

# Legislative Assembly.

Wednesday, 7th December, 1938.

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

## QUESTION—RAILWAYS.

*Standard Gauge, Kalgoorlie to Coast.*

Mr. NORTH asked the Minister for Railways: In view of various announcements regarding the extension of the national standard gauge railway from Kalgoorlie to the coast, and of Senator Collett's recent advocacy of this work, together with the linking of that national railway with the New South Wales standard system, will he state whether he is in a position to inform the Federal Government of the amount of money necessary to recoup our State railways annually for anticipated losses when the new line is in use?

The MINISTER FOR RAILWAYS replied: There is no data available.

## QUESTIONS (3)—UNEMPLOYMENT RELIEF, CHRISTMAS PERIOD.

*Reported Federal Aid.*

Mr. SLEEMAN (without notice) asked the Minister for Employment: Can the Minister inform the House whether anything definite has followed upon the promise of the Commonwealth Government, as published in the Press, to provide money for the assistance of the unemployed during Christmas time.

The MINISTER FOR EMPLOYMENT replied: Inquiries were made at the local office of the Commonwealth Government regarding the matter. The information re-

ceived was to the effect that no special work was likely to be made available for the unemployed before Christmas. So far as I am aware, no additional men have been picked up by the Defence Department in recent weeks, nor are any likely to be picked up before Christmas. Possibly work let by the Defence Department to private contractors has been put in hand in recent weeks or may be started before Christmas, but we have not been able to get any definite information on that point.

## *Additional State Efforts.*

Mr. SLEEMAN (without notice) asked the Minister for Employment: Is the Minister aware that the unemployed were promised two weeks additional work before Christmas, but so far the only work offering is piece work on the drains at Coolup, notwithstanding the fact that many of the men are not suitable for that class of work. If so, will the Minister provide some other class of work more suitable for men of that type, so that their Christmas may be brighter than it is otherwise likely to be.

The MINISTER FOR EMPLOYMENT replied: Recently an attempt was made to provide additional work so that men on sustenance would have work made available to them before Christmas. During the last three weeks, at least 200 additional men have been placed in work, those men having previously been in receipt of sustenance only. During the last day or two further efforts have been made to provide work to absorb additional men and yesterday 12 men were offered work on the drains at Coolup, that being the only work available, all the other jobs carried out by the department being fully staffed. I understand the men concerned considered they were not physically capable of undertaking the work at Coolup. That aspect will be investigated, and the possibility of providing them with other employment before Christmas will also be considered.

## *Commonwealth Financial Grant.*

Hon. C. G. LATHAM (without notice) asked the Minister for Employment: Has the Minister read the report in the Press that £100,000 was to be made available by the Commonwealth Government for distribution before Christmas among the unemployed throughout Australia. If so, will he make application to the Prime Minister's

Department to ascertain what proportion of that total amount will be made available to Western Australia.

The **MINISTER FOR EMPLOYMENT** replied: The Prime Minister was asked a question in the Federal Parliament as to whether the Commonwealth Government intended to make available a similar amount to that provided last year when £100,000 was distributed. The reply was that the question would receive consideration. Evidently it is still receiving consideration.

Mr. Hegney: The answer was "no" at the outset.

The **MINISTER FOR EMPLOYMENT**: No further announcement has been made. However, we shall make contact with the Federal Government to ascertain whether it is likely to make any money available this year for the purpose of providing special relief work before Christmas. It seems to me that if no money has been made available—and it has not yet been made available—it will be practically impossible to organise any new work so that the unemployed may receive benefit accordingly before Christmas.

### EDUCATIONAL SYSTEM SELECT COMMITTEE.

#### *Report Presented.*

**MR. BOYLE** (Avon) [4.38]: I desire to present the report of the committee and move—

That the report be received.

**MR. CROSS** (Canning) [4.39]: I oppose the motion. I wish to dissent from certain portions of the report and from some of the recommendations. I sought to have my views placed in the report, but was unable to include more than a bald statement to that effect. Throughout the inquiry I objected to the acceptance of hearsay statements as evidence.

Mr. **SPEAKER**: The hon. member is a little premature. The Standing Orders provide that a debate may take place only when a motion is submitted for the printing of the report. Standing Order No. 357 makes it quite clear that on the presentation of a report no discussion may take place. The subsequent motion for the printing of the report may be debated.

Question put and passed.

**MR. BOYLE** (Avon) [4.41]: I move—

That the report and evidence be printed, and that the consideration of the report be made an Order of the Day for the next sitting of the House.

**MR. CROSS** (Canning) [4.42]: I move an amendment—

That the words "and evidence" be struck out.

I wish to dissent from certain portions of the report and from some of the recommendations. Throughout the inquiry I objected to the acceptance of hearsay statements as evidence. In all instances in which statements were made by laymen, such for example as those concerning the alleged injurious effects of certain types of furniture upon children, expert evidence should have been called either to substantiate or refute the statements. The selection of witnesses was made in a somewhat haphazard manner. It should have been carefully planned so as to give due weight to the various phases of the questions to be investigated. By not doing so the committee failed to take advantage of the expert advice that was available.

Hon. C. G. Latham: What were you doing?

Mr. **CROSS**: Protesting pretty frequently.

Mr. Patrick: You could have had witnesses called.

Mr. **CROSS**: Surely, for instance, it would have been helpful to have the point of view of the Professor of Agriculture when the teaching of agricultural science was being discussed. The only evidence of real value was that given by the Director of Education and his officers.

Mr. Thorn: That is nonsense.

Mr. **CROSS**: Is it?

Mr. Thorn: Yes, it is.

Mr. **CROSS**: The hon. member does not know much about it.

Mr. Thorn: You know less.

Mr. **CROSS**: If I do not know any more about it than the hon. member—

Mr. Thorn: Anyone would think that nobody but you knew anything about education.

Mr. **SPEAKER**: Order!

Mr. **CROSS**: It was abundantly clear that the department was fully aware of the disabilities that existed and that those disabilities would be removed when the financial position permitted. The Governmental costs in a State of this size, with the population

of this State and its widespread distribution must necessarily be high. The State has every reason to be proud of the officers of the Education Department who are giving the State such excellent service for the money the Government is able to expend at present.

Mr. Doney: Nothing is alleged against the officers of the department.

Mr. CROSS: While I am strongly of the opinion that laymen should always have the right to criticise the educational system and other matters, I also feel that insufficient expert advice was sought by the committee. The report in some instances includes only a superficial examination of the points raised, and therefore will not stand the light of expert criticism. My reason for moving that the evidence be not printed is that the great bulk of it is not worth printing. It includes lengthy statements made by laymen who had practically no knowledge, or very little knowledge, of the points they desired to bring before the committee. The report of the committee includes recommendations relating to the Teachers' College. No inspection of the college was made and no evidence was called from the college.

Mrs. Cardell-Oliver: And you did not suggest we should go there.

Hon. C. G. Latham: You would not go; that is why the committee did not go.

Mr. CROSS: I went to most of the places visited by the committee and I gave as much time to the inquiry and was as sincere and earnest as any other member of the committee. The members of the committee know that. They know when my protests started and why I made them. There is a great volume of evidence that would cost a lot to print, and if it were submitted to the Education Department the officers of that department would receive from it no information that they do not at present possess. It would be a waste of money to print the evidence, a great deal of which is not worth printing because it is rubbish. Statements were made by incompetent witnesses and expert evidence was not called. The only evidence of real value was that given by the Director of Education and his officers. Therefore I strongly oppose the printing of the evidence and ask members to support the amendment.

Mr. Doney: You have spoken in a very offensive way about especially fine witnesses.

**MRS. CARDELL - OLIVER** (Subiaco) [4:47]: The hon. member sat in the committee room, and never raised his voice in the manner in which he has raised it today.

Mr. Cross: I raised it in such a way that the committee did not recall a certain witness.

Mrs. CARDELL-OLIVER: He sat there and smiled at the witnesses and smoodged them, if I may use the term. He said everything that was nice to them, telling them that their evidence was everything that he could have expected. If this is the sort of stuff we are going to listen to in Parliament, I do not know where we are getting to. He is acting the hypocrite. He has either been told to do this by somebody in authority or else he is a verdadeiro hypocrite.

Mr. Cross: I ask for a withdrawal of the statement of the hon. member that somebody told me what to do. The action I have taken has been taken on my own initiative; I have used my own common sense.

Mrs. CARDELL-OLIVER: Very well, I withdraw that statement, but I repeat that the hon. member is a verdadeiro hypocrite.

Mr. Cross: I ask for a withdrawal of that statement.

Mrs. CARDELL-OLIVER: I will withdraw if the hon. member can tell me where the word verdadeiro comes from. He said that much of the evidence given by witnesses was of no value. He had the opportunity to approve of all witnesses, and was invited to do so. Not only did he give his approval, but yesterday he approved of the whole of the report.

Mr. Cross: I did not.

Mrs. CARDELL-OLIVER: No one can accuse the hon. member of being tongue-tied. He said the evidence was of little value. I point out that the value of the report itself is inestimable. It is based on the evidence of expert witnesses. Only in one or two instances were the witnesses not experts, and the hon. member agreed they should give evidence. Is not the Director of Education an expert? We had before us the heads of departments and teachers, and, with the exception of one or two, all the witnesses were experts. The remarks of the hon. member make me feel I would like to flay him with a whip. If select committees are going to be appointed

and members of them afterwards turn against them, such committees will be of little value. Another member of the party to which the member for Canning belongs was appointed to the committee but he was never in attendance. I trust that not only the report but the evidence will be printed. I assure the House that both sets of documents will be of the greatest value to the experts and the parents who send their children to schools. Some parents did give evidence, but we are told their remarks were of no value. I hope that in the future, hypocrites in this Chamber will be limited in number, if not altogether excluded from it.

MR. SPEAKER: I understand the member for Canning (Mr. Cross) is not opposed to the printing of the report but only to the printing of the evidence. Is that so?

Mr. Cross: I want to prevent the evidence from being printed.

MR. SPEAKER: The amendment that is before the House is to delete the words "and evidence."

Mr. Raphael: I second the amendment.

MR. BOYLE (Avon—on amendment) [4.54]: I have great sympathy for the member for Subiaco (Mrs. Cardell-Oliver), and hope this is the first time in her life she has found out the perfidy of man. I feel rather ashamed to have to sympathise with her on a question of this kind. The member for Canning (Mr. Cross) said that only hearsay evidence was given before the select committee.

Mr. Cross: I did not say that it was all hearsay but that quite a lot of it was.

Mr. BOYLE: What other evidence could we have had brought before us? Let me instance the question of seats in the Katanning school. What better evidence could we have had than that of the headmaster?

Mr. Cross: The evidence of the doctor!

Mr. BOYLE: I refer to the desks provided by the Education Department. The evidence quoted in the report in particular is that of Mr. Longman, the headmaster of the Katanning school, a teacher of over 20 years' experience.

Mr. Cross: Was that supported by medical evidence?

Mr. BOYLE: It was supported by evidence from the representative of the Country Women's Association.

Mr. Cross: What had she to do with it?

Mr. BOYLE: The hon. member alleges that the committee summoned only the type of witnesses it wanted. That is far from the truth, and a reflection both on the committee and himself. The hon. member was present at the preliminary meeting, and we accepted his suggestion to call teachers from his own electorate.

Mr. Cross: I wanted experts from the department to be called.

Mr. BOYLE: Mr. Atkinson, a teacher in the Canning electorate, attended as a witness but said he did not know why he had been called. He was summoned at the direct request of the hon. member. If any member will go through the 350 pages of evidence, he will find that the member for Canning accounts for more than his 25 per cent. share of it. The first witness we called did not return because the hon. member entered into a dissertation with him upon the University at Leeds and education in Yorkshire. That was of no benefit to the committee, and as chairman I tried to bring him back to the scope of our inquiry. Apparently the hon. member is an expert on English education.

Mr. Cross: I am not.

Mr. BOYLE: He engaged Mr. Thomas for two hours in a wordy exchange of views.

The Minister for Mines: Who won?

Mr. BOYLE: Could the committee have had more expert evidence than that given by the Director of Education?

Mr. Cross: I do not find fault with him.

Mr. BOYLE: That witness was subject to a four-hours examination. He is the fountain head of the department. The hon. member exercised his right to cross-examine the witness and all others. Out of 22 witnesses called, 10 were representatives of the University and Education Department. These were experts. I suppose the hon. member would class as hearsay witnesses those we called from various organisations. We were obliged, as far as we could, to examine the whole position relating to the adequacy or otherwise of the education facilities of the State. What kind of report would the committee have furnished if it had examined only witnesses from the Education Department and the University, and based its recommendations on one-sided evidence of that kind? I can honestly say that the committee pandered to the hon. member in every way possible.

Mr. Cross: I like that, when you were in a majority of three to one.

Mr. BOYLE: There never was a majority of three to one on the committee itself. The majority should have been three to two if the other hon. member had honoured us with his presence on any occasion.

Hon. C. G. Latham: Did he not turn up?

Mr. BOYLE: Not once. If the hon. member was in a minority of one to three, it was not the fault of any member of the committee on this side of the House. The hon. member referred to incompetent witnesses, but did not specify those who fell into that category. Would he class Professor Whitfeld, Vice-Chancellor of the University, as incompetent?

Mr. Cross: I did not say so.

Mr. BOYLE: He alleged that the committee had called incompetent witnesses. Mr. Atkinson, the gentleman called by the hon. member himself, was not incompetent. Was Miss Bell, whose evidence is quoted in extenso in the report, an incompetent witness?

Mrs. Cardell-Oliver: Or Mr. Thomas and Mr. Parsons?

Mr. BOYLE: I could go on until I had exhausted the whole panel of ten expert witnesses. At no time was there any suggestion of hostility towards the member for Canning.

Mr. Sleeman: How many witnesses were called?

Mr. BOYLE: Twenty-two.

Mr. Cross: I never said one word against the witnesses.

Mr. BOYLE: Then why did the hon. member speak of incompetent witnesses and hearsay evidence?

Mr. Cross: A good deal of it was hearsay evidence.

Mr. Marshall: Why did you prevent him from calling the witnesses he desired to call?

Mr. BOYLE: It is news to me that we prevented him from calling any witnesses. I can only express astonishment at the line of action taken by the member for Canning. Does he wish the House seriously to consider that we sat on 17 occasions, examined 22 witnesses, took 350 pages of evidence and prepared a report of 17 pages, and that after all our efforts we have presented a one-sided and biased report? I oppose the amendment.

**MR. DONEY** (Williams-Narogin—on amendment) [5.2]: I am entirely at one with the sentiment expressed by the mem-

bers for Avon and Subiaco. I hope no one will be foolish enough to pay serious heed to the stupid pleas submitted by the member for Canning. I cannot find any reason, other than that of sheer pique, for the attitude he has adopted. Right throughout the inquiry the hon. member was an absolute nuisance; there is no doubt whatever about that. He had every opportunity to ask for and secure what he wanted in the way of expert witnesses, because the chairman was most amenable to reason in respect of requests to that end. It is therefore absurd for him to say that expert evidence should have been obtained and was not obtained. The hon. member asked for the attendance of a schoolmaster named Atkinson, and kept on insisting that he should be called. When that gentleman was called, he failed to attend.

Mr. Boyle: He did attend, and gave evidence.

Mr. DONEY: The member for Canning was satisfied, apparently, only with those witnesses for the attendance of whom he himself was responsible. At practically every meeting, after the evidence had been concluded, he would raise objections to country witnesses being invited to attend, and particularly was he hard, for some obscure reason, upon witnesses representing the women's organisations. The hon. member's strictures on certain of the witnesses are very offensive to them. If members will peruse the typed evidence they will find it is very valuable indeed. I submit that the hon. member's plea is really not worth a moment's consideration.

**HON. C. G. LATHAM** (York—on amendment) [5.3]: There can be only one reason for not printing the evidence taken by the select committee, and that is the cost that will be involved. I have waited for the Premier to offer some remarks on the question from the point of view of expense. I have no idea what the cost would be, nor what would be the value of the evidence after it had been printed—whether it would be genuinely used by the public. I should like to hear the Premier offer some remarks on the question of the expense that is likely to be involved.

**THE PREMIER** (Hon. J. C. Willecock—Geraldton—on amendment) [5.4]: I find myself in agreement with the Leader of the

Opposition. I have only just hastily glanced through the report of the select committee, and it appears that evidence was taken over many days. It would appear also, according to the statement of the chairman, that there was a dialogue between one member of the committee and someone else, and that it extended over a period of four hours. I have no objection to the report being printed, because it is a comparatively small document, and it summarises the evidence. As for printing the evidence, however, I do not consider that the expense that will be involved will be justified. In all probability the evidence would never be referred to, especially as the salient points have been taken from it and embodied in the report. I should like to know how many people actually read select committee evidence after it has been printed. The evidence taken by this select committee can be laid on the Table of the House, and anyone who is anxious to peruse it will be able to do so. It will be a public document, and will be available to the Press, if they wish to make extracts from it, or to anyone else.

Mr. Doney: I should say that the Education Department would find ample use for it.

The PREMIER: What use could the Education Department make of it, when the experts themselves gave evidence and knew exactly what was contained in their statements? Those witnesses knew what they were going to say before they attended the select committee. Documents of this type when printed are usually hoarded up, and I do not suppose 50 people ever read them. They have been printed at the expense of the State, and no use is made of them. What use would be made of the evidence taken by this select committee, especially as the report summarises to a great extent the evidence? The report itself, I agree, ought to be printed, and it will prove a useful document, and is something the House should have. I have seen on the House bound copies of evidence taken by select committees, running to more than 200 pages, and I am not aware that anyone ever looks at them. The report of the evidence taken by the select committee, I suppose, was carefully typed and half a dozen copies made. Those copies can be bound and made available to anyone who desires to peruse them. If at a later stage good reasons are given for the printing of

the evidence, the printing might then be carried out. I suppose it would cost £70 or £80 to print the evidence, and it is the odd seventies and eighties here and there that go to swell our general expenditure. I presume the chairman of the select committee submitted his motion in a purely formal way to conform to the procedure of the House. It is usual, when a report is presented, to move that the report and the evidence be printed, and that is what the hon. member did. I do not think, however, we would be justified in printing the evidence at this stage. But if it should be found necessary at any future time, we might consider the advisableness of doing so then. At present, however, we should be satisfied with the printing of the report only.

Amendment put and passed.

Question, as amended, put and passed.

#### **BILL—WAGIN WATER BOARD (RESERVE).**

Introduced by the Minister for Railways and read a first time.

#### **BILL—MUNICIPAL CORPORATIONS ACT AMENDMENT (No. 2).**

*Second Reading.*

**THE MINISTER FOR WORKS** (Hon. H. Millington—Mt. Hawthorn) [5.15] in moving the second reading said: The Bill is similar to that which was before the House last session, the alterations being the elimination of the clauses which repealed the provisions dealing with plural voting, and also those in connection with distraint for unpaid rates. I might add at this stage that I am introducing an old friend, but the delay in submitting it to the House is due to the fact that we had to await the report of the Royal Commission that was appointed at the beginning of the year to inquire into the Perth Municipal Council administration. When the report was made available, we included certain recommendations that were made by the commission, and deleted other matters. With those exceptions, the Bill will be found to be somewhat similar to that submitted last year. The most important proposals of the Bill, as presented, are—

(1) Provision for preferential voting. The present provision under the Act is that

at an election for a councillor, and where the district is not divided into wards, the elector shall indicate his vote by making a cross against the name of the person or persons for whom he wishes to vote. In the case of an election for mayor, or when the district is divided into wards, for a councillor, the preferential system of voting is provided for. This dual system is considered obsolete, and in order to bring it up to date very similar provisions, which obtain at State and Federal elections, have been substituted.

(2) Amending the method of voting in absence. For many years, complaints have been received regarding the way in which absentee votes have been taken, and municipal councils, including the City of Perth, have asked that the provisions of the Road Districts Act should be enacted in this connection, in place of the present provisions.

(3) Power to make by-laws relating to fencing, hawkers, stallholders, lawns and gardens in streets, noises in streets, and the erection of verandahs. It has become necessary that municipal councils should have these powers, which are already provided in the Road Districts Act.

(4) Enabling councils to sell material from their quarries to the Government and to other local authorities.

(5) Providing for the additional system of valuing on unimproved value, as well as on annual value. For many years requests for this have been made. Under the amendment it will be optional for municipal councils which form of valuation they adopt, either the unimproved value or the annual value, or both. This also is taken from the Road Districts Act.

(6) The distribution of proceeds on the sale of land for rates. The provisions of the Act have been deleted, and those contained in the Road Districts Act substituted therefor. Again there will be uniformity.

(7) Giving power to councils to redeem a loan by half-yearly payments, instead of creating a sinking fund. This provision also is to be found in the Road Districts Act. It enables local authorities to make a considerable saving in interest charges by repayment of portions of principal each half-year. At present, under the provisions of the Municipal Corporations Act, a council has to pay interest on the full amount of principal involved, until such time as the loan has matured.

The foregoing are the main features included in last session's Bill.

The new provisions include a clause, the reason for which I shall state later, prohibiting architects, building surveyors, or building contractors from being appointed members of any committee formed to discuss matters in connection with plans and specifications, or other matters pertaining to buildings. That is not a recommendation of the Royal Commission which inquired into the administration of the Municipal Council of the City of Perth. The recommendations which now follow have been made by the Commission:—

Clause 31 provides for a statement from the owner of the building showing for what purpose the building is to be used. This matter is referred to on pages 8 and 16 of the Royal Commission's report.

Clause 32 provides that the council may give to the builder or owner notice of any alterations required to the building for various reasons. It also provides that the building surveyor may enter and inspect any building erected or in course of erection, and to issue a certificate that the building is in accordance with the approved plans and specifications. References to this matter are to be found on pages 11, 14, 16 and 17 of the Commission's report.

Clause 34 extends the existing powers of the building surveyor by enabling him to enter and inspect buildings in course of construction. This is referred to on page 17 of the report.

Clause 36 increases the penalty for breaches of building by-laws from £20 to £100. References to this will be found on page 18 of the report.

Mr. Doney: Would you allow the building surveyor to make an alteration in a building in course of erection?

The MINISTER FOR WORKS: Why not?

Mr. Doney: He should do that before work is started.

The MINISTER FOR WORKS: The clause refers to cases where the building is not in accordance with the by-laws. The building should be in accordance with the plans and specifications. There have been alterations made in times past, and this provision enables the building surveyor to enter a building that is in course of construction and order alterations. The matter can be discussed in Committee.

Clauses 31, 32, 34 and 36 are inserted in order to comply with recommendations made by the Royal Commission. The Commission refers to difficulties in respect of the London Court building—

This building was constructed by a company controlled by Mr. C. de Bernaldes, whose chief local representative was Mr. E. Faye. A large volume of evidence has been placed before the Commission, but the salient facts are as follows:—

The Commission refers to everything connected with the matter on page 9 of its report. The Commission found that a member of the Perth City Council, a member of the Works Committee, and a member of a sub-committee, viewed the building and agreed to act as consulting architect in regard to that building. I am glad to say that the Royal Commission concludes its reference to this matter by saying—

Your Commissioners consider that there is no evidence that in accepting his appointment as consulting architect the councillor in question was actuated by any improper motive.

So that although the Commission draws pointed attention to the matter, it exonerates the councillor in question from blame, and says that he was not actuated by any improper motive. It will be recollected that this House first of all appointed a select committee to inquire into the administration of the Municipal Council of the City of Perth, and that the select committee was converted into a Royal Commission. That Royal Commission took evidence, and submitted a report pointedly drawing attention to what transpired. Although in this instance the Commission exonerates the professional man in question, the Government deems it advisable to give the House an opportunity to say whether the practice described is to continue. That is the point. The question is whether Parliament, which hands over wide powers not only to the municipality of Perth but also to municipalities all over the State, considers it desirable that a practising architect or building surveyor or building contractor who happens to be a member of a municipal council should be placed in the position of having the opportunity to examine the plans and specifications of all his competitors. I questioned a prominent Perth architect as to the number of architects practising in the city. His reply was, "Speaking from memory, I should say

about 50." The Government's view is that if a man who happens to be an architect or a building contractor is elected to the City Council, he is elected not for that reason, but to represent the whole of the ratepayers and all their interests. The Government holds it is not intended that he should be placed in a position which can be used—I am not saying it has been used—to his advantage in respect of all competitors. The House is asked to say whether that is right, whether the practice is one which should be agreed to now that the question has been brought prominently to our notice, or whether we should provide that in future men in such businesses will not be eligible to sit on committees formed to deal with works and buildings in the City of Perth.

Mr. Doney: Which clause provides that?

The MINISTER FOR WORKS: Clause 26.

Mr. Raphael: The Commission said there was no evidence in support of the allegation, but the professional man was not exonerated, at any rate.

The MINISTER FOR WORKS: I read out what was stated by the Commission; and it is not my business, at this stage, to criticise the Commission's attitude. I merely say the Commission called attention to something that actually happened, something that I maintain can, under present conditions, happen, and something which would give rise to suspicion. I ask members whether it is a fair thing, a proper business practice, that one man, an architect or a building contractor or a building surveyor, should examine plans and specifications and have the right to object to or alter them, as the case may be. I do not think that was ever intended. It may be said that municipalities have the advantage of the services of men with experience and knowledge of buildings, whether they be architects, building surveyors or building contractors; but I should say each municipality can employ experts, as the Government does. The building surveyor is the man to give advice; he examines the plans and specifications to ascertain whether they conform to the building by-laws of the City Council; he is the man who understands the by-laws and the Act. That is his business. He is employed because of his special knowledge and is the person upon whom the council must rely. No one would suggest

that he would act unfairly. Other men as members of a building committee could, of course, deal with these questions. I agree that that is so and that they may be possessed of special knowledge. Notwithstanding that they may be in competition with others, they may be scrupulously fair and above reproach. The fact remains, however, that some suspicion would attach to them and that they would be in a position of advantage over their competitors. The attention of this House has been drawn to the matter and it is for members to say whether the practice shall continue. The matter is not a party one. Although the Royal Commission has not made a recommendation on this particular point, it certainly has gone to much care to ensure that full publicity is given to it. The commissioners set out a list of what they refer to as salient facts, and so we are not influenced by Press reports or by evidence which, according to the Royal Commission, was not substantiated. We are acting entirely upon the report of the Royal Commission and upon what the commissioners refer to as the facts of the case. The facts are that the practice has occurred and may occur again. An architect who is a councillor would have the right to examine all the plans and specifications of the other 40 or 50 practising architects. In my view that is wholly undesirable. Although, as I say, the Royal Commission has not made a recommendation on the point, the Government's duty is to give effect to the report. A few inconsequential amendments have been recommended by the Royal Commission, after all its efforts; but this matter, in the view of the Government, is important. The Government feels it has done its duty in calling attention to the matter and in introducing this Bill, which will prevent the possibility of such happenings in future. I move—

That the Bill be now read a second time.

On motion by Mr. Doney, debate adjourned.

### BILLS (3)—RETURNED.

- 1, Loan, £1,396,000.
  - 2, Amendments Incorporation.
  - 3, Industries Assistance Act Continuance.
- Without amendment.

### BILL—SUPERANNUATION AND FAMILY BENEFITS.

#### *In Committee.*

Resumed from the previous day. Mr. Sleeman in the Chair; the Premier in charge of the Bill.

Postponed Clause 36—Scale of units of pension.

The PREMIER: I move an amendment—

That after the word "subsection" in line 2 of Subclause (2) the words "but subject as hereinafter provided" be inserted; and that the following proviso be added to the subclause:—

Provided that—

(i) This subsection shall not apply to or affect an employee who, being a contributor under this Act and also a contributor under the National Health and Pensions Insurance Act, 1938, of the Commonwealth, is, by virtue of the provisions of the said last-mentioned Act, disqualified from obtaining at any time an old age pension under that Act; and

(ii) Where an employee who, being a contributor under this Act, and also a contributor under the National Health and Pensions Insurance Act, 1938, of the Commonwealth, will, by virtue of the provisions of the last-mentioned Act, be disentitled to the grant of an old age pension under that Act for any period after he has reached the maximum age for retirement as prescribed by that Act but will, upon the expiration of such period, become entitled to an old age pension under the said Act, such employee, as a contributor under this Act, shall contribute in respect of units of pension in accordance with the scale set forth in subsection (1) of this section and upon reaching the age of retirement under this Act, but subject to this Act, shall, during the period during which he is disentitled to a grant of old age pension under the National Health and Pensions Insurance Act, 1938, as aforesaid, be entitled to payment of the pension appropriate to the number of units in respect of which he shall have contributed under this Act, but thereafter, as from the date when old age pension is granted to him under the National Health and Pensions Insurance Act, 1938, as aforesaid, shall be entitled to payment under this Act of the pension appropriate to the number of units for which he shall have contributed as aforesaid, less an amount equivalent to the amount of the old age pension which has been granted to him as aforesaid.

The amendment sounds rather involved. When the Bill was drafted the effect of the National Insurance Act upon certain individuals was not fully appreciated. Upon ex-

examining that Act closely, we find that a person of the age of 63 years who contributes to the Superannuation Act cannot derive any benefit whatever. A person of the age of 63 who makes payments under the National Insurance Act must contribute until he is 65; similarly, a person of 60 years of age must contribute for five years before he can derive any benefit from the National Insurance Act. If he is 62 years of age, he must contribute until he is 67; if 63 years of age, he must contribute until he is 68. When over 63 years of age, he cannot obtain any benefit. We naturally desire to take advantage of the payments to be made under the National Insurance Act, as these will be made by the Commonwealth. We have no desire, however, that a person shall become disentitled to receive a pension; we do not want any person of advanced age to be denied the benefits of the Superannuation Act if he elects to make contributions as at the age of 30 years.

Hon. N. Keenan: Are not old-age pension rights preserved under Commonwealth legislation?

The PREMIER: Yes.

Hon. N. Keenan: A man becomes entitled to an old-age pension at 60 years of age.

The PREMIER: No; a man is entitled to the pension at the age of 65 and a woman at the age of 60. The Commonwealth Old Age and Invalid Pensions Act, however, applies only to indigent people.

Hon. C. G. Latham: Such people are not entitled to an old-age pension if they have an income of £45 a year.

The PREMIER: A man and his wife may each have an income of 12s. 6d. per week. Under the National Insurance Act, it does not matter whether people are indigent or not. A man contributing to the National Insurance Scheme would be entitled to his pension at the age of 65, even if then he were inheriting a fortune of £10,000, £20,000 or £30,000. He would still receive a pension of £1 a week from the Commonwealth Government. Under the present old-age pension scheme, however, he would get nothing. If members will look at the schedule to the Bill, they will find that a person at the age of 30 years must contribute 4s. 6d. per fortnight, but a man 60 years of age must pay £1 19s. 7d. per fortnight. The Bill as drafted provides that contributors over 30 years of age may take four

units as at the age of 30, but in the case of those coming under national insurance, two of those units are covered by that scheme. Everybody who is in the service now, no matter what his age, can take up the first four units at the cheap rate, that is, the age of 30, and if they require more units they have to pay at the rate for age. We desire to preserve the right of everybody to participate in the scheme and secure a pension. As the Bill is drafted, there would be an anomaly between those men whose ages range from 60 to 65 who come under the national insurance, and those who do not. Take two men both aged 62, one earning £370 a year and the other £360. The former would not come under national insurance and therefore could contribute for four units under the Superannuation Bill. He would receive four units of pension, amounting to £104, from the date of his retirement. The other man would come under national insurance for two units and would contribute to the superannuation fund for two. On retirement he would receive £52 from superannuation, but would not become entitled to his £52 from the old-age pension until he reached the age of 67. There are about 600 or 700 men between the ages of 60 and 65 and it is considered reasonable that all should be placed on the same footing. The amendment therefore makes the following provisions:—First, those who would be disentitled to receive an old-age pension at any period under the National Insurance Act are permitted to contribute for four units at the age of 30 in the same way as those who are not covered by national insurance; and, secondly, those who become entitled to the old-age pension at some date subsequent to retirement, that is, those between 60 and 63 years, are permitted to contribute for four units as at 30 years of age. Thus at 65 they will be entitled to four units of pension under superannuation. But it is also provided that two of those units shall cease to be paid and shall be replaced by the old-age pension when that falls due. The whole matter is rather involved. We are dealing with two Acts and two sets of individuals in different circumstances.

Amendment put and passed.

The PREMIER: I move an amendment—

That at the beginning of paragraph (a) of subclause (6) the words "subject to paragraph (c) of this subsection" be inserted.

Amendment put and passed.

Hon. C. G. LATHAM: I move an amendment—

That after the word "units" in paragraph (a) of subclause (6) the following words be inserted:—"And if at the date he becomes a contributor he is not less than fifty years of age and is in receipt of an annual salary exceeding two hundred and sixty pounds he may elect within such period of six months to contribute at the rate prescribed for the age of fifty years for one or two additional units provided that the total number of units contributed for under this paragraph by any employee entitled to contribute for additional units under this paragraph shall not exceed six units or the number of units prescribed for the salary group to which according to the scale contained in subsection (1) of this section he belongs, whichever is the lesser number of units."

A person may be a contributor for two or three or four units at the 30-years-of-age rate. He will be paying 4s. 6d. on the first two units and 3s. 11d. on the next two units. If he should be over 50 years of age I propose to allow him to contribute at the rate of 12s. 11d. per fortnight for an additional two units, or 2s. 5d. for an additional unit over the first two, provided he does not exceed the amount he is entitled to draw according to his salary. I know that the Government has attempted to be liberal in the provision for the older employees, but other schemes in Australia are even more liberal. In South Australia persons have been permitted to draw pensions although they have been out of the service for two years, and the Commonwealth provision is still more liberal. The Government should treat old public servants as generously as possible. I think the Premier said there are 90 old employees.

The Premier: No, 500 odd, including wages men.

Hon. C. G. LATHAM: Many of the latter will not insure.

The Premier: They will apply for the first two units.

Hon. C. G. LATHAM: They may, but unfortunately many will not reach 65 years of age. In those circumstances, the call upon the Treasury will not be so great. I hope the Premier will agree to my suggestion. If I understand the Bill correctly, a man who is 65 years of age, provided he is still in the service and has made one contribution, can continue his payments for 12 months, and then draw his pension.

The Premier: I think that is the position.

Hon. C. G. LATHAM: Some of these elderly public servants will retire at the end of this year, and I would like to do something for them.

The Premier: And also for those that retired last year and during the year before that.

Hon. C. G. LATHAM: No, I am not going so far as that, but if a man had one month to go before retirement, I think the Premier could be generous and extend the period of service for one month so that the employee could receive some benefit. We can afford to be generous, seeing that many privileges, such as compassionate allowances and retiring allowances will no longer be available. Men over 50 years of age will be called upon to pay a very high rate.

The Premier: £1 19s. 11d.

Hon. C. G. LATHAM: If a man were 61 years of age, he would have to pay £1 4s. 9d. a week.

The Premier: A fortnight.

Hon. C. G. LATHAM: No, he would have to pay £2 9s. 6d. a fortnight, and that is a very heavy contribution. I ask the Premier to be a little more liberal, and allow that elderly employee to have that benefit of 13s. 11d. per fortnight. That is the object of my amendment.

The CHAIRMAN: I must rule the amendment out of order, as it would mean, if agreed to, an additional financial burden on the State, and it is not competent for a private member to move such an amendment.

Hon. C. G. LATHAM: Do I understand this will be a charge against revenue?

The Premier: Yes.

Hon. C. G. LATHAM: I thought it would come from the contributions paid by the employees.

The Premier: No, we must make provision for the contributions, and we have set that out in a formula.

The CHAIRMAN: At any rate, the matter cannot be further debated, because I have ruled the amendment out of order.

The Premier: Of course, it would increase the cost of the scheme.

The CHAIRMAN: Mr. Watts has an amendment.

Mr. WATTS: I am reluctant to move the amendment standing in my name before I have your ruling, Mr. Chairman.

The CHAIRMAN: If the hon. member is successful with the first part of his amend-

ment, I shall not be able to allow him to insert the words he proposes.

Mr. WATTS: Then I shall not move the amendment.

Hon. C. G. Latham: No, it would be a waste of time, although I think the Chairman is wrong.

The PREMIER: No, you look at the formula. I move an amendment—

That at the end of subclause 6, the following new paragraph be added:—“(c) Where the employee is a contributor under the National Health and Pensions Insurance Act, 1938, of the Commonwealth, the number of units for which he may contribute at the age of thirty years under this subsection shall not exceed two. Provided that this paragraph shall not apply in the case of a contributor to whom the proviso to subsection (2) of this section applies.”

The amendment will give effect to the principle I discussed earlier, and will make it clear that employees who are also contributors to national insurance may contribute to only two units of superannuation, as at the age of 30, the other two cheap units being provided by national insurance. Provision is made that this shall not apply in those cases dealt with by the previous amendment.

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

New clause:

Hon. C. G. LATHAM: I move—

That a new clause be added as follows:—

“61. Where a contributor, who is unmarried or is a widower without children under the age of sixteen years, dies before retirement, the contributions made by him shall be paid to his personal representatives, or, failing them, to such persons (if any) as the Board determines.”

I do not think the Chairman will rule out of order this addition to the Bill. It has been taken from the Federal Act.

The Premier: Yes, it was left out of the Bill, and should have been included.

Hon. C. G. LATHAM: As the Premier indicates his agreement, I shall not proceed to discuss it.

New clause put and passed.

Schedules, Title—agreed to.

Bill reported with amendments, and the report adopted.

## BILL—STATE TRANSPORT CO-ORDINATION ACT AMENDMENT.

*In Committee.*

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

Clauses 1 to 3—agreed to.

Clause 4—Amendment of Section 33:

Hon. P. D. FERGUSON: I move an amendment—

That paragraph (a) be struck out.

Section 33 sets out that no licenses shall be necessary in respect of certain commercial goods vehicles and trailers or semi-trailers, and the First Schedule sets out the purposes for which license-free vehicles must be used. Paragraph (a) seeks to impose a restriction in that the clause refers to any of those purposes, whereas the amendment will mean that the license-free vehicle must be used for any one of those purposes. If the paragraph is agreed to, an injury will be done to country people.

The MINISTER FOR WORKS: I do not think this is a very important matter.

Hon. P. D. Ferguson: Then the paragraph should be deleted.

The MINISTER FOR WORKS: No, it should not, but the matter is not worth arguing about.

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

The MINISTER FOR WORKS: Let us understand what the deletion of this paragraph will mean. Section 33 reads—

No license shall be necessary under the preceding section in respect of any commercial goods vehicle or trailer or semi-trailer which . . . (c) is used solely for any of the purposes mentioned in the first schedule of this Act.

The purposes are set out in the schedule. There will be no difficulty about any man who has a right to the concession being able to carry on a commercial vehicle without a license any of the goods specified but it was never intended that the concession should apply to the whole range of goods. A man who produces milk or cream would not have the right to carry, say, wheat to the nearest station.

Hon. P. D. Ferguson: The man who produces cream, also produces wheat.

The MINISTER FOR WORKS: If he produces both commodities, he would be entitled to carry both.

Mr. Hill: What about me; can I carry cream and fruit?

The MINISTER FOR WORKS: Yes, fruit is included. But a man who has a concession does not automatically have the right to carry all the goods mentioned in the first schedule.

Amendment put and passed.

Hon. P. D. FERGUSON: I move an amendment—

That after the word "section" in line 6 of proposed new subsection 2 the words "not operating in the manner specified in paragraphs (a) or (b) of subsection 1 of this section" be inserted.

Amendment put and passed.

Mr. WATTS: I move an amendment—

That in lines 2 to 4 of paragraph (b) of proposed new subsection 2 the words "or is held as a partner in a limited partnership within the meaning of the Limited Partnership Act, 1909," be struck out.

While the clause proposes to allow a vehicle that is the subject of a bona fide partnership to be exempt from the necessity to be licensed, it proposes not to allow a partnership registered under the Limited Partnership Act, 1909, to be included. Very few limited partnerships have been registered and I do not see any reason why such a partnership, differing from an ordinary partnership, broadly speaking, only to the extent that the liability of the limited partner, should be limited to a certain amount specified in the agreement. The limited partner is not able to take an active part in the affairs of the partnership except to give advice, for if he takes an otherwise active part he becomes liable for all the liabilities of the partnership. In those circumstances, it seems to me that a partnership of that kind would be perfectly bona fide and I see no reason for excluding it.

The MINISTER FOR WORKS: I must vigorously resist this amendment. The Crown Law Department has endeavoured to frame a clause that will prohibit the operation of community trucks. This is the most important clause in the Bill. This is the information that I have received—

Those words (which the member proposes to delete) were inserted in the Bill solely with the object of restricting community truck operators. It is possible for a number of parties not exceeding 19 to enter into a limited partnership with the object of operating a community truck, but as any one of those parties

may consist of a number of members it would be a simple matter for a large number of persons to combine in the operation of a community truck service. Further, the same limited partnership could hold shares in the respective farms—nominal shares only to the extent of £1 each—and thus continue the services which the Bill seeks to control. It is true that similar action could be taken in connection with an ordinary partnership, but this is extremely unlikely as a partner would be averse to entering into a partnership in connection with another person's business and thus render himself liable for debts in the event of a financial failure of that business. The difference is that a limited partner, knowing that his liability is limited to £1, would have no objection to the course suggested. For that reason, I think that the inclusion of the words proposed to be deleted is of vital necessity to control community truck operators and that the two subclauses 2B and 2C should stand as printed.

We have set the Crown Law Department the difficult task of devising laws that will prohibit community trucks and at the same time maintain the right of a genuine producer to carry his goods without a license. There are 70 genuine farmers' co-operative companies throughout the State, and they have to pay for licenses.

Mr. Thorn: The trading companies are not producers.

The MINISTER FOR WORKS: They are genuine farmers' co-operative companies.

Hon. P. D. Ferguson: Storekeeping firms.

The MINISTER FOR WORKS: They are more genuine than the people with whom we are seeking to deal. They pay. The other people do not pay; they are dodging the law and obtaining a concession to which they are not entitled. The member for Katanning should be satisfied and the Solicitor-General will be satisfied if we provide that a license shall be necessary where there are more persons than three holding separate share interests in a vehicle, instead of more persons than one as provided in the clause. The board gives a fair deal to all genuine people, but has no time for sharp practice. I happen to know that producers themselves are anxious to be protected from these questionable business arrangements. If the clause is seriously amended the board will have no guarantee that it will possess the requisite powers. We should not interfere with the wording lest people find they are able to override the Act and perpetuate the practice the Bill seeks to stamp out. The Solicitor-General de-

clares that, as worded, the clause will provide all the machinery required, and my advice to the Opposition is not to monkey with it.

Mr. WATTS: I am not directing my remarks in any way at the officials of the Transport Board, nor am I commenting upon their administration. Paragraph (a) makes certain that the parties concerned must be interested in the truck, and so long as they are also interested in the business of production there can be no objection to any kind of partnership. I do not see how the Minister can object to one class of partnership and include the other.

Amendment put and negatived.

Hon. P. D. FERGUSON: I move an amendment—

That to paragraph (d) of proposed new subsection 2 the following proviso be added:—

Provided that any commercial goods vehicle which is owned in equal shares by persons not exceeding ten in number all of whom are *bona fide* carrying on business as primary producers and which is used for the purposes or any of the purposes of paragraphs three or four of the First Schedule shall be deemed to be excluded from the operation and effect of this subsection and no license shall be necessary under the last preceding section in respect of such vehicle while being used solely for the purposes or any of the purposes of such paragraphs.

This refers to a bona fide community truck owned and controlled by producers. Recently several bona fide producers combined to purchase a truck, and the board, in the endeavour to squelch their operations, prosecuted one of the partners. The producers, however, won the case. I believe they numbered six in all. My amendment provides for ten. Many producers in the area between Perth, Northam, Moora and Harvey, cannot as individuals afford to purchase a truck, and have combined to own one co-operatively. They produce comparatively little from their properties, but by using this means of transport they are better able to send their goods to market.

Mr. Withers: Must they have a truck?

Hon. P. D. FERGUSON: It would be wrong for one of these farmers to purchase a truck, but it is economical for half-a-dozen or more of them to do so, and thus send their goods to market in a cheaper manner.

Mr. THORN: I am anxious to assist the Minister to deal with bogus community trucks whose owners have been evading the

Act, but cannot see eye to eye with him in his remarks about co-operative stores. The stores are trading concerns, whereas the producers are interested only in what they grow. A truck means a lot to a struggling farmer. If the number is kept down too low it will be impossible for many settlers to enjoy the benefits of a community truck.

Mr. Withers: Who would take it out at the week-end for pleasure purposes?

Mr. THORN: The hon. member is trying to draw a red herring across the trail. When farmers at Toodyay were allowed to have a truck they were able to get first grade prices in Perth for their cream. As soon as it became necessary for them to rail the cream they received only second grade prices, and some of them went out of business. Probably "10" is too high a number, but the Minister might compromise with "six."

The Minister for Works: I will compromise to the extent of "three" only.

Mr. BOYLE: I support the amendment. It is quite possible for isolated communities to purchase trucks and ten is not an excessive number. I urge my colleague not to give way because this is not a point on which we can compromise. I sympathise with the Transport Board, but we can go too far. A Diesel truck would cost £1,000, including a 5-ton trailer, and that is a big financial outlay for a group of ten farmers. If the Minister persists in reducing the number to three, he will prevent success being attained by a bona fide combination of farmers in isolated areas where it would not pay a contractor to go out and do the work for them. The amendment provides that the truck must be owned in equal shares. The owners must be bona fide producers and only primary products can be carried to the siding. I hope the Minister who has proved himself reasonable in other respects will realise that isolated communities must receive some consideration. We on this side of the House are more in contact with those people than are members opposite. Anyway, what particular virtue is there in the number three suggested by the Minister?

The Minister for Works: Three is the limit.

Mr. Watts: No, the sky is the limit.

Mr. BOYLE: I repeat that the Minister should give consideration to groups of farmers who are isolated.

THE MINISTER FOR WORKS: This matter means many thousands of pounds to

the railways and that is of greater importance than the trucks. I can find no instance in Western Australia of ten farmers combining to purchase trucks, so I want to know where the member who submitted the amendment got his number from. Probably next year he will come along with a minimum of twenty. I would be quite agreeable to a partnership not exceeding three. I have consulted the chairman of the Transport Board and he is a gentleman with whom members opposite. I know, have no wish to fall out. I understand he treats them all well. While the number is, for instance, three, and four or five farmers desire to combine to purchase a truck, the board has discretionary power to exceed the limit of three. Thus, members will realise that the board will deal fairly with all applications. We must remember that this legislation is to be enforced against people who are attempting to dodge the Act, not the genuine man. The genuine man will always be treated fairly.

Hon. P. D. FERGUSON: The best interests of all will be served by making the number ten instead of three as the Minister suggested. We have had the point of view of the farmer and the legal aspect submitted by the Minister. I shall put before him another viewpoint. A few years ago the Minister in charge of the Bill controlled another department, that dealing with agriculture, and on more than one occasion I had the privilege of visiting certain parts of the State with him. I heard him repeatedly suggest to the farming community that in their own interests, and in the interests of the State as a whole, they should not waste their money and time and labour, but that they should concentrate on improving their holdings, because in those holdings lay their salvation. If the Minister is going to insist that not more than three farmers in outlying districts shall spend their money on the purchase of a truck, he will restrict the amount that farmers will have to spend on the development of their holdings. Instead of those farmers having between them two or three or more trucks, it would be better for them to purchase one truck, which would be capable of doing all their haulage operations and then spend the rest of their money on developing their holdings in a general way. If the Minister grants the concession, he will be assisting a deserving section of the community. Those people are providing nearly

all the trade for our railways at the present time, and are also spending their money in increasing their production.

Mr. SAMPSON: I am glad that the Minister acknowledges the principle of co-operative effort. Surely it is incompatible with the working of small holdings that only three small farmers at most can own a truck. In fact, a truck could not be economically owned by three small farmers.

The Minister for Mines: What number would you suggest?

Mr. SAMPSON: Ten.

Mr. Withers: Why not 20 or 30?

Mr. SAMPSON: My argument applies especially to the Northam district, where there are poultry farmers, vigneron and orchardists.

Mr. WATTS: I am surprised that the Minister does not accept the amendment, the ownership proposed in which is an equal one, something quite different from the community truck system. There is also the limitation that the owners must be bona fide primary producers. Lastly, the truck must be used only for the purposes stated in paragraphs 3 and 4 of the First Schedule to the principal Act. Ten represents a reasonable compromise.

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

Ayes	..	..	..	16
Noes	..	..	..	20

Majority against .. 4

#### AYES.

Mr. Boyle	Mr. Sampson
Mrs. Cardell-Oliver	Mr. Seward
Mr. Ferguson	Mr. Stubbs
Mr. Latham	Mr. Thorn
Mr. Mann	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. North	Mr. Doney

(Teller.)

#### NOES.

Mr. Coverley	Mr. Panton
Mr. Cross	Mr. Raphael
Mr. Doust	Mr. Rodoreda
Mr. Eawke	Mr. F. G. L. Smith
Miss Holman	Mr. Styants
Mr. Lambert	Mr. Tonkin
Mr. Marshall	Mr. Wilcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nulsen	Mr. Wilson

(Teller.)

#### PAIRS.

AYES.	NOES.
Mr. Keenan	Mr. Collier
Mr. Shearn	Mr. Fox
Mr. Patrick	Mr. Troy
Mr. Welsh	Mr. Leahy

Amendment thus negatived.

Hon. P. D. FERGUSON: I move an amendment—

That proposed Subsection (3) be struck out. The subsection refers to burden of proof.

The MINISTER FOR WORKS: I have already given the information I possess on this point. Legal proof frequently causes no end of trouble. If the driver of an exempt truck is questioned by an inspector, it is not asking too much that he should prove his right to exemption.

Hon. P. D. Ferguson: Should not the inspector have to prove that the driver has no right to exemption?

The MINISTER FOR WORKS: No undue hardship is imposed on the driver. It is very simple for a policeman to ask a man his name, and for the man to tell the policeman. It should be just as simple for a man to satisfy an inspector under this Act.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 5, 6—agreed to.

Clause 7—Amendment of Section 60:

Hon. P. D. FERGUSON: I am not in favour of the clause, and shall vote against it. I prefer the present provision in the parent Act.

Mr. MARSHALL: I shall also vote against the clause. It is a provision that provokes much discussion in this Chamber from time to time, because the onus is placed upon an accused person of proving his innocence. That is opposed to the fundamental principles of British justice.

The MINISTER FOR WORKS: The question is simple.

Mr. Marshall: It is the principle.

The MINISTER FOR WORKS: No hardship is thrown on a man to reply to a simple question. If this power is not given to the board, the board will be put to considerable expense in instituting prosecutions. The Committee must bear in mind that the man who is questioned is not answering a serious charge. A principle can be carried too far.

Hon. P. D. Ferguson: Why should not the prosecutor prove the man guilty?

The MINISTER FOR WORKS: A vehicle might be registered at a place hundreds of miles distant from Perth. The owner or the driver of the vehicle would not be subjected to any hardship whatever by answer-

ing the simple questions which the Bill is seeking to empower the board to ask through its inspector. If the clause is not passed, it will be impossible for the board to police the Act.

Mr. MARSHALL: The Minister is an expert at drawing a red herring across the trail. He has, however, omitted to draw attention to the first two lines of the clause. The board first institutes proceedings. Having done so, it calls upon the person charged to disprove the case which the board has built up. The board will have made its investigations and will have its evidence available. Then it simply says to the person charged, "Such and such is the case, you prove to the contrary." That is what I object to.

Mr. NEEDHAM: I agree with the interpretation placed upon this clause by the member for Murchison. To my mind, the sting is in the tail. I do not think the onus of proof should rest on the person charged. That is the effect of the clause.

The Minister for Justice interjected.

Mr. NEEDHAM: The Minister for Justice is helping us with his legal knowledge.

The Minister for Justice: We have some knowledge, even if it is not legal knowledge.

Mr. NEEDHAM: The prosecution will be in the Traffic Court, and a person must prove that he is not guilty. There is sound sense in the argument of the member for Murchison. The matter of guilt or innocence should be proved by the prosecution, and the Transport Board should prove its case right up to the hilt. Unless I hear something more on the subject, I shall feel inclined to vote against the clause.

The MINISTER FOR WORKS: Do members think it is a hardship to ask a person whether his vehicle is or is not exempt from the licensing provisions of the Act? He must prove that he is exempt. The board quotes an instance where it was necessary for an inspector to pay a special visit to the South-West, although the evidence was obvious at the outset.

Hon. C. G. Latham: And you would prefer that he should come to Perth to prove that he is an innocent man.

The MINISTER FOR WORKS: A man may come from a long distance, but he can prove that he is licensed. Members opposite want to make it impossible to prosecute either expensively or inexpensively the man

who is breaking the law. It is not asking much to insist on a person proving any of the things contained in the clause.

Mr. DOUST: Members would be making a mistake if they asked that any paragraph in the amending clause be withdrawn. Generally speaking the Transport Board knows perfectly well those people that are breaking the law, but before it can take action, particularly in some of the outback parts of the State, it will be necessary for an officer of the board to take someone with him. It is far better in the event of such offences for the alleged delinquent to prove that he is not guilty, and there should be no difficulty about his doing so. Members are asking for something that will cost a good deal more than they really imagine.

Hon. C. G. LATHAM: There is an axiom that every person is innocent until proved guilty and on that axiom justice was built. In all traffic prosecutions a police officer lays the charge, and invariably the court accepts his statement over that of anyone else. All that we will have to do in the future will be to embody in our Acts of Parliament that any person will be deemed to be guilty unless he proves himself otherwise. The Minister for Justice pointed out that a similar provision was in the Gold Stealing Act. That is no reason why we should include it in any other legislation. I hope members will tell the Minister that there is no intention to introduce this principle.

The Minister for Lands: Are you always consistent about that?

Hon. C. G. LATHAM: Yes, ever since I have been in this House, and for the past 18 years.

The Minister for Lands: A real watchdog.

Hon. C. G. LATHAM: Even you, Mr. Chairman, tried to catch me on a similar point once, but I happened to be wary. I have never supported the principle other than that every person is innocent until he is proved guilty.

The MINISTER FOR LANDS: The other evening we passed a Bill to provide for the regulation of prices of flour and certain other products of wheat sold in this State. That Bill included amongst its provisions one setting out that in any proceedings for an offence under one of the sections the onus of proving any facts necessary to show

that any substance was a substance or a sale of a substance to which the section did not apply should lie upon the defendant. The Leader of the Opposition did not object to the provision in that Bill, but now he indicates strenuous antagonism to the clause in the Bill before the Committee.

Hon. C. G. LATHAM: I admit that clauses have slipped through in Bills without my noticing them, but whenever I have been aware of them I have indicated my opposition.

The Minister for Lands: We discussed the Wheat Products (Prices Fixation) Bill.

Hon. C. G. LATHAM: I did not notice the clause to which the Minister has referred. I admit that I do not read every word that appears in some Bills. There are eight Ministers but only one Leader of the Opposition. The fact that a somewhat similar provision was allowed to pass in one Bill does not make it right for the Committee to accept such a clause in another measure.

Mr. NEEDHAM: While I have no objection to the main principle embodied in the clause, I am distinctly opposed to the concluding words which read, "shall be deemed to be proved in the absence of evidence to the contrary."

Mr. Doust: Those words are in the original Act.

Mr. Seward: That does not make them any better.

Mr. NEEDHAM: I admit the necessity for specifying certain charges but the onus of proof should remain with the prosecution and not be placed upon the person charged. To test the feeling of the Committee, I move an amendment—

That in lines 26 and 27 the words "shall be deemed to be proved in the absence of evidence to the contrary" be struck out.

Hon. P. D. Ferguson: What words will you substitute?

Mr. NEEDHAM: I will leave that to the Minister.

The MINISTER FOR WORKS: I suggest to members that they kill the Bill decently if they intend doing so; they should not make the clause ridiculous.

Mr. Needham: The Minister can move to insert other words.

The MINISTER FOR WORKS: One would think that some desperate offence was involved. If the claim is made that a vehicle is not licensed, the owner is merely asked to show that it is licensed. That is just an

ordinary routine matter. A policeman could secure in 10 minutes all the information necessary under all the headings mentioned in the clause. The information sought is necessary, and that it be supplied is not asking too much. Even if the power sought is not agreed to, we could manage to get on without it, but prosecutions may not be launched. Members should realise that a prosecution for a trivial offence, for which the fine would be about 10s., might involve costs of upwards of £30. That shows how lopsided is the present position.

Mr. MARSHALL: If the clause be agreed to, does the Minister anticipate a reduction in the cost of prosecutions?

The Minister for Works: Yes, a very considerable reduction.

Mr. MARSHALL: Where will those costs arise? As a matter of fact, they do not enter into the argument at all. If charges are laid, the parties concerned must appear in court. Obviously, costs will be incurred, irrespective of whether the clause is agreed to or defeated. The issue involved is not a mere matter of asking a man some questions and depending upon his replies. If that were so, no costs whatever would be involved. If action has been taken in the past, how did the authorities get the required information? The Minister has indicated that the defeat of the clause will make no difference. Inspectors get the necessary information now.

Hon. P. D. Ferguson: Every station-master is an inspector under the Act.

Mr. MARSHALL: And nearly every policeman. Action has been taken in the past, without the advantage of this clause. Why would those officials refuse to take action if the clause is defeated, as the Minister suggested? To require a man who is charged with an offence to prove his innocence is positively wrong in principle. I can remember how, when the Labour Party sat in Opposition and the Gold Buyers Bill was introduced by the late Mr. Scaddan, every Opposition member fought against this principle tooth and nail. British fair play and justice demand opposition to its inclusion in the Bill now under consideration.

Mr. NEEDHAM: The Bill is inconsistent in that, under Clause 4, a person claiming exemption from the necessity to license his vehicle has to accept the responsibility of proof, whereas under the clause now being considered the Transport Board

that is responsible for a charge, is not required to prove its case.

Hon. P. D. Ferguson: In the first instance a license is the issue.

Mr. NEEDHAM: I agree, but there is the inconsistency to which I have drawn attention. The member for Nelson suggests that the necessity for an accused person to prove his innocence is set forth in the principal Act, but we are repealing that portion of the principal Act. That is indicated at the beginning of this clause. The member for Irwin-Moore asked whether I could suggest something in lieu of the words I have moved to strike out. I suggest that these words be inserted: "and, if proved, is guilty of an offence." That would mean that the Transport Board would have to prove the charge.

Mr. STYANTS: There is nothing very ambiguous about the point at issue. It appears that the House has to decide whether it will introduce legislation that will compel a defendant to prove himself innocent or whether the prosecutor should be required to prove him guilty. Members of the Opposition are somewhat inconsistent because two measures at least were introduced by Governments of their political faith that contain the objectionable principle that a man has to prove himself innocent, and that otherwise he is regarded as being guilty.

Hon. P. D. Ferguson: Most of us were not here when those measures were carried.

Mr. STYANTS: Members opposite always try to absolve themselves from blame by saying they were not here. I remember that when I went to Sunday school I was taught that the sins of the father were visited on the children to the third and fourth generation.

Mr. Watts: I looked this matter up last year, you will recollect.

Mr. STYANTS: We have not yet arrived at the third or fourth generation, so members opposite will have to accept the blame.

Hon. P. D. Ferguson: God help your grandsons!

Mr. STYANTS: When it is a question of farmers being charged with transporting certain goods without having a license to do so, members opposite are very concerned, but they are not so worried about the poor goldminer, found with a pennyweight of gold in his possession, being required to

prove that he came by it legally, or about the lumper having to prove that he is legally entitled to goods found in his possession. No great concern has been exhibited for those men, but there is much for farmers.

Mr. Seward: This measure does not deal only with farmers.

Mr. STYANTS: The chickens are coming home to roost to members of the Opposition. They have allowed measures to slip through, or they have deliberately enacted measures providing that certain persons shall be regarded as guilty unless they are able to prove themselves innocent. For the Government to have a provision of this description might be convenient, but it would be very unjust to the accused person. I therefore do not propose to support the principle.

The MINISTER FOR LANDS: There is a good deal of confusion about this clause. It is not a question of a man having to prove himself innocent; it is a question of his having to prove certain facts, just as, for instance, I might be required to prove that this is my coat, or this is my book. The clause sets out the facts that have to be proved. A similar provision was included in the S.P. betting Bill introduced by the member for Murchison last year.

Mr. Rodoreda: That does not justify its inclusion in this Bill.

The MINISTER FOR LANDS: I do not say it does. I am pointing out that it was in the hon. member's Bill, and perhaps that fact escaped his notice.

Mr. Marshall: No, it did not.

The MINISTER FOR LANDS: Clause 18 of that Bill read as follows:—

If any person under twenty-one years of age, or who is under the influence of or visibly affected by intoxicating liquor, is in or upon any premises registered under this Act whilst the premises are open to the public for the purpose of betting, the person in charge of those premises shall be guilty of an offence, unless he shows that he could not, by the exercise of all reasonable precautions, have prevented such person from entering those premises.

The individual concerned was thus deemed to be guilty of an offence unless he could prove certain facts. I think the clause was perfectly reasonable. The provision in this Bill does not say that a man is guilty, but calls upon him to prove certain facts that are within his knowledge. Last year I indicated that 90 per cent. of our legislation contains a similar provision. The Wheat

Products (Prices Fixation) Bill passed the House without a solitary amendment, but a provision of this kind is included, and such a provision is included in every wheat products Bill in Australia.

Mr. Marshall: I opposed that Bill, too.

The MINISTER FOR LANDS: Not this particular provision.

Mr. Marshall: I opposed the Bill generally.

The MINISTER FOR LANDS: The provision is in every piece of home consumption legislation. Without it that legislation would be of no value whatever.

Hon. C. G. Latham: Tell me whether you could prove that you own that watch chain you are wearing.

The MINISTER FOR LANDS: Yes.

Hon. C. G. Latham: How?

The MINISTER FOR LANDS: From my head.

Hon. C. G. Latham: That would not satisfy a magistrate.

The MINISTER FOR LANDS: Nobody else could say that he owned that watch or chain.

Hon. C. G. Latham: Under a provision such as is contained in the clause you would have to prove that you owned it.

The MINISTER FOR LANDS: I am satisfied I could prove it is mine.

Hon. C. G. Latham: How could you prove it?

The MINISTER FOR LANDS: No one can prove to the contrary.

Hon. C. G. Latham: Suppose you had to prove ownership?

The MINISTER FOR LANDS: If any person had the temerity to claim this chain I would have to prove I was the owner. Any court would take my word for that.

The Minister for Works: And the man who took the chain would be guilty of an offence.

The MINISTER FOR LANDS: There is nothing wrong with the clause. All that the individual would have to prove would be certain facts and nothing else. Members are slightly confused on the point.

The Minister for Works: It is a simple questionnaire.

The MINISTER FOR LANDS: Eighty per cent. of the legislation passed by the party opposite contained a similar provision.

Mr. MARSHALL: If anyone is confused about this clause it is the Minister for Lands.

Imagine that hon. gentleman being asked suddenly to prove that he owns the suit of clothes he is wearing! Picture his indignation, haughtiness and resentment!

The Minister for Employment: He would prove ownership by an appeal to physical force.

Mr. MARSHALL: It is not merely a matter of proving facts. The clause does not ask anyone to prove facts. It declares that a certain person at a given time has committed a breach of the Act.

The Minister for Works: No.

Mr. MARSHALL: If he has done no wrong, why prosecute him?

Mr. Needham: Then the clause would not be necessary.

Mr. MARSHALL: On the mere declaration contained in a summons a man can be prosecuted and be held liable for costs. By inserting a section similar to this in the Criminal Code we could materially cut down the cost of administering one portion of our laws. The police would merely have to make a declaration in a summons that someone had committed a murder and that person would have to prove his innocence of the crime. That would be a violation of fair play and justice. I admit that a clause similar to this was contained in a measure introduced by me. It was inserted by the Parliamentary Draftsman. I told him that it could not be retained. I added two or three new clauses, and said that with these alterations the Bill could be printed. To my amazement, when the Bill came down, it contained that particular clause.

Amendment put and passed.

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

Ayes	..	..	..	13
Noes	..	..	..	23
Majority against	..	..	..	10

AYES.	
Mr. Coverley	Mr. Panton
Mr. Cross	Mr. F. C. L. Smith
Mr. Doust	Mr. Troy
Mr. Hawke	Mr. Willcock
Mr. Hegney	Mr. Withers
Mr. Millington	Mr. Wilson
Mr. Nutsen	

(Teller.)

NOES.	
Mr. Boyle	Mr. Patrick
Mrs. Cardell-Oliver	Mr. Raphael
Mr. Ferguson	Mr. Rodoreda
Mr. Hill	Mr. Sampson
Mr. Lambert	Mr. Seward
Mr. Latham	Mr. Styants
Mr. Mann	Mr. Thorn
Mr. Marshall	Mr. Warner
Mr. McDonald	Mr. Watts
Mr. McLarty	Mr. Willmott
Mr. Needham	Mr. Doney
Mr. North	

(Teller.)

Clause thus negatived.

Clause 8—agreed to.

Clause 9—Amendment of First Schedule, repeal, and new schedule:

Mr. SAMPSON: I move an amendment—

That after the word "vegetables" in line 2 of paragraph 3 of the First Schedule the word "honey" be inserted.

I am anxious that honey producers should be able to do their packing and blending in the country, and should not be placed at a disadvantage compared with those who do that work in the city. Apiarists not only have to cope with the Act that has excluded their products from transport by road, but to compete with honey dumped from South Australia.

The MINISTER FOR WORKS: I oppose the amendment. The Transport Board has given every facility to honey producers to take their honey to the factory. If the produce is bottled, it is no longer a perishable commodity. There is no need for the inclusion of the word.

Mr. SAMPSON: I have already quoted the London "Grocer" to prove that honey is a perishable article.

The Minister for Works: I will defy you to produce the authority.

Mr. SAMPSON: I will quote the extract from "Hansard" to show that honey is a perishable product.

The Minister for Works: We will not accept that as evidence.

Mr. SAMPSON: The beekeeping industry is developing and I want to see some consideration given to it. We should also encourage decentralisation—carting, blending and packing in the country, and to do that, honey must be included in the schedule.

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

Ayes	..	..	..	18
Noes	..	..	..	19
Majority against	..	..	..	1

AYES.	
Mr. Boyle	Mr. North
Mrs. Cardell-Oliver	Mr. Patrick
Mr. Doust	Mr. Sampson
Mr. Ferguson	Mr. Seward
Mr. Hill	Mr. Thorn
Mr. Latham	Mr. Warner
Mr. Mann	Mr. Watts
Mr. McDonald	Mr. Willmott
Mr. McLarty	Mr. Doney

(Teller.)

NOES.	
Mr. Coverley	Mr. Raphael
Mr. Cross	Mr. Rodoreda
Mr. Hawke	Mr. F. C. L. Smith
Mr. Hegney	Mr. Styants
Mr. Lambert	Mr. Troy
Mr. Marshall	Mr. Willcock
Mr. Millington	Mr. Wise
Mr. Needham	Mr. Withers
Mr. Nelsen	Mr. Wilson
Mr. Panton	(Teller.)

AYES.	PAIRS.	NOES.
Mr. Keenan		Mr. Collier
Mr. Welsh		Miss Holman
Mr. Stubbs		Mr. Tonkin
Mr. Shearn		Mr. Fox

Amendment thus negatived.

Hon. P. D. FERGUSON: I move an amendment—

That in line 3 of paragraph 3 of the schedule the word "wheat" be struck out.

When the parent Act was before us there was a discussion over this matter and it was eventually decided that "wheat" should be inserted. The position to-day, however, is not as it was then. There are many people growing wheat who are not doing so to-day, but who are confining their attention to growing other cereals such as oats, barley and rye. Many farmers are not growing wheat at all, but when they come to the city they want to take back commodities for carrying on their farming operations and for use in their homes. They will be prevented from doing so by the paragraph as it stands.

The MINISTER FOR WORKS: It would be dangerous to strike out the word "wheat." I would not, however, object to the word "oats" being inserted.

Hon. C. G. Latham: And "barley"?

The MINISTER FOR WORKS: No.

Hon. C. G. Latham: Barley is sent to the brewery.

The MINISTER FOR WORKS: And the brewery can afford to pay for it.

Hon. P. D. FERGUSON: With the permission of the House I will withdraw my amendment and will move another on the lines suggested by the Minister.

Amendment, by leave, withdrawn.

Hon. P. D. FERGUSON: I move an amendment—

That in line 3 of paragraph 3 after the word "wheat" the words "or oats" be inserted.

Amendment put and passed.

Hon. P. D. FERGUSON: I move an amendment—

That in lines 8 to 10 of paragraph 3 the words "not exceeding in gross weight the gross weight of the commodities carried on the outward journey" be struck out.

The paragraph is similar to the paragraph in the existing Act except that the words I suggest be struck out have been added. It is not a fair thing to expect an owner of a truck to cart back from the city exactly the same weight of commodities as he brings in from his farm. The farmer cannot always tell the weight of the load that he intends to bring in nor the weight of the commodities he proposes to take back. There cannot be any possible advantage to the Transport Board by including the words, since, in the past, the board has not raised any objection to farmers taking back commodities required by them on their properties, and for the carrying on of operations. Where is the wisdom in stipulating that a farmer cannot take back more than he brings in?

The MINISTER FOR WORKS: It was never intended to give unrestricted rights to cart back big loads to the farm, and the only way in which it has been possible to draft a reasonable provision has been to say that a farmer shall take back the same weight of load that he has brought in. The matter was argued out here by Mr. Lindsay, and this distinct concession was arrived at.

Hon. P. D. Ferguson: The present is not the time to withdraw any help the primary producer has been given here.

The MINISTER FOR WORKS: In some cases he is taking undue advantage. This is one of the matters concerning which the Transport Board complains most bitterly. A reasonable load must be brought to Perth before the truck owner has the right to carry back-loading. We must remember that the truck does not pay a license fee.

Mr. Thorn: Why not state the minimum load to be brought down?

The MINISTER FOR WORKS: The word "reasonable" might be inserted, but that word is capable of a wide range of interpretations. The Act has been rendered ridiculous, and must be tightened up.

Mr. SEWARD: How is the Minister going to police the loads carried by trucks in order to determine whether they are entitled to take back-loading? The farmers now load their trucks fairly well with oats, which formerly they could not do. To insist that a farmer must not take back more than he brings down is to demand something impracticable. A fair load is put on if only to keep the truck steady. The oil companies are largely dealing with oil transport. The farmer who buys his oil in Perth still has

to pay the country price. A load of wire netting would weigh more than a load of wheat. On the western side of my electorate the farmer can bring down a load of wool, which is no great weight.

Mr. THORN: I suggest that a minimum be prescribed. How is every farmer driving a truck to be checked as to the weight he brings down? A minimum load would be an effective check.

Amendment put and negatived.

Hon. P. D. FERGUSON: I move an amendment—

That in paragraph 5 the word "one" be struck out.

The paragraph reads—

The carriage of ore from mines and mining requisites within any one prescribed mining district.

At present a truck owner is not restricted to carting ore within one district, but can cart it from one mining district to another, just beyond the boundary of which a battery might be located. Again, a mine owner with a truck might have shows in more districts than one.

The MINISTER FOR WORKS: The Transport Board has issued licenses for the carriage of ore and mining requisites. It is not reasonable to allow users of the exemption to range over the whole of the mining fields engaging in transport between such places as Southern Cross and Kalgoorlie, or Wiluna and Meekatharra, which are served by railways. I discussed with mining representatives the carting of ore from one mining district to another. In carting ore from the mine to the battery—

Hon. P. D. Ferguson: There is a battery half way between Kalgoorlie and Coolgardie.

The MINISTER FOR WORKS: In such circumstances there would be no difficulty; the Transport Board would issue a permit. The object of the paragraph is to protect the railways from unfair competition.

Mr. MARSHALL: I doubt whether the Minister has been correctly informed regarding Meekatharra and Wiluna. Meekatharra is in the Murchison goldfields district and Wiluna in the East Murchison district. The only mines in the hundred odd miles between are the Diorite on the west of Wiluna and the Mistletoe 33 miles on the east side of Meekatharra. No pros-

pectors' ore can be carted there, because no prospectors are in the district. If there has been any unfair competition with the Railway Department, I shall certainly vote for the Bill as it stands. There is a battery situated at Mt. Sir Samuel, and prospecting is being carried on a few miles further on in the Mt. Margaret goldfields district. The ore is sent from there to the Mt. Sir Samuel battery, which is situated in the East Murchison goldfields. There is no competition with the railways there. However, I feel inclined to support the clause as it stands, and I hope the member for Irwin-Moore will not insist upon his amendment.

Amendment put and negatived.

Clause put and passed.

Mr. WATTS: I move an amendment—

That in line 10 of paragraph 11 the word "and" be struck out, and the word "or" inserted in lieu.

Unless this amendment is carried, the exemption for feeder services within a radius of 35 miles will be cut out. I do not think that is the Minister's intention. By inserting the word "or" we shall have two exemptions, one where there is a transport rate and the other where the existing radius of 35 miles will continue.

The MINISTER FOR WORKS: The member for Katanning has misinterpreted the paragraph. A person claiming exemption would have to comply with two conditions. Firstly, he must not operate within a radius of 35 miles of a railway station; and, secondly, he must not operate along a road in an area where the Transport Board has called tenders for the establishment of a service; that is to say, the exemption would apply anywhere in the State except where a service had been established. If the word "or" were inserted, the exemption would apply to a vehicle operating within 35 miles of a station, whether there was an established service or not. It would permit an operator to convey goods anywhere in the State, from Perth to Kalgoorlie, for example, so long as he did not operate where there was an established service. Established services must be protected, because they cannot operate at the price they charge under their tender unless they have a monopoly. That is how the services in the lake country came to be established.

Mr. WATTS: In view of the Minister's explanation, I ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause, as previously amended, put and passed.

Clause 10, Title—agreed to.

Bill reported with amendments and the report adopted.

## **BILL—MCNESS HOUSING TRUST ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 30th November.

HON. C. G. LATHAM (York) [10.23]: I propose not to offer any objection to this Bill. It is indeed wonderful to have had a citizen who was prepared to make available so large a sum of money to provide homes for indigent and necessitous persons. I think it inadvisable that this money should be allowed to lie in a trust account. The best way in which we can recognise the generosity of the late Sir Charles McNess is to expend the money on homes for the class of people I have mentioned. I make an appeal to the Government not to allow the money to remain locked up for a lengthy period. There are many necessitous persons in the State who could be provided with a home. I refer to the mothers and children mentioned by the Premier when he introduced the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time, and transmitted to the Council.

## **BILL—FRIENDLY SOCIETIES ACT AMENDMENT.**

*Second Reading.*

THE MINISTER FOR JUSTICE (Hon. F. C. L. Smith—Brown Hill-Ivanhoe) [10.27] in moving the second reading said: This Bill comes to the Chamber from another place. The amendment of the Act that has

been brought forward is a result of the enactment of the National Health legislation by the Commonwealth Parliament. That enactment, as members are aware, contemplates the establishment of approved societies, and that friendly societies will take a leading part in the administration of health benefits under the National Insurance Act. The friendly societies have naturally taken steps to form approved societies. In order to conserve their present as well as their future position, the Bill provides that they shall have power to take action to promote approved societies in accordance with the requirements of the National Insurance Act. The Bill also proposes to validate and ratify past transactions into which the friendly societies have entered regarding the promotion and establishment of approved societies. This provision is essential; because, at present, neither under the Friendly Societies Act nor under their rules have the societies power to deal with such matters as they must deal with when forming approved societies. They have already undertaken the formation of such societies and have incurred some expenditure in relation to them. The Bill authorises any registered society to expend such funds as are necessary for the purpose of establishing the approved societies subject to the consent of the registrar, and the registrar advises, and rightly too, that there is no doubt that the expenditure these friendly societies have already incurred will ultimately be reimbursed to them by the National Insurance Commission. It is also desired to insert a new section in the Act which will enable the societies to submit schemes to the registrar to deal with any reserves liberated because of national insurance. On account of the national insurance undertaking certain health benefits and making provision for some measure of insurance in connection with them, it is most probable, in fact it is practically certain, that friendly societies will lose some of their members in respect of a certain measure of the benefits that are now provided; consequently that will have the effect of liberating a certain fund because the societies will be absolved in consequence of the liability in connection with those funds and in respect of the particular insurance that the national insurance will give such members in the future.

At the present time it is not known to what extent members will leave friendly

societies because of their inability to keep up the membership as well as the contributions of the approved societies. It is known that those members at present receiving medical benefits under the present friendly societies' operations and who will as a result of national insurance receive those same benefits from the national insurance, will retire from the friendly societies so far as those particular benefits are concerned; but in respect to sick pay there will be many members of the friendly societies who will still retain their membership to secure sick benefits that they get as a result of their contributions, and receive in addition the sick benefits under the National Insurance Scheme. At the same time it is obvious that the National Insurance Scheme which is providing sick benefits in the shape of sick pay as well as medical benefits will result in some loss of members to the societies, and if a considerable number of existing members leave, then substantial reserves will be liberated. It is only right and proper that members resigning in those circumstances should have their interests protected and should have something in the nature of a surrender value in connection with their membership. So the Bill provides that each registered society providing benefits to its members and which are duplicated wholly or in part by benefits provided by an approved society, shall draw up a scheme for the necessary adjustment upon the withdrawal of members eligible under the National Insurance Scheme. To prepare such a scheme some time will be necessary and in the Bill there is provision under which friendly societies will have to present to the registrar a scheme along the lines named not later than the 31st July, 1939. Where a registered society fails to incorporate the scheme of adjustment in its rules before that date, the members concerned will have the right before December, 1941, to surrender certain benefits and deduct from their contributions such amount as may be considered by the registrar to be equitable. An amendment is proposed in respect to Section 11 which deals with the rules of a friendly society. Under the National Health and Pensions Insurance Act members will be covered for medical benefits, but not their wives and children, and so the amendment will enable the rules of the friendly societies to be so altered that the

medical benefits can be arranged for the families not provided for under the National scheme. The remaining provisions of the Bill are mostly of a machinery nature. For example, we provide that a committee of management of a registered society shall have power to make any necessary amendments to the rules for the purpose of the National Insurance Scheme subject, of course, to the approval of the Registrar. At present a friendly society can amend its rules only by resolutions carried at either the annual or biennial congress. Some of the congresses are held triennially and that machinery is much too unwieldy for the necessary alterations of the rules permitting of the conduct of the approved societies. Thus if any amendments to the rules are necessary and general meetings have already been held, and further meetings are not likely to be held for a year or more, some societies would be placed in a difficult position. The Bill will permit of the controlling body of these organisations to make the necessary amendments to the rules for the conduct of the approved societies. The other provisions of the Bill are merely explanatory and there is no need to detain the House on their account. Most members have some knowledge of the provisions of the National Insurance Scheme and some knowledge also of the nature of the approved societies, and they will realise that in the conduct of them by friendly societies we shall set up a position in which we will have operating side by side the registered society and the approved society. The amendments in the Bill are very necessary to implement the provisions of the National Insurance and Pensions Act, and to make it possible for the friendly societies to conduct and promote, as I have already said, the approved society. It is desirable that this legislation should be passed. It cannot possibly do any harm to pass it; it will remove all doubt. The Government Actuary in this State has given the matter careful consideration. He has been responsible not exactly for the drafting of the Bill, but for its provisions, and the suggestions that have been embodied in it.

Hon. C. G. Latham: He is the Registrar of Friendly Societies.

The MINISTER FOR JUSTICE: Yes, and after having given consideration to the

Friendly Societies Act and the National Insurance and Pensions Act, he came to the conclusion that it was desirable to have this legislation. I move—

That the Bill be now read a second time.

On motion by Mr. Sampson, debate adjourned.

## BILL—MAIN ROADS ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 1st December.

**MR. DONEY** (Williams - Narrogin) [10.40]: I can find nothing to object to in this small Bill. Its object is to give authority to the Main Roads Board to construct by-passes or gates in the fences that cross main or developmental roads and it will also enable the Commissioner of Main Roads to carry out the duties that have been imposed upon him by the Bill recently passed to amend the Road Districts Act. There are quite a number of by-passes already in existence, mainly in the pastoral and grazing areas, and but for the authority and the safeguards imposed by the Bill there would be a liability on the Main Roads Board or the local road board, or even a town council in the event of an accident arising from the use of the by-passes. With the passing of the Bill that liability will cease. Without the Bill the authorities concerned would have no defence whatever. Naturally the Main Roads Board, the ordinary road boards and town councils want the Bill. Those who voted for the Road Districts Act Amendment Bill will, by the same token, support this Bill. Otherwise the Road Districts Act Amendment Bill will be a dead letter.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## ADJOURNMENT—SPECIAL.

**THE MINISTER FOR LANDS** (Hon. M. F. Troy—Mt. Magnet) [10.47]: I move—

That the House at its rising adjourns till 7.30 p.m. to-morrow.

Question put and passed.

*House adjourned at 10.48 p.m.*

## Legislative Council.

*Thursday, 8th December, 1938.*

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State Transport Co-ordination Act Amendment, 1r.	2855
Income Tax Assessment Act Amendment (No. 2), 2r., defeated	2855
Income Tax (Rates for Deduction), 2r., defeated	2850
Workers' Compensation Act Amendment, Assembly's Message	2852
Workers' Homes Act Amendment, Assembly's Message	2855
Marketing of Eggs, recom., Com. report	2856
Resolution: State Forests, to revoke dedication	2851

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

## QUESTION—NATIVE AFFAIRS.

*Correspondence, Mrs. Alice Nannup.*

Hon. E. H. H. HALL asked the Chief Secretary: Will he lay on the Table all correspondence between Mrs. Alice Nannup (nee Bassett) and the Department of Native Affairs?

The CHIEF SECRETARY replied: Yes.