined to agree with the Minister that whether we insert the word "footpath" here or elsewhere, we are limiting the definition of "road" in the Main Roads Act, rather than extending it. I agree with the member for West Perth and others that the definition of "road" is quite broad enough to enable the Commissioner of Main Roads to recognise a footpath as part of a thoroughfare. In the circumstances I do not think the member for Middle Swan should press the amendment.

Mr. J. HEGNEY: After discussing the matter during tea and consulting counsel I

am satisfied that the term does include "footpath" and that being so, I do not intend to press the amendment.

Amendment put and negatived.

The MINISTER FOR WORKS: The representatives of the Perth City Council, the Road Boards Association and the Royal Automobile Club desired that the Bill should be clarified so as to make it definite that the money will be paid. I said I was prepared to have it made as definite as any draftsman could make it and after consultation with our officers and others I had the amendment standing in my name placed on the notice paper. I move an amendment—

That the proviso to subparagraph iv. of paragraph (a) of Subsection (1) of proposed new Section 31 be struck out with a view to inserting other words.

Hon. N. Keenan: Is it the Minister or the Commissioner who will pay?

The MINISTER FOR WORKS: The Commissioner.

Hon. N. Keenan: Then why use the expression "the Minister is authorised to pay"?

The MINISTER FOR WORKS: It says the Commissioner.

Hon. N. Keenan: Look at paragraph (i) of the proposed new proviso. It begins "the total amount which the Minister is hereby authorised to pay." Is that a mistake?

The MINISTER FOR WORKS: That is the formula in the Main Roads Act. The Minister has to agree with the recommendation of the Commissioner with regard to expenditure from the main roads fund. I have pointed out that I want to make the Commissioner responsible. The present formula adhered to in returning the traffic fees to local authorities has been drafted by the Works Department officials and altered slightly over a period of years. That formula has given satisfaction.

Hon. N. Keenan: It is the Minister who pays and not the Commissioner?

The MINISTER FOR WORKS: Yes.

Hon. N. Keenan: You said a moment ago it was the Commissioner.

The MINISTER FOR WORKS: No amount is ever paid that is not recommended by the Commissioner. It is proposed to adhere as nearly as possible to the formula of distribution amongst local authorities. Now, instead of officials of the Works Department administering the Act and the

formula, the Commissioner will do so and the Minister, on his advice, will pay.

Hon. C. G. LATHAM: Some road boards within the metropolitan area will get very little of this money. I know one road board that has practically completed the construction of its roads and footpaths and is spending a good deal of money beautifying the suburb and providing parks and open spaces. Much of its revenue has come from the license fees. As these roads are permanently constructed, the road board will get nothing at all. I think the member for North-East Fremantle represents that district. It is necessary to have a provision that the Minister shall not pay an excess amount. Under the Main Roads Act the Commissioner has no power to spend money in excess of £1,000. I have opposed this measure all through and still think we are doing the wrong thing,

The Minister for Works: You should not oppose this provision; it is restitution.

Hon. C. G. LATHAM: It is doubtful restitution. Perhaps the amendment will be more beneficial than the proviso in the Bill. Any Minister could use up all the money before the stage indicated was reached, and the local authorities would then get nothing. If any Minister in the future desired to assist the Treasury, all he would have to do would be to say, "Here you are." Let me point out that the money paid into revenue in the Eastern States is also paid out for the maintenance of roads. A monthly payment is made to the Main Roads Board and to the local authorities.

Amendment (to strike out words) put and passed.

The MINISTER FOR WORKS: I move an amendment—

That the following be inserted in lieu of the words struck out:—

Provided that—

(a) no such grant shall be paid to any local authority unless it has actually incurred expenditure for the cost of the construction, reconstruction, maintenance, or repair of roads and establishes that fact to the satisfaction of the Commissioner;

(b) when in any year any local authority aforesaid satisfies the Commissioner that in that year it has actually incurred expenditure for the purposes mentioned in paragraph (a) of this proviso, and also as to the amount of such expenditure, such local authority shall be entitled to and shall be paid a grant under

the authority of this section equal to the amount of the expenditure incurred by it as aforesaid, subject, however, to the following conditions, namely:—

- (i) The total amount which the Minister is hereby authorised to pay in the aggregate by way of grants in any one year to all the local authorities entitled to grants shall be an amount equal to the amount of the fees which in that year are paid to the Consolidated Revenue Fund under and in accordance with paragraph (c) of subsection (2) of section thirteen of the Traffic Act, 1919-1939, as amended by the Traffic Act Amendment Act (No. 2), 1939; and
- (ii) when in any year the aggregate amount of the expenditure actually incurred in that year by all the local authorities entitled to grants exceeds the total amount which in accordance with condition (i) hereof the Minister is authorised to pay by way of grants to such local authorities, the amount of the grant to be paid to each of such local authorities respectively in such year shall be determined and fixed by the Commissioner upon a basis or in accordance with a formula which in his opinion applies fairly and equitably to all the local authorities entitled to grants as aforesaid and at the same time provides for the total payment by way of grants authorised by condition (i) hereof.

Hon. W. D. JOHNSON: The money will not be paid to the local governing bodies until they have expended like amounts. At present they get the money twice a year. If a local authority experiences difficulty, it can get an advance. That has been of great assistance. Under the new proviso, local bodies will have to raise by overdraft an amount equal to that to which they will be entitled under the measure, and after expending it they will receive the payment from the Government. Soon they will be able to estimate the amount to which they are entitled, and may incur expenditure with a full knowledge of being recouped. However, we are doing an injury, and the local authorities should know of it. The money will not be so readily available in future as it has been under the existing system, and local bodies will be penalised to the extent of the interest payments made. The Bassendean Road Board, which has been commended for its administration, pools the whole of its income, and then budgets for the expenditure on all the works proposed to be carried out during the current year. Consideration is given to the amount that can be spent on parks, reserves and gardens,

and the board, by collecting a high percentage of the rates due, has been able to beautify the district. Under the altered arrangement there will be a little disorganisation for a start, but the local bodies can borrow money for roads on the security of this payment and then allot the rest of the revenue in such a way as to maintain the standard of life in the district. I emphasise that the local bodies will have to borrow, and will lose the amount paid in interest. Otherwise I believe they will be able to get a recoup of all the money they spend on roads. The larger number of local bodies in the metropolitan area will get an amount equivalent to what they have been receiving, but this will not apply generally. It will apply in Bassendean so long as the Federal Aid Roads Agreement continues. Unless that agreement is renewed the money will not be available for distribution. We can assume that the arrangement will be limited to seven years, even if it lasts as long as that. During those seven years the district of Bassendean will have ample road work to go on with, and will be entitled to the amount of money it now receives. On the other hand, I do not think the Guildford municipality will be able to earn the requisite sum. Its roads for the most part have already been built, and I presume that the money the municipality cannot claim will go into the pool. Will the Minister explain what will happen in such a case, whether with regard to Guildford or any other local authority? Will the money go back into the pool, thus making it available to other local authorities qualifying for it by their road construction? The Midland Junction municipality will be able to carry on for the term, and the same can be said of the Swan district. I opposed this system at the start because I did not like the other Bill. I am not now opposed to the Government policy of taking these traffic fees into revenue. The policy is a legitimate one and has been followed in the other States. The local governing bodies will probably be satisfied with this legislation.

Mr. WATTS: I move—

That the amendment be amended by providing that in paragraph (a) of the proposed new proviso after the word "expenditure" the following words be added:—"Including interest and amounts of annual payments expended on account of any loan or loans previously raised."

It is easy to realise the position of a local authority that decides to proceed with a substantial programme of road works out of loan money. The works would be carried out at considerable cost, and the local authority would be liable for interest on the loan and the payment of some sort of sinking fund or annual instalment. It may then find that the greater part of the road work has been carried out, that no further substantial works are required in the future, and it cannot, therefore, make any extensive claim upon the Minister under this particular clause. The local authority will then be left to pay the interest and sinking fund upon the loan, without any definite assurance of a recoup out of the fund. Unless we improve the definition the Commissioner will not be able to review the loan expenditure incurred in the previous year and on which there may still be a liability although the money has been or is being spent on the construction of roads. Then there are local authorities which raised money before the date of this discussion. It is clear to me that such moneys must have been raised in expectation of the contribution from the traffic fees enabling the local authorities concerned to pay interest and sinking fund. They will now find themselves deprived of that money by the Bill we have just passed, and without any assurance under the Bill now before us of receiving an equivalent amount from the main roads trust account. In fairness to local authorities that will have preferred to incur this expenditure and provide employment by means of loan funds, I suggest they should not be left in the position where they will lose something which apparently the Minister does not wish them to lose.

Hon. W. D. Johnson: Under the Federal Aid Roads Agreement it will be difficult to have interest recognised.

Mr. WATTS: The expenditure nevertheless will have been incurred on road construction. I commend the suggestion to the Minister.

Mr. SAMPSON: I move—

That the proposed amendment on the amendment be amended by inserting after the word "interest," the words "proportionate cost of administration."

The cost of administration is properly a charge that would be made in connection with road construction and allowed for out of traffic fees.

The Minister for Labour: Why not put in the word "improvements"?

Mr. SAMPSON: I think my amendment would suit the municipality of Northam.

Hon. W. D. Johnson: What about making provision for advertising?

The MINISTER FOR WORKS: There is no need for the amendment last proposed. Naturally, the expenditure of loan money on roads entails administrative costs, which are already provided for, as undoubtedly part of the cost of the job. The proposal of the member for Swan is objectionable.

Amendment on the proposed amendment to the amendment put and negatived.

The MINISTER FOR WORKS: The amendment moved by the member for Katanning is not in conformity with the agreement between Commonwealth and States as to Federal aid roads grants. The present Commissioner of Main Roads says he can quite legally devote money to the purpose suggested.

Hon. W. D. Johnson: It is being done in the Eastern States.

The MINISTER FOR WORKS: No objection has been raised to Federal Aid Roads money being used in co-operative work between the Commissioner and local authorities. No one would suggest that the Commissioner, with the responsibility of expending £800,000, should be asked to do anything he cannot legally do. However, the money should not be expended in payment of interest and sinking fund on loans previously raised. The point to which attention was drawn by the member for Guildford-Midland is one to be dealt with under the formula for distribution to local authorities. The existing law requires that the whole of the money must go back among the local authorities. That will apply here. Many local authorities have much to do in the way of road-making. Even the great city of Perth has districts where roads are still being constructed. So that roads are still needed in the Perth area. In fact, the City of Perth has pleaded to the State Government for assistance in connection with Perth roads. Local authorities can spend, and should spend, all this money. The authorities in the Guildford-Midland area have done admirable work in beautifying their districts. Traffic fees have been provided for assist-

ance to municipalities and road boards. Since the Traffic Act was passed, fees have risen from £15,000 to considerably over £200,000. There is something in the point raised as to when the money can be paid. The Bill sets out to comply with the Main Roads Act and the main roads agreement. Therefore the money has to be paid by the Commissioner on money already expended on work that has been finished.

The CHAIRMAN: I remind the Minister of the terms of the amendment, to which he must confine his remarks.

The MINISTER FOR WORKS: If the amendment were in order, there would be no need for the Bill.

Mr. WATTS: I think it was the member for Nedlands who, when discussing the Bill, likened it to a burglar. The discussion on the amendment has provided some evidence of its burglarious intent. Immediately I moved my amendment, the objection was raised that, because of the Federal Aid Roads Agreement, no provision could be inserted in the proviso dealing with interest and sinking funds on loans. There was no objection to local authorities paying interest and sinking fund charges on loans out of the proportion of the traffic fees they received, nor was there any objection on the part of the department to providing money from the fund, well knowing that it was to be used for the purpose I have indicated. Now it is alleged that, as the local authorities are to be brought under the control of the Federal Aid Roads Agreement, they are to spend no money from the main roads fund, which will be the fund mentioned in the Act, for the purposes I have suggested. Those local authorities have spent a substantial amount of loan funds on the improvement of roads and undoubtedly looked forward to receiving portion of the traffic fees over a period of years to recoup themselves for that expenditure, but now they find themselves without those funds and without any equivalent. Furthermore, they must spend additional money on the construction of roads in their district in order to secure some advantage from the fund. If by virtue of the fact that, due to the expenditure of loan funds, their roads are in a satisfactory state of repair, and expenditure on maintenance or construction is not necessary, they can receive nothing out of the fund, because the

proviso says that they can be paid only what they spent on roads during the previous year. I moved the amendment to ascertain if it was the intention of the Minister to recognise that aspect, but, so far as I can see, such is not his intention. The contention that the amendment is out of order on account of the Federal Aid Roads Agreement, may or may not be correct. I am not in a position to judge at present, but I claim that if the local authorities are not to be allowed any recoup in respect of interest and sinking fund charges on loans already floated, many of them will be in a very difficult financial position.

Mr. SAMPSON: Interest and sinking fund charges form just as much part of the expenditure on road construction as the money spent in the purchase of metal and material for culverts, bridges or even on labour. Unless money were secured, probably by way of bank overdrafts, the work could not be carried out.

The Minister for Works: May I draw your attention, Mr. Chairman, to the fact that you would not allow me to explain that phase. Now the member for Swan is embarking upon a criticism of the manner in which the money may be expended. If I was not allowed to explain the position, I certainly object to the member for Swan proceeding along those lines.

The CHAIRMAN: I draw the Minister's attention to the fact that the member for Swan is putting up a case in support of the amendment. I drew the Minister's attention to the fact that he was dealing with the first portion of the proviso in his own amendment. I do not think I did him an injustice.

Mr. SAMPSON: Unquestionably it cannot be disputed that if the money is not obtained by loan, many local authorities cannot carry out such works.

The Minister for Works: But this money is a gift.

Mr. SAMPSON: Not until the work is done. When the returns are submitted to the Commissioner of Main Roads, he must honour them. Some Governments may be prompt in their payments, but instances are on record of such payments being long delayed. Every day means added expense regarding interest charges.

The Minister for Works: You are referring to the period from 1930 onwards.

Mr. SAMPSON: I am referring, in a courteous fashion, to what may happen if the Bill be agreed to.

The CHAIRMAN: The hon. member must deal with the amendment.

Mr. SAMPSON: I am dealing with the claim for interest and sinking fund payments as referred to by the member for Katingann so wisely and justifiably in his amendment. If that is not approved, then the local authorities will be treated most unjustly.

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

Ayes	..	..	..	15
Noes	..	..	..	20
Majority against				5

AYES.

Mr. Berry	Mr. Sampson
Mr. Boyle	Mr. Seward
Mrs. Cardell-Oliver	Mr. Shearn
Mr. Hill	Mr. Thora
Mr. Keenan	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Doney
Mr. Patrick	

(Teller.)

NOES.

Mr. Collier	Mr. Nulsen
Mr. Coverley	Mr. Pauton
Mr. Fox	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Johnson	Mr. Triat
Mr. Lambert	Mr. Wise
Mr. Millington	Mr. Withers
Mr. Needham	Mr. Cross

(Teller.)

PAIRS.

AYES.	NOES.
Mr. Abbott	Mr. Holman
Mr. Latham	Mr. Willcock
Mr. North	Mr. Leahy
Mr. Stubbs	Mr. Raphael
Mr. Willmott	Mr. Wilson

Amendment on the amendment thus negatived.

Mr. J. HEGNEY: In my opinion, local governing bodies will experience difficulty in shaping their road policies. At present, they receive money in advance. Under the amendment they must first incur expenditure and then submit a request to the Commissioner of Main Roads for the money. I am apprehensive that this may cause some disorganisation, and therefore would like to hear an explanation from the Minister.

The MINISTER FOR WORKS: I attempted to explain what the Commissioner proposes to do. When the deputation waited on me, I purposely asked the Commissioner to be in attendance so that he could indicate the way in which the money would be made available. The Commissioner pointed out

that as the works progressed, money would be made available to the local authority.

Mr. Doney: Is that set out in the Bill?

The MINISTER FOR WORKS: At the opening of the Canning Bridge, I heard the Commissioner say that engineering was 75 per cent. common sense. Administration is more than that. If it be suggested to me that the Commissioner cannot overcome such a difficulty, then I reply that he is not the man I think he is.

Mr. Doney: I suggest the Commissioner must be guided by the Bill, if it becomes an Act.

The MINISTER FOR WORKS: No difficulty will be experienced in making money available for works as they progress. That is done now. At present, the Government makes this money available to local authorities in moieties. The Government could, if it desired, retain the money in the Treasury until the end of the year and then make a lump-sum payment to the local authorities; but that practice has not been followed. Half of the amount is made available immediately it is collected and the remaining half is paid later. Local authorities should therefore have no difficulty in making up a schedule of their works. This money is a gift to the local authorities; they are not obliged to pay interest on it or to provide a sinking fund.

Mr. Patrick: The money is a gift since the other Bill was passed.

The MINISTER FOR WORKS: It is free money provided by motorists. It will still be provided by the motorists through the petrol tax. The word "burglary" has been used; but I suggest that motorists would soon complain of being burgled if the tax which they pay is not used for road construction.

Hon. C. G. Latham: The man who said that agrees with you.

The MINISTER FOR WORKS: In that case, this is what will happen. As sure as the local authorities start to live on the motorist, on traffic fees, so surely will the motorist demand that the license fees shall be cut in half. The motorist will not provide money for ordinary expenditure by local authorities. This is definitely a sectional tax. An enormous charge is imposed on the motorist in this country, not only through license fees but through the petrol tax also. As a citizen he pays ordinary rates for ordinary purposes. In addition to that

he pays this tax that undeniably should be put back into the roads. If the money is used for any other purpose I suggest that that is burglary. The proposal we have put up is an honest one, and the manner in which the money is to be expended has been plainly set out. I have said that this money cannot be used for interest and sinking fund. I told the local authorities that when I was asked the question. There has been no misrepresentation on my part. The term "burglary" is very inappropriate so far as I am concerned.

The CHAIRMAN: It is unparliamentary.

The MINISTER FOR WORKS: I did not ask for a withdrawal, because I know the hon. member gets very excited!

Hon. C. G. LATHAM: I do not know whether the Minister realises what he said. The position is that all license fees collected are spent on roads.

The Minister for Works: Then there is no argument.

Hon. C. G. LATHAM: Let me finish. Any grant made by the Government through the Federal Aid Roads Agreement is also spent on roads. It must be spent on roads, with the exception of a certain portion that may be spent on forestry. Now let us examine what the position will be. The moneys collected to-day from traffic fees will be commandeered by the Government and paid into revenue, and the Government proposes to recoup the local authorities by paying them an equivalent amount from the Federal Aid Roads fund. The net result will surely be that, having made this grant to the local authorities, the Government will refuse to spend further moneys in the districts of the local authorities, except under extraordinary circumstances. The motorist will discover now that he is paying a tax for the purpose of finding money for Consolidated Revenue. He has never yet raised any objection to that money being collected from him so long as it was spent on roads. I agree that the roads in this State have been improved as a result of that expenditure. We are extraordinarily lucky in collecting the money we do from the Federal Government under this agreement, and in the past that money has been spent on the roads with great benefit to the State. If we have reached the stage when there is no need for so much to be spent on roads, the motorist should be relieved of this heavy taxation. I have some doubt as to whether the first

agreement entered into in 1926 does not have general application to-day, because the new agreement does refer to the former agreement, which sets out that the money should be spent on certain roads and not in territory where the population is in excess of 5,000.

The Minister for Works: You are very rusty on that agreement: you should read it.

Hon. C. G. LATHAM: I have my doubts whether the conditions set out in the 1926 agreement do not have application to-day in this State, despite the fact that the legal advisers and the director may have advised the Minister otherwise. The new agreement is connected with the previous agreement that was signed. I do not propose to argue that. It could legitimately be argued that this money is to be spent on reconstruction, maintenance or repairs of roads, and that is provided for in the Federal agreement. I do not want the Minister to have the idea that the motorists will be relieved by this provision. On the other hand they will have something taken away from them. The money they are paying in license fees, instead of being used on the roads for their benefit, will be put into Consolidated Revenue. The argument submitted by the Treasurer was that it was felt that these people should pay interest and sinking fund on money that was borrowed in the past. That is not a reasonable argument inasmuch as a great deal of the money has been spent in country districts. While I might not be expected to say that the city people should contribute money to the country, at the same time they will be finding a considerable sum in the £67,000 they will have to pay towards interest and sinking fund on roads constructed in the State. I have a cutting from a newspaper—I do not know the date—which states that the amount collected in traffic fees by the Commissioner of Police from the 1st July, 1938, to the 4th August last was £109,291 16s. 10d. These fees are due on the 1st July, and hardly any money is collected after that. According to the report there was a balance brought forward from the previous years of £10,729 16s., making a total of £120,021 12s. 10d. Out of that amount the local authorities received only £67,361. The Government got the rest. True, it was spent on certain works in the metropolitan area.

Mr. J. Hegney: The cost of collection was £23,000.

Hon. C. G. LATHAM: The amount is not set out, and we have not the report before us to enable us to ascertain the total figures, but we know that 10 per cent. was expended in collection of fees. The Act provides that 22½ per cent. of the balance remaining after the cost of collection has been deducted should be paid into the Main Roads Contribution Trust Account for the construction, reconstruction, improvement, maintenance and supervision of roads and bridges within the metropolitan area. After making allowance for statutory disbursements and liabilities, the balance was £71,111, so the local authorities did not get a great deal. Actually, the balance available for distribution amongst them was £67,361.

Hon. W. D. Johnson: The Minister said they got £127,000 last year.

Hon. C. G. LATHAM: Well, they did not.

The Minister for Works: I said they did last year.

Hon. C. G. LATHAM: The amount distributed in 1936-37 was £114,000 and in 1937-38 it was £97,565. There has been an increase rather than a decrease in the traffic fees. Nearly the whole of the money would be paid in the first instalment.

Hon. W. D. Johnson: You do not suggest that in 1937-38 the amount was £97,000 and that it then fell to £67,000?

Hon. C. G. LATHAM: In the year before it was £114,000, and it fell to £97,000. In all probability it will drop to £68,000 or £69,000. That will depend upon the work done. Did not the local authorities contribute to the construction of a subway at Mt. Lawley?

Hon. W. D. Johnson: That would come out of the 22½ per cent.

Hon. C. G. LATHAM: Nothing of the sort. Members evidently do not understand the position.

The CHAIRMAN: I hope the Leader of the Opposition will link up his remarks with the amendment to the proposed new proviso.

Hon. C. G. LATHAM: Yes; the money from the Federal Aid Roads grant is to replace the traffic fees. The collections during the last few years have been—1933-34, £136,000; 1934-35, £141,000; 1935-36, £147,000; 1936-37, £161,000; 1937-38, £184,000.

Hon. W. D. Johnson: And in 1938-39 about £220,000.

Hon. C. G. LATHAM: Although the amount collected in 1936-37 was £161,000, the local authorities received £114,000. In the following year when the collections increased to £184,000, the local authorities received only £97,000.

Hon. W. D. JOHNSON: There might have been some reason for that.

Hon. C. G. LATHAM: Those are facts, and members should understand what they are voting on. Undoubtedly the Government is using this as a taxing measure, and it would be far more honest to say so. The Government has said that the object is to provide interest and sinking fund for money already spent on roads, but the people in future will still be taxed, so this is simply a means to bolster up Consolidated Revenue.

Hon. W. D. JOHNSON: Yes, to balance the Budget.

Hon. C. G. LATHAM: That is right. What I fear is that this kind of taxing will spread. It is truly a sectional tax—a taxing of motorists to build up Consolidated Revenue. I remember the complaints when I introduced a hospital tax, but everybody contributed under that tax.

The CHAIRMAN: I warn the Leader of the Opposition that he is not speaking to the question. I have given him fair notice.

Hon. C. G. LATHAM: And I am grateful for it. Later I shall submit a further amendment to give the local bodies some idea of what is ahead of them. There are periods of the year when road work can be done profitably, but if the money is made available at a certain time only, they will not be able to undertake the work.

Mr. J. HEGNEY: The Minister told us that £929,000 had been distributed in the last 10 years, of which the local authorities received £409,000. The Leader of the Opposition said the local authorities received only £67,000 last year. That would be the first moiety. Last year the amount collected was £197,000, and after the deductions had been made, the balance would be paid to the local authorities.

Hon. C. G. Latham: They have received about 50 per cent. of the collections in the 10 years.

Mr. J. HEGNEY: Of last year's collections, the 22½ per cent. would amount to about £50,000; the Minister said the 10 per cent. amounted to £23,000, and £67,000 has already been paid to the local authorities. In future the money will be made available

from the Federal aid roads grant in accordance with the work done.

Hon. W. D. JOHNSON: The Leader of the Opposition is trying to complicate matters as much as possible. I know exactly the amounts received by the local governing bodies in my electorate. Last year one received £3,500 and another £3,600. They know that if the Main Roads Act is amended they will still get similar amounts so long as the Federal Aid Roads Agreement permits the Government to pay them. The amounts they have previously received are greater than has been stated by the Leader of the Opposition.

Hon. C. G. Latham: I have quoted from the official reports.

Hon. W. D. JOHNSON: The hon. member gets muddled with figures, and I have no time in which to assist him. I accept the Minister's figure of approximately £126,000.

Hon. C. G. LATHAM: I move—

That the amendment be amended by adding the following paragraph, to stand as paragraph (iii):—"Payment shall be made to the local authorities entitled in two half-yearly instalments in each year in the months of February and October."

The MINISTER FOR WORKS: The money need not be made available in lump sums, but as it is required for works. That would suit local authorities better than would the suggestion of the Leader of the Opposition. In view of the discussion I had better place on record the correct amounts. I have here the departmental figures.

Hon. C. G. Latham: I quoted the official figures.

The MINISTER FOR WORKS: The hon. member is two years behind. The total amount available from metropolitan traffic fees in 1937-38 was £197,436.

Hon. C. G. Latham: That was what I said.

The MINISTER FOR WORKS: For the cost of collection £21,000 was deducted, leaving £176,425. Under the Main Roads Act 22½ per cent., equal to £35,799, was deducted, leaving a sum of £140,626, representing the "net balance" within the meaning of Subsection 2 (b). I will explain how that money is made available. The sum of £70,313 representing "one-half of the net balance" is available for the purposes of Subsection 2 (b), and the like amount representing "the remaining half of the net balance" is available for local authorities for the purposes of Subsection 2 (c). Of the first

£70,313 the sum of £12,000 represented the actual expenditure (made up of £4,604 under Subsection 2 (b) and £7,396 under Subsection (5), from one-half of the net balance, that being for interest and sinking fund, which is permitted to be deducted from the first half. Again, of the £70,313, the sum of £58,313 remained unexpended, and represents the balance after deductions are made for interest and sinking fund. That leaves a total to go to the local authorities of £128,626.

Mr. J. Hegney: To which year are you referring?

The MINISTER FOR WORKS: The figures relate to 1937-38.

Mr. Seward: What about the amount carried forward?

The MINISTER FOR WORKS: There is a note indicating that under Subsection 5 an amount up to one-fifth of £128,626 (£25,725) could be deducted by the Crown if sufficient loan funds were expended on roads in the metropolitan area. We could have deducted £25,725 instead of £12,000, but because that money was not expended it goes to the local authorities, and the unexpended balance of the half to which I have referred was £58,313. I cannot accept the amendment. The Commissioner proposes to make the money available as it is required. That should be satisfactory to the local authorities. At any time they expend the money it can be paid from the Main Roads account. It can also be paid during the progress of the job. To show that we do not hold on to money unnecessarily I point out that we have paid out already this year the first moiety of £67,000.

Amendment on amendment put and negatived.

Amendment put and passed.

Hon. W. D. JOHNSON: I do not understand the purport of paragraph (iv) (a), which refers to "Section 27 of this Act." I think the reference should be to "the principal Act." At all events I should like to know from the Minister the effect of this provision.

The MINISTER FOR WORKS: Already the Commissioner has made available amounts on account of the grant. The paragraph has a retrospective effect, validating what has already been done. Such a provision appears in the Federal Act,

and the Commissioner wants it embodied in the State measure. Landing grounds for aeroplanes, for instance, have been the subject of grants by the Commissioner, who seeks authority for such expenditure.

Hon. W. D. JOHNSON: I take it that such expenditure was made after consultation and in agreement with local governing bodies. I wish to be sure that that expenditure or recoup shall be validated without that step affecting in any way the grants to local governing bodies for work in respect of this year's grant. I take it that there is no intention to reduce the amount of £128,000 but merely to validate any excess expenditure beyond that amount. I have no objection to the validation—which is necessary—provided the £128,000 still stands.

Clause put and passed.

Clause 3, Title—agreed to.

Bill reported with amendments.

BILL—SUPERANNUATION AND FAMILY BENEFITS ACT AMENDMENT.

Second Reading.

Debate resumed from the 2nd November.

HON. C. G. LATHAM (York) [9.7]: The Bill provides numerous amendments to the principal Act passed last session. The legislation may be regarded as experimental; but yet one would hardly expect, soon after the passing of the parent Act, to have so many amendments suggested. That course, however, is preferable to carrying on existing legislation in an unsatisfactory manner. Having heard the Premier's speech, and having been brought in contact with certain incidents, I propose to discuss the principles of some of the amendments. The first and probably the most important seeks to extend the operation of the Act not only to Government employees but also to semi-Government employees.

Mr. Cross: What is wrong with that?

Hon. C. G. LATHAM: Apparently I am expected to satisfy the hon. member without my being given time to explain. If the hon. member will have a little patience, I shall try to tell him what is wrong. Em-

ployees in Government hospitals are not within the scope of the Act and its benefits. The board was rather stretching the word "departmental" when excluding those employees.

The Minister for Mines: Who are those employees?

Hon. C. G. LATHAM: The nurses and staffs of Government hospitals. The reason for their exclusion was that they were paid from the Hospital Fund. Certainly that fund is not appropriated from revenue. I do not quite understand that being done while Market Trust employees are within the Act. The funds of the Market Trust are not paid into Consolidated Revenue or any other fund. The board deals entirely with its own fund during the year, any surplus being paid into the Treasury. It certainly has to provide its own interest and sinking fund payments from its earnings.

The Minister for Works: And so it should.

Hon. C. G. LATHAM: I am trying to be fair. In the original Act the definition of "Department" sets out that it—

..... means any department under the administration of a Minister of the Crown in the Government of the State, and includes the Agricultural Bank of Western Australia, every State trading concern, the Fremantle Harbour Trust Commissioners, every harbour board and every Crown instrumentality the employees whereof are remunerated with moneys (other than grants) appropriated by the Parliament of the State for the purpose of such Crown instrumentality.

I understand that the staff of the Agricultural Bank is brought within the scope of the Superannuation and Family Benefits Act, although Parliament does not appropriate money for the Agricultural Bank.

The Minister for Mines: The Agricultural Bank is specifically referred to in the Act.

Hon. C. G. LATHAM: That is so, but the fact remains that Parliament does not appropriate money for the purposes of that institution. Now it is proposed to go further. We are to include within the scope of the legislation the staffs of hospitals, and I agree that they should have been included in the first instance. I believe the University of Western Australia will be brought within the scope of the legislation, and the authorities will have a perfect right to ask the Treasurer to include the staff of that institution. I would have no objection to that,

but I am doubtful whether the Superannuation Fund will be solvent 30 or 40 years hence. I certainly hope that the Act will remain permanently on the statute book and that experience will not witness a repetition of what happened in 1904 when a certain proportion of the State employees found that Parliament had passed legislation that set aside the Act of 1871, which provided all civil servants of the day with superannuation rights. That Act also applies to future employees.

The Minister for Mines: But that was not contributory.

Hon. C. G. LATHAM: That is so.

The Minister for Works: There would have been a frightful calamity had that position not been altered.

Hon. C. G. LATHAM: That may be so, but in 1871 money had a totally different value from that attaching to it in 1904 and to-day. Possibly it was very difficult in 1871 to secure the money with which to make payments of pensions, exactly as it is to-day. I know what the value of a pound was in 1890 when I was a boy, and possibly the value was even greater in 1871. However, we know what happened in the past, and I am certainly anxious that the Superannuation Fund shall be maintained in a sound financial position. I hope it will not be in the state in which we found the Police Benefit Fund quite recently. While I agree that the members of the police force who were retired were paid from that fund the amounts to which they were entitled, the fact was recognised that at some future date—I do not know how far ahead—that fund would not have been able to liquidate its full liabilities. If employees of semi-governmental authorities and those paid by way of Government grants are to be brought within the scope of the Act, then those mostly concerned should be made responsible.

The Minister for Mines: That is the object of the proviso.

Hon. C. G. LATHAM: But it does not altogether cover that situation.

The Minister for Mines: They will have to make an agreement with the Treasurer.

Hon. C. G. LATHAM: Quite so, but we know what happens from time to time. A board may go out of existence or cease to function. By Act of Parliament, we have to accept the financial responsibility. I want the Treasurer to realise that he will

require to be very discreet indeed as to those he agrees to bring within the scope of the scheme. To my mind that is the most important of the amendments outlined in the Bill. As a matter of fact, I believe that every local authority will have the right to make a demand upon the Government to include its staff under the scheme. I realise that it is optional for the Treasurer to agree to any such demand. That will apply also to every health board and every hospital board. I understand that the Minister for Health has been approached by the employees of committee hospitals to be brought under the Act. We know the precarious financial position in which some of the committee hospitals find themselves to-day.

The Minister for Mines: I cannot imagine a nurse remaining in a committee hospital for ten years.

Hon. C. G. LATHAM: Many nurses are devoted to their work.

The Minister for Mines: But not to the extent of stopping in one hospital for ten years.

Hon. C. G. LATHAM: The spirit of Florence Nightingale is still apparent! I believe that some of the nurses stay for very long periods at these small hospitals. Then again I am not sure that even the Dried Fruits Board will not be able to claim superannuation privileges for its employees.

Mr. J. Hegney: And the Onion Board?

Mr. Warner: And the Egg Pool.

Hon. C. G. LATHAM: It is well that members should consider seriously the principle underlying some of the clauses in the Bill, which seeks to amend the definition of "Department" by including the following:—

The term "Department" shall, subject as hereinafter provided, also include the board of management of a public hospital financed either wholly or partly from moneys from the Hospital Fund established under the Hospitals Fund Act, 1937, and any other corporate body, being a Crown instrumentality established by or under any Act of the Parliament of the State, the inclusion of which board of management or other corporate body aforesaid in the said term is recommended by the Minister and is approved by the Treasurer.

Thus every local authority may make application to be brought under the provisions of the Act. Whether such an application would be granted is another matter. That is a point to which members should turn their attention.

The Minister for Works: Did you say road boards could apply?

Hon. C. G. LATHAM: I think local authorities will be in that position.

The Minister for Mines: You are stretching your imagination!

Hon. C. G. LATHAM: Well, read the clause.

The Minister for Mines: I read it until it gave me a headache.

Hon. C. G. LATHAM: I do not think Ministers fully appreciate what the amended definition really means.

Mr. Withers: Why not bring in members of Parliament too?

Hon. C. G. LATHAM: Road boards are corporate bodies.

Mr. Cross: But not State instrumentalities.

Hon. C. G. LATHAM: And I think they will be able to make application to the Treasurer. We must be very careful that we are not over generous. I am desirous of ensuring that the fund shall be financially sound to meet all the obligations that it seeks to undertake. Under the Act as it stands when a man is nearing the retiring age, so long as he has paid his contribution for 12 months, he can obtain a pension. The amendment embodied in the Bill, which sets out that he must have been contributing for ten years, is reasonable, because that provision applies to the younger members.

Hon. N. Keenan: You mean he must have been in the public service for ten years?

Hon. C. G. LATHAM: Yes. The Bill also will enable a person who joined the Government service before 1905 and entitled to a pension under the 1871 Act to contribute to the fund to provide, on his decease, for his widow and children. Under the 1871 Act the pension died with the contributor, and no provision was made for the widow or dependants. I believe that is a sound proposal. I also note that the contributor has to continue his payments during the period of his service, at the end of which he can elect to come either under the 1871 Act or under this measure.

The Minister for Mines: It is very difficult to ascertain until a public servant retires whether he is entitled to a pension under the 1871 Act.

Hon. C. G. LATHAM: For that reason he is asked to contribute to this fund. If he is entitled to a pension under the 1871 Act, he

can obtain a refund of the amount which he has paid in contributions. The Government, however, is not very generous in this regard, because it will not pay interest on the amount so contributed. On the other hand, if a civil servant falls into arrears with his contributions he is to be charged not more than 8 per cent. interest on the amount owing. The Government might have been generous enough to provide for payment of interest to a subscriber to the fund if it is found that he is entitled to a pension under the 1871 Act.

Hon. N. Keenan interjected.

Hon. C. G. LATHAM: According to custom and usage, despite what my legal friend says, I am of the opinion that every Government worker employed prior to 1905—whether an engine-driver, a guard or other servant—is entitled to a pension, provided he has served in a permanent capacity in the Civil Service.

Mr. Withers: That is the point. You are qualifying your statement by saying "in the Civil Service."

Hon. C. G. LATHAM: I did say that. Salaried servants are automatically entitled to a pension if they joined the service prior to 1905.

The Minister for Mines: The 1871 Act gives the Government power to pay a pension.

Hon. C. G. LATHAM: Yes. The pension is commonly granted; it is not made the subject of an appeal. I think we might be a little more generous to the wages men and pay them the same rate of interest that it is proposed to charge to contributors who elect to retire at 65 years, but decide to retire before attaining that age. Their rates of contribution are increased and they are charged 4 per cent. compound interest.

While on the subject of the 1871 Act, I have been requested to ask the Government to give consideration to some ex-civil servants. If I am in order, Mr. Speaker, I propose to make an appeal on behalf of 380 ex-railway men.

Mr. SPEAKER: I do not think we can enter on a general discussion of the 1871 Act while dealing with this Bill.

Hon. C. G. LATHAM: This is not a general discussion. I believe those men are justly entitled to a pension under that Act. A man who has left the service and makes application within six months of his retirement, provided he has had 10 years' service, may make application to subscribe to the

fund, and upon payment of 26 contributions he becomes entitled to a pension in the same way as if he were still in the service. I have no objection to that provision. We must treat liberally the men who retired from the service and who honestly believe they are entitled to a pension under the 1871 Act. If they pay one year's contributions they should be entitled to the minimum pension, namely £2 a week. The average age of those men is 74 years; and a great many of them will probably not live longer than a year. Since we discussed this matter last year no fewer than 50 of them have died. The payments that the State would have to make would be very small; but these men, who have given long years of service to the State, would be greatly benefited. I earnestly appeal to the Government to extend consideration to them. To my mind, they are just as much entitled to a pension as are the salaried officers.

I understand the practice now is to call upon public servants, when making application to contribute to the fund, to produce their birth certificates. I also understand—I can be corrected if I am wrong—that some public servants put their age on as much as three years in order to get the adult wage when they joined the service. Therefore, according to the Public Service record, these men are three years older than their actual age. Does the Government intend to benefit them both ways? In their younger days they received the benefit of an adult wage to which they were not entitled. Are they to receive an additional benefit on their retirement? This matter should be looked into carefully. In my opinion, they should not have it both ways. Conversely, some civil servants are actually a year younger than they thought they were. They made the discovery when they obtained their birth certificates. They will be penalised, because they will be obliged to pay a higher rate of contribution than they would have had to pay had they been able to state their correct age.

The Minister for Mines interjected.

Hon. C. G. LATHAM: I would not trust the Minister too far as regards age. If he heard men marching past now, he would probably say he was 40 years old. As I say, the man who has deliberately put his age on should not receive the benefit both ways.

Mr. Styants: The man who put his age back is being penalised.

Hon. C. G. LATHAM: That is so. I desire to express my pleasure at the fact that the Government has at last decided not to require a doctor's certificate from men who are reaching the retiring age. It is unreasonable to ask them to furnish such a certificate.

The Minister for Mines: But such a servant must have had 10 years' service.

Hon. C. G. LATHAM: That is so. I know a railway man who for a long time has been suffering ill-health and who was debarred from contributing to the fund because his doctor's certificate was unfavourable. When this Bill passes, I propose to write to him stating that the Government recognises his service in the same way as it recognises that of other public servants. When a man gets on in years his heart starts to flutter and all that is necessary is to obtain a certificate that he is not sound. But if any man is entitled to a benefit it is that man, and I am pleased to see that the Government realises his position. I am not quite clear about the provision for a person who retires between the ages of 60 and 65. When the original Bill was before the House we made provision only for contributions to the age of 60 or 65. Now it has been discovered that some people will have to retire at 61, 62, 63 or 64 years of age. We have not calculated—though I suppose there will be actuarial calculations made—the contribution that will have to be paid by those people, though we have set out the contribution that will have to be paid by those who retire at 60 or 65. If a person is a contributor to the age of 65 and retires beforehand, there will have to be an increase in his contributions. Provision is also made for the person who happens to become an invalid through his own act. It was provided that such a person could have a reduced pension. Evidently it has now been found that the contributions exceed the pension rights and provision is made for him to have either a refund of his contributions or a lesser pension. I do not know whether we should not have provided for interest on the money paid. I have pointed out to the House that the Bill is extensive and is fairly hard to understand, especially for those who have not had legal training. There might therefore be some excuse for any member of the House failing to understand the measure, particularly when we realise that this

matter was before a committee for a long time before the Bill was introduced last year.

The Minister for Mines: Naturally a lot of anomalies cropped up and had to be rectified.

Hon. C. G. LATHAM: Evidently the committee did not understand things too well and for that reason I want to make an excuse for members of the House who have difficulty in comprehending the provisions of the Bill.

The Minister for Mines: There may be a lot more anomalies.

Hon. C. G. LATHAM: I daresay we shall have another batch of amendments next year. I do not propose to offer any objection to the Bill. If I can give any assistance in knocking this legislation into shape, I am prepared to do so. I hope my interpretations are correct. I have given a good deal of consideration to the measure, which is essentially a Committee Bill. Hon. members should, however, endeavour to understand the provisions in order that they may give proper consideration to the clauses in Committee.

On motion by Hon. N. Keenan, debate adjourned.

House adjourned at 9.33 p.m.