

# Legislative Council,

Tuesday, 14th November, 1939.

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

## QUESTION—GOVERNMENT MOTOR VEHICLES.

*As to Cost, Traffic Fees, etc.*

Hon. A. THOMSON asked the Chief Secretary:—1, What are the names and types of vehicles supplied to each Government department? 2, What is the total cost of such motor vehicles? 3, What, if any, is the total amount paid by way of traffic fees on the said vehicles? 4, What was the value or the parts, including bodies, that were manufactured in this State?

The HONORARY MINISTER (for the Chief Secretary) replied: As considerable time and some delay is necessarily involved in compiling this information, it would be appreciated if the hon. member would move for it by way of a return.

## QUESTION—PUBLIC BUILDINGS.

*Committees' Reports on Proposed Sites.*

Hon. C. F. BAXTER asked the Chief Secretary: Will the Government lay on the Table of the House the reports of the two committees appointed at different times to inquire and report on the proposed sites for the erection of public buildings; also the proposed sites submitted for their consideration?

The HONORARY MINISTER (for the Chief Secretary) replied: In reply to the hon. member, I lay on the Table the following papers:—

New Government Offices—Report of Departmental Public Buildings Committee.

State Government Offices—Selection of site: Report of special committee.

## MOTION—TROLLEY BUSES.

*Proposed Barn on the Esplanade.*

HON. L. B. BOLTON (Metropolitan)  
[4.34]: I move—

That as the reply by the Chief Secretary to a question regarding the erection of a trolley bus barn on the Esplanade indicated that the Government had such under consideration, this House emphatically protests against the use of this site for such a purpose.

Just to refresh the minds of members I shall quote the question I asked the Chief Secretary on Wednesday last, together with the Minister's answer.

Is it the intention of the Government to build a trolley bus barn on the Esplanade site between William and Mill-streets, south of Bazaar-terrace, and the water's edge?

The Chief Secretary replied—

The matter is under consideration, but no decision has yet been arrived at.

If I were a preacher and required a text, the text I would use is, "The matter is under consideration". I shall endeavour to convince the House that such a matter should not receive one minute's consideration from this or any other Government. For many years the City Council has striven to obtain control of the foreshore in order to develop and beautify it in a manner appropriate to the frontage of this picturesquely-situated capital city. To try to prevent certain disfigurements suggested by the Government, I, as one of the representatives of the Metropolitan Province, have moved this motion of emphatic protest. Recently the Government remained quite unmoved by public opinion against the erection of unsightly trolley bus poles and wires in St. George's-terrace and Mount's Bay-road. If I can, as I hope to do, convince a majority of members of the House to support my motion, surely the Government in this instance will lend a sympathetic ear and not proceed with the erection of a bus barn on the Esplanade site.

To erect a barn there would be to create a disfigurement right in the heart of the beautification scheme that has been so successfully carried out by the City Council. To me it is an absolute delight, as it must be to other members, to have the opportunity to convey visitors from Fremantle to the city, visitors who are here for only a brief period. After traversing Stirling Highway, which in itself is a thoroughfare to be proud

of, and after passing the wonderful block of University buildings, visitors from every part of the world marvel at the beauty of our city. Is it to be wondered that we are extremely proud of the beautification work that has been carried out? As my motion principally deals with the suggested erection of a trolley bus barn on the Esplanade between Crawley and the Causeway, I do not wish to waste the time of the House by referring to other parts, but I am sure that you, Sir, and members generally are proud of Perth, the city beautiful. The marked improvement has been achieved only in the last few years. Six or seven years have elapsed since the City Council first endeavoured to secure control of the foreshore in order to undertake the developing and beautifying work that is such a feature of the city today. The first major advance in this direction was taken about seven years ago; and I ask hon. members to bear with me a little, while, in the interests of the House, I, so to speak, reconstruct the position which has arisen between the City Council and the Government. My desire is to point out to hon. members who may not be thoroughly conversant with the subject how the matter stands to-day, and to show them how the City Council in every instance has fulfilled its obligations but how, on the other hand, the Government is attempting to shirk its responsibilities and to do something which is not included in the arrangement between the City Council and the Government. The widening of Mount's Bay-road has completely transformed the main entrance to the city from Fremantle. That work was commenced in 1932 by the widening of the two narrow sections at the Swan Brewery and the Crawley Baths. The work was continued by the construction of a new river wall and a deposit of filling from the King's Park cliff, so as to provide a minimum width of 80 feet for the full length of the road from the Narrows to Crawley. It is interesting to note the cost of these various works. That is to say, the cost to the rate-payers of the City of Perth—not the cost to the Government. I desire to quote, as I go along, the cost of the various sections of the work. That which I have already mentioned, the widening of Mount's Bay-road and the improvements between the two points, cost £34,275 6s. 9d., to which has to

be added the cost of constructing steps and a railing at Point Lewis, amounting to £39 10s., and maintenance of the retaining wall on Mount's Bay-road, amounting to £701 8s. 7d.; or a grand total for that section of £35,055 5s. 4d. The effect of this improvement has been considerably enhanced by the planting of strips of land between the various widths and between the road and the river wall with grass and clumps of trees at intervals. I have what probably every other member of the Chamber has, the Year Book of the City of Perth; and to those members who have not found leisure to peruse the volume I would say that if they will only look at the picture of the area with which my motion is concerned, they will see the beauty of Mount's Bay-road as it is to-day; but unfortunately they will also see, in the distance, certain unsightly sheds which naturally are also the subject of my motion. Hon. members will then realise what it would mean to the beauty of our city if the Government's suggestion to build an unsightly trolley bus barn were put into effect. I commend the illustration in question to the attention of hon. members. The Riverside Drive as an approach to the city is unequalled in Australia. There is no fear of contradiction in that direction. No other city within my knowledge has so beautiful an approach as the City of Perth enjoys. Originally it had been suggested that the Government and the City Council should share the cost of the scheme: but the negotiations fell through, and eventually the City Council carried out the whole of the work at the sole expense of the city.

Hon. J. T. Franklin: Although it is a main road.

Hon. L. B. BOLTON: It is a main road. In point of fact, when I first came to Western Australia it was the only road from Fremantle to the city. I well remember on my first visit to Perth, over 50 years ago, coming around that narrow strip. The Old Men's Home was just near where the Swan Brewery is to-day. I still have a vivid recollection of the fact that my first visit was paid on the promulgation of Responsible Government in Western Australia in 1890. That is going back a year or two. As Mr. Franklin has pointed out, that thoroughfare is the main thoroughfare between Fremantle and Perth, and for many years it afforded the only entrance to the city from Fremantle.

In 1937 the major portion of the foreshore land between Crawley and the Causeway was vested in the city by the Government, subject to a proviso that the area be retained for parks and gardens and for recreation purposes. Here I would like to say that for the life of me I cannot understand why the site which we are discussing on the north side of Riverside Drive between Mill and William streets was not also vested in the City Council. The only reason I can assign for this is that with his vision the Secretary of the Premier's Department—whom no one will deny a great deal of vision, especially when it is a question of pounds, shillings and pence—appreciated the possibilities of the situation. I am of opinion that probably therein is to be found the reason why this other portion was not also vested in the City Council. This other portion has been the source of some revenue to the Government, and I give Mr. Shapeott full credit for seeing the possibilities and at a later stage fully developing them. The association between the Government and the City Council in respect of the Crystal parking area I shall refer to later, and when I do so, I shall hope to convince the House that there again the strict letter of the law has not been observed by the Government. Had that land also been vested in the City Council and that body permitted to beautify it as it has done with the other portions from Crawley right through to the Causeway, there would be no need for this motion, and the City of Perth would have been a thing of beauty from end to end. The council undertook, on condition that the Government vested the land in it, a Riverside Drive between Mill-street and the Causeway. Further, it was provided that the Government should carry out the necessary reclamation work between Mill and William streets. Under the agreement the Government assented to the City Council's request for the removal of the old buildings in the section bounded by Mill-street, Bazaar-terrace and William-street and the river within five years from 1937. The council undertook to lay out and develop the long line of playing fields within the same period. I shall endeavour to show, by portion of the correspondence which passed between the City Council and the Government, how here again the Government is using every feasible endeavour to retain those sheds—for what purpose, and for how long, goodness only knows.

The council immediately constructed Riverside Drive at a cost of £25,000; and in the succeeding two years spent £10,000 in top-dressing the playing areas, planting grass and trees, and in other improvements. Water supply was a necessity, and a bore has been sunk to a depth of 1,238 ft. at a cost of over £3,000. Next year it is hoped to provide the necessary reticulation. The old fence along Mount's Bay-road and the fences in Harper-square were removed. Regular attention has been given to the grass, palms and trees, and flower-beds have been planted. So that now the sections of the river-front are the admiration of all visitors to the State. Every member will, as I have said, agree with me that these improvements are a thing of beauty. The total cost of these works on the foreshore, including the reclamation and improvement of the Victoria Park foreshore, during the past seven years, amounts to nearly £100,000 which sum is made up as follows (omitting shillings and pence):—

	£	£
The expenditure on the Mount's Bay rd. widening (to which I have already referred) .....	.....	35,000
Riverside foreshore and Langley Park—		
Filling .....	8,659	
Grass and tree planting .....	1,298	
Water bore .....	3,921	
Rent of land paid to the State Garden-Board .....	115	
Fencing near the Yacht Club .....	42	
Garden at side of road .....	23	
Reticulation on the Esplanade .....	254	
	13,414	
Foreshore, Langley Park—		
Maintenance of grass and trees .....	1,348	
Riverside Drive—		
Construction of road .....	20,251	
Construction of Mill-street across-foreshore .....	186	
Construction across William-street .....	2,661	
Construction across Barrack-street and Harper-square .....	1,547	
Construction across Plain-street .....	94	
Construction across Victoria-avenue including drainage .....	823	
	25,570	
Foundations for the Terrace Drive .....	92	
Riverside Drive—Maintenance of roads and drains .....	190	
Victoria Park foreshore, filling and improvement .....	7,000	
Resumption of land .....	7,209	
Maintenance .....	1,192	
	16,302	
Widening of the Esplanade roadway from Barrack-street to William-street .....	1,029	
Making a grand total of .....	291,144	

This sum has been expended by the City Council in beautifying and improving the foreshore from Crawley to the Causeway. The City Council having in its wisdom, and with the approval of the ratepayers, willingly spent so large a sum in beautifying our city, to me it is not a sin but a crime

to think that the Government should for one moment consider the question of building a tramway dump right in the heart of these improvements—right in the centre of the city. All this money has been spent to make our city—beautiful at any time—more beautiful than it ever was before. I repeat, it is not a sin but a crime that the Government should consider for one moment undertaking such a work.

I am one of those who were definitely opposed to the Crystal parking area. I believe that area should have been left as it was, or vested in the City Council, so that it might be improved as the council has improved the other adjacent lands to which I have referred. To show the council's position regarding the Crystal parking area, I want, in fairness to the council, to quote briefly from correspondence dealing with that matter. On the 15th June, 1938, the Chairman of the State Gardens Board, in reply to a letter from Councillor Langley, who was chairman of the General Purposes Committee, stated—

With regard to Crystal Courts, the intention is to let this area as a parking ground, with the necessary facilities for the servicing of cars.

On the 21st of the same month, Councillor Langley, as chairman, wrote to the Chairman of the State Gardens Board as follows:—

Your suggestions are noted and generally speaking are in order, subject to finalisation of details with you by the committee. It is assumed, however, that you would further agree that when the buildings on the north side of Riverside Drive are removed, this additional area shall be treated similarly. The whole area is, in fact, marked "Parking" on the plans submitted by the Government in the first instance.

I desire members to note that the whole area in the agreement is marked "Parking." On the 23rd June, 1938, the chairman of the State Gardens Board wrote to Councillor Langley as follows:—

I note that you are in agreement regarding Crystal Courts, on the assumption that the additional area on the north side of Riverside Drive shall be treated similarly; that is, for parking. This matches our intention, as I know of no better use to which it can be put.

On the 30th June, the City Council received a report from a special committee,

consisting of Councillors O'Brien and Simper. The report is as follows:—

Mr. Shapcott was then good enough to produce the rough sketch of the proposed idea of the tenderers for the land in question, and the plans of the proposals appear to coincide with the council's ideas in respect to the general lay-out of this land as an open parking area. Mr. Shapcott further agreed to the co-operation, in an advisory capacity, of a responsible officer of the council as regards the general lay-out of the parking area, and the erection of buildings by the successful tenderer of a type which would be in accordance with the council's requirements. He also stated that the balance of the land as the leases expired would be incorporated in the present scheme and utilised for similar purposes. It is therefore recommended that the council take no further action in respect to the leasing or purchase of this area at the present time. We are of opinion that the lay-out of the area as proposed by the Chairman of the Board will in no way conflict with the wishes of the council as regards buildings and lay-out of this area, particularly in view of Mr. Shapcott's assurance of his willingness to consider the advice of a responsible officer of the council in regard to the general idea of the council in respect of the land in question.

Then the Town Clerk wrote to the chairman of the State Gardens Board as follows:—

In view of your assurance that the land would be used as an open parking area and every endeavour made to meet the council's requirements in regard to the type of buildings, it was resolved that no further action be taken in respect to the leasing or acquisition of this area at the present time.

The council desires me to thank you for your offer to agree to the co-operation, in an advisory capacity, of a responsible officer of the Council as regards the general lay-out of the parking area and the erection of buildings thereon.

On the 5th July, 1938, the "West Australian" newspaper reported that the chairman of the State Gardens Board had said on the previous day—

Tenders will be received for the right to lease the Crystal Court area at the foot of William-street for a period of five years, with an option of renewal for a further five years, for the purpose of car-parking and motor service.

Following that the Lord Mayor made a statement on the 4th April, 1939, and it was published in the "West Australian" as follows:—

I have noticed to-day that in the new Crystal Court parking ground at the junction of Mount's Bay-road and William-street the

framework for amusement appliances such as the chairplane or the big wheel has been deposited, apparently with the idea of having them erected for use in this area. I sincerely trust that the ground will not be allowed to develop into another White City. When representatives of the City Council conferred with Mr. Shapeott (the chairman of the State Gardens Board) in respect to this area in July last, an assurance was given by Mr. Shapeott that the land would be used as an open parking area, and every endeavour would be made to meet the council's requirements in regard to the type of buildings. Further, the plan which was prepared by the Government and confirmed by the council showed this area as reserved for a parking area.

On the next day Mr. Shapeott replied in the "West Australian" as follows:—

Crystal Court is a part of the area vested in the State Gardens Board by the Governor-in-Council for parking and recreation, which was consequent upon an arrangement made between the then Minister for Lands (Mr. M. F. Troy) and the Perth City Council in 1937 while I was absent from the State. Every endeavour is being made to co-operate with the council in meeting the council's requirements as far as possible in regard to the type of building adopted. As far as I know no buildings are involved in this case. No games are involved and I can assure the Lord Mayor that while Crystal Court is under Gardens Board control he need have no fear of its developing into a White City.

My object in quoting this correspondence is to show that notwithstanding the agreement entered into by the Government with the City Council, notwithstanding that the plan definitely set out that this was to be a parking area, Mr. Shapeott created Crystal Court as we find it to-day. Whether that was done with the approval of the ratepayers and those concerned in the city of Perth is, of course, questionable. For my part, I wish this form of entertainment had never been put there. Whether it will develop into another White City time alone will tell. I sincerely hope it will not. What I wish to emphasise is that the Government has entirely failed in the matter of the removal of the sheds formerly occupied by the Swan River Shipping Company and McIlwraiths. That was a promise that was made and the arrangement was entered into with the City Council at the time to which I have referred. The sheds in that section between Mill-street and William-street have not been removed, although most of them have been

vacant for some time. The promise that was made was that the sheds would be removed as soon as they became vacant.

The City Council hoped that the Government, equally with the council, was convinced of the necessity for removing the eyesores from this centrally situated area of foreshore. As I have already stated, the Government had agreed to the council's request that the old and hideous sheds and buildings in this section should be removed within five years. The whole of the triangular section bounded by Mount's Bay-road, William-street and Riverside-drive had been marked as a parking area, and it was hoped that no new eyesores or undesirable features from an amenity point of view would be placed there. The first disappointment was when the nucleus of an amusement park was established by the State Gardens Board on portion of the Crystal parking area. Already complaints of objectionable noise emanating therefrom have been received. The second disappointment was when the State Gardens Board neglected to remove the old sheds from which the cargoes were removed, in accordance with the undertaking given.

I have already stressed the point that the City Council at all times has been most anxious that this land should be vested in the municipality so that the programme of beautification of the foreshore might be continued. When it became known to the City Council that the sheds were no longer being used, the Government was approached with a view to having them removed. On the 7th September the City Council wrote to the Under Secretary for Public Works asking whether in view of the announcement that the lighterage service between Perth and Fremantle would cease as from the 20th September, 1938, the Minister for Works would arrange for the removal of the sheds on the foreshore. No reply was received to that letter, and on the 18th September the Town Clerk again wrote and asked for a reply. On the 31st October the Secretary to the Premier's Department replied that he had been advised by the Swan River Shipping Company and McIlwraith McEacharn Ltd., that as soon as the last of the cargo delivered into the sheds up to the termination of the lighterage service had been taken delivery of by the consignees, they would

proceed with the removal of the sheds. On the 8th December, in response to a request made on the 1st November, by the member for Perth to the Premier to receive a deputation from the City Council to discuss the removal of the sheds, the secretary of the Premier's Department advised that when the matter first came up for consideration the Government decided to permit the shipping people to remain on the foreshore for another 12 months as from the end of October. However, upon taking the matter up with them, he found it was not their policy to continue any longer than they could help, and he accordingly advised the Town Clerk on 31st October that as soon as the last cargo delivered into the sheds up to the termination of the lighterage service had been taken delivery of by the consignees, they would proceed with the removal of the sheds. The secretary of the Premier's Department added that he would be glad to learn whether this satisfactorily answered the Council's desires, or if it wished to make any further representations.

The City Council representatives considered the reply to be somewhat ambiguous and pressed for the deputation asked for on the 1st November. On the 22nd December last, Cr. Langley and the Town Clerk, accompanied by the member for Perth, waited on the Premier and asked for a definite date upon which the buildings between William-street and Mill-street would be removed. The Premier undertook to go into the matter and advise the council. On the 16th January last McIlwraiths and the Swan River shipping Company advised the Town Clerk that their river lighterage trade was closed down as from the 30th September, 1938, since when the sites had reverted entirely to the Government, subject only to the lessees having the right to demolish and remove the sheds in terms of their licenses, and therefore no rates were leviable against them in respect of the current year commencing on the 1st November of last year. The Secretary wrote to the Town Clerk on the 1st February last as follows:—

Some time ago you inquired from the Hon. Premier regarding the buildings upon the Perth foreshore, and I now have to advise that I have been inquiring into the matter and find that the sheds are rapidly being emptied, and there is no intention of storing anything further in them. One of them will be demolished

right away with a view to the sale of the material by auction and the disposal of the others will follow in due course. The Government had decided to allow the occupants to remain where they are for 12 months but we expect the premises to be vacated progressively at a very much earlier date than that contemplated.

On the 8th February last the Town Clerk replied to the shipping companies, and pointed out that the statement contained in their letters did not seem to coincide with the statements made by the Secretary to the Premier's Department on the 1st February and he added, "I think you will agree that this statement indicates the occupants are still in possession and are using the premises which are therefore rateable." On the 11th February last McIlwraith McEachern, Ltd., and the Swan River Shipping Company wrote to the Town Clerk as follows:—

We duly received your letters of 8th inst. and in reply thereto, have to inform you that the facts so far as we are concerned are as follows:—

1. Having decided that our Fremantle/Perth Joint Lighterage Service must be discontinued, we wrote the Secretary of the Premier's Department on 27th August, 1938, advising him to this effect and that the portion of the original foreshore areas which had remained in our occupation following the construction of the Riverside Drive would be surrendered by us to the Government as from 30th September, 1938, also that the buildings thereon would be removed by us as soon as practicable thereafter, or as might be otherwise mutually arranged.

2. Subsequently, in order that the buildings, etc. might be realised upon by us with a minimum of loss, it was arranged that they need not be removed in any great hurry, and this allowed also of the convenience of the West Australian Newspaper Company being studied as regards their taking away the newsprint remaining in them at the time of our service being closed down, of which in the circumstances we had been able to give them only very short notice.

3. It is true that the Government at a later date, 18th October, 1938, agreed specifically that we might make use of the buildings for 12 months from the 3rd idem, and no longer, but this was in connection with a scheme for their utilisation for a time as part of a road transport proposition which had been submitted to us, and this falling through the Under Secretary was advised by us on the 22nd October that we would not be availing ourselves of this particular concession.

4. Since the closing down of the service as from the 30th September, no cargo has been left in any of the sheds, other than the

newsprint which was still in them at that date and of which we may say very little now remains.

5. Actually, one of the sheds has just been demolished and is now in progress of being disposed of, and the rest being practically empty will be dealt with similarly in due course.

6. No rent or royalty has been payable by us to the Government since the 30th September, and the Government could at any time have called upon us to remove the buildings, etc. forthwith, in terms of the cancelled licenses.

7. All our employees having been withdrawn and telephones, etc., removed from the areas, the W.A. Newspaper Co. were left to their own devices in the matter of getting their newsprint away.

8. In no sense, therefore, can we be said to have continued in possession of these areas, the case being simply one of the Government having exercised their prerogative of showing all reasonable consideration to the W.A. Newspaper Co. and ourselves in connection with the final clearing up of such, and no doubt it was from this point of view that the Under Secretary of the Premier's Department wrote you as he did on the 1st instant.

9. We trust the position will now be quite clear to you, and may say we are sending copies of this letter and of the correspondence which preceded it to the Under Secretary of the Premier's Department for his information.

On the 23rd February last the Town Clerk wrote to the Secretary of the "West Australian" Newspapers Ltd., as follows:—

With reference to the conversation which the City Treasurer had with you yesterday in respect to the occupancy of the sheds on the foreshore between William and Mill-streets, I beg to say that the Swan River Shipping Coy. and Messrs. Mellwraith, McEacharn Ltd. have notified us that they ceased to occupy these premises on 30th September last and are, therefore, not liable for rates during the current year. We have noted that, notwithstanding this statement by the companies, some of the sheds are still occupied and, further, the Secretary of the State Gardens Board advises that "the Government had decided to allow the occupants to remain where they are for twelve months, but we expect the premises to be vacated progressively at a very much earlier date than that contemplated."

I understand, further, that you stated to the City Treasurer that your company was using several of these sheds for storage purposes and that a rent is being paid. Will you kindly advise me (a) what rent you are paying? (b) what premises the rent covers? and (c) to whom is rent paid? Perhaps you will also state how long you anticipate using the premises.

The business manager of the "West Australian" on the 25th February, 1939 replied to the Town Clerk as follows:—

In reply to your letter of the 23rd instant I have to advise you that our inclusive agreement with Messrs. Mellwraith McEacharn Ltd. for the lightering from steamers at Fremantle and warehousing at the Perth wharves of portion of our supplies of newsprint etc., terminated on the 30th September last, they having previously given us the requisite notice of their intention to cease operations in this particular trade as from that date.

When the time came, however, we still had a quantity of newsprint, etc., remaining in the sheds and, as it was not convenient for us to remove the whole of this immediately and we understood that Mellwraith McEacharn Ltd. were not being called upon by the Government to remove the sheds immediately, we took over from them the whole quantity and have since been having it carted away to suit our own requirements.

Although in the past we have had as much as 3,000 tons of newsprint, etc., on the Perth wharves, no special premises have ever been assigned to us for the warehousing of it, but the bulk of it we know has always been in Mellwraith McEacharn Ltd.'s own sheds. Latterly there have been remnants only in the sheds of both Mellwraith McEacharn Ltd. and the Swan River Shipping Company, the two companies, as you may know, having worked in close association.

In consideration of our continuing to have the benefit of some of the sheds for the time being, we have made certain payments to Mellwraith, McEacharn Ltd., based on the quantities of newsprint, etc., remaining in them, and those made since the 31st October have been as follows:—

	£	s.	d.
In respect of November (570 tons)	52	1	8
In respect of December (432 tons)	52	1	8
In respect of January (296 tons)	17	1	8

in which connection presumably Mellwraith McEacharn Ltd and the Swan River Shipping Coy. have arranged some equitable division of the amounts between them.

We had no idea of making use of the sheds for anything like a period of 12 months and, as a matter of fact, understanding from Mellwraith McEacharn Ltd. that the Government might require the foreshores to be cleared up at any time, we have had our newsprint, etc., carted away as quickly as we could put it into consumption. Incidentally, we may mention that only about a month ago we were informed by Mellwraith McEacharn Ltd. that the Government had written them on the question of when the buildings were to be removed, and some of them indeed have already been demolished while others we believe are about to be.

It may be as well for us now to mention, however, that within the past few weeks we have found ourselves in difficulty about securing storage for an unusually large shipment

of about 850 tons of newsprint, etc., which we have arriving at Fremantle on the 27th instant, and, McIlwraith McEacharn Ltd. having informed us that they have no rights whatsoever over the foreshores at Perth, we have made an arrangement with the State Gardens Board, under which the necessary accommodation both for the shipment referred to and the remnants now on hand, will be made available to us by them, and they in turn, we understand, have arranged with McIlwraith McEacharn Ltd. and the Swan River Shipping Company further to defer the removal of certain sheds to enable them to carry out their arrangement with us, but this position will only continue until the erection of our own paper sheds at Fremantle is completed, when we will have ample space for the whole of our requirements.

I have read the correspondence to show the position as it stands between the Perth City Council, McIlwraith, McEacharn Ltd., the Swan River Shipping Company, and the State Gardens Board. Most members would probably agree with me that these sheds have been allowed to remain as they are to-day so that the Government may get in a little extra revenue. Of course, I do not blame it for attempting to get in additional revenue.

Hon. L. Craig: Perhaps also with the idea of conveniencing the "West Australian" Newspaper Company.

Hon. L. B. BOLTON: That may have some bearing on the matter. The sheds are not being used at present, as was shown by the letter of the 25th February. The shed erected by the "West Australian" Newspaper Company at Fremantle was completed some months ago. So far as I know, no paper remains in the sheds on the foreshore, and there is no reason why they should not have been removed. If the Government requires additional shed room for tram cars and trolley buses, I suggest that the ideal position would be within the area now occupied by the present car barns. Ample Government land is available there, and the site is an ideal one and far removed from the residential areas of the city. It is in fact, out of the city. The Government would also find it much more economical to have one workshop for trolley buses as well as tram cars. At the moment both forms of rolling stock come under one head. It would be costly for the Government to create a workshop on the Esplanade solely for the maintenance of trolley buses, whereas if the present car-barn buildings were extended towards the river, it would be an ideal site out of the

heart of the city, and away from thickly populated centres. I suggest that that is the place for a new car barn and trolley bus centre, if the Government intends to build one. My contention is that the Government would definitely be breaking an agreement made with the City Council—as I have endeavoured to prove from the correspondence—if it built a car barn on the site declared on the plan as a parking area. Members can imagine how that area would be disfigured. The site is a most beautiful one and the Government would have no right to disfigure it, as it would do if the proposal were carried through. I have tried to convince the House that the City Council has spent nearly £100,000 of the ratepayers' money on that particular area, and I am sure members will agree that it has something to show for the expenditure. I urge the Government not to give any further consideration to the proposal. No doubt the Chief Secretary will secure the adjournment of the debate on this motion. I appeal to him personally to have the debate continued at an early date so that finality may be reached on this important question. It is no idle thing to say that if the Government persists in the suggestion to build an unsightly barn in the heart of the city, in that beautiful area created by the Perth City Council, further action will be taken by the ratepayers and those who have the beauty of the city at heart, as many have beside myself.

On motion by the Chief Secretary, debate adjourned.

#### BILLS (2)—FIRST READING.

- 1, Builders' Registration.  
(Hon. J. A. Dimmitt in charge.)
- 2, Traffic Act Amendment (No. 2).  
Received from the Assembly.

#### BILLS (3)—THIRD READING.

- 1, Noxious Weeds Act Amendment.  
Returned to the Assembly with an amendment.
- 2, Transfer of Land Act Amendment.
- 3, Dentists.  
Passed.



**BILL—TRAFFIC ACT AMENDMENT.**

(No. 1)

*In Committee.*

Hon. J. Cornell in the Chair; the Honorary Minister in charge of the Bill.

Clause 1—agreed to.

Clause 2—Commencement:

Hon. A. THOMSON: I have an amendment on the notice paper, the object of which is to make sure that no undue charges will be imposed upon those who will have to take out policies to cover motor vehicles. The amendment will take the form of a proviso and sets out that no premium for a policy to comply with Part IVA of the Act, shall exceed the amounts specified in any proposal, which refers to vehicles licensed within the metropolitan area and also outside that part of the State.

Hon. L. Craig: How did you arrive at the amounts you mention?

Hon. A. THOMSON: They are based on the charges levied in South Australia, and this Bill is supposed to follow the South Australian Act.

Hon. L. Craig: In South Australia less than 30s. is charged in respect of private motor vehicles.

Hon. A. THOMSON: My amendment merely sets out that the premiums shall not exceed the amounts mentioned. They represent the maximum charges.

Hon. L. Craig: If you mention the amounts in the amendment, they will probably be accepted, and the rates fixed may then be regarded as too high.

Hon. A. THOMSON: But the rates I mention represent the maximum.

Hon. H. S. W. Parker: The maximum may be taken as the minimum.

Hon. A. THOMSON: That is not the intention. I certainly would have preferred the scheme I outlined to the House at an earlier stage, but I was told that if I secured the reference of the Bill to a select committee the measure would in all probability be lost. I did not desire to take that risk. I should like to make sure that the premium rates on policies that will have to be taken out under this legislation shall not be additional to the rates applying to comprehensive policies. The right to say what the charges shall be is to be handed over to a committee, but no safeguard is provided to ensure a reduction in the charges for a comprehensive policy.

Hon. J. J. Holmes: But the committee to be set up will control rates.

Hon. A. THOMSON: In my opinion the companies will determine that phase. The companies are in a position to say what the charges will be, and those charges should be embodied in the legislation.

Hon. G. W. Miles: What is the idea of providing lower rates for country people compared with those to apply to motorists in the metropolitan area?

Hon. A. THOMSON: That complies with existing practice.

The Honorary Minister: Are you sure of that?

Hon. A. THOMSON: I have been so informed.

The CHAIRMAN: It appears to me that the insertion of the proviso where Mr. Thomson suggests, would be wrong. It could be included more fittingly elsewhere.

Hon. A. Thomson: I was informed that it should be inserted at this stage.

The CHAIRMAN: Proposed Section 77 of the new Part to be inserted in the Act deals with the powers of the committee, and I think the amendment could be inserted more appropriately there.

Hon. J. Nicholson: If inserted in Clause 2, the amendment would be in the wrong place.

Hon. H. S. W. PARKER: I agree with Mr. Nicholson. Clause 2 includes the proposed new Part to be inserted in the Act, and the clauses prior to that do not deal with third-party risk insurance at all.

The CHAIRMAN: Mr. Thomson can look into the matter, and move his amendment later on.

Clause put and passed.

Clauses 3 to 5—agreed to.

Clause 6—Statement and certificate as to insurance:

The HONORARY MINISTER: I move an amendment—

That in line 1 of paragraph (a) of proposed new Section 13A, after the word "produced" the words "and lodged" be inserted.

Hon. H. SEDDON: Does that mean that the policy will be kept at the department, and only the certificate will be given by the approved insurer?

The HONORARY MINISTER: This will get over a weakness in the clause.

Hon. J. NICHOLSON: Is any provision made for the return of the policy?

Hon. H. S. W. PARKER: This refers only to the lodging of a certificate.

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

Clauses 7 and 8—agreed to.

Clause 9.—Insertion of new Part IVA.:

The CHAIRMAN: Clause 9 deals with the proposed new Part to be inserted in the principal Act, and the first amendment is to proposed new Section 55, which deals with interpretations and the application of the Part.

The HONORARY MINISTER: I move an amendment—

That in proposed new Section 55 the definition of "Approved Insurer" be struck out. Since the Bill was considered by the Legislative Assembly, much attention has been devoted to it and Mr. Parker has participated in discussions with the Solicitor General and Senior Parliamentary Draftsman, Mr. Walker. As a result, most of the amendments that appear on the notice paper have already been agreed to as necessary, and that includes the amendment I have now moved.

Hon. H. S. W. PARKER: The definition of "approved insurer" is necessary because if the Bill becomes law, the Act otherwise would contain no such definition. Therefore the definition of "approved insurer" and of "owner" will be struck out and re-inserted later at the beginning of the original Act where they should have been.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That the definition of "owner" be struck out.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That in the definition of "uninsured motor vehicle" the words "the owner thereof is required to enter into a contract of insurance under this Part, and in relation to which there is not in force a contract of insurance under this Part" be struck out with a view to inserting the words "there is not existing and in force a contract of insurance under this Part."

Hon. H. S. W. PARKER: I desire to move an amendment to add some words. Am I in order in doing so now, or shall I do so later?

The CHAIRMAN: The hon. member has no objection to the deletion of the words the Honorary Minister desires to have struck out?

Hon. H. S. W. PARKER: No.

The CHAIRMAN: We will first deal with the striking out of the words, and the hon. member may then move his amendment.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That the words "there is not existing and in force a contract of insurance under this Part" be inserted in lieu of the words struck out.

Hon. H. S. W. PARKER: I move—

That the amendment be amended by adding the following words:—"but shall not include a motor vehicle owned by the Commonwealth or State Governments or any Government instrumentality."

The Bill provides that, in the event of an accident caused by an uninsured vehicle, the insurance companies generally shall pay. A number of motor cars is likely to be employed by the Defence Department; that is, by members of the Air Force and those attending various camps. That they will be insured against third-party risks is very improbable. Suppose someone illegally removes a vehicle belonging to the Defence Department, or to some other Government instrumentality, and that car is involved in an accident. In those circumstances, the vehicle being uninsured, the insurance companies would have to pay. I do not think that is intended; nor is it right that the motoring public should have to pay for those risks.

Hon. A. Thomson: What recourse would the injured person have?

Hon. H. S. W. PARKER: If the Bill becomes law, every vehicle, other than those on display, will have to be insured before it will be allowed on the road, but the Defence Department will not be required to license its vehicles, and the theft of those vehicles will be comparatively easy. That applies also to vehicles owned by the State Government. In the event of an accident, the injured person will be recompensed by the insurance companies out of the funds contributed by the general motoring public. The Commonwealth and State Governments should undertake their obligations, and the

motoring public should not be asked to pay this cost.

The HONORARY MINISTER: I am sorry the hon. member did not put this amendment on the notice paper. He said that cars belonging to the Federal or State Governments would be comparatively easy to steal, but I think he will find that the State Government motor cars are far more difficult to steal than are others.

Hon. H. S. W. PARKER: I am thinking of those used in the camps.

The HONORARY MINISTER: Why should the Government vehicles be exempted? There should be one scheme, administered by one committee. All the Government cars are insured now.

Hon. H. S. W. PARKER: Under the Bill they are exempt. I feel sure an arrangement could be made between the Commonwealth and State Governments whereby these cars could be insured.

Hon. J. J. HOLMES: If this responsibility is to fall on the insurance companies, which will not derive any benefit, the premiums charged to the general motoring public will undoubtedly be raised. It is wrong to exempt all the Government motor cars and then ask the insurance companies, in the event of an accident, to make good the damage. If they were deriving some benefit from those vehicles it would be a different proposition.

Hon. A. THOMSON: Everyone should be treated alike. Many vehicles are used by the Government, and they should not be exempt. If Mr. Parker's suggestion is carried out, I assume the Government will not be compelled to insure, although its cars will be just as liable to cause injury. A Government car should be placed under the same conditions as those applying to other people.

Hon. G. FRASER: Mr. Parker's amendment appears to be a wise one. We do not want the cost to the general motoring public to be unduly high. The provision excluding the Crown should be deleted from the measure.

Hon. L. CRAIG: But the Crown has accepted its responsibility.

Hon. G. FRASER: Will it do so in a case such as that outlined by Mr. Parker, when he referred to the theft of a car? We know that the Crown will accept responsibility for an accident caused by one of its officers, but we would not expect the Crown

to accept responsibility in the case of a stolen car. The amendment should be carried and subsequently the clause exempting the Crown should be amended. Thereby the Government cars would be placed on the same footing as those of other individuals. I do not want the cost of damage caused by Government cars to be borne by the general motoring public.

Hon. H. S. W. PARKER: As regards the State, the matter perhaps is not important, but as regards the Commonwealth it is important, though I doubt whether we can compel the Commonwealth to insure its vehicles.

Hon. J. J. HOLMES: Does not your amendment provide for that?

Hon. H. S. W. PARKER: If a Commonwealth vehicle meets with an accident, it will be bad luck for the individual involved.

The HONORARY MINISTER: I suggest that further consideration be postponed to permit of the matter being referred to the Government's advisers.

The CHAIRMAN: Before consideration of the clause can be postponed, the amendment must be withdrawn. Seemingly the clause will have to be recommitted, and so the passing of the amendment will make no difference.

Hon. H. S. W. PARKER: I am prepared to withdraw my amendment in order that the Honorary Minister might discuss the matter with his advisers.

Amendment on amendment, by leave, withdrawn.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That the following be added to the proposed new Section 55:—

(6) This Part shall cease to have any effect in regard to any motor vehicle which, or the use of which, is taken over for defence purposes under any Commonwealth Act or regulation.

A vehicle commandeered by the Commonwealth for defence purposes would have been licensed and insured, and provision should be made to relieve the owner of any further responsibility.

Hon. J. M. Macfarlane: And a refund should be made.

Hon. C. F. BAXTER: Yes.

The HONORARY MINISTER: The department is opposed to the amendment.

Hon J. Nicholson: We must include a provision of the kind.

The HONORARY MINISTER: The Solicitor General has supplied the following opinion:—

1. The amendment to Subclause (1) of the new Section 70 on page 24 of the Bill is necessary, the words proposed to be inserted having been inadvertently omitted during the printing of the Bill.

2. As regards the proposal to add a further proviso to Subsection (3) of proposed new Section 55 on page 6 of the Bill, I am of the opinion that the Minister should oppose such an amendment.

It must be borne in mind that the whole object of the Bill is that there shall be insurance under which third parties who suffer injury as the result of the negligent use of a motor vehicle on a road shall be certain of receiving the compensation to which by law they are adjudged entitled, and also that such an injured person's right to compensation arises only when the injury is caused by negligence.

Negligent driving is a matter of tort for which the person guilty of the negligence is personally liable.

It may be that such person, although negligent, may be excused from his liability by reason of the special and extreme circumstances of the particular case. For example, "A" driving a motor vehicle carefully may, in order to avoid killing a pedestrian on the road, be compelled to perform some act, which ordinarily would be a negligent act, in consequence of which he collides with and damages a motor vehicle driven by "B." In such case "A" would be excused from his liability to compensate "B."

3. Thus, assuming "A's" motor car is taken over by the Commonwealth authorities for defence purposes, and either "A" or some Commonwealth servant is driving the car in connection with such defence purposes, if "A" or such servant drives the car negligently and injures some third person, he will, unless excused from liability as aforesaid, be liable in damages to the injured person, who can take his action against "A" or such servant personally to recover damages.

In such a case, I see no reasonable grounds for depriving the injured person of his ability to recover from an insurer damages adjudged to him against "A" or such servant.

4. No doubt when the Commonwealth authorities take over a motor vehicle for defence purposes they will keep the owner completely indemnified, and in such case they would welcome, rather than oppose, the owner maintaining his third-party insurance, in which case they would protect such owner in the matter of the premium.

Hon. C. F. BAXTER: The explanation is very weak. A vehicle commandeered by the Defence Department would pass out of

the owner's control and should be regarded in the same way as would any other Commonwealth vehicle. We cannot expect the owner of the vehicle, having insured himself, to continue to bear the responsibility. It would not be right for the Commonwealth in those circumstances to carry on with the license paid for by a private person. The individual having done all that the law required of him should be protected. Why should either a private person or the pool carry the responsibility?

The HONORARY MINISTER: If the policy had still six months to run, why should the insurance companies get the benefit of it?

Hon. C. F. BAXTER: They would not.

The HONORARY MINISTER: Under the amendment all the premiums for unexpired periods would be a present to the insurance companies. The interests of the companies should not prevail over those of injured third parties.

Hon. H. S. W. PARKER: If the Commonwealth took over a motor vehicle, I should not be surprised if the insurance policy automatically lapsed. I do not know how we in Western Australia can legislate to compel the Commonwealth to take action. The question is whether we shall protect an injured individual from the consequences of an accident caused by a Commonwealth vehicle.

Hon. G. W. Miles: How can you protect him?

Hon. H. S. W. PARKER: Are we going to require the general motoring public to pay for an accident caused by such a vehicle?

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

Hon. J. NICHOLSON: I wonder whether the amendment is wide enough to cover the various purposes desired? For complete safety I would enlarge the words proposed to be added by inserting after "taken over" the words "or acquired or requisitioned." The words "taken over" might not cover everything that is desired. We should safeguard the position of private owners whose cars might be taken over for purposes other than defence.

Hon. C. F. BAXTER: I see the purpose of Mr. Nicholson's amendment on my amendment, and agree with it in part. I consider, however, that the words "or the

use of which is taken over" should be deleted from my amendment, and Mr. Nicholson's words substituted for them.

The CHAIRMAN: I have no desire whatever to burke discussion, but the more I look at this amendment and compare it with Mr. Parker's, the more does it seem to me that this amendment covers fifty per cent. of what Mr. Parker desired to achieve. Mr. Baxter might treat his amendment as Mr. Parker's.

Hon. C. F. BAXTER: My amendment covers vehicles already insured. Mr. Parker's does not. The owners of such vehicles should cease to bear responsibility and should receive refunds of those parts of the insurance premiums which cover unexpired periods.

Hon. J. NICHOLSON: It might be advantageous to insert Mr. Parker's amendment in Mr. Baxter's amendment at this stage, so that Mr. Parker's amendment could receive consideration.

The CHAIRMAN: I suggested that, but the Committee disagreed to my suggestion, and the amendment was withdrawn.

Hon. J. NICHOLSON: The Commonwealth has power, under the Defence Act or its regulations, to requisition vehicles. Therefore the Bill should contain a clause making it clear that the owner of a vehicle acquired under the Commonwealth Government's powers is not made liable, or does not continue to be liable, under the policy which he has effected; for the Bill contains provisions rendering the owner still liable if his car should be taken even by an unauthorised person.

The CHAIRMAN: I did not deal with the merits or demerits of the amendment. I merely suggested that the better way would be to withdraw the amendment, so that all parties concerned might consult as to the most advisable course.

Hon. J. NICHOLSON: I move an amendment on the amendment—

That in proposed Subsection 6 after the words "taken over" the words "or acquired or requisitioned" be inserted.

Hon. E. M. HEENAN: I am inclined to agree with your suggestion, Mr. Chairman, because the whole situation can be met by a slight amendment in the proviso to Subsection 3. I cannot, however, suggest such an amendment offhand.

The HONORARY MINISTER: A principle is involved. Mr. Baxter suggests that if a car insured under a policy is requisitioned by the Commonwealth Government,

there should be a refund of premium to the owner. However, the Commonwealth Government might welcome such a cover.

Hon. H. S. W. PARKER: The whole amendment is not right. Assume that a car is insured and that the Commonwealth Government takes it over. The Commonwealth might desire to insure the car. Why should it not, if it so desires, take over the insurance? The amendment prohibits the Commonwealth Government from coming in. Therefore it is dangerous.

Hon. J. Nicholson: But the Commonwealth Government is excluded.

Hon. H. S. W. PARKER: The Commonwealth Government might desire to insure under this measure, but we cannot compel it to do so. The amendment, however, prohibits it from so insuring. The intention of the Bill is that it shall apply to all motor vehicles. The Commonwealth Government cannot be compelled to insure its cars with the State office. In my opinion, the amendment is dangerous.

Hon. C. F. BAXTER: I cannot agree with Mr. Parker. The Commonwealth may have some scheme for insuring all its vehicles; but we are dealing with a Bill to control persons. A person may insure his car at a cost of £12. It may afterwards be taken over by the Commonwealth Government for use for defence purposes, and the policy may have nine months to run. The owner would therefore be £9 out of pocket. Generally, in such cases private companies make a refund of portion of the premium paid. Mr. Parker is referring to the Commonwealth Government's own vehicles; this measure refers to privately-owned vehicles taken over by the Commonwealth for its own purposes.

Hon. E. H. ANGELO: The Committee must not lose sight of the fact that this Bill is designed as a protection against third-party risk. Mr. Parker's amendment would minimise that protection.

Hon. C. F. Baxter: In what way?

Hon. E. H. ANGELO: Why cannot a driver transfer his policy to the Government? The insurance follows the vehicle. We are, however, dealing with a third-party risk, and the premium is unlikely to be more than 30s. Therefore the holder of the license, when handing over the vehicle, could ask for a refund of portion of the insurance

premium to be included in the compensation.

Hon. A. Thomson: He would be entitled to it.

Hon. E. H. ANGELO: Yes.

Hon. J. M. Macfarlane: What harm will the amendment do?

Hon. E. H. ANGELO: Unless the Commonwealth has a claim, there would be no protection against third-party risk.

Hon. H. S. W. PARKER: Apparently there is some misunderstanding, and I may be wrong. Assume the Commonwealth takes over a privately-owned car which has been insured for three months, but in respect of which the premium has been paid for 12 months. Immediately the Commonwealth Government takes over the car, the real owner's liability entirely and absolutely ceases in every possible way. Upon the car being transferred to the Commonwealth, the policy would cease except under certain conditions, which would be included in the policy.

Hon. J. J. Holmes: Suppose they are not?

Hon. H. S. W. PARKER: The Bill provides for a board to draw up proper clauses for insertion in policies. At present, a car cannot be transferred with its insurance, unless the insurance company is notified. The insurance company will undoubtedly be protected under the provisions I have mentioned, for this reason: Assume a man with a bad reputation as a negligent or drunken driver applies for insurance, a company will not accept the risk unless at a big premium. If a policy has been issued to a man with a good reputation, he could transfer his car to the bad mark without notifying the insurance company. That would open up an easy way for a man with a bad reputation to obtain insurance for his car. The danger of this provision is that it prevents the Commonwealth from coming under this part of the Act, if it so desires.

Hon. J. NICHOLSON: The position is complex.

The CHAIRMAN: I must request hon. members to keep to the amendment on the amendment.

Hon. J. NICHOLSON: It is necessary to refer to some remarks that have been made.

The CHAIRMAN: That can be done later.

Hon. J. NICHOLSON: It is impossible to make an explanation otherwise.

The CHAIRMAN: Order! The hon. member can explain "requisitioned" or "acquired."

Hon. J. NICHOLSON: I point out the great risk of liability carried by the actual owner of the car. This would continue even if the car were taken over by the Government, unless some such provision as that now proposed is made.

The CHAIRMAN: The hon. member must keep to the amendment on the amendment.

Hon. J. NICHOLSON: I agree that all these clauses can be reconsidered; but it is most desirable that this particular clause should be considered carefully.

Amendment on amendment put and passed.

Hon. J. NICHOLSON: I move—

That the amendment be further amended by inserting in line 3 after the word "defence" the words "or other."

The HONORARY MINISTER: That is making the amendment too wide altogether.

Members: No.

The HONORARY MINISTER: The Committee would be wise to take heed of Mr. Parker, whose argument was extremely sound.

Hon. H. S. W. PARKER: Assume the Commonwealth desires to insure cars that it has in its service at the Post Office or the Customs Department, and assume that one of these vehicles is used by an officer outside the scope of his authority and while he is so using the vehicle without authority, although it is insured, an accident happens and a person is injured, the injured person will not derive any benefit because the Commonwealth Government is debarred from having any of its vehicles included in the Bill.

Hon. J. NICHOLSON: In reply to Mr. Parker, I should like to draw attention to Subsection 3 of proposed new Section 55.

The CHAIRMAN: The hon. member must confine his remarks to the amendment as amended.

Hon. J. J. Holmes: Why did you allow Mr. Parker to go beyond it?

Hon. J. NICHOLSON: The question has been raised by Mr. Parker that if a Commonwealth vehicle were used outside the scope of the authority of an official—

The CHAIRMAN: Order!

Hon. J. NICHOLSON: I am bound to explain the matter, and if I do not it will be useless going on with the debate.

The CHAIRMAN: The hon. member must confine his remarks to the amendment.

Hon. J. NICHOLSON: May I not debate a question that has already been raised? I must reply to that. I wish to clarify the position. I can explain the matter in a few words, and it is essential to point out exactly why certain things may not be done and why other things should be done. I admit it would be desirable to provide in the Bill that both the Commonwealth and the State should, if either or both desires, be given the opportunity to come within its scope, but it cannot be done in the way suggested by Mr. Parker; it would need to be done by a separate clause in the Bill. Subsection 3 of proposed new Section 55 appearing on page 6 of the Bill reads, "This part shall not render it obligatory to insure any motor vehicle owned by the Crown and used solely in the public business of the State." So the Crown is exempted. If a man used a Post Office vehicle outside the scope of his employment and did something outside business hours that he should not have done, the liability of the Government would not arise, even if the car were not insured. All this trouble arose in the Old Country, and all kinds of difficulties followed. If we desire to safeguard the position, let us do so.

Amendment on the amendment put and negatived.

Hon. A. THOMSON: In the course of my second reading remarks I stated that the methods adopted were clumsy and that the difficulty could have been overcome by referring the Bill to a select committee. Moreover, all these arguments would have been avoided. I should like the Minister to tell us whether the Bill is based entirely upon the South Australian Act, and whether these questions that are now cropping up were dealt with in the South Australian legislation. It seems to me that when we have two lawyers differing so much, lay members of the House cannot be expected to arrive at what might be termed a considered opinion. I still think that much time would have been saved if the Bill had been referred to a select committee.

Hon. E. H. Angelo: Then you would never have got it through this session.

Hon. A. THOMSON: I am certain we would have made better progress than we are making to-night.

The HONORARY MINISTER: This is in the South Australian Act.

Hon. H. S. W. Parker: Tell us what it says.

The HONORARY MINISTER: There is nothing about the particular amendment we are discussing.

Hon. J. Nicholson: No, because there was not a war at the time.

Hon. A. THOMSON: The information I should like to have is whether there is any section in the South Australian Act that deals with Commonwealth and State vehicles.

The HONORARY MINISTER: This provision is exactly the same as that contained in the appropriate Section of the South Australian Act.

Hon. C. F. BAXTER: There was no war at the time the South Australian Act was passed. If vehicles are requisitioned for war purposes, the people who own them should cease to have any liability for insurance premiums upon such vehicles.

Hon. H. S. W. PARKER: Mr. Baxter wants to provide that once a vehicle has been requisitioned by the Commonwealth Government, the Government shall not be permitted to take out another policy in connection with it. If he wishes to provide for a refund being made of insurance premiums already paid by the previous owners, he should endeavour to do so in some other portion of this Bill.

Amendment as previously amended, put and negatived.

Hon. A. THOMSON: I move an amendment—

That in Subsection (2) of proposed new Section 56 the words "shall (unless the court for special reasons thinks fit to order otherwise)" be struck out and the word "may" inserted in lieu.

The subsection should not make it mandatory upon the court to disqualify a person from holding a driver's license in the circumstances detailed.

The HONORARY MINISTER: The proposed new Section contains ample protection to meet the case referred to by Mr. Thomson.

Amendment put and negatived.

The HONORARY MINISTER: I move ment—

That in Subsection (3) the word "may" be struck out and the word "shall" inserted in lieu.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That all the words after "or" in paragraph (a) be struck out and the following words inserted in lieu:—“(b) within a period of three months from the date on which it came to the knowledge of the prosecutor that the alleged offence had been committed—whichever is the longer, provided that no such proceedings shall be commenced after the expiration of one year from the date of the commission of the alleged offence.”

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That in proposed new Section 56, Subsection 4 be struck out.

The implication is that the defendant in a prosecution is to be regarded as guilty. Surely it is for the prosecution to prove his guilt and not make the defendant prove his innocence.

The HONORARY MINISTER: The provision is an exact copy of what appears in the South Australian Act.

Amendment put and negatived.

Hon. H. S. W. PARKER: The wording of proposed new Subsection 6 does not appear to convey any meaning. It sets out that, notwithstanding anything to the contrary in portions of the proposed section, Subsections 1 and 5 shall not apply during such time as the Governor may, by proclamation under the authority of proposed Section 78, declare the operation of this Part or the measure to be suspended. Section 78 provides general power for the Governor to suspend the operations of this Part of the Act in certain circumstances. I do not see the necessity for Subsection 6.

Hon. C. F. BAXTER: I move an amendment—

That in sub-paragraph (i) of paragraph (b) of Subsection 2 of proposed new Section 57, the words “being a grandchild, parent, brother or sister of the insured person” be struck out and the words “of the insured of a degree not more remote than the fourth” inserted in lieu.

The amendment is taken from the South Australian Act, and the Minister used the self same words as I propose to insert when he moved the second reading of the Bill.

The HONORARY MINISTER: As Mr. Baxter says, the words he referred to are in the South Australian Act, but last year when we embodied them in the legislation

we presented, Mr. Seddon and others asked that the relatives should be specified in the Bill. Can Mr. Baxter define what he means by “a degree not more remote than the fourth?”

Hon. H. S. W. PARKER: I too, would like Mr. Baxter to explain what he means by “of a degree not more remote than the fourth.”

Hon. C. F. BAXTER: I have copied the wording from the South Australian Act.

Hon. A. Thomson: The South Australian Act is a good get-out!

Amendment put and negatived.

Hon. H. S. W. PARKER: I move an amendment—

That in sub-paragraph (ii) of paragraph (b) of Subsection 2 of proposed new Section 57 after “person” the following words be added:—“While engaged on his master’s business.”

A man may take his clerk for a drive. The clerk is his employee, but he is not taken for a drive in that capacity. The amendment will make the position clearer. If the employee is engaged on his master’s business, he will be covered by the Workers’ Compensation Act and I presume that is why he is excluded under the proposed new section.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That in line 1 of Subsection 3 of proposed new Section 57 after the word “used,” the words “and licensed” be inserted.

With the amendment, the subsection will refer to vehicles used and licensed for the carriage of passengers.

The HONORARY MINISTER: The Crown Law authorities advise that the wording of the subsection is correct and has been copied from the South Australian Act. I oppose the amendment.

Hon. G. FRASER: I support the amendment. As the clause stands, only where the carriage of passengers for hire is a substantial part of the usual business of the owner of the vehicle, will the passengers be covered. Carriers quite often are engaged at week-ends to transport football teams about the district.

Hon. L. B. Bolton: What would the Transport Board say about that?

Hon. G. FRASER: There is provision for that to be done.



Hon. A. Thomson: Permission has to be obtained from the Transport Board.

Hon. G. FRASER: That is quite so, but the transport of a football team at week-ends is not a substantial part of the carrier's business, and therefore the members of the team would not be covered.

Hon. C. F. BAXTER: The object of the legislation is to protect everyone under the heading of third party risks and as the clause stands, it will leave the door open for abuses. The amendment will ensure that passengers will be covered.

Hon. H. S. W. PARKER: I do not think the amendment is relevant. The section refers to every policy, which connotes that the owner must have an insurance policy before he can get his license.

Hon. C. F. BAXTER: The object is to ensure that the vehicle used for the carriage of passengers is licensed for that purpose. Unless the amendment is agreed to, we cannot ensure that passengers will be covered.

Hon. H. S. W. PARKER: But the man has to be insured before he can get his license.

Hon. A. THOMSON: If a man carries passengers casually on a Saturday or Sunday and must secure a permit from the Transport Board before he can do so, it is certain that he would not be granted the permit unless he had the requisite policy. Consequently I do not think the amendment is needed.

Amendment put and negatived.

Hon. C. F. BAXTER: I move an amendment—

That in lines 3 and 4 of proposed new Section 57 (3) the words "a substantial part of whose usual business is such carriage" be struck out.

The HONORARY MINISTER: These words are used in the South Australian measure.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That Subsection (4) of proposed new Section 57 be struck out.

I have been puzzled as to what this really means. I find that three learned judges in England could not make any sense out of a similar provision. I do not know how we can be expected to do so.

The HONORARY MINISTER: This is taken from the South Australian Act and

is considered necessary by the Solicitor General.

Hon. C. F. BAXTER: He did not tell you the meaning of it?

The HONORARY MINISTER: No.

Hon. H. S. W. PARKER: It has no meaning.

Amendment put and passed.

The HONORARY MINISTER: Mr. Moore and others asked last Thursday that inquiries should be made as to whether it is possible to insert a new clause protecting motor drivers against any claims by people casually picked up. The Solicitor General's opinion is that that is not practicable. I will read his remarks if hon. members desire to hear them.

The CHAIRMAN: I suggest his report be tabled. There is nothing before the Committee dealing with the matter other than the report.

The HONORARY MINISTER: Very well; I will table it.

Hon. H. S. W. PARKER: I move an amendment—

That after the word "person" in line 6 of proposed new Section 58 (6) (a), the following words be inserted:—"Whilst engaged on his master's business."

Hon. J. NICHOLSON: This amendment deserves a little further consideration. It simply means that the section shall not apply when a servant is not engaged on his master's business. I do not think that is intended at all and the clause should stand as it is.

Hon. H. S. W. PARKER: I want to have made clear the meaning of the word "servant." While a person is a servant he does not come under the Act. If I like to take my clerk out shooting on Sunday he is obviously not my servant.

Hon. G. Fraser: He is a friend.

Hon. H. S. W. PARKER: Exactly.

Amendment put and a division taken.

The CHAIRMAN: Before I announce the result of the division, I desire to compliment the "Noes" on their extraordinary powers of articulation, their voices having been heard well above those of 17 other hon. members.

Division resulted as follows:—

Ayes	..	..	..	..	17
Noes	..	..	..	..	6
Majority for	..	..	..	..	11
					—

Hon. E. H. Angelo  
Hon. C. F. Baxter  
Hon. L. B. Bolton  
Hon. L. Craig  
Hon. J. A. Dimmitt  
Hon. J. M. Drew  
Hon. J. T. Franklin  
Hon. G. Fraser  
Hon. E. H. H. Hall

AYES.

Hon. V. Hamersley  
Hon. E. M. Heenan  
Hon. J. M. Macfarlane  
Hon. H. S. W. Parker  
Hon. H. Tuckey  
Hon. C. H. Wittenoom  
Hon. G. B. Wood  
Hon. H. Seddon

(Teller.)

NOES.

Hon. E. H. Gray  
Hon. J. J. Holmes  
Hon. W. H. Kitson

Hon. J. Nicholson  
Hon. A. Thomson  
Hon. W. J. Mann

(Teller.)

Amendment thus passed.

Hon. C. F. BAXTER: I move an amendment—

That paragraph (i) of the proposed new Section 59 (3) be struck out.

This stipulates that it shall be a good defence in any action against the owner of a motor vehicle if he establishes to the satisfaction of the court that the fact that such motor vehicle was uninsured was not due to his own fault. Why should it be a good defence? The effect would be that when an uninsured person met with an accident, the liability would fall on the insurance fund. Why should the general fund have to suffer because a person is uninsured? The aim has been to keep the expense of the third-party risk as low as possible, but this provision will tend to increase it.

Hon. H. S. W. PARKER: A car-owner might take an extended holiday. He leaves his car locked in his garage and does not insure, knowing that he will not be using the car. Somebody steals the car and meets with an accident. To require the owner to pay the damages would be very harsh. The paragraph provides necessary protection.

The HONORARY MINISTER: A similar provision appears in the Victorian Act. Certainly such protection is necessary.

Amendment put and negatived.

The HONORARY MINISTER: I move an amendment—

That after the word "writing" in subparagraph (ii) of the proposed new Section 59 (6) (a) the words "sent or delivered to the officer in charge at the police station nearest to the place where the accident occurred" be inserted.

The amendment will make clearer the requirements of the law.

Amendment put and passed.

Hon. C. F. BAXTER: I move an amendment—

That after the word "shall" in line 3 of the proposed new Section 60, the words "be an approved insurer and" be inserted.

The HONORARY MINISTER: I have no objection to the amendment.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment.

That the proposed new Section 63 be struck out.

This deals with emergency treatment. Any legally qualified medical practitioner or registered nurse who renders emergency treatment shall be paid out of the fund, the doctor 12s. 6d. for each person treated and the nurse 10s. 6d. Why special remuneration for certain people? Why not include other people who might render aid? Any doctor or nurse could rush in, render assistance and then sue the insurer. Ordinarily such claims would be lodged against the person injured, and he in turn would have his claim against a nominal defendant or against the insurance company. If a man attempted to commit suicide, a doctor or nurse who attended him could claim against the insurer.

The HONORARY MINISTER: This is one of the important provisions of the Bill. Unless it is retained, a man who called a doctor to attend a person injured in an accident could be held liable. If injured people receive treatment on the spot, expense will be saved to the insurance companies. The scale laid down is reasonable, and is the same as that provided in the South Australian Act.

Amendment put and negatived.

Hon. H. S. W. PARKER: I move an amendment—

That the proposed new Section 64 be struck out.

This deals with hospital expenses. If a man gets drunk, and drives his car into a tree or lamp-post, the hospital, as well as any doctor or nurse who attends him, has to be paid out of the fund.

The HONORARY MINISTER: People acquainted with the affairs of the Perth, Fremantle and Kalgoorlie Hospitals are aware of the heavy cost for treating patients injured in motor accidents. Some of them remain three or four months in hospital, and when there is no third-party insurance, the public often has to bear the expense.

Hon. A. Thomson: You mean that they are not in a position to pay?

The HONORARY MINISTER: Yes.

Hon. A. Thomson: Those are the people for whom hospitals are needed.

The HONORARY MINISTER: This is the largest item for which the Bill is required. There are always to be found in the Perth and Fremantle hospitals six or eight indigent persons who have been injured in motor accidents and against whom there is no redress, as they are unable to obtain payment of damages from the driver.

Hon. A. THOMSON: I am surprised to hear the Minister say such is the main reason for the measure. My impression was that we were out to protect the general public against motorists who failed to insure their vehicles and were not in a position to pay damages if they caused injury. However, an indigent person unable to pay is entitled to free hospital treatment; if not, what is the hospital tax for? Compulsory insurance should be obtained at the lowest possible cost. A maximum amount of £50 is fixed by the Bill for hospital treatment. The Workers' Compensation Act allows a maximum of £100, and some members of the medical profession have made a welter of that provision. Recently a young fellow injured his hand at work, and was ordered into hospital; but upon the discovery that the employer was not covered under the Workers' Compensation Act, the view was taken that there was not very much wrong with the young fellow. A person of any means at all would not dream of putting a motor car on the road without first obtaining a comprehensive insurance policy. This Bill, so far as I see, must impose additional charges on car owners who now insure; and I shall vote against the third reading.

Hon. E. H. ANGELO: We understood the object of the Bill was to protect the third party. Two or three clauses here, however, seem designed to ensure that doctors and nurses shall be paid. As Mr. Thomson has pointed out, we have had experience of another measure leading to increased cost. The expense imposed by this Bill I fear will prove much heavier than has been indicated. The Government Actuary, who looks after the State Insurance Office, already acknowledges a heavy loss on workers' compensation insurance. The Bill is necessary, but the motorist should not be excessively burdened.

The HONORARY MINISTER: I fail to understand the trend which the debate has taken. Suppose a man is injured by a

motor car and is able to pay his hospital bill: why should it not be paid?

Hon. H. S. W. PARKER: I am thinking of the drunken driver who hurts himself.

The HONORARY MINISTER: The clause means that an indigent person injured by a drunken driver shall be taken to hospital, and that the cost of his treatment there shall be met by the drunken driver. Under the third-party policy the driver would be covered.

Hon. H. S. W. PARKER: I regret to say the Honorary Minister has not the faintest, foggiest notion of what the Bill is.

The CHAIRMAN: That is a questionable opinion.

Hon. H. S. W. PARKER: The object of the Bill is to cover people who are injured. If the motorist is negligent, there is a remedy open to the person who insures him; but this part of the measure relates to where a motorist through his own negligence injures himself as well as others.

The Honorary Minister: Where does the Bill say that?

Hon. H. S. W. PARKER: In Clause 63.

The Honorary Minister: I think Mr. Parker is out of order. We have already dealt with Clause 63.

Hon. H. S. W. PARKER: If the Honorary Minister does not desire an answer to his question, I shall not quote the clause. This part of the Bill covers the case of the man who himself is negligent and himself injures relatives who are mentioned. Other persons in his car are entitled to be treated in hospital at the expense of the general pool. If the person who causes the injuries is a man of straw, that is what the hospital tax is for. This part of the Bill is for emergency treatment, which is defined in Clause 65.

The HONORARY MINISTER: I still maintain that this clause deals with cases of persons injured by careless or dangerous drivers or by drunken drivers. Why should not such a driver pay? We are cutting out one of the most vital principles of the Bill. Mr. Angelo, when speaking on the second reading, mentioned the same thing. It is essential that the insured person should be protected for hospital treatment. I hope the Committee will seriously consider the retention of this important clause.

Hon. E. M. HEENAN: I cannot quite understand the point raised by Mr. Parker. I

take it he is referring to the case of a careless drunken driver who runs into a post and injures himself. The contract would not relate to such a man in such circumstances.

Hon. H. S. W. PARKER: My remarks applied principally to the previous provision. The doctor is absolutely covered; but, strange as it may seem, the hospital not at all.

Amendment put and negatived.

Hon. C. F. BAXTER: I move—

That the proviso to proposed new Section 65 (2) be struck out.

Generally, people have to pay whether there is negligence or not; yet here provision is made that the uninsured person shall not pay unless he is proved to be negligent.

The HONORARY MINISTER: The explanation given by the Solicitor-General is that the owner shall not be liable if he was not, according to law, responsible for the accident. He should not be asked to pay.

Amendment put and negatived.

The HONORARY MINISTER: I move an amendment—

That in proposed new Section 67 after the word "owner" in line 1 the words "approved insurer, nominal defendant" be inserted.

This addition is considered to be necessary.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That the following words be added to proposed new Section 67:—"In so far as this section is inconsistent with or repugnant to or may be deemed to be inconsistent with or repugnant to any provision contained in any other Act in force at the commencement of this Act, this section shall prevail, and such provision contained in such other Act aforesaid shall be subject to this section and shall be read and construed and have effect accordingly."

The addition of these words, it is considered, will make the meaning of the clause plainer.

Hon. H. S. W. PARKER: The law provides that some actions must be tried before a jury. This provision will over-ride any Act which provides that actions must be tried before a jury.

Amendment put and passed.

Hon. H. S. W. PARKER: I move an amendment—

That in proposed new Section 69 (1), after the word "any" in line 1 the words "police officer or constable or" be inserted.

An approved insurer may apply for a person to be disqualified for such period as the court may fix. I suggest that the police ought to be able to take the matter up. An approved insurer may not be inclined to do so.

Amendment put and passed.

The HONORARY MINISTER: I move an amendment—

That in the proposed new Section 70 (1) after the word "Part" in line 2 the words "before its expiry" be inserted.

Hon. C. F. BAXTER: The words should not have been left out.

Amendment put and passed.

Hon. A. THOMSON: I move an amendment—

That the following proviso be added to Clause 2:—

"Provided that no premium for a policy to comply with Part IVA. of this Act shall exceed—

(a) In respect of vehicles licensed in the metropolitan area—

(1) If used for private purposes thirty shillings per annum.

(2) If a motor car used for business purposes three pounds ten shillings per annum.

(3) If a motor vehicle used for the carriage of goods two pounds ten shillings per annum.

(4) If licensed under the fourth proviso to subsection (1) of section ten of the principal Act two pounds ten shillings per annum.

(b) In respect of vehicles licensed outside the metropolitan area—

(1) If used for private purposes one pound per annum.

(2) If a motor car used for business purposes one pound ten shillings per annum.

(3) If a motor vehicle used for the carriage of goods two pounds five shillings per annum.

(4) If licensed under the fourth proviso to subsection (1) of Section 10 of the principal Act one pound five shillings per annum.

(c) In all other cases such maximum amount per annum as shall be approved by the Committee and the Minister."

I am anxious that there should be a limit to the amount of the premium which will be levied upon motor vehicles. We have heard much tonight about the South Australian Act, and I now desire to make sure that the premiums to be charged shall not exceed the amount charged in South Australia. We have heard it said that the minimum becomes the maximum, but my

intention is that the premium shall not be in excess of the South Australian premium.

The HONORARY MINISTER: It is not possible to compare this State with South Australia.

Hon. H. S. W. PARKER: There will be plenty of competition.

The HONORARY MINISTER: It will be wrong if we discriminate between country and town drivers. That has never been done before. I trust the Committee will leave the matter to experts in the business to declare the rates.

Hon. A. THOMSON: In the Transport Act and Traffic Act we definitely fix the rates that are to be charged. What I want to prevent is a fee being charged for services that are going to be rendered. I should say that the conditions existing in South Australia and this State can well be compared.

Hon. J. J. HOLMES: Are your figures based on the South Australian rates?

Hon. A. THOMSON: Yes.

Hon. J. NICHOLSON: The premiums are not set out in the South Australian Act.

Hon. A. THOMSON: I cannot understand why the Government has not given the House all the information that is required. Members could have been told what this was going to cost. We are passing a measure that will be extremely cumbersome. I do not like it at all, and as far as I am able to judge I can see that it will very soon have to be amended. Really we are being asked to buy a pig in a poke. The two persons appointed to represent the approved insurers on the committee that will fix the premiums, will submit to that committee the rates that in the opinion of the insurers should be levied. Who will be in the position to say what the insurance companies may or may not charge? It will be the insurance companies themselves that will submit the rates to the committee. Then they will say, that after having given the matter exhaustive consideration, the rates submitted must be charged. Members can rest assured that the companies will be on the safe side. The Bill should not be passed until Parliament knows definitely what the charges are going to be. The Government has had nine months in which to prepare that information, and it has not given it to us.

We are being asked to pass a measure without a knowledge of what tax is going to be imposed on the people. I should like a further amendment framed to provide that there will not be an increased charge upon the public. I want to be satisfied that the public will not be slugged both ways. I understand that there will not be any reduction in the premiums for the comprehensive policies, and that what is now proposed will be something additional. If my amendment is carried it will be a safeguard for the people. I have received numerous letters from constituents urging me to vote against the Bill because of the increased charges that will be levied.

The HONORARY MINISTER: The premiums will vary according to the driver. A rate of £9 will be levied, and if the driver is a careful person it will be reduced to £6. There will be discrimination between good drivers and careless drivers. A man who is not a careful driver should pay more.

Hon. E. H. ANGELO: Really he should not have a license at all.

The HONORARY MINISTER: We can safely leave the matter in the hands of the Committee.

Hon. H. S. W. PARKER: I am pleased that the Honorary Minister will not accept the amendment. We do not want to force the whole of this business into the State Insurance Office, as would happen if insurance companies said, "This is no use to us." The position will be safeguarded because of the number of companies that are competing for business. The premiums must be reasonable. It would be grossly unfair to allow a man with a bad record to obtain a license for 30s. when insurance companies would probably refuse to write any business for him.

Hon. A. THOMSON: It is strange that the insurance companies charge rates that are almost identical with each other. We are told that the fees charged will be in accordance with a man's record. The Bill, however, does not state that the insurance companies will be able to impose a higher charge upon bad drivers than they would upon careful drivers. The Act need not be proclaimed until the Minister is satisfied that the charges imposed are fair. I am rather sceptical about competition amongst the companies for this class of business, and I want to en-

sure that the charges imposed are kept down to the minimum.

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

Ayes .. .. .	9
Noes .. .. .	12

Majority against .. ..	3
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# AYES.

Hon. C. F. Baxter  
Hon. G. Fraser  
Hon. V. Hamersley  
Hon. W. J. Mann  
Hon. G. W. Miles

Hon. A. Thomson  
Hon. C. H. Wittenoom  
Hon. G. B. Wood  
Hon. E. H. II. Hall  
(Teller.)

# NOES.

Hon. E. H. Angelo  
Hon. I. B. Bolton  
Hon. J. M. Drew  
Hon. E. H. Gray  
Hon. E. M. Heenan  
Hon. J. J. Holmes  
Hon. W. H. Kilsen

Hon. J. M. Macfarlane  
Hon. J. Nicholson  
Hon. H. S. W. Parker  
Hon. H. Seddon  
Hon. J. A. Dimmitt  
(Teller.)

Amendment thus negatived.

Clause, as amended, put and passed.

Clause 10—Consequential amendments of principal Act:

The HONORARY MINISTER: I move an amendment—

That the words "consequently upon the operation of Section 9 of this Act" be struck out.

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

Clause 11—agreed to.

New clause: Amendment of Section 4:

The HONORARY MINISTER: I move—

That the following be inserted to stand as Clause 4:—

Section 4 of the principal Act is amended as follows:—

(a) by inserting therein before the definition of "District" a new definition as follows:—"Approved insurer" means any person or association of persons carrying on the business of insurance who or which has been approved by the Minister as an approved insurer for the purposes of Part IVA. of this Act, and includes the State Government Insurance Office as established under the State Government Insurance Office Act, 1938;

(b) by deleting therefrom the definition of "Owner" and inserting in lieu thereof a definition as follows:—"Owner when used in relation to a vehicle which is the subject of a hire-purchase agreement means the person in possession of that vehicle under that agreement, and, when used in relation to a vehicle which is the subject of a hiring agreement (other than a hire-purchase agreement) under which the vehicle is hired for a period of not less than six months,

means the person in possession of that vehicle under that hiring agreement. Save as aforesaid the term "owner" means any person who owns a vehicle.

Hon. C. F. BAXTER: I move an amendment—

That in lines 6 to 10 of the definition of "Approved Insurer" the words "and includes the State Government Insurance Office as established under the State Government Insurance Office Act, 1938," be struck out, and the words "or under Section 10 of the Workers' Compensation Act," inserted in lieu.

The object of this amendment is to exclude the reference to the State Government Insurance Office. This House has opposed the extension of the insurance business to be undertaken by the State office.

The HONORARY MINISTER: I am advised that if the amendment suggested by Mr. Baxter is accepted, the effect will be exactly the opposite of what he anticipates. The State office can be an approved insurer.

Hon. C. F. Baxter: Then there is no necessity for the reference to the State office.

The HONORARY MINISTER: If the amendment proposed by Mr. Baxter is agreed to, I will be satisfied.

Hon. H. S. W. PARKER: If Mr. Baxter's amendment is agreed to, there may be a company that undertakes motor car insurance business but not workers' compensation business. Therefore that insurance company would not be an "approved insurer" under Section 10 of the Workers' Compensation Act.

Hon. J. NICHOLSON: Mr. Baxter's amendment could appear more appropriately in another part of the definition of "approved insurer." A company may be approved for the purposes of this legislation, but the Workers' Compensation Act contains no such definition. Hence the necessity of overcoming that difficulty. I suggest that Mr. Baxter's amendment could be inserted earlier, so that the definition of "Approved Insurer" could set out that it meant "any person or association of persons carrying on the business of insurance who or which has been approved by the Minister under Section 10 of the Workers' Compensation Act, or for the purposes of Part IVA of this Act," and so on.

Hon. H. S. W. Parker: That would get over the difficulty.

The **CHAIRMAN**: I suggest that to facilitate matters, Mr. Baxter withdraws his amendment and he can deal with it further on recommitment.

Hon. C. F. BAXTER: I will adopt that course and ask leave to withdraw my amendment.

Amendment, by leave, withdrawn.

New clause put and passed.

Title—agreed to.

Bill reported with amendments.

*House adjourned at 10.24 p.m.*

## Legislative Assembly.

*Tuesday, 14th November, 1939.*

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

### QUESTION—ELECTRICITY SUPPLY.

#### *Imported Small Coal, Quantity and Cost.*

Mr. WILSON asked the Minister for Railways: 1, What was the quantity of imported small coal used each month by the East Perth Power House for generating purposes during the year ended the 31st October 1939? 2, What was the quantity used for other purposes by the East Perth Power House? 3, What were the prices paid for the coal in waggons at the East Perth Power House station?

The **MINISTER FOR RAILWAYS** replied: 1, November, 1938, to March, 1939, nil; April, 1939, 1,435 tons; May, 1939, 120 tons; June, 1939, 130 tons; July, 1939, to October, 1939, nil. 2, Nil. 3, 45s. per ton.

### BILL—BUILDERS' REGISTRATION.

Read a third time and transmitted to the Council.

### BILL—TRAFFIC ACT AMENDMENT (No. 2).

*Third Reading.*

**THE MINISTER FOR WORKS** (Hon. H. Millington—Mt. Hawthorn) [4.35]: I move—

That the Bill be now read a third time.

**MR. DONEY** (Williams-Narrogin) [4.36]: I take this opportunity to voice my objection to the passing of the Bill. It would be a most improper and undemocratic thing to permit it to reach the statute-book. So far as I can understand, no one wants the Bill, and no one has asked for it.

Mr. Cross: How did it get here, if no one wanted it?

Mr. DONEY: I have in my hand a letter that I will read in due course for the further amusement and enlightenment of the interjector. I should have said just now that no one wanted the Bill except members sitting on the Government front bench. This measure is likely to develop into a source of very real trouble to the local governing bodies. I am under the impression that Government supporters are themselves unhappy about it. I imagine they either do not know whether to do as they are told and vote with the Government, or vote against the Bill and do as metropolitan local governing bodies wish them to do, thus keeping in line with their own consciences. Three members at least on the Government side of the House said they would not support the measure unless certain undertakings were given by the Government. I do not recall that those undertakings were given.

Mr. Needham: Yes; they were.

Mr. DONEY: I hope that hon. members concerned will make good the promise they gave to the House.

Mr. Needham: You did not understand them.