

Legislative Council.

Tuesday, 30th September, 1947.

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

ASSENT TO BILLS.

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

- 1, Supply (No. 1), £3,100,000.
- 2, Constitution Acts Amendment (No. 1).
- 3, Industries Assistance Act Amendment (Continuance).
- 4, Increase of Rent (War Restrictions) Act Amendment (Continuance).

QUESTIONS.

HOUSING.

As to Homes at Mosman Park.

Hon. G. FRASER (on notice) asked the Minister for Mines:

(1) How many contracts have been signed by the present Government for houses under the Commonwealth-State rental scheme at Mosman Park?

(2) Have tenders been called for the additional 45 homes to be built there.

(3) If not, when will these tenders be called?

(4) When is it anticipated they will be ready for occupation?

The MINISTER replied:

(1) Twenty-three contracts have been signed for construction of homes at Mosman Park.

(2) The contracts already signed are part of the project for 45 houses. Tenders were

not called as the work was allocated to contractors under the "base price" scheme.

(3) Arrangements have been made for the construction of a further 22 homes under the base price scheme and work will shortly commence.

(4) The homes will be completed progressively from November onwards.

PARTY CIRCULAR.

As to Cost and Authorisation.

Hon. G. FRASER having given notice of intention to ask the Minister for Mines:

Either by accident or design, a two-page circular entitled "Confidential Notes for use in debates; Issued to members of the Government Parties," was placed on my desk. As this circular was purely political propaganda, I would like to know—

(1) Is the cost of compiling, typing, etc., this circular being borne by the Liberal-Country Party; or

(2) Is the cost paid by the Government?

(3) If the latter, is this legitimate expenditure of public funds?

(4) Who authorised the distribution of the circular in Parliament House?

Hon. C. B. Williams: On a point of order, I ask whether this question is in order. If someone put a letter in your box, Mr. President, and you opened it in error, would it be right for you to divulge the information contained in it and ask a question in this House? I suggest that the hon. member should not have given notice of his intention to ask the question and should withdraw it.

The President: Standing Orders provide that, so long as a question is not offensive, it is in order.

Hon. C. B. Williams: That is what it is!

The President: The question, in my opinion, is not offensive and is therefore in order.

Hon. C. B. Williams: I have raised my protest against your allowing the hon. member to ask this question and, if he were honourable, he would not ask it—and that is one on him.

Hon. G. Fraser: Notwithstanding the remarks of my colleague, I ask the question.

Hon. L. B. Bolton: You should not ask questions about other people's correspondence.

Hon. C. B. Williams: True! That is the rotten part of it.

The MINISTER replied: The hon. member said he would like to know. I am prepared to let the House know.

(1) No.

(2) No.

(3) Answered by No. 2.

(4) The Government Whip.

MOTION—ELECTRICITY ACT.

To Disallow Radio Workers' Regulations.

Debate resumed from the 24th September on the following motion by Hon. A. Thomson:—

That Regulations Nos. 113, 117, 118, 119, 123, 124, 129, 130, 131, 132, 138, 139 and 142 made under the Electricity Act, 1945, as published in the "Government Gazette" of the 27th June, 1947, and laid on the Table of the House on the 5th August, 1947, be and are hereby disallowed.

HON. H. A. C. DAFFEN (Central) [4.40]: I support the motion for the disallowance of these regulations; but before speaking on the subject, I would beg the indulgence of the House for a few moments, as this is the first occasion my voice has been raised here except when I took the oath of allegiance, to thank members generally for their very kind welcome to me on my arrival. Their solicitude for my comfort and welfare generally was almost embarrassing, and I take this opportunity to thank them. As I will not be able to repay them in kind, I will be very pleased to join in what is apparently quite an institution by welcoming new members, if ever I have the good fortune to do so, in the same manner as I have been welcomed.

I further crave the indulgence of the House in order that I may pay a tribute to my predecessor, the late Hon. J. M. Drew. He was one of the representatives of the Central Province for 35 years and during that time he earned the respect and goodwill of everybody, not only in the district he represented, but also in this Chamber. While in Parliament he was twice Colonial Secretary and twice Chief Secretary and he also held four portfolios—those of Agriculture, Lands, Education and the North-West. A man who served his country

in those capacities for so many years must have served it well. His was a parliamentary record of which I am sure anyone would be proud and which I myself would be very pleased to be able to emulate.

To return to the motion, the regulations before us were no doubt designed to enable the Act to be implemented in order to give the public, employers and employees proper protection. If we view them in that light, we will be able to see them in their proper perspective. Of all people, probably the employers are in the best position to protect themselves. They can demand a standard of work and knowledge to meet requirements; but bearing in mind the amount of damage that can be done to their equipment or their business generally, we can understand that they would be bound to favour qualified employees.

I should think that the employees themselves would be glad of the opportunity to secure a standard of recognition that would put them in the correct grade in their calling. However, the field should not be unduly restricted by examination on points outside the scope of their particular work. That the public is entitled to protection, there can be no argument. Inability to deal with a fire in a bio-box at a theatre, for instance, might easily result in death or bodily injury to many people in the building and even outside; and they are entitled to be protected. Nevertheless, in endeavouring to formulate regulations designed to cover these matters, it seems to me the compilers have been too severe in some directions. Regulation 113 provides that—

The Commission may at any time remove any member of the board.

That calls for some qualification. As it stands, if the Commission finds a member of the board difficult, it can apparently remove him. I suggest that does not appeal to us as being right.

Regulations 117, 118 and 119, being related, can be taken together. Here the objection is to the words at the end of Regulation 118, "of such nature and scope as the board considers necessary"; and in Regulation 119 the objection is to the words "under such conditions." These examinations should be set and carried out by some such person as the instructor at the Technical College. Regulation 124 seems to be particularly severe and totally unwarranted. It would

have the effect of making such licensed tradesmen so scarce that the general public would not be able to get ordinary work done at all. While I agree the public should be protected against having incompetent people servicing their radios or other electrical appliances that may have cost large sums of money, I think that to insist on a person having five years in the radio trade before he can sit for an examination, is too severe a restriction.

Hon. E. M. Davies: Two years after training.

Hon. H. A. C. DAFFEN: The regulation definitely says five years, in the second last line. Regulation 129 is also too restrictive and severe. It seems to me that a license issued for a particular area or place should be general, and it does not seem right that the board should be able to endorse it with any restrictions. Regulation 130 relates to fees for the renewal of licenses. I do not think such renewals should cost more than 2s. 6d. and for an apprentice, 1s. I imagine that there is neither the cost nor the work attached to a renewal that applies to the issue of the original document.

Regulation 131 hardly seems just. It does not appear right to penalise a man twice for the same offence. If he persists in offending in this manner, he should be given a warning and then the penalty could be given effect to after such warning had been given. The board will need to have the right provided in Regulation 138, but in my opinion the conditions of refusal should be set out. I object to paragraph (b) of Regulation 139 because I question whether an applicant should not be allowed to sit for examination if he wishes without having to submit himself to further training at the request of the board before being able to do so. Regulation 142 links up with Regulations 117, 118 and 119, and the same remarks apply in this case. The particular authority or alternative authority should be quoted. There are other regulations to which exception has been taken, and I have here a letter from the Cue District Road Board, addressed to myself and dated the 20th September. It reads as follows:—

The above board, at its meeting on Tuesday last, gave serious consideration to the recently gazetted regulations of the State Electricity Commission and directed me to write and ask

you to take appropriate steps to endeavour to have these regulations made inapplicable to the Murchison district.

The charges made against the suppliers of electricity in small outback towns are out of all reason and the regulations appear to be still one more attempt to regiment the whole of the State to the control of a few individuals located in offices in Perth. The manner in which these regulations have affected the Cue Road Board are as follows:—

1. The Cue Road Board owns and operates the Cue power house. The total number of consumers is only 127 and the charge for electric light in order to meet expenses is 1s. 3d. per unit. We have now, under the new regulations, to pay an amount of £6 7s. per year to the Electricity Commission for their permission to continue to supply these people with electricity when we have already been doing so for over 20 years without having to have any such permit.

2. During the period of its operations the board has carried out repair work and minor installations for its consumers and during the past three years the average total charges for such repair and installation work has amounted to £22. We now have to pay to this State Electricity Commission a sum of £5 per year in order to be able to carry out these necessary repairs and minor installations for the residents of this small community. To meet this charge it will mean that charges for repairs and similar work will have to be increased by 25 per cent.

3. In 1936 the Cue Road Board drew up bylaws covering the supply of electricity in the town of Cue. These bylaws were approved by the Minister then in office and also approved in Executive Council and duly gazetted. We are now informed that the regulations gazetted by this Commission sitting in Perth are paramount to our bylaws; these bylaws have not been repealed, neither have the Cue Road Board been consulted in the matter in any way whatsoever.

My board therefore, Sir, respectfully request that you do all within your power to have the Murchison district, at least, removed from the zone of operation of these State Electricity Commission regulations.

That refers in part to Regulation 278, which has already been dealt with, and from which I think the minimum registration fee of £5 should be eliminated. In view of the request of the Cue Road Board I have to ask for the exemption, from the operations of this regulation, of that area. I think the regulations as a whole should be reviewed, as I believe there are at present too many restrictions. Already the public are short of services, and business cannot supply effectively the requirements

of the people, owing to the shortage of operatives.

The argument has been advanced that these regulations have been in force since 1937. That is true, but the fact remains that they have not been enforced, due, no doubt, to the war coming on us as it did. At present, while we are still trying to get on our feet after the war, and are still faced with all the difficulties that followed it, I feel that the application of these regulations is too harsh. That there should be proper control will, I am sure, be generally agreed, but the operation of such control should be applied gently and should not be severe in application. I support the motion.

HON. SIR HAL COLEBATCH (Metropolitan) [4.55]: I am not competent to express an opinion as to the general merits or demerits of these regulations, and there is only one point on which I wish to touch. When Parliament has passed a law restricting occupation in any trade or calling to persons capable of passing certain examinations, it has always in the past been customary to make liberal concessions to those engaged in such occupations before the passing of the law. I understand that when the first of these regulations were framed in 1937 something of this kind was done.

Had we been living in normal circumstances, that might have been regarded as sufficient, but we have been living in entirely abnormal circumstances. I am informed that during the last eight or nine years there has been a number of young men engaged in these occupations, carrying out their work quite satisfactorily, but with no opportunity of acquiring the technical knowledge necessary to enable them to pass these examinations. I would suggest that there is a strong case for allowing those young men to pass an examination entirely on safety lines. Let us have the safety lines.

Hon. A. Thomson: That is the point.

Hon. Sir Hal COLEBATCH: Let the examination be on safety lines, leaving out a lot of the technicalities that they have not had any opportunity of studying. That would be an act of justice, and would carry out what has always been the practice of this Parliament—to allow those people who

have been practising in the past to obtain their registration under easier conditions than those applied to newcomers. I think it is a point well worthy of consideration, and apart from that I have nothing to say regarding the regulations.

Hon. C. B. Williams: We had it with the tooth-pullers, and others.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—DRIED FRUITS ACT, 1926, RE-ENACTMENT.

Read a third time and transmitted to the Assembly.

BILL—WESTERN AUSTRALIAN TROT- TING ASSOCIATION ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.58] in moving the second reading said: The purpose of this Bill is to effect a slight alteration in the Second Schedule of a measure passed last session and known as the Western Australian Trotting Association Act, 1946. The Second Schedule of that Act mentions the names of three councils—the Great Southern District Council, the Eastern Goldfields District Council and the South-West District Council. Those councils should have been called “district trotting councils.” The purpose of the Bill is to amend the Act by inserting the word “trotting” after the word “district” in the title of each of those councils, and to alter the name of the Eastern Goldfields District Council to the “North-Eastern Districts Trotting Council.” If there are any questions that members care to ask, perhaps that could be done in Committee. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—ECONOMIC STABILITY ACT AMENDMENT (CONTINUANCE).

Second Reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban [5.2] in moving the second reading said: This Bill is to continue the operations of the Economic Stability Act, 1946. At the conference of Premiers in 1946 it was decided that each State should bring in legislation to make provision for the continuance of certain Commonwealth regulations. These were the National Security (Prices) Regulations, the National Security (Landlord and Tenant) Regulations, the National Security (Capital Issues) Regulations and the National Security (Economic Organisation) Regulations.

The reason State legislation was thought necessary was that it might be found that the Commonwealth legislation was *ultra vires* the Constitution. It was also considered essential to keep these restrictions in existence. When the matter came before Parliament it was decided to continue the Act only until October of this year. At a recent conference of Premiers it was decided that it was necessary to maintain the operation of these particular regulations. The Commonwealth had brought in an Act which was to continue until December, 1948. The same argument applies here, namely, that it might be that the Commonwealth would have no power to maintain these regulations and therefore the Premiers agreed to continue their own State Acts for economic stability.

It is desired by this Bill to allow this law to operate until December, 1948. The reason for that is that if the Commonwealth Act should be found to be *ultra vires* when Parliament is not sitting, it would be necessary to call Parliament together to pass some of these essential restrictions. However much we may object to some of the things that are done today and whatever our views may be on price fixation, capital issues or economic organisation regulations, nevertheless we must all agree it is essential that power should be given to continue the operation of the existing regulations during the period when Parliament will not be sitting. I move—

That the Bill be now read a second time.

On motion by Hon. E. H. Gray, debate adjourned.

BILL—PUBLIC TRUSTEE ACT AMENDMENT.

Second Reading.

Debate resumed from the 23rd September.

HON. G. FRASER (West) [5.5]: I agree with most if not all of the amendments to the Act that are proposed in this Bill. The only exception I take is to the fixing of the minimum amount of £5 in the case of small estates. I admit that to ask anyone to administer an estate at a fee of less than £5 is getting down to a pretty low figure. I point out, however, that many estates run into only £30 or £40 in value, and to make a minimum charge of £5 for administration means that there is often insufficient left in the estate for burial purposes.

Hon. L. Craig: It costs quite a lot to administer those estates.

Hon. G. FRASER: The difference between 2½ per cent. and £5 on estates of that description would not be detrimental to the probate office, but would represent a good deal to the people concerned. There are many small estates like that, and to charge £5 on a £30 estate is to impose too high a cost. I am not concerned with the larger estates, but I am about the small ones. It has always been difficult for the individual to get sufficient capital out of such estates to cover bare expenses. I had intended placing an amendment on the notice paper to provide that the 2½ per cent. or £5 minimum charge should be on estates exceeding £50 in value. That would then leave provision for any estates worth under £50 to be charged only the 2½ per cent. rate instead of the £5 minimum.

That would be a reasonable request and would not make much difference to the Trust Office, which would still have to do the same amount of work whether it received the 2½ per cent. or the £5, but the difference would be very important to the persons concerned. I hope the Minister will consider that aspect and in Committee agree to such an amendment. I wish to pay a compliment to the Trust Office for the great work it has done since its establishment. It has had the worst of the deal so far as estates are concerned, and has generally been called upon to handle only small ones, which are not profitable to administer. The Trust Office has not been fortunate in obtaining many large estates, though it has had some. Be-

fore the establishment of that office those concerned in small estates had to go through the ordinary legal channels and found it a costly thing to do.

The Minister for Mines: On the contrary!

Hon. G. FRASER: I am speaking from my own experience. One can assume that the minimum charge for the handling of a small estate would be from £20 to £25.

The Minister for Mines: On what do you base that?

Hon. G. FRASER: That has been the usual charge in a number of cases for which I have seen accounts.

The Minister for Mines: Are you talking of trustee cases?

Hon. G. FRASER: Trustee cases or cases handled by solicitors.

The Minister for Mines: No!

Hon. G. FRASER: I cannot doubt my own eyes.

The Minister for Mines: Those cases must have included probate duties and fees.

Hon. G. FRASER: One can generally reckon that the charge on a small estate would be from £20 to £25.

The Minister for Mines: I should like to see some of the bills.

Hon. G. FRASER: These cases occurred some time ago. I have seen the accounts.

Hon. L. Craig: That sort of thing is all governed by the rates.

Hon. G. FRASER: There are many directions in which expenses can mount up.

The Minister for Mines: Very few cost more than seven guineas.

Hon. G. FRASER: I have seen quite a large number that have cost from £20 to £25.

Hon. L. Craig: The hon. member has had very little experience.

Hon. G. FRASER: I have had a lot.

Hon. C. G. Latham: Costly perhaps?

Hon. G. FRASER: They were not cases with which I had anything to do, but I have seen the accounts. Since the Trust Office has been in existence, costs have been greatly reduced, and wonderful service has been rendered in the case of small estates. A suggestion was made in another place

with regard to the £500 in the case of the personal application section. It was thought that this amount should be increased. The average working man who has been on wages all his life and reared a family is fortunate if he possesses his own home at the time of death. If he does he will have done a good job. A large number of homes today, and in the near future, will exceed the £500 mark in value. In the past many such homes were built for less than £500, but with the present building costs a man's home will have a value of between £800 and £1,000. As the Act stands such a property will have to be handled by the Trust Office or by an estate company or by solicitors. The suggestion is that the amount be increased from £500 to £900 or £1,000.

The Minister for Mines: That does not come under this legislation.

Hon. G. FRASER: No, but the request is a reasonable one. Most homes are in the name of the husband. At his death there is very little if any capital left, except what is represented in the home. It is difficult for the widow to find the cost involved in the handling of the estate by the trustee company or whoever is administering it. By personal application to the Supreme Court on the part of those concerned, and due to the courtesy of the officers in the probate section and the good work they have done, the widow has been relieved of a certain amount of financial responsibility.

I am particularly concerned about those cases where only the property has been left. It is difficult for the person concerned to raise capital to meet the administrative costs. I suggest that the Minister might give consideration to this aspect in the future, so that the amount in the case of personal applications may be raised from £500 to £900 or £1,000. That would be a generous gesture on the part of the Government, and would be generally welcomed. Apart from these suggestions, I support the second reading of the Bill.

HON. E. M. HEENAN (North-East) [5.15]: I support the Bill. The Trust Office was established by an Act passed in 1941, and I think it commenced operations in 1942 with a staff of 11. I understand that the staff has since been increased to 58.

Hon. L. B. Bolton: That is nothing new.

Hon. E. M. HEENAN: It indicates that the office is doing considerable work. From my experience of it and from what I have heard concerning it, I am quite satisfied that the Public Trustee is fulfilling satisfactorily a public service. The main reason for the appointment of the Public Trustee was to simplify the administration of small and complicated estates which were not attractive propositions to trustee companies. The office has grown and is now handling estates of all sizes and types.

This is the first amendment that has been proposed to the Act, and it can easily be realised that in the course of five years weaknesses have become apparent in the existing law, and improvements are therefore needed. A careful perusal of the Bill convinces me that it will simplify and streamline the operations of the Trust Office. A number of the amendments are intended to speed up administration of estates as well as to simplify their administration. Had the Bill been introduced by a Labour Government, I feel some opponents might have laid the charge that it was a further encroachment on the legal profession. I think it is, but it has been introduced by a Government which is composed largely of lawyers.

Hon. A. Thomson: It shows that they are generous.

Hon. C. B. Williams: You should never have said that! We shall now treat the measure with great suspicion.

Hon. E. M. HEENAN: I did have one foreboding as I read the measure, and I proposed moving to strike out one sub-clause; but after a more careful study of the Bill I am quite satisfied that my fears were groundless and that the position that was worrying me is quite safe. Consequently, I do not propose to proceed with my amendment.

Hon. C. B. Williams: You have not had a conference with the other solicitors in the Cabinet?

Hon. E. M. HEENAN: No. Dealing with the remarks made by Mr. Fraser, I would like to say, in fairness to the legal profession; that I am quite certain the charge of £25 for proving estates such as he indicated could not be substantiated. Some person recently told me that a lawyer had charged him £15 for completing the

transfer of a block of land; but when I looked at the account I found that it included £10 for stamp duty, £1 for registration fee and some other disbursement. The lawyer actually charged him about £3 3s., yet the individual I refer to was going around telling people that he had been charged £15 for a transfer by a lawyer. Of course, that could also apply to the administration of estates. If a bill for that service amounted to £25, I am quite certain, if it were investigated, it would be found that the greater part of the amount was for disbursements. It is not always fair to make general statements of that nature. I am quite satisfied that the Trust Office is doing a good job; it is handling estates in a capable way and it takes all and sundry estates under its care. I think the measure will tend to improve the administration of the office.

On motion by Hon. L. Craig, debate adjourned.

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [5.22] in moving the second reading said: This is a Bill which I fear members at first glance may find exceedingly complicated; but actually it is very simple. Members may recall that last year amendments were made to the principal Act for the purpose of staggering license dates. It was necessary to make certain regulations, and under them certain things were carried out which might be open to doubt. The Bill now provides that Section 6 of the principal Act shall be repealed; but it is restored by another provision. Clause 3 amends Section 9 of the principal Act, which deals with the periods for which licenses may be issued outside the metropolitan area. The amendments provide for the licensing of tractors and trailers outside the metropolitan area for a period of one or two months.

Owing to amendments that were made—I believe in this Chamber—an anomaly arose. It was found that licenses for tractors and trailers could be issued only for the limited period of one or two months in the metropolitan area, whereas the intention was that they were to be so licensed for the purpose of harvesting, etc. Clause 4 re-enacts Section 6 of the principal Act,

with certain modifications. This section is repealed by Clause 2 of the Bill. Subclause (7) will enable a person with two or more vehicles so to license them as to have the licenses falling due at the same date. Subclause (11) ratifies certain matters and things done in the past which might be open to doubt. For instance, one is the suggestion that the Commissioner of Police had not the power to issue a license for a tractor in the country for a limited period.

Clause 5 amends Section 22. It gives the Commissioner of Police absolute power to refuse, cancel or suspend a license to drive a passenger vehicle. To my mind this is an essential clause. Many people should not be permitted to drive vehicles, not necessarily because they have committed some traffic offence, but for reasons which may perhaps be either physical or mental. Such a person, however, has the right to appeal to a magistrate of a local court if he considers the Commissioner is wrong, and the Commissioner must give reasons for refusing, cancelling or suspending the license.

Clause 6 amends Section 30 which provides punishment for the reckless driving of a vehicle. The term "vehicle" is defined in the Act, but the definition excludes trams, trolley-buses, and tram motors. It is desired now to include those types of vehicles in order that a person driving them recklessly may be punished. No power is given to arrest such drivers. If they were arrested a very awkward position might arise, as a tram might be left standing in the middle of the road. It might so happen that some officious policeman might arrest a tram-driver.

Hon. W. J. Mann: That would be the best thing that could happen.

The MINISTER FOR MINES: It would be dangerous to leave the tram standing on the road.

Hon. W. J. Mann: It would be dangerous both ways.

The MINISTER FOR MINES: Clause 7 amends Section 31. The drivers of trams and trolley-buses are to be subject to penalties for drunken driving. This was not the case before. The court, however, has no power to take away the right of such a person to drive. These provisions must be very carefully worded; otherwise it might be found that the court would

have authority to take away his license, and, of course, tram and trolley-bus drivers do not have licenses. The provision may perhaps confuse members. I am advised by the Minister in charge of this measure in another place that similar provisions will have to be inserted in relevant Acts in order to ensure that a motorman or a trolley-bus driver charged before a court cannot be punished twice for the same offence.

Hon. C. G. Latham: Suppose he does not pay his fine?

The MINISTER FOR MINES: If he does not and in the course of events is arrested, he will not drive during that period, but he will not be punished by the department as well as by the court.

Hon. G. Bennetts: He would not have a license, but a certificate of competency.

The MINISTER FOR MINES: He should have. Clause 8 amends Section 35 and provides that a visitor to the State will not have to pay a fee for a temporary license when bringing his vehicle to this State. That is for the purpose of reciprocity. Clause 9 amends Section 46. The amendments are consequential on the right of the Commissioner to refuse, suspend or cancel passenger vehicle licenses. Clause 10 makes the Act apply to vehicles of the Crown. So many vehicles are being used by the Crown that it has been decided that the Act shall apply to it. Clause 11 deletes from the Third Schedule the word "tractor" as applying to omnibuses, as such is an inaccurate description. The vehicles will be described as semi-trailer type omnibuses. This amendment is really one of verbiage. It was, perhaps, wrongly drawn in the original instance. The only matters, I submit, that members need really concern themselves with are, firstly, that of the Commissioner having the right to cancel a license, and the individual being left with the right of appeal, and, secondly, that of bringing tram and trolley-bus drivers, and other servants of the Crown within the ambit of the Act. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—CROWN SUITS.

Second Reading.

Debate resumed from the 24th September.

HON. E. M. HEENAN (North-East) [5.31]: I secured the adjournment of the debate on this Bill in order that I might look through it, which I have done, and I commend it to the House. Its objects are to repeal the Crown Suits Act, 1898, and to define in a concise manner the methods by which an individual can take proceedings against the Crown. In this instance the Crown is defined as the Government of Western Australia. The legal position of an individual who wants to take proceedings against the Crown at present is set forth in the Crown Suits Act, which is not a very satisfactory piece of legislation, as experience and the decisions of courts over the years have proved.

This little Bill seems to bring about a reform which should be appreciated and will simplify the position. It simply means, in effect, that the individual will be able to take legal proceedings against the Crown in almost the same way as he can against a fellow citizen. The limitations are that he will have to give notice within three months of his cause of action arising, and within a further period of three months he will have to institute his action. That will give the Crown an advantage which is not enjoyed by the ordinary individual, but it is a restriction which I agree is necessary. If a person wants to take legal proceedings against a road board or municipality, a somewhat similar restriction applies because notice has to be given and action taken within a certain time.

Hon. A. Thomson: Is that the law at present?

Hon. E. M. HEENAN: Yes. The Bill contains a proviso which safeguards the individual in cases where, for some good reason, he was not aware that he had a cause of action. I do not think there is anything more I can or need say upon the measure. It appears to me to be a useful piece of legislation and one which will simplify and codify the legal relationships of the individual and the Crown, which at present are wrapped in a good deal of obscurity.

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 5.40 p.m.

Legislative Assembly.

Tuesday, 30th September, 1947.

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Coal Mine Workers (Pensions) Act Amendment, 2A., Com., report	961
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The SPEAKER took the Chair at 4.30 p.m., and read prayers.

QUESTION.

BOVINE T.B.

As to Transmission and Tests.

Mr. ACKLAND (on notice) asked the Minister for Agriculture:

(1) Are the medical people perfectly correct in their diagnosis of bovine T.B. in children?

(2) Is it transmitted through the milk?

(3) Can they detect the presence of T.B. bacteria in the milk?

(4) If so, why not test the cow's milk?

(5) If this is not so, why say the T.B. is transmitted through milk?

(6) Is it true that, if the test is carried out similarly on humans and horses, the result is the same?

The MINISTER replied:

(1) Yes. From investigations made in Victoria, it has been shown that up to 25 per cent. of the children with glandular tuberculosis are infected with the bovine type of tubercle bacilli.