

prevalent. The Health Department desired we should include these diseases in our Act. I agree they more rightly belong to a health law, but as we have no health law into which they could go they should appear in this Bill. I move an amendment—

That an asterisk be placed against the following descriptions of disease:—

Arsenic, phosphorus, lead, mercury, or other mineral poisoning.

Anthrax.

Poisoning by benzol or its nitro and amido derivatives (dinitro-benzol, anilin, and others).

Poisoning by carbon bisulphide.

Poisoning by nitrous fumes.

Poisoning by cyanogen compounds.

Poisoning by carbon monoxide.

Chrome ulceration.

Compressed air illness.

Trade spasms and cramps.

Pneumoconiosis.

Miner's phthisis.

Ankylostomiasis.

Nystagmus.

Dermatitis.

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

New clause:

Hon. A. McCALLUM: I move—

That a new clause, to stand as Clause 18, be inserted as follows:—

48. (1.) Every employer shall forthwith send written notice to the Registrar of Friendly Societies whenever it comes to his knowledge that any worker employed by him is suffering from a disease mentioned in the third schedule to this Act, and such notice shall state the name and address of the worker and the time when the disablement began.

Penalty: Fifty pounds.

(2.) Whenever such notice as aforesaid relates to a disease, the name of which is marked with an asterisk in the third schedule, it shall be the duty of the Registrar to forward a copy of the notice to the Commissioner of Public Health.

(3.) It shall be the duty of every medical practitioner who attends a patient suffering from a disease mentioned in the third schedule, which he has reason to believe was contracted by reason of the nature of the employment, to notify in writing the Commissioner of Public Health.

Penalty: Fifty pounds.

(4.) Every employer shall forthwith send written notice to the Registrar whenever it comes to his knowledge that any worker employed by him has suffered personal injury by accident within the meaning of section thirty-six, and such notice shall state the name and address of the worker and the nature and cause of the accident and the time when it happened.

Penalty: Fifty pounds.

The MINISTER FOR WORKS: I want to prevent as much duplication as possible. It would be desirable that the employer should give notice of Third Schedule diseases direct to the commission, who would then pass on the information to the Health Department.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

BILL—SPECIAL LEASE (ESPERANCE PINE PLANTATION) ACT AMENDMENT.

Returned from the Council without amendment.

House adjourned at 5.38 a.m. (Friday).

Legislative Council,

Tuesday, 16th June, 1931.

| | PAGE |
|---|------|
| Questions: Education, secondary schools | 3409 |
| Arbitration Court, costs | 3410 |
| Canning stock route | 3410 |
| Leave of absence | 3410 |
| Bills: Farmers' Debts Adjustment Act Amend- ment, 2R. | 3410 |
| Traffic Act Amendment, 2R., Com. | 3415 |
| Hire-Purchase Agreements, 2R. | 3420 |

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

QUESTION—EDUCATION, SECONDARY SCHOOLS.

Hon. Sir EDWARD WITTENOOM asked the Minister for Country Water Supplies: What was the cost to the Education Department of secondary education, which includes six State High Schools and a Modern School, leaving out all elementary schools, backblocks teaching, technical school, and training teachers, for the year ended 30th June, 1930?

The **MINISTER FOR COUNTRY WATER SUPPLIES** replied: Five State High Schools, Perth Modern, Northam High, Bunbury, Albany and Eastern Goldfields, £37,204; Geraldton, Collie, Midland Junction, Kalgoorlie, Boulder, Claremont, Katanning, Narrogin, Bunbury and Wagin schools have post primary "tops" requiring special staffing, £37,907; total, £75,111.

QUESTION—ARBITRATION COURT, COSTS.

Hon. Sir **EDWARD WITTENOOM** asked the Minister for Country Water Supplies: What is the cost of the Arbitration Court, including the salaries and allowances of the President and his two assistants, together with any other payments properly chargeable to the court?

The **MINISTER FOR COUNTRY WATER SUPPLIES** replied: Year ended 31st July, 1930, £9,337; 11 months ended 31st May, 1931, £7,627.

QUESTION—CANNING STOCK ROUTE.

Hon. E. H. **HARRIS** asked the Minister for Country Water Supplies: Will he lay on the Table of the House all papers relating to the Canning Stock Route?

The **MINISTER FOR COUNTRY WATER SUPPLIES** replied: It is anticipated that Mr. Canning will return to Perth within the next few weeks. When his report is received the file will be more complete than it is at present. I will then consider the matter of laying all the papers on the Table of the House.

LEAVE OF ABSENCE.

On motion by Hon. Sir Charles Nathan, leave of absence for six consecutive sittings granted to Hon. J. M. Macfarlane (Metropolitan-Suburban) on the ground of urgent private business.

BILL—FARMERS' DEBTS ADJUSTMENT ACT AMENDMENT.

Second Reading.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East) [4.35] in moving the second read-

ing said: The Bill contains proposals for the amendment of the Farmers' Debts Adjustment Act which was passed earlier in the present session. It will be remembered that the original Bill was received in a storm of criticism and after it had been accorded long and earnest consideration in another place, it was drastically amended in this Chamber and eventually emerged in the shape of the present Act on the 30th December last. Even then it was almost friendless, but now, I am happy to say, it has overcome the bitterness of its birth and, in fulfilment of its mission, is bringing together those interested in the debts of many distressed farmers. That desirable state of affairs is due largely to the sympathetic administration of the Director (Mr. W. A. White) and the desire of all concerned to find a better way to prosperity for the farmers involved.

The Act came into operation on the 2nd January of this year, on which date the Farmers' Debts Adjustment Office was opened. Although it was found to be rather late for the relief of the difficulties of many farmers, still great use was made of the Act in adjusting affairs awaiting attention when the legislation came into force; and in that connection, it has served an important purpose. It did not provide all that many farmers thought it did, for there was no appropriation under the Act, and therefore no new moneys were available. However, it did serve to create a better understanding of the farmers' position and to grant a measure of relief in deserving cases. The Act was experimental in character and, as was expected, experience of its operation has shown that certain amendments of a machinery description are necessary and urgent if it is to render a full measure of service to those whom it was designed to assist.

The provisions of the Act have been availed of in respect to 501 farmers, and 370 successful meetings have been held, covering 821,000 acres of land. Of that acreage, 455,000 acres represent cleared land, and of that area, 203,000 acres are to be put under crop. Estimated at 12 bushels per acre, the cropping promises a return of over 2,400,000 bushels of wheat. Creditors, generally speaking, have entered into the spirit of the Act and a good feeling exists between the creditors and the Director. Of last season's proceeds, £60,000 has been made available for cropping, and £4,500

represents the new advances by the Associated Banks. In many cases besides, there have been advances in kind by the merchants, subject to securities over next year's crop.

In the operation of the Act, a stay order is issued, and so soon as that takes place, a receiver is appointed to assume charge of the assets of the farmer. It was anticipated that the Act would cease to operate 21 days after the adjourned meeting. However, on looking into the Act it was found possible to adjourn meetings until the next harvest, in February of the following year, and that enabled farmers to give better security, whilst it also tended to more satisfactory arrangements being made to assist the farmers. In that regard, full advantage was taken of the provision in the Act that meetings could be adjourned from time to time and for 21 days after the last adjourned meeting.

There are eight deputy directors in the city dealing with the business, four in the country, and one travelling. The travelling director was able to proceed to Geraldton and he did useful work there, the expenses involved being much below the alternative cost of bringing the farmers to the city. The director held about 50 meetings at Geraldton and all were satisfactory. Of course, there are bound to be some disappointed clients, but, taking things generally, everything can be regarded as satisfactory. The use of the stay order by adjournment over the seeding and harvesting period, has made it practicable to carry settlers on under the Act through receivers and by that means the crop proceeds will be brought to account at the adjourned meetings. There is no doubt that the number of settlers under the Act would have been much greater if meetings could have been held before the harvesting period. Unfortunately, the legislation was not available until the early part of this year, and that delay was serious for many farmers. If it had been possible to pass the legislation earlier, a greater benefit would have been conferred on the farmers.

The regulations provide for a charge of 30s. to be made for a stay order, £4 4s. for the deputy director's fees, and £3 3s. for the receiver's fee. Those are the fees involved in the issue of the stay order and the preservation of the assets until the decision of the meeting of the creditors is

known. Apart from those charges, and because the farmer's business will be conducted over a period of twelve months, it is proposed in the Bill that the receiver be entitled to a fee of £10 10s. and 3 per cent. of the proceeds of the farmer's crop. Under the Bankruptcy Act it would cost a farmer £25 to make an application, and then a trustee's meeting would cost £10 10s., the deeds £5, solicitors' costs £5 5s., and advertising £1 10s., making a total of £47 5s. It will thus be seen that the Act provides a comparatively cheap method for farmers to arrange their affairs with their creditors, in addition to which they avoid the stigma of proceedings under the Bankruptcy Act. The Act also offers a rapid method of examination of a farmer's affairs, and, subject to goodwill, so necessary in these difficult times, an effective way of carrying on the units of industry which is so vital to the good of the whole community.

The amendments submitted are the result of the experience gleaned in administering the Act, and they will enable the director to overcome difficulties that he has encountered. The first amendment in paragraph (a) of Clause 3 is a reconstruction of Subsection 3 of Section 4 and it is of no consequence or effect.

The Act does not make provision for continuous receiverships, and on that account it is proposed to amend Section 4 in the direction indicated in paragraph (b) of Clause 3. The Act contains provision only for receiver's fees until the result of a creditor's meeting is known and it is therefore necessary to regulate the remuneration for continuous receivership when a settler is carried on under the Act. It was intended that the receiver should hold the estate for only 21 days after the meeting of creditors, but under the present procedure he will have to hold the estate until after the next harvest. The rates of fees laid down in the paragraph are the maximum amounts payable, and they will be adjusted by the Director according to the duties involved in the receiverships.

The ten guineas has been inserted because a receiver will be transacting the business of a farmer for a longer period than that provided for in the Act. The clause goes on to provide that the receiver shall be entitled to retain also such percentage, not exceeding 3 per cent., of the proceeds as

may be allowed by resolution of the creditors. The creditors will protect themselves and the Director will have the final say. If there is need for a long and careful oversight of the farmer's business, ten guineas is not too much. Probably a receiver would not act for less. Under the Bankruptcy Act the charge would be much greater. The amendment in paragraph (c) of Clause 3 will permit of a farmer's estate being debited with the expenses incurred in connection with the calling or holding of any meetings of his creditors or the arrangement of his affairs under the Act.

In paragraph (d) of Clause 3 it is provided that the fees and emoluments prescribed in Section 4 of the Act shall be a charge on the proceeds of the farmer's business in priority to any other charge, and it is also laid down in the same paragraph that the Director only shall have authority to issue or cancel a stay order or to appoint or control receivers. That latter power is essential to avoid misunderstandings and assumption of power by others. The first proviso in Clause 4 will ensure that expenses of meetings of creditors will be met. That provision is necessary because some debtors are not able to pay fees. The second proviso in Clause 4 provides that the Director may, in his discretion, reject an application made by any creditor under Section 5 of the Act. That section deals with applications to the Director to call meetings of creditors.

Subclause 3 of Clause 4 will assist the Director in the investigation of a farmer's affairs, and it will permit, if necessary, the transfer to the estate of sums of money standing to the credit of a farmer in the books of any bank, firm, person or company. The Act contains no banker's protection clause, and the position concerning credit balances at banks between the issue of the stay order and the receipt by the bank manager of the notification of appointment of a receiver has been awkward. The difficulty will be overcome by the adoption of Subclause 5 of Clause 4. A banker's protection clause in relation to credit balances appears in other Acts of a similar nature. It is a protection pending the receipt of a notice of a receiver's appointment.

Subclause 6 of Clause 4 sets forth that, on a stay order being granted to a farmer, he shall be deemed to become subject to

the provisions of the Act. It is formal in character, but it is essential to the better working of the Act. By the addition of a sub-section to Section 6 of the Act, as expressed in Clause 5, it is proposed to give the Director the power to discharge the stay order and cancel the notice of a meeting. This is advisable because suitable private arrangements may be made, or because the settler may not desire to carry on. Again, an examination of the debtor's position, after an application by a creditor, may disclose that no good purpose would be served by a meeting and that the cost of calling and holding a meeting is not warranted.

Creditors' claims may be sometimes contentious, and it is proposed in the proviso to Section 7, as set forth in Clause 6, that an opportunity should be afforded creditors to prove their debts but not to continue action beyond judgment. The proviso directs that, by leave of a judge, any action may, notwithstanding the stay order, be instituted and/or carried on against the farmer, but not beyond judgment. The amendment proposed in the concluding words of subclause 1 of Clause 6, providing for the publication in the "Government Gazette" of short particulars of the stay order, will be helpful in the avoidance of expense.

In Subclause 2 of Clause 6 the expression "proceedings" in relation to any mortgage, and agreement for sale and purchase of land is extended to the exercise of any power of sale, the obtaining or keeping of possession of the property comprised in the mortgage or agreement, the taking of any measures to obtain foreclosure, and the exercise of any power to cancel or terminate any rights of the farmer in respect of the property. The extension of the scope of the proceedings will give greater protection, when required, to mortgagors and to persons buying properties under agreements of sale. It is generally conceded that there have been, in recent months, cases of victimisation because purchasers, under present market conditions, have been unable to keep up payments under the contract.

Subclause 1 of Clause 7 relates to the powers and duties of receivers and the amendment now proposed will prevent the farmer revoking the receiver's authority. The position would be unsatisfactory if a debtor could, of his own will, dispense with the receiver. If dissatisfied, the debtor may appeal to the Director.

The original Act does not provide for the farmer's sustenance, etc., between the date of the stay order and the meeting of creditors. Instances of severe hardship have been brought to notice, chiefly because of the existence of liens, and in many cases the farmer could not realise sufficient to cover his expenses to attend the meeting of creditors. Subclause 2 of Clause 7 provides that the receiver may realise and convert into money all property coming to his hands and derived from the business of the farmer. He will have the power, between the date of the stay order and the date fixed for the meeting of creditors, subject to the approval of the Director, to make disbursements, not exceeding £30, out of the moneys of the farmer, as may be necessary, to provide and pay for stores needed by the farmer or his family, or to enable the business of the farmer to be carried on, or to pay the farmer's personal expenses for attending the meeting of his creditors.

There have been cases of severe hardship because of the stoppage of credit by the issue of the stay order. Owing to lack of money, some settlers were unable to attend meetings in compliance with the regulations, and the Government had to grant railway fares as temporary advances. Once a stay order is issued, it puts an end to all business transactions with the farmer and, for that reason, the House is asked to agree that, although an unregistered lien may have been taken over the crop and other property, the Director shall have power to draw up to £30 for the farmer's travelling and incidental expenses. The Government have had to make a lot of advances to such farmers to enable them to attend meetings and to provide food for themselves and their families. The advances were arranged by the Agricultural Bank without security.

Subclauses 1, 2, and 3 of Clause 8 merely provide that the Director or his deputy shall preside at meetings of creditors. Subclause 2 of Clause 8 is of a formal nature. The insertion of the words "for the purposes of any provision of this Act" will improve the reading of Subsection 2 of Section 10. The reason for Subclause 4 of Clause 8 is that if a creditor does not attend the meeting of creditors he will be bound by the resolution that is carried.

Clause 9 deals with the amendment of Section 11. That is the important section which directs that amicable arrangements

must be attempted in the settlement of a farmer's affairs. In the operation of the section it has been found that, by not voting, some creditors reserved the right to take action after the meeting. The additions set out in Subclauses 1 and 2 provide that resolutions passed by a statutory majority shall be binding on all, with the further proviso that if flagrant injustice is done, an appeal to a judge may be made. The amendments are advisable if settlers are to have effective protection under the Act. All resolutions of creditors by value and number should be binding. For the protection of worthy debtors, the new subclauses are vital. The right to approach a judge for the rescission of any resolution, which may be manifestly unjust to any of the parties concerned, is also necessary.

The Act referred to in Subclause 3 of Clause 9 is the Bills of Sale Act, and Sections 3 to 13 of that Act deal with the registration of bills of sale. The subclause will prevent the lodgment of caveats against any bills of sale over crops that may be agreed upon at a meeting of creditors. Subclause 4 of Clause 9 will permit of the extension of the operation of the stay order and the order appointing the receiver. Subclause 5 of Clause 9 will enable creditors summoned by the Director to meet at a date earlier than that to which the meeting stands adjourned. Special meetings may be necessary if it be discovered that the resolution of the creditors cannot, for some unforeseen reason, be put into effect.

The new subsection proposed in Clause 10 will remove any disability in Section 12, preventing the holder of any mortgage or other security from making to or on account of a farmer any advance or payment which it is necessary to make for the preservation of the security. For instance, the Agricultural Bank might deem it advisable to extend the clearing or put in water supplies on the holding of a farmer. The provision in the subclause is necessary to protect any action along those lines.

Clause 11 seeks to protect any life insurance policies. Other Acts recognise that life insurance policies should be reserved for the benefit of the wife and family in the event of the debtor's demise, and a similar provision should be inserted in the Farmers' Debts Adjustment Act. Under the Life Assurance Companies Act Amendment Act of 1905, provision is made that "the property and interest of the assured in a policy

affected upon his own life shall not be liable to be applied . . . in payment of his debts by any . . . process of any court, and shall not, in the event of bankruptcy, pass to the Official Receiver or the trustee or assignee of his estate." All that is sought by the new clause is to place the farmer under the Act in a similar position.

Clause 12 is in continuation of Section 13 which restricts the repossession of machinery purchased under hire-purchase agreements. The new clause provides that, in the event of a machine not being required for the working of the property, it may be returned to the merchant, but that if the Director wishes the machine to be retained by the debtor, hire payments as laid down in the clause shall be allowed pro rata with other preferential claims such as interest, after the first charges for super, sacks, insurance and cash advances. The new clause will dispose of what has been a difficult question. It will obviate the trouble that originated with the machinery merchants, and will put the whole business on a better basis. The clause has been inserted in fairness to the machinery merchants who should have some recompense for the use of their machinery. The proposed new section 13A in Clause 13 is designed to stop the pernicious practice of the giving and acceptance of orders on crop proceeds, and of unregistered liens. Cases have come to notice where several orders have been given, and often the proceeds have been insufficient to satisfy the first order. At the present time unregistered liens are not void under the Act, and it is regrettable that advantage has been taken of that position. Orders on wheat proceeds and unregistered liens have made the management of the affairs of farmers under the Act very difficult, and for that reason the provision in the clause to invalidate certain bills of sale and orders is very necessary. But subject to certain sections of the Act, any creditor who holds any mortgage, lien, pledge, charge, or other security over any property of a farmer shall, notwithstanding any resolution of the creditors, be entitled to take the full benefit of the security except in the circumstances set forth in the proviso to the new clause.

Statutory and registered liens will not be affected by the new provision which is a very necessary one. There have been cases

where banks and private persons have been willing to carry debtors on under bills of sale but caveats have prevented it. Often caveats have been lodged in an attempt to force a payment to a creditor, and the settler has been pinched between the other two parties. The new Section 13B outlined in Clause 13 will overcome the difficulties which have arisen in that connection. Bills of sale under the proposed new section will be allowed only for absolutely new cash and current supplies in the interests of production and the debtor, and on that basis they would be in the interests of all creditors, seeing that the crops will be grown for the benefit of all.

Another aspect of the question is that a settler acquiring a property under agreement of sale may not be able to carry on except by means of a crop-lien and the vendor, as has happened, might caveat the bill of sale as a first step towards repossessing the property and therefore, if the buyer is not seriously in arrears under the agreement, the reasonable protection in the proposed new section, if exercised, may prove desirable in the interests of all. By Clause 14 it is proposed to exempt from stamp duty any power of attorney given by a farmer to a receiver or any other person for the purposes of the Act, or to facilitate the carrying into effect of any resolution of creditors. The amount involved will be small. In the absence of the provision the farmer would be required to pay £1 or so for something in order that he might take advantage of the provisions of the Act. The Act has proved to be a most useful piece of legislation and it can be made more helpful to needy and distressed farmers if hon. members will approve of the amendments in this Bill. I move—

That the Bill be now read a second time.

HON. J. NICHOLSON (Metropolitan) [5.5]: I intend very briefly, in speaking in support of the second reading of the Bill, to remind hon. members of the fact that when the Act which this measure now seeks to amend was first introduced it was brought forward with a good deal of trepidation, and in fact fears were generally expressed as to the likelihood or otherwise of the success of it. It was launched, however, with a certain air of speculation and to the credit

of the director who was placed in charge, there is no doubt the utmost praise is due for the excellent way he has administered it. In all measures of the nature such as this, it must be realised—and it was realised when the original Bill was introduced—that in the near future amendments will be found necessary. Experience, probably, is the best aid in finding the weaknesses of such measures, and quite a large number of weak places have been found in the Act. These have been elaborated upon by the Leader of the House in a full and comprehensive way. In introducing the Bill now before us he has expounded the amendments to the fullest extent and made very clear what the remedies are it is sought to effect. I have heard some members comment with regard to the Farmers' Debts Adjustment Act but, generally speaking, amongst the merchants, farmers and others, whilst, as I have already said, the Bill was regarded with a great deal of doubt, there is now a feeling that the Act has been beneficial to a very large degree, and I have had some evidence of it myself in connection with farmers' affairs. We know the great stumbling-block which lies in the way of adequately administering the Act, but because of the spirit which was created and the feeling which apparently animated the director in administering the Act for the benefit not only of the farmers, but also the creditors, it has resulted in a measure of great usefulness to the State. I have heard some members suggest that, even in the Bill which we are now asked to consider, there may be some slight amendments necessary, but generally speaking I believe from all I have heard—and I hope it is the opinion of all hon. members—the feeling is one of sympathy and support towards the measure and that it will be given a fair and equitable run. Probably some amendments will be suggested and hon. members will have the opportunity of speaking on the Bill before it goes into Committee. One would like to see any amendments it is proposed to move placed on the Notice Paper, so that the fullest consideration might be given to them. I have much pleasure in supporting the second reading.

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

BILL—TRAFFIC ACT AMENDMENT.

Second Reading.

Debate resumed from the 10th June.

HON. G. FRASER (West) [5.10]: I intend to support the second reading and I am glad that, up to date, those hon. members who have spoken have signified their intention of supporting it also. I regret that some of them have intimated their intention to move certain amendments. I was struck by the statement made by Mr. Nicholson when he said that the main object of the establishment of the various conveyances throughout the metropolitan area was the convenience of the public. Whilst I consider that that remark might apply to the railways, one would require to have a big imagination to apply it to other services throughout the metropolitan area because one must realise that, whilst they are serving the public in many quarters, the convenience of the public is not the main object for which the services were established. If there were not profits to be made, the services would not be there. So far as the railways are concerned, the question of profit, when lines are authorised, built or run, is only a secondary consideration. All the same, I will go a long way with Mr. Nicholson and say that many of the bus and taxi services are of considerable value to the public of the metropolitan area. From experience I know that the service from Perth to Armadale is filling a long-felt want in that district. Whilst I do not entirely agree with Mr. Seddon when he states that that service was established because of the poor train facilities, I attribute other reasons for its success along that particular route. One must take into consideration that the people are sparsely distributed along the line of that service, and that by travelling by bus, most of those people save perhaps a mile walk to or from the railway station. The buses run right along the populated centres whilst the railway is far removed from most of them. Then with regard to the south suburban service, that too is doing a wonderful amount of good for the people living in the back part of the province I represent. The people in the Becton and Palmyra areas, prior to the running of the buses, were obliged to take a tram to Fremantle and then the train to Perth. Now, by means of the buses, they

are able to save half an hour or 40 minutes. The same remarks apply to the service being rendered by the buses in the districts of Spearwood, Coogee and Rockingham. Likewise, in many instances, the Metro service is of great convenience to the people of Perth and Fremantle. I admit that those buses are serving the public; nevertheless, I ask hon. members to consider the necessity for giving protection to both the railways and tramways in the metropolitan area. The other evening Mr. Miles, referring to the Claremont tramline, stated that it was a political job and should never have been built. I thought over those words and went into the question with a view to seeing whether the line really was built from political motives. I am now convinced it was not. When I interjected that the line was built for the convenience of the local people and at the request of the local authorities, Mr. Franklin disputed that remark. To-night I want to prove to Mr. Franklin and Mr. Miles that it was built at the request of the local authorities and the people of the district. Members will remember that a select committee was appointed to go into the question of tramway extension in the metropolitan area, that committee being composed of Mr. A. Clydesdale, M.L.A., chairman, Mr. W. C. Angwin, M.L.A., Mr. G. J. Lambert, M.L.A., Mr. J. T. Davies, M.L.A., and Mr. J. Thomson, M.L.A. They went exhaustively into the question of tramway extensions. Eventually they were converted into a Royal Commission. They took evidence from many witnesses. First of all I want to quote from the evidence of Mr. W. J. Rolfe, the Mayor of Claremont. He was asked did he intend to give evidence in support of the tramway extension to Claremont, and his reply was as follows:—

Yes. The Claremont Council has not met to specially authorise me to give evidence before the commission. The question of tramway extension has been discussed by the council for some years past and the extension of the trams to Claremont has been favoured by that body. As to the route to be followed, while alternative routes were mentioned, the council always considered that a line along the Perth-Fremantle road was a first necessity.

Hon. H. Seddon: What is the date of that report?

Hon. G. FRASER: The 4th July, 1922. In the course of the taking of evidence, Mr.

Angwin, speaking to the Mayor of Claremont, said—

I tell you definitely you will never get my vote for a tram on the Perth-Fremantle road.

The Mayor of Claremont replied—

I admire your honesty, but as Mayor of Claremont I am advocating what I consider is in the interests of the district, consistent with the finances of the Government at the present time.

Hon. J. Nicholson: Were there any buses there then?

Hon. G. FRASER: No.

Hon. G. W. Miles: The Mayor of Claremont had too much influence with Mr. Angwin.

Hon. G. FRASER: The next witness before the Commission whom I wish to quote is the town clerk of Claremont. He said—

I think the attitude of the council was expressed in a letter I sent to the Minister some time ago, when we were asked to give him the authority to construct tramways in Claremont. In that letter the council said they were prepared to give the necessary authority to the Minister to construct the tramways along such routes as he thought fit. We left it entirely to the discretion of the Minister.

Now I want to quote Mr. Richardson, the Mayor of Subiaco, and a member of the Legislative Assembly, who said—

As a member of Parliament I am also interested in the extension of the tramline to Claremont along the Perth-Fremantle road. This should pay from its inception. At Sunning Hill, which is in my electorate, there is a fairly large population.

Further on he was asked by the chairman—

Do you advocate that extension in preference to the one round the riverside?

His reply was—

Yes, because the population is there already and will greatly increase.

Then he was asked by Mr. Angwin—

If the line were put lower down from the main road, would it suit the district better?

He replied—

No, I think the Perth-Fremantle road would suit best of all.

Now I want to quote Mr. J. L. Lapsley, the chairman of the Claremont Road Board,

who certainly had no political axe to grind. He said—

In July of last year we again waited on Mr. Scaddan and, in urging the necessity for extending the system into our district, I offered, subject to the Government giving us the necessary legislative authority, to guarantee the Government against loss on the operation of the line to the extent of £1,000 a year for five years.

Hon. J. T. Franklin: Do they say what the loss was on the line?

Hon. G. FRASER: The hon. member appears to be in a fog. I am reading from the evidence before a Royal Commission prior to the building of the line, and he asks whether the line was running at a loss at that time! The evidence shows that the people of the district made a request for the line, which the hon. member denied the other night.

Hon. E. H. Harris: What is the worth of that guarantee to-day?

Hon. G. FRASER: The guarantee was certainly given, and it is a debt of honour. Mr. Lapsley went further in his evidence. He was asked by Mr. Davies—

Was that offer of £1,000 per annum for five years in respect of the Crawley to Claremont extension, or the Crawley to Claremont and back to Nedlands section?

His reply was—

The board would have been prepared to entertain it for either route or the whole distance. The Claremont board are prepared to guarantee interest and sinking fund on the cost of construction in their district for a period of ten years, provided we are given the necessary legislative authority to strike a tramway rate on the betterment principle.

Hon. J. Nicholson: There is a little proviso or condition there.

Hon. G. FRASER: Yes, I am quoting this solely to show that there was among the people concerned an agitation for the building of the line.

Hon. G. W. Miles: And they exercised political influence to get it. It should never have been built.

Hon. G. FRASER: The agitation was there, and it was a very live agitation. I have a vivid recollection of it. If people were then prepared to come along with a guarantee against loss on working, now that something else suits them better we should not help them to that new facility.

Hon. J. Nicholson: If the buses had been running in those days, we should never have had the agitation.

Hon. G. FRASER: Apparently the hon. member is prepared to allow any community in the State to pester the Government into building certain facilities, and then because something else comes along he would stand behind those people in putting the whole burden of the existing facilities on the shoulders of the Government.

Hon. J. Nicholson: No, but I say the Government should have made a more thorough investigation before building the line.

Hon. G. FRASER: Were not sufficient investigations made? If the hon. member thought the line should not have been built, why did he not go before the Royal Commission and say so? Evidently he was lacking in his duty.

Hon. J. Nicholson: No, for I am not interested in that district.

Hon. G. FRASER: But this was a Royal Commission taking evidence on tramway extensions throughout the whole of the metropolitan area. What applies to one district would apply to another. If the hon. member thought the tramway should not have been built, then as a citizen of the State he should have said so.

Hon. J. Nicholson: I think I suggested very clearly to that Royal Commission that they should hold their hand.

Hon. G. FRASER: I have read through the evidence, but I have not seen that any witness suggested such a thing.

Hon. J. Nicholson: A good many letters were written to the newspapers at the time.

Hon. G. FRASER: But this was a Royal Commission appointed to inquire into the question, and anyone who had ideas of other forms of transport was lacking in his duty if he did not go before the Commission and give them the benefit of his views. The chairman of the Claremont Road Board, continuing his evidence, said—

The DEPUTY PRESIDENT: Order! I have allowed the hon. member a lot of latitude in making quotations. The only reference I can see in the Bill to any tramway is a proposal to frame regulations respecting the picking up and setting down of passengers in the vicinity of any tramway. That is the principle involved, and I hope the hon. member will connect his remarks with it without any further quotations.

Hon. G. FRASER: It is easy to connect my remarks with the picking up and setting down of passengers along tramways, for that question relates very largely, almost solely, to the Claremont tramway.

Hon. V. Hamersley: I question that.

Hon. G. FRASER: Well, I cannot think of any other line which is affected by the buses and taxis.

Hon. J. Nicholson: There are several other lines.

Hon. V. Hamersley: There is the Victoria Park tramway.

Hon. G. FRASER: That is so. I wanted to give those quotations because of remarks made by members during the debate.

The DEPUTY PRESIDENT: And I have allowed the hon. member to do that.

Hon. G. FRASER: I merely wanted to show it was not only one or two persons who gave evidence before the Royal Commission, but that there were many witnesses, some of them occupying public positions and representing ratepayers in the districts concerned. However, if you, Sir, think I have quoted sufficiently to prove my point in that regard, I am satisfied. The only other quotation I wish to make is from Mr. E. H. Gray, M.L.C., who at that time was a member of the Claremont Road Board. He was asked—

Do you come here as representing the road board?

He replied—

No. I am the member for the Central Ward of the Claremont Road Board and I desire to present to this Commission the following petition from residents of that ward:—

We, the undersigned residents in the above district, respectfully request the Commission favourably to consider the tram extension to Claremont via the Perth-Fremantle-road. We also concur in and support the financial proposals contained in the guarantee offered to the Government by the Claremont Road Board in connection therewith.

The petition bears 360 signatures. They are the signatures of residents of the Central Ward of the Claremont Road Board, who are from one to 1¼ miles from the Claremont and Karrakatta railway stations, and thus without reasonable facilities for transit to the city and elsewhere. These people, some of them residents of from 15 to 20 years' standing, ask for the tram extension to Claremont via the Perth-Fremantle-road. The petition is unique, inasmuch as it not only makes a request, but agrees to and supports the financial guarantee given by the Claremont Road Board to the commission.

But although the Government went to the expense of laying down that line, the local residents, because something else now suits them better, want to throw on the Government the onus of bearing the whole cost of that line. I do not know that the Government have taken up the matter of a guarantee with the Claremont Road Board, but there is no doubt that local authority has gone back on the request that was made some years ago. It would have been a different matter had the Government of the day bound the road board down to a £1,000 guarantee, or to the payment of interest and sinking fund for 10 years. The local authority would not then have been in its present position, advocating the use of buses along this particular route. I hope the Bill will be passed with one or two minor amendments. The amendment I am prepared to support is one dealing with the railways and appearing on the Notice Paper. It provides for the insertion of the word "station." I realise the difficulty of people who live between stations. The buses run alongside the railway, but are prevented by the Bill from picking up passengers. A hardship would be inflicted on those people unless the amendment were agreed to.

The Minister for Country Water Supplies: It is not intended to place any hardship upon them.

Hon. G. FRASER: I know we must consider the interests of the taxpayers. Whilst I desire to give the owners of buses and taxis fair play, I contend that our railways and tramways must also have fair play. It has been suggested that these vehicles should be allowed to pick up people anywhere. I am not prepared to agree to that. They are able to pick up people at any corner along their routes, but the railways can do so only at railway stations. That is unfair competition.

THE MINISTER FOR COUNTRY WATER SUPPLIES (Hon. C. F. Baxter—East—in reply) [5.33]: In their speeches on the Bill members have shown a greedy readiness to accept the concessions to agriculturists, pastoralists and prospectors, and then have good naturedly proposed that competing motor traffic should be permitted to plunder the rightful revenues of the railways and tramways, in expectation of which the Government hope to be able to continue the lavish concessions on the railway system to growers and others, and the moderate

charges and extensive services in general of the tramways. Members must not overlook the fact that although they are representatives of their constituents, and I refer particularly to metropolitan members, they also have a duty to perform to safeguard the revenues of the railways and tramways. Unless they quickly realise that responsibility in the direction indicated in Clause 4 of the Bill, it must be supposed that the open competition of taxis and omnibuses with the railways and tramways is of more concern to them in obliging the convenience of some of their constituents, than are the almost endless passenger concessions on the railways and tramways to the majority of their constituents.

In their hurry to please the proprietors and patrons of taxis and omnibuses, they are prepared to disregard, to the point of sacrifice, the many concessions to growers and other concessions to back country people the continuance of which, because of lessened earnings on the tramways and railways, must necessarily be jeopardised if Clause 4 is not agreed to. The shortages in the earnings of the railways and tramways are already alarmingly great, and unless those earnings are increased by the sympathetic administration of Clause 4 the pruning knife must inevitably reach essential services, such as the concessions which are very burdensome to the Treasury because of the difficulty of obtaining money to carry them. Some members think that the solution of the present traffic problem could be found if a body were appointed with power to co-ordinate the various forms of transport. Whether a solution could be so easily found by that means is open to question, yet many countries—Great Britain in particular—have adopted co-ordination as a method of control, and that is the purpose of Clause 4. If the principle of co-ordination is accepted by members as the goal to be aimed at, surely it is illogical to quarrel with the means proposed to bring about that desirable state.

Clause 4 of the Bill is the only part of the measure on which the ogre of contention has raised its head. And yet the clause was drafted with the idea of bringing about a form of co-ordination—the goal for which we are individually striving, and upon which principle we are mutually agreed. It is, therefore, somewhat difficult to find a reason for the opposition to the clause or the de-

sire to whittle away its provisions. If the clause had been drafted by a body charged with the control of transport, presumably no opposition would have arisen, but because it has been put forward by the Government its complexion is immediately altered. In passing judgment on the clause members should think back to the conditions of transport which existed before the buses started to ply. Whatever settlement existed in the suburban areas up to 1925 was due solely to the services provided by the railway and tramway departments. In building up the metropolitan settlement both the railways and tramways looked forward confidently to the financial gain from the traffic which would come to them as a result of the public moneys expended to provide the much needed services; but now unfortunately some members are inclined to relegate those spendings to the wasteful category of non-reproductive works, and to throw the full financial burden for interest and sinking fund payments on to the general taxpayer. Not only did the tramways and railways provide the means of travel, but they created tariffs which catered for virtually every form of passenger, and those tariffs exist to-day.

A reference to the Coaching Rates Book of the Railway Department will show that pages 44 to 56 present an unbroken list of concessions granted to ordinary travellers. In that list reduced fares are provided for relatives of inmates at Wooroloo Sanatorium, applicants for land, athletic bodies, boy scouts, convalescent children, delegates to conferences, drovers, students attending schools or the University, monitors and pupil teachers, judges at agricultural shows, maternity cases, pleasure parties, press reporters, rifle clubs, land settlers, Sunday schools, school clubs and a score of others, not counting the excursion fares granted at holiday and other periods. In a similar way the tramways provide for school children, workmen, disabled soldiers and even parliamentarians.

Hon. Sir William Lathlain: What do the buses give?

The MINISTER FOR COUNTRY WATER SUPPLIES: The buses do not provide any of the concessions mentioned, except in one or two isolated instances where a slight reduction is granted school children. They are concerned only with carrying the adult or full-fare paying passenger whose patronage assures them of a

dividend. In the face of those facts would any member be illogical enough to say that the transport burden of the State is equally divided between the railways or tramways and road vehicles?

Hon. J. Nicholson: Why did the Government purchase the trams?

The MINISTER FOR COUNTRY WATER SUPPLIES: Why does the hon. member want to go back 20 years, a time when very few of us were in the House? Since members cannot conscientiously answer such a question in the affirmative, on what grounds can they oppose a provision under which the railways and tramways are to be given a protective area of 150 yards? Such a provision can only be regarded as a protection to which the railways and tramways are entitled, by virtue of the pioneering work they have done and for the great deal of profitless traffic performed on behalf of the general community, in the absence of which the people would find it difficult to move freely to and fro. That brings me to the statements made by several members during the debate that buses have done and are doing the pioneering work. Out of the existing 43 routes only nine may be said to be worthy of consideration as coming near the definition of pioneers of transport. An analysis of their work shows that in every instance settlement along some part of the route has always preceded the introduction of their service.

The routes referred to are: Perth-Bicton, Fremantle - Spearwood, Fremantle - Coogee, Perth-Wanneroo, Perth-North Beach, Fremantle-Rockingham, Pinjarrah-Mandurah, Perth-City Beach, Wiluna Post Office to Wiluna gold mine. Where, then, is the pioneering work being done which we have heard so much about? Perhaps Mr. Franklin can tell us if it is a fact that when a service was required to open up the City Beach Estate the only terms under which a bus would give a daily service was by the City Council providing a subsidy for it.

Hon. J. T. Franklin: That is quite correct.

The MINISTER FOR COUNTRY WATER SUPPLIES: It does seem to me unfair that Parliament should expect the railways and tramways to perform all the unprofitable work, and then deny them the right to earn a decent return on the capital invested. Members look to the railways and tramways to perform a host of unremunerative services and then deplore the fact that they are losing money. With the majority

of members of this House I am a firm believer in private enterprise, but I am of the opinion that this House will be behind me in insisting that private enterprise should bear its full share of responsibility in any endeavour it pursues, and not seek to evade certain conditions which are imposed on governmentally controlled concerns engaged in the same business.

Since it is not possible to force private enterprise to carry people at the same fares and under the same conditions as the Government-owned railways and tramways do, the equitable thing to do is to afford some protection to the railways and tramways to enable them to carry on. Undoubtedly the overlapping of transport services in the metropolitan area is a reflection on every person, who by word or deed has contributed to such an uneconomic state of affairs, and in that connection the intrusion and parasitic growth of the buses are the sole causes of the present difficulties. Western Australia is going through the most acute financial crisis ever met with in history, and it is not disputed that uneconomic elements, such as the overlapping of transport services, are mainly responsible for our troubles. In fact, the shortages in the revenues of our transport services are largely the present deficit of the State. For years past it has been pointed out that eventually the people would have to pay for all the duplication of services. While times were good that warning was smiled at, and heavy drafts were made on To-morrow. Now To-morrow has become To-day, and the drafts are being presented for payment, and they will become heavier in so far as this State is concerned if the House disapproves or renders useless Clause 4 of the Bill.

Even if this clause is rejected or amended, members must not overlook the fact that the Act already provides that routes may be prescribed. That being so, any route can be altered or cancelled, and thus it is actually possible to cancel all of the existing routes and prescribe others which would be well well away from tramways or railways; but of course the Government are reluctant to take advantage of that provision. When money has been invested at the request of the community, as has been done in our railways and tramways, it has been done in the belief that the community desire the facilities and are prepared to pay for their upkeep and operation, and eventually repay the money borrowed. In recent years Gov-

ernment transport facilities have suffered serious competition from motor vehicles. For years there was a regulation, framed by a previous Government, providing that motor buses and taxis should not take up or set down passengers along the existing tram routes, because they were unquestionably depriving the tramways of traffic and thus transferring the financial burden from the people who obtained the service to the rest of the community. Any facility such as a tramway should not be permitted to incur a loss and have that loss transferred to other sections of the community who derive no benefit from its operation.

If Parliament permits the buses to deprive the tramways of traffic earnings, although it may be considered that the people who enjoy the service provided by the buses benefit, it will really transfer to the whole of the community the burden of finding interest charges and repaying the loan by which the service was provided. Not one of the tram tracks has been laid except at the request of the community served by them; but because some other form of transport is a little more mobile or may a little better meet the convenience of the people is the rest of the community to be saddled with the cost of the convenience that one section of the community demanded? Certainly not. As a result of investigations by the Town Planning Commission, Parliament has the recommendation that bus routes should be quite apart from tram routes. That recommendation appears on page 80 of the Commission's report, and reads—

Buses and taxis should be regulated along routes not occupied by tram routes and should, if possible, avoid passing school sites. Bus routes should be regulated to roads constructed to take the loads entailed by this form of traffic.

In some instances the recommendation that bus routes should be apart from tram routes is not possible. Consequently the only remedy is that, while buses run along tram routes, they shall not pick up or set down passengers who should be carried by the trams. The passage of the clause will only empower the Government to draft a regulation giving effect to the conditions set forth in the clause, and before the regulation can become effective it must lie on the Table of this House for a prescribed period. Under such conditions members will have ample opportunity to express themselves on the equity of the regulation. As regards the

amendment which Mr. Fraser said he would support, I have no objection to it, although it does not make the position any better. If a bus leaving Fremantle sets down passengers along the tram route, evidently that bus is robbing the tramway service to Fremantle. But the moment the bus reaches a point 150 yards from the end of the tramway, it can pick up passengers; and there is no restriction on its picking up passengers within 150 yards of a railway station. The Government have no intention of going as far as some hon. members have suggested. The desire is merely that the bus service should not rob the railways and tramways of their just traffic. A protection of 150 yards is little enough. In fact, the Railway Department asked for 250 yards.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. Nicholson in the Chair; the Minister for Country Water Supplies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Amendment of Section 10:

Hon. V. HAMERSLEY: Mr. Stewart, who has had to leave for the Eastern States, has asked me to move an amendment—

That in line 1 of paragraph (i) after the words "for a," there is inserted "motor car."

The object of the amendment is to give settlers relief in respect of motor cars as well as motor wagons. Most of the settlers affected are really contributing materially to road board expenditure by the rates they pay on their land. The person merely doing a motor business pays only the vehicle tax.

The MINISTER FOR COUNTRY WATER SUPPLIES: Unfortunately farmers are not the only financial sufferers at present. Whilst the Government are doing and will do all they can to relieve the primary producer, they cannot see their way to extend this concession to users of motor cars. The matter is one more particularly affecting local authorities. The amendment would whittle away their revenues. I cannot see any reason in support of the proposal.

Hon. E. H. Harris: Motor cars may be used merely for joy riding.

The MINISTER FOR COUNTRY WATER SUPPLIES: I oppose the amendment strongly.

Hon. Sir WILLIAM LATHLAIN: This appears to be a case of "much" wanting more. The Government have been most generous to the farmer. I do not think privileges should be granted him on the pleasure side. The clause already gives him everything that is fair and reasonable.

Hon. Sir EDWARD WITTENOOM: I think hon. members opposing the amendment have overlooked words which appear later in the clause—

... which is owned by a person carrying on the business of farming and/or grazing on any farm or other land and will be used during the currency of the license solely or mainly for the carriage of the products of or requisites for such business between such farm or land and the nearest railway station or siding

From those words it does not appear as if the farmer would get much joy riding out of the amendment.

Hon. E. H. H. HALL: Sir Edward Wittenoom has effectively answered the contention as to joy riding. Hon. members who think farmers use their cars just for that purpose show an utter want of knowledge of the subject. On any market day in the country one may see scores of motor cars taking out the week's supplies.

The CHAIRMAN: May I ask Mr. Hall whether it is common to use motor cars for carrying milk cans?

Hon. E. H. H. HALL: Yes: I have seen them used for that purpose in Perth.

The MINISTER FOR COUNTRY WATER SUPPLIES: Mr. Stewart has on the Notice Paper a later amendment which largely negatives Sir Edward Wittenoom's contention.

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

| | | | | | |
|------|----|----|----|----|----|
| Ayes | .. | .. | .. | .. | 6 |
| Noes | .. | .. | .. | .. | 10 |

Majority against .. 4

| NOES. | |
|---------------------|----------------------|
| Hon. F. W. Allsop | Hon. E. H. Gray |
| Hon. C. F. Baxter | Hon. Sir W. Lathlain |
| Hon. J. Ewing | Hon. G. W. Miles |
| Hon. J. T. Franklyn | Hon. Sir C. Nathan |
| Hon. G. Fraser | Hon. H. J. Tellaud |
| | (Teller.) |

Amendment thus negatived.

Hon. Sir EDWARD WITTENOOM: I move an amendment—

'That in line 12, after "farm," the words "pastoral station" be inserted.

The wording of the clause makes it perfectly clear that station property is intended to be covered, but the amendment will make it more definite.

The MINISTER FOR COUNTRY WATER SUPPLIES: The amendment is unnecessary because the words "or other land" were inserted to cover what the hon. member desires.

Hon. Sir Edward Wittenoom: If you give me an assurance that those words cover pastoral holdings, I shall withdraw the amendment.

The MINISTER FOR COUNTRY WATER SUPPLIES: It was with that object in view that the words were included.

Amendment, by leave, withdrawn.

Hon. V. HAMERSLEY: I move an amendment—

That in lines 21 to 24 the words "between such farm or land and the nearest railway station or siding" be struck out.

This is another amendment that stands in the name of Mr. Stewart. The effect of the clause will mean that many farmers will be forced to bear the cost of unnecessary railway transport, whereas it would be cheaper and more direct to convey their produce to the city by motor. It is such savings that will enable farmers to remain on their holdings in these days when every economy possible must be availed of. Already this concession has been granted in the Bill to prospectors and sandalwood pullers, so why should the farmers be denied a similar privilege?

Hon. Sir WILLIAM LATHLAIN: I oppose the amendment for the same reason as I opposed that moved at an earlier stage. The point involved was one of importance raised when we dealt with this legislation on a previous occasion. The amendment will create all the anomalies apparent under the Act.

| AYES. | |
|--------------------|-----------------------|
| Hon. J. M. Drew | Hon. G. A. Kempton |
| Hon. E. H. H. Hall | Hon. Sir E. Wittenoom |
| Hon. V. Hamersley | Hon. C. H. Wittenoom |
| | (Teller.) |

The MINISTER FOR COUNTRY WATER SUPPLIES: The Minister responsible for the administration of the Act, after having some months of experience of its operations, has come to the conclusion that it would be much better if the words included in the amendment were struck out. On that understanding, I will agree to the amendment.

Hon. G. W. Miles: Why?

The MINISTER FOR COUNTRY WATER SUPPLIES: The inclusion of the restrictive words have been found unnecessary and inconvenient, and have imposed hardships in many instances. Their inclusion has not been of advantage to the operations of the Act.

Hon. E. H. H. HALL: People in some of the more remote country areas have not a daily train service but a weekly service. In such circumstances what chance have they of satisfactorily marketing their produce by rail? I am glad the Minister in charge of the Act has raised no objection to the amendment in the light of experience.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. WITTENOOM: If the Minister does not object to the amendment, I presume members will not oppose it. When farmers have incurred the expense of purchasing trucks they should be allowed to carry their produce to places other than the nearest railway station. Their object in purchasing motor vehicles was to enable them to run their farms more cheaply. When the previous measure was before us, I pointed out how unreasonable it was that a farmer making a trip to Perth should not be allowed to carry produce down and return with requisites for his farm. Under the amendment he will be allowed to do that.

Amendment put and passed.

Hon. G. W. MILES: I move an amendment—

That after "distance" in lines 12 and 13 of paragraph (i) the words "measured by the length of existing roads" be inserted.

There should be no objection to the amendment; the distance should not be calculated as the crow flies.

The MINISTER FOR COUNTRY WATER SUPPLIES: I do not object to

the amendment, though it is merely adding unnecessary words. "Nearest" means by road.

Hon. G. W. MILES: The addition of the words will make the provision clearer.

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

Clause 3—agreed to.

Clause 4—Amendment of Section 42:

Hon. J. T. FRANKLIN: Sir Charles Nathan has a series of amendments similar to those of which I have given notice, and as the question involved affects his province, I am agreeable to his moving the amendments.

Hon. Sir CHARLES NATHAN: After the remarks of the Minister in reply to the second reading debate, I am astonished at my own temerity in submitting the amendments on the Notice Paper. All of them deal with the one subject. The Governor is empowered to make regulations prohibiting either absolutely or subject to prescribed conditions the picking up or setting down of passengers by motor buses.

The CHAIRMAN: The hon. member had better move his amendments in their order.

Hon. Sir CHARLES NATHAN: I move an amendment—

That in lines 3 and 4 of the proposed new Subsection 1 (a) the words "and/or setting down" be struck out.

The object of this and the other amendments is not to interfere with or prejudice the revenue of the tramways or railways. It is to prevent the issuing of regulations which may be irksome and which may have no bearing at all upon the revenue of either system. The power to make regulations should be safeguarded. Over-zealous officials may frame irksome regulations and create a ridiculous position. To show how absurd the regulations, if applied, would be, a bus driver may pick up a passenger in King's Park-road but could not deposit him nearer than 150 yards to Rokeby-road in order to proceed to Nedlands. He could pick up a passenger in Kitchener-road, West Subiaco, and could not set him down nearer than 150 yards to Rokeby-road or Heytesbury-road in order to catch a tram or to go to the shopping centre of Subiaco. A passenger might be picked up along the Carlisle bus route and could not be dropped

at Berwick-street to take tram to Como. This is an unnecessarily irksome restriction, especially when it affects women and children wishing to go to the Como beach. I cannot see what effect it would have on the revenue of the trams if buses were allowed to drop passengers nearer than 150 yards as suggested. I can understand their not being allowed to pick up passengers along tram routes, but they should be allowed to drop them free from such restrictions.

THE MINISTER FOR COUNTRY WATER SUPPLIES: The hon. member's proposal will mean opening the door absolutely, and it will be robbing the tram service. It is the setting down of the passengers that is the worst feature, not the picking up. The regulation provides that passengers may be picked up provided that the destination of those passengers is 150 yards beyond the tramway terminus. If the amendment is carried it will mean that the buses will be in active competition with the trams. There has been no objection in the past to the buses picking up passengers anywhere along the tram line provided the destination of the passengers is 150 yards beyond the tram terminus.

Hon. J. T. FRANKLIN: The wording of Sir Charles Nathan's amendment and mine is exactly similar. I am in accord with hon. members who have stated that we should not create opposition to our trams and trains, but with regard to bus routes, those routes are prescribed by a board appointed by the Government. It is our duty to consider business people as well as the Government. The buses pay the Government at the present time, at the rate of £3 per seat, no less a sum than £7,200 annually. Then they pay the ordinary license fee which totals £2,100 per annum. In addition they pay through the medium of the petrol tax, £14,500 per annum, and in insurance of passengers they pay £2,000, whilst the total amount paid in wages is £50,000. We must be fair to these people who are paying so much annually to the revenue, and they should be given the opportunity to ply along the routes permitted by their licenses. They cannot run on any route without first getting permission. The buses are not running in opposition to the railways; where the buses pick up passengers the trains cannot do so because the trains stop only at stations. What we are asking the Committee now is to strike out merely the word

"railways." The Leader of the House stated that the Government have no objection to the buses picking up passengers alongside tram routes, but the picking up is the danger to the tramway people.

The Minister for Country Water Supplies: You did not hear all I said.

Hon. J. T. FRANKLIN: I tried to. The Minister added that passengers could be picked up when their destination was 150 yards beyond the tram terminus. But it says "intersection" and not "terminus." Take the Fremantle-road: the intersection of the tramway at Nedlands is where the main road crosses the tram track. I cannot see what harm it would do for the buses to pick up passengers 50 yards from that intersection if the public required to go a certain way. In regard to letting down passengers is where injustice is likely to be done. The buses will not be permitted to let down passengers who may be living at Nedlands if the bus route is running parallel to the tram track. That is not fair because when a bus driver picks up a passenger he does not know the destination of that passenger. I do not think the amendment will make any difference to the revenue of the tramways; certainly it will not make any difference to the railways.

Hon. Sir Edward Wittenoom: All the damage has already been done to the railways.

Hon. J. T. FRANKLIN: I do not think the buses have done the damage that we have heard so much about. If the amendment is not carried it will mean that the bus services will have to shut down, and that will lead to more unemployment.

THE MINISTER FOR COUNTRY WATER SUPPLIES: Some hon. members think that this is an entirely new proposal. It is not; the regulation has been in force for five or six years, and it is only recently that it was declared ultra vires. Mr. Franklin said that the proposal in the Bill will not make any difference to the railways or tramways. We are in the position to know that it has done so. A few of the buses have taken advantage of the position, and that is why this action has been taken. It is nothing new, and has not been sprung on the House. We must give consideration to those services established for the people at their request.

[*Hon. J. Cornell took the Chair.*]

Hon. G. FRASER: This is nothing new; this House agreed to the regulations only last session, and now the Government have put into the Bill what was agreed to last session. It is nothing very drastic. The Metro buses at the present time have the pick of the routes.

Hon. G. W. Miles: But their starting point should be shifted from the vicinity of the Fremantle station.

Hon. G. FRASER: I agree with that. Someone had a brain wave and put a big clock in front of the station to indicate that they might have to wait half an hour or more for the next train. With the buses right alongside, intending railway passengers would promptly travel by bus, rather than wait. There is a tram service also in Fremantle, and if the clause is altered it will mean the scrapping of that part of it which serves North Fremantle. There is no objection to buses picking up passengers in North Fremantle, but we do object to the setting down which will do the damage. If the amendment be carried, all the ratepayers' money invested in the North Fremantle tram service will go by the board.

Hon. Sir EDWARD WITTENOOM: It seems that either the tramways and railways, or else the buses and taxis, will have to go. The object of the clause is to limit the competition of buses against the railways, and if the several amendments on the Notice Paper are carried they will to a large extent defeat that object. Our sympathies should be mainly with the railways and tramways, which have been established with the taxpayers' money, for those taxpayers have to make good any deficit. The Minister claimed that the losses on the railways were due to the buses and taxis, but I suggest that some of those losses are due to erroneous management of the railways, the result of the Commissioner not having altogether a free hand. There are two routes on which the running of buses and taxis is fully justified, namely Perth-Guildford, and Perth-Fremantle on the south side. No obstacle should be placed in the way of buses running on those two routes. As to the other routes, it would certainly mean hardship to many people if the buses were abolished. I cannot help sympathising with all those people who have accustomed themselves to transport by buses and taxis and whose convenience will be sacrificed if those facilities are interfered with.

Hon. Sir WILLIAM LATHLAIN: Some time ago we had a motion to disallow certain regulations, more particularly respecting the tramway at Claremont. At that time the whole question was thoroughly thrashed out. The residents of Claremont and Nedlands would have suffered great hardships had they been compelled to use the buses alone, but the Government magnanimously gave them an extra number of tram cars each day, and reduced certain fares. That in face of the fact that it was at the request of the residents of Claremont that the tramway was constructed on the definite promise of the local authorities that they would endeavour to see that the trams were well patronised.

Hon. E. H. Gray: That was before the buses started running.

Hon. Sir WILLIAM LATHLAIN: Stress has been laid on the hardships that would be imposed on certain people if the buses were restricted. But, as the Minister has said, the proposed regulation is by no means new, having been in operation for the past six years, and the few people inconvenienced by it are as nothing compared with the great number that benefit. Mr. Seddon the other night quoted figures given by the Town Planning Commission which showed there were 35,560,000 tramway passengers as against 7,889,000 bus passengers, that more than five times the number of people were travelling by tramways. I oppose the amendment.

Hon. J. M. DREW: There seems to be amongst members an idea that a corner of the metropolitan area is the whole of Western Australia. This question affects the whole of Western Australia. Buses had been sapping the life blood of the State for a considerable time when the previous Government introduced a Bill with the object of restricting them. There was in that Bill a clause giving power to make regulations imposing the restrictions, but recently those regulations were declared ultra vires, after they had been in operation for nearly six years. As the result of the court's finding, those regulations have been removed, and for the time being the buses have a free hand. It means great losses to both tramways and railways, losses which the farmers, the pastoralists, the timber workers and the mining population, in other words, the general taxpayers, have to make good. The very people clamouring against the pro-

posed restrictions clamoured for the building of the Claremont tramway, as has been demonstrated this afternoon by Mr. Fraser. Those people are not entitled to any sympathy whatever. I will oppose the amendment.

Hon. E. H. GRAY: I disagree with Mr. Drew's view. After all, the competition of the buses and taxis is not the only factor in restricting tramway revenue. Has not the ordinary working man with his wife and family the right to enjoy modern transport, the same as wealthier citizens who own motor cars? Under the clause it would be possible to issue a regulation compelling the buses to land all their passengers at Leighton.

The Minister for Country Water Supplies: Not even the Government you support would issue such a regulation.

Hon. E. H. GRAY: If past Governments have been too slow to grapple with the transport problem and have allowed private enterprise to tackle it, surely that is not the fault of private enterprise. If it results in a burden, it is a burden that the whole of the people have to carry. I will support the amendment.

Hon. G. FRASER: I regret to hear the remarks of Mr. Gray. Had he been here this afternoon when I was quoting from the evidence taken before the Royal Commission, including Mr. Gray's own evidence, he could not be supporting the amendment now. He was one of those who induced the Government to spend money on the construction of the Claremont tramway, for he presented a petition to the Royal Commission and eagerly supported it.

Hon. Sir CHARLES NATHAN: I am astonished at the vigour into which members have whipped themselves, and the indignation they have displayed over some innocent remarks and an equally innocent amendment. The argument has centred around whether, in some obscure age, a certain body of ratepayers in Claremont did or did not petition the Government to build a tramway, and whether or not the Government were stupid enough to put that tramway down. I was not talking about Claremont or whether Mr. Gray had repudiated anything he had said or done in the past. I was merely speaking on behalf of many of my constituents who would be inconvenienced if the Government, having sought for certain power to do certain things, did those things. If they did them they would be

stupid people. But Governments do stupid things sometimes, and are also compelled by stupid people to do stupid things sometimes. My proposal is that the Government should not have the right to do what they want in this case. It is not a question of revenue. The position has been exaggerated in the forcible remarks of the Minister and other members. I feel confident that the £400,000 deficit which has accumulated in the railways is not due to the few buses and taxis that are running in the metropolitan area. Perhaps something in the shape of ill-advised expenditure and mismanagement of the system and the demands of the country for new railways have had something to do with the position. All the rules and regulations and enactments that may be brought down will not stem the development of the more modern methods of transport. By no regulations shall we be able to stem the tide of progress. The Government would be better advised to cheapen their own transport facilities instead of trying to stem the tide by stupid regulations, which will not do what is expected of them.

Amendment put and negatived.

Clause put and passed.

Clauses 5, 6, Title—agreed to.

Bill reported with amendments.

BILL—HIRE-PURCHASE AGREEMENTS.

Second Reading.

Debate resumed from 11th June.

HON. J. M. DREW (Central) [8.21]: I congratulate the Government upon the introduction of this Bill. It is one which, with perhaps a few amendments, should have been brought down a quarter of a century ago. Proof of the sincerity of my statement will be admitted when I say that in the early stages of my legislative career, I, as a private member, introduced a Bill to regulate the sale of agricultural machinery. It met with a frigid reception in this Chamber. I had expected it would be received with open arms, but I had miscalculated the conservative nature of the House at that time, for it looked askance at any attempt to pass a measure that might affect the perfect freedom of contract. I soon discovered that my little Bill was doomed to defeat from the outset. It

was opposed by a member representing an agricultural province, and I was unable to get even one supporter. My Bill was prompted by a case which had come under my personal observation in my own province. There was a contractor who had 100 acres of land. He was in comfortable circumstances. He grew a little wheat, had a few pigs and poultry, and a number of cattle. He was bringing up a large family in a respectable manner. Then a commission agent came on the scene and induced him to purchase a harvester. He had only 60 acres of cultivable land and not even the whole of that was under crop. He paid a deposit but failed to meet the first promissory note. He was seized with illness and, owing to financial difficulties as a result of his trouble, he could not meet his obligations. The machinery agent not only seized the machine, but sued him for the whole of the promissory notes. The substance of the agreement which he signed was that if the purchaser failed to meet any of the bills, the vendor could seize the machinery and dispose of it in such manner as he might think desirable, and apply the proceeds in satisfaction of the promissory notes, but the disposal would not affect in any way the liability for payment of the whole of the promissory notes, and if at any time the vendor considered it desirable to call upon the purchaser to give security, and the security was not forthcoming, the vendor could seize the machine and the promissory notes that were unpaid would still be due and payable; and if the purchaser mortgaged his land, or raised a loan on it or on any of his property, the promissory notes would become immediately due and payable. My Bill was simplicity itself, and nothing like as drastic as this one. It provided that if a purchaser failed to meet any of the promissory notes the deposit and all the instalments he paid would be forfeited, and he would have to return the machine and meet any claim for damage done to it, reasonable wear and tear excepted.

Hon. Sir Edward Wittenoom: And he was not to be responsible for any further bills.

Hon. J. M. DREW: No.

Hon. J. Nicholson: If he had been responsible it would have been a sale.

Hon. J. M. DREW: I could get no support for the measure. The Government

were unsympathetic. The Leader of the House placed it at the bottom of the Notice Paper, and towards the end of the session I withdrew it in disgust. For many years since then I have heard no complaints about the machinery agents although I have been closely in touch with farmers. Since the depression began, however, there have been complaints. Last year I, and another member of this House, were invited to the residence of a farmer. When we arrived we found he had a grievance against one of the machinery agents. He told us he had purchased a tractor on the hire-purchase system for £500. It was sent to him by train. He failed to get it to work. He reported the matter to the merchant, who sent up an expert. The man was on the farm for 14 days with free board and lodging, but after failing to make the machine work returned to his headquarters. The farmer, however, received an account for 14 days wages at 30s. a day. As the machine refused to work the farmer again wrote to the machinery agents. They sent up another expert for 12 days, but he failed to get it going.

Hon. Sir Edward Wittenoom: Why did he keep the rotten machine?

Hon. J. M. DREW: The farmer was billed for another 12 days' wages.

Hon. Sir Edward Wittenoom: Did he pay?

Hon. J. M. DREW: No. He was then ordered to send the tractor to Perth or Fremantle to be overhauled. He sent it up and in the meantime his first promissory note fell due. He said to himself, "They have my machine; when it was here it would not work, so I will not meet the promissory note." They stuck to the machine, and sued him for the remainder of the promissory notes. He asked my advice. As I had had a bit of experience in these matters, I told him he had better pay up. He said, "That is exactly what one of the Perth lawyers told me—that I had no remedy. I have lost my tractor, and I have to find a certain amount of money in order to meet the balance of the promissory notes." I cannot vouch for the facts, but the man seemed to be thoroughly respectable and quite sensible. I do not know what was the final result. From the letters I saw, I thought there was little prospect of his being able to evade the additional liability. About 30 years ago the late

Mr. Paterson, then manager of the Agricultural Bank, told me that very small farmers—and a small farmer in those days was indeed small—were the pest of his life in wanting to buy costly agricultural machinery. He went on to say, “I have just had a man in who has 50 acres under cultivation, and he wanted a hundred pounds in order to buy a harvester. Do you know what I told him? I said, ‘I will not lend you the hundred pounds, but here is half-a-crown; go and buy scissors with it, and cut your crop.’” Mr. Paterson further said that the ease with which farmers could obtain agricultural machinery was the curse of the agricultural industry. I admit that machinery agents have been a great help to the farmers, especially in recent years—at all events, up to about 12 months ago—when they were fair and just. I believe the great majority now are fair and just, and would not take any mean advantage of the farmers; but we require to make provision for those who are not fair and just. To a large extent this Bill will, I consider, help in that direction. Some hon. members will now say, as a member representing an agricultural province said in opposing my Bill, that it will be difficult for the farmer to buy machinery if the measure becomes law. Thirty years ago there were merchants who sold agricultural machinery on long terms, in some instances taking a bill of sale. There was no difficulty whatever so long as the farmer was a man who could be trusted; and I say that if a farmer cannot be trusted he should not get a machine even from the vendor of agricultural machinery under the hire-purchase system. I do not anticipate that if this Bill passes there will be any unreasonable restriction on the supply of machinery to the farmers of Western Australia. I wish to point out that Subclause 1 of Clause 5 refers to the vendor taking possession of the chattel comprised in a hire-purchase agreement. Under that provision, it seems to me, if the vendor took possession merely for the purpose of repair, there would be a termination to the agreement. I have received a circular from the Hire-Purchase Traders’ Protection Association, who submit a wording which seems to me infinitely better, and meets the point I have raised. They suggest that in order to avoid any misapprehension the subclause should be redrafted to read, “Whenever the vendor

shall seize for any breach of the agreement the chattel comprised in the hire-purchase agreement.” That suggestion, I consider, should be embodied in the Bill. The method of assessing the value of re-possessed machines has also been criticised by the Hire-Purchase Traders’ Protection Association. They suggest that failing agreement as to the value, the chattel seized shall be submitted to public auction, either party to the hire-purchase agreement being entitled to bid. But that would mean that the farmer’s interest would be sacrificed. I was in Geraldton six months ago when I heard two local farmers discussing the sale of agricultural machinery in the district. Two harvesters, stated to be in excellent order, had been sold—one of them for £5, the other for £12. Many promissory notes under these hire-purchase agreements fall due in February, and if there were a number of defaults—if in these times of depression a dozen farmers could not meet their promissory notes—a dozen machines would be thrown on the market to be sold by public auction, perhaps simultaneously in one district. Therefore that suggestion is not one which could be accepted. Objection is also raised by the association to the matter being referred to the local court, but that is the usual tribunal. Suppose I own a tractor and hire it to a farmer, and he damages it; then I can only take action in the local court or the Supreme Court. The method would be rather expensive for the farmer, and all for the benefit of the machinery agent, because the latter would be able to bring along experts to prove the full extent of the damage, whereas the farmer, it is to be feared, could not present a good case, or at all events not as good a case as the machinery agent. There will be considerable cost involved, but I know of no sound alternative.

Hon. J. Nicholson: Would not an inquiry elicit something?

Hon. J. M. DREW: In the local court?

Hon. J. Nicholson: No. In the way of a select committee, as has been suggested.

Hon. J. M. DREW: I do not know. One suggestion made in the circular should, I think, be acted upon. The Bill should contain a direction to the effect that vendor and purchaser should endeavour mutually to agree as to the value of the machine when repossessed.

Hon. Sir Edward Wittenoom: Before it is put up to auction?

Hon. J. M. DREW: Before anything is done. There is no direction to that effect. Of course, it could be done without a direction. I think such a direction should be included in the Bill. I do not wish to be captious, but I have thought a good deal over Clause 2, the interpretation clause, and cannot follow it. The clause states—

In this Act, subject to the context, "Chat-tel" means any piece of household furniture, sewing machine, or musical instrument . . .

Does the word "piece" govern what follows? Does it mean not only a piece of household furniture, but a piece of a musical instrument? The point should be made clear. The word could mean any piece of a sewing machine.

Hon. J. Nicholson: Strike out the words "piece of."

Hon. J. M. DREW: I support the second reading. I should like to see this Bill made a good measure, and any amendments submitted will have my serious consideration.

On motion by Hon. C. H. Wittenoom, debate adjourned.

House adjourned at 8.42 p.m.

Legislative Assembly,

Tuesday, 16th June, 1931.

| | PAGE |
|---|------|
| Question: Aborigines | 3429 |
| Bills: Workers' Compensation, recom. | 3429 |
| Firearms and Guns, 2R. | 3432 |
| State Manufactures Description, 2R. | 3436 |
| Privilege: "Daily News" and Land & Homes, Ltd., advertisement | 3438 |
| Motions: Sugar agreement | 3440 |
| Secession, referendum | 3447 |
| Migrants, repatriation | 3451 |

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

QUESTION—ABORIGINES.

Mr. DONEY (for Mr. J. I. Mann) asked the Chief Secretary: 1, How many aborigines, including half-castes, are in the Katanning magisterial district? 2, How many are in the Kojonup police district?

The MINISTER FOR LANDS (for the Chief Secretary) replied: 1, Katanning magisterial district, approximately 365. 2, Kojonup police district, 15.

BILL—WORKERS' COMPENSATION.

As to Recommittal.

The MINISTER FOR WORKS: I move—

That the Bill be recommitted for the purpose of further considering Clauses 4, 14 and 36.

Hon. A. McCALLUM: There was one other item, in the Second Schedule. The point was raised by the member for Leederville in relation to the loss of a foot at the ankle. That meant less than the loss of the lower part of the leg, which left the stump to carry the artificial foot. It seemed that the longer the stump, the less the compensation allowed, and it was urged that the same reasoning should apply to the other end of the leg. The Minister promised to have that also looked into.

The MINISTER FOR WORKS: Yes, and then there was another item in the Second Schedule, dealing with the diminution of the sight of the other eye. I agreed to have both those items looked into, but I said that if the position were found to be as stated I would have the amendments made in another place.

Question put and passed.

Recommittal.

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

The MINISTER FOR WORKS: I move an amendment—

That after "(b)" in line 12 of the definition of "employer," "or (d)" be inserted.

Amendment put and passed.

The MINISTER FOR WORKS: I move an amendment—

That after paragraph (c) in the definition of "Worker," the following paragraph be inserted:—"(d) Any contractor engaged in manual labour in the course of the performance of a contract which he (either alone or