

come into its own. I do not want to see it grow with half the population within ten miles of the Perth G.P.O. I hope that the committee, when appointed, will be able to get on with the job and that the result will be the laying down of a sound port policy for the State, a policy on which we can build up a very sound future.

**MR. WILLMOTT** (Sussex) [10.22]: I intend to support the motion. A number of the harbours of this State have been referred to very clearly by the member for Kalgoorlie and the member for Albany, but some of the harbours in which I am interested have not been mentioned to any great extent. The harbours that chiefly suit the Sussex electorate are Busselton, Bunbury and Flinders Bay. Flinders Bay is a harbour that will compare favourably with any other harbour. Members may recall that some years ago I showed photographs in this House to the then Minister for Works, the member for Mt. Hawthorn, indicating the position in years gone by when the mills were in full swing in the Karri-dale area. At that time there were seven trading vessels at Flinders Bay, five loading at the jetty and two standing off in the harbour. There is 45ft. of water at a very short distance from the shore, a matter of a couple of chains. It is perfectly safe. Sailing boats used to load cargoes all the year round, and there was never any loss or damage occasioned in respect of any boat throughout the years. I hope that the Select Committee, if appointed, will give consideration to the harbours of the South-West, and particularly to those I have mentioned.

Details were given by the member for Kalgoorlie of the money that had been spent on the principal harbours; but in Busselton only a very small amount of money was so expended. I think the harbour was dredged in 1911, and the fishermen who travel over that part where the dredging took place tell me that they can still see where it was done. It has silted up to a certain extent; but the dredging was carried out 34 years ago, and the marks of the dredges can still be seen. Only a few thousand pounds was spent on the harbour and nothing has been spent since, except for slight improvements occasionally by way of renewal of a pile or two or something of that sort. If the Government agrees to the

appointment of a Select Committee, which I hope it will, the committee will be able to investigate not only the harbours mentioned by the member for Kalgoorlie and the member for Albany, but also other harbours which I feel sure could prove very beneficial to that part of the State in which I am interested. A good deal of the timber which will be produced in the lower South-West area could be shipped from Flinders Bay with a very short railage. That timber otherwise would have to be hauled into Busselton or Bunbury. Neither of those ports can fill any large ship; the vessel would have to go to Fremantle to top up. I feel sure that if Flinders Bay were improved, even the larger ships could be fully loaded and a good deal of extra handling and travelling by the ships concerned could be avoided. I hope the Government will agree to the motion.

Question put and passed; the motion agreed to.

#### *Select Committee appointed.*

On motion by Mr. Styants, a Select Committee appointed consisting of Messrs. Hill, Triat, Hoar, Willmott and the mover, with power to call for persons and papers, and to sit on days over which the House stands adjourned; to report on the 31st October.

*House adjourned at 10.27 p.m.*

## **Legislative Council.**

*Thursday, 20th September, 1945.*

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

## **BILL—RIGHTS IN WATER AND IRRIGATION ACT AMENDMENT.**

*Third Reading.*

**THE HONORARY MINISTER** (Hon. E. H. Gray—West) [4.35]: I move—

That the Bill be now read a third time.

Yesterday an explanation of paragraph (d) of Clause 2 was requested by Mr. Thomson. I made some inquiries and as a result I can inform the hon. member that this paragraph is so worded as to be in keeping with the previous paragraphs of Clause 2. It was felt that under the original Act unnecessary delay was caused in getting the Governor's approval for a special license. In the future if such a license is to be issued it will be approved and signed by the Minister, instead of by the Governor, on the recommendation of the Irrigation Commissioners. The payment of compensation to the licensee in any case will, as set out in paragraph (d), be recommended to the Governor by the Minister. The wording of this paragraph is really consequential on the change brought about by the amendment. When compensation has to be paid the matter will go before the Governor in Executive Council.

Question put and passed.

Read a third time and *passed*.

## **BILL—POLICE ACT AMENDMENT.**

Bill read a third time and *passed*.

## **BILL—MINE WORKERS' RELIEF (WAR SERVICE) ACT AMENDMENT.**

Reports of Committee adopted.

## **BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD).**

*Second Reading.*

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [4.38] in moving the second reading said: This Bill provides for appeals in respect of promotions by persons permanently employed by or under the Crown. It will be recalled that legislation for this purpose was introduced last session but was rejected by this House, the main objection being that it was submitted too late to receive attention. Since then the Government has given further consideration to this question and it has decided, in the interests of all concerned,

that Parliament should again be approached for legislation in respect of this important matter. The Bill is substantially the same as its predecessor.

For some time past—for some years, as a matter of fact—employees in the Public Service have been seeking the establishment by law of a tribunal or board to hear and determine appeals against promotions. The fact that there was no uniform arrangement, whereby all sections of Government employees were legally entitled to the right of appeal in respect of promotions, has been the cause of much discontent and dissatisfaction. In some sections of Government employment there is a right of appeal, but not under any express statutory provision, whilst in other sections there is no appeal whatsoever. In these circumstances it can well be imagined that there is, from time to time, a great deal of friction in the Government service, and that an unsuccessful applicant for a particular position could suffer under a sense of injustice for some considerable time by not having the legal right of endeavouring to rectify the situation in his favour.

This can only have a demoralising effect, not only on the person concerned, but also upon those with whom he is associated in any particular department or undertaking of the Government. But the disadvantages of the present situation do not stop there. The general efficiency in the conduct of the department must be taken into consideration. It will be readily appreciated that circumstances under which grievances are nursed must, sooner or later, generally disadvantage the department or departments concerned.

Where there is a right of appeal to a legal authority comprised of men who can give careful consideration to the claims of unsuccessful and discontented applicants, it can be expected that such appellants will not continue to nurse their grievances, knowing full well that they have had the opportunity of having their grievances dealt with by a higher authority expressly constituted under an Act of Parliament for the purpose, and that the decision given will be final. It is for this purpose, therefore, that this Bill is being submitted to Parliament. Much thought and consideration has been given to the proposals in the Bill, and it has been drafted only after

considerable discussion with organisations representing the various sections of the employees in the service of the Government.

Relevant legislation in other States has been examined and advice sought from those States where statutory provision does exist in respect of appeals against promotions. Ultimately it was decided that the basis for legislation in this State should be that which has been adopted by the Queensland Government. Advice from that State indicates that the legislation is giving general satisfaction, not only to the Government but to senior officers of the various departments, the Public Service Commissioner, and the organisations representing the employees.

Turning now to the Bill itself, the definition of "Department" covers any department under the administration of a Minister of the Crown in the Government of the State, and includes the Rural and Industries Bank of Western Australia, every State Trading Concern, the Fremantle Harbour Trust Commissioners, every harbour board, every Government hospital and every Crown instrumentality the employees of which are remunerated with moneys, other than grants, appropriated by the Parliament of the State to the purposes of such Crown instrumentality. Where two or more departments are administered by the same Minister or where a department is divided into separate sub-departments, every one of such two or more departments and every sub-department aforesaid shall for the purposes of the Act be deemed to be, and be treated as, a separate and distinct department. If any question shall arise as to whether or not any section of a department is a sub-department or, for the purpose of the Act, should be treated as being a sub-department of the department, such question shall be determined by the Governor.

The term "Employee" is defined in the Bill as any person employed in a permanent capacity and required to give his whole time to the duties of his employment. There is also a definition of "Government hospital" and this means any hospital, maternity home or convalescent home established by the Government and maintained and managed wholly by such Government as a Government institution.

Provision has been made in the Bill to deal with recommendations for promotions. It sets out that notice of any vacancy or of the creation of a new office shall be published in such manner and for such period as shall be prescribed by regulations, so as to afford employees who are eligible a reasonable opportunity to make application for appointment to or employment in such vacancy or new office, and the necessary safeguards have been made to limit appeals to only those employees who had applied for the vacancy. The Bill sets out that appeals will be prohibited in respect of any position which entitles the occupant to receive a wage or salary at a rate higher than £750 per annum.

Hon. J. A. Dimmitt: Why was the amount fixed at £750? Why not £650 or £850 or some other amount?

The CHIEF SECRETARY: Because it is considered that, in connection with many of the higher positions there is no room for appeals of this kind. I think the salary range up to £750 will be found to cover the great majority of the employees of the Government. I may mention that the amount of £750 is exclusive of the amounts of basic wage adjustments or of any living or other allowances unless the Governor in Council declares an appeal may be lodged in connection with such office. There may be instances where an appeal should be made in connection with an office and therefore provision has been made in the manner I have just mentioned. I think that will be considered fair by all parties concerned with the question of appeals regarding promotions. No employee who has reached the compulsory retiring age but who has been continued in the employment of the Government is to have the right of appeal in regard to any position. Provision has been made for the establishment of a board to be known as the Promotions Appeal Board. This board is to consist of a stipendiary, or police, or resident magistrate as chairman, a person appointed by the Governor to act as representative of the authority which recommended the promotion, and an employees' representative, appointed in most cases by the union concerned. If the union does not appoint a person to represent the employee at least 14 days before the date of the hearing of the appeal, the employee may appoint his own representative.

Any member of the Civil Service Association who appeals at any time will be represented by the association's representative on the Public Service Appeal Board. This applies also to school teachers who also have a representative on the Public Service Appeal Board. The term "Union" means an industrial union of workers within the meaning of the Industrial Arbitration Act, 1912-1941, and includes the Civil Service Association of Western Australia, Inc., the State School Teachers' Union of W.A., Inc., and the Western Australian Railway Officers' Union. There are provisions in the Bill dealing with the constitution of the board in cases where it is proposed to deal with two or more appeals against the same promotion.

The Bill also provides that no employee who is absent from his employment on war service during any war, or on occupational duties in any enemy country after a war, or on other similar duties, shall suffer any loss of opportunity to apply for appointment by way of promotions to any vacancy or new office in the department in which he is employed, or to exercise the right of appeal conferred by the Bill. I think the clause dealing with that particular point is quite clear and does protect the interests of all those employees who have been away on war service, some of whom—perhaps quite a number—will continue to be absent during the occupation of enemy countries.

Provision has also been made that the board shall be given the right to determine where appeals shall be heard as well as the power to appoint a competent person or persons to take evidence on oath in any remote locality to obviate the considerable inconvenience and expense which would be involved if the board itself were to visit such locality. The board is also given authority to grant the payment of reasonable expenses to any appellant considered to have had reasonable grounds for lodging and proceeding with an appeal. The Bill sets out that the only grounds on which appeals are capable of being lodged are:—

- 1, Superior efficiency to that of the employee promoted, or
- 2, Equal efficiency and seniority to the employee promoted.

The term "Efficiency" means special qualifications and aptitude for the discharge of the duties of the offices to be filled, together

with merit, diligence and good conduct; provided that, in the case of an employee who is a returned soldier, the term shall include such efficiency as in the opinion of the permanent head of the department concerned or the board, as the case may be, the employee would have attained but for his absence on war service as such soldier. "Seniority" is defined in the Bill as follows:—

(a) As between employees holding positions or offices in the same grade or classification when such positions or offices are graded or classified—Seniority by longer period of service in the same grade or classification;

(b) As between employees holding positions or offices in different grades or classifications when such positions or offices are graded or classified—Seniority by higher grade or higher classification;

(c) As between employees engaged in the same kind of employment at the same rate of salary or wages, when the positions or offices held by them are not graded or classified—Seniority by longer period of service at the same rate of salary or wages;

(d) As between employees engaged in different kinds of employment at different rates of salary or wages, when the positions or offices held by them are not graded or classified—Seniority by higher rate of salary or wages.

By this definition I think we have made it possible for every member of the service who has a right to appeal under this Bill to get a fair deal. Before he appeals he will at least know the grounds upon which such appeal is likely to be determined. There is a provision in the Bill which sets out that the board shall have the right to decline to hear any appeal which in its opinion is frivolous, unreasonable or vexatious, and that it may fine any appellant an amount not exceeding £5 where an appeal comes within that category. The powers and duties of the board are also set out in the Bill, and in this regard the board is vested with all the powers of a Royal Commission.

I think I have dealt with the main provisions of this important measure, those I have not mentioned being mostly of a machinery nature, but if any further details are required I shall be only too pleased to supply them during the Committee stage. In conclusion, I would reiterate what I said at the outset, namely, that this Bill seeks to overcome the discontent and dissatisfaction which exists amongst employees in the service of the Government by reason of the fact that they have no express statutory authority to whom they may be permitted to

appeal in respect of promotions. In an endeavour to provide that much-needed authority the Government is seeking the approval of Parliament, and as the Government is vitally concerned in establishing an efficient and happy Public Service I hope that the required approval will be given on this occasion. I move—

That the Bill be now read a second time.

On motion by Hon. Sir Hal Colebatch, debate adjourned.

## **BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.**

### *Second Reading.*

Debate resumed from the previous day.

**HON. A. THOMSON** (South-East) [4.59]: This is a small measure which apparently does not require very much consideration. A definition of "Horizontal base" is included in the measure. The phrase is defined as meaning the bed of the waterway immediately below the area of the water, and the definition applies to the case of scaffolding erected or used above any area of water. I can see no objection to the definition; if it is necessary to erect scaffolding, one must work from the base. That seems to be but a small addition to the parent Act.

The other amendment embodied in the Bill is provided to give a builder's labourer an opportunity to qualify for the position of inspector. I do not see that there is any need to amend the Act. It is proposed to delete from Section 29 the words "trade and is a competent tradesman." The Act at present reads "has been engaged for at least seven years in the building trade and is a competent tradesman." In place of the words proposed to be struck out, the Bill provides for the insertion of the word "industry." Today, in order to qualify for the position in question, a man requires to have certain knowledge and to get a license in order to act as a scaffolder, and has to pass a certain examination showing that he has a knowledge of scaffolding. I presume the intention of the Government is to make the regulations a little clearer so that a man who has been engaged for a period of seven years in the building industry, and is qualified as a scaffolder, may become an inspector on passing the necessary examination. I see no objection to that, and support the second reading of the Bill.

Question put and passed.

Bill read a second time.

### *In Committee.*

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

## **PAPERS—HOUSING.**

### *As to Negotiations, Costs, etc.*

Debate resumed from the previous day on the following motion by Hon. C. F. Baxter:—

That there be laid upon the Table of the House—

- (a) The papers relative to the negotiations between the State and Commonwealth Governments in regard to housing in this State.
- (b) A report of the State Department concerned giving specific details of the progress made in respect of the authorised schemes, full details of the costs of the houses comprised in each scheme, and how the plans for Western Australia compare with those for other States.
- (c) All papers relative to proposals that have been submitted for houses to be erected partly or wholly of pre-fabricated materials of various kinds, and relative to the efforts that have been made to reduce building costs in this State and to obtain essential materials.

**HON. A. L. LOTON** (South-East) [5.5]: I move an amendment:—

That paragraph (b) be struck out, and that at the end of paragraph (c) the following words be added:—"The papers laid on the Table in compliance with this resolution shall lie on the Table for one week, when such papers shall be returned to the department to which they belong."

**HON. C. F. BAXTER** (East—on amendment) [5.6]: In seconding the amendment I desire to state that the conditions have altered considerably since I gave notice of this motion, which was held up owing to the time occupied in finishing the Address-in-reply. Added to that, there was the Chief Secretary's explanation. I had no intention of embarrassing the officers of the department in the work they are doing when I moved the motion. If paragraph (b) is struck out, those officers who, we have been informed, would be occupied for two or three days in preparing the information sought, would be relieved of

that duty. Nevertheless, I should like to have the papers laid on the Table in order to assist the House. I have no desire to be a party to taking valuable officers away from housing matters for even a couple of days, but the amendment which Mr. Loton was kind enough to move may well obviate that difficulty.

The amendment only asks for the papers to be laid on the Table of the House for a week, and I cannot see that any great difficulty is likely to arise from that. My Ministerial experience has taught me that the absence of papers from a department for one week will not hamper its work. If the papers were made available to us for a short time, they would prove of considerable interest to all members. We would not require them for more than a short period. The officers concerned would still have their work to go on with, and meanwhile we would probably be able to get an insight into this question and thus push forward with the undertaking in which we are all so much concerned. Housing is the most important question facing the State today. Knowing what the position is, and being desirous of helping in every possible direction, I wish to scan the papers, as do other members, to see whether we can be of assistance in relieving the position as soon as possible.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West—on amendment) [5.10]: I raise no objection to the amendment, but would point out that it has to be added at the end of the motion, and that paragraph (c) relates to certain papers, etc., which I have already indicated to the House do not exist. Those particular papers, therefore, could not be laid on the Table. So long as the hon. member understands that no papers with regard to paragraph (c) will be forthcoming, it will be all right.

Amendment put and passed.

**HON. C. F. BAXTER** (East—in reply) [5.11]: I have already explained that conditions have altered considerably since I moved this motion. In a very able speech, the Chief Secretary has given us certain information, but we will still require a good deal more. The papers relative to negotiations between the State Government and the Commonwealth may be of considerable

value in many directions. It is very difficult for me to understand, from my experience, why there are no papers in regard to the other point, as stated by the Chief Secretary. How is the work being done? How is the day-labour system being carried on without any records? Surely there must be some. One thing the Chief Secretary told us, point blank, namely, that the Government of which he is a member is going to build by day-labour. That is something this House should object to. Under the day-labour system, we shall not have reasonably-priced homes erected. That stands to reason. It is not possible to get full labour from people who have no incentive beyond their day's wages, and their work will suffer. Under the contract system, the work is done expeditiously and men have something in front of them.

**Hon. C. B. Williams:** They are the same workers doing the work, and it is the same class of work they are doing. How can there be any difference?

**Hon. C. F. BAXTER:** Men engaged by the Government, or the majority of them, work according to "the Government stroke."

**Hon. C. B. Williams:** Did they do that when you were Chief Secretary?

**The PRESIDENT:** Order!

**Hon. C. F. BAXTER:** Then there is the other side of the day-labour system, namely, the overhead costs. It is idle for people to affirm that the overhead costs of a Government job carried out on the day-labour system are not high when compared with those appertaining to a contract job where so much personal attention is given to the work. In a Government job, there must be a department that is concerned. In a department there are many conditions to live up to that are not found in connection with work done by outside people. There are records to be kept and all manner of things have to be done that are not done by contractors.

No Government can carry out a commercial undertaking or a contract on an equal footing with private persons who are conducting their own business. Take the cost of supervision! That work is done by the contractor in a day's stride, either by himself or with one assistant. In Government circles there must be numbers of offi-

cials. In the course of my remarks on the motion I referred to building material other than bricks. The Chief Secretary mentioned pre-fabricated materials. That is only one of the substances used in the building of houses. He made no reference to sand and cement bricks, although they form one of the best and cheapest kinds of material that can be used for houses. I will relate my own experience with sand-cement bricks. I erected a house on my farm at a total cost of £620, containing five rooms, with every convenience, and built as a country home, all from cement bricks.

The Honorary Minister: When?

Hon. C. F. BAXTER: That was ten years ago. It is quite an elaborate home, far above the average that is found in the country, and possessing an up-to-date bathroom and all other conveniences. It was erected by two laymen who made their own bricks. They did not require a tradesman, and the house was built in quick time. I certainly had a friend who supervised the work at weekends, but the cost of his services is included in the £620. For the purposes of protection a verandah was erected around the house, which is one of the most comfortable homes that could be found anywhere. The temperature inside is even at all times of the year.

Suppose I add 33 per cent. to the £620! I do not think that any house erected either in wood or some other material in these days could possibly compare with the home to which I have referred. Let members add 40 per cent. to the cost if they like, and see what they would get for the money. One is a comfortable home with all conveniences, and we can only imagine from what we see today what the other type of house will look like. I was speaking of day-labour, and one can plainly see what is going to happen under that system. At the outset, when dealing with this phase, I thought it referred to the Commonwealth Government only, but the Chief Secretary has told us that the State Government is tied down to operate by day labour.

The Chief Secretary: Do you think the State Government should not build any houses?

Hon. C. F. BAXTER: No, I do not, but I do not think the State Government should spread itself as it is doing to build houses by day-labour, to the inconvenience of private builders who want to build homes for the people. The position is that a Government department is sending requisitions round to all suppliers of home necessities such as baths, sinks, lavatories, etc., for the supply of those orders. manpower control is not necessary. The State Government does not want manpower control, as it is taking control by buying everything available. That is the position, from inquiries I have made. A merchant may have some of the items that are necessary for a home, but if he receives a requisition from the Government and does not supply it, but instead supplies private persons, what is his future going to be? He would not be mad enough to refuse a Government requisition. He would naturally supply it, and at what cost to the unfortunate private persons—apart from contractors—who are waiting to build their homes? They cannot do so, because they cannot get the materials.

On the tram today a tram conductor—I do not think he knew my name or who I was—spoke very warmly about the Government. He had everything ready and was prepared to build a house, but could not get the necessities I have mentioned. How can he get them when the Government is taking them all into stock? When bricks are coming through freely, there should be no necessity for the Government to hoard them up and rob the people who want to get on with their own building. I have a very strong objection to that. It is all right to talk about the Government building homes, and the Workers' Homes Board is a body to be proud of, but I remember the time when there was an agreement to build soldiers' homes in this State. I was in the Eastern States when the agreement was made, but the Commonwealth authorities cancelled it before I reached Perth, and went on erecting war service homes.

Members know what a mess was made of it. Finally they had to ask the Workers' Homes Board to take it over. Had they allowed the Workers' Homes Board to do that job at the 5 per cent. that was charged at the time, it would have been a huge success, just as has been the case with other work that the Workers' Homes Board has done. I do not think it is right

for a Government to extend its activities on the day-labour principle and put the heavy burden on the backs of the unfortunate people who are to occupy those homes, or, where the homes are to be let, to increase the burden on the taxpayer—because that is what it means. Another important point is the way in which houses are being built. I have been told that some of the rooms are only 10 ft. square and that some are built with ceilings only 8 ft. high. I say the absolute minimum height for a ceiling should be 10 ft. 6 ins., or 12 ft. in this climate.

The Chief Secretary: Where are the houses with 8 ft. ceilings?

Hon. C. F. BAXTER: I have not gone into that, but I have been told that it is so. One cannot imagine what kind of home it will be with an 8 ft. or 9 ft. ceiling, in the extreme heat of summer, when the temperature is bad enough with a 12 ft. ceiling. Are we going to provide something bordering on slums, which we will later want to get rid of? These are the reasons why I want to see the papers. If we are to go on building small rooms with low ceilings, I think the sooner Parliament takes a hand in preventing it, the better it will be for the people of the State.

Parliament should see whether there is some way to reduce the high cost of building that obtains at present. If a wage-earner on the basic wage were to buy such a home at present day costs, he would never own it but would be saddled with it for the rest of his life. We know it is the desire of every man to own his own home, so I hope the House will agree to my motion, now that it has been amended to a reasonable degree to meet the department's position, and give us the opportunity to scan the papers and to be of some assistance, if we can. I feel that each and every member of this House will, if possible, render that assistance.

Question put and passed; the motion, as amended, agreed to.

### BILL—SUPREME COURT ACT AMENDMENT (No. 2).

#### *Second Reading.*

Debate resumed from the 13th September.

**THE CHIEF SECRETARY** (Hon. W. H. Kitson—West) [5.20]: I secured the adjournment of the debate on this particular

Bill in order that I might examine it from my personal point of view. The Bill simply gives another reason for which a divorce may be granted. I think that in the explanation of the law given by Mr. Parker in introducing the Bill he submitted very good reasons why we should support this measure. It is on similar lines to a Bill which Mr. Parker introduced some years ago, the only difference—as I see it—being that he has extended the period to 10 years.

Hon. C. F. Baxter: He has gone from the minimum to the maximum.

**THE CHIEF SECRETARY:** In view of the fact that he considers that he may get additional support for the lengthy period, I do not propose to object to the Bill. Rather would I be prepared to support it. I have no further comment to make on it, and I feel sure that Mr. Parker, having had so many years legal experience, knows a great deal of the trouble that exists today as the result of people being unable to obtain what they consider to be a fair release from their present condition. I feel sure that the Bill, if it becomes an Act, will be of great benefit to a large number of people.

Question put and passed.

Bill read a second time.

#### *In Committee.*

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

*House adjourned at 5.25 p.m.*

## Legislative Assembly.

*Thursday, 20th September, 1945.*

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