The Chief Secretary: No, to extend them. It deals with people apart from soldiers.

Hon. J. G. Hislop: The amendment seeks to limit the Bill by stating that its provisions shall not apply in certain cases. Therefore, I consider the amendment to be in order.

The Deputy President: I am called upon to give a ruling in this matter, and as I see the Bill there appear to be only two reasons for its introduction, the first being to extend the Bill for a further period; and the second, to introduce into the State Act those provisions which had hitherto been operative in a Commonwealth Act but which were subsequently ruled by the High Court as being ultra vires the Constitution. The purpose of the Bill is to introduce into the State Act practically en bloc those protective provisions covering Service personnel and their dependants. I believe that the proposed amendment by Mr. Watson goes outside the intention of the Bill. In other words, I would rule that it is irrelevant. I would refer to Standing Order 191 on account of the point raised by Mr. Tuckey and supported by Mr. Loton. The fact of its being within the scope of the Title of the Bill is no ground for making the amendment. Standing Order 191 clearly states—

> Any amendment may be made to any part of the Bill provided the same be relevant to the subject matter of the Bill, and be otherwise in conformity with Standing Orders.

It has not necessarily to be within the scope of the Title, but has to be relevant to the subject matter, and my ruling is that this amendment is irrelevant.

Dissent from Deputy President's Ruling.

Hon. H. K. Watson: I move—

That the House dissent from the Deputy President's ruling.

The Deputy President: There can be no debate on the motion.

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

Ayes	.. .. ..	13
Noes	.. .. ..	13
A Tie	.. ..	0

AYES.

Hon. C. F. Baxter	Hon. A. L. Loton
Hon. L. Craig	Hon. W. J. Mann
Hon. J. M. Cunningham	Hon. G. W. Miles
Hon. H. A. C. Daffen	Hon. H. L. Roche
Hon. R. M. Forrest	Hon. H. K. Watson
Hon. H. Hearn	Hon. H. Tuckey
Hon. J. G. Hislop	*(Teller.)*

NOES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. S. W. Parker
Hon. G. Fraser	Hon. C. H. Simpson
Hon. Sir F. E. Gibson	Hon. F. R. Welsh
Hon. E. H. Gray	Hon. G. B. Wood
Hon. W. R. Hall	Hon. R. J. Boylen
Hon. E. M. Heenan	*(Teller.)*

The Deputy President: The motion being equal. I give my casting vote with the noes. The motion is resolved in the negative.

Question thus negatived.

Committee Resumed.

Progress reported.

House adjourned at 5.55 p.m.

Legislative Assembly.

Wednesday, 10th August, 1949.

CONTENTS.

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

QUESTIONS.

EDUCATION.

As to Married Women Employees.

Hon. E. NULSEN asked the Minister for Education:

(1) How many married women are at present employed on the temporary staff of the Education Department?

(2) How long have they been employed?

(3) What are the regulations covering such employment?

(4) Is there any age limit for employment of married women in the Education Department?

(5) Are these women widows?

The MINISTER replied:

(1) 381.

(2) Varying periods. Some have been employed continuously through the war.

(3) Salary for a full year's work is equal to that paid to a permanent teacher of equivalent classification. Sick leave with pay is allowed after six months' continuous service. Long service leave rights accrue under the same conditions as those applying to the permanent staff.

(4) Retiring age is 65, as for permanent teachers.

(5) Some are (43 at present). Preference is given to widows.

HOUSING.

(a) *As to Sale Price of Rental Homes.*

Mr. NIMMO asked the Minister for Housing:

Have there been any further developments in connection with the determination of the sale price of Commonwealth-State rental homes?

The ACTING PREMIER (for the Minister for Housing) replied:

At a conference at Canberra of officers of Commonwealth and State Housing authorities held in April last, it was decided that the matter of the sale price of Commonwealth-State rental houses should be referred for discussion at the next Premiers' Conference.

The Prime Minister has since informed the States that the Commonwealth had decided to leave the determination of the sale price to the respective State Governments.

The matter of the sale price of rental houses in Western Australia is now under consideration by the State Housing Commission.

(b) *As to Provision of Tents for Applicants.*

Mr. FOX asked the Minister for Housing:

(1) Is the State Housing Commission about to erect tents at Melville Park to shelter applicants for homes?

(2) If so, are such tents being erected on a community basis, with community lavatories and community laundries?

(3) If answers to aforementioned questions are "Yes," will he inform the House if this procedure is consistent with the Government's pre-election promises?

The ACTING PREMIER (for the Minister for Housing) replied:

(1) The State Housing Commission is erecting two tent frames with ablution and cooking conveniences at Melville Park so that when a sudden emergency arises for evicted people in particular, prompt temporary accommodation can be given to them, if necessary, in well-constructed tent shelters until such time as they can be put into the ordinary converted army flat or rental home as such become available for occupation.

(2) Each tent will be provided with separate cooking, lavatory and ablution conveniences. Occupants will have the use of existing laundries.

(3) The Commission is unable to hold rental houses or hutments vacant in readiness for emergencies, and is providing these units entirely as a temporary and emergency provision. Pending availability of other accommodation, these will afford in urgent cases accommodation better than that to which people may have been compelled to resort on eviction.

FISHERIES.

As to Crabs Marketed and Prosecutions.

Mr. KELLY asked the Minister for Fisheries:

(1) According to Departmental records, what quantity of crabs was marketed from—(a) Swan River; (b) Mandurah; during the period from the 1st November, 1948, to the 30th June, 1949?

(2) Were there any prosecutions during this period in cases where undersized crabs were noted, if so, how many cases?

The MINISTER replied:

(1) Swan River—1,051 lb. through Perth market. Mandurah—596 lb. through Perth market.

(2) No.

STATE SHIPPING SERVICE.

As to Cost of Overhauling M.V. "Koolinda."

Hon. J. B. SLEEMAN asked the Acting Premier:

What was the total cost of keeping and docking M.V. "Koolinda" in Melbourne recently?

The ACTING PREMIER replied:

Final accounts have not yet been received. It is estimated that the total cost of keeping and docking will be approximately £200,000, made up of approximately £175,000 for dry docking and approximately £25,000 for crew wages, victualling, etc.

Although repairs were more extensive and took much longer than anticipated the vessel has now been re-classified with Lloyds.

BILLS (2)—FIRST READING.

1, Fire Brigades Act Amendment. Introduced by the Attorney General.

2, City of Perth Scheme for Superannuation (Amendments Authorisation) (No. 1).

Introduced by Mr. Needham.

BILL—ELECTORAL ACT AMENDMENT (No. 3).

Report of Committee adopted.

BILL—PLANT DISEASES ACT AMENDMENT (No. 1).

Read a third time and *passed.*

MOTION—GAS SUPPLY.

As to Utilisation of Collie Coal.

MR. TRIAT (Mt. Magnet) [4.40]: I move—

That in the opinion of the House, the Government should install a Collie coal gasification plant at the Perth Gas Works in conjunction with its present plant, having in view the possibility that, eventually, all gas required in Western Australia can be obtained solely from Western Australian coal, thus enabling all gas appliances, both industrial and domestic, to be operated in the event of no Newcastle or other imported coal being available.

In speaking to the motion, I intend to outline briefly for the benefit of new members, whose support I am seeking, the operations of some persons who are interested in the production of gas from Western Australian coal. What really induced me to table the motion was the publication of a statement in "The West Australian" of the 21st July headed "Cut in Gas Rates from Tomorrow. Weekly Supplies Reduced to 18¾ Hours." When such a situation can exist in a State that has all the elements requisite to supply this commodity to the people, something should be done. If nothing is done by the administrators of the gas works, then it is the duty of members who represent the people in general to take action to ensure that some method is evolved whereby the people may get not 18¾ hours but 168 hours a week of gas to which they are entitled.

What I speak of this afternoon will be established facts that may be confirmed by members of the Government, members of Parliament, members of my Party or the people administering the gas affairs, if they so desire, by paying a visit to Plaimar's factory at Havelock-street, West Perth. There they will find that a plant has been installed for over 12 months operating on gas for domestic and industrial purposes produced solely from Western Australian coal. The gas plant itself was manufactured from Western Australian material.

When candidates approach the people for election to Parliament, they are voted in for one reason only, namely, that the electors believe that amongst them will be members who will form the Government and will do something for the benefit of citizens in general. Parliamentarians are elected because the electors are impressed by the proposals submitted by one or other of the Parties. In order to govern the country, the Government must provide the necessities and essentials required by the people. These include heating facilities in modern homes, and gas is one of the necessities in the home.

I propose to deal with the position from 1943, when Mr. Fox arrived here from the Eastern States. His mission wholly and

solely was to manufacture gas from Western Australian coal. He came to Parliament House and met several members, including the ex-member for Collie, the late Mr. A. A. Wilson, the former member for Bunbury, Mr. F. J. Withers, and several others whose names I cannot remember, and myself. Mr. Fox, for a period extending over a week, came to the House on various occasions and explained his proposals for the gasification of coal. Most members, including myself, were fogged. I had no knowledge of what he was talking about. After some time, we accompanied him to the then Premier, Mr. Willcock, and discussed the possibility of a sum of money being made available to test his ideas. Mr. Willcock informed the deputation that, from information gleaned from his technical officers, Collie coal gas would not ignite and therefore would be of no value. By some people it was claimed that the CO_2 content of the coal was the reason why the gas would not ignite.

Later, we saw the Minister for Industrial Development, the member for Northam, who, after consideration, agreed to place at the disposal of Mr. Fox a sum of money sufficient to test the gasifying of Collie coal. Mr. Fox asked for £2,000. This sum was advanced, and he was enabled to go ahead and install a plant at the Midland Junction Workshops under the jurisdiction of the Midland Junction engineers. They exercised no jurisdiction over the building or the running of the plant; their responsibility was to test the gas produced by the plant, whether industrial or domestic gas. Mr. Fox went ahead with his project, and on the 10th October, 1944, produced gas for the first time in Western Australia from Collie coal.

A demonstration was given and engineers from various institutions around the metropolitan area, as well as members of Parliament, were invited to inspect the plant. This plant was built by Mr. Fox from Western Australian materials and cost £1,750, which was less than the total amount allocated to him by the Government. Mr. Fox claimed in the presence of the observers of the demonstration that the plant would produce sufficient gas to supply every home in Midland Junction; that is, the plant, not the reticulation of the gas. That was convincing enough to those present that gas could be successfully obtained from Collie coal.

Other factors had to be taken into consideration, such as the heating qualities of the gas and the quantities that could be produced, which were the economics in the production. The Fox plant was an upright one without any fabrication on the outside. It had a small gasometer, but no appliances for cleaning or washing the gas. The gas passed direct from the producer to the furnace. Mr. Fox claimed, and was able to prove to the satisfaction of the engineers, that from one ton of Collie coal he could produce 140,000 cubic feet of industrial gas with a B.T.U. content of 168.

That does not sound very high as regards heating quality, so a test was made at Midland Junction in a furnace specially built for utilising industrial gas. This was about 8ft. long by 6ft. wide and 6ft. high. It was an open furnace, without any material apart from the brickwork, and most engineers will tell us that if we put gas into an empty furnace, it is impossible to get a high temperature, whereas, if material is added to absorb and radiate the heat, very high temperatures can be obtained.

Experts took the temperature and found it to be 1,456 degrees Centigrade. That was hot enough to smelt or melt iron. So it was definitely proved to the people observing the conditions that the heating capabilities of this gas were highly satisfactory. One of the engineers at the examination said, "That is not gas. That is oil. This man is introducing oil into the furnace because 168 B.T.U. gas will not produce a temperature of 1,456 degrees." But we find that oil does not produce that temperature either! The temperature of oil is 1,228 degrees in an open furnace; so it was not oil that was causing the heat.

After an examination was made of the furnace and the appliances delivering the gas, the engineer himself was satisfied that no other burning element had been introduced at all. Mr. Fox claimed it was the cracking of the tar that was not extracted from the Collie coal which intensified the heat, so the examination proved conclusively that no oil was used and the only thing used was Collie coal, which at that time had come from the Griffin mine.

After the test was made on this industrial gas, which was 168 B.T.U. gas, Mr. Fox made arrangements with Metters Ltd. to install a domestic stove at Midland Junction to give a demonstration to the engineers while they were there. After the demonstration on industrial gas, it was arranged for a transfer to be made to domestic gas. The difference between industrial gas and domestic gas manufacture is that industrial gas is blown with air, and to get domestic gas a transfer is made from air to steam, which creates a water gas, and immediately the heating capability is increased from 168 B.T.U. to 340 B.T.U.

A stove was stood in the middle of a big chamber with everybody walking around and with draught and ventilation. Those were the conditions under which a rough test was made. The burners were suitable for Perth City gas and that gas, which is made from Newcastle coal, is supposed to contain 480 B.T.U., a much higher amount than the Collie coal gas contains. Metters Ltd. supplied to the Midland Junction Workshops a brand new stove, one that had never been used, and also a mechanic to take charge of the whole business so far as the stove was concerned. After the examination had been made on industrial gas, the industrial gas was taken off and a long rubber hose, 100ft. in length, was connected to the instrument outside and to the stove. Steam was blown into the producer and in five minutes' time Mr. Fox said, "You have domestic gas." The engineer from Metters Ltd. immediately ignited the burners on the gas stove. From the griller and the four other burners came a blue flame, and everything looked satisfactory.

The man from Metters carries with him a special class of kettle for testing purposes. Filled with water and placed on a burner through which Perth City gas issues, this kettle takes 7 or 8 minutes to boil. On this occasion the kettle was filled with water and placed on the ordinary burner on this particular stove. Several members of Parliament were present, including the then Minister for Railways; the then Speaker, Hon. J. B. Sleeman; and the member for Kanowna. Those gentlemen made a note of the time the kettle took to boil, and they discovered that it boiled one minute quicker on gas manufactured from Collie coal with a B.T.U. of 320 than on Perth City gas, manufactured from Newcastle coal with a supposed B.T.U. of 480 which proved that for practical purposes domestic gas produced from our own local coal was better than that produced from Newcastle coal.

That should have dumbfounded the critics, but nothing dumbfounded them. They were still sceptical; they were diehards. They wanted to know what sort of gas this was that would boil a kettle on 320 B.T.U. gas much faster than was the case when the other gas was used. They would not credit it. They said it was not a fair test; that only one stove had been used, and they wanted more. I suppose they wanted 100 stoves! I do not know what they wanted. However, Metters Ltd. were prepared to and did, in fact, send to Midland Junction six brand new stoves with no special appliances. They also sent their engineer, Mr. McCallum, to look after the stoves. There was no place to install them in the workshops so they were put out in the open at the end of the building. A tarpaulin was placed over the roof to keep out the rain and another tarpaulin was placed alongside, and there were all the turns and twists and everything else inside the stoves. Everybody will realise that it is hardly a fair test for stoves to be tried out in the open that way but the critics thought it would be a fairly good one, and they said, "Go ahead."

So the tests were made with these six stoves in a line and they proved as satisfactory as had the test with the single stove, which had been operated two or three weeks before. They proved satisfactory in spite of the bad conditions. There was no cleaning of the gas. It was not purified; it was crude gas. The stoves were not given a fair chance. But even after that demonstration nothing was done. I propose now to read a letter which was sent by Metters Ltd. to the Minister for Industrial Development at that time, Hon. A. R. G. Hawke. This letter appears in Volume 1 of "Hansard" of 1945 at page 144. It reads as follows:—

> We have for acknowledgment your letter of the 4th of July in respect to certain tests carried out by Mr. F. C. Fox on gas stoves of our manufacture which were supplied by gas generated from a pilot plant installed at the W.A.G.R. Workshops, Midland, under the direction of Mr. F. C. Fox. We would like to point out, firstly, that we are not gas manufacturers. We do not possess a calorimeter and therefore are not in a position to give the calorific value of the gas generated. As far as we are concerned, the trials as conducted by our fitter, Mr. McCallum, on the

gave a full demonstration of the capabilities of the gas. The test was conducted in a long room with tables and trestles and other carriers holding apparatus consisting of burners, pilot lights and so on. The test commenced with pilot lights such as are used to light gas appliances. From that Mr. Fox went to the gas heater in full operation. When the water was turned on the pilot ignited the gas to a full flame. He then went to the ordinary gas rings such as are used for boiling kettles and from there to the gas stoves.

These stoves were fitted with glass panels in the doors instead of the ordinary metal and enamel front. Through the glass we could see the flames and the thermometer hanging in the oven gave a registration of 650 degrees Fht. I do not presume, Sir, that you are domesticated and you probably do not understand what that means as far as a cook is concerned. However, I am given to understand by women that that heat would burn anything to death and that 450 degrees is the maximum which it is advisable to use in a gas stove. This, however, was poor gas, or good gas probably from a poor coal, produced without any effort at all and with a heating degree of 650 degrees Fht. in a stove. That is Collie coal.

From there he went further and lo and behold, of all things not thought possible, here was a lamp illuminated with an incandescent burner. It was so good that it would be possible completely to illuminate a house with gas from Collie coal. That is the gas that will not burn and yet it can be used for illuminating homes! Mr. Fox never claimed at any time that it could be used for that purpose, but at Welshpool the gas from this Collie coal was being utilised in every possible way and it proved satisfactory to everyone who was there.

Mr. May: There were a large number there, too.

Mr. TRIAT: Yes. Mr. Fox went one step further with this gas from Collie coal and in my opinion insufficient publicity has been given to it, and insufficient notice taken of it by the Government. He carbonised Collie coal and it is commonly known, or most people believe, that one of the greatest drawbacks to Collie coal is its inability to be left in the open for any length of time. It was thought that if this Collie coal were left in the open the atmosphere made it completely useless and that it would fall to pieces. That has been the bugbear of enginedrivers—that it is unable to withstand the stress of the weather. Mr. Fox put this Collie coal through a special process at Welshpool—and I think the present Minister for Industrial Development was there at the time—and he carbonised that coal so that it would not soil one's hands, and turned it into a hard, bright coal that had no possibility of soiling any person's hands. It was done through a heat process and it could be left in the weather for 12 months without any sign of its deteriorating through atmospheric conditions. The cost of that process would be approximately 2s. 6d. per ton in a small plant and in a large plant it could be reduced by 50 per cent.

That means that Collie coal can be carbonised and left in the open—without first putting it in water which is supposed to keep Collie coal—in all weather for 12 months or two or three years and at the end of that time the coal will be just as good and just as serviceable as the day it was put out. That was a great factor, but nothing was done about it. Something I did not realise, as I only found out this week, was that the B.T.U. could be raised from 9,000 to 13,000 which would bring the heating value of that coal to the equivalent of Newcastle coal. As I said, I was not aware of it until last week.

A Mr. Fox—no relation to Mr. F. C. Fox, but a Mr. J. Fox—a mining engineer from Kalgoorlie, called on me the other day in reference to matters concerning mining. He told me that he intended to start operations nine miles from Collie and that he intended to supply Collie coal to the Goldfields. He claimed that he would be able to supply coal somewhere in the vicinity of 22s. per ton which is cheaper than any coal produced in Collie today.

Mr. May: That should interest the Minister for Railways.

Mr. TRIAT: He also told me that they had carbonised Collie coal and instead of the Goldfields people having to pay for the 20 per cent. moisture in the coal they would have a saving of one-fifth in freight. He also told me that they had been able to increase the B.T.U. to 13,000. There is a fact. This man tells me that these tests were made by the Government Analyst and

there can be no argument about them. There again we have Collie coal with a B.T.U. rating equivalent to that of Newcastle coal and yet nothing is done about it.

Hon. E. H. H. Hall: Why is nothing done about it?

Mr. TRIAT: That is why I am asking this House to do something in the matter. Something should and shall be done. This State cannot progress unless we utilise the resources of Western Australia. I do not blame the present Government but I blame the officers who administer these various departments—such as the Perth Gas Works. I blame those men deeply. They have permitted the Government to get in such a position today that it cannot give service to the people it represents.

Hon. E. H. H. Hall: You say these experiments were carried out in 1944.

Mr. TRIAT: Yes, and nothing has been done up to date. I do not blame this Government, but I blame the officers of the Government for this state of affairs. We are to import 7,000 tons of coal from Great Britain and I will leave it to the imagination of members to realise what it will cost. We only have to look at the present cost of wages in England, plus the freight, to realise how expensive that coal will be to the people of Western Australia. What is it coming here for? It is to produce gas which these Government officers say cannot be produced from Collie coal. I have already illustrated to members that we can get everything from Collie coal that we so desire.

The man I blame is the man who conducted, on behalf of the Perth City Council in the past, and now on behalf of the Government, the Perth Gas Works. If I were in his position I would not consider myself above being able to turn round and say "I am prepared to investigate this matter and I am prepared to utilise this Collie coal. If I am not capable of doing it myself, I will ask an officer of the C.S.I.R. branch, or some other high-ranking officer, to come to Western Australia for the purpose of giving us his experience and knowledge to test this gas." However, no officer of the C.S.I.R. branch has been asked to come over. No outside engineers have been asked to do so either.

A Mr. Gibson came here on the Royal Commission to inquire into the railways and he is a man who knows something about coal. He told the people of this State in no indistinct terms that Western Australian coal is good. He said that it is better than most Queensland coals and superior to any coal from Victoria or South Australia and coal from Bulli Pass. Coal from Bulli Pass has been brought to Western Australia but it did not prove very successful. From the figures I have quoted, and from the tests that have been carried out, I think it should be obvious to even the ordinary layman, that something should be done about our Collie coal.

Mr. Marshall: Something should have been done.

Mr. TRIAT: It has not been done, but it should be.

Mr. Marshall: All our engineers are prejudiced against it, that is why.

Hon. E. H. H. Hall: This Government has a chance to do something for the State.

Mr. TRIAT: I hope that the Government takes the opportunity.

Mr. SPEAKER: Order!

The Minister for Works: The tests were carried out under the previous Government.

Mr. TRIAT: I am not suggesting that the Minister's Government is to blame, because the original tests were carried out in our time. Our Government started them but unfortunately something happened with the electors and the Minister's proposition was better than ours and his Government assumed office. That work should have been carried on where we left off but eventually Mr. Fox was dismissed. He was not dismissed for malpractice or anything like that. He proved to the people of Western Australia that gas could be produced from Collie coal.

Mr. May: He became redundant.

Mr. TRIAT: I do not blame the Minister but I blame the officers who advised the Government to dismiss Mr. Fox. I do not think he was on a very good salary but he received an honorarium of £250, I believe, when he left. Now I come back to the paper from which I was quoting at the start. It states—

Cut in gas ration tomorrow. From tomorrow morning, further cuts will be made in the gas supply to the metropolitan area. The new

supply periods, which will total 18¾ hours a week compared with the present total of 25½ hours are:

Then he sets out the periods as follows:—

Monday to Friday—
6.30 a.m. to 7.45 a.m.
5.15 p.m. to 6.45 p.m.
Saturday—
7 a.m. to 8 a.m.
11 a.m. to 1 p.m.
Sunday—
11 a.m. to 1 p.m.

What about the man who does not come home until probably 5 p.m. after starting work early in the morning? He comes home and there is no hot food ready for him because there is no gas for cooking. There is no provision at all for an evening meal on Saturdays. Mr. Edmondson, who controls the gas supply, may have an electric stove. I do not know, but he does not provide any gas to the ordinary working man or woman to cook a hot meal on a Saturday evening. Some people may have other means of cooking meals; some may have wood stoves, but there are not very many; some may have electric stoves, but most people—including myself—cannot afford to buy electric stoves, so we have to use gas. If the weather is fine I might light a fire in the backyard and do my cooking there. On Sunday—a holy day—Mr. Edmondson will not permit us to have any breakfast. As far as he is concerned we do not work and therefore we should not have any breakfast. However, there are many people in the metropolitan area who are compelled to work on Sundays.

There are tram drivers, railway men and numbers of other people who are forced to work on Sundays, just the same as any other day. Yet Mr. Edmondson says that even though they are at work, the gas will be on from 11 a.m. to 1 p.m. only and they cannot get a hot meal at night. How long are we going to tolerate this state of affairs? How long are we going to tolerate Mr. Edmondson or any other person telling the people of this State that they can eat only once on Sundays?

I am surprised that the Minister permits this state of affairs to continue. I imagined that as soon as this appeared in the Press he would have called in Mr. Edmondson on the Monday morning and told him that he was not satisfied. I thought he would have gone further and asked Mr. Edmondson why he should tell the people of this State what they should or should not do. I did not intend to quote verbatim, the rest of the cutting but I will select parts from it and comment as I go along. The article states—

> The General Manager of the State Electricity Commission (Mr. F. C. Edmondson) said yesterday that it was expected that no further cuts would be made in the new schedule because the supply could be maintained for several weeks more.

In other words, Mr. Edmondson tells us that he will not reduce our supply of gas below 18¾ hours, at least for the next few weeks. He really tells us that he could cut the gas supply altogether but he is giving us some to go on with. The cutting then goes on to state—

> Users of gas could consider themselves fortunate because even with the new cuts they were slightly better off than Adelaide consumers and infinitely better off than those in Melbourne, where on week days a supply of one hour only from 5 p.m. to 6 p.m. daily was given.

That sounds all right. It looks from that as though we are better off than Adelaide and Melbourne. But Mr. Edmondson did not tell the people of Western Australia that both Adelaide and Melbourne did not have any coal that could be gasified. Victoria has the brown coal and the coal in South Australia is not suitable for gasification purposes.

The Attorney General: Victorian coal can be gasified in exactly the same way as our coal.

Mr. TRIAT: Then why is not the Government gasifying our coal?

The Attorney General: It is being gasified.

The Acting Premier: Large quantities are being used with oil and what is left of the Newcastle coal.

Mr. TRIAT: Is the Minister sure of that?

The Acting Premier: Yes.

Mr. TRIAT: He is including Newcastle coal plus oil.

The Acting Premier: That is being used.

Mr. TRIAT: You are using a lot of oil and a lot of Newcastle coal. I do not want members to be misled into believing that Collie coal is being used straight out.

The Acting Premier: No-one suggests it is.

Mr. TRIAT: Then that clarifies the position. However, Mr. Edmondson says that we are definitely better off than Victoria and Adelaide, but as I stated, those two States have not the same quality coal that we have; one has a brown coal and the other a ligneous coal. Mr. Edmondson went on to say that Collie coal was being used to eke out the New South Wales coal at the Perth Gas Works. The statement continues—

It might be thought from these statements that the process is new. That is not so. It is only new insofar as Leigh Creek coal is being used. Leigh Creek coal is only used now because of the emergency. No-one would dream of using it in vertical retorts designed for high grade New South Wales coal other than in an emergency.

We understand that a water gas plant was introduced in Western Australia and I am given to understand that last year oil was used the same as in Victoria and South Australia. In 1945, 400,000 gallons were used and I believe 800,000 gallons were used last year. Therefore 400,000 gallons at 1s. a gallon means a considerable sum to Western Australia. That was used to bring the Newcastle coal up to a B.T.U. rating of 480 per cubic foot. Mr. Edmondson went on further to state—

In the Press lately statements have appeared from Adelaide stating that "Adelaide gets gas by a new process." This was that Leigh Creek coal was mixed with New South Wales coal and oil was also injected into the retorts to enrich the low quality gas from the mixture.

He did not tell the people that at East Perth they also injected oil. He did not tell them how Collie coal was used for the manufacture of gas with the injection of oil.

The Attorney General: Of course, they inject oil if they want to bring the gas up to the requisite B.T.U. standard provided in the Act.

Mr. TRIAT: If they want to get it quicker and to raise the heat to the required point, that is necessary.

The Attorney General: That is, if they can get the pipes.

Mr. TRIAT: I want the Minister and his Government to inquire regarding these things.

The Attorney General: And how far could it be taken?

Mr. TRIAT: It could be taken through the pipes.

The Attorney General: Yes, but to what distance?

Mr. TRIAT: Never mind about the distance. If it can go 100 yards, it can be taken 100 miles—if you have the boosters.

The Attorney General: That is necessary.

Mr. TRIAT: The Minister is like the man who got C. Y. O'Connor shot, through his saying that water could not be taken to Kalgoorlie. The Minister is that type of critic. In this instance, a man has said it is possible to do these things with Collie coal, although everyone else said "Why bother about it?"

The Attorney General: It can be done if the pipes are big enough.

Mr. TRIAT: Why not get better pipes, and get the heating done more quickly?

The Attorney General: Now you are admitting that I am right.

Mr. TRIAT: Of course not. In his statement Mr. Edmondson went on to say—

It might be thought from these statements that the process is new. That is not so. It is only new insofar as Leigh Creek coal is being used. Leigh Creek coal is only used now because of the emergency. No-one would dream of using it in vertical retorts designed for high-grade New South Wales coal in other than an emergency.

No-one would dream of it! No-one has suggested it—not even Mr. Fox with his present class of retort at the Perth Gas Works where he is producing gas from Collie coal. On the other hand, under the system that is adopted not any coke is left but only ash, and under that system we get 30,000 cubic feet of domestic gas as against 15,000 cubic feet from one ton of Newcastle coal by the same process, not by the water process. Newcastle coal used in the retort by the Perth City Council is put in the retort but is heated from outside. That shows that from a similar quantity of coal, 15,000 cubic feet of domestic gas is obtained from Newcastle coal as against 30,000 odd cubic feet from Collie coal. That is a statement of actual fact, and it shows that approximately double the quantity of gas can be obtained from the Collie coal.

Mr. May: More than double the quantity.

The Attorney General: Mr. Fox's process is the water method.

Mr. TRIAT: It is total gasification.

supply periods, which will total 18¾ hours a week compared with the present total of 25½ hours are:

Then he sets out the periods as follows:—

Monday to Friday—
6.30 a.m. to 7.45 a.m.
5.15 p.m. to 6.45 p.m.
Saturday—
7 a.m. to 8 a.m.
11 a.m. to 1 p.m.
Sunday—
11 a.m. to 1 p.m.

What about the man who does not come home until probably 5 p.m. after starting work early in the morning? He comes home and there is no hot food ready for him because there is no gas for cooking. There is no provision at all for an evening meal on Saturdays. Mr. Edmondson, who controls the gas supply, may have an electric stove. I do not know, but he does not provide any gas to the ordinary working man or woman to cook a hot meal on a Saturday evening. Some people may have other means of cooking meals; some may have wood stoves, but there are not very many; some may have electric stoves, but most people—including myself—cannot afford to buy electric stoves, so we have to use gas. If the weather is fine I might light a fire in the backyard and do my cooking there. On Sunday—a holy day—Mr. Edmondson will not permit us to have any breakfast. As far as he is concerned we do not work and therefore we should not have any breakfast. However, there are many people in the metropolitan area who are compelled to work on Sundays.

There are tram drivers, railway men and numbers of other people who are forced to work on Sundays, just the same as any other day. Yet Mr. Edmondson says that even though they are at work, the gas will be on from 11 a.m. to 1 p.m. only and they cannot get a hot meal at night. How long are we going to tolerate this state of affairs? How long are we going to tolerate Mr. Edmondson or any other person telling the people of this State that they can eat only once on Sundays?

I am surprised that the Minister permits this state of affairs to continue. I imagined that as soon as this appeared in the Press he would have called in Mr. Edmondson on the Monday morning and told him that he was not satisfied. I thought he would have gone further and asked Mr. Edmondson why he should tell the people of this State what they should or should not do. I did not intend to quote verbatim, the rest of the cutting but I will select parts from it and comment as I go along. The article states—

> The General Manager of the State Electricity Commission (Mr. F. C. Edmondson) said yesterday that it was expected that no further cuts would be made in the new schedule because the supply could be maintained for several weeks more.

In other words, Mr. Edmondson tells us that he will not reduce our supply of gas below 18¾ hours, at least for the next few weeks. He really tells us that he could cut the gas supply altogether but he is giving us some to go on with. The cutting then goes on to state—

> Users of gas could consider themselves fortunate because even with the new cuts they were slightly better off than Adelaide consumers and infinitely better off than those in Melbourne, where on week days a supply of one hour only from 5 p.m. to 6 p.m. daily was given.

That sounds all right. It looks from that as though we are better off than Adelaide and Melbourne. But Mr. Edmondson did not tell the people of Western Australia that both Adelaide and Melbourne did not have any coal that could be gasified. Victoria has the brown coal and the coal in South Australia is not suitable for gasification purposes.

The Attorney General: Victorian coal can be gasified in exactly the same way as our coal.

Mr. TRIAT: Then why is not the Government gasifying our coal?

The Attorney General: It is being gasified.

The Acting Premier: Large quantities are being used with oil and what is left of the Newcastle coal.

Mr. TRIAT: Is the Minister sure of that?

The Acting Premier: Yes.

Mr. TRIAT: He is including Newcastle coal plus oil.

The Acting Premier: That is being used.

Mr. TRIAT: You are using a lot of oil and a lot of Newcastle coal. I do not want members to be misled into believing that Collie coal is being used straight out.

The Acting Premier: No-one suggests it is.

Mr. TRIAT: Then that clarifies the position. However, Mr. Edmondson says that we are definitely better off than Victoria and Adelaide, but as I stated, those two States have not the same quality coal that we have; one has a brown coal and the other a ligneous coal. Mr. Edmondson went on to say that Collie coal was being used to eke out the New South Wales coal at the Perth Gas Works. The statement continues—

It might be thought from these statements that the process is new. That is not so. It is only new insofar as Leigh Creek coal is being used. Leigh Creek coal is only used now because of the emergency. No-one would dream of using it in vertical retorts designed for high grade New South Wales coal other than in an emergency.

We understand that a water gas plant was introduced in Western Australia and I am given to understand that last year oil was used the same as in Victoria and South Australia. In 1945, 400,000 gallons were used and I believe 800,000 gallons were used last year. Therefore 400,000 gallons at 1s. a gallon means a considerable sum to Western Australia. That was used to bring the Newcastle coal up to a B.T.U. rating of 480 per cubic foot. Mr. Edmondson went on further to state—

In the Press lately statements have appeared from Adelaide stating that "Adelaide gets gas by a new process." This was that Leigh Creek coal was mixed with New South Wales coal and oil was also injected into the retorts to enrich the low quality gas from the mixture.

He did not tell the people that at East Perth they also injected oil. He did not tell them how Collie coal was used for the manufacture of gas with the injection of oil.

The Attorney General: Of course, they inject oil if they want to bring the gas up to the requisite B.T.U. standard provided in the Act.

Mr. TRIAT: If they want to get it quicker and to raise the heat to the required point, that is necessary.

The Attorney General: That is, if they can get the pipes.

Mr. TRIAT: I want the Minister and his Government to inquire regarding these things.

The Attorney General: And how far could it be taken?

Mr. TRIAT: It could be taken through the pipes.

The Attorney General: Yes, but to what distance?

Mr. TRIAT: Never mind about the distance. If it can go 100 years, it can be taken 100 miles—if you have the boosters.

The Attorney General: That is necessary.

Mr. TRIAT: The Minister is like the man who got C. Y. O'Connor shot, through his saying that water could not be taken to Kalgoorlie. The Minister is that type of critic. In this instance, a man has said it is possible to do these things with Collie coal, although everyone else said "Why bother about it?"

The Attorney General: It can be done if the pipes are big enough.

Mr. TRIAT: Why not get better pipes, and get the heating done more quickly?

The Attorney General: Now you are admitting that I am right.

Mr. TRIAT: Of course not. In his statement Mr. Edmondson went on to say—

It might be thought from these statements that the process is new. That is not so. It is only new insofar as Leigh Creek coal is being used. Leigh Creek coal is only used now because of the emergency. No-one would dream of using it in vertical retorts designed for high-grade New South Wales coal in other than an emergency.

No-one would dream of it! No-one has suggested it—not even Mr. Fox with his present class of retort at the Perth Gas Works where he is producing gas from Collie coal. On the other hand, under the system that is adopted not any coke is left but only ash, and under that system we get 30,000 cubic feet of domestic gas as against 15,000 cubic feet from one ton of Newcastle coal by the same process, not by the water process. Newcastle coal used in the retort by the Perth City Council is put in the retort but is heated from outside. That shows that from a similar quantity of coal, 15,000 cubic feet of domestic gas is obtained from Newcastle coal as against 30,000 odd cubic feet from Collie coal. That is a statement of actual fact, and it shows that approximately double the quantity of gas can be obtained from the Collie coal.

Mr. May: More than double the quantity.

The Attorney General: Mr. Fox's process is the water method.

Mr. TRIAT: It is total gasification.

The Attorney General: But it is done with the water process.

Mr. TRIAT: But nevertheless it is total gasification. With treatment similar to that employed by Mr. Fox, similar total gasification would be obtained, but the fact remains that with Newcastle coal 15,000 cubic feet of gas was obtained from one ton as against 33,000 cubic feet from Collie coal under the process I refer to. Despite that, critics still persist with their claim that Collie coal is poor stuff and not much good at all. Mr. Edmondson in his statement said—

Collie coal is classed in a lower grade than the normal gas-making coals. It gives a low-grade gas that must be enriched with oil to bring the gas to the standard of town gas.

That statement, as the Minister said, is quite truthful, but he suggests that 480 B.T.U's were obtained from the coal when it was enriched with oil. From the statement I have made and remarks of responsible men, not Government engineers, it will be seen that there is no need to enrich Collie coal at all. That coal is of a sufficiently high calorific value and quality to serve the purposes of domestic requirements in Western Australia. Mr. Edmondson's statement about enrichment by oil is so much bunkum! There is no need to treat Collie coal with oil for that purpose.

Members are probably aware that Plaimar Ltd. is operating a plant for the total gasification of Collie coal and, with the infusion of oil is obtaining 500 B.T.U. without any difficulty at all. I asked the engineer why he did not maintain that standard of unit and he said that the firm did not require it. He said that gas of 370 B.T.U. that had been used for 12 months or more had done a better job for the purposes of the firm than the gas obtained through the Perth City Council that had a standard of 480 B.T.U. The firm found that their plant provided them with a better service and with quicker heating powers at little cost. This firm is engaged in manufacturing goods and therefore takes into consideration the economics of any such proposition. What I have said is not merely an assertion but is a statement of fact. The plant at Plaimar Ltd. has been in operation for 12 months, and naturally it is viewed by the firm from the economic point of view in connection with its operations.

Mr. May: How many employees are engaged there?

Mr. TRIAT: I could not say offhand.

Mr. Fox: What has the Attorney General to say about that?

Mr. TRIAT: In the course of his statement, Mr. Edmondson said, when dealing further with Collie coal—

It is not suitable for use in vertical retorts, these retorts being designed to use gas coals. However, in an extremity such as the present, everything must be done to keep a supply going.

The audacity of a man to talk about keeping the gas supply going! He tells the public that they can have gas for 18¾ hours in a week! Is that keeping the "supply of gas going?" Of course it is not. As a matter of fact, most housewives in the metropolitan area wish that they had not installed a gas stove.

Hon. A. H. Panton: I know one husband who thinks along those lines.

Mr. Brady: Is Mr. Edmondson an expert on electricity as well as on gas?

Mr. TRIAT: I do not know that he is an expert on anything. Further on in his remarks Mr. Edmondson said—

In the United States of America a considerable quantity of gas is made direct from coal in water-gas plants. From the department's experience with Collie coal there seems to be some hope for the use of Collie coal in water-gas plants.

Mr. May: They began that years ago.

Mr. TRIAT: Why was Mr. Edmondson not frank? Why did he not say that, from experience gleaned with plants producing gas in Western Australia—apart from the Perth Gas Works—there was every possibility of producing all the gas required for Perth consumers by the treatment of Collie coal? Mr. Edmondson says there is some hope of producing gas from Collie coal in water-gas plants. I shall not deal further with Mr. Edmondson's statement as published on the 21st July of this year, but I shall direct attention to one attributed to Plaimar Ltd. which appeared in the "Daily News" of Friday the 22nd July. That article appeared on the following day, so evidently Plaimar Ltd. must have become excited about, or at least extremely interested in, Mr. Edmondson's statement because the firm decided to tell the public what its experience had been with Collie cial.

I do not know anything about the firm itself, except that I visited the factory last week. I understand that it is an industrial concern of some magnitude and that it employs capable engineers. Certainly it has in its employ a most capable chemist, as well as men who know how to operate the machinery necessary for the production of heat for manufacturing purposes associated with the firm's operations. They are all men of experience and knowledge in these matters. In the course of the report, which appeared under the heading "Perth Plant Makes Gas From Collie Coal," there was the following—

> Gas for industrial or domestic use was being made from Collie coal at a plant in Havelock Street, West Perth, said Mr. Harry Merry, a director of Western Coal Products Pty. Ltd., today.
>
> The small plant at the factory of Plaimar Ltd. could supply a township of 600 houses if it had a larger gasometer.

Members will appreciate that the small plant, the smallest that could be designed by Mr. Fox, is capable of producing in the vicinity of 50,000 cubic feet of gas and, according to the statement I have read, is also capable of producing for domestic use sufficient to meet the requirements of 600 homes. The article proceeds—

> For that purpose it would use one ton of Collie coal a day.

There we have the statement that the use of one ton of Collie coal per day will provide sufficient gas for 600 homes in the metropolitan area. That certainly is a point worthy of consideration. The report in the "Daily News" goes on—

> The gas had excellent qualities and could be used by any manufacturer using town supplies now, for brick kilns and other industries now burning firewood, or for any purpose where controlled heating was needed.
>
> "The output is about 30,000 cubic feet of gas from one ton of Collie coal," said Mr. Merry. "This costs less than half the cost of Newcastle coal which is used to produce existing gas supplies in W.A."

That is the definite statement made by a qualified man—it can be done at half the cost of Newcastle coal. He proceeded with his statement—

> "But the plant uses all coal and does not make coke like some plants using Newcastle coal.
>
> "Plaimar Ltd. is prepared for Government technicians or anyone else interested to inspect the plant and check the performance and outturn of gas by the modern instruments with which the plant is equipped."

The plant there is equipped with the lates devices for testing the quality of the ga produced. The calorimeter in operatio covers the whole process. It is an accu rately working machine which has a shee of lined paper, and a pencil auto matically marks the calorific value of th gas at the various standards maintained If the calorific value falls, the pencil mark the lines accordingly. It also records th heat developed in the production of th gas. The Fox plant is illuminating to any one who has knowledge of labour costs When the plant at Plaimar Ltd. is started within half an hour a full flow of gas is available—and that from a standing start.

No man, woman or child goes near the plant until work for the day is finished. It functions automatically throughout the day and all that is required in the morning is to fill the coal bin from which the plant automatically feeds itself. Thus labour costs are absolutely nil. That would seem to be inconceivable, and I confess I was dumbfounded when I was informed of the fact. That is very different from the position at the Midland Junction works where we were informed that wages costs were £2 0s. 5d. for 9¾ hours working tests. Would that appear to take away from the value of Collie coal and relegate it to a very low position? There is no occasion for that, however, and Plaimar Ltd., extend an open invitation to the Government and its technicians to visit the factory and see for themselves what is being done.

Mr. Marshall: Has Mr. Edmondson been there to check up?

Mr. TRIAT: I do not know.

Mr. Marshall: You bet he has not!

Mr. TRIAT: Not only is that open invitation extended to the Government, but the firm's chief chemist will explain the whole process to Ministers so that they can see for themselves what it is possible to do with Collie coal. Plaimar Ltd. gets better results from the plant in operation at the works than it derived from the gas supplied by the Perth City Council. The firm's plant is a small one compared with the installation at Midland Junction but it is not so clumsy and there is no difficulty in maintaining the pressure necessary to meet all requirements. The plant has been able

to meet not only the demands of the firm itself but is capable of servicing other people who require supplies.

Hon. E. H. H. Hall: How long has that plant been installed?

Mr. TRIAT: It has been running for 12 months. The company has obtained so much gas from it that, according to its expert chemist, some of the surplus gas is used to heat a boiler which previously had been fired with wood or coal. We have field technologists in Western Australia and many years ago, when Mr. Fox first started his experiments, Dr. Kent was acting as field technologist. In conjunction with Mr. Fox, he made various tests. Dr. Kent knew quite a lot about coal and heating apparatus; but the peculiar thing was that he obtained his degree by writing a thesis on the low value of Collie coal. A man writing such a thesis would be presumed to know his subject, yet he shared the idea with others that Collie coal was of very low grade. Since then Mr. Donnelly has been appointed to the position of field technologist. Whether his qualifications are high or not I cannot say, but if he had any doubts about Collie coal it was easy for him to arrive at a conclusion. It would not have been infra dig for him to confer with experts who were actually producing gas from Collie coal, as by so doing he would have been helping the State.

Hon. E. H. H. Hall: He should have been instructed to do so.

Mr. TRIAT: I should think so. Had I been the Minister, I would have instructed him, as my fuel technologist, to call a conference of the people responsible for the production of gas from Collie coal and representatives of the Electricity Department—who are definitely against the utilisation of Collie coal for gasification—under the chairmanship of a man qualified to preside over the proceedings. The parties could have adduced their arguments and a decision could have been reached and submitted to the Minister. In such a way the question could have been determined once and for all. Instead, the Government asked the Agent General to arrange for shipment to the State of 10,000 tons of coal from England.

Mr. May: We could get only 7,000 tons.

Mr. TRIAT: In "The West Australian" of the 21st July last appears the following report:—

> The State Government had been endeavouring for some time to obtain quotations from outside Australia for coal supplies, the Premier (Mr. McLarty) said yesterday. With the ending of the Collie strike, these inquiries were now being limited to the importation of coal suitable for gasification.

We are obtaining 7,000 tons from England. What will it cost? A minimum of £5 per ton, so the consignment will cost £35,000! With that sum we could purchase a plant to produce all the gas we require; we would never need to import any more. If my contention is correct, the small plant at Midland Junction, which is capable of servicing the whole of Midland Junction, cost £1,750. A worker's home could not be built for that sum. We have imported, as I said, £35,000 worth of coal and we may have to import additional quantities. When that coal is consumed, we shall have nothing left. If, however, we spent £35,000 on a plant to produce gas from Collie coal, that plant would be an asset.

I have told members as much as I possibly can about Collie coal and I have given them facts. I have not drawn on my imagination. I have told the House of the experiments and tests that have been made and their results. If I were Minister, I would definitely demand that something should be done in the matter immediately. I would not permit anybody to obstruct me any longer. I would require my officers to be constructive, not obstructive, and prepared to do something to utilise our local product. Sooner or later, Collie coal will come into its own. Mr. Fox of Kalgoorlie—not the other Mr. Fox I mentioned—says he has 17,000,000 tons of coal in a virgin field. That coal has a calorific value of 12,800 B.T.U., which is as high as Newcastle coal.

I sincerely hope the House will favourably consider my motion. I have said nothing unjust. I am not blaming any member of Parliament, but I do blame people outside of Parliament. I hope my motion will not be shelved, as it is for the benefit and protection of the housewife that my claims should be investigated in order that we may procure what is so urgently needed today, gas for domestic purposes.

On motion by the Minister for Works, debate adjourned.

BILL—CANNING DISTRICT SANITARY SITE ACT AMENDMENT.

Second Reading.

MR. NEEDHAM (Perth) [5.54] in moving the second reading said: This Bill seeks to amend Section 2 of the parent Act. The site is situated alongside the Collier plantation and was acquired by the Perth City Council, with the consent of the Commissioner of Health, in 1946. The council erected a model depot which, with necessary access roads, cost over £10,000. Members will recall that in the session of 1946 the then member for Canning, Mr. Cross, introduced a Bill which was passed by Parliament and became the Act I am now seeking to amend. The Act provides that it shall be unlawful on and after the first day of January, 1950, for any person to use, or continue to use, the land specified for the purpose of the reception, utilisation or deposit of night-soil, refuse matter or rubbish. The Act will expire on the 1st January next year. The Perth City Council is naturally desirous of discontinuing the pan system as early as possible, but cannot do so until public sewers are available. I am informed that these will not be available for at least five years; hence this Bill asking for an amendment of the Act to allow the use of the site for another five years.

In order to confirm what I was told by the Town Clerk of Perth, I had a conversation with the Under Secretary of the Water Supply, Sewerage and Drainage Department. He told me that the information was correct and added that he thought five years was a conservative estimate. He also told me that a considerable time would elapse before materials could be obtained to connect houses in areas already sewered. I visited the site and was impressed with the work the council had done. To my mind, the council has done everything possible to secure a minimum of anything offensive. In fact, a casual visitor passing the site would not know the purpose for which it is being used. I also understand that there have been no complaints from people in the vicinity. The City Council informs me that it is not possible at present, nor would it be in the near future, to obtain another site.

The present service approximates 2,000 houses. It was previously 2,604. Of that number, 900 are within the range of the existing sewers. Approximately 1,100 are thought to be within a reasonable range of the next sewer programme. It is not possible that the remaining 700 will be connected to any sewerage scheme in the near future. All new premises are either connected to the sewer, or have septic tanks. The City Council does not desire to force owners of non-sewered houses to install septic tanks if there is a chance of their being connected to the sewerage system within a reasonable time. Those are the facts in connection with the Bill, and I ask members to agree to it. I move—

That the Bill be now read a second time.

MR. READ (Victoria Park) [6.0]: I support the remarks of the member for Perth. The history of this site is that owing to the increased building activities in Victoria Park, the houses encroached so close to the old depot that a deputation waited on the Minister for Health who, at the time was Hon. A. H. Panton, and he ordered that the site must be closed. The Act provides that community waste must not be deposited by a municipality in any other area without the sanction of the Commissioner of Public Health. We had to seek a depot in some other municipality, and the only one we could find, after considerable investigation, was in the middle of the Collier pine plantation, in the Canning Road Board area. It was mutually agreed that that site should be chosen. The sanction of the Commissioner, the Minister and the State Government was sought to putting a road through the plantation. We also had to have water and electricity available there.

I think up to date that this site has cost between £10,000 and £12,000. After that site had been decided upon there was some agitation by a few people in Canning, and the member for the district, Mr. Cross at the time, moved that the use of the site should cease in 1950. It was considered at the time that every house in Victoria Park would have been sewered by then. But owing to war conditions that became impossible. Many areas in Victoria Park are low lying and would necessitate pumping machinery if connected with the sewerage. It was thought that by 1950 that would have been done. However, circumstances

are such that we wish to continue using the depot until 1955. I might say that it serves not only Victoria Park but South Perth as well. There will be no more deposits than at the present time: in fact they will decrease because the Perth City Council has issued notices on every house in Victoria Park to be connected to the sewerage system where the deep sewer passes the premises. In addition, every new house erected there must either install a septic tank or be connected with the sewerage.

MR. YATES (Canning) [6.5]: This sanitary site is situated in my electorate, and I remember the contentious discussions that took place some years ago in Victoria Park, South Perth and Canning, as to the selection of a new area for the depositing of nightsoil. The rapid expansion of house building in the Victoria Park district made it quite apparent to the Perth City Council that the then site would have to be removed to a more distant area. The present site was eventually selected, and the City Council, as has been mentioned by the member for Victoria Park, spent a large sum of money to provide suitable roads, water and electric power facilities for the maintenance of the depot.

It was then considered that the use of the depot would cease around 1950, when it was anticipated that most of the homes, which were then using the pan system, would be connected with the main sewer. Unfortunately, because of the troublous times, the lack of necessary materials has made it impossible to connect these homes; and it will not be possible to connect a good many of the new homes that are going up in the Canning district. The member for Perth, who deals with all Perth City Council business in this House, approached me some weeks ago concerning this matter.

Mr. Marshall: How does your road board feel about it?

Mr. YATES: It has said nothing to me about it. I agreed to support the Bill because I realised it would be essential for the Perth City Council to have the life of this depot extended for a further five years.

Hon. A. H. Panton: Did they close the South Perth sanitary site?

Mr. YATES: It is classified as in the Canning district and is situated more in that area than in that of South Perth. Since that depot has been established there has been no public outcry with the exception of some of the closer residents who asked that the life of the depot be terminated as quickly as possible. As is the case with cemeteries and asylums, we all know that it is difficult to find a site suitable to meet the needs of the people while preventing an outcry from nearby residents. It is almost impossible to find a site that will satisfy everyone. I believe this depot will be abolished as soon as the Perth City Council finds such a course convenient. That body has no desire to continue with this sanitary site, but force of circumstances has made it necessary for a continuance of this measure to be sought. I therefore support the second reading.

THE MINISTER FOR WORKS (Hon. V. Doney—Narrogin) [6.10]: The Bill is certainly necessary in order to protect the Perth City Council for a further period. I thought the member for Victoria Park said there was some doubt about the suitability of this site and, if that is so, I would point out that it was chosen at the instigation of the Health Department and had the support of the Town Planning Commissioner. As has been mentioned, it is necessary to keep this site going until such time as the sewerage system catches up with housing in the areas affected by the Bill. Therein lies a difficulty of considerable magnitude. It is hard to say how long it will be before sewerage reaches all the houses concerned, and it may take five years or even longer. The five years, mentioned in the Bill, is at least a possible period in which the work may be accomplished. The lack of piping and sewerage equipment generally is so pronounced that the work may take even more than five years.

In order to show the leeway that has to be made good I would mention that there are in Victoria Park 281 properties and in South Perth 865 properties still serviced by the pan system. That illustrates that there must be a considerable lapse of time before the Perth City Council can cease using this sanitary site. The leeway could be made up much more quickly were it not for the fact that all the available material as it comes to hand is used in servicing new buildings, and I do not think anyone would disagree with that practice. It would not be fair of the House to refuse to pass the measure, because that would leave the Perth

City Council in a most unenviable position. I have heard nothing to indicate opposition to the legislation and I am pleased it has been brought forward. I anticipate that it will have an easy passage through this House and another place.

Question put and passed.

Bill read a second time.

In Committee.

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

Sitting suspended from 6.15 to 7.30 p.m.

MOTION—TRANSPORT.

As to Vote of Censure on Minister.

Debate resumed from the 13th July on motion by Mr. Marshall:—

That in the opinion of the House, the Minister for Transport is deserving of the severest censure because of his improper conduct in the handling of the portfolio of transport generally, and particularly in regard to the stopping of the No. 7 tram service to Nedlands jetty and other matters associated therewith.

THE MINISTER FOR TRANSPORT (Hon. H. S. Seward—Pingelly) [7.30]: The motion, moved by the member for Murchison, is one of censure upon me in my capacity as the Minister for Transport. In that motion the hon. member has accused me of acting contrary to the oath which I took when assuming office. In fact he has accused me of failing to administer the laws of the realm impartially and without fear or favour. The hon. member, indeed, has gone further than that and I will deal with those parts of his speech before I resume my seat.

I would tell the hon. member that it requires no oath to point out to me the course of action which I should follow, not only as a Minister of the Crown, but also in my private life. The education that I received instilled into me that all my actions should be based on a foundation of justice and impartiality to all classes and creeds. Therefore it requires no oath on my part to remind me of what I should do in my public actions and the line of conduct that I should follow. Insofar as I am concerned I intend to pursue the same line of action as long as I have the honour to hold a portfolio in this Government. In saying that, I consider I am speaking for every member of this Government.

I have known the member for Murchison ever since I came into this House 16 years ago and have recognised in him a fearless and forcible fighter in debate. However, up to date I have always found that hon. member has made sure of his facts before making any speeches in this House. Though he may hit hard in debate, up to date, he has always hit fairly. What came over him on this occasion, however, leaves me completely mystified. It seems that in a desperate effort to try to discredit the present Government, he threw caution to the winds and made a desperate plunge, not only into misreading the meaning in the statutes, but also into making completely false charges against me, without endeavouring in the slightest degree to establish his case. Far from having, as he stated, besmirched my character in the action that I took, I think I will be able to prove that the hon. member has recklessly misled this House and untruthfully charged me, and inferentially the Government, with having bestowed favours on supposed friends, and so violated my oath of office. That leaves him but one course of honourable action; to withdraw his motion and apologise to the House.

The motion of the hon. member is divided into two parts. In the first part he unsuccessfully endeavoured to show the House that I had not only acted under a wrong statute in the matter of what he was pleased to term the closing of the No. 7 tram-route, but also in order to give an advantage to a competitor of the tramways I had used part only of two different statutes—the Government Tramways and Ferries Act and the State Transport Co-ordination Act. The second part of the hon. member's speech, and by far the most serious, was where he made statements concerning myself, which are wholly untrue and, while I hesitate to to say that the hon. member knew them to be untrue, I will say that he took no action whatever to test the truth of what he said, and consequently must be held to have deliberately misled this House.

Let me deal with the first part of the hon. member's speech wherein he sought to prove that I had endeavoured to evade the provisions of the State Transport Co-ordination

Act and acted partly under powers conferred on the Minister by the Government Tramways and Ferries Act, and partly under powers contained in Section 11 of the State Transport Co-ordination Act. The argument of the hon. member is as follows; there are only three legislative provisions dealing with the closure of tramways and they are Section 10 of the State Transport co-ordination Act, Section 11 of the same Act and Section 3 (e) of the Government, Tramways Act. Section 10 of the State Transport Co-ordination Act, he argues, deals only with "new licenses" and, as no question of a new license arises in the matter of the Nedlands bus service, Section 10 cannot apply. Section 3 (e) of the Government Tramways Act and Section 11 of the State Transport Co-ordination Act, he further argues, conflict and deal with the same subject-matter, and Section 11, being later in origin, prevails.

From these premises, it is argued that the only section under which I could have taken any action with regard to the closing of the No. 7 tramway was Section 11 of the State Transport Co-ordination Act and, in not following the provisions of that Section in their entirety, I violated the law which, as a Minister of the Crown, I am sworn to preserve. Having established, to his own satisfaction, a breach of the law on my part, the hon. member proceeded to impute the motives of pressure from vested interests and the desire to save those interests from the payment of premiums, with consequent loss to public revenue. The hon. member's argument stands upon two propositions—one applying to Section 10 of the State Transport Co-ordination Act, and the other to Section 11 of that Act and to Section 3 (e) of the Government Tramways Act.

When examined, these propositions prove to be ill-founded assumptions and the argument based upon them is erroneous. I will deal first with the argument that Section 11 of the State Transport Co-ordination Act over-rides and nullifies the power, under Section 3 (e) of the Government Tramways Act, to remove a tramway; because it is agreed that, if I had acted under Section 11, or should have acted under that section, the full procedure laid down in that section should have been followed.

I wish to make it quite clear that I did not act under Section 11 and no part of that section has ever been invoked in relation to the so-called closing of the No. 7 tramway. I acted—as I had previously explained in answer to a question by the hon. member—under Section 3 (e) of the Government Tramways Act; and the main, if not the only point, seems to be whether I was correct in doing so. At the time of acting I had no reason to doubt that I had full power to close the No. 7 tramway route under Section 3 (e) of the Government Tramways Act. Under that section, the Claremont tramway was closed during the year ended the 30th June, 1935; the Cambridge-street tramway—Wembley section—was closed in 1939 and the Osborne Park route had been closed in 1947. No-one had ever questioned these closures or suggested that Section 3 (e) had been repealed or nullified by the State Transport Co-ordination Act or any other Act.

In the last few days I have taken further advice in this matter and I find that the State Transport Co-ordination Act was passed in 1933 for the purpose of co-ordinating and improving all forms of transport. The definition of "vehicle" in that Act expressly excluded a vehicle used on a railway or tramway, whether used on a Government or privately-owned railway or tramway, and Section 11 is the only section relating to railways and tramways. The following factors are to be noted in regard to Section 11. There is no express reference in it either to the Government Railways Act or to the Government Tramways Act.

Mr. Marshall: In Section 11?

The MINISTER FOR TRANSPORT: Yes.

Mr. Marshall: In the State Transport Co-ordination Act?

The MINISTER FOR TRANSPORT: The Commissioner of Railways is not required to do or refrain from doing under or as a result of that section—unless and until Parliament approves—anything concerning the closing or partial suspension of a railway or tramway; whereupon in the case of a closure, the capital cost, less the value of any material recovered, shall at once be debited to the capital account of the Railway Department. The section is permissive in form and not mandatory.

Neither the Minister nor the Transport Board —except on the direction of the Minister— is compelled or obliged to act under that section. However, the section only operates when the board recommends a closure or partial suspension.

If, through the exercise of some other power, the tramway is already closed, there is no need for the section to operate at all. It follows, then, that the purpose of Section 11 is merely to provide an alternative method of closing a railway or tramway, and not to provide the only method. It does not prevent the closure of a tramway under Section 3 (e) of the Government Tramways Act. However, where the continuance of a particular tramway is desirable, from a tramways point of view, but is inadequate from the Transport Board's point of view, Section 11 is apt to resolve the question as to whether it should be a closure or not. I want to amplify that.

The State Transport Co-ordination Act was brought in, as members will agree, to bring about the co-ordination of transport in the State, not only in the metropolitan area but in any particular part of the State. It was brought in to overcome the position where it may be deemed that the existing form of transport might be inadequate to serve the needs of a district, with say, a tramway, for the purpose of this discussion. Having considered that the existing form of transport say, a tramway, was inadequate for that particular district, and when the Tramway Department refused to make any alteration, then the State Transport Co-ordination Act, through Section 11, gives the Minister or the board power, of its own volition, to conduct an inquiry into the position to determine whether the existing form of transport is inadequate or not. That, therefore, is the reason. It does not conflict or do away with the Government Railways Act or contradict the Government Tramways Act. It only provides the machinery for establishing the adequacy of the service or not, be it a railway or tramway, where the railway or tramway authority will not make any alteration in the existing methods.

It gives the Minister power, through the board, to order an inquiry to determine definitely and finally whether that particular service is adequate or not and, if it is inadequate in their opinion, the section further gives power to determine the closing of that particular activity, be it a railway or tramway. It then has to be recommended to Parliament which has to act. In the case of No. 7 tramway, it was decided, in 1948, that the service by trams should be replaced by a service with busses, because the tramway was a losing proposition and it was obvious that a bus service could cater more adequately for the needs of the route. I agreed with that and no inquiry by the Transport Board was necessary or desirable. Up to the time that the tramway was removed, the Transport Board was not consulted and had not acted in the matter. The board only came into the matter when the question of using omnibusses on a former route came up for consideration, and it only then came into the matter because of the provisions of the 1948 amendment to Section 10 of the State Transport Co-ordination Act.

This brings me to the second argument of the member for Murchison that there was no question of a new license being involved in this matter, and that, therefore, Section 10 of the State Transport Co-ordination Act had nothing to do with the case. This, again, is a false argument. The term "new license" is defined in Section 10 (d) of the State Transport Co-ordination Act to include, inter alia, "a license for a vehicle on a route not prescribed at the commencement of this Act under the Traffic Act, 1919-1932, which is not substantially the same as any such route." The State Transport Co-ordination Act was assented to on the 4th January, 1934, and came into operation on the 1st July, 1934. At that date a number of routes had been prescribed under the Traffic Act but not the Nedlands Jetty-Perth route, which was the route taken by the No. 7 tram. That route spread over portions of three routes that had been prescribed under the Traffic Act, but the relation of the portions to the whole was such that a portion and a whole were not substantially the same.

It follows, despite the member for Murchison's assertion to the contrary, that the Nedlands Jetty-Perth bus license is a "new license" within the meaning of Section 10. Nevertheless, this factor prior to 1949 did not concern Government tramways since they were not then subject to Section 10 of the State Transport Co-ordination Act Amendment Act. In January, 1949, however, the State Transport Co-ordination Act

Amendment Act, 1948, became law. That Act, amongst other things, first made it quite clear that omnibusses operated by the tramways came within the provisions of the transport Act, and secondly, provided in Section 5 for an amendment ot Section 10 of the principal Act by adding after the word "tenders" in paragraph (d) line 14 a proviso as follows:—

> Provided that when an application for a new licence is made by or on behalf of the Crown, the board shall exercise the powers conferred upon it by the provisions of this section.

The effect of this provision was to compel the board to call tenders and invite premiums whenever application for a new license should be made by the tramways administration. This completely alters the previous picture. The tramways, before they could run omnibusses on the Nedlands Jetty-Perth route, now had to apply to the board for a new license to do so. The Tramway Department accordingly did in fact apply for the new license and the board did in fact carry out its statutory duty to call tenders and invite premiums. It is clear, therefore, that the Minister, the tramway administration and the Transport Board all simply carried out their statutory functions according to law.

It may be argued that Section 11 could still be complied with insofar as it also directs the calling of tenders and the inviting of premiums, and that actions under Section 11 would be a compliance with Section 10. The adoption of the procedure outlined in it would necessitate the board's embarking upon the futility of an inquiry and reporting upon an undisputed fact, viz., the inadequacy of the No. 7 tramway. The argument further invites the proposition that in order to overcome the clear direction of Parliament, if the powers of Section 10 are to be exercised—not the powers of Section 11—the Minister must direct such a futility or the board must of its own volition embark upon it. I cannot see how a procedure which is dictated by a desire to defeat the expressed intention of Parliament can be deemed to be of the board's own volition or can even be expected of it.

The member for Murchison, who makes so much of the sanctity of the law and the obligation of the Minister to uphold it, is faced with the proposition that if the procedure he advocates so strenuously had been adopted, it could only have been done by a violation of the law. It is possible to excuse the member for Murchison for many mistakes he has made in his unlearned approach to an interpretation of the law, but it is not possible to excuse him for sharing the attributes of many who have tilted a lance in the controversy over the No. 7 tram route, which is the attribute of speaking without knowledge of ascertainable facts. He states—

> "Had the Minister used Section 11 this omnibus company would have had to pay a premium for the service it was running. He did not want the company to pay. This was a gift and the only way in which it could be made was by using a part only of Section 11 of the State Transport Co-ordination Act and then resorting to the Government Tramways Act."

This is a serious charge and not one to be made without some inquiry. Whatever power may be exercised either under Sections 10 or 11 of the State Transport Co-ordination Act, tenders must be invited and premiums asked. In amplification of that I wish to point out that an advertisement was published in the Press on Saturday, the 29th January, 1949, Monday, the 31st January, 1949, Wednesday, the 2nd February, 1949, and Saturday, the 5th February, 1949. That advertisement states—

> Tenderers are required to state the amount they are prepared to pay annually by way of premium for the service and the successful tenderer may be required to enter into a bond with approved sureties to provide a minimum service as required from time to time by the board for the period of seven years.

A simple question in the House or inquiry from the Transport Board would have informed the hon. member that the conditions of tender required the successful tenderer to offer a premium, and that a substantial annual premium was offered and is being paid. Ignorance will cover a multitude of sins but not that of an irresponsible imputation of dishonesty against a Minister in the exercise of his office. However, I shall deal with that portion of the hon. member's speech later.

The next part of his remarks I wish to deal with is that wherein he unthinkingly stated that, instead of co-ordinating traffic, I had caused it to become more disjointed. In an endeavour to prove his point, the hon.

member stated that since the change from No. 7 tram to the omnibus service had been made, Nedlands people had to travel right into Perth and out to Subiaco if they wanted to go to the Subiaco football ground or to St. John of God Hospital. That is not true. There is no difference between the route followed today by Nedlands people to reach those destinations from that when No. 7 tram was operating. They travel by bus to the corner of Keightley-road and then take a tram to those destinations. In making that statement the hon. member deliberately misled the House.

Let me turn to the statement that the principle of coordination of transport was not followed on that occasion. The fact is that the change-over was prompted by the determination to bring about coordination of transport in this area. I have had a map prepared and hung in the Chamber so that members may better appreciate the position. It shows the Nedlands area and the routes traversed by private busses and the single route followed by the Government trams. The whole of the Nedlands area from the Claremont railway station to Stirling-highway by way of Bruce-street is serviced by four different lines—one along Jutland parade, one along Waratah avenue, one along Melvista-avenue and one along Princess-road, and those routes are controlled by United Buses Ltd.

There was a solitary Government tramway service that ran along Broadway, and is shown on the map in a different colour. That was the only Government service operating in the whole of that area. The other four services by United Buses traversed the routes I have mentioned and all passed along Bruce-street to Stirling-highway and then into Perth. They are unable to pick up passengers between the Stirling-highway junction and Perth. No bus company may pick up passengers within 150 yards of a Government service operating along Broadway.

It appeared to me at all events—and I was the only one concerned—that it would be co-ordinating transport if, instead of having those four lines of traffic traversing Bruce-street, one company should operate the whole of the services, divert two lines along Broadway and service the whole of that area without the intervention of any other company. That is really what happened. There were two alternatives open to me—for the tram ways to establish an omnibus service or fo a private bus company to do so. We coul call tenders and accept the best of them acting on perfectly fair grounds and show ing no favour to any particular company.

I must say that I hoped that United Buse would submit the best tender. Obviously i would be of very little use any other com pany undertaking the service because i would not be catering for the general com fort and easy transport of the people in tha area. If the Tramway Department had pu in a service, that would have perpetuate what has been a continual source of annoy ance to the people, namely, the regulatio prohibiting private busses from picking up passengers along Government routes which is quite right, because a Government service such as is provided by trolleybus or tram is unable to depart from its particular route. If we allowed other busses to pirate the business, which they are doing on another route by picking up adults but leaving school children to be picked by the trams, we should have been perpetuating the unfortunate position existing in the Nedlands area. This explanation should convince members that the charge by the hon. member that I failed to act in the interests of co-ordination of transport in this area is completely without foundation.

The hon. member waxed eloquent about the way in which he claimed the Government was undermining the Tramway Department. He said that this was but one of the routes that we intended to hand over to private enterprise. Again, there is not the faintest semblance of truth in that statement. Who, I should like to ask, established the privately-owned bus services in the Nedlands area? They were established over 20 years ago by a Government of which the hon. member was a supporter. The hon. member read an extract from a speech in 1934 of the then Premier, Mr. Willcock, regarding the Claremont tramway, but he did not quote the portion that I intend to read, which shows conclusively to whom the responsibility for the institution of private bus services may be credited. Mr. Willcock said—

> The existing order in regard to transport matters was allowed to continue on the then basis, which was that all forms of transport by train and tram were under the control of the Government and the bus services were controlled by private enterprise.

How the hon. member can say that we, by permitting private enterprise to expand, are undermining the Tramway Department, I am at a loss to understand. The hon. member has only his own Party to blame if blame be attachable to that activity.

I now come to the serious part of the hon. member's speech wherein he accused me not only of giving a favour to a competitor of a Government department that I was charged with the duty of administering, but also of giving away a State asset and violating my oath of office. No member of this House knows better than does the member for Murchison the procedure of the House or the way in which to obtain information that he might require in debate. Had the hon. member desired to make a sound charge against me on this matter and had he desired to be sure that I failed to obtain any premium from the tenderer for the service hitherto operated by No. 7 tram, he knew exactly how to get the information. All he had to do was to ask a question in the House or inquire at the Transport Office. He neither asked the question nor made such an inquiry. Therebefore I have no option but to say that by his speech he deliberately misled the House. Let me quote his own words—

> Had the Minister used Section 11 (of the State Transport Co-ordination Act) in full, this omnibus company would have had to pay a premium for the service it was running. The Minister sought to protect the company from that. He did not want the company to pay. This was a gift, and the only way it could be made a gift was by using a part only of Section 11.

Every word in that paragraph is a lie. I cannot say it is a deliberate lie, but the hon. member made no attempt to verify it, and deliberately misled the House. What are the facts? As I have previously stated, when it was decided that an omnibus service would better serve the needs of the Nedlands Jetty route, the Transport Board called tenders for the service and tenderers were invited to quote a premium. When the tenders were received, it was found that one tender, namely, that of the Tramway Department, did not comply with the conditions set out. In order to make quite sure that this was so, the Crown Law Department was consulted and the advice was that the tender could not be considered as it did not comply with the conditions.

Of the other tenders received, that of United Buses was the best, and the company offered to pay a premium of £400 per annum, which, on the acceptance of the premiums, was paid to the Transport Board and subsequently into Consolidated Revenue, where the subsequent premiums of £400 will be paid. I have not the slightest doubt that the usual course will be followed, if and when the No. 7 tramway route is closed—it has not yet been closed—and that money will be used to liquidate the tramway liability. That information could have been obtained by the hon. member had he desired to make sure of his facts. Instead, however, he went on detailing the procedure followed by the then Premier in 1934. He asked whether the present Minister for Transport had acted as that Minister had done in connection with that particular tramway activity. Of course he did not, said the member for Murchison. The hon. member was not satisfied with mere misstatements of fact. He went even so far as to say this—

> Just look at the position of the Minister for Transport. He represents a country district, not a city electorate, and yet these people . . .

That is, the Liberal Party—

> . . . could bring sufficient power or pressure to bear upon him to force him to do what he has done.

That, again, is a deliberate untruth. He said that, in my opinion, with no other object but to discredit, or attempt to discredit, this Government in the eyes of the people. Neither the Liberal Party nor any other Party, nor indeed any person, influenced me in determining that the No. 7 tramway was inadequate for the service which it was rendering. I make it a practice each morning before going to the office to run round the city and keep my eye on the transport. It did not take me very long to determine that the No. 7 tramway was inadequate.

Mr. Reynolds: Lord Nelson's eye!

The MINISTER FOR TRANSPORT: Never mind about Lord Nelson's eye! My own eye showed me the inadequacy of that service. When I went along Broadway I could see people walking along to Stirling-highway in order to get on the trolley-bus, so as to arrive in the city in 10 minutes, instead of taking 35 minutes on the tram. Only two or three people would

be using the tram. In addition, strong representations were made to me to remove the restriction on private people being picked up by busses on the Stirling-highway. I resisted those representations. As I have said, the trolleybus is a fixed service; it cannot deviate from its route, and to allow private or other busses to pick up passengers would be decidedly unfair.

It did not take me long to ascertain what the trouble was. As I indicated, people were hurrying along Broadway to catch the bus. One could see 20 to 25 of them waiting for the bus at the junction of Broadway and Stirling-highway. That has not occurred since we have had the omnibus service. The idea was not recommended to me by anybody; certainly it was not even suggested by the Liberal Party. It was my own idea. I then consulted the Tramway Department, which in 1948 agreed that the tramway service was inadequate and that an omnibus service should be installed in its place. The hon. member in his speech sought to discredit a statement of mine to the effect that the No. 7 tramway was being run at a loss. He said—

> That is news to me, because every time I tried to obtain sectional costs they were always denied me.

It did not take me long to obtain the information. I would like to give members a picture of the finances of that activity. The revenue earned on that particular run —the Nedlands Jetty—last March, which was an average month, was £414. The operating costs for the same period were £1,311. Therefore, the activity was making a loss of £897 per month or about £10,000 a year. In place of that we have at present a service which is paying £400 a year premium, plus six per cent. of the gross proceeds. In view of those facts, the hon. member must realise that the charges he laid against me of giving away this particular activity to what he termed friends was a serious charge that he had no right to make. I think the House, on those facts, which show that every portion of the hon. member's speech was untrue, should if the motion goes to a vote reject it. As I said at the outset, if the hon. member is fair I think the only honourable action he can take is to withdraw his motion and apologise to the House for so grossly misleading it.

Mr. Marshall: I will apologise to you when I get up!

HON. J. T. TONKIN (North-East Fremantle) [8.5]: One does not enter a debate of this kind without a full realisation of the gravity of the matter involved, because to charge a Minister with maladministration and to request that he should be censured requires that the grounds of the charge should be fully substantiated. I, too, have reasons why the Minister has brought upon himself the censure of this House. He is charged with the administration of the State Transport Co-ordination Act as part of his duties; and, in order to emphasise the aspects of the matter with which I intend to deal, I propose to quote certain relevant sections of that Act. Section 5, paragraph 1, of Part II reads—

> For the purpose of providing for the improvement and for the co-ordination of transport in the State, the Governor shall appoint a Board, to be called "The Western Australian Transport Board" (hereinafter referred to as "the Board"). The Board shall be a body corporate, with perpetual succession and a common seal, and shall be capable of contracting, of suing and being sued, and of holding and disposing of real and personal property.
>
> The Board shall consist of three members, one of whom shall be a Government official, one representing rural industries, and one city interests, but none of whom shall be financially interested in any form of transport service or contract.

So it is contrary to the intention of the legislature that any person on this board, or any person exercising the functions of the board, shall be interested financially in any form of transport service or contract. The members of the board shall be persons who, in the Governor's opinion, are capable of assessing the financial and economic aspect on the State as a whole of any transport policy. Prior to the advent of the present Government, when it became necessary to cart quantities of wheat by road, the Transport Board was requested to make the necessary arrangements, which were to be supplementary to the powers of the railways. The Transport Board did that satisfactorily and in accordance with its powers under the Act. When this Government came into office the Minister for Transport, at the request of Co-operative Bulk Handling Ltd. allowed that company to make arrangements for the road transport of wheat, and Co-operative

Bulk Handling Ltd. is closely associated with Westralian Farmers, which sells certain types of vehicles that can be used in the transport of wheat.

Hon. F. J. S. Wise: The member for Irwin-Moore will come in soon!

Mr. Ackland: That is not a fact.

Hon. A. A. M. Coverley: He is in already!

Hon. J. T. TONKIN: In order to ascertain or try to ascertain—

Point of Order.

The Minister for Transport: On a point of order, Mr. Speaker! The member for North-East Fremantle is using material that is in no way connected with the subject-matter before the House, and if he is allowed to continue I will not be given the privilege of replying to him—which I can do effectively. I maintain, with all due respect, that his remarks are outside the scope of the motion.

Mr. Speaker: To what matter is the Minister referring?

The Minister for Transport: The member for North-East Fremantle is referring to something that the Transport Board and Co-operative Bulk Handling did in connection with the bulk cartage of wheat, which has nothing to do with the No. 7 tram.

Mr. Marshall: The motion refers to transport generally.

Mr. Speaker: The motion deals with transport. I must hear something further. If the member for North-East Fremantle goes outside the scope of the motion I will stop him.

Debate Resumed.

Hon. J. T. TONKIN: Thank you! In order to ascertain just what arrangements had been made with regard to this road transport of wheat I asked the Minister for Transport certain questions on the 21st July. These are the questions:—

(1) Who was the person authorised by him to arrange for motor vehicles to transport wheat by road last esason?

(2) Why was the job taken out of the hands of the Transport Board?

(3) Were the arrangements varied during the season or did the same person remain in control throughout?

(4) Will he make the papers concerning this matter available for perusal?

These were the Minister's replies:—

(1) Co-operative Bulk Handling Ltd.

(2) Vehicles used in road transport of wheat still had to be licensed by the Transport Board.

The Minister implies in that answer that although Co-operative Bulk Handling had arrangements to make, after they had been made the vehicles selected still had to be licensed so as to comply with the State Transport Co-ordination Act. Let us see if they do or not. The Minister went on:—

The administrative work this season was placed in the hands of Co-operative Bulk Handling for the following reasons:—

So the Minister admits that the administrative work, the work of engaging the vehicles, was done by Co-operative Bulk Handling; for these reasons—

(a) The company is responsible for the wheat from the time it is received at country sidings until it is delivered into the ship's hold and is concerned, therefore, in such matters as wastage of wheat which undoubtedly occurred in previous years.

(b) The company is also concerned with the rapid loading and unloading of trucks, and was thus able to employ only trucks that were fitted up for rapid unloading, while it was also the only authority in a position to determine the varying types of motor vehicles to be used so as to ensure the maximum daily unloading of wheat at the port.

(c) It obviated the employment of two sets of officials to police the whole operation.

Whose job is it to police the Act? Is it the job of Co-operative Bulk Handling? Parliament decided it was the job of the Transport Board. But in order to obviate the employment of two sets of officials, the Minister takes it out of the hands of the board and gives it to Co-operative Bulk Handling, contrary to the Act. He acted beyond his powers, completely beyond his powers! Is the Minister in a position to decide that Co-operative Bulk Handling should have this power when Parliament has determined otherwise? Parliament set up this board, constituted in the way I have read out, to ensure that only those persons not in any way interested in transport should be in a position to determine and to police these things. The Minister defeats that intention of Parliament by taking this matter out of the hands of the Transport Board, where it had always rested previously, and passing it over to Co-operative Bulk Handling because they made a request to him to do so.

Mr. Ackland: And they have made a jolly good job of it!

Hon. J. T. TONKIN: That is beside the point.

Hon. A. H. Panton: Irrespective of whether it is right or wrong!

Hon. J. T. TONKIN: There are a lot of other people who may say that if they had the same power as Co-operative Bulk Handling they would make a good job, too; but is that any justification for defeating the will of Parliament or going outside the law?

Hon. A. A. M. Coverley: The member for Irwin-Moore thinks so.

Hon. J. T. TONKIN: Let us see how this matter, which the member for Irwin-Moore thinks has been wonderfully handled, has affected this State. Because of the policy of Co-operative Bulk Handling in engaging all types of vehicles and causing considerable chaos and congestion at the beginning of the season, as the Minister well knows, there arose at the silo at Fremantle a very serious difficulty with regard to the storing of this wheat. The Australian Wheat Board wished to reserve certain space near the hospital silo or the C.O.R. bin, as it is called, to be used by the railways so that they could continue to bring wheat down from the country. The point of view of the Australian Wheat Board was that, if because of the slow turn-round of ships, more wheat was coming down than could be accommodated, the transport to be used for the wheat should be railway transport and not supplementary road transport. But Co-operative Bulk Handling had other ideas. They were not concerned about the railways or the effect upon the State.

Mr. Ackland: That is not a fact, either!

Hon. J. T. TONKIN: I will prove it. Co-operative Bulk Handling wished the road transport which it had engaged to continue at the maximum level and proposed to push the railways out and let them take what chance they could. I will ask the Minister whether the Commissioner of Railways did not have to point out to him that very shortly, if this policy continued, the railways would be stopped altogether from carting wheat?

The Minister for Transport: No. Definitely no!

Hon. J. T. TONKIN: I will ask for the file.

The Minister for Transport: I will get it.

Hon. J. T. TONKIN: I happen to know that he did and I will tell the Minister why.

The Minister for Transport: I will have a chance to reply to you on the Estimates.

Hon. J. T. TONKIN: The Minister will have a chance of replying by tabling the papers.

The Minister for Transport: I will reply all right!

Hon. J. T. TONKIN: I will tell the Minister the day the letter went from the Commissioner of Railways.

The Minister for Lands: Why? Did you see the file?

Mr. Marshall: I think the Minister had better go quietly. He has made enough blunders for one night.

Hon. J. T. TONKIN: In order to try to bring public opinion to bear on this matter, the Honorary Minister for Agriculture made a statement to "The West Australian" from which paper of the 2nd March I quote. The heading is "Wheat Congestion at Fremantle" and the article reads—

> A congestion of wheat has occurred at the silo at North Wharf, Fremantle, as a result of the diversion of, or delays to, shipping. The full storage capacity of the silo and an annexe, which are owned by the Commonwealth, has not been made available.

Co-operative Bulk Handling had been asking for this to use as a store for wheat brought down by road and the Wheat Board refused to make that available because it believed it should be held for wheat brought down by rail. I challenge the Minister to prove that it is otherwise than I have stated. The article continues—

> The Honorary Minister for Agriculture (Mr. Wood) said last night that a plan prepared by Co-op. Bulk Handling Ltd. to overcome the eemrgency must be put into effect.
>
> He had made representations to the Commonwealth Government for the transfer of the silo and annexe to the State, but the Commonwealth had not yet acceded to the request. He would inform the Commonwealth of the present unsatisfactory position.
>
> The silo storage space that should be used was 15,000 tons at the southern end and 10,000 tons at the Northern end, Mr. Wood said. In addition, 25,000 tons of storage space available nearby had not been used for wheat

since wartime. It would, if necessary, be possible to place wheat from railway waggons there, although the discharge rate would be slower than at the hospital silo.

The proposal was to make the railways take the wheat to the southern end, and then unload it with two elevators brought from the country. The discharge rate being considerably reduced would result in these railway trucks being held there for hours longer than if they had continued to discharge at the C.O.R. bin. Co-operative Bulk Handling proposed to discharge the road vehicles at the C.O.R. bin because it could not send them through the soft sand to the southern end where it proposed that the railway trucks should discharge.

The Australian Wheat Board resisted that for very sound reasons, the main one being that if road transport and railway transport were to be used in conjunction, at the end of about 12 days it would be necessary to stop both road and rail because there would not be a cubic foot of space left to take the wheat. It said that in its view the right policy to follow was to stop road transport immediately because it was only supplementary to rail, and to allow the railways to bring down the wheat and utilise the storage space which was there, because in that way it might be possible to continue to use the State facilities, and there would be no necessity to instruct the Commissioner to hold off because there was no space in which to store the wheat.

When this came to my notice I brought it before the Commissioner of Railways and said that I expeted some action because if the railways were going to be stopped from carting wheat, which was part of their job, because road transport was being used in excess of requirements, then the people should know about it. I have reason to believe that on that very same day the letter to which I have already referred was dispatched to the Minister, drawing his attention to the situation. It became necessary for the Australian Wheat Board—a Commonwealth instrumentality—to take a stand in the interests of State policy because Co-operative Bulk Handling was disregarding the interests of the State. All sorts of vehicles were at first being used to bring down the wheat. Many of them were small trucks of limited capacity. The result was that the consumption of petrol greatly increased, and unnecessarily so, because with a small increase in petrol, in some cases, twice the load of wheat could have been carried if semi-trailers had been permitted. But the policy of Co-operative Bulk Handling at that time was—no semi-trailers, but only small trucks.

When I complained about a number of these cases and the Minister suggested we should argue it out in his office, in front of the man who was responsible for the arrangements, I said, "Surely the consumption of petrol is a matter of concern." At that time the Commonwealth had stated that no petrol would be available for engines for auxiliary lighting plants. I said to the Minister, as he will remember, "Surely this is not a satisfactory situation when we cannot get petrol for auxiliary light plants and yet there is an unnecessary consumption in the road haulage of wheat." The man responsible for engaging these vehicles for Co-operative Bulk Handling said, "The consumption of petrol is no concern of mine." He said that in my presence and in that of the Minister.

So, Co-operative Bulk Handling which was given the job—it was taken out of the hands of the Transport Board—was not concerned about the consumption of petrol. Is it not part of the responsibility of the board appointed under the Act to co-ordinate transport, have regard to the types of vehicles being employed, and to see that in the use of those vehicles, which are supplementary to the railways, there shall be no unnecessary wastage of fuel or tearing up of roads? But is Co-operative Bulk Handling concerned with that aspect? All it was concerned with, I submit, was to show good figures for the handling of wheat during that season, and it would gauge the success of the job it had done by the amount of wheat carted to the seaboard, over a given period, regardless of the very factors which the Transport Board is expected to take notice of.

I pass from that to another serious aspect of this matter. In my view there is no Transport Board at the present time. The board ceased to exist in February of this year. Therefore all its acts since then have been illegal. That is a situation for which the Minister and the Government must take responsibility.

Hon. F. J. S. Wise: Do you say there is no Transport Board?

Hon. J. T. TONKIN: I say definitely there is no Transport Board.

The Minister for Transport: You differ from the Crown Law authority.

Hon. J. T. TONKIN: I might, but we shall see as we proceed. I am glad to see the member for Nedlands in his seat, because I want the advantage of his legal mind on the case I propose to place before the House.

Mr. Rodoreda: It is a pity the Attorney General is not here.

Hon. J. T. TONKIN: The people are entitled to expect, from their Ministers and the Government, that the laws will be properly administered and that the requirements of statutes will be properly carried out. Let us examine what has been done. I have here a cutting from "The West Australian" of the 16th February of this year, as follows:—

Transport Board: The terms of two members of the Transport Board—Messrs. H. M. MacNee and W. D. Wright—had expired last Friday, the Minister for Transport (Mr. Seward) said yesterday. The making of new appointments was being considered.

So it seems that the term of office of the members of the Transport Board expired on the 11th February of this year. The Minister said so, and I take it it was a fact. In "The West Australian" of the 1st April last there appeared this announcement—

Members of Boards.—Executive Council yesterday approved of the following appointments to various Government boards or committees: Transport Board.—Cr. A. Spencer to be a temporary member of the State Transport Board representing city interests in lieu of Mr. W. D. Wright, who resigned.

I understood that Mr. Wright's term of office expired in February. If it did, how could he resign because he was then no longer on the board and could not resign in April if his term of office expired in February? I will leave members to think over that for a minute or two, while I proceed. The announcement in the "Government Gazette" of the 8th April, at page 803, is as follows:—

State Transport Co-ordination Act, 1933-1948. Appointments, Perth, 4th April, 1949. It is hereby notified for general information that His Excellency the Governor in Executive Council acting under the provisions of Section 5 of the State Transport Co-ordination Act, 1933-1948, and of Section 34 of the Interpretation Act, 1918-1948, has approved of Alfred Spencer of 20 Richmond Street, North Perth, being temporarily appointed a member of the Western Australian Transport Board representing city interests in lieu of William Darriwill Wright, such appointment to be from the 1st day of April, 1949, and subject to 14 days' notice of termination.

That was in lieu of Mr. Wright, whom the Minister said had resigned, though in fact his term of office expired. This notice says, "under the provisions of Section 5," and Section 5 reads, "The members of the board shall hold office for three years." Members will notice that the wording is "shall" and not "may." The Interpretation Act, which this Government is so fond of using, in Section 34 says, "words giving power to appoint to any office or place or to appoint a deputy shall be deemed to include power (a) to suspend or remove any person appointed under such power."

Members will notice that—to suspend or remove. "To reinstate or reappoint any person so suspended or removed. To appoint temporarily or permanently some other person in the stead of a person so suspended or removed." "To appoint temporarily," and that is what this Government is depending upon. We can see quite clearly that that is not an unqualified power to appoint somebody in the stead of somebody else, but is indeed qualified, because it says, "To appoint temporarily or permanently some other person in the stead of a person so suspended or removed." In the case of the Transport Board, before the three men who are there now were supposed to be appointed, no one had been suspended or removed, because in fact their terms of office had expired. They had been appointed for the balance of a three years' term.

Messrs McNee, Wright and Howard did not have a three years' appointment but had been appointed for the balance of the three years' term after Messrs Bath, Hawkins and Millen had resigned from the board. I ask the Minister, was Mr. McNee suspended or removed? Was Mr. Wright suspended or removed and was Mr. Howard suspended or removed? The answer is, of course, "No." Their terms of office had expired because, according to the Act, it was a three-year appointment and they were not reappointed in the place of anybody who had been removed. Therefore, if they were appointed at all they had to be appointed for

three years, because the Act says so and the Interpretation Act, so far as I have read, does not give power to make a temporary appointment unless in the place of some person removed or suspended. I read on—

In the discretion of the person in whom the power is vested, and to appoint temporarily or permanently another person in the place of the person so appointed who is sick or absent or is otherwise incapacitated or when from any cause the office or place has become vacant, provided that where the power of any person or authority to make any such appointment is only exercisable on the recommendation or subject to the approval or consent of some other person or authority, such power of removal shall unless the contrary intention appears, only be exercisable upon the recommendation or subject to the approval or consent of such other person or authority; provided also that nothing in this section shall affect the tenure of office of any person under the express or implied provisions of any statute.

So that if a man is to be appointed under this statute, he shall be appointed for three years, and nothing in this section of the Interpretation Act, on its own reading, can interfere with that. The Interpretation Act was not enacted so that Ministers could play ducks and drakes with statutes.

Mr. Marshall: The State Transport Co-ordination Act is the same. They play about with that.

Hon. J. T. TONKIN: The Interpretation Act is for the purpose of interpreting a statute where it is silent or doubtful, but where it is explicit the Interpretation Act cannot be used to over-ride a statute, and in effect the Interpretation Act itself says as much, as I have just read. There are four lawyers in this Cabinet.

Hon. A. R. G. Hawke: Who are they?

Hon. J. T. TONKIN: If they have any respect for their reputations, they must give a proper decision on this question.

Hon. A. H. Panton: Who said they had reputations?

Hon. J. T. TONKIN: If they accept the Government's action as being right, they stake their reputations upon that. I suggest that if they do not wish to listen to a layman on this matter they should refer the question to outside opinion. Let them take the opinion of a K.C., or of two or three, and see where they are with regard to these supposed appointments. I am sure—just as sure as I am that I stand here—that there is no power to make temporary appointments to the Transport Board, unless those appointments are in lieu of persons who have been suspended or removed, which is not the case in this instance. So we have this position, that there is really at present no Transport Board. What it has been purporting to do has been done without authority. Where it has taken action against persons it has had no right to take action, because it is not legally constituted and the Minister himself must carry the responsibility. We were faced with a somewhat similar situation, where temporary appointments would have more nearly suited the convenience of the Government than would permanent appointments, but we were advised that we could not make temporary appointments. So, we never tried to make them, and Messrs. Bath, Hawkins and Millen were appointed for three years, although we required that they should be appointed for a much shorter term.

Those three gentlemen resigned after about six months of office, but they could have remained there for three years if they wished because they were appointed for a three-year term; there being no power to make temporary appointments. When they resigned, Messrs. McNee, Wright and Howard were appointed for the balance of the three-year term and there is power in the Act to do that. Their terms expired in February of this year and, according to the Minister, they have been re-appointed temporarily and their services can be terminated upon notice. Did anyone ever hear of any such thing? The very purpose of this provision in the statute was to provide against possible intimidation. Imagine a situation where the members of the Transport Board can be put off that board at the whim of the Minister if they happen to lodge a prosecution which is distasteful to the Minister because it might be against one of his friends! That is a possibility, and what board could function properly under circumstances such as that? That is the position in which this Government thought it would put the board. The services of members of the board could be terminated upon 14 days' notice!

Parliament never intended anything of the sort, and that is why both the Act and the Interpretation Act are so explicit. I repeat that we cannot use the Interpretation Act to play ducks and drakes with a

statute. A nice mess the Minister and the Government have placed us in with regard to the Transport Board, and the acts which it is supposed to have carried out! Every one of those acts, since the 11th February, has been illegal because, in effect, there is no board and it is without statutory authority. It is without legal authority to do the things which it is supposed to be doing for the Minister. Is not that bad administration? Suppose people now started to sue the Government for actions which the Transport Board has taken against them! They could not lose, because the Transport Board, in effect, does not exist. That is the position in which we have been landed. The Minister says that the Crown Law Department advised him. It might have done but it was pretty bad advice.

I suggest, as I have already done, that this matter should be referred for outside opinion. If the four lawyers in the Cabinet are all of the same mind as the Minister—that what he has done is perfectly regular and within the law—then I think we are entitled to have some outside opinion on it. It is as clear as day because the statute and the Interpretation Act are both explicit. I have dealt with the two sections mentioned in the "Gazette" in which those appointments are purported to have been made, and they are therefore sections to which we must give attention. I defy anybody to find authority in the Interpretation Act for that action. I also defy them to find authority in the State Transport Co-ordination Act. Yet the Minister says that he has done it. We have a right to expect something better than that.

In that alone the Minister has justified statements of censure against him for faulty administration and administration against the interests of the State. He has justified the statements made against him, too, because of his handing over to Co-operative Bulk Handling Ltd. a function of the Transport Board. It is a function which Parliament determined should be in the hands of the board, but the Minister thought otherwise. The Minister wants to set himself up as superior to the ideas of Parliament; superior to the will of Parliament, and to make his own arrangements because it suits somebody that these arrangements shall be made. Is that what the statutes are for? Can Ministers make their own arrangements? I say that, on the contrary, Ministers have a responsibility to administer the Acts as they find them. If they disagree with them, they have their remedy and can bring amending Bills to Parliament and so have the statutes altered.

If the Minister wants to make temporary appointments to the Transport Board, then he has a duty and that is to amend the Act to enable him to do so. I think he would find that he would not get the authority from Parliament, for the reasons I have already given—it would be contrary to the public interests to set up boards where the members of those boards could be sacked at the will of a Minister if those members happened to cross him. But the Minister goes behind the back of Parliament; he circumvents the statute by trying to use the Interpretation Act in conjunction with the statute.

Mr. Marshall: Like the Government Tramways Act instead of the State Transport Co-ordination Act.

Hon. J. T. TONKIN: The Minister says that that is quite in order but I say quite definitely that it is not, because he cannot make temporary appointments. If that were the case, he would have the right to sack the men on the board and put somebody else in their places, as I have no doubt he contemplates doing.

Hon. E. H. H. Hall: Supposition!

Hon. J. T. TONKIN: Coming events cast their shadows before. If the Minister does not contemplate something of that nature, why was it necessary for him to make, or to try to make, temporary appointments which he has no authority to make? I do not intend to deal with the Minister's remarks which referred to the member for Murchison because I am satisfied that that hon. member can look after himself.

Mr. Marshall: You can put your money on me.

Hon. J. T. TONKIN: But concerning the matters I have raised, in my opinion the Minister has something to answer. It is for him to justify his acting against the intentions of Parliament as he has done, firstly in handing over to Co-operative Bulk Handling, a private company, the functions of a State board, and secondly in making temporary appointments when he has no

authority to do so and thereby leaving the State without a board to administer the Act. Those are the things that I charge against the Minister and which I think this House is entitled to call upon him to explain.

THE ACTING PREMIER (Hon. A. F. Watts—Katanning) [8.49]: It is an elementary principle of British justice that the accused person, when asked to answer to a charge, is allowed to know that with which he is charged. The Minister for Transport naturally assumed that the gravamen of the charge against him, however unreasonable or unsubstantiated it might be, would be contained in the observations of the mover of the motion—the member for Murchison. In consequence, it was apparent to anybody who heard him this evening that he had gone to considerable trouble to verify his actions in this matter, or at least the matter referred to by the member for Murchison. The Minister obtained the opinion of officers of the Crown Law Department as to those actions, and I consider he substantiated, in a manner I have rarely heard excelled in this House, his administration of that particular action. Now, deprived of the right to say any more he is faced with charges based on entirely new matter and I say that is not British justice.

So I feel impelled, as temporary Leader of this House and of this Government, to rise in my place and say something from my knowledge which is not on a par with that of the hon. gentleman in charge of this department, as to the attitude of the Government on the matters mentioned by the member for North-East Fremantle who has just resumed his seat. It was said of Queen Mary of England that when she died the word "Calais" would be found written upon her heart because she had lost during her reign and, I believe, by her stupidity, the last foothold on continental Europe which England had, and I venture to say that when the member for North-East Fremantle dies there will be found written upon his heart the letters "C.B.H." In all the two and a quarter years this Government has been in office if I have heard one phrase upon his lips more times than I have heard another it has been that phrase, "Co-operative Bulk Handling."

The Minister for Lands: The bulk handling bubble!

The ACTING PREMIER: On a memorable occasion at the end of the last portion of this session in 1948 I took the opportunity of saying something on Co-operative Bulk Handling to the hon. gentleman and I pointed out to him, as he readily acknowledged and was no doubt proud of the fact, that it was a creation of a Government which he supported in that the legislation which gave it birth had been introduced and passed during the regime of that Government. Yet it appears that he takes exception to whatever is done in regard to Co-operative Bulk Handling simply because, I would suggest, it is done by Co-operative Bulk Handling. Any reasonable person addressing himself to the question of wheat cartage in this State and bearing in mind the catastrophic conditions in which the last Labour Government and its predecessors left the railway system in this State—

Hon. A. H. Panton: It is getting worse every day with the new Government.

The ACTING PREMIER: —would concede that a good deal more road transport would have to be used for the cartage of a commodity which is in such huge volume, as wheat. The railways may be getting worse every day—

Mr. Styants: There is no "may be" about it; they are.

The ACTING PREMIER: —but it is extremely difficult to keep in reasonable state of repair a railway system of which a Royal Commissioner from South Africa, himself experienced in many long years of service in railway matters in that country, said it was one of the worst railways in the civilised world. It is easy enough to say it is getting worse when the foundations were in that state.

The Minister for Lands: They were rotten before we came into it.

The ACTING PREMIER: Yes, they were rotten before we came into it, and if any member wants proof of that assertion let him read the other paragraph of the Royal Commission's report by the gentlemen from South Africa, and New South Wales. Both of them were strangers to this country and both of them were employed to do a job in this State without fear or favour and undoubtedly without bias. Therefore, it is of no use telling me or telling this country of the wonderful foundation which the preceding Labour Government left as far as

the railways were concerned because it was a foundation worse than upon sand; it was a foundation crumbling upon ruin, and after we took such steps as we could to improve it—

Mr. Reynolds: It was in that state after six years of war.

The ACTING PREMIER: —we found, unfortunately, we were hampered by the slowness of the arrival of material necessities. If members would like me to send for the report by the Royal Commissioners to enable me to study some more of their phraseology which I cannot draw upon from memory, both the House and the country would be extremely interested to be reminded of it. Let us come back to this question of road transport. There was a tremendous lot of road transport required and as the member for North-East Fremantle has said control was handed over to Co-operative Bulk Handling. The Transport Board, however, licensed all its vehicles, and therefore the greater part of any control which is left to any over-riding authority was left in the hands of the State Transport Board.

Hon. J. T. Tonkin: To sign on the dotted line.

The ACTING PREMIER: If any organisation desires to transport goods in large quantities on roads I have no doubt whatever and neither have you, Mr. Speaker, nor has any reasonable person in this State, that it will take it upon itself to decide which vehicle it will use for submission to the Transport Board for a license. That is all that Co-operative Bulk Handling has been empowered to do and if it is asked to carry hundreds of thousands, nay, millions of bushels of wheat to the port by the end of next October at the latest, it is quite obvious that the power had to be placed in its hands, the same as in the hands of any other person, to say what vehicle would serve its purpose best and what vehicle should be the subject of application for a license.

When one admits that, as one must admit it, the whole of the case as to this enormity of the Co-operative Bulk Handling taking an active part in running its own business, the whole of the charge against the Minister for Transport falls flat to the ground. Let us turn for a minute to this other remarkable assertion that it is beyond the power of the Governor-in-Council to appoint a person temporarily to the State Transport Board. Does the hon. member think for one moment in his innermost mind that the Minister or anyone else took this action without the best legal advice which is available to the Government of this State? Has not the member for North-East Fremantle himself taken and accepted that advice? Has he not in my presence and at my request taken and accepted the advice of senior Crown Law officers? He knows perfectly well that he has and the Minister for Transport, to my personal knowledge, also accepts that advice.

The Minister for Transport came to me and asked me my view on this question and I said to him, "Ask for advice of the Crown Law Department" because I have made it an invariable practice, even though I have been admitted to the bar of this State and qualified as a legal practitioner, to submit all questions that came before me as Minister which are involved in any legal matter, to the Crown Law Department for advice, because that department, properly equipped with library facilities and all the necessary staff for the investigation of these matters, I considered should not be superseded by an individual whose duty it was to administer the portfolio that he holds and not to advise the Government legally. So the hon. gentleman went to the Crown Law Department, and was informed that the provisions of paragraph (d) of Section 34 of the Interpretation Act were available for the appointment tempararily of a person to an office that had become vacant.

Although I have not read the opinion given on this matter, I would say that the use of the words "Nothing in this section shall affect the tenure of office of any person," to which the member for North-east Fremantle made such pointed reference, has nothing whatever to do with the question of the three years' period mentioned in the State Transport Co-ordination Act, but prevents, and rightly prevents the Minister or the Governor-in-Council from taking from a man capriciously, a tenure of office that he might be holding at the time. The whole matter is governed by the question, Can he so act as temporarily to fill a vacancy in an office or place that has become vacant? There can be no question about it. Were it not so, the laudable efforts of anyone might become impossible of fulfilment.

I know the reason for these temporary appointments. If members recollect, the powers conferred upon the State Transport Board have been considerably widened by the Act of 1948, and it is therefore necessary to find persons of considerable knowledge and experience who may be expected, on a permanent or three years' basis, to administer the affairs of the board in a satisfactory and skilful manner. The search for such people is not easy. They cannot be found standing on every street corner. They cannot be picked up quickly. Consequently, in order that they might be found, it became necessary to make temporary appointments, and I am sure that at the time it was intended to make the temporary appointments, Mr. Wright was still a member of the board, but subsequently he did resign, and therefore the phraseology of the Press statement at the time was strictly accurate.

I direct the attention of the House to the attitude of the member for North-East Fremantle in ridiculing the idea of using the Interpretation Act. For what purpose do we place more than one law on the statute book? Are we to confine ourselves to one statute and ignore all the others having reference to the same subject-matter? The will of Parliament is contained equally in the Interpretation Act as in the State Transport Co-ordination Act, and the will of Parliament is no more flouted by a Minister who relies upon the one than by a Minister who relies upon the other.

I have never heard a case presented that was so badly founded as the one put forward by the member for North-East Fremantle on that aspect. Surely Parliament has passed many statutes; Heaven knows it will pass many more, and the relation of one to another is often not very apparent. The Minister of any Party is entitled to work under what is the law of the land, be it contained in one statute or in another. The Minister for Transport consulted the Crown Law Department, where legal practitioners are employed by the Crown expressly to advise on these matters, and having been advised as he was, there is no justification for the statement that he deliberately attempted to flout the law of the country.

I had no intention of intervening in this debate. It was far from my mind that I should say one word on the subject, because I was firmly convinced that the Minister for Transport was quite well equipped to reply to the accusations made against him, but when I found that new subject-matter had been introduced at a stage where he could not, under our Standing Orders, without considerable delay at least, make any defence, I felt it to be my bounden duty to rise and state the facts as I know them and make an explanation such as my knowledge of the facts would enable me to offer. This I have done, and I suggest to any reasonable man that it affords a complete answer for the time being to the observations of the member for North-East Fremantle.

MR. READ (Victoria Park) [9.6]: I do not like the motion and I consider it to be grossly unfair.

Government members: Hear, hear!

Mr. READ: I have been elected to this House as an Independent member and, during the years I have occupied a seat here, I have endeavoured not only to serve my electors but also to cast my vote in an impartial manner on behalf of all sections and every section of the community, irrespective of party. When a Minister of the Crown is accused, as the Minister for Transport has been, I have to consider the case fairly and without leaning toward one side or the other.

During a debate some time ago, mention was made of my electorate and the question was asked: How would you like your electors to have a system of busses instead of trams? At that time I would not have been ready to answer the question, but having seen the manner in which residents of Victoria Park were transported during the coal strike when they had to rely upon petrol-driven busses, no doubt remained in my mind. I was astonished at the ease with which the traffic was handled, largely on account of the speed with which the busses completed their journeys and returned for a further load.

I am not greatly in favour of petrol-driven busses because their fuel has to be imported from another country. Possibly the appurtenances required for trolleybusses are somewhat unslightly, but as against this disadvantage, we are able to harness power generated from our own coal to run those vehicles. This, of course, provides work for the Collie miners to supply the coal.

I did not wish to cast a silent vote on this question. We are asked to censure and condemn the Minister for Transport for improper handling of the portfolio of transport generally, and yet the member for Murchison during his speech, confined himself to a small section of the Minister's activities. The motion reads—

That in the opinion of the House, the Minister for Transport is deserving of the severest censure because of his improper conduct in the handling of the portfolio of transport generally . . .

From my experience of the management of the railways I know that no Minister has made a success of the management. It would be impossible for him to do so.

Mr. Ackland: Even the member for Mt. Marshall!

Mr. READ: One must consider the disabilities under which the Minister has to administer this department. First, there is the high interest bill which is chargeable against the undertaking. He has obsolete engines, obsolete rollingstock and old equipment, with no chance of replacements.

Mr. Needham: And absolute power.

Mr. READ: We hope so. What is power without the wherewithal to use it?

Government members: Hear, hear!

Mr. READ: The department has hundreds of miles of unpayable lines. The object of the department is not to make a profit, but to render a service to the people. We have heard much about a few miles of transport service under the direction of the Tramway Department. The change that took place in that route no doubt inconvenienced some people, but at the same time it must have convenienced an equal number and possibly more. That always happens when a change is made. To quote an illustration, suppose there are houses on both sides of a road not provided with footpaths. A footpath is constructed on one side and the people who have no footpath have to travel a chain to catch a tram. No praise is given by the persons who enjoy the footpath but there are numerous complaints by the people on the other side of the road.

I think those complaints are analogous to the complaints made by some of the people who live on this tramway route. Of course, there are the viewpoints of both sides of the House to be considered, but these are beside the question. A sweeping attack has been made upon the whole administration of this vast undertaking. Because of something that has happened in connection with a few miles of the hundreds of miles of transport in the State we are asked to condemn the whole of the administration of the department. Transport affects every elector in the State and if the Minister for Transport has mishandled his department during his term of office then the people will not only censure him but will also dismiss him by means of the ballot box at the next election. He has to come up for election in the same way as other members.

MR. ACKLAND (Irwin-Moore) [9.15]: Like my leader, the Acting Premier, I had no intention whatever of taking part in this debate, but I have no alternative after the attack which was made by the member for North-East Fremantle on the Minister for Transport and on the action of the Transport Board regarding Co-operative Bulk Handling, Ltd. The statements made by the member for North-East Fremantle are quite inaccurate and there is no excuse for him, as he has been given the opportunity both by the manager of the company, through a letter in the Press as well as by word of mouth, and by myself, to inspect every activity of the company at any time he likes.

Hon. A. H. Panton: To which statements are you referring?

Mr. ACKLAND: The statements with reference to Co-operative Bulk Handling Ltd. I will tell the hon. member about them as I proceed. The member for North-East Fremantle has not seen fit to take advantage of the opportunity I mentioned and in consequence there is no excuse for his inaccurate statements. He said that Co-operative Bulk Handling was tied up with Westralian Farmers. That is not so. I admit that when the company was first formed in 1933, Westralian Farmers lent it about £50,000 or £60,000, but that sum was entirely repaid in 1943. Since then there has been no connection whatever between the two companies. The hon. member also said that the company was interested only in obtaining good figures. That statement also is incorrect. It is interested in keeping down costs and is very perturbed that wheat must be carted by road in motor vehicles rather than by rail.

This year alone, because of truck shortages, the Railway Department cannot carry the wheat over its system and its failure to do so will involve the wheatgrowers of the State in a loss of nearly £500,000 in respect of the portion of the crop carried by road. In addition, it will not be possible to transport the wheat to the seaboard by the time the next harvest is available. There are approximately 9,500,000 bushels of wheat still in the country, and Co-operative Bulk Handling, as recently as a fortnight ago, had to purchase a large disused shed at Geraldton for the installation of temporary bulkhead facilities in the Bunbury zone.

To show how difficult the transport position is, I shall quote some figures which were compiled on the 31st July of this year. For the year 1947-48, 216,772 tons of wheat was carted by road at a cost of 1s. 1.16d. per bushel, or 8.93d. over the amount which would have been paid to the Railway Department. In round figures, £300,000 was paid for wheat carted by road during that period, more than would have been paid to the railways. For the present year, to the end of July, 215,000 bushels of wheat was carted by road at a cost of 1s. 1.94d., or 8.59d. above what would have been paid to the Railway Department. This represents a sum of £282,000. Of the 9,500,000 bushels of wheat which still remain in the country, it seems imperative that road transport will have to handle somewhere in the vicinity of 4,700,000 bushels, which it is estimated will cost £195,000, making in all for this year a sum of £477,000. The directors of the company are elected by the whole of the wheatgrowers in Western Australia. Their job is to reduce cost; nothing else.

Hon. A. H. Panton: I do not think they are on trial. We do not want any apologies for them.

Mr. ACKLAND: To say that they are interested only in obtaining good cartage figures is entirely wrong; because if the amount were spread over the whole of the wheat in Australia it would have cost practically one halfpenny per bushel which would be lost to the growers of wheat in this country. Regarding the handling of the road trucks by the company, I point out that the company is responsible for the wheat from the time it leaves the bin in the country until it is delivered into the spout of the ship's hold. Last year, when the Transport Board was operating these trucks, the company had no control over them whatever, and I suppose this is the only industry in Western Australia in which the company concerned had to hand its produce to another body for carting.

So the company approached the Minister and the Transport Board to obtain some control over these vehicles. Last year we had several cases of theft, and in only a few instances could we get sufficient evidence to secure convictions. We had waste on all the country roads leading to the seaboard or the mills. We had transport drivers who were a menace on the roads. They drove people off the main roads altogether because they came straight down with their 17-ton or 18-ton trucks, and people ran very great risks from them. So the Transport Board, realising the right of the company to handle its own produce, allowed it to control these trucks after they had been licensed by the Transport Board.

The policy of the company was that owner-drivers who were returned soldiers were to have first preference of employment. At the time of the controversy which the member for North-East Fremantle mentioned, we had approximately —I think these are the correct figures— 198 transport vehicles on the road carting wheat to the seaboard; and, of those, 147 were owned by their drivers who were returned soldiers. That was the policy of the company. In previous years the greatest trouble we had in connection with road transport was the action of very big companies who were trying and who tried again this year to get a monopoly of the road transport of wheat. Is the member for North-East Fremantle one of those who believe that these big combines should control the wheat carting in this country; or is he one who believes that the driver who has used his deferred pay and his savings in purchasing a truck, should be given the right to do this job? That is the attitude that has been taken by the company, and I might say that there were nearly 500 applicants for the carting of wheat on the roads in Western Australia.

I am of the opinion that the price is far too high. It has been too lucrative altogether, and people in the metropolitan area in some instances cancelled their contracts or re-let them to somebody else so

that they could engage in this business. The company was not prepared for that to be done and considered that other trucks should be used only after the returned men had been given jobs. Anybody who has travelled the country roads in Western Australia this year must admit that the loss on the roads has been a fraction of what it was last year and that the courtesy of the drivers has been all that could be desired. The company suspended several drivers early in the year who did not observe decent rules of the road.

Hon. A. R. G. Hawke: To what loss is the hon. member referring?

Mr. ACKLAND: I refer to the loss of spilt grain on the roads and to losses due to the theft and sale of wheat by some of these people. As I have already mentioned, although we knew it was done on a very large scale, we were able to secure sufficient evidence to convict only a very small number of these people.

Hon. A. R. G. Hawke: The damage to the roads is terrific.

Mr. ACKLAND: I am glad the hon. member has mentioned that, because under this new set-up there is a good deal more cooperation between local authorities and the company than prevailed previously. I have here a letter dated only the 5th of this month from the secretary of the Dowerin Road Board; and for the information of the hon. member particularly, I will read it. We are very concerned at the state of the roads. We know that they are being torn up badly. We would not cart one bushel of wheat by road if it could be avoided. Here is the attitude adopted by one local authority towards Cooperative Bulk Handling Ltd. The letter is addressed to the manager of the company and is as follows:—

I refer to your correspondence of the 3rd instant, concerning my telephonic conversation with your Mr. Walsh, and subsequent interview with your district superintendent and would advise:—

1. The whole matter of wheat carting by heavy transport over road districts, where revenue and plant is often inadequate to keep in condition a large network of roads calls for the utmost co-operation between local authorities and Bulk Handling Ltd.

2. Your superintendent and myself as regards this district were able to work out a schedule for the forthcoming summer months whereby seventy miles of roadways used last summer by wheat trucks, and one portion in particular where £2,750 had been spent on two miles, could be spared this heavy traffic without impairing efficiency of such transport.

3. In a smaller way we worked out the clearing of the Moonejin bin which entailed one day's carting on the following day provided it did not rain. It rained all that night and the carting has been deferred. Had this one day's carting been carried out, hundreds of pounds worth of damage would have been the effect with detrimental results to the whole of next summer's carting and our own ratepayers. This carting will now be carried out when the road has had a chance to dry. I mention the foregoing to show that co-operation is desirable and necessary, and assure you that my board are appreciative of the fact that the clearance of the bins against next harvest is vital to the district, and to reaffirm our desire to assist on sound lines in every way possible.

I thank the member for Northam for his interjection. I believe that such cooperation could not have been carried out with individual carters, or with the Transport Board itself. It has been done, and it will be done to even greater effect this year if the same condition arises.

Hon. A. R. G. Hawke: The Great Eastern highway is in worse condition now than it has been for 15 years.

Mr. ACKLAND: We realise that the roads are being cut up.

Hon. A. R. G. Hawke: It is all right, as long as it is admitted.

Mr. ACKLAND: The railways are quite inadequate, as the hon. member must know, because he is far more responsible for their condition than we are. We would not cart one bushel of wheat over the roads were it not for the state of the railways today.

Hon. A. H. Panton: You would have no roads if it were not for the Labour Party.

Mr. ACKLAND: I wonder what the policy of the Labour Party really is. On that side of the House there are two members who are interested in, perhaps, two of the most successful cooperative companies in the State, outside of Co-operative Bulk Handling, one of which is at Guildford and the other at Collie. They are doing a great job. Those members, I feel sure, entirely support the cooperative movement. Yet we have the member for North-East Fremantle whose attitude, because of his constant attacks on the company, is beyond

my comprehension. On every occasion possible he gets up and vilifies the company which, for many years, although its capital is a matter of only half a million pounds, has saved the farmers half a million pounds annually. When we realise that it is saving a sum which represents 1s. a bushel on 30,000,000 bushels or more of later years, we have some idea of just how successful it is.

It is absolutely wrong to say that we are interested only in figures of delivery and such things. We are proud of the fact that costs have been so low. I do not think there is any other organisation that could give such good performance as this company has. It seems to me that the member for North-East Fremantle is so jaundiced in his view of the company that he can see no good in it, no matter what it does. I hope later to be able to give him the answer to an attack he made on the same company when speaking on the Supply Bill—an attack which was absolutely unjustified. His statements are not borne out by the facts. I had no intention of speaking on that matter at present. I have come here quite unprepared. I only wish it had been possible for me to have marshalled my facts a little more carefully before addressing the House.

HON. F. J. S. WISE (Gascoyne) [9.34]: I hope that my words may be very few on the motion, and I am sure I shall speak without heat, sentiment or emotion. I would firstly like to reassure the hon. member who has just resumed his seat as to where the Labour Party stands in regard to co-operation—it stands whole-heartedly for it. As a Party, in a world-wide sense, it has a greater reputation in that connection than any other. It is unfortunate that we never hear the member for Irwin-Moore unless he is handling a brief. He insisted on using the word "we" and applying it throughout his speech in the remarks which were supposed to be directed to the motion, the "we," of course, being the company of which he is a director. I have no complaint at all against his presentation of the case to this Chamber, in general terms, which might include the company in which he takes such a prominent part and interest; but I do object to any member, no matter on which side of the House he is, handling a brief for his business interests on every occasion that he speaks.

I hope the Acting Premier will bear with me for a moment or two without leaving the Chamber, because I think that in his synthetic rage and using his legal mind to give expression to his views, he entirely avoided and evaded the serious points raised by the member for North-East Fremantle. It is important that although that synthetic rage enabled the hon. gentleman to avoid facing up to reality, he and his Government have a great responsibility in this matter. Quite apart from any merit in the case of the member for North-East Fremantle, the Acting Premier has a duty to the State to make sure that his opinion, and that of the Attorney General and the Crown Law Department, is the right one. That is the purpose for which I rise because, like others, I had no intention of speaking on this debate. The Acting Premier cannot by his interpretation of what is meant in an Act embodied in our Standing Orders, and attempting in a legal way to analyse it, discount entirely what is written in the statute of this Parliament to which the motion is particularly directed. It is quite useless for him to argue that, solely from a legal angle, in answer to the contention raised.

I care not at this stage whether the member for North-East Fremantle is wholly right or wholly wrong. The point the Government has to consider, as a duty, is that of ensuring that he is not right. The Government cannot get away from that point by the Acting Premier simulating rage and annoyance, and indeed showing petulance. It is very necessary for him to face his responsibility in this connection. What is that responsibility? Now that the point as to the position of the Transport Board has been raised in such seriousness, will the country take the word of the four legal men in the present Government, plus the Crown Law authorities? Of course not. It is, therefore, a very grave responsibility that the Acting Premier evaded. It is his duty to ensure that the Government does verify the position by obtaining another opinion or opinions. I can cite many cases where the Crown Law Department, in advising other Governments, has been wholly wrong.

Hon. Sir Norbert Keenan: Dr. Evatt.

Hon. F. J. S. WISE: Yes. It is a question of the last opinion, is it not? But I say to the Acting Premier and his Government that I am disposed to believe

that the member for North-East Fremantle is right. Let us begin from that starting point and see whether any avoidance of the issue can put the Government in a safe position so far as the operations of the so-called Transport Board—as it now exists—are concerned. I suggest that the Government has a duty that it should not avoid. Because the Acting Premier has expressed his opinion and stakes on it his reputation as a gentleman of the Bar, that has nothing whatever to do with the matter, but I suggest it is imperative that the question be referred to one or two King's Counsel detached from the Crown Law Department.

Just as the member for North-East Fremantle is certain on this point, and doubtless he has tested it somewhere, I feel sure that endless litigation must follow. It may cost the Government hundreds of thousands of pounds in challenges to what purport to be decisions under the State Transport Co-ordination Act by the Transport Board as it is supposed to be constituted. That is the question we are facing and I hope that before this debate ends, as there are no junior counsel present, the Acting Premier will arrange for one of those on the front bench to give the House and therefore the State an assurance that the matter will be so referred. Unless that is done the weakness—which is indeed a calamity if it be a fact—could cause this State litigation costing even more that the Budget deficit anticipated by the Premier.

In all seriousness I say that the suggestion of the member for North-East Fremantle deserved more than a legal expression from the Acting Premier in pretending to answer the argument and, instead of answering it, drawing other conclusions from other arguments. I hope that before the debate is determined this evening we may get that assurance from the front bench on the Government side of the House.

HON. A. R. G. HAWKE (Northam) [9.42]: Whenever the Acting Premier has a solid case to present to the House he presents it in cool and logical fashion. When he has the other type of case to present he develops genuine or counterfeit annoyance and indulges in attacks upon those who have been responsible for putting up the arguments with which he is dealing. It is easy, therefore, to arrive at an opinion as to the type of case or answer that the Acting Premier had to present to the House tonight. He made great play on the fact that the Minister for Transport had replied to the speech and charges made by the mover of this motion, the member for Murchison. He then went on, in effect, very severely to condemn the member for North-East Fremantle for this action in bringing forward other charges.

The Acting Premier, in a sort of clever legal fashion, suggested most unfairly that the member for North-East Fremantle, by following the course that he took, had breached the old and well-established principles of British justice. You, Sir, know—and the Acting Premier knows only too well—the procedure adopted in this House in regard to discussions of this kind. After the member for Murchison moved his motion and made his speech in connection with it, the Minister for Transport rose in his seat and moved the adjournment of the debate. By virtue of having moved the adjournment of the debate he had the right to speak first when the debate was resumed in the House, as it was this afternoon.

Hon. F. J. S. Wise: If he so wished.

Hon. A. R. G. HAWKE: If the Minister did not desire to speak this afternoon he was quite at liberty to wait, in order to hear any other speeches that members might wish to make in connection with the matter. Therefore, quite clearly, the fact that the Minister for Transport spoke when he did was a matter entirely of his own choice. Would the Acting Premier suggest that no other member of the House should have spoken at all on any angle of this motion, simply because the Minister for Transport was anxious to make his speech at an early stage in the course of the debate? Undoubtedly the member for North-East Fremantle or any other member was entitled to rise in his place and, with the consent of the Speaker, speak to the motion and bring forward any complaint, make any assertion or level any charge that in his judgment he considered justifiable in the interests of the State—

Mr. SPEAKER: And within the terms of the motion.

Hon. A. R. G. HAWKE: Yes, within the terms of the motion. There is another feature of the speech of the Acting Premier that proves beyond doubt that he was

not at all sure of his ground in connection with the legal angles raised by the member for North-East Fremantle. The Acting Premier was the first speaker in the debate on this motion to drag in Party politics. If he had been sure of his legal ground and confident of the case that the Minister presented and that he as Acting Premier was to present to the House, there would not have been the slightest necessity to drag into the debate Party politics in any shape or form.

The Acting Premier, in an endeavour to cover up the lamentable failure of his Government to implement its pre-election policy and promises in relation to the railways, told the House that our railway system was in a bad condition today because of the state in which it was when his Government came into office on the 1st of April, 1947. Neither the Acting Premier nor any other Minister or member of his Government will be able to go on continuously, month after month and year after year, trotting out that excuse. The Minister for Transport knows—

Mr. Marshall: He said "Give me six months and I will straighten it out."

Hon. A. R. G. HAWKE: —or should know, how many trains the Railway Department runs on a Sunday. The department runs very few trains on that particular day and the train from Northam to Perth, on Sunday, is scheduled to leave Northam at 6 p.m. and arrive in Perth at approximately 8.50 p.m. Even if we admit, as I think we all would, that it is not possible under existing conditions to run every train on schedule and on time, or reasonably close to time, we ought to expect, and the public is entitled to expect, that the Railway Department should be able to run the very few passenger trains it does run on a Sunday, on time, or very near to time. The department, and the Minister, by virtue of the fact that only a few trains are running on a Sunday, have the choice of using the best engines at the department's command for the pulling of those trains. New engines have been purchased by the Government over the last three or four years, yet on Sunday last the train which left Northam at 6 p.m. arrived at the Perth central station at 11.25 p.m.

Hon. A. H. Panton: Where did it go in the meantime?

Hon. A. R. G. HAWKE: There is no need for me to tell the House in detail what would happen to a number of passengers on that train. Many of them, arriving in Perth at that hour on a Sunday night, would find no other forms of public transport available to take them to their own areas. This is by no means an isolated instance of how these passenger trains run from Northam to Perth on Sundays.

The Minister for Lands: It has been going on for 20 years.

Hon. A. R. G. HAWKE: It has not been going on for 20 years at all.

The Minister for Lands: It has, and I am one who should know.

Mr. Marshall: It has become worse.

Hon. A. R. G. HAWKE: It would be interesting to know the last time that the Minister for Lands travelled on a train.

The Minister for Lands: I used to travel on the train to Toodyay every Sunday and it has never been any different.

Hon. A. A. M. Coverley: That is just as loose a statement as you usually make.

Hon. A. R. G. HAWKE: If that is the attitude of the Minister for Lands in connection with this problem—that because it has happened for 20 years, admitting for the sake of argument that it has, that it must go on happening—then I am sure the people of Western Australia, and especially those in the country, will be very interested, and not a little intrigued, to know that this is his approach to the problem.

The Minister for Lands: No. You mentioned about using the best locomotives. These locomotives are distributed in different pools throughout the country and are not available for use on a Sunday.

Hon. A. R. G. HAWKE: If the Government and the Railway Department cannot, on a Sunday, find reliable railway engines to run the very few passenger trains which operate in country districts, then there is something radically wrong with the administration.

The Minister for Transport: Would you be surprised to know that there are more trains running on a Sunday in the Great Southern than on a week day?

Hon. A. R. G. HAWKE: I would be very surprised to learn that there are more trains running in country districts on a Sunday than on other days in the week.

The Minister for Transport: Goods trains —carting wheat and super.

Hon. A. R. G. HAWKE: It is a serious condition of affairs when this sort of thing happens more or less Sunday after Sunday in connection with passenger trains on this particular route. If the Minister tells us that he cannot do anything about it—

The Minister for Transport: I did not say that.

Hon. A. R. G. HAWKE: —then let him tell the House, and let the country and the people know about it, so that they may learn that what the Minister told them two and a half years ago had no substance: That what he did tell the public was for the purpose of fooling them in order that the Minister and those associated with him might receive more votes than they would have been justified in getting at that particular election. Although the Acting Premier was in the Chamber when I commenced, it is rather extraordinary that he is nowhere to be seen now.

The Minister for Lands: He was called away to the 'phone.

Hon. A. R. G. HAWKE: Even if he was not, I have no doubt that the Minister for Lands would have some excuse to justify his absence. I was astounded to hear the attitude which the Acting Premier adopted in relation to what Ministers and Governments could do with the Interpretation Act if any specific Act did not allow the Government, and the Minister, to do what they wanted.

Mr. Marshall: That is the point. He did not put it that way.

Hon. A. R. G. HAWKE: That was a most astounding claim and a most astounding assertion for any Minister to make. It was all the more astounding when it was made by the Acting Premier who was admitted to the Bar many years ago and who, as we know, has a good deal of legal knowledge and legal ability. What a dangerous state of affairs we would set up if we agreed with the assertions and claims he made on that point. Under that claim, if it were to be accepted, a Minister and a Government, when they found they were prevented by a specific Act from doing something, could go to the Interpretation Act and torture out of it something which would enable them to do, in respect of a specific Act, a thing which was entirely against the clear-cut provisions of that specific Act.

That may be the point to which this Government has gone and it may be the length to which it has gone, and is prepared to go at any time to enable it to meet some point of difficulty. The Government might feel that that is an expediency which enables it to overcome certain of its difficulties. However, I assure the Government that if it pursues that course it will find itself inevitably, sooner or later, brought to account in the civil courts of the land. A Government, or a Minister, cannot fairly and safely play fast and loose in that fashion with specific Acts of Parliament. That is worse than slapdash administration. It might be regarded as a sort of clever, cunning type of administration. However, it is dangerous, and sooner or later someone will rise up in the community and successfully challenge the Government in the civil courts of the State upon issues of that kind.

I quite agree that every Minister and every Government has to be guided to an extremely large extent by advice obtained from highly placed officers in the Crown Law Department. I am not saying the Minister for Transport himself is in this instance directly and personally to blame if what has been done has been done illegally. I do say, however, that there is always an obligation upon the Government, and upon Ministers in the Government individually and collectively, to study the particular section of an Act of Parliament under which they are taking action to satisfy themselves, as far as it is humanly possible for them to do, that a certain line of action which they propose to follow or which the Crown Law Department tells them it is proper to follow, is legally right, beyond any point of doubt, even to the extent of seeking outside legal opinion.

Any Government or Minister who takes up the attitude that the Crown Law Department is always right and can never be wrong is a Government or a Minister riding for a fall. Not all the legal brains in the country are resident in Crown Law Departments. So I hope, very earnestly, that the House is not to be brushed off in this matter by the speech made by the Acting Premier. That speech does not solve this problem. It does not answer the searching questions and analyses put forward by the member for North-East Fremantle on the point as to whether the State Transport Board is in fact

legally constituted at present. Every Minister could make a speech such as that made by the Acting Premier this evening but it would not answer the question. It would not be a reply to the analyses made by the member for North-East Fremantle under this heading.

Although I can only bring to bear the lay mind, in my opinion there is grave doubt whether the Transport Board, as existing today and as it has been existing for some months, is in fact a legally constituted authority and entity. If it is not, the sooner the Government ascertains the true situation, the better for all concerned. We know of the vast interests which are controlled by the Transport Board. We know how financially powerful many of those interests are in their own operations. We know how hungry some of them are for more power in the transport field. I think the Minister can take it for granted that all those on this side of the House support him on the stand he has taken during the period he has been Minister on most matters associated with public transport when a question of public transport versus private transport has arisen.

I am sure the Minister, as a result of experience in his office, knows as well as we just how hungry and how desperate some of the interests associated with private motor transport in this State are, and just how anxious they are to spread their influence and vested interests in the field of transport. We know, too, how the Minister has been attacked by "The West Australian" from time to time because the Minister has on many occasions stood up against the pressure of private interests, and we know also why "The West Australian" attacks the Minister. Undoubtedly, it is because, for the most part, many of those who have big financial interests in "The West Australian" newspaper also have big financial interests in private road transport. So I would ask the Minister not to think that we are against him generally as to the administration of his portfolio, because in many respects we support him.

We are, over and above all, most anxious that the legal standing of the Transport Board should be absolutely safe and clear beyond the possibility of any successful challenge. So I would ask the Minister for Transport, as the Acting Premier is still absent, not to accept his colleague's speech as the final word and answer on this matter but to follow the course suggested by the Leader of the Opposition which is that the Government should, immediately, obtain the best legal advice that is possible outside of the Crown Law Department on the question. If he, on behalf of the Government, does that, the time might not be very far distant when the Acting Premier will have to rise in his place in this House and admit that his views and reasoning were wrong and, in fact, I should say he would be just about called upon to apologise to the member for North-East Fremantle for the abuse which he hurled at him.

HON. SIR NORBERT KEENAN (Nedlands) [10.9]: Before this debate closes I should like to add a few words. I have listened with considered and careful attention to all that has been said, and I do not intend to travel beyond a few matters which were raised in debate and which appear to me to be worthy of further consideration. The member for Murchison has moved a motion which specifically asks the House to censure, personally, the Minister for Transport on grounds which he set forth and which I will deal with shortly in a moment. That is a motion that I have never before heard proposed in this House in all the years I have been here. Undoubtedly, every session sees motions of censure on the Government for certain acts that have been performed by one or other of the Ministers. It is quite right that the Opposition should move such motions of censure that sometimes are well founded, but at time are very ill-founded. Nevertheless, it is a right of the Opposition to make out its case when it thinks the subject is worthy of being placed before the House.

Never before have I heard a motion in this House of personal censure of a Minister for an action taken by him in his ministerial capacity, or where he has been attacked personally or where the allegations against him were of a character that warranted an attack upon him personally. For instance, I myself when I sat on the Opposition benches was given information impugning the honesty of a Minister in this House. I refused to make any use of it

because the information was not supported by any evidence that would warrant its being used. Yet in the course of the present debate, we have heard a Minister accused personally of dishonour on grounds that were admitted, in the course of argument, to be merely errors of judgment at the very most, if at all.

For instance, the main ground in the attack which the member for Murchison made upon the Minister was that he had misconstrued certain statutes, that he had thought, presumably, he was authorised to do certain things whereas, on the reading of the statute by the member for Murchison, he had no such power. Even if that were the position, would that warrant a personal attack on the Minister's honour and make him subject to a motion of personal censure? I am certain that, on more mature consideration by the member for Murchison, he would see that any such action was entirely foreign to his own ideas as to the course to be adopted in a matter of this kind. As to the Minister being guided by the Crown Law Department, the suggestion has been made by the Leader of the Opposition that the Minister should go behind his legal advisers and seek further guidance from someone else of high legal standing. That is a most dangerous suggestion. It would mean that if the advice given by the Crown Law Department were not in accord with the Minister's view, he would set that advice aside and go elsewhere for the guidance he sought.

Hon. F. J. S. Wise: That is not the point I made. I raised it only after the question itself had been raised.

Hon. Sir NORBERT KEENAN: If the Leader of the Opposition were to give the matter that consideration which I know he gives to almost every matter that comes before him, he would agree that it is a most dangerous doctrine.

Hon. J. T. Tonkin: The Government has already followed that doctrine.

Hon. Sir NORBERT KEENAN: And has gone outside the advice of the Crown Law Department?

Hon. J. T. Tonkin: It has sought outside legal advice. The Government did that in connection with the Pilbara election.

Hon. A. A. M. Coverley: That is one thing the member for Nedlands did not know about.

Hon. Sir NORBERT KEENAN: I cannot deal with ex parte statements.

Hon. J. T. Tonkin: I gave you facts.

Hon Sir NORBERT KEENAN: In the circumstances, I can hardly deal with the interjection. However, it is not a doctrine that appeals to me personally, nor do I think it would appeal to any other member who gave particular consideration to the matter. Let me give the House an example on a very high scale. We know that what is known as the banking law was invalid. It was invalid not only in the opinion of our own High Court, but in that of the highest legal tribunal in the Empire. There is no doubt in the world, I assume, that Mr. Chifley secured advice from his own Crown Law officers to the effect that the legislation was valid. Would anyone say that Mr. Chifley was to blame in accepting that advice?

Hon. F. J. S. Wise: You know that is not my point, and I will thank the member for Geraldton not to—

Hon. E. H. H. Hall: I did not say a word.

Hon. F. J. S. Wise: I might deal with you *in a minute.*

Mr. SPEAKER: Order!

Hon. Sir NORBERT KEENAN: If what the Leader of the Opposition said did not bear the construction I put on it, I regret my mistake. I must have misinterpreted his meaning. My construction of the position is that no-one would say that Mr. Chifley should be blamed for accepting the best advice available to him, that of his own law officers of the Attorney General's Department.

Hon. F. J. S. Wise: I am not blaming the Government for accepting the advice of the Crown Law Department. The point I made was now that the question had been raised, the Government would be well advised to seek further advice as to whether that tendered to it was right.

Hon. Sir NORBERT KEENAN: Put in that way, I have no criticism to offer to the suggestion of the Leader of the Opposition. Of course, if there should be any doubt, or from information put before the Government it would appear that some doubt had arisen, Ministers would be justified in asking the Crown Law officers whether they

were quite sure that the proper construction had been placed on the statute involved and so make it unnecessary to seek further advice or, alternatively, that if they were not sure of the position whether they should not seek further advice from counsel. That practice is quite common.

Hon. F. J. S. Wise: That is so.

Hon. Sir NORBERT KEENAN: That position could easily be dealt with. I pass on for a moment or two in order to deal with the arguments advanced by the member for Murchison. In listening to the reply made by the Minister, whose answer was to assure the House that the advice given to him by the Crown Law officers that the statute, which is generally referred to as the tramways and ferries statute—

Mr. Marshall: He did not make that statement. I was listening for it. He never referred it to the Crown Law Department and he did not make a statement to that effect.

Hon. Sir NORBERT KEENAN: I thought he did.

The Acting Premier: So did everyone else.

The Minister for Lands: Of course they did.

Hon. Sir NORBERT KEENAN: It is possible that I might have heard the Minister incorrectly but I am certain in my own mind that I heard him aright.

The Minister for Lands: Of course you did.

Hon. Sir NORBERT KEENAN: I am certain that I heard him say that he had accepted the advice of the Crown Law officers. What other course would he take? Would any member on the Opposition side of the House, including the member for Murchison, if he were in the same position, adopt any other course? Would he not ask the Crown Law officers to tell him what the law on the matter actually was? Having asked for it, he would accept and follow the advice tendered.

Would the member for Murchison, who was once described in this House as having had a toe-hold on a seat on the Treasury bench, suggest that there was never any occasion on which he was not prepared to say that he had been advised in certain directions? What did he mean by saying that? It was that he had been advised by the Crown Law officers. I refer to that fact because when any acts during his administration were challenged, he always said that they had been carried out by him as a Minister, and he spoke of what had been done as the action of the Government. I remember that on one occasion he even spoke about the dismissal of a cook who had been accused of not cooking the food on the train in a proper manner. Of course, that is merely a detail, but the fact remains that the Minister commented upon it in a most appropriate manner, and as the House would have expected. Having to deal with statutes and exercise the rights with which he was clothed under those statutes, he naturally sought and followed the advice of the Crown Law officers. That is not for one moment to be held liable to severe censure by the House. I was glad to hear the observations of the member for Northam, who very properly said that, although he considered our railways are the worst possible and that trains take 5 hours 50 minutes to travel 50 miles—

Hon. A. R. G. Hawke: Downhill, too.

Hon. Sir NORBERT KEENAN: Most of it is downhill, but the hon. member ought to know that from Northam to Bakers Hill is all uphill. However, I was about to say that surely the fact that this is so does not warrant the motion. In fact, the member for Northam took the greatest possible care to show that he did not cast any reflection whatever upon the character of the Minister, but that, in his opinion, the Minister might have obtained better guidance had he secured further legal advice.

We have spent the evening discussing this matter—a motion most nebulous in character. I am referring not to the matter raised by the member for North-East Fremantle, but simply to the motion of the member for Murchison, which is of a most nebulous character and without any real foundation in fact. I can inform the House from personal knowledge that 90 per cent. of the Nedlands people who were served by trams and are now served by buses are more than satisfied with the change. They are lauding the system to the skies. They can travel to Perth in something over a quarter-of-an-hour, whereas before the journey occupied 40 to 45 minutes.

Now, I wish to make a short reference to the matter brought before the House by the member for North-East Fremantle. His was an ex parte statement of the facts, and it would be foolish to express a definite opinion on an ex parte statement. We require all the facts before we can properly discharge the duty of separating what is wrong from what is right and thereby forming an opinion of what is right. There is one feature of the argument that was somewhat novel to me, namely, that no appointment may be made where the statute provides for a maximum tenure or partial tenure of office. Take the case of the Chief Justice: We find on looking at the appropriate statute that he is appointed for life. But we all know that not once or twice but many times and Acting Chief Justice has been appointed. So, too, with every other office where a statute provides for the permanent appointment to be of a certain duration and an appointment for a lesser period would be against the statute, an acting appointment may be made in order that the duties of the office may be carried on until a fit and proper person can be found and appointed permanently, and then only would arise the obligation to appoint him for the full time provided by the statute.

But suppose the member for North-East Fremantle was right and that what I am saying is all bosh, which I suppose is his opinion, that would not justify this motion, a motion which is a personal reflection on the honour of the Minister because of this legal technicality about which I do not propose to say anything further. As I have already informed the hon. member, his statement is an ex parte one, and until the facts are determined, I would not express a final opinion. The opinion expressed by the member for North-East Fremantle calls for proper consideration although, speaking purely from memory, I have no doubt that, if the appointment is one for life, the terms of the statute must be complied with and it must not be for less than life or less than for the term of the officer's life allowed by law for him to enjoy office. Although that is so, a person may be appointed to an acting position until a man can be found who is considered fit to be appointed permanently.

Hon. J. T. Tonkin: That was not done in this case.

Hon. Sir NORBERT KEENAN: Then again, I must be suffering from defective hearing or defective memory. I heard the statement made that the reason for the appointments to which the member for North-East Fremantle drew attention, being for only a short period or in an acting capacity, which is the same thing, was that it was desired to find men who were capable of discharging the duties of this new Transport Board. It was desired not to be tied down by making appointments before the Government was certain that the persons concerned would be capable of carrying out the duties. I greatly regret personally that this debate has taken place at all. I regret particularly that a man like the Minister for Transport who, whatever may be said against him, is a man of unimpeachable honour, should be made the subject of a motion of severe personal censure, whereas, at the very best, the only justification would be that the motion was one of censure on the general policy of the Government as evidenced by the administration of one or other of the Ministers.

MR. MARSHALL (Murchison—in reply) [10.28]: Much has been said on the points raised by the member for North-East Fremantle, and I do not propose to delay the House by expressing any opinion on the utterances of the Acting Premier other than to refute quite definitely his imputation that the state of the railways, when taken over by the present Administration, was the worst of any in the world.

The Acting Premier: It was not an imputation; it was a statement by the Royal Commission.

Mr. MARSHALL: But the Acting Premier is surely aware that the Royal Commission said the Western Australian railways were, by comparison, no worse than the railways of South Africa, and that the same was said of the roads in the two countries.

The Acting Premier: I did not hear that.

Mr. MARSHALL: It was said that, by comparison, we were in a very similar position to South Africa. There it was going to cost 80 millions to rehabilitate the railway system, and I remind the Acting Premier that in South Africa cheap labour is available. Also, the statement was made, "You have some very good roads and so have we in South Africa. You have some

moderate roads, and so have we in South Africa. You have some very bad roads, and so have we in South Africa." Yet we hear this wail by the Government on every possible occasion about the administration of the previous Government without any reference whatever to the handicaps under which it laboured.

No reference was made to the lears 1930-33, when the whole of the Midland Junction Workshops were closed down. No reference to six years of war! While the Labour Government held office all the key men and most of the unskilled workers were still in the Army, but that has not been the case with the present Government. The Midland Junction Workshops usually build 12 to 14 engines annually. When we left office there were 13 new engines and 25 Garratt engines which the previous Government did not have and the latter were equivalent to 50 of the other engines.

The Acting Premier: We did not have the Garratts. What was the strike about?

Mr. MARSHALL: That is the reason we did not have them. They were taken away from us. We only had three at the time. The present Government is in a much better position than we were as far as traction effort is concerned. I think the mile tonnage haulage last year was the highest on record.

The Minister for Transport: That is so.

Mr. MARSHALL: Then how was the present Government handicapped?

The Minister for Transport: We had 135 engines standing idle waiting for repairs.

Mr. MARSHALL: Why not face up to the situation and admit that the responsibilities are so much heavier and the work has increased to such an extent that it is impossible to do better, rather than continually try to put the blame on to the previous Government? May I remind the Minister for Transport, and the other Ministers also, of their utterances on the hustings? This is important. They said that all that was necessary was a change. "Put us on the ministerial benches," they said, " and within six months everything will be all right." They did not say they would be handicapped or that it would be impracticable for them to do better than those who previously occupied the Government benches. Their argument was that all that was necessary was a change of Government, when everything would be altogether different. Homes would be erected everywhere, the demand would soon be overtaken; the railways would be rejuvenated; schools would be built; everything would be all right. Now they wail about the previous Government. Their wail is getting worn out; it is threadbare.

The Acting Premier: The foundations you laid are getting bare, too.

Mr. MARSHALL: The Government must face up to the position. It is slipping as the years pass by. It will not be long before the electors will have a say; it will not be long before judgment is passed upon the Government. I am particularly sorry that the Minister did not give personal consideration to what I said when moving this motion. He depended upon officers to make up a brief for him and he read every word of it, making comments as he proceeded. Every line of that brief was written by somebody else. The phraseology is proof of that, as it mentioned the member for Murchison as having said this and that.

Had the Minister prepared his own brief he would not have used that phraseology. He would have put it in another way. That brief was not his considered reply to my utterances. It was a brief handed to him by someone who had investigated the matter and made up a case by omitting the most important points I raised. He only grasped at little parts of my speech that suited him. I think I could name the officer, or perhaps the one or two officers, who drew up the brief. They drafted the reply along those lines because they had made an error of judgment. Their advice to the Minister, unless there was some connivance in this matter, was wrong. It is one or the other. In the first place, I never intended to say anything that reflected upon the Minister's personal character. Had I done so, I would apologise now.

Mr. Bovell: The phraseology in your motion is "improper conduct," and that reflects on the personal integrity of the Minister.

Mr. MARSHALL: Improper conduct as administrator of the portfolio, not personal. Read the motion. I said that I based my argument upon assumption. That is the Minister's own fault because of the tactics he adopted in stopping the No. 7 tram service. I made that point clear. I said

that I had to make up my case practically on the assumption that the Minister had done something entirely wrong both as a Minister and at law. When I made that remark I thought he would quite understand the situation. I thought he would understand that I had no alternative but to come to those conclusions because of the line of action he took. No reference was made to that statement of mine. I was not excused for anything I said in that respect.

I made another statement on the actions of the Minister in this matter. I came to the conclusion that there had been some negotiation that was not proper so far as conduct was concerned, far from it. I think these words will be indelibly impressed on the minds of those who listened to me. I said in language of this kind, "Is it any wonder that civil servants become disrespectful to their Ministers and that the public treat politicians with contempt?" Members who listened to me will recollect that utterance, which was justified on the facts of the case as I saw them. The Minister made one accusation against me. He said I told a lie. The Minister ought not to accept proof from others and use it as a statement made by me personally. I did not do that. Everything I said was my own. I did not get departmental officers to prepare a brief for me and read it. I will inform the Minister who has been telling lies and prove it.

The Minister for Transport:- You said specifically that I had made a gift of this to the company.

Mr. MARSHALL: That is true.

The Minister for Transport: It is a lie.

Mr. MARSHALL: If the Minister had done the right thing and brought his own brief to Parliament he would never have said that about me, because we would have known the facts.

The Minister for Transport: If you had tried to find them out you would have known them.

Mr. MARSHALL: The Minister should have stuck to the law. He knows now that he is wrong because he made this statement: "Until then I had no reason to believe I had not done the right thing." Of course, he did not know, until I spoke. Then he realised he had done the wrong thing.

The Minister for Transport: No, I did not.

Mr. MARSHALL: Then he knew that he had acted contrary to the law. May I say in reply to the member for Nedlands that after I spoke, the Minister could have obtained a ruling from the Crown Law Department on the point I raised, but he never got it.

The Minister for Transport: Did he not?

Mr. MARSHALL: No. And the Transport Board did not want it because he had been wrongly advised. The Transport Board never saw the point until it was raised, and then it was too late. But I had the Crown Law ruling on the matter, and what I say is correct. So the member for Nedlands can understand that the Minister did not go to the Crown Law Department. Whatever the Minister may say tonight, that is what he said in his speech: "Until then I had no reason to believe that I was not right in doing what I did."

The Minister for Transport: Since then I have taken further advice, as I said.

Mr. MARSHALL: I put it down as the Minister spoke it.

The Minister for Transport: Since then I have taken advice.

Mr. MARSHALL: The Minister now admits that he did wrong.

The Minister for Transport: No, I do not.

Mr. MARSHALL: Because until I spoke, he did not know. He had already done this thing. He had already stopped the tram when I spoke, and he did not know until then that he had done wrong. I got the Crown Law opinion on it and, what is more, I had an opinion on the same matter years ago. The Minister said I wanted to make sure that Section 11 did not deal with the point raised. I questioned the Minister and he said that it does not. Now we will see.

The Minister for Transport: I said it did. You were not listening.

Mr. MARSHALL: I accused the Minister of using part of Section 11 and he did that. Subsection (1) of Section 11 reads—and even the member for Nedlands will now confess that the Minister was wrong—

Hon. J. B. Sleeman: He will not confess anything—that chap!

Mr. MARSHALL: It is about time he did, because he is getting close and wants to be very truthful and careful! Subsection (1) of Section 11 reads as follows—and we will see whether it has any bearing on this point—

> On the direction of the Minister, the Board shall, or of its own volition may, inquire and report whether the services of any railway or part of a railway or any tramway, or part of a tramway, are adequate for the requirements of the district or area which such railway or tramway serves.

Was it not a very specific case that the Minister had to handle?

The Minister for Transport: No. I told you that the Tramway Department admitted it was inadequate so why make an inquiry to find out what was already admitted?

Mr. MARSHALL: I will refer to that matter later on. I want to clear up the point whether Section 11 of the Transport Act deals with the matter or not. There is no part of the State Transport Co-ordination Act that deals with precisely the point the Minister handled; that is to say, that a part of the tramway had to stop, that it was not adequate. That was the ground upon which the Minister acted. Is that not so? Subsection (1) of Section 11 specifically deals with it.

The Minister for Transport: So does Section 10.

Mr. MARSHALL: Section 10 does not deal with it. I will have something to say about that later on. The Minister's advisers gave him wrong information on more than one point. The Minister went on to say that the Tramway Department refused to do anything about it. That is not true.

The Minister for Transport: I did not say that.

Mr. MARSHALL: That is positively untrue.

The Minister for Transport: You misunderstood me.

Mr. MARSHALL: I do not think the Minister even studied the brief they handed him, for that is not true; because if it were the Tramway Department could never have tendered when tenders were called for. But I am given to understand that the department had busses ready to put on the route. The busses were ready to start but the Minister was determined they should not. The Minister cannot deny that busses were ready to start and that the department tendered for the job. In passing I may say that while the Tramway Department had busses ready waiting to commence, tenders were called for and the Tramway Department tender was disregarded, a matter to which I will refer later on. At the same time, the changeover was held up for two or three weeks until the United Bus Company got their busses. That is here in the Minister's own statement. So it was designed by somebody that the tramway system should not enjoy changing over from trams to busses and that the route would go to a private company. That is obvious.

The Minister also said that the Transport Board only came into the matter when it was decided to put omnibusses on. That is a positive untruth, for here is a statement in "The West Australian" of the 17th March, 1949, from the secretary of the Transport Board, and from it we can see when the Transport Board started to make its investigations. The Minister said that the Transport Board came into the matter only when it was decided to put omnibusses on. Let us see what the secretary has to say. In his statement to the Press he said—

> The Board had recognised the need for improved services to meet the needs of residents in the Eastern and Nedlands area about a year ago.

That is when they came into the picture.

> Negotiations had been opened up with the Tramway Department for a Government bus service to operate but no finality had been reached by the Tramway Department. After many months the Government had directed that tenders—

So the Minister directed them to call for tenders, and to say that the Transport Board never came into the picture until it was decided to put omnibusses on is a positive untruth; or, this is a lying statement by the secretary. The Minister said, amongst other things, when speaking to the motion, that these omnibus services were picking up passengers on routes when lawfully they had no right to do so. What is the Minister doing when he sees this sort of thing going on, and how can he expect the State transport system to pay? It is bad enough! The Minister never made any reference to my comments on the number of new routes which had been granted. There has been an increase of nearly 50 per cent. in these services, with busses percolating in and out and running parallel with and across the

tramway system—body snatching, sucking the very lifeblood out of our own State-owned transport!

Then the Minister complains that the tramways do not pay. Well, there is not sufficient to enable two systems to pay. Seeing that the Minister could find routes involving a 50 per cent. increase in the metropolitan area in the two years that he has been here, it only goes to show how prejudiced the Government must be against State-owned transport; and the hellish liability there will be on the taxpayers if it is going to allow private companies to steal entirely the patronage that belongs to the State. The Minister made some reference to other systems being partly curtailed by previous Governments. All I can say in that regard is that I adopted a like attitude then to what I do now. So I am consistent. The Minister no doubt read "Hansard" and saw the criticism and opposition that I offered.

I take strong exception to a system which permits private enterprise to wait until the taxpayers are called upon to spend colossal sums of money on a transport system, and then step in and take it over. Nothing could be more cruel, unfair or unjust. Let us turn the tables on the privately-owned systems and ask them to provide the roads for the State-owned transport. Let them provide the roads for the tramways and railways, and see how long they will last. But they do not mind the taxpayers providing the roads for their use. When that is done they will step in, but not before. The Minister said he got the Crown Law ruling on the tender submitted by the Tramway Department, and that it was ruled out. That might be true. Personally I think it would be ruled out because it did not comply with the terms and conditions set down by the Transport Board when calling for tenders.

Surely the Minister could have been sympathetic enough to have refused to accept any tender, and so have given the tramways another opportunity; especially as he had to wait for some weeks before the United Buses could start. Again I say I am not besmirching his personal character, and have no intention of doing that because I respect him too much, but I know what is happening. The Minister must surely understand that we are not blind to what is going on. What has occurred in connection with the Black Diamond leases is a good example of what is happening. I hope the Minister does not regard this as a personal matter. I know that pressure is being brought to bear upon him and that he is in an invidious position in his struggle to retain some of the profitable transport which belongs to the State. He has to meet those who support the Party with which he is associated in the Government, and who want sympathetic treatment for privately owned transport. The impudence of them!

I put it to the Minister that the Tramway Department could have operated this bus service and run it more efficiently than the present company because it could, at odd times, have run a bus through Subiaco. Notwithstanding what the member for Nedlands has said about taking the United Bus service in both arms and lapping it up, I tell him there are scores of people who are very disappointed in it, and it is not now enjoying the patronage it did when it started. The Minister said I was quite wrong in stating that it was necessary to go into Perth and out again to the national football grounds. Surely he must have understood that I meant an unbroken passage. At present it is most inconvenient for elderly people, and women and children, to get off a bus and on to a tram, and then off the tram. It is also very expensive. It costs 4d. to go from Nedlands jetty to Keightly-road. We do not get very much out of private enterprise. Surely the Minister, entrusted as he is with the responsibility of protecting the interests of the State, could have done that much. The Minister, by the 1948 legislation, was given complete control over the Transport Board and so had no occasion to yield to it in any way. He was master of the situation by then.

Now we come to another point. The Minister said this was a new service and therefore he had to use Section 10. That is not correct. Section 10 did not apply here. There are four provisions only in Section 10. It pertains practically to new licenses only. In 1948 the Minister introduced the Bill to bring all State-owned transport under the State Transport Co-ordination Act. Immediately that was passed, every tram and omnibus automatically ran on a gazetted route, or should not have run at all. If the route was not automatically the rightful property of the State-owned transport system that had been using it, then that system should have stopped immediately, but it did

not because under the Act it automatically became a gazetted route and, therefore, a new license was not being asked for.

A new license applies only to an ungazetted route for a start, and then to every bus over and above one extra when granted to a gazetted route. The Tramway Department would not have asked for either because it would have just replaced the trams with busses. So it would not have had to make application for a new license, but the Minister never gave it an opportunity. I tell him quite frankly that Section 10 has nothing to do with the matter. It has four provisions. Firstly, the board can make its investigations and report; secondly, it defines a new license; thirdly, it brings in the routes that were not gazetted when the measure became law; and fourthly, in the matter of Crown transport, the Transport Board has complete control. The Minister cannot deny that Section 11 was the appropriate section to use.

The Minister for Transport: I do deny it.

Mr. MARSHALL: When he used Sub-Section 3 (e) of the Government Tramways Act, he did something contrary to law. He started on Section 11 because the board had made inquiries and found the system inadequate 12 months previously, on his own statement. I do not think I have told any lies, but I believe the Minister read out one or two. I do not blame him for them because the brief was constructed for him by others of whom I am becoming suspicious. If I live long enough I will have a thorough investigation made into the share registers of private omnibus companies operating in the city, as I am becoming sceptical about it all. I do not propose to apologise or withdraw and I think it is a healthy sign for motions of this sort to be moved, as they will keep Ministers aware of the fact that there are members on this side of the House who are watchful of them.

I hope the Minister will accept my assurance that nothing I have said was meant as an attack on him personally or on his reputation as a citizen. I hold him and all the members of his family that I have known in the highest esteem, but I know that the Minister has been subject to severe pressure, and I believe he took the line of least resistance and performed a wrong action and was deserving of censure for it.

Question put and negatived; the motion defeated.

BILLS (2)—RETURNED.

1, Rights in Water and Irrigation Act Amendment.

2, Water Boards Act Amendment.

Without amendment.

House adjourned at 11.3 p.m.

Legislative Council.

Thursday, 11th August, 1949.

CONTENTS.

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

BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

Received from the Assembly and read a first time.

BILL—PLANT DISEASES ACT AMENDMENT (No. 1).

Returned from the Assembly without amendment.

BILL—INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 4).

In Committee.

Resumed from the previous day. Hon. G. Fraser in the Chair: the Chief Secretary in charge of the Bill.

Clause 3—Sections 18F to 18L added (partly considered):