Hon. Sir James Mitchell: You can make a mine owner fairly dance under this provision if you want to.

The MINISTER FOR WORKS: Every law, if it be interpreted unreasonably by unreasonable men, by inspectors who are out to hamper, embarrass and interfere with industry, would have that effect, but hon. members must have regard to experience. The same type of inspectors are provided for under the Mines Regulation Act, and there is not one instance of trouble having been experienced.

Hon. Sir James Mitchell: The position is hardly on all-fours.

The MINISTER FOR WORKS: I think it is. If something were wrong with the tramways, in all probability the traffic man would be asked to go out with the special inspector to investigate, and the matter would be dealt with on the spot.

Hon. Sir JAMES MITCHELL: The Minister fails to realise the objection raised by the member for Nelson, who said there would be several inspectors. The Minister admits he has no control over workmen's inspectors and, I suppose, has little control over district inspectors. It would be possible for the special inspector to require the attendance of an official or workman at some distance from his work. The position is very different from that obtaining under the Mines Regulation Act.

Amendment put and negatived.

Clause put and passed.

Progress reported.

### BILLS (3)—RETURNED.

1, Inspection of Scaffolding Act Amendment.

2, Justices Act Amendment.
With an amendment.

3, Broome Loan Validation.
Without amendment.

*House adjourned at 10.50 p.m.*

# Legislative Council,

*Wednesday, 20th October, 1926.*



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

### BILL—NAVIGATION ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

### BILL—TRAFFIC ACT AMENDMENT.

*Second Reading.*

Debate resumed from the previous day.

**HON. W. T. GLASHEEN** (South-East) [4.35]: I desire at this stage merely to express a few generalities about the Bill, leaving any real criticism for the Committee stage. I think when the Bill emerges from the Committee stage it will be found to have been one of the most contentious we have had to deal with during the session. Many people profess to see in this legislation some antagonism towards the motor truck and its competition with the railways. This is rather a pity, for we shall have to be most careful as to how we legislate, having regard to the possibility of motor transport providing freightage for the railways. In the North-West at present many of the pastoral propositions are coming into profit because of the advent of the motor truck. The bringing of those pastoral areas into profit means bringing so much added freightage to the railways. Also in the country districts the motor truck is proving a big contributing factor to the success of the railways. For we cannot possibly bring railways to within 12½ miles, the prescribed distance, of every farm. While it is said that the motor truck has made farming profitable at a greater distance than that from a railway, there are some arguments against that contention. Yet we know that, because of the motor truck, peo-

ple are now profitably farming in some districts where previously they could not farm at all. If we are to pass legislation harassing the users of motor traffic, it will mean in those instances and also in respect of the pastoral propositions, lesser freight for the railways. Sir Edward Wittenoom suggested that if the railways were not able to compete with the motor traffic the railways should give way, and better roads should be constructed in order to provide greater possibilities for motor transport. Personally, I think we are very far from reaching that position. Our railways are not yet obsolete, and never in our time will it be possible for motor trucks to deal successfully with big freightage, such as fertilisers, wheat and wool. Mr. Hamersley mentioned that the motor truck was filling a given purpose inasmuch as, if it be claiming some of the railway freightage, at the same time and by that fact it is compelling the railways to become more efficient. There are some phases of railway transport that are undesirable. For instance, today freight charges are based upon an annual interest bill of, roughly, £1,000,000. That is a false principle. Seeing that the railways mean so much to every section of the community, and are indeed the sinews of trade and commerce, it appears to me to be almost a necessity that those interest charges of a million per annum should be distributed over the whole community rather than be a charge against freight. If that were done the freightage on the railways would have to meet only the running and administrative costs, and in consequence the motor traffic would be quite unable to compete with the railways. Another feature is to be found in the devious routes of some of our lines. The projected Brookton-Armadale railway would reduce the haulage of wheat and wool from outlying centres by some 80 miles. If we are to restrict motor traffic in catering for that freight we shall be doing an injury. The motor car and motor truck can cut across the country. They are not concerned with the deviations or unnecessary length of railways, but in the instance referred to they can save 80 miles of haulage, which of course, would mean very much cheaper freight. As the Kalgarin people, the Kondinin people, and all out in that eastern area see it, the railway loops the loop to the extent of an unnecessary 40 miles in travelling to Brookton, and again traverses another unnecessary 40 miles in getting round Spencer's Brook, or a total unnecessary length of 80 miles, whereas the motor truck can cut straight across. So, as I say, any restriction on the motor truck to prevent it from getting that traffic would be undesirable in the extreme. Then there are the dead-ends in the country spur lines, necessitating the train going out with all its staff and staying overnight to return next day, so adding to the cost of freightage. If these conditions are attended to we shall get efficiency in our railways. The only sound principle that can be advanced in respect of the railways is that they shall cater for traffic by efficient methods, rather than by restrictive legislation aimed at motor traffic. The licensing question is a difficult one. It is necessary to have a clear-cut division between the licensing of vehicles in the country and their licensing in the city. It is intended to compel everyone to take out a license for a motor truck, a motor car or other petrol-driven vehicle, and to restrict the districts where a particular kind of vehicle may ply for hire, for freight, or any other business. We shall have some difficulty in this matter. There is a provision in insurance policies that are issued on these vehicles that if any other person other than the person who holds the license to drive it, is found driving it when an accident occurs, there is no claim upon the insurance company. I am pleased to see on the Notice Paper Mr. Stephenson's amendment. It relates to Section 32 of the Act which reads—

> No local authority shall be liable for any damage done to any locomotive or traction engine, or anything carried, drawn or impelled thereby, by reason of the same falling through any bridge or culvert, or by reason of any defect in the road.

The danger of that section is found in the fact that some of the secretaries of these local governing bodies have, in addition, to act as engineers, supervisors, etc. They may have no qualifications for engineering, may know nothing about the breaking strength of iron, steel or wood, and yet may lay down the specifications for any particular bridge or culvert without knowing what these structures will carry. Some driver may then come along with a heavy vehicle, which may drop through the bridge or culvert, possibly killing or injuring the driver, and completely breaking his vehicle. In such a case the local authority would have no obligation or responsibility in the matter. The intention of

Mr. Stephenson's amendment is to compel local authorities, when they construct a culvert or bridge, to place a notice upon it setting out what the bridge is supposed to carry. If a person then comes along with a heavy vehicle, carrying a load greater than that for which the bridge has been constructed, it will be his fault if he falls through. If, on the other hand, another man comes along with a vehicle carrying a load lighter than that specified in the notice, and the vehicle collapses, the responsibility will be attached to the local authority. It is intended to prevent any person under the age of 18 from driving a motor vehicle. Some clear-cut division will be necessary as between town and country in this matter. A boy of 15 or 16 on a farm is quite qualified to face all the risks of traffic that he will incur in driving a motor vehicle in his district. No suggestion has been made to prevent an old man from driving a motor car. I contend that a boy of 15 who has all his mental faculties, is quick of perception, is alive to his job, whose eyesight and hearing are good, is more qualified to drive in congested city traffic than is an old man of 70 who may have lost many of his faculties.

Hon. H. J. Yelland: What about the boy's presence of mind in case of an accident?

Hon. W. T. GLASHEEN: What about the presence of mind of an old man? If it is necessary to restrict the age of a boy, it is just as necessary to restrict the age of old men.

Hon. J. Cornell: What about the old woman?

Hon. W. T. GLASHEEN: There is nothing to prevent an old woman from driving a motor car.

Hon. J. Nicholson: What about the young men who went to the war?

Hon. W. T. GLASHEEN: In congested traffic I would not like to be driving in a motor car with an old lady of 90 at the wheel.

Hon. J. J. Holmes: It is not a question of age; it should be a question of examination.

Hon. W. T. GLASHEEN: One provision states that an old person with defective vision or defective hearing may have to undergo an examination.

Hon. G. W. Miles: What about the man with a weak heart?

Hon. W. T. GLASHEEN: The only occasion when the authorities would be alive to the dimming faculties of the driver, would be when some regrettable accident occurred If we are going to restrict the age of a boy, it is just as well to do so in the case of old people.

Hon. J. Cornell: It is the vigorous fellow we are all afraid of.

Hon. W. T. GLASHEEN: There is another provision with regard to intoxicated persons being in charge of a motor car. I have heard of a particular case from a lawyer friend of mine. He said a doctor was asked to what extent a man had to be under the influence of liquor to be punishable for any offence under the Traffic Act. The doctor said that if a man had drunk one glass of whisky and an accident occurred, he could be brought under the provisions of the Act. He also said that in many cases, particularly with nervous or elderly men, the drivers exhibited all the signs of extreme intoxication, after one drink of whisky, when an accident occurred. They were unstrung, had lost the use of their legs and speech, and it almost required a specialist to know whether they were really intoxicated or not.

Hon. J. R. Brown: Do you believe what the doctor said?

Hon. W. T. GLASHEEN: That was his evidence. I have the greatest respect for the opinion of a doctor on such a matter.

Hon. E. H. Harris: We shall be interested in your line of thought when we reach that clause.

Hon. W. T. GLASHEEN: This is a contentious Bill, but all I desire to deal with at the present time are the generalities relating to it. This is a particularly contentious clause. I hope that no great restrictions will be placed on the motor traffic. I believe that motor car transport generally is going to be one of the big civilising agencies in the State. Civilisation is now extending into the remote interior both in pastoral and farming areas. Any undue restriction upon this form of traffic will certainly re-act upon the railways in the matter of freight, and upon the State generally in the matter of revenue and production in every form.

Hon. J. R. Brown: This House stands for old traditions.

Hon. W. T. GLASHEEN: It is hard to know what people's traditions are, but we must be careful with our legislation, par-

ticularly as it affects the outback districts. Possibly some of these restrictions are necessary in the city, but we must have a clear division between city and country.

**HON. J. NICHOLSON** (Metropolitan) [4.55]: I wish to refer only to two clauses in the Bill, which it is my intention to support. I draw the attention of the Leader of the House particularly to Clause 8, which amends Section 13 of the Traffic Act, 1919. That section provides that all traffic fees shall be divided amongst the local authorities within the metropolitan area in such shares and proportions as the Minister shall determine, subject to certain other deductions. Clause 8 will materially amend that section. It will mean that out of the moneys paid, there will be deducted the cost of attending to the various works set out in the Bill, such as repairing and maintaining the roadway or decking of the Perth Causeway or the North Fremantle bridge, and other roads referred to in that clause. Very little money, I should say, would be left to divide amongst the local authorities when these various works are provided for. Without the authority of this Bill I take it that the Minister would not be entitled to apply the revenue in this way. Whilst the present Minister has acted in a very fair way to the local authorities in the distribution of the money, some other Minister may be in charge who may not exercise such equitable distribution. In fairness to the local authorities a provision should be inserted in the Bill that at least 50 per cent. of the fees shall be set aside for division amongst the various local authorities in certain equitable proportions. The other 50 per cent. could be ear-marked for the maintenance of specified roads. That seems to be a fair and reasonable way of dealing with the matter. The whole question of the expenditure of these traffic fees, which are a source of revenue to the various local authorities, is in the hands of the Minister. In effect they transfer to the Minister the disposition of moneys that rightfully fall within the scope of the duties, or the jurisdiction of these authorities. The local authorities cease to have any control whatsoever over these moneys. In Clause 21, Subclause 2 paragraph (u), power is given to prevent any vehicle from carrying a load that projects beyond the sides of that vehicle. It is necessary for those in charge of this legislation to have some power to deal with these matters, otherwise people may take advantage of the liberty that is given to them. The question is, what is a reasonable restriction? Sir William Lathlain suggested an overlap of 9in. or 12in. There should be some provision of that kind in the Bill.

Hon. J. R. Brown: If we give them so many inches, they will want so many more.

Hon. J. NICHOLSON: I am informed that it is much safer with these motor lorries that they should be carrying a load that has a certain amount of overhang in cases where there is a proper ledge around the vehicle, and that the goods will carry more safely and steadily with an overhang than they would do otherwise.

Hon. W. T. Glasheen: Some vehicles are 3ft. wider than others.

Hon. J. NICHOLSON: I realise that with narrow roads such as we have, there must be some limitation to the width of the vehicle. A vehicle could be built wide enough to take up the whole roadway, and then it would block the traffic.

Hon. H. A. Stephenson: There is a limit of 7ft. 6in.

Hon. J. NICHOLSON: Having regard to the fact that the width of some of the roads along which buses and other vehicles travel, that there is not sufficient space for two vehicles to pass safely or conveniently, something must be done to meet the position and to provide that if there has to be an overhang, in the interests of safety and proper travelling its width should be limited. Mr. Macfarlane referred yesterday to the necessity that existed under the present traffic laws for the owner of a bus to take out a license for another vehicle which might be required to replace one that had been sent to the garage for repairs. There should be a method by which the fee paid for the bus under repair might be transferred to another bus being used as a substitute. In the case of locomotives we know it is necessary for them to undergo repairs from time to time, and spare locomotives are kept to meet the exigencies of the occasion. Whilst it is not neccessary to license locomotives, if the principle of providing a substitute applies in that case, it should be made to apply also in the case of a motor bus without having to pay for a second license. There are other points in regard to which I intend to draw attention when the Bill is in Committee. In the meantime I intend to support the second reading.

**HON. E. H. GRAY** (West) [5.5] : I desire to offer a few remarks on the second reading of the Bill. I do not altogether support the official view behind the measure. It is all very well for people in luxurious limousines to sit back and impress upon the public that the railways are their property, and at the same time speak lightly of the up-to-date motor transport. In the latest report of the Commissioner of Railways we have the official view on this question. I intend to quote it because I shall speak on the Bill as it affects the metropolitan traffic, especially the traffic between Perth and Fremantle. The official view is set out in the report as follows:—

In the suburban area our passenger traffic has been seriously affected by the inroads made by the charabancs and taxi cabs, and here again the license fees imposed appear to be entirely inadequate. Giving evidence before the select committee on the Main Roads Bill in October last the secretary of the Motor Passenger Transport Association stated that between Fremantle and Perth each charabanc covers 40,000 miles per annum, for which an average annual fee of £49 is paid to the Treasury. This amount includes £36 seating fee and £13 for the ordinary license. From these figures then it is ascertained that the buses running on the Fremantle route recoup the State at the rate of .294d. per mile for their road privileges. In other words, a bus weighing approximately two tons pays the State the insignificant sum of 3½d. for the right to run over the 12 miles of expensive road separating the port and the capital city. Under these conditions it is no wonder that the charabanc business has proved so attractive to the proprietors, but here again our experience is that the task of carrying students, apprentices, and others who travel at quarter, half, and three-quarter fare is left to the railways, while the charabanc owners cater for the full-fare passenger.

When we come to consider the route the railway takes from Fremantle to Perth, it is unreasonable to suppose, unless there are some drastic alterations made, that you will get the people from Cottesloe Beach to East Claremont to travel by rail when they have at their disposal taxi cabs which give a five-minute service and the charabancs running every eight minutes. The public can hardly be expected to walk to the station and take the train to Perth. I think that large body referred to by Sir Edward Wittenoom yesterday, who never pay taxes, has a right to be catered for and to enjoy the full privileges of first class transport. I contend that these people pay more than their share of the taxes of the country. Up-to-date transport has now been provided and we should not subscribe to a policy that would have the effect of taxing the traffic off the roads. The only way by which some of the railway traffic could be restored would be to provide better and cheaper facilities, and that could only be done, as suggested by Sir William Lathlain, by electrifying the system. Whether that is a proposition that can be entered upon at the present time is open to doubt. The people who cannot afford to buy a tin Lizzie or an expensive limousine should not be told to use the railways, whilst those who are are more favourably situated are able to enjoy the privileges of motor transport. We should approach the question with a view to making the owner's of taxi-cabs and charabancs pay their fair share towards the upkeep of the roads, and to do everything possible to provide every comfort for the travelling public. I subscribe to the view expressed in the Chamber with regard to the age limit for drivers. There should be some distinction and I believe that in the country, lads of 15 or 16 years of age should be permitted to drive cars. So far as the city is concerned, I am not so sure about 18 being too high. At the same time I consider that the average Australian lad has any amount of nerve and presence of mind, and would be well able to control a machine in any circumstances. Boys are permitted to drive horses through traffic, and a buggy and pair would be a more difficult proposition to handle in the streets of Perth than a motor car or a motor cycle. I would not like anything to be done to restrict the use of motor cycles——

Hon. W. T. Glasheen: Many accidents are caused through push bikes.

Hon. E. H. GRAY: Push bikes are more dangerous to ride in traffic. We regard the period between 17 and 24 as the golden age of youth, and in that period of life the youth can get any amount of fun out of a motor cycle. I shall support an amendment to alter the present restriction in respect of the width of the load. The proposal is too restrictive and will mean increased cost to the proprietors and result in restricting trade. In some instances, even in daylight, the overhang should not be permitted to be more than 12 inches. Views have been expressed in this Chamber with reference to country traffic and nothing is to be done to penalise unduly that class of traffic, having due regard to public safety. It may be necessary to impose restrictions at night, but the proviso proposed in the

Bill I consider is unjust and will be unduly restrictive. That is all I have to say. This is a non-party measure and we should have no difficulty in making it efficient. I hope, however, it will be approached from the viewpoint of providing the best facilities for the public. I support the second reading.

**HON. C. F. BAXTER** (East) [5.15]: The traffic problem in the city is great and will become greater day by day. It is pleasing to know that the authorities in charge of it are doing what is necessary to revise the traffic laws in order that adequate control might be exercised. Members who have spoken have harped on the one question of motors and motor traffic. Nothing has been said about the control of other vehicles. Anyone without a license can sit behind a team of horses and drive them. Anyone accustomed to handling horses has only to go around the city to realise that 50 per cent. of the persons in charge of horses are a danger and a menace to the public. Yet nothing is said about them. One of the amendments in the Bill seeks to compel drivers of motors to give passage way to persons in charge of horses. That is only right; I have seen accidents occur through their not giving way.

Hon. W. T. Glasheen: There are fewer horse than motor accidents.

Hon. C. F. BAXTER: That is so. The same remark might be applied to pedestrian traffic. As one who has driven a motor car in the principal streets of the cities of the Commonwealth, I maintain that the worst place to drive a motor car is the city of Perth.

Hon. Sir William Lathlain: What about Sydney?

Hon. C. F. BAXTER: In Sydney, if the pedestrian does not get out of the way, he is run over and little is said about it. The pedestrian traffic in Perth should be better controlled. The work of the pointsmen is rendered exceedingly difficult because of pedestrians indulging in jay-walking and, in fact, walking in all directions.

Hon. V. Hamersley: Why not make them all take out a license?

Hon. C. F. BAXTER: That would be a good idea if it is revenue that the Government need. The city fathers should exercise better control of the traffic.

Hon. Sir William Lathlian: They have no right to control the traffic. The Government took the right from them.

Hon. C. F. BAXTER: Then the Government should do it. Clause 14 proposes to amend the proviso to Section 22 of the Act. The proviso reads—

> Provided that nothing herein contained shall prevent an unlicensed person, being a person learning to drive a motor vehicle, from driving a motor vehicle upon a road if such unlicensed person has sitting beside him a licensed driver, and in such case the licensed driver shall be deemed to be driving such motor vehicle.

The effect of the amendment will be to stipulate that the unlicensed person "is not under 17 years of age," etc. Thus, no person under 17 years of age will be allowed to hold the wheel of a car, even though he has a licensed driver alongside him. There are boys of 15 who are quite as competent to drive a motor car as is a man, boys of resource and ready to act in any emergency that may arise. The age restriction of 17 is unreasonable. In the country districts are numbers of lads driving traction engines. One is handling a traction engine better than any man that I know could handle it, and he is only 16 years of age. If he can handle a traction engine he could handle a car. I do not suggest that he should be permitted to drive a car in the city, but there would be no risk of his handling a car in the country. If we require a boy to be 18 years of age before he receives a license to drive in the city, at 16 he should be permitted to sit alongside a licensed driver in order to learn to drive. In the country, however, lads from 16 upwards might well be granted licenses to drive, though they should not be permitted to drive in the metropolitan area.

Hon. W. T. Glasheen: What about women drivers?

Hon. C. F. BAXTER: When crossing the street I feel more safe if a car is being driven by a woman than by some men I know. I hope the House will not be guided by Sir Edward Wittenoom's opinion that women should not be permitted to drive motors. Such a prohibition would operate harshly against women drivers, who would be unable to go out in cars except on rare occasions when a licensed driver was available. Now they are able to drive cars into the towns and transact much of their business. I am satisfied that the percentage of reckless drivers among the female section is much smaller than that amongst the male section. As to the controversy regarding motors ver-

sus railways, it is hard to say what should be done. In the country the motors undoubtedly facilitate the handling of produce. On the other hand we have built railways expressly to haul the farmers' produce to market. I am a producer and I make use of the railways, but if I were influenced solely by consideration for quick and cheap transport, I would use motors. Still there is another vital consideration affecting the haulage of heavy loads in country districts and that is the question of building and maintaining the roads. No matter what district we take, we have not got roads suitable to carry the heavy motor traffic of to-day. It is possible to carry similarly heavy loads with horse-drawn vehicles because they do not travel so fast. The State is not rich enough to be able to lay down suitable roads for fast and heavy motor traffic. If the heavy motor traffic continues to increase, where shall we find the money to build and maintain roads?

Hon. H. A. Stephenson: What about the petrol tax?

Hon. C. F. BAXTER: How far would that go? The cost of the upkeep of roads must become terrific, and I fear that the burden of it will fall upon the owners of farm property. The high rating that will be necessary will impoverish the farmers, and even then it will be impossible to maintain good roads. Mr. Gray said we should not tax the motors off the road. There is no denying that the cost of maintaining our roads is becoming exceedingly great, and if the motor traffic is the cause of it, then the motor traffic should pay for it. It is all very well to say that we should not do this or that; we have to find the money to maintain the roads. As one member aptly remarked yesterday, the railways have been constructed by the Government and have to be maintained by them, but all that the motor owners do is to pay their license fees. There is no way to make them contribute towards the upkeep of roads, except by means of license fees. Those fees are fairly high at present, but I do not think they are high enough in view of wear and tear that motors cause to the roads. It would have been a good thing for Australia had motor traffic never come into vogue. If there is one thing more than another that is crippling Australia financially, it is the importation of motor vehicles, for which millions of pounds are being sent out of the country every year. I admit that to a certain extent they are beneficial for traction purposes, but even so it is questionable whether traction engines are the most economical and suitable power for farm work. During the first couple of years they give satisfactory results, but after that the cost of repairs becomes a serious item. The Bill before us calls for little comment on the second reading; it can best be dealt with in Committee. I support the second reading and hope that in Committee the age at which a boy in the country may be permitted to learn to drive will be reduced to 16.

Question put and passed.

Bill read a second time.

## BILL—LAND TAX AND INCOME TAX.

*Second Reading.*

Debate resumed from the previous day.

**HON. H. SEDDON** (North-East) [5.28]: I desire to refer briefly to the main features of the Bill. The proposed reduction of income taxation is one with which many will agree. The incidence of taxation is a subject that is always keenly debated and by no section more than by the supporters of the present Government. Consequently we need not be surprised to find in their official organ "The Worker," that they have been for some time past stressing the financial acumen of the Collier Government and pointing out the advantages that the taxpayers have received owing to the Labour Government being in office. One of their strong points is that the Labour Party are always desirous of seeing that the pressure of taxation is distributed more upon the man in receipt of the higher income than upon the man in receipt of the lower income. Therefore it is rather interesting to note that the Bill which provides for a reduction of 33⅓ per cent. of income taxation will operate in the reverse direction, so that the man who is in receipt of the highest income will receive the greatest benefit.

Hon. E. H. Harris: What would have been said if some other Government had made a similar proposal?

Hon. H. SEDDON: It would have been interesting to see the comments had the Mitchell Government taken the step upon which the Collier Government are now being commended. The "Worker" has drawn up a set of tables comparing the amounts of in-

come tax paid under the Mitchell Government in 1924 with those to be paid under this Bill. For the purpose of carrying out the illustration I shall read some of the figures given. A table headed "Tax payable by ordinary taxpayer, married or single, with a dependant," sets forth the following figures:—

| Net Income p.a. | Mitchell Govt. Financial Year 1923-24. | | | Collier Govt. Financial Year 1926-27 | | |
|---|---|---|---|---|---|---|
| £ | £ | s. | d. | £ | s. | d. |
| 208 | | 4 | 0 | | 2 | 8 |
| 234 | | 17 | 1 | | 11 | 5 |
| 250 | 1 | 9 | 4 | | 19 | 7 |
| 260 | 1 | 18 | 5 | 1 | 5 | 7 |
| 286 | 3 | 6 | 9 | 2 | 4 | 6 |
| 300 | 4 | 17 | 9 | 2 | 16 | 8 |
| 468 | 10 | 5 | 3 | 5 | 19 | 0 |
| 500 | 11 | 10 | 0 | 6 | 13 | 4 |
| 1,000 | 39 | 15 | 5 | 23 | 1 | 1 |
| 2,000 | 146 | 12 | 6 | 84 | 19 | 10 |
| 3,000 | 320 | 11 | 3 | 185 | 16 | 6 |
| 4,000 | 561 | 11 | 8 | 325 | 11 | 0 |
| 5,000 | 869 | 13 | 9 | 504 | 2 | 11 |
| 10,000 | 2,300 | 0 | 0 | 1,333 | 6 | 8 |

The significance of those figures is better determined, however, when one works out the percentages of income payable under the two rates. On an income of £208 the percentage of income payable as tax in 1924 was .096, as against .064 under the present proposal: on £300, 1.6 as against .75; on £500, 2.3 as against 1.3; on £3,000, 10.8 as against 6.1; on £5,000, 17.4 as against 10; and on £10,000 the Mitchell Government would have demanded 23 per cent. whilst the Collier Government propose to content themselves with 13.3 per cent. The Collier Government therefore propose to benefit the recipients of income on the higher scale far more than the recipients of income on the lower scale. These deductions are interesting, because the newspaper to which I refer allots much credit to the Collier Government for the manner in which they have administered the finances. I have previously pointed out to the House that the figures pertaining to revenue, taxation, and departmental charges have considerably increased since the Collier Government took office. Ministers take great credit for reducing income taxation by a sum amounting to roughly £200,000. Hon. members may be interested to observe that under the head of "departmental fees," in the returns presented to Parliament with the Budget, it is shown that these fees have risen by no less than a quarter of a million sterling since the present Government took office. Therefore the Government can well afford to give back to the taxpayers £200,000, especially in view of the Federal grant. A further fact to which attention may be drawn is that taxation has increased from £2.8 per head in 1923 to £4.5 per head in 1924. Realising the increased revenue received by the present Government, and also the indirect taxation they have imposed through increased departmental fees, one fails to credit them with the financial acumen claimed in the article from which I have quoted. Further, there is disguised taxation in the form of scaffolding fees, vermin rates, traffic fees, entertainment tax, and so forth. All these have contributed to swell the revenue. When introducing the Bill the Chief Secretary frankly admitted that the Federal grant had made reduction of taxation possible. Surely one might expect that the "Worker" would have given credit where credit is due and pointed out that the Government were only able to effect reduction of taxation by virtue of the fact that the Commonwealth had recognised the disabilities of Western Australia. The Government have taken part of the Federal grant in order to allow of reduction in taxation. I consider it doubtful whether the wisest course of action is to apply the Federal money in this way. It has been argued that by reducing taxation we may induce investors to establish further industries in this State. I do not hold much with that argument. A man is not likely to invest capital in plant and machinery in Western Australia if he has no guarantee that at the end of five years he will not receive the concessions now promised, whilst he may then find competition just as severe as it is to-day. That consideration would, I think, lead any business man to hesitate and inquire further into the factors governing cost of production in Western Australia before he embarks on an undertaking of any considerable magnitude here. I desire to draw attention to the fact that the disabilities grant was made available to Western Australia for the purpose of meeting the State's disabilities. Undoubtedly, by taking part of the grant to relieve taxation, the Government are applying so much of it for the purpose of temporary relief. To me it seems doubtful whether the State will benefit permanently by that course of action. We have also to remember that the Federal money was supposed to be applied by the Parliament of Western Australia.

The Government, on the other hand, have appropriated that money in the ordinary way; and as appropriations are dealt with primarily by the other House, we have to congratulate ourselves on the fact that the Government have put one over on us, we having no power to determine how the money shall be applied. Anyone who reads the Federal Act granting the disabilities money to Western Australia must realise that the Commonwealth intended the whole Parliament of Western Australia to decide how the money was to be expended. I consider that the State Government have been smart enough not only to use the Federal money in a clever way to cover the costs of their administration, but also to put this House out of action as regards dealing with the appropriation of the money. I have no option but to support the Bill. My remarks have been made with the object of drawing attention to the conditions under which relief from taxation is being granted.

**HON. G. W. MILES** (North) [5.37] : I congratulate the Government on the manner in which they have handled the financial situation. I am the only member of the Council who took the opportunity of attending in another place to hear the Treasurer deliver his Budget speech. I was agreeably surprised by it. The proposed remission of taxation is a statesmanlike way of handling affairs, and I disagree with the observation of the previous speaker that Parliament was to decide the matter. No doubt the remark is strictly correct, but the only way in which Parliament can decide is through the Government, and Ministers are the right people to propose to Parliament how the money shall be applied. No Government could have handled the Commonwealth grants as applied to the State better than the Collier Government have done. They are reducing taxation by one-third, and I do not think any section of the community will disagree with that proposal. The Federal money was made available by the Commonwealth for the purpose of relieving taxation. At all events, that was one of the objects. If the Bill submitted to the Federal Parliament is passed, the £200,000 grant will be made available for five years. In fact, the money is already on the Federal Estimates: and I believe the Federal Parliament will pass the Bill in question. Of the amount of £360,000 granted to us previously, £160,000 has been earmarked for assistance to the mining industry. No one can object to that, in view of what the mining industry has done for Western Australia. The other £200,000 has been used in paying off the unfunded portion of our deficit. I have said outside this Chamber, and I wish to say here, that in my opinion no Treasurer could have handled the Federal monetary contributions better than Mr. Collier has done. I have much pleasure in supporting the Bill.

**HON. SIR WILLIAM LATHLAIN** (Metropolitan-Suburban) [5.40] : Like other members, I am pleased to see reduction of taxation; but I do not feel inclined to go as far as Sir Edward Wittenoom went yesterday in commending the Government. A certain amount of money was paid to Western Australia by the Federal Government, the much abused Federal Government who are supposed to treat the people of this State so harshly. That money was paid to the Western Australian Government as the result of inquiries made by the Federal Disabilities Royal Commission. The case submitted to the Commission was that the people of Western Australia were heavily taxed by their own State because of what had occurred as a result of Federation. The present Government, therefore, are doing what I think any honest Government should do, and what it was intended by the Commonwealth that the State Government were to do, namely, relieve the taxation of the people of this State and assist any of its industries which were suffering from the disabilities mentioned before the Royal Commission. Sir Edward Wittenoom particularly stressed the large amounts of money which have been withdrawn from Western Australia. May I assure the House that those amounts are very large indeed, and that they were withdrawn because of the high rates of income tax which the recipients of large incomes here have been compelled to pay. From my own knowledge I can speak of one man of large income who holds Western Australian Bank shares. On those shares, taking into account the price he paid for them, his return was about 7½ per cent.; but after paying income tax on a high scale he found that return reduced to about 3½ per cent. The Government's action in reducing taxation, especially on large incomes, will, I feel sure, have a most beneficial effect on West-

rn Australia. A man earning his income
1 Western Australia might feel that with
n income tax of 4s. in the pound he could
o better by investing his money outside
is State, but I think he would be a very
oor sort of man if, earning a large income
ere, he did not pay the income tax de-
anded by Western Australia even though
were slightly higher than that he would
ave to pay in another State. Therefore I
el that reduction of the incidence of
axation, more particularly on the higher
ncomes—I do not come within that
ategory, and so am not personally affected
-will be the means of inducing those who
ave sent money out for reinvestment in
her States to bring it back and invest it
here they make their profits. I support
ie second reading of the Bill, and am in-
ed pleased to know that the Government
ave grasped the situation in a manner that
flects credit upon them.

**THE CHIEF SECRETARY** (Hon. J. M. rew—Central—in reply) [5.45]: I might ave been surprised at the general silence connection with the presentation of a ill that will relieve the taxpayers of taxa- on to an enormous extent, were it not for e fact that in private conversation with m. members I urged them not to discuss e measure at any great length, because it as necessary to pass the Bill to enable the ommissioner of Taxation to issue the sessments. It was because of that that ere has not been much discussion on the ill in this Chamber. I was rather sur- ised at the attitude of Mr. Seddon, who arged the Government with having sub- antially increased taxation. He mentioned e increased amount of departmental fees at had been received. That is due to the creased prosperity of the State, and is t due to any increased taxation imposed the Government. Then he referred to e vermin rate. The Government do not nefit except indirectly, because of the position of that rate. I should have ought that everyone would have appreci- ed that position and would have recog- sed that the vermin rate could not be ssed as taxation imposed by the Gov- nment. Then Mr. Seddon referred to the affic fees. Those fees were imposed for e benefit of the local authorities for road aking purposes. I regard Mr. Seddon's atements as very unfair. It is decidedly fair to make such assertions that will ve wide publicity and so lead people to believe that the Government have increased taxation. Certainly we increased the land tax, but the Government did not reap any benefit because railway rates were reduced to a corresponding extent. Mr. Holmes has referred to the reduction of 5s., and it is a fact that a rate of 5s. per ton less than formerly is now charged on a number of lines used in connection with the primary industries. That is not a large amount, but it means a loss of revenue amounting to something like £40,000 a year. Hon. members, by perusing the report of the Commissioner of Railways, will see the position that followed upon that decrease.

Hon. J. J. Holmes: The trouble is that you did it in the wrong way.

The CHIEF SECRETARY: One hon. member said that the Federal grant had made the reduction in taxation possible. I thought everyone knew that that was so.

Hon. J. J. Holmes: The Treasurer said so in his Budget.

The CHIEF SECRETARY: We as a State have suffered many disabilities and during the last two years, while I have been in office, I have heard hon. members state repeatedly that taxation was too high in this State. I was thoroughly convinced by what I had heard in this Chamber—in fact, I was convinced on that point long before I came to this Chamber on the second occasion—that the taxation imposed upon the people here was too high. I have always considered it my duty as a member of Cabinet to represent to my colleagues the feelings of members of this House, when I could conscientiously endorse them. I did so on this occasion, as I have on previous occasions in connection with many questions. There were scores of ways in which the Federal money could have been expended justifiably. We were approached from almost every quarter with requests and claims that the Federal money could be spent for certain purposes. The Government came to the conclusion that the money could not be expended better than in the reduction of the income taxation.

Hon. J. Nicholson: The Government were very wise too.

The CHIEF SECRETARY: Mr. Seddon said that this was a matter of temporary relief only. That is not the view that the Government take.

Hon. J. J. Holmes: The Bill says it is only temporary.

The CHIEF SECRETARY: We believe that the Commonwealth Government will redeem their promise and that we shall receive annually the amount specified for five years. If we do receive that money, we believe the State will be able to carry on even without further assistance from the Federal Government. There will be prosperity, while enterprise, not handicapped by taxation, will be such that the development that will follow will mean that at the end of the five years we shall not only be able to carry on without reimposing the taxation, but we shall be in the position to still further reduce taxation. That is the view of the Government.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 6—agreed to.

Hon. V. HAMERSLEY: On the Notice Paper, there are two amendments in the name of Mr. Stewart, who wished to move them as new clauses to the Bill.

The CHAIRMAN: If the hon. member desires, he can move them on his own behalf.

Hon. V. HAMERSLEY: I move an amendment—

That a new clause, to stand as Clause 7, be added as follows:—

*Exemption in case of improved lands outside Municipalities.*

7. All improved lands, outside the boundaries of any municipality, chargeable with land tax and used solely or principally for agricultural, horticultural, pastoral, or grazing purposes, or for two or more of such purposes, shall be assessed for land tax under this Act after deducting the sum of two hundred and fifty pounds. Such deduction shall not be made more than once in the case of an owner of several estates or parcels of land, but in every such case the aggregate of the values of such several estates or parcels shall be regarded, for the purpose of taxation, as if such aggregate represented the unimproved value of a single estate or parcel.

The CHIEF SECRETARY: I would like your ruling, Mr. Chairman, as to whether this amendment is one that can be made to the Bill.

The CHAIRMAN: I rule that the amendment cannot be made to the Bill. The amendment is in fact one to amend the Land and Income Tax Assessment Act. It is therefore out of order in connection with the Bill.

Hon. V. HAMERSLEY: I do not wis to disagree with the ruling, but I have letter from the Solicitor General in whic he states that there is no reason why th amendment should not be moved to the Bil

The CHAIRMAN: I ask the hon. mem ber to resume his seat, unless he intends t disagree with my ruling.

Hon. V. HAMERSLEY: Does you ruling also apply in the second amendmer standing in the name of Mr. Stewart?

The CHAIRMAN: It will save time i I say "yes" straight away.

Preamble, Title—agreed to.

Bill reported without amendment, and th report adopted.

## BILL—WEIGHTS AND MEASURES ACT AMENDMENT.

*In Committee.*

Hon. J. Cornell in the Chair; the Chie Secretary in charge of the Bill.

Clauses 1 to 5—agreed to.

Clause 6—Amendment of Section 20:

Hon. J. NICHOLSON: When speakin during the second reading debate, I drev attention to the fact that in the parent Ac there was a provision the spirit of whic was not embodied in the amendment. O the Notice Paper there are a couple o amendments in the name of the Chief Sec retary that he cannot move, and I intend t move them on my own behalf. I move a amendment—

That the following subclauses be added:—

(6.) In the case of any liquors paying ex cise or customs duties, the measures set fort in any Act dealing with such liquors shall b held to satisfy the requirements of this sec tion in regard to measure.

(7.) This section shall not take effect unt the expiration of six months from the com mencement of this Act.

These will bring the measure into conformit with the provisions of the existing legisla tion. Before casks of beer or other liquor can be removed from the place of manufac ture it is necessary to have their capacity de clared and the duty stamps cancelled. I the Excise Beer Act of 1912, passed by th Commonwealth Parliament, it is laid dow what the dutiable contents are of variou casks such as hogsheads and other vessels If the Bill be passed without the amendment any person will be liable for an offence i

he has beer or a similar commodity for sale in vessels that, on examination, are found to contain less than their reputed quantity. There is a method of measuring by rod that gives an approximate estimate of the contents of a barrel; but the only true method whereby the contents can be accurately ascertained is by running off those contents and measuring them gallon by gallon. The only way to safeguard the position of the manufacturer is to adopt the amendment. I hope members will agree to it.

The CHIEF SECRETARY: This amendment does not meet with the approval of the Minister for Justice, who has given a lot of consideration to the Bill. There are two sides to the question. Mr. Nicholson has stated one of them. The other side is this: A hogshead contains 54 gallons, but the Customs and Excise Department are satisfied with payment for 52 gallons. So under the amendment the hotelkeeper might purchase from the brewery a hogshead of beer and pay for 54 gallons although only getting 52 gallons. The brewer pays duty on only 52 gallons, and so he may not put more than 52 gallons into the 54-gallon barrel, which he can sell to the hotelkeeper as 54 gallons. So he would get both excise and value on two gallons that the barrel does not contain. He could get at the publican to the extent of two gallons of beer in every hogshead.

Hon. J. NICHOLSON: I draw the Minister's attention to Clause 6, which provides that no person shall sell by retail any article of weight or measure unless by net weight or measure. The net measure is estimated by a certain method in the trade. When hogsheads are officially accepted as containing a certain quantity, it should be recognised in our local legislation. The only way to do that is to accept the provision in the 1915 Act. There should be inserted a clause under which men deliberately seeking to misrepresent the quantity contained in a vessel should be punished. I hope the Minister will consider the insertion of such a clause.

The CHIEF SECRETARY: The danger of the amendment is that under it a man could sell 52 gallons as 54 gallons. That is a concession granted to him by the Customs and Excise Department. As to testing the actual measurement, there is always one way. If an inspector were suspicious of a brewery, he would await the delivery at an hotel of a barrel from that brewery and then measure it off into a container. I wish it to be clearly understood that there would be possibility of fraud occurring through the insertion of the amendment.

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

Hon. J. NICHOLSON: If the clause stands as it is without the insertion of the proviso, and there should happen to be a deficiency of a pint or so in the measure, which might result from no fault of the brewer, the brewer will be held responsible. This will not be fair. Perhaps something can be done to meet the position.

The CHIEF SECRETARY: I was responsible for the introduction of the measure of 1915. I was at the head of the Police Department, which had charge of the administration of the Act. I think I was also responsible for the amendment that has just been moved by Mr. Nicholson. It is not in the New South Wales Act. A hogshead is manufactured by the cooper, and it contains 54 gallons. It is sent to an hotel and emptied there. It may then be placed in the yard in the sun, and after some weeks may be returned to the brewery. It may then stand by for several months, and after being made watertight may be brought into use again. Every time it goes back it contains a smaller quantity of fluid. It costs between 8s. and 10s. to recondition a hogshead. After use from time to time the measure may contain only 51 or 52 gallons. The Customs and Excise authorities have enacted that in the case of a 54-gallon hogshead the duty shall be payable on only 52 gallons. On the other hand the brewer may sell only 52 gallons of beer to the publican, and charge him as if for a hogshead of 54 gallons. It may be possible to draft an amendment to meet the position, and I will, therefore postpone further consideration of the Bill.

Progress reported.

## BILL—RESERVES.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Reserve 17084:

Hon. H. J. YELLAND: This clause states that an agricultural hall may be sold by the trustees as the registered proprietors thereof. The Land Act of 1898 states that any reserve or Crown land sold under the

Land Act shall be submitted to public auction. The principle of dealing with reserves in the way set forth in the Bill is wrong, in that it allows these lands to be sold by the trustees in whatsoever manner they please. This principle is contained in Clauses 2 to 5 and 7 to 9. I take this opportunity of voicing my protest against this.

The Chief Secretary: We can discuss this matter when we are dealing with the proposed new clause.

Clause put and passed.

Clauses 3 to 12—agreed to.

Clause 13—Reserve A5574:

Hon. H. A. STEPHENSON: On behalf of Sir William Lathlain I move an amendment—

That a proviso be added to Subclause (4), as follows:—Provided that the trees and natural growth on those portions of such reserve, which are described in part III. of the said schedule, shall not be removed or destroyed, and that those portions of the said reserve shall not be used for any purpose which is likely to lead to the removal or destruction of any of such trees or growth.

Amendment put and passed; the clause as amended agred to.

New Clause:

Hon. H. J. YELLAND: I move—

That the following new clause be added to stand as Clause 14:—"Every sale by virtue of this Act shall be by public auction at an upset price determined by the board of trustees, in whom the reserve is vested."

As I have already said, the new clause will bring the sale of such lands into line with the usual routine followed, namely, that it must be submitted for disposal by public auction.

The CHIEF SECRETARY: Mr. Yelland should give further reasons for moving the new clause to deal with the sale of land held by trustees. So far as I am aware, this has never been done in the past.

Hon. H. J. YELLAND: I thought that the principle adopted by the Lands Department was so well known that it needed no further explanation. In connection with reserves vested in trustees, the trustees have been given power to dispose of it. They hold the land for the benefit of the public, and I was always under the impression that when public land was to be disposed of, the disposal should be by public auction. The reasons for the amendment are obvious. It will prevent trustees disposing of land at a figure below its value. The new clause says that there must be an upset price which is the value set upon it by the trustees themselves. Then at the auction everyone should have an opportunity to bid for the property. The trustees will also be relieved of any possible accusation that might be brought against them of having disposed of the land at a price under its value.

The CHIEF SECRETARY: This is not Crown land. The trustees are controlled by a committee and their aim would be to secure the highest possible price. If the amendment be agreed to, they will be compelled to sell at auction. The amendment may hamper their efforts considerably. It might be possible to dispose of the property by other means. It might not be possible to make it known that it is intended to hold an auction sale.

Hon. H. A. STEPHENSON: I cannot follow Mr. Yelland when he says that all such properties should be sold by auction. Does he mean that they should be sold without reserve?

Hon. H. J. Yelland: There is an upset price fixed.

Hon. J. J. Holmes: Your amendment says that it shall be sold at the upset price.

Hon. H. J. YELLAND: I wish to draw attention to Sections 47 and 48 of the Land Act, 1898, which provide that all suburban town and village lands, after being surveyed shall be put up for sale by the order of the Minister. All sales are to be by auction and a notification must appear in not less than three issues of the "Government Gazette" and one issue of the local newspaper. The same conditions would apply to the sale of any other public land put up for auction. What was the reason for putting in these safeguards? It was to protect the Government and give the public an opportunity to secure whatever land was being sold. If it were possible to sell land without its being advertised, it might go at any price and perhaps below its value. It is due to us to see that the public get the opportunity to bid for the land. If there is no bid above the upset price, it can be sold at the upset price. I am merely asking that that which has been the practice since 1898 shall be applied to these lands. Mr. Holmes has pointed out an ambiguity in connection with the clause. I might inform him, however, that it was drawn up by the Parliamentary Draftsman and it has been taken from a section of the existing Land Act.

The CHIEF SECRETARY: The sections of the Land Act quoted by the hon. member

refer to sales of Crown lands. These are not Crown lands. Take Perenjori Lot 43. That is vested in trustees as an agricultural hall site, and it may be sold by the trustees as the registered proprietors, and transferred to the purchaser subject to the existing mortgage, provided that the trustees devote the proceds to the erection of an agricultural hall. That is not Crown land. It has been definitely vested in the trustees for the purpose of an agricultural hall.

Hon. H. J. YELLAND: Why then is it called Reserve 17084? Reserves are vested in trustees for public purposes, and when they are so vested we have to guard against the sale at below value. If we do not have such a safeguard the trustees can dispose of it for any price they like. The amendment does not prevent the trustees from fixing the correct value and then submitting it to auction and possibly getting a higher price.

Hon. E. H. HARRIS: In some cases the trustees originally appointed are not now living, and no others have been appointed. What would be the position in such an event? There is merit in the point raised by Mr. Yelland.

The Chief Secretary: You want information about the blocks in question?

Hon. E. H. HARRIS: Yes. Would it mean that the whole of the money raised by a sale must be utilised for the purchase of another place?

The Chief Secretary: There are different conditions in each case.

Hon. E. H. HARRIS: If a property was sold for £1,000, would the trustees have the right to erect a building elsewhere for say £200, and if so what would happen to the balance?

The CHIEF SECRETARY: The answer to the hon. member depends upon the clause to which he refers. There are 13 clauses in the Bill and different conditions attached to each one.

Hon. E. H. Harris: I did not mention any particular one.

The CHIEF SECRETARY: The proceeds of the whole of the property must be applied to the new purpose.

Hon. J. NICHOLSON: There is considerable merit in the proposed new clause, but it presents a difficulty. If the sale had to be by public auction, one could conceive of its being offered several times and no bid being received. Consequently the trustees would be unable to carry out the desired purpose, or they would have to alter the upset price.

Hon. E. H. Gray: It might be sold at less than its value.

Hon. J. NICHOLSON: Yes. I take it that the trustees, before selling by private treaty, would agree upon a fair price. If the road board were invariably made the trustees, we would have the opinion of the whole of the board, and there could be no sale by private treaty at a price less than that determined by the board.

Hon. H. J. Yelland: Some of these are church reserves and one is the Fremantle Trades Hall site.

Hon. J. NICHOLSON: I realise that there might be some difficulty. Anyhow, the trustees would determine the minimum price, even if they resolved to sell by private treaty.

Hon. H. J. YELLAND: I appreciate the difficulty, but it might be overcome by adding to the proposed new clause a proviso, "Provided that if no bid is received above the upset price fixed by the trustees, the land may be disposed of in any other way." I do not care how it is disposed of so long as the sale is advertised and the public are given an opportunity to attend and bid. It might be well to provide also that the sale should be advertised in accordance with Section 48 of the Land Act, 1898. My desire is to protect the public and the trustees.

Hon. E. H. GRAY: I hope the new clause will not be agreed to, because it might affect the sale of the Fremantle Trades Hall. The present site is unsuitable, and I think I can safely say that all sections of the community at Fremantle are pleased that a new site has been purchased almost opposite the town hall, so that the public buildings of the town will be in practically one block. The old site, which is now more suitable for warehouses, has declined in value owing to the business centre of the town having shifted. Members may rest assured that the Fremantle Trades Hall trustees, who act under the direction of the general body, would obtain the best possible price for the old site.

Hon. H. J. YELLAND: The obvious reply to Mr. Gray is that the Fremantle Trades Hall trustees cannot lose through this new clause. Any alteration occasioned by it must be in the direction of gain. The price desired is first stipulated, and then the land is submitted to public auction, at which

an increase on the upset price may be secured. If the upset price is not obtained, there will then be an opportunity to sell by private treaty. I ask leave to add to the new clause the following words:—

Provided that if no bid is received above the upset price fixed by the trustees, the land may be disposed of in any other manner.

Hon. E. H. GRAY: The Trades Hall site will be sought after by only a few firms. Why should the trustees be put to the expense of commission in such circumstances?

Hon. V. HAMERSLEY: I support Mr. Yelland's amendment, as a fair amount of advertising is desirable. Dozens of people would be only too glad to secure parts of reserves, but they do not learn of the opportunity until the land has been disposed of. I could give cases in point.

The CHAIRMAN: The procedure which has been proposed for amending an important provision such as the new subclause which appears on the Notice Paper is hardly fair to the Committee.

Hon. G. W. Miles: Why not, Sir? The debate has brought about the suggested addition.

The CHAIRMAN: Members have had ample opportunity of considering the principle of the new clause, but that is not so as regards the proposed addition. In the circumstances the best course is to report progress so that Mr. Yelland can place the whole of the new clause on the Notice Paper. I am in the hands of the Committee, and am prepared to state the proposed addition. Is it the pleasure of the Committee that the words proposed to be added to the new clause be added?

Hon. J. NICHOLSON: I suggest that for "in any other manner" there be substituted "by private treaty." A further question which arises is whether the trustees would continue to be bound by the upset price determined when the land was submitted for public auction, or would fix a new upset price. In the circumstances the Chairman's suggestion that progress be reported is an excellent one.

Hon. H. J. YELLAND: The additional words were prompted by the discussion which has taken place. There is no desire to inconvenience the Committee in any way. Perhaps it would be well to report progress.

Hon. J. J. HOLMES: If the new clause is to be considered further, I would like Mr. Yelland to view it from this aspect. Trustees wishing to sell land to their friends in an underhand manner, as has been suggested, need merely fix an upset price at which nobody will buy. Then, the expense of an auction sale having been incurred and no purchaser having appeared, they will have a free hand under this new clause. Some better means of protecting the interests of the people concerned should be devised.

Progress reported.

## BILL—GUARDIANSHIP OF INFANTS.

*Second Reading.*

Debate resumed from the 5th October.

**HON. E. H. GRAY** (West) [8.27]: I support the second reading. Having listened carefully to the criticisms of Mr. Nicholson and Sir Edward Wittenoom, I fail to see much in their contentions. The Bill seeks to place the mother on the same footing as the father regarding the welfare of the children. Modern thought strongly favours that innovation. From the aspect of spiritual and moral welfare the mother has a better grasp than the father of what a guardian should be. The father's rights are adequately safeguarded by the Bill. As stated by Mr. Potter, the measure is a copy of an Act passed in the Old Country. An exceedingly strong argument in its favour is that the 200 branches of the Parents and Citizens' Association of Western Australia are behind the measure. It is also supported by the Womens' Service Guild, representing women prominent in social work. The guild is a non-political body working for the good of women and children. Western Australia should come into line with the Old Country in this matter.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; Hon. G. Potter in charge of the Bill.

Clause 1—agreed to.

Clause 2—Principle on which questions relating to custody, upbringing, etc., of infants are to be decided:

Hon. J. J. HOLMES: The Bill is looked upon by several members as very important. I do not think it was understood that we would deal with it in Committee to-night.

Several members view the measure with great concern.

Hon. J. R. Brown: Then they should have been here.

Hon. J. J. HOLMES: I know that, but it was not anticipated we would reach the Committee stage this evening. I question the wisdom of proceeding further with the measure this evening.

Hon. G. POTTER: I agree with Mr. Holmes that the Bill is more important than a cursory glance might suggest. I believe several members are absent in the country, where their duties have taken them. While it is not my intention to press the measure at the present stage, I would like to hear what other hon. members may think about it. I know there will be considerable discussion regarding some of the clauses, but I am prepared to go on.

Clause put and passed.

Clause 3—agreed to.

Clause 4—Amendment of No. 15 of 1920, Section 5, with respect to the custody and maintenance of infants, and repeal of 2 and 3 Vic., c. 54 (relating to the custody of infants):

Hon. J. NICHOLSON: During my second reading speech on the Bill I drew attention to Clauses 4, 5 and 6. While I commended the remaining clauses of the Bill, I stated I could not support the three clauses I have mentioned. I do not wish to repeat what I said during the second reading debate, for hon. members will remember the views I expressed.

Hon. G. POTTER: Since the second reading debate, I have given close attention to the views expressed by Mr. Nicholson, who suggested that the clauses he has mentioned should be deleted and that we should wait to see how similar legislation operated in England. I do not consider his argument was based on logic, because the Bill will correct something found wanting in the past. All that the clauses, which represent the main portions of the Bill, seek to do is to give to mothers the same powers and privileges that the fathers possess statutorily to-day.

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

| | |
|---|---|
| Ayes .. .. .. .. | 13 |
| Noes .. .. .. .. | 4 |
| Majority for .. .. | 9 |

Ayes.

| | |
|---|---|
| Hon. J. R. Brown | Hon. J. M. Macfarlane |
| Hon. J. M. Drew | Hon. W. J. Mann |
| Hon. J. Ewing | Hon. G. Potter |
| Hon. E. H. Gray | Hon. H. A. Stephenson |
| Hon. W. T. Glasheen | Hon. H. J. Yelland |
| Hon. E. H. Harris | Hon. H. Seddon |
| Hon. G. A. Kempton | (*Teller.*) |

Noes.

| | |
|---|---|
| Hon. J. J. Holmes | Hon. J. Nicholson |
| Hon. G. W. Miles | Hon. H. V. Hamersley |
| | (*Teller.*) |

Clause thus passed.

Clauses 5 to 10—agreed to.

Clause 11—Power of Court to order repayment of costs of bringing up child:

Hon. G. POTTER: The Honorary Minister, who is unable to be present at the moment, conferred with me regarding certain amendments to Clauses 11, 12 and 13. There is no objection to those amendments and I will move that they be made. The effect of the amendment to Clause 11 will be to conserve the rights possessed by the State Children Department at present. I move an amendment—

That in lines three and four the words "or is maintained or provided for by the State Children Department," and in line seven the words "or to such department" be struck out.

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

Clause 12—Court in making order to have regard to conduct of parent:

Hon. G. POTTER: I move an amendment—

That in lines four and five the words "or by the State Children Department" be struck out.

This is practically consequential upon the amendment to Clause 11.

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

Clause 13—Construction:

Hon. G. POTTER: I move an amendment—

That in line one of Subclause (2) "four" be struck out, and "three" inserted in lieu.

Amendment put and passed.

Hon. G. POTTER: I move an amendment—

That the following subclause be added:—"(5) Nothing in this Act shall be deemed to confer on any court power to order the release of any State child from the control of the State Children Department, or from any institution within the meaning of the State Children Act, 1907-1921."

The object is to preserve the right of the officers of the State Children Department to conduct their department without fear of its being undermined by this measure.

Hon. V. HAMERSLEY: Surely this is an extraordinary power to confer on the department! Is it really necessary? We ought to hesitate before debarring a superior court from ordering the release of some child, a ward of the State.

Hon. G. POTTER: The hon. member has nothing to fear from this provision. At no time has the department placed any difficulty in the way of the liberation of children on reasonable demand. It is highly desirable that the officers of the department should have the support that will be accorded them by the amendment.

Hon. V. HAMERSLEY: I can quite understand the necessity for giving the department full control over children the wards of the State, but circumstances may so alter as to render it highly desirable that certain children should be released from the control of the department. In such instances, surely, parents should have the right of appeal to some authority other than the department in control of the children; in other words, to a court. I do not know of any instances in which the department has abused its power, but we cannot say what might happen at any time to render this proposed provision altogether unwise.

Hon. G. POTTER: In most legal procedure it is desirable that a channel should be left open, but it is not so when dealing with this social question. Members can have every confidence in the State Children Department. Never has the department opposed the lifting of its authority from a ward of the State when circumstances have rendered it desirable. Nor has the department ever refused to hand back a child to its natural guardians when satisfied with the provision made for the care of the child.

Hon. G. A. KEMPTON: I have all sympathy with the framer of the Bill, but I agree with Mr. Hamersley that this proposed new subclause should not be added. We regard our courts as being above suspicion, and I feel they ought to have the power to release a child from the State Children Department if necessary.

The CHIEF SECRETARY: I have not studied this amendment, but there seems to be a good deal of misunderstanding respecting it. The Bill before us is the Guardianship of Infants Bill. The Act under which the State Children Department operates is the State Children Act. There is already a court to deal with the department.

Hon. V. Hamersley: But the amendment absolutely blocks any court from having a say in it.

The CHIEF SECRETARY: And with good reason for, as I say, there is already a court established under the State Children Act, and we do not want half a dozen courts dealing with the one situation. What the amendment really says is that "nothing in this Act shall come into conflict with the State Children Act."

Hon. J. M. MACFARLANE: Mr. Potter says that in no instance has the State Children Department done anything to keep children asunder from their parents. That may be true, but if this proposed new subclause be added, may it not bring about the very thing Mr. Potter says has never happened?

Hon. V. Hamersley: Of course it will.

Hon. J. M. MACFARLANE: I agree that the proposed new subclause is dangerous.

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

| | |
|---|---|
| Ayes .. .. .. | 8 |
| Noes .. .. .. | 7 |
| Majority for .. | 1 |

AYES.

| | |
|---|---|
| Hon. J. M. Drew | Hon. W. J. Mann |
| Hon. J. Ewing | Hon. G. Potter |
| Hon. E. H. Gray | Hon. H. Seddon |
| Hon. W. T. Glasheen | Hon. H. A. Stephenson |
| | *(Teller.)* |

NOES.

| | |
|---|---|
| Hon. H. V. Hamersley | Hon. J. Nicholson |
| Hon. E. H. Harris | Hon. H. J. Yelland |
| Hon. G. A. Kempton | Hon. G. W. Miles |
| Hon. J. M. Macfarlane | *(Teller.)* |

Amendment thus passed; the clause, as amended, agreed to.

Title—agreed to.

Bill reported with amendments.

## BILL—PUBLIC EDUCATION ACTS AMENDMENT.

*Second Reading.*

Order of the Day read for the resumption from 14th October of the debate on the second reading.

Question put and passed.

Bill read a second time.

*In Committee.*

Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clauses 1 to 4—agreed to.

Clause 5—Amendment of Section 2 of Act No. 2 of 1907:

The CHIEF SECRETARY: I move an amendment—

That in Subclause (2), line three, the word "and" be inserted after "residence."

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

Clauses 6 and 7—agreed to.

Title—agreed to.

Bill reported with an amendment.

*House adjourned at 9.8 p.m.*

# Legislative Assembly,

*Wednesday, 20th October, 1926.*



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

## QUESTION—RETIREMENT OF J. WEVER.

Mr. MANN (for Mr. J. MacCallum Smith) asked the Minister for Justice: Is it his intention to lay on the Table all the papers in connection with the retirement of Jas. Wever, one time S.M. at Donnybrook?

The MINISTER FOR JUSTICE replied: No. But if the hon. member desires the papers laid on the Table of the House he may move to that effect.

Hon. Sir James Mitchell: The hon. member knows that without being told.

## PAPERS—INDUSTRIES ASSISTANCE.

*Transactions of Thomas Norburn.*

**MR. GRIFFITHS** (Avon) [4.35]: I move—

That the file relating to the affairs and transactions of Thomas Norburn, of Nangeenan, with the Industries Assistance Board be laid upon the Table of the House.

I ask for the papers with the idea of making a close inspection of them to ascertain whether the allegations contained in a sworn declaration are correct, or whether there is any foundation for the extraordinary assertions made by Thomas Norburn. I do not wish to enter into details because the declaration contains some very serious charges, and before publicity is given to them it is only fair to the gentleman concerned that a close investigation should be made. I understand that a copy of the declaration has been sent to the Minister in charge of the Industries Assistance Board and the Agricultural Bank. At the last general elections the ex-member for Avon was asked whether he would move for the appointment of a select committee to inquire into the serious charges made by Norburn. As a matter of fact, there are two declarations, the first of which was sworn before Mr. W. T. Eddy, one time member for Coolgardie, on the 25th January, 1924, and the other before Mr. A. J. Cunningham, J.P., Nangeenan, on the 24th July, 1926. The declarations involve men holding responsible positions in the community, and I prefer to see the papers before dealing with the contents of these extraordinary documents.

**THE MINISTER FOR LANDS** (Hon. W. C. Angwin—North-East Fremantle) [4.38]: I oppose the motion. In doing so, I have no desire to prevent any member from seeing the papers. Any member who wishes to see them will find them at his disposal at the office. This matter affects one of the bank clients, and it would not be advisable to table papers dealing with private matters. I suggest that the hon. member withdraw the motion and he may then see the papers at the office.