Legislative Council.

Thursday, 4th December, 1947.

CONTENTS.

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

BILL—COMMONWEALTH POWERS ACT, 1945, AMENDMENT (No. 2).

Introduced by the Honorary Minister and read a first time.

STANDING ORDERS SUSPENSION.

The MINISTER FOR MINES: I move—

That, for the remainder of the session, so much of the Standing Orders be suspended as is necessary to enable Bills to be put through all stages at one sitting, and all messages from the Legislative Assembly to be taken into consideration forthwith; and that Standing Order No. 62 (limit of time for commencing new business) be suspended during the same period.

Hon. C. F. BAXTER: This is the usual motion that is placed before the House at the end of the session in order to facilitate the transaction of business expeditiously but too often, I am afraid, not wisely. If members will look at the notice paper they will see it does not indicate any support for the motion before the House.

Hon. J. A. Dimmitt: Have you had a look at the Assembly's notice paper?

Hon. C. F. BAXTER: We are not concerned with that. My complaint is that important Bills are put low down in the Orders of the Day instead of being brought on at an early stage. My experience tells me that those that are more important are left till the last. I do not think the notice paper indicates any desire to expedite the business of the House. I shall not oppose the motion.

The MINISTER FOR MINES: All the matters mentioned on the notice paper are important; there is not one more important than another. Unfortunately at the end of the session so many matters have to be brought forward at a late stage. I am sorry that Mr. Baxter, before speaking on the subject, did not try to inform himself as to the legislation that is likely to come before the Chamber in the near future. There is no intention whatever of departing from our customary procedure if it can be avoided, but for the convenience of members I deemed it necessary to give early intimation of this procedure.

Question put and passed.

MOTION—ADDITIONAL SITTING DAY.

On motion by the Minister for Mines, resolved:

That for the remainder of the session the House, unless otherwise ordered, shall meet for the despatch of business on Fridays at 4.30 p.m. in addition to the ordinary sitting days.

BILL—MILK ACT AMENDMENT (No. 2).

Third Reading.

THE HONORARY MINISTER (Hon. G. B. Wood—East) [4.38]: I move—

That the Bill be now read a third time.

I promised to give Fremantle members some information regarding complaints made concerning some tested cattle at the port. There was some reason for the action taken, and I think they will be well satisfied when they hear it. As Mr. Davies said, four men had cattle that proved to be reactors which could not be slaughtered, with the result that the owners did not secure their compensation. When the herds were tested it was thought that a butcher in Fremantle could kill all the reactors either for human consumption

or, as it is commonly termed, "put them down the chute," according to the quality of the meat. After the herd had been tested it was found that that particular butcher had orders for export beef which he had to fulfil and it was not possible for him to kill the reactors at the Fremante abattoirs.

It was an unfortunate circumstance and could not be avoided. Since then, owing to sickness of workers at the abattoirs at Fremantle, arrangements have been made for the cattle to be killed at Midland Junction. The herd that belonged to Mr. Miguel of Spearwood has already been killed, and the cattle belonging to Mr. Richards and Mr. Marchant at Bibra Lake will be slaughtered on Monday. Mr. Dixon's cattle will be killed on the 15th of this month. Quite a number of cattle are being slaughtered at Midland Junction and preference has been given to those which are nearer to those abattoirs. I wish when complaints are made to members they would consult me about them, as that would save much time. I have no objection whatever to complaints being voiced in the House; but if this had been mentioned to me 10 days or a week ago it could have been settled a week earlier.

Hon. G. Bennetts: What would be the percentage of beasts going through the incinerator?

The HONORARY MINISTER: Not very great. I will obtain the information for the hon. member.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

BILL—CITY OF PERTH SCHEME FOR SUPERANNUATION (AMENDMENTS AUTHORISATION).

Received from the Assembly and, on motion by Hon. L. B. Bolton, read a first time.

BILL—CO-OPERATIVE AND PROVIDENT SOCIETIES ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [4.43]: As the Honorary Minister said yesterday, this short Bill provides for an increase in the number of shares that the members of the Collie Co-operative Company may acquire. The company claims to be the largest of its kind in the State and has in the vicinity of 1,700 members. It has been most successful. In the past, the largest number of shares that could be held by one member was 200 and the company was able to carry on successfully with that limit. In more recent times, however, the shareholders have been looking to the company for assistance in purchasing homes, when they could be bought, and in the erection of houses. To some extent the company has provided that assistance, but it has reached the limit of its reserves for that purpose.

It has therefore been agreed that if authority can be secured, the number of shares which each member of the company may hold shall be increased to 750, and this would enable the company to extend its operations. The housing position at Collie, as it is everywhere else, is so acute that some men are living miles further out of town than they would normally do. The living quarters which were erected by the Commonwealth Government in connection with the distillation of alcohol have been pressed into service, owing to the shortage of homes. There is everything to be said in favour of the Bill and I commend it to the sympathetic consideration of members.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Bill read a third time and *passed.*

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly received and read requesting concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 4, 12, 20, 21, 22, 23, 28 and 37, laid upon the Table of the Legislative Assembly, by command of His Excellency the Lieut.-Governor on the 3rd December, 1947, be carried out.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban) [4.50]: I move—

That the resolution be agreed to.

This is a matter which comes forward at the end of each session. Members may notice that just now I tabled the papers dealing with the proposed revocations. The particulars of the individual areas which it is desired shall be excluded from the operations of the Forests Act are as follows:—

Area No. 1.—About 2½ miles West of Collie. Approximately 9 acres of land applied for by the Collie Municipal Council as an addition to its Sanitary Reserve 6911. With the growth Westward of Collie it is desired by the council to move the site at present held under a Forest Lease and located about a mile South West from Collie.

Area No. 2.—About 2 miles South of Collie. About 18 acres of land applied for by an adjoining landholder as an extension to his present holding of 30 acres.

Area No. 3.—About 2 miles East of Collie. Approximately 20 acres of land applied for as the only suitable site for a broadcasting station in the Collie District.

Area No. 4.—About 1½ miles East of Ludlow. About 131 acres in exchange for portion of Sussex Location 220 consisting of approximately 88 acres. Some of the advantages of the exchange are:—

(a) Consolidation of areas suitable for the growth of pines.

(b) No timber of marketable value on 879 whereas there is approximately 220 loads of marketable tuart and some jarrah on the area to be added to State Forest.

(c) Increased control of available tuart forest, removal of a fire hazard, etc.

Area No. 5.—About 2½ miles South East of Greenbushes. Comprising about 8 acres of land applied for by an adjoining settler. The land has already been fenced, cleared and sown with pasture. It would appear that the North-west corner peg of Location 8752 had been placed in State Forest in error.

Area No. 6.—About 5½ miles South West of Kirup. Approximately 40 acres of cutover and mainly ringbarked country. Applied for by an adjoining landholder's son.

Area No. 7.—About 3 miles North-East of Mundijong. An area of approximately 14 acres consisting mainly of swampy gully land carrying a few marketable jarrah trees which will be accessible to a mill operating in the locality during the 1947-1948 summer. To be made available for adjoining landholders only.

Area No. 8.—About 2 miles West of Marrinup. Comprising approximately 65 acres of what is mainly marri country; also the area is almost completely cut off from the rest of State forest.

Area No. 9—About 1 mile North-West of Nannup. The land applied for, amounting to approximately 5 acres, is required by the local road board as an addition to its adjoining Sanitary Reserve No. 18972. The board has installed a water scheme from a spring within the area it desires.

Area No. 10.—About 3½ miles South-East of Jarrahwood. An area of about 30 acres consisting mostly of a paper bark flat carrying practically no jarrah timber.

Area No. 11.—About 2 miles South-East of Yornup. Approximately 7 acres of land applied for by an adjoining landholder who desires the area for a building site with a frontage on Seaton Ross-road. Much of his present property is under water and waterlogged in winter, including the whole of the main road frontage.

Area No. 12.—About 28 miles East of Manjimup. An area of about 38 acres of largely granite country carrying poor quality forest and containing some gully land. This has been applied for by an adjoining landholder.

Hon. C. G. Latham: I would like the Minister to lay the plan on the Table of the House.

The MINISTER FOR MINES: I shall do that.

On motion by Hon. C. G. Latham, debate adjourned.

BILL—IRON AND STEEL INDUSTRY.

Second Reading.

Debate resumed from the previous day.

HON. A. L. LOTON (South-East) [4.55]: I am not going to support this Bill at present. Although I am anxious to see the development of the natural resources of the State, I am not prepared at this stage to give to the Minister and a company of which we know so little, the power to do what is proposed here. Messrs. Brasserts Ltd., according to what Sir Hal Colebatch and Mr. Latham have told us—and they have given the House far more information than the Minister was able to give—is a company which, before the last war, was financed by the Nippon Mining Co. We have no assurance as to who is financing it now. During this session we have passed the Industry (Advances) Bill, Clause 4 of which empowers the Minister to make any advances or to guarantee any advances to a company on such terms and conditions as the Minister, with the approval of the Treasurer, thinks fit.

This measure is giving away too much at this stage. For that reason I ask the Mini-

ster not to proceed with the legislation, but to hold it over until the next session, and in the meantime to give members more information; and I think we are entitled to know far more than what the Minister has told us. The venture suggested is a big one. I cannot see why the Broken Hill Pty. Ltd. is not interested in it, particularly if the same facilities are offered as have been offered to Brasserts. I would like to know why the B.H.P. is not interested. The Royal Commissioner who inquired into the Wundowie charcoal-iron industry has proved by his finding that it is a good one, and I think it would be better in this case, where there are millions of tons of ore at Yampi, for the State to develop the industry as a trading concern. It certainly will not have such a short life as will Wundowie. I must oppose the measure.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban—in reply) [4.58]: It is important that this Bill be passed, and if I may give some further reasons—perhaps I did not make myself clear in introducing the Bill—I would say that Messrs. Brasserts Ltd. have held these leases for some years, and during the war, naturally, exemption was granted. Since then a further six months' exemption has been granted.

Hon. A. L. Loton: Since what date?

The MINISTER FOR MINES: I have the exact date. The application for exemption was heard in the Warden's Court at Broome, on Friday, the 8th November, 1946. The company was then granted six months' exemption. A further application for exemption was made in March of this year. That was recommended by the warden and was granted by me as Minister when it came through the ordinary channels. Before that exemption expired this year, Mr. Thring, secretary for Brasserts, came here and saw the firm's solicitors and made representations to me and other Ministers concerning the trouble they would be in if we did not grant further exemptions. Arrangements had been made at one period by Brasserts to sell to the Broken Hill Pty. for a large sum of money. That business was held up by the previous Administration because those in power required information as to how and why such a large sum of money was being asked of the Broken Hill Pty. No transfer was actually lodged but no transfer was refused to the Broken Hill Pty. The matter was not proceeded with.

We were in this difficulty. Brasserts as Sir Hal Colebatch said, is a highly reputable firm of engineers in the City of London. It was represented by their solicitors in Perth that it might have a very detrimental effect on the London market so far as our mining sincerity was concerned, if the new Administration which had come into office were to forfeit these leases. A difficult situation arose. Although we could have forfeited the lease, we did not desire that the financial people in the City of London should give us a bad name—although we would have been within our rights—and should accuse us of being unfair. Negotiations were then entered into which culminated in the agreement now before the House.

At the time these negotiations were proceeding, it was decided that in no circumstances would we permit Broken Hill Pty. to acquire these leases for the reason that they covered twice the quantity of iron-ore that Cockatoo Island possesses. Cockatoo Island is leased by the Broken Hill Pty., and it cannot possibly use all the iron-ore available there. If the other leases were transferred to Broken Hill Pty., the obvious step that would be taken would be to amalgamate the labour conditions, with the result that the whole of the iron-ore of these islands would be tied up while the Broken Hill Pty. worked one island.

Hon. A. L. Loton: Would it not be possible to negotiate with the Broken Hill Pty. to work the leases?

The MINISTER FOR MINES: That would not be practicable. The company has already spent an enormous sum of money in opening up all the iron-ore it will require for many years. It would be stupid of it to open up other resources. The only value this lease would be to the Broken Hill Pty. would be that of tying it up against competition. While negotiations were proceeding, Mr. Conrow entered the scene. He is a man with the highest credentials, who is anxious to get American heavy industry interested.

Hon. C. G. Latham: He represents a wealthy firm.

The MINISTER FOR MINES: So it is said. That is a wealthy and big heavy-industry firm in America. Mr. Conrow at one time was employed by Armour & Co., one of the biggest heavy-industry firms in the United States. He was negotiating for the Koolan Island lease. We could not give that lease to him while Brasserts held it. At the same time, we could not take it from Brasserts and give it to someone else without perhaps bringing the name of the Western Australian Government into disrepute. A simple proposition was evolved, namely, that we divide the island into two. I think it has been divided in such a way that it matters not who has either half. There are certain works there and free access is available to the people who own each half of the island, to the wharves, jetties and any roads there may be, for what they are worth. It is a reasonable and fair distribution. We have all the iron-ore in our half-share that any heavy industry in Western Australia could want for many years.

There is an enormous quantity of iron-ore at Yampi. Brasserts said, "All right." We then said, "If you work this lease, you must sell up to 1,000,000 tons of iron-ore a year to us if we want it." The particulars of this will be seen in the agreement. There are two ways of arriving at the price. That was agreed to by Brasserts. The firm also said, "In view of the conditions existing at present, it would not be practicable for us to raise the money to work the leases just now." We said, "We will give you four years in which to raise the necessary capital, the provision of plant, etc., for working the lease but you must understand that if at the end of four years you do not comply with the labour conditions, we will forfeit the lease." They said that was a reasonable proposition. That is virtually the agreement. In the meantime, Mr. Conrow said, "Where do I come in?" We said, "You can buy from us." The million tons a year is there for the Government or its nominee.

If Mr. Conrow is successful in raising the capital, as he hopes to be, and in getting this big American heavy industry interested, he will then, if possible, start works in Western Australia. If our coal will not coke or if there is no economical process by which our coal can be used for the heavy iron industry, it may be that the iron-ore will be exported oversea to any portion of the British Dominions or the United States.

Hon. C. G. Latham: Or anywhere else.

The MINISTER FOR MINES: No.

Hon. C. G. Latham: That is provided for in the agreement, if the Minister approves.

The MINISTER FOR MINES: Yes, but no Minister is likely to approve unless for good reasons.

Hon. C. G. Latham: It is as well to give the correct information. What I said is contained in paragraph (9) of the agreement.

The MINISTER FOR MINES: It says "with the consent of the Government" it may be sent to any other country. The hon. member led me astray because he spoke of the "Minister" not the "Government." I think there is ample safeguard in the agreement. Generally, the agreement refers to the United Kingdom, the British Dominions or the United States.

Hon. E. H. Gray: It would not be left to the Minister solely.

The MINISTER FOR MINES: It would be a matter for the Government. Mr. Conrow said, "If it is impracticable because of the fuel position to have a heavy industry established in Western Australia, there will be a barter system with the United States to send the iron-ore there and receive steel in return." Unfortunately, the iron-ore will be treated in America in such circumstances, but we will get the product back, less cost.

Hon. G. Bennetts: It will be Yankee employment instead of Australian.

The MINISTER FOR MINES: Only if we cannot establish the industry here. The Bill is in two portions, the first of which refers to the confirmation of the agreement with Brasserts. If the House agrees with that portion and disagrees with the other, I hope the second reading will be passed, after which members may be able to alter the Bill in Committee if they so desire. The Government would be placed in an invidious position if, after these lengthy negotiations, and in view of the need for keeping our name good in the mining world, we went back on the agreement which was made by the Minister, subject to the approval of Parliament. I think members will admit this is a straight-out, proper and honest agreement in all the circumstances. Never mind about past history! All through the war, Brasserts held these leases. Now it is suggested that they may not have the money.

Does it matter whether they get it in the United Kingdom or not, if they work the lease? They cannot get the money from any foreign country. We have a perfectly good safeguard in the economic conditions that exist today. They cannot get the money from Japan.

Hon. L. A. Logan: What guarantee have we as to that?

The MINISTER FOR MINES: Could any Government get any money out of Japan today? Suppose it did come from Japan! If it did, it would only be supplying iron-ore for Western Australian use, or for the British Dominions or the United States.

Hon. J. A. Dimmitt: Or any other country.

The MINISTER FOR MINES: Subject to the approval of the Government. I do not think any Government would risk its reputation by giving iron-ore to any country outside those I have mentioned. We must trust whatever party may be in power not to do that. Another point is that the Commonwealth could step in and prevent the export of the ore. Mr. Latham said he could not understand the reference in the agreement to our not doing anything in the way of asking the Commonwealth to prohibit the export. This means that we will not sign an agreement with our tongue in our cheek and then say to the Prime Minister, "We have made this agreement, but will be pleased if you will not allow the ore to be exported." We have undertaken not to do that.

Hon. C. G. Latham: It is rather bad if you have to put that into the law.

The MINISTER FOR MINES: The hon. member has probably not had occasion to draw up agreements as they are drawn up by solicitors. This agreement was drawn up by the Solicitor General and the solicitor for Brasserts. In drawing up agreements, it is quite usual to cover all sorts of possibilities; in fact, it is the duty of a solicitor to look for all possible loopholes and try to block them. That is what has happened and we have no objection to it. Why should we have any objection?

The first part of the Bill empowers the Minister, which means the Government—no Minister would dare take action without Cabinet approval—to enter into negotiations with companies for the purpose of engaging in heavy industry. Mr. Conrow is the man in view. In his case, we are to subscribe and lend a certain amount of money. This cannot be done under the Industries Assistance Act, because we propose to take shares in the company, and though the Bill provides for a Government holding of 52 per cent., I shall be prepared to accept an amendment to make it 50 per cent.

Hon. C. G. Latham: That will make the position still worse.

Hon. J. A. Dimmitt: No, better.

Hon. C. G. Latham: We want 51 per cent. if we are going to find half the money and make a loan to the company as well.

The MINISTER FOR MINES: That matter can be discussed in Committee. The Government has no desire to nationalise, but we want to protect ourselves and future industries and also prevent any monopoly. I ask members to vote for the second reading and then we shall be able to deal with the clauses that may or may not be deemed objectionable as we come to them.

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

Ayes	..	..	19
Noes	..	..	5
Majority for	..	..	14

AYES.

Hon. L. B. Bolton	Hon. J. G. Hislop
Hon. R. J. Boylen	Hon. W. J. Mann
Hon. Sir Hal Colebatch	Hon. G. W. Miles
Hon. L. Craig	Hon. H. S. W. Parker
Hon. H. A. C. Daffen	Hon. O. H. Simpson
Hon. E. M. Davies	Hon. H. Tuckey
Hon. J. A. Dimmitt	Hon. F. R. Welsh
Hon. G. Fraser	Hon. G. B. Wood
Hon. E. H. Gray	Hon. G. Bennetts (*Teller.*)
Hon. E. M. Heenan	

NOES.

Hon. C. F. Baxter	Hon. H. L. Roche
Hon. L. A. Logan	Hon. C. G. Latham (*Teller.*)
Hon. A. L. Loton	

Question thus passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Mines in charge of the Bill.

Clauses 1 to 3—agreed to.

Clause 4—Powers of Minister:

Hon. H. TUCKEY: I move an amendment—

That in line 4 of paragraph (c) of Subclause (1) the word "fifty-two" be struck out with a view to inserting the word "fifty."

It would be in the best interests of the measure to make the amendment because there could then be no Government monopoly and private shareholders would be given a similar interest in any company that might be formed.

The Minister for Mines: I have no objection to the amendment.

Hon. C. G. LATHAM: I hope the amendment will not be accepted. I am reluctant to give authority for the creation of any further State enterprise. In addition to the Government taking shares, provision is made for lending money to the company, and I want to see the control in the hands of the Government. Our position in London has nothing to do with the proposals in the Bill and I shall have something to say in reply to the Minister's remarks when the third reading stage is reached. If Mr. Conrow is the representative of a substantial company, as I understand he is, and the company wants our iron-ore, it should be able to find the money to develop the deposits.

Hon. L. Craig: It might be very successful.

Hon. C. G. LATHAM: I could tell the hon. member about the State Brickworks, State Quarries and other trading concerns. The enterprises making a profit could be successfully managed by a child. If there is any possibility of success, let the Government undertake the whole job. The B.H.P. is a wide-awake company, and if this is such a wonderful proposition, it would not hesitate to develop these deposits.

Hon. E. H. Gray: The B.H.P. does not want to.

Hon. C. G. LATHAM: Why not?

The Minister for Mines: They have such an enormous quantity there now.

Hon. C. G. LATHAM: They already have leases at Cockatoo Island which are being worked by them. I do not know whether the Minister can tell the Committee, but I do not believe they have ever applied for exemptions.

The Minister for Mines: They are working the leases; that is the reason.

Hon. C. G. LATHAM: Yes. I was surprised to hear that this company offered to sell its interests to the B.H.P. at a very big figure. The offer may have been made but I do not think the management of the B.H.P. would have accepted it at a very big figure. This will be another State enterprise if we simply allow these people to do what the hon. member moving the amendment wants to be done. It is wrong for us to start taking an interest in shares. It is not the job of a Government to run businesses but to give encouragement to private enterprise to do so.

Hon. H. TUCKEY: The hon. member has submitted a good argument in favour of the amendment. He says he is very much opposed to State enterprise. This amendment seeks to prevent a State monopoly by providing for equal shares. If the amendment is not carried the State will have 52 per cent. as against the 48 per cent. of the private shareholders. There is another aspect. If the State is going to have a monopoly there will be difficulty in inducing private enterprise to put capital into the concern. Quite a number of individuals would think twice about investing capital in a business run by the Government.

Hon. A. L. LOTON: I do not intend to support the amendment. I fail to see why the Government, which will most likely have to provide the biggest percentage of the money, should not have a controlling interest. Brasserts is just a speculating company.

The Minister for Mines: This has nothing to do with Brasserts.

Hon. A. L. LOTON: It is closely allied to Brasserts. This agreement is signed on behalf of Brasserts.

The Minister for Mines: We have no shares in Brasserts.

Hon. A. L. LOTON: No, but we are going to give the iron-ore deposits away to Brasserts and provide finance.

The Minister for Mines: Nothing of the sort!

Hon. L. CRAIG: The hon. member has this all upside down. The amendment does not deal with Brasserts but with a man named Conrow who will have his shareholding out of the million tons.

Hon. C. G. Latham: That is something new!

Hon. L. CRAIG: This deals with the million tons the State may acquire from Brasserts and in which Mr. Conrow may be interested. We will not get the American capital which Mr. Conrow is supposed to be able to secure if the State is to have a monopoly and control the company. If we leave the figure at 52 per cent., we may as well wipe off the Bill. No private concern would do all the spade work with a prospect that, in the event of the project being successful, the State might acquire more than half the shares, thus giving it a controlling interest. Mr. Latham rather ridiculed me when I said it may be successful. I meant that the private enterprise of Mr. Conrow may be successful, in which case the State may desire to take some shares in it. That would be a great privilege for the State in the event of the concern being successful, but if the State is to be able to insist on having more than half the shares, that will eliminate the prospect of private enterprise or American capital being invested in the business.

Hon. J. G. Hislop: Why not make it 40 per cent. as against 60 per cent?

Hon. L. CRAIG: It would be better if the State's share were limited to 40 per cent., but the amendment is to reduce the State's share from 52 per cent., as provided, to 50 per cent.; and it is only "may." A private company would be very chary of investing large sums of capital even if we allowed the State to acquire only half the shares.

Hon. H. L. ROCHE: I find difficulty in appreciating what substance there is likely to be in a company in connection with whose business the State not only finds half the capital but is going to be responsible for lending money for it to carry on.

Hon. L. Craig: It is "may".

Hon. H. L. ROCHE: It may be successful and it may not be. It appears to me that the people with whom we are negotiating or the people in whose interests this Bill is being drawn or who are going to be a party to the agreement cannot be confident that this show is going to be successful. I think we might leave the clause as it is If the State is to take the responsibility for financing the concern—

The Minister for Mines: It is not.

Hon. H. L. ROCHE: —and if the State is going to be responsible for half the subscribed capital, it might very well expect a controlling interest.

The MINISTER FOR MINES: I am sorry there is some confusion. The Brasserts agreement has nothing to do with this clause.

Hon. C. G. Latham: That is a new one!

The MINISTER FOR MINES: Clause 5 of the Bill sets out that the agreement in the schedule shall be ratified. The schedule is an agreement made between the Government and Brasserts which provides various things that Brasserts may and may not do. There is not one word in the agreement to the effect that the Government will or shall or may subscribe any capital of any sort to Brasserts. Leave that agreement entirely out of the rest of the Bill.

The Honorary Minister: There should have been two Bills.

The MINISTER FOR MINES: Yes. I pointed out in my opening remarks that Mr. Conrow was expected to obtain money from America, and the Western Australian Government would take up £25,000 worth of shares if and when they obtained a subscription of £75,000 worth of shares. It was also agreed that when the £75,000 had been obtained and the Government had taken up £25,000 worth of shares—giving a total of £100,000—the Government would also loan £25,000 which would make up a capital of £125,000. Mr. Latham suggested that the percentage of shares held by the Government should remain at 52 per cent. instead of being reduced to 50 per cent.

The amendment seeks to provide exactly what Mr. Latham wants and that is to prohibit the Government from having too many shares by reducing the figure from 52 to 50. If that is done the provision will read that the Government may, if it likes, subscribe up to 50 per cent. of the total capital. The proposal that brought this Bill into existence was that the Government would pay one quarter, £25,000, and outside interests would subscribe £75,000. The Government would have only one-quarter of the paid-up capital.

Hon. H. L. ROCHE: Is the Government to subscribe 25 per cent of the share capital

in any proposed company? Is that the position, except that it would like a provision to enable it to subscribe up to 50 per cent., in an emergency?

The MINISTER FOR MINES: Subject to this measure being passed, the Government has agreed to subscribe £25,000, and other interests are to subscribe £75,000 or more, but the Bill gives the Government power to subscribe up to £50,000.

Hon. H. L. ROCHE: Then if these people cannot find the money the Government is prepared to find it.

The Minister for Mines: No.

Hon. H. L. ROCHE: Then it wants authority to subscribe 50 per cent. of the share capital if the interests Mr. Conrow represents do not come to light with the money. In those circumstances, it might be better if the Government held 52 per cent. of the shares and controlled the company.

Hon. E. H. GRAY: Members must realise the difficulty encountered in establishing an iron and steel industry in the State. The B.H.P. has often been approached, but is content to supply Western Australia from Newcastle and take our iron-ore with which to do it. The Government wants the industry in this State. The provisions of the Bill do not make it mandatory on the Government to take up 52 per cent. of the shares, but give it authority to do so in certain circumstances.

Hon. C. G. LATHAM: I do not think the Minister understands the Bill. He has tried to persuade me that the schedule has no relation to the Bill before the Committee.

The Minister for Mines: I did not say that.

Hon. C. G. LATHAM: The agreement in the schedule cannot be divorced from the Bill. Mr. Craig seems to think the Bill was prepared for Mr. Conrow's firm, but it is not mentioned. If passed, the measure may be used to give authority to deal with any company in the matter of iron-ore, coal or limestone. It will enable the Government to become partner of any person who desires to develop our iron-ore, coal or limestone resources. It could even be connected up with a cement works.

The Minister for Mines: No one but Mr. Latham has said that the Bill is intended exclusively for one firm.

Hon. Sir HAL COLEBATCH: I fail to see what principle is involved in the question of whether it shall be 50 per cent. or 52 per cent. I could understand the argument if it was directed to prohibiting the Government from putting any money at all into the venture, but the question may not arise for several years, and then it should be left to the Government of that day to say what money it will put up.

Hon. H. TUCKEY: The object of the measure is to establish in this State an industry that will open up our natural iron-ore resources, to the benefit of our people. The objection of the people to State control of industries is well known, and if the Government holds 52 per cent of the shares in this company, it will be to some extent a State industry. That will not encourage people to subscribe capital to the undertaking. I hope the Committee will agree to the amendment.

Hon. H. L. ROCHE: If the State is put in a position of having to finance this industry, it should be able to exercise control. If Mr. Conrow goes on with the business, the State could easily be liable for a considerable sum of money to be advanced, and also 50 per cent. of the share capital in a show that apparently will not appeal sufficiently to Mr. Conrow's people for them to find the money. Under the Bill any company could be formed for this purpose, and there might be half-a-dozen formed.

Hon. J. G. HISLOP: Can the Minister tell the Committee what is the future outlook of American iron-ore deposits? If we are to look to America as a customer for our iron-ore we should know what the position is likely to be.

The MINISTER FOR MINES: I am informed that the deposit at Koolan Island is two or three times as large as that at Cockatoo Island, and that the latter contains an enormous quantity of iron-ore—probably sufficient to last until the day of our grandchildren.

Hon. J. G. HISLOP: If I remember rightly there appears in John Gunther's book, "Inside U.S.A." the statement that the main iron-ore deposits in America, in

North Michigan, are being depleted, and that such huge inroads have been made in the last few years, owing to the prodigal rate at which America is using its iron-ore, that the deposit may not last more than another half century at the present rate of consumption, and that if America went to war again and used the ore at the same pace as during the recent war, the deposit would not last more than another 15 years. It is possible that if this were to be made the subject of further inquiries by the Minister, it would be found that America would provide a market for our iron-ore. By that means we might help to join the two countries together in trade, which would meet with applause from large sections of the community.

Hon. G. Bennetts: America is getting iron-ore from Russia now.

Hon. J. G. HISLOP: I would prefer America to obtain her supplies from Australia. I think the percentage of the possible Government holding could be reduced to, say, 40 per cent. because America is not likely, in the present state of mind of those I came in contact with during my travels abroad, to participate in any scheme or undertaking in connection with which the Government might have control. I do not know if it will be possible for me to move an amendment to provide for a 40 per cent. holding.

The CHAIRMAN: If the reference to 52 per cent. is deleted, the hon. member can move for the insertion of other words.

The MINISTER FOR MINES: I find I have some figures relating to the quantity of iron-ore available at the Islands. With regard to Koolan Island the main southern ore body contains 68,850,000 tons and the northern ore body 7,700,000 tons or a total of 76,550,000 tons. As for Cockatoo Island the quantity there is 27,750,000 tons. I have also references to some remarks by Mr. Hawke is the Legislative Assembly when he stated that the islands contained a quantity of ore sufficient for the needs of Australia for 700 or 800 years.

Hon. G. W. MILES: The question of the company spending £120,000 represents just a flea bite. To open up the iron-ore deposits will cost millions of pounds. Already Broken Hill Proprietary Ltd. has spent £2,000,000 on Cockatoo Island and estimates producing annually 1,000,000 tons of iron-ore for the next 30 years. As for the State being associated with the undertaking, I am opposed to its having control of any enterprise. It amounts, practically speaking, to nationalisation.

Hon. G. Fraser: A one-track mind!

Hon. G. W. MILES: I do not want any silly interjections! Every time I stand up I get some. I heard Mr. Mann on one occasion say that some interjections were "sillier than silly," and I think that applies to Mr. Fraser. I am trying to give members some information because I have had something to do with the islands for the past 30 years. If we are to agree to the Government participating in the business, I cannot see why it should have any controlling interest. I am opposed to the Government being concerned in it at all. I do not like the agreement, which is to assist the company to raise money. It will have to find millions before it can do anything much.

Hon. H. L. Roche: It may be State millions if we are not careful.

Hon. G. W. MILES: Many years ago an estimate was given of 92,000,000 tons of iron-ore up there above sea level. In those days England was buying iron-ore at 30s. a ton and it was not an economical proposition to go on with the development here. According to the report submitted by Mr. Montgomery in those days, the ore could be put aboard ship at 3s. 6d. a ton. A lot has been said about Japan which at that time was, in common with England and America, buying our wheat and wool while our iron-ore was also being purchased by Japan. No-one raised an outcry against the sale of wheat and wool. I would prefer the agreement to be held over for a while in order that further investigations might be made. We are rushing into a business that may cost millions before the Koolan Island deposits can be developed and put in a position to export ore or transfer it to other parts of the State for manufacturing purposes.

Hon. H. TUCKEY: I hope the agreement will not be held up. This matter has been in progress for years and it is time something was done about it. I cannot see anything in the Bill that will seriously commit the Government. As the Minister

pointed out, £75,000 has to be raised by the company before the Government contributes £25,000. Surely we can depend upon the Government of the day to do the right thing. If the development of the undertaking is to involve millions, the few thousand pounds the Government will contribute will not make much difference. In any event, that is all the more reason why we should encourage these people to raise the necessary funds. Possibly quite a lot of capital will come from America and if there is to be any question of Government control, it might put a damper on the whole proposition.

Hon. G. FRASER: The Bill does not make it compulsory for the Government to take up 52 per cent. of the shares, but that percentage represents the maximum shareholding that the Government should control.

Hon. L. Craig: And what effect would that have on other shareholders?

Hon. G. FRASER: The Government might take up five per cent. or even 20 per cent. If we pass the Bill as it stands—

Hon. H. Tuckey: It will settle it.

Hon. G. FRASER: We will handicap the Government if we make the Bill specific that it cannot take more than a small percentage. We should give the Government the right sought so that Ministers of the day may decide what percentage the State should hold.

The Honorary Minister: The point is that the provision for 52 per cent. might frighten off private enterprise.

Hon. G. FRASER: It would not frighten anyone. The point would be the subject for negotiation to ascertain what the Government's intentions were. I am surprised at the Minister's weakening. The measure was introduced by his own Government and he should fight for its provisions.

Hon. L. Craig: This was not in the Bill originally.

Hon. G. FRASER: It is a Government Bill.

The CHAIRMAN: Order! Mr. Fraser has the attention of the Committee and I hope other members will refrain from so many interjections.

Hon. G. FRASER: The Minister should stick to his Bill and we will help him.

Amendment (to strike out word) put and a division taken with the following result:—

Ayes	11
Noes	10
Majority for	1

AYES.

Hon. Sir Hal Colebatch	Hon. H. S. W. Parker
Hon. L. Craig	Hon. C. H. Simpson
Hon. H. A. C. Daffen	Hon. F. R. Welsh
Hon. E. M. Heenan	Hon. G. B. Wood
Hon. J. G. Hislop	Hon. H. Tuckey (*Teller.*)
Hon. W. J. Mann	

NOES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. E. M. Davies	Hon. G. W. Miles
Hon. G. Fraser	Hon. H. L. Roche
Hon. C. G. Latham	Hon. E. H. Gray (*Teller.*)

Amendment thus passed.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. H. TUCKEY: I move an amendment—

That the word "fifty" be inserted in lieu of the word struck out.

Amendment (to insert word) put and a division taken with the following result:—

Ayes	7
Noes	9
Majority against ..	2

AYES.

Hon. L. B. Bolton	Hon. F. R. Welsh
Hon. H. A. C. Daffen	Hon. G. B. Wood
Hon. H. S. W. Parker	Hon. H. Tuckey (*Teller.*)
Hon. C. H. Simpson	

NOES.

Hon. G. Bennetts	Hon. L. A. Logan
Hon. R. J. Boylen	Hon. G. W. Miles
Hon. E. M. Davies	Hon. H. L. Roche
Hon. E. M. Heenan	Hon. G. Fraser (*Teller.*)
Hon. C. G. Latham	

PAIR.

AYE.	NO.
Hon. W. J. Mann	Hon. A. L. Loton

Amendment thus negatived.

The MINISTER FOR MINES: I shall move that progress be reported.

Hon. G. FRASER: Is it in order to move that progress be reported at this stage?

The CHAIRMAN: Yes.

Hon. G. FRASER: But the question is undecided.

The CHAIRMAN: The amendment that the word "fifty" be inserted has been negatived.

Hon. G. FRASER: That is the point I am raising.

The CHAIRMAN: The Minister can call upon the Committee to report progress.

Hon. G. FRASER: Even with the blank in the Bill like that?

The Minister for Mines: Yes. The Committee can put in any figure it likes tomorrow.

Progress reported.

BILL—CHARITABLE COLLECTIONS ACT AMENDMENT.

Received from the Assembly and read a first time.

Second Reading.

THE HONORARY MINISTER (Hon. G. B. Wood—East) [7.36] in moving the second reading said: The Charitable Collections Act, 1946, was passed to provide for the regulation and control of the collection and distribution of money for charitable purposes and to take over the functions previously carried on under the War Funds Regulation Act of 1939. Section 6 of the parent Act provides that no person shall collect any moneys for a charitable purpose unless he is the holder of a license under the Act. Section 7 provides that, where prior to the commencement of the Act, any war fund has been established or moneys had been collected for any war fund by any person or organisation, the establishment of such war fund and the collection of such moneys should, for the purpose of the Act, be deemed to have been authorised by the Minister under and in accordance with the provisions of Section 6.

The Act contains no provision, however, compelling trustees who are holding money, other than war funds, collected prior to the operation of the Act, to take out a license under it. A number of provisions follow Section 7 relating to the collection and distribution of moneys for charitable purposes by licensees. Section 15 provides that every person to whom a license has been issued, or who collects money for a charitable purpose, shall at the time fixed by the license, and also at any other time as required by the Minister, submit to the Minister an audited statement.

I have been advised by the Crown Law authorities that this provision does not apply to any organisation which collected money for charitable purposes prior to the operation of the Act, although it still holds the funds, as such organisation is not required to take out a license and the section applies only to licensees. Such an organisation, therefore, is not required to furnish an audited statement of accounts. This results in an anomalous position, as in some cases very considerable sums of money, collected prior to the operation of the Act, are held by organisations to which the provisions of the Act do not apply. It is thought that the same provision should apply to funds collected before the operation of the Act and still undistributed, as apply to charitable funds collected subsequent to its operation.

The purpose of this Bill, therefore, is to apply the provisions of the Act to all charitable funds, irrespective of when they were collected. The Bill consequently will provide that, just as a person who is licensed has to furnish audited accounts with relation to charitable funds dealt with by him, so a person unlicensed will have to do likewise. Section 16 of the Act provides that if the Governor is satisfied that any moneys collected for a war fund, or held for a charitable purpose by any person to whom a license has been issued, will not be required for that purpose, he may by proclamation declare that such moneys may be applied by such person to any other charitable purpose or shall be vested in and transferred to the Minister, to be applied to any other charitable purpose.

The Bill will make the section apply to a person who has not been licensed. Section 17 provides that the Governor may by proclamation vest in the Minister the moneys, securities for moneys or goods held for charitable purposes by any trustees to whom a license has been issued, on being satisfied—

(a) That a majority of at least three-fourths in number of the persons who are trustees or who have the control of moneys or securities for money or goods have consented thereto; or

(b) That there has been maladministration of the moneys, securities for money or goods.

Here, again, this section applies only to trustees who have been licensed. The Bill proposes to apply the provision to trustees, whether licensed or not, who hold charitable

funds. Sections 16 and 17 give authority under certain conditions for moneys to be vested in the Minister and applied by him for charitable purposes. I have been advised by the Crown Law authorities that there is no power given to the Minister to appoint new trustees to administer any charitable fund so vested in him, but that the Minister is responsible for the administration of any funds so vested in him.

It is also provided that the Minister may appoint new trustees for the purpose of administering charitable funds taken over by him. The Act does not now apply to land which may be held for charitable purposes. A definition has been inserted in the Bill under which land will be included in the term "securities for money." A definition has also been inserted in the Bill defining what is meant, for the purposes of the Act, by "maladministration." The Bill is the result of advice received by me from the Crown Law authorities and is designed to secure the efficient administration of the Charitable Collections Act. I do not intend to take the Bill to the Committee stage tonight, if that is the wish of members. I have no objection to holding the Committee stage over until next week, but I have introduced the measure tonight in order to save time and probably congestion next week. I move—

That the Bill be now read a second time.

On motion by Hon. G. Fraser, debate adjourned.

BILLS (2)—FIRST READING.

1, Superannuation Act Amendment.

2, Superannuation, Sick, Death, Insurance, Guarantee and Endowment (Local Governing Bodies' Employees) Funds.

Received from the Assembly.

BILL—HEALTH ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR HEALTH (Hon. H. S. W. Parker—Metropolitan-Suburban) [7.48] in moving the second reading said: A number of the amendments contained in this Bill are consequential. Some are of a minor nature, to correct omissions and small errors in the Act. The main clauses give power to make bylaws for the purpose of prescribing precautions to be taken in buildings against rodents. A serious matter is that included in a clause dealing with tuberculosis, and granting further powers than exist at present. A fourth provision deals with the making compulsory of post-mortems on stillbirths in proclaimed districts.

There is a curious omission in the definition of "sanitary convenience" in the Act, and it is proposed to include in that definition the words "baths, washtroughs." That is a minor matter to which members will probably agree. Clause 4 gives power to allow regulations to be made —

Prescribing the precautions to be observed for the purpose of keeping and maintaining any premises free from rodents, and where the local authority or the Commissioner considers it necessary, prescribing for that purpose the method of construction and materials to be used in the construction of any building or premises and requiring such alterations as the local authority or the Commissioner considers necessary for the purpose aforesaid to be made to any existing buildings or premises.

At the present time there is far more murine fever—commonly known as Brill's disease—than there should be. That is, we are informed, spread principally by the fleas of rats. It is desired that more power be granted to the Commissioner of Public Health with a view to the destruction of rodents. Clause 5 deals with tuberculosis, which is a preventable disease. Unfortunately, it is far too prevalent in the community, and we desire that efforts should be made to control the disease better. This clause seeks to empower the Commissioner to insist upon certain things which at present he can only do when there is an epidemic, and then he may do them only with the approval of the Minister. The Crown Law authorities advise that they can only be done in what we might call an emergency. It is desired that they be done at all times. Tuberculosis is, unfortunately, always with us, and cannot be regarded as an emergency.

Hon. J. G. Hislop: What are these things that you speak of?

The MINISTER FOR HEALTH: Section 230 of the Act states—

The Commissioner may, if authorised by the Minister, from time to time and for such time as the Minister thinks fit, exercise and delegate to any public health official the following

special powers within or with respect to any district, or any part thereof, for the purpose of more effectually checking or preventing the spread of any dangerous infectious disease.

That would cover tuberculosis.

Hon. J. G. Hislop: Who is "any public health official?"

The MINISTER FOR HEALTH: The clause we are asking for is—

For the purpose of preventing tuberculosis or for checking the spread thereof, the Commissioner may at any time—

Hon. J. G. Hislop: But who is any public official?

The MINISTER FOR HEALTH: The Act refers to "any public health official."

Hon. J. G. Hislop: That would be any public health inspector.

The MINISTER FOR HEALTH: Yes, that is the law at present. The approval of the Minister has also to be obtained. The Act provides that the Commissioner may do certain things, as follows:—

(1) He may declare any land, building, or thing to be insanitary, and may forbid any insanitary building to be used or occupied for any purpose.

(2) He may cause any insanitary building to be pulled down, and the timber and other materials thereof to be destroyed or otherwise disposed of as he thinks fit.

I am asking that the Commissioner shall be allowed to do this.

Hon. J. G. Hislop: He can delegate the powers to any public official.

The MINISTER FOR HEALTH: Yes. We can assume that the Commissioner of Public Health, being a man with medical training, would not delegate these powers, with regard to tuberculosis, except to a competent person.

Hon. J. G. Hislop: It does not say that.

The MINISTER FOR HEALTH: That is so, but we must assume that a qualified medical man would know what he was doing.

Hon. J. G. Hislop: It does not say that he must delegate these powers to a qualified medical man.

The MINISTER FOR HEALTH: The Commissioner must be a qualified medical man. Quite obviously, he cannot do all the things mentioned here, when they have to be carried out at Carnarvon or in the country. The public health official would presumably be a medical man. The intention of the Public Health Department is to set up x-ray plants and other requirements of various sorts throughout the State, but it will be some time before that objective can be attained. Obviously, the Public Health Commissioner himself would not be able to do all these things.

Hon. J. G. Hislop: Will he delegate generally, or in particular instances?

The MINISTER FOR HEALTH: He may delegate from time to time, either generally throughout the State or within or with respect to any defined portion.

Hon. J. G. Hislop: Will it be generally, or only from time to time?

The MINISTER FOR HEALTH: It will depend upon the nature of the functions the Commissioner has to perform under this clause. The Act also provides that the Commissioner may order persons, places, houses, premises, buildings, ships, animals and things to be isolated, quarantined or disinfected as he thinks fit. Quite obviously, the Commissioner of Health would not himself disinfect persons and buildings. He must delegate that authority to some public official. That is the general nature of the powers I am asking that the Commissioner of Public Health shall have in regard to tuberculosis. He already has them in regard to dangerous infectious diseases, but the Crown Law authorities say they apply only in an emergency, and it cannot be said that tuberculosis is an emergency matter because it is a disease that is always with us.

Hon. E. M. Davies: Would there be a public health official in some of the country districts, or would not the Public Health Commissioner have to delegate his powers to the medical officers for health?

The MINISTER FOR HEALTH: It is a general term. The public health official would have to be an inspector or a medical officer.

Hon. E. M. Davies: He might not be an official of the Public Health Department.

The MINISTER FOR HEALTH: All public health inspectors are automatically officers of the Public Health Department.

Hon. E. M. Davies: Are health inspectors of local authorities recognised as public health inspectors?

The MINISTER FOR HEALTH: Yes, they are automatically. I would like to give the following figures to show the incidence of tuberculosis in this State: -

Year	Cases notified	Deaths	Wooroloo admissions
1937	239	172	208
1938	247	178	186
1939	219	79	190
1940	263	181	209
1941	160	185	233
1942	100	183	354
1943	273	144	347
1944	172	149	377
1945	202	163	373
1946	313	124	295
1947	223	96	47
(to 31st Aug.)	(to 31st Aug.)		(at 30th June)

The figures in the first two columns relate to the calendar year; the figures for Wooroloo cover the year from the 1st July to the 30th June.

Hon. J. G. Hislop: How many cases are there in their own homes?

The MINISTER FOR HEALTH: I cannot give those figures; nor am I able to state the number of people suffering from tuberculosis who are going about and do not know that they have the disease.

Hon. J. G. Hislop: What is the waiting list at Wooroloo?

The MINISTER FOR HEALTH: I do not know. Those figures will illustrate how serious tuberculosis is. I have been informed that the reason why the numbers have shown such an increase recently is that there has been so much greater care taken and a more intense search made for sufferers, and we fear that the setting up of x-ray plants where people may submit themselves for voluntary examination will disclose a far greater number who will have to be put into hospital and given the necessary rest and treatment required for this disease. We desire to give the Commissioner more power to combat this scourge. I feel sure that Dr. Hislop will bear me out when I say that this is a preventable disease and that a great many people have it without being aware of the fact. The staff at Wooroloo is far less prone to contract tuberculosis than is the staff at an ordinary hospital. Statistics show this to be so.

Hon. J. G. Hislop: Have you those figures?

The MINISTER FOR HEALTH: No. The reason given is that at Wooroloo the staff know that the patients have T.B. and take the necessary precautions, but patients are admitted to the ordinary hospital and it is not known that they have T.B. and hence they spread the disease. It is hoped that soon all patients entering a public hospital will be x-rayed to ascertain whether they have T.B. and if they have, they will be treated. My advice is that T.B. is not cured, but by rest and treatment the lungs heal. Only rest and proper treatment will permit of the lungs healing until they become normal again.

Hon. C. G. Latham: The disease is arrested, not cured.

The MINISTER FOR HEALTH: I am merely quoting what was told me by Dr. Todd, probably the most eminent T.B. specialist in England, who was here recently. There are other provisions dealing with T.B., one of which is to give greater control over the patients and staff at Wooroloo. The institution there will be brought under the Health Act, as well as under the Hospitals Act, so that the various provisions of this measure will apply. At present people cannot be prevented from taking liquor to Wooroloo and giving it to patients. I have a report from Dr. Henzell, pointing out the necessity for amending the Act in order that this practice may be stopped—

> It is requested that it be made an offence for any patient in a hospital or sanatorium to be in the possession of any alcoholic beverage, or for any other person to bring into a hospital or sanatorium any alcoholic beverage for the use of any patient, without the written permission of the medical officer in charge. Our opinion is that powers to this effect are very necessary. . .
>
> Hospital visitors come to Wooroloo and smuggle in liquor. There was a case last year in which we had reason to believe that a man was doing it as a business and he had to be forbidden access to the hospital.

Hon. J. G. Hislop: How do you propose to stop it?

The MINISTER FOR HEALTH: By imposing a penalty.

Hon. J. G. Hislop: What is the penalty?

The MINISTER FOR HEALTH: Clause 10 provides that the Governor may make regulations dealing with the admission and discharge of patients, maintaining order, discipline, decency and cleanliness, prescribing the duties, preventing trespass, prohibit-

ing the introduction of any specified articles or types of articles into a hospital or clinic, and generally making provision for all matters affecting the management, care and control of the institution. If and when regulations are made, they will be laid on the Table so that members will have an opportunity to object to them.

Hon. C. G. Latham: I daresay that a penalty is already provided in the Act.

The MINISTER FOR HEALTH: We also desire to include clinics in the definition of "hospital." So many people are treated at clinics that we deem it advisable to have the measure applied to them.

Hon. J. G. Hislop: Have you defined "clinics?"

The MINISTER FOR HEALTH: I do not think so.

Hon. J. G. Hislop: I am afraid you will have to.

The MINISTER FOR HEALTH: If the occasion arises it will be done. The regulations may not apply to all clinics, but only to clinics under the Health Act.

Hon. E. H. Gray: You need that power.

The MINISTER FOR HEALTH: Yes, there should be some control. At present chemists and others are prohibited from supplying drugs used for the purpose of treating venereal disease. These drugs are listed by proclamation. We desire that from time to time such drugs may be removed from the list by proclamation because it has been found that they may be needed for purposes other than the treatment of venereal disease.

Another provision is one giving power requiring the midwife and the doctor attending a maternity case where there is a stillbirth to report the requisite details and also requiring a post-mortem to be held in a district that has been proclaimed. I am referring now to Clause 11. A lot of the consequential alterations are due to the provision requiring the medical officer to report. Although the Bill so provides, it is not intended that the various people concerned shall report. It can be stated on one form, but we want to avoid the position of the nurse's saying she thought the doctor had done it and of the doctor's saying that he had left it to the nurse. We do not intend that there shall be a multiplicity of forms. The important provision is as follows:—

> It shall be the duty of every midwife or midwifery nurse and every medical practitioner who shall, in any district or part of a district from time to time specified or defined by proclamation, attend at the birth of a stillborn child to cause a post-mortem examination of the body of such child to be made by a medical practitioner to be appointed by the Commissioner on such terms and conditions as the Commissioner considers fit, and to forward to the Commissioner with the report mentioned in Subsection (1) of this section the report made by such appointed medical practitioner as a result of such post-mortem examination.

It goes on to provide that there shall be no charge against the nurse, doctor or parent.

Hon. J. G. Hislop: Who will pay it?

The MINISTER FOR HEALTH: The Government.

Hon. J. G. Hislop: Where is that provided?

The MINISTER FOR HEALTH:

> Provided that it shall be a condition of the appointment by the Commissioner of any medical practitioner to conduct post mortem examinations under this subsection that no fee or charge shall be payable to such appointed medical practitioner by the midwife, midwifery nurse or medical practitioner causing the examination to be made or by the mother or any other relative of the child.

There is nothing there to say who will pay, but I am informing the House that the department will pay for it.

Hon. E. M. Davies: Will every practitioner be appointed?

The MINISTER FOR HEALTH: No.

Hon. E. M. Davies: What will happen in large cities?

The MINISTER FOR HEALTH: It is only for certain districts. Quite obviously in large cities there is no difficulty at all in getting a medical man to make a post-mortem.

Hon. E. M. Davies: How many will be appointed?

The MINISTER FOR HEALTH: It depends how many are necessary. I should think there will be one in the metropolitan area and one in Fremantle.

Hon. E. M. Davies: Will that not cause delay?

The MINISTER FOR HEALTH: It has got to be that there is no delay. The reason for this request lies in the unfortunate proportion of still-births. Members may be interested to observe the age distribution of the population in respective years. Here are the figures for 1911 and 1946:—

Year	Under 19	20 to 44	45 to 64	65 & over
	%	%	%	%
1911	39.19	44.62	13.83	2.36
1946	34	38	19.55	7.75

So members will see that in the short space of 25 years those under 19 have dropped from 39.19 per cent. to 34 per cent. That is rather serious.

Hon. J. G. Hislop: Have you comparative world figures?

The MINISTER FOR HEALTH: No. Here are the figures estimated for 1966: Under 19, 31.65; 20 to 44, 34.66; 45 to 64, 23.58; 65 and over, 10.11. So it will be seen that the older people are increasing in number and the younger people are decreasing. In view of those figures, perhaps I should give the report of the Public Service Commissioner regarding still-births. It is as follows:—

Still-births during 1946 totalled 293, an estimated rate of 24.3 per 1,000 confinements. Regional analysis of this still-birth rate is not yet possible but in the first six months of the year the metropolitan rate was 30.78 and the rural rate 17.52.

During 1945 the metropolitan still-birth rate was 22.97 per 1,000 confinements, so that for the first six months of 1946 the rate in the city increased roughly 40 per cent.

Hon. C. G. Latham: Is that the object of the post-mortem?

The MINISTER FOR HEALTH: I will give that in a moment. The Commissioner proceeds:—

Actual births during 1945 were 10,672, and during 1946, 12,105. It will be seen, therefore, that a substantial increase in the birth-rate has accompanied the increase in the still-birth rate. Whether these observations are in any way related as cause and effect it is impossible at the moment to say, but the figures do suggest that the increase in the birth rate may have been directly associated with increased risk to the foetus in one or more of the following ways or in other ways.

(a) By the extension of births into a group of mothers at risk.

(b) By imposing upon busy practitioners and the over-worked nurses of understaffed hospitals a stress which prevented them affording mothers pre-natal observation and care, adequate to permit their forecasting and avoiding obstetric risks to the foetus.

(c) By inducing overworked obstetric attendants to afford rushed and unsatisfactory attention at the time of delivery.

Hon. J. G. Hislop: There is also the very small number of men given training in this State.

The MINISTER FOR HEALTH: I do not know about that. The report continues:—

Maintenance of the present birth rate, even of a higher birth rate is a matter of first importance to the State and to Australia. It is the only effective demographic factor which can correct population trends at present threatening to convert the population into one predominantly senescent.

At present it is not possible to collect the full information regarding still-births necessary to elucidate their fundamental causes. Some information, however, is available from the records of King Edward Memorial Hospital, where the still-birth rate for 1946 was 30.8 per thousand confinements. It should be borne in mind in considering these figures that the experience of King Edward Memorial Hospital does not necessarily reflect the obstetric experience in the Metropolitan Area at large for the following reasons:—

(a) Cases suffering from toxaemia and requiring special attention, are commonly sent to King Edward Memorial Hospital by private practitioners and private hospitals before delivery.

(b) Cases of difficult labour are commonly sent to King Edward Memorial Hospital beforehand or during labour when they are found too difficult for the average practitioner.

At King Edward Memorial Hospital still-births during 1946 totalled 73, and were ascribed to:—

	per cent.
Toxaemia	16.4
Maceration of foetus	28.8
Difficult labour	20.6
Premature labour	6.8
Maternal haemorrhage	6.8
Cord accidents	5.5
Monsters	4.1
Placenta-praevia	1.4
Rh. Factor	1.4
Unstated or uncertain	8.2

Viewed broadly the figures indicate that the high quality of specialised obstetric attention to patients at King Edward Memorial Hospital reduces foetal mortality from causes other than toxaemia and pre-natal foetal death to a relatively low figure. The death rate from difficult labour at King Edward Memorial Hospital is inflated by the number of cases arriving late in labour from outside sources.

Efficient pre-natal observation and care may be expected materially to reduce the foetal death rate from difficult labour, but research is required into the two fruitful causes of mortality which may indeed be one, toxaemia and pre-natal foetal death.

That is the reason it is desired there shall be post-mortems of still-born children. There will be no charge against anyone but it will be a national service which must be performed to see whether we can overcome the unfortunate number of still-births. I trust members will agree to the wishes of the department and the Commissioner and will pass the Bill. I move—

That the Bill be now read a second time.

On motion by Hon. E. M. Davies, debate adjourned.

BILL—JUDICIAL PROCEEDINGS (REGULATION OF REPORTS).

Second Reading—Defeated.

Debate resumed from the previous day.

HON. W. J. MANN (South-West) [8.25]: At the outset I want to make it clear that I am to a very great extent in accord with any action that may be proposed to ensure that the publication of reports in newspapers, whether they be of judicial proceedings—which are privileged—or other proceedings are kept within the bounds of decency. The Press of this State can claim to be almost 100 per cent. praiseworthy in that regard.

Down the years there has grown up in the Press a very clear perception of its responsibility in this matter, and I think I can honestly say that although there have been many times when perhaps there was a temptation on the part of a newspaper reporter or someone else associated with a paper to feature a case that was demanding a good deal of attention it has been felt afterwards it was not in the interests of society to do so. The Bill seeks to regulate the printing and publishing of certain judicial proceedings calculated to injure public morals and, in a similar manner, to deal with proceedings in divorce courts. The Press has a great responsibility.

We frequently hear people speak of the freedom of the Press, but I often wonder whether those people realise that the freedom of the Press is a very grave responsibility indeed. We in the British Empire have a Press which I think has set an example to the rest of the world so far as public morals are concerned, and of that we are justly proud. The question of reporting proceedings calculated to injure public morals wants a good deal of investigation. I would like to ask who is to be the judge of public morals. This Bill, strangely enough, makes it possible for any man in the street or any woman to set up as an interpreter of public morals. Such a person can, if he or she chooses, state a case in a manner that I think can best be explained by my reading Clause 7:—

All proceedings in respect of offences against this Act shall be heard and determined in a summary manner on complaint under the Justices Act, 1902-1936.

That leaves it open for some well-meaning person to decide, on reading a report in the Press, that it is calculated to injure public morals. He or she could then commence legal proceedings and cause the newspaper —even though the action might not succeed—endless anxiety and trouble, besides upsetting the routine of the newspaper office during the course of the proceedings. Persons with real or fancy grievances against a newspaper could take similar action. Experience has taught many of those associated with the Press—

Hon. E. H. Gray: Does that apply anywhere else?

Hon. W. J. MANN: I will deal with the other States shortly. From my experience of newspaper work I can assure members that it is indeed easy, unintentionally, to make enemies while running a newspaper. Someone makes a speech or gives a party, and in their view it is the event of the year. They think it is worthy of a column of fulsome praise, though to the ordinary reader it may mean nothing at all. Because it is dismissed with a two-inch paragraph, the newspaper makes an enemy for all time. I have known bitter enemies of the Press to be made in that way.

The Honorary Minister: The Press does that to the speeches of members of Parliament, in some cases.

Hon. W. J. MANN: It is often a kindness that the speeches of members should not see the light of day. Whether the member, whose speech it is, thinks he has been generously treated, is not the question with which I am dealing. Under the

Bill—if it becomes an Act—all sorts of people will have opportunity of launching proceedings against the Press, and there are plenty of people who will do so. Members would be surprised to know of the mean and petty things people have done, even to members of newspaper staffs, because they have had a grievance against the paper concerned. That is one of the weaknesses of the Bill. The Press feel that there is already ample legislation in existence thoroughly to police the question of public morals.

Although it may not be generally realised, newspapers have to conform to the provisions of the Libel Act, which can be very severe in its operation, and can also be dealt with under the Indecent Publications Act. That Act contains a full page of pains and penalties that may be inflicted on the Press for the publication of anything deemed to be indecent. That Act alone is sufficient to punish those who transgress in this way. I was interested to hear the Minister on the subject of divorce, though I could not follow his reasoning. I remember him saying something to the effect that the fear of publicity did not matter a scrap, and that the Bill did not mean anything. If that is the case, there is no reason why this House should support the measure. If members read the Supreme Court Act, they will see for themselves the protection given on the question of divorce. Section 108 states—

> The court, on the application of either the petitioner or the respondent, or at its discretion, if it thinks it proper in the interests of public morals may hear and try any suit or proceedings under this Part of this Act in camera; and may at all times in any such suit or proceeding, whether heard and tried in open court or in camera, make an order forbidding the publication of any report or account of the proceedings therein, either as to the whole or any portion thereof; and the breach of any such order, or any colourable or attempted evasion thereof, may be dealt with as contempt of court.

That provision fully covers the position.

Hon. C. G. Latham: Is that the Indecent Publications Act?

Hon. W. J. MANN: No, it is the Supreme Court Act. I have referred to both the Supreme Court Act and the Indecent Publications Act, and the Criminal Code also has a bearing on the matter. With all due deference to Mr. Heenan, I contend that the Bill is not necessary. The position is already well covered by legislation, and members know that in this State we are almost entirely free from complaints in this direction. If there are instances of a tendency to break away from newspaper ethics in this regard, ample provision already exists to deal with them. Does the framer of the measure think that Clause 4 will prevent the importation into this State of publications that may offend? There are newspapers in the Eastern States that have a sale here among an unfortunate section of the community that appears to have a depraved appetite. Such newspapers have a fairly large circulation in this State. I understand that legislation similar to the Bill we are now discussing has already been introduced in South Australia.

Hon. E. H. Gray: And also in Victoria.

Hon. W. J. MANN: Yet in both those States such publications can be bought at any book-stall. All sorts of Victorian publications can be purchased in South Australia, and even if Parliament passed this measure I do not think we could—without committing a breach of the Commonwealth law that insists on freedom of trade between the States—prevent such publications entering this State. I have not examined that aspect closely, but, if we did endeavour to make that attempt, I believe it could be fought successfully. The position in Victoria and South Australia seems to bear out my contention, as it has apparently been found impossible to prevent such newspapers crossing the borders of those States. Probably the same position would apply here, and if the measure were passed, I do not think it could be enforced successfully. This House should indeed be careful in doing anything that would interfere with the freedom of the Press. Our Press is conducted on the very highest standards, and it would need a much stronger case than is presented in this Bill to secure my support for such interference. I oppose the second reading.

HON. H. L. ROCHE (South-East) [8.45]: I am inclined to support the second reading of the Bill, but some of the arguments adduced so far have not helped me to decide upon a very definite view one way or the

other. I trust Mr. Heenan will reply to some of the points that have been raised.

Hon. E. M. Heenan: I think I can answer them.

Hon. H. L. ROCHE: I consider the Bill is one of which members can justifiably say there is difficulty in coming to a decision. It seems obvious that publicity given to some of the cases with which this Bill is designed to deal, acts as a strong deterrent. On the other hand, it has to be considered just how far we can go in suppressing the information which is available to the public. There are some newspapers that are overdoing it. At the same time, it is questionable whether Mr. Heenan has not tried to cover just a little too much ground. Had he been content to limit the provisions of the Bill to the Divorce Court alone, it might have been easier to vote in favour of it.

The main point that has been exercising my mind, which Mr. Mann has already pointed out to the House, is whether Section 62 of the Commonwealth Constitution would not prevent this Bill operating with regard to publications in the Eastern States. If that is to be the position, it does not seem very logical to pass legislation of this sort. There are newspapers in the Eastern States, well known to hon. members, that specialise to an even greater degree in muck-raking in connection with divorce and other proceedings in those States than has ever been apparent in the Press here. I trust Mr. Heenan, as the sponsor of the Bill, will explain the position and deal with the contentions raised by Mr. Mann regarding the ample provisions made in the existing laws to deal with this type of publicity. If the law already exists but is not applied, it does not seem right or proper to pass still another law to which effect will not be given unless steps are taken by a private individual. If it is to be dealt with in that way I think it is an undesirable practice.

HON. C. G. LATHAM (East) [8.48]: I shall not cast a silent vote on the Bill, of which I am not in favour. We can claim that the newspapers in Western Australia are conducted on a high plane. At one time "The West Australian" was regarded as the second best paper published in Australia. Generally speaking, those remarks apply to the local Press. I do not know if this legislation is intended as a hit at one of the week-end papers. I seldom see that publication. Since the introduction of the Bill I have got hold of a few copies and I must confess I could not see anything very derogatory about them.

I get copies of "The Daily Mirror" from London. That is regarded as a paper fit to go into any home, but its headlines are outstanding in comparison with those appearing in the local week-end Press. I also picked up a paper from South Australia and read an article in which it was suggested that University students should possess greater sex knowledge and that they should be permitted to sleep in the same bedroom. That paper was published in a State that ostensibly has legislation to prevent the publication of such matter, and in the circumstances that certainly does not appeal to me.

I agree with those who say that the publication of newspaper reports does more or less act as a deterrent. I am perfectly satisfied that it is only the fear of being found out and of others getting to know about it through Press publicity, that prevents many people from violating the law. I think we could well leave the matter in the hands of the authorities we already possess. A judge of the Supreme Court has control over divorce and other cases that come before him, and he can prevent the publication of evidence. Secondly, we have the Indecent Publications Act, which is a very old measure.

Hon. W. J. Mann: And very comprehensive.

Hon. C. G. LATHAM: That Act could be availed of to deal with persons who violate the decencies. We can talk about legislating to keep people's minds pure, but it is very difficult to achieve that by such means. There is a type of book for which there seems to be a great demand and whether it will be banned under this legislation I do not know. Today it is very difficult to get a book that does not include references to sexual matters, and I say that truthfully. I am not sure that we could do anything to interfere with the education of the minds of the young in this respect. I think that nowadays boys and girls are fairly

well informed at school and I do not know that we can improve on that.

On one occasion I travelled on the train with a number of boys from the Perth Boys' School. The discussion of a sexual nature that I heard them engaging in was absolutely surprising to me. I do not think they gained their knowledge from reading articles in newspapers. I think the responsibility regarding the knowledge possessed by children from this standpoint rests with the parents, and we should make the parents realise their responsibility. No legislation that we can pass will accomplish that. Looking back to my younger days I often wish that we could put the clock back for our young people.

As a matter of fact, we are suffering from some of the effects of the new order. I really do not think that the situation today is nearly as bad as it was 10 or 15 years ago. The newspapers today do not convey to the public the immoral matter that they did 25 or 30 years ago. Quite a lot of that type of literature has been suppressed, and I think we might leave well alone. In view of the legislation already on the statute-book, I do not think the Bill is necessary, and I do not want to add one more.

Hon. E. M. Heenan: Have you ever read the Indecent Publications Act?

Hon. C. G. LATHAM: Yes, some time back.

Hon. E. M. Heenan: It is not at all apropos and has no bearing on this phase at all.

Hon. C. G. LATHAM: I remember when the amendment to the Supreme Court Act was passed in the Legislative Assembly, and then again we have the Criminal Code.

Hon. E. M. Heenan: None that you mention applies.

Hon. C. G. LATHAM: One of the worst things we could do would be to encourage public informers, and that is what might happen under the Bill. That is a very dangerous procedure because a man may dislike a newspaper that may have given some publicity to something that happened to him, and he might take action.

Hon. E. M. Heenan: Anyone could take an action for libel against a paper.

Hon. C. G. LATHAM: They would have to pay for it. A man might get the police to take acton. As a matter of fact, the Bill does not say who must do so, and in the circumstances presumably anybody could move the law. Newspapers have special protection in connection with libel laws and I have not forgotten that. The provision I refer to was inserted in the Act long before I became a member of Parliament. Mr. Mann knows what he is talking about and he knows that a lot of money is required before a man can tackle a newspaper. At any rate, this Bill does not deal with libel but with the publication of matter prejudicial to public morals. I am not pleased at having to oppose the Bill but I consider we already have sufficient legal provision to do all that is required.

This Bill will not force parents to accept the responsibility of educating their children along proper lines. If a boy or girl has been properly brought up, this sort of trash will not appeal—that is, if it is trash. On the other hand it may be very educational because it might prevent a person from rushing into doing something respecting which he would not desire publicity. As a matter of fact, many divorces would have taken place but for the fear of publicity and reconciliations have been effected between the parties.

Hon. E. M. Heenan: This Bill does not prevent publicity.

Hon. C. G. LATHAM: It does not prevent certain portions of it. Who is to define which portion of the article is sordid? I might have a different idea altogether regarding something that might deal with immorality from the view that the hon. member might take.

Hon. E. M. Heenan: "Indecent" is the word used in the Act.

Hon. C. G. LATHAM: "Indecent" goes a very long way and is a very difficult word to define. I have known of actions in the Police Court relating to indecent behaviour, but on looking closer into the case it was found to be a very trivial offence, one that might easily happen. So I say it is going to be very difficult for any person to define what is meant by "indecent." Of course, it would have to be left to the magistrate, and if he were one who held rather conservative ideas he might take a very serious

view of a minor offence. On the other hand, the magistrate might be a man of the world and might decide that the offence was trivial. Unanimous decisions on matters such as these will never be obtained, and for that reason I hope that members will not support this measure and that it will not require a division.

HON. L. B. BOLTON (Metropolitan) [8.59]: Like Mr. Latham, I have no desire to cast a silent vote on this measure, but I intend to vote against the second reading. That does not mean that I am in agreement with the publication of any article which to my mind would corrupt the morals of the people. What I am mostly concerned about is the freedom of the Press. Hardly a week passes without the long-suffering public losing some freedom or other, and to my mind the Bill is another attempt in that direction. It is only a few weeks ago that a large percentage of the Commonwealth was right up against a Federal Minister because he suppressed certain newspapers in the Eastern States, not for publishing indecent matter but for publishing other matter which that Minister thought was to the detriment of his Party. That was another instance of trying to take away the freedom of the Press. The Bill now before the House appeals to me as being something along those lines. Mainly for that reason, I intend to oppose the second reading.

HON. J. G. HISLOP (Metropolitan) [9.2]: I think Mr. Heenan is to be applauded for bringing to the notice of the House something which we cannot altogether approve, and that is the publication of the misfortunes and the discomfiture of certain people in such a way as not merely to convey the bare news. The proceedings are published in such a manner as to appeal to the baser elements of human nature. It is necessary that every member in this House should do his utmost to preserve the freedom of the Press for all time; but at the same time the Press itself has a tremendous responsibility. It must not regard its freedom as license.

I am deeply concerned about any attempt to restrict the Press and I would certainly hesitate to vote for a measure which did control the Press. Probably I see this matter in a totally different light from other members of the House. Many of these cases come to my notice before they are recorded in the Press. To me there is something sad and sorrowful when I must perforce witness the mental agony, anguish and struggles of these people and then think that all this is to be published for gain.

Two people, who are now divorced, started on their married life with a genuine bond of affection. They went through the marriage service, which must be awe-inspiring to those passing through the ceremony. Then, owing to some mischance—it might be physical, it might be physiological, it might be environmental—a drift sets in. I realise, better probably than any other member in this Chamber, that once that drift sets in, enmity and ill-feeling of a most intense nature is engendered. Then happens what the partners never thought would happen: one or other of the partners acts in a way that he or she would never have dreamt of doing five or ten years before, but which action now becomes a compelling necessity.

When the case comes before the court, actions are attributed to the defendant which are quite illusory, and were built up merely to maintain the case. I have seen people struggling through a difficult phase for years before reaching the stage when they must face newspaper publicity. One of the reasons for this may be attributed to the fact that our divorce laws at present do not take into consideration for one moment the physiology of the human being. The law regards social environment as being the essential factor in divorce and the liberation from the bond of an intolerable marriage. I do not believe that any member in this Chamber, or any member of the public, should, without protest, allow people to buy cheaply the news of the disaster of a marriage, so that they may whet the worst of human appetites.

I do not believe for one moment that publicity has stopped the trend towards increased divorces. Details of divorce cases are published in every paper in each country of the world. Yet the trend towards divorce has been ever-growing. In the United States of America it is now said that one out of every three marriages ends in divorce. Is anybody going to tell me that the position will be altered by giving publicity to the details of divorce cases? That

would amount to admitting a failure to understand the real physiological basis of so many of these cases.

Hon. C. G. Latham: Hasty marriages during the war were a cause of divorce.

Hon. J. G. HISLOP: There were hasty marriages before the war, marriages that had been well thought out, yet the proportion of divorce cases seems to be growing. There is something inherently wrong with our present civilisation. I am appalled to think we have so many people in the community desirous of getting some sort of stimulation from the details of disasters that have occurred to other people. I do not desire in any way to restrict the freedom of the Press, although I feel I must protest against the alliterative headlines in some of our newspapers which are designed to appeal to the appetities of certain people.

I am glad to know that we have a member like Mr. Heenan who is prepared to introduce a Bill of this character, even though it means further restriction. I suggest to him that he has achieved his object. He has tried the temper of the House and has made it clear to the people that he is prepared to protect public morals. I suggest to him that he withdraw the Bill, if the House gives him leave, as that would place those who have transgressed public morals under a bond for good behaviour. I shall vote for the Bill if a division is called for, but I think we might well wait for a year and see what happens as a result of the discussion on the measure in this Council. If then there is no improvement, I will assist the hon. member to introduce a similar Bill into the House. I believe we have achieved our aim, and that success will come our way. I think the Press will uphold its traditions and give effect to the wishes of this House. I offer that suggestion in all sincerity to the sponsor of the Bill.

HON. L. CRAIG (South-West) [9.11]: All I wish to say is that I hope Mr. Heenan will continue with his Bill. I was informed of the suggestion that the newspapers should be given at least another year in order to see how they behave. This Bill would not restrict any decent publication from reporting the proceedings in the divorce court. No decent paper need fear the application of this measure. What we have to guard against is the publication of details which affect the public morals. I do not see how any member who has read the Bill could possibly vote against it.

Hon. W. J. Mann: You want your eyes opened.

Hon. L. CRAIG: That is a matter of opinion. It is said that the Bill would interfere with the freedom of the Press, but that is not so. It would do away with the license of the Press. In a decent country like Western Australia, we should only permit the right presentation of the details of divorce proceedings in our papers.

HON. E. H. GRAY (West) [9.13]: I intend to support the Bill. Mr. Heenan is deserving of every credit for having introduced it. Despite the fact that Mr. Mann has said that other legislation is in force to deal with what this Bill is intended to deal, he did not quote instances where such legislation had been applied to stop the publication of details of the unfortunate happenings that have been referred to.

Hon. W. J. Mann: Whose fault is that? It was your fault.

Hon. E. H. GRAY: The object of the Bill is, I take it, to protect the younger generation. I do not agree with Mr. Latham that younger people cannot be hurt by perusing the details of cases which tend to corrupt public morals. The Bill will have the effect of protecting the young people. One has only to go early to a picture theatre to see the young generation reading this rubbish. We cannot protect the adults, but we can the younger people. The Bill would have the effect of preventing the publication of the details of Divorce Court proceedings. I listened with interest to Dr. Hislop and, although I do not agree with his contention, I think he put the case very clearly. I was surprised to hear him advise Mr. Heenan to withdraw the Bill. I ask Mr. Heenan to go ahead with it in the interests of the young people of the State.

HON. E. M. HEENAN (North-East—in reply) [9.17]: I thank all members who have spoken for the consideration they have given the measure. I was deeply impressed with the remarks of Dr. Hislop. I value the motives which prompted him to suggest that I withdraw the Bill but, having care-

fully considered what he said, I have decided to proceed with it. I point out that there is a great deal of misapprehension about the Bill. I hope, before the vote is taken, members will read it carefully. The Minister, when speaking last night, pointed out that it is far from falling within the category of something which can be said to restrict the freedom of the Press. It simply means that in divorce cases, and what are termed married women's cases, the Press will have to confine its reports to the names, addresses and occupations of the parties and witnesses. That for a start is far more than appeared in this morning's issue of "The West Australian" and tonight's edition of "The Daily News" in connection with the 14 divorce cases heard yesterday and those dealt with today. Those papers printed the names of the parties, but they did not publish their addresses or occupations, and they did not mention the witnesses.

In addition, the Bill will allow newspapers to print a concise statement of the charges, defences and counter-charges, submissions on any points of law arising in the course of the proceedings, and the decision of the court thereon. Points of law arise when counsel propound legal questions. Finally, the summing up of the judge and the finding of the jury and the observations made by the judge in giving judgment may be published. Surely, the judge is the one who sees and hears everything and is in a position to sum up. If any remarks in the interests of the public are needed, he is the man able to make them, and he invariably does so. What should appear other than those details, which would fill a large column in any paper which wanted to exploit them to the full? The measure does not include the phrase "in camera." Judges and magistrates, when hearing particularly sordid cases, have the right to clear the court, and no-one except the parties concerned is admitted, and none of the evidence can be published. That step is never taken except in cases of the most revolting type.

The measure does not interfere with the courts in any way. If a person is interested in a divorce case, or a married woman's case, he can go to the court and, in fact, people in their hundreds and thousands can. The average case, however, is a most uninteresting and commonplace affair. But the pen is mightier than the sword, and when these dull cases are written up in this racy, salacious manner and paraded before the public, week-end after week-end, they become distorted. Something attractive to feed the depraved appetite, which is latent in most of us, is written up so that we and our children will read it and buy, in thousands, copies of the newspapers in which it appears. That is wrong. The people in England apparently think it is too, because they have legislation similar to this. I have a copy of the English Act, and the Australian legislation—that of the States that have it—is based almost entirely on that measure. It was passed in 1926.

Hon. W. J. Mann: It does not prevent what you are complaining of.

Hon. E. M. HEENAN. I am sure it prevents what I am complaining of, and such things as this would not appear in England—

> They weren't being good at Coode-street. As the song-writers so elegantly expressed it, "there ain't no sitting on the fence all by yourself in the moonlight." Likewise, it's not such a lark in a park in the dark—if you haven't got someone to spark with.
>
> But take a grassy plot, not far from where the sluggish Swan sends lazy ripples along the shore. Add a balmy night, a co-operative cutie, a dash of moonlight and—woo, woo! What that moonlight can do!
>
> It's a perfect recipe for romance. And it can be a perfect embarrassment, too, as Raymond James Burgess found when wife Marjorie Clara Burgess copped him with Jean Collins down Coode-street, South Perth way. There was the park; there was the moonlight; there was Ray; there was the cutie, Jean. And there, too, was Marjorie with Collin Lennox.

I have dozens of examples of that trash. What is the use of our schools trying to inculcate in our children, a love of good literature and a liking for the decent things of life when, immediately they leave school and get a position, they have this sort of stuff thrust at them week after week? Mr. Mann and Mr. Roche raised the point that the Bill might transgress the Commonwealth Constitution. I have given that matter consideration. The measure was drafted by the Assistant Master of the Supreme Court, and I have had it perused by a number of my lawyer friends, and we are all convinced there is nothing in that point. We cannot prevent newspapers from being published, but we can make it an offence for anyone to sell them.

Hon. H. L. Roche: That would be a restraint of interstate trade.

Hon. E. M. HEENAN: I am giving my opinion, backed by that of a number of lawyers with whom I discussed the matter.

Hon. C. F. Baxter: How can you overcome Section 92 of the Commonwealth Constitution?

Hon. E. M. HEENAN: I do not propose to debate the point any further. In my opinion, Clause 4 does not infringe the Commonwealth Constitution.

Hon. W. J. Mann: It will affect hundreds of newsagents.

Hon. E. M. HEENAN: My friend Mr. Mann quoted the Indecent Publications Act. The side headings of that Act include—

Printing and publishing obscene books, etc.
Delivering indecent advertisements for publication in newspaper.
Affixing, etc., indecent or obscene pictures or writings, etc.
Sending others to do acts punishable under this section.
Posting indecent pictures and printed matter.
Printing indecent pictures or printed matter.

Hon. W. J. Mann: That is what you are complaining of.

Hon. E. M. HEENAN: The argument was raised that we already have a law to deal with these things. The obvious answer to that is, "What do we read week after week?" Here is one headline, "Love session under lights revealed their dark secret."

Hon. C. G. Latham: That is not indecent.

Hon. E. M. HEENAN: I am glad of that interjection. We are not called upon, and no-one will be, to say whether it is indecent or not. What the Bill provides is that nothing except those particulars may be published. The measure does not state that this sort of thing is indecent; it merely declares that particulars shall not be published other than those set forth. In any judicial proceedings, newspapers shall not publish indecent matter. There are offences of indecent behaviour, indecent exposure and so forth, which terms have to be interpreted by judges and magistrates, but the crux of the Bill is that in certain cases, particularly matrimonial cases, the Press shall be restricted to publishing the names and addresses of the parties, the judge's comments and the points of law that arise. The other details, whether indecent or salacious, do not matter, because the measure will prohibit their publication.

Hon. C. F. Baxter: The word "indecent" has many meanings.

Hon. E. M. HEENAN: But the Bill is not concerned with those meanings. It provides that all that may be published are the particulars enumerated.

Hon. C. F. Baxter: You have used the word "indecent." What meaning do you apply to it?

Hon. E. M. HEENAN: I do not feel called upon to give a definition at a moment's notice. If the hon. member, in his 50 or 60 years of life, has not summed up what things are decent or indecent, I cannot help him. Reference has been made to restricting the freedom of the Press. That is a very general term. I cannot agree that the Bill will interfere with the freedom of the Press. It will not interfere with the freedom of "The West Australian" or "The Daily News." I do not want to mention other papers. The Press will be able to publish ample details, as Dr. Hislop pointed out, regarding unfortunate people whose affairs and misfortunes are their own pitiable concern. Dr. Hislop fully answered the other suggestion that, by passing this Bill, we shall be encouraging divorce. I do not know what the position in England is, but there has been an Act of this sort in the Old Country since 1926 and one in Victoria since 1929.

Hon. C. F. Baxter: And no action has been taken under it.

Hon. E. M. HEENAN: I forget when the South Australian measure was passed but I understand there is similar legislation in Queensland. Therefore it cannot be said that this legislation is experimental. We are not experimenting with the liberty of the Press or breaking new ground.

Hon. W. J. Mann: Have you heard of a prosecution under that legislation?

Hon. E. M. HEENAN: No, I have not read an English, Victorian or South Australian paper for years, and I do not suppose the hon. member has, either. Other points were raised, but they do not call for a reply. In conclusion I wish to thank members for the consideration they have given the Bill. I have no wish to pose as a reformer. I believe the measure is justified. England and some States of Australia have adopted similar legislation and I consider that the situation here calls for like action. We are here to watch over the interests of the people, and if we can improve their conditions by passing such a measure, we shall be carrying out

our duty. The dirty rubbish published from time to time does no good but, in my opinion, does great harm, and legislation should be passed to deal with it.

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

Ayes	6
Noes	11
Majority against	5

AYES.

Hon. A. J. Boylen	Hon. E. M. Heenan
Hon. E. M. Davies	Hon. J. G. Hislop
Hon. Z. H. Gray	Hon. H. S. W. Parker (*Teller.*)

NOES.

Hon. C. F. Baxter	Hon. H. L. Roche
Hon. L. B. Bolton	Hon. H. Tuckey
Hon. Sir Hal Colebatch	Hon. F. R. Welsh
Hon. G. Fraser	Hon. G. B. Wood
Hon. C. G. Latham	Hon. J. A. Dimmitt (*Teller.*)
Hon. W. J. Mann	

PAIRS.

AYES.	NOES.
Hon. C. H. Simpson	Hon. H. A. C. Daffen
Hon. L. Craig	Hon. F. E. Gibson

Question thus negatived; Bill defeated.

BILL—GOVERNMENT RAILWAYS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. H. L. ROCHE (South-East) [9.42]: This Bill is designed to give effect to the policy enunciated by both Parties that form the Government of the State. For some years it has been the policy of the Party of which I am member, and, at the last general elections, both the present Premier and the Deputy Premier enunciated a policy for transport reorganisation incorporating the proposals included in the Bill. Those proposals were, briefly, that a separate administration should be set up for the Railway Department and a separate one for the tramways and ferries, but more particularly that the railways should be placed under a board of management representative of certain interests and including men with a knowledge of railway operation.

It would be fatuous for anyone to suggest, directly or by implication, that everything to do with the railways is satisfactory. People who are vitally concerned, those who use the railways, those remote from the metropolitan area and constituting the largest users of the railways and providing the most revenue for the railways are very vocal in their expressions of dissatisfaction of the service they are getting. Those people have been restricted by the operation of the State Transport Co-ordination Act and are resentful of the restrictions, because the railways are not able to provide them with a reasonable service in return for the freights they are paying.

No-one who has opposed this Bill so far has openly said he considered railway freights should be increased. I gather from the remarks of two of the speakers that they think they should be, but they were not definite about it. I can assure them that if it is proposed that railway freights are to go up before there has been a thorough overhaul and complete reorganisation of the railway service and its administration in this State, the people who are today providing the major portion of the railway revenue will insist that the operations of the board created under the Transport Co-ordination Act are considerably restricted. We cannot have it both ways. We cannot go on bolstering up an inept, effete so-called system such as our railway operations have become and at the same time prevent people availing themselves of the improvement and developments in transport that have taken place over the last 20 or 30 years. I refer particularly to motor transport.

If the railways can be revived and reorganised to the extent where they can give something in the nature of a reasonable service, I think we have some grounds for trying to justify to our people the restrictions, or some of the restrictions, imposed under the Transport Co-ordination Act. Neither the people forced to use the railways today nor the people that work them are in the least satisfied. A statement was made that employees of the railways resent criticism directed at the railways. I am not sure whether that statement was meant to convey that the men working in the railways today resent criticism of the administration or merely criticism of themselves as servants of that administration. If it was meant to convey that they resent criticism of the administration, I should say that the informants of the hon. member who was speaking are fairly unique amongst the railway servants of this State.

There is a feeling of utter hopelessness and frustration throughout the service; a

feeling of hopelessness because no matter what they may do or propose they get no encouragement; a feeling of frustration because no matter how hard they try or how much interest they take in their job, no improvement is ever made. The proposal for a directorate is designed to help correct that unsatisfactory condition. I think it should assist very materially in that regard. The proposal is that the people who use the service—that is, the primary producers; the people working in the railways, and the commercial community, who are also considerable users—should all be represented on the directorate. I consider it only right that people living in the country and who pay freight on everything they buy and sell should be represented on the directorate. While we have the transport Act operating, those people have to pay that freight to the Government railway system.

In so far as the workers are concerned, the time has gone past when anyone can expect to employ bodies of men and to treat them as something inferior, people with no rights and with whom it is not possible to co-operate. I believe, as I am sure the Minister who introduced this Bill in another place believes, that it is only by co-operation and by showing a bit of faith and interest in the employees of this system that it can eventually be built up to something like what we consider it should be. Most of the criticism levelled at this Bill the other night, if not all of it, was on the score that it had been introduced before the report of the Royal Commission investigating the railways had been presented. But I suggest in all seriousness that to some extent we must be prepared for that report.

If the Royal Commission is entirely favourable to the present administration; if it makes recommendations that are not contrary to or out of keeping with the activities of the present administration, no harm would have been done in having this legislation prepared and approved by Parliament. The present administration will be able to carry on. But if the Royal Commission makes a report markedly at variance with the operations of the railway system as carried on by the present administration; if the Commissioners are critical of that administration; and if the changes they suggest in the administration and in the system itself are such as the present officers have not attempted to bring about in the past, I submit that administrative machinery must be provided to meet that eventuality.

We cannot leave the railways as they are for another 12 months. If we do not pass this Bill; if we do not provide legislation for the alternative I have mentioned, the position will be that nothing can be done for 12 months, because there will not be the administrative set-up to carry it into effect. In addition, it is not going to be easy even with the present set-up. I do not know whether members of this House are aware that, apart from the other worries connected with our railways, we are faced with the fact that four of the senior officers of the service will retire this year. So it is not going to be a simple matter to carry on with the administration, even as it is. Mr. Simpson gave us a very informative—and, I do not doubt, well-documented—history of the railway management in this State for many years past. Speaking from memory, I think he also made comparisons between the results achieved then with those obtained now.

I do not think that any comparisons can possibly be made that will hold water or can be sustained between railway operations at present and those in the period before there was competition from motor transport. Although we have restrictions enforced by the State Transport Co-ordination Board, there is still an alternative means of transport, even if it were confined to passengers, which places the railway service and railway finance in a very different position from that in which they were 30 or 40 years ago. Neither do I think it is fair to try to make any comparison between the railway system of Western Australia and those of New South Wales and Victoria.

Apart from the criticism of this Bill based on the fact that it has been introduced before the report of the Royal Commission has been received, the thing that struck me most about the comments offered is that not one constructive suggestion was made as to what might be done. Apparently nothing can be done and nothing attempted. In the event of sweeping reforms being necessary in accordance with the Royal Commission's report, the present

Government, which is pledged to reform the transport system and which in its election policy last March emphasised what it intended to do, that particular plank in its platform having had considerable influence on the result of the election, in my opinion—that Government will be prevented from doing anything for at least 12 months if this Bill is not passed. This would create an intolerable condition of affairs. A good deal of play was made on the fact that the railways have been starved for finance; that they have been suffering from malnutrition.

Hon. L. B. Bolton: Do you not think that is so?

Hon. H. L. ROCHE: If they were starved for finance, I think the Under Treasurer in giving evidence before the Royal Commission the other day gave the reason when he said that those in charge of the administration apparently were not sufficiently seized of the necessity for further finance to overcome malnutrition to press their claims.

Hon. C. H. Simpson: They did ask, but were ignored.

Hon. H. L. ROCHE: Asked for what? They asked for £100,000 for locomotives, which was not ignored but refused; and no attempt was made to press the claim. I base that remark on the evidence given by Mr. Reid before the Royal Commission, and I presume that he can justly claim to be unbiased.

Hon. C. H. Simpson: I think he was very unfair.

Hon. H. L. ROCHE: I think we can claim that he is in a position to know.

The Honorary Minister: It is a good reason for passing this Bill.

Hon. L. B. Bolton: I would not say that. I would say just the opposite.

Hon. H. L. ROCHE: It was also stated that certain powers were held by the Minister I think that under the old Act certain powers are held by the Minister, but nobody has told the House of any occasion when he refused to exercise them on being requested to do so, or when he exercised them, contrary to the desires of the Commissioner of Railways. In Section 16 of the original Act there is the provision that—

> Subject to the provisions of this Act the Commissioner shall have management, maintenance and control of every Government railway.

There is £27,000,000 of the people's money invested in our State railways, and if the Bill errs in any direction it is in not giving Parliament sufficient control over that investment. I know the present Minister does not believe that further control should be given to him, but I would like to see the Minister—who is responsible to Parliament, and Parliament, as being responsible to the people—given power to exercise greater control over the railways than is the case at the moment.

One speaker, the other evening, was commendatory with regard to the housing provided for some railway employees. I have yet to see such housing. For the greater part I would say that the housing and living conditions, and so-called amenities provided in this State for railway employees, are a disgrace and a reflection on the railway administration. Had sufficient power to improve those conditions been vested in any Minister in the last 15 or 20 years, the present state of affairs would have been a reflection on the Governments that have directed the affairs of this State during that time. Some people feel that the proposal for a directorate suggests a departure from what they are accustomed to. Because it is something new, they are frightened of it and, unsatisfactory as is the present state of affairs, they would let the position drift towards the inevitable break-down of the system rather than venture a change in order to effect improvements.

We have had experience of trained railway men being placed in positions where they alone—without the advice or assistance of others—have been responsible for the administration of the railway system, which has now reached such a deplorable condition that it is questionable how much longer it can carry on. Drastic change is long overdue, and I believe we are justified in adopting the proposals set out in the Bill to provide for such a change. The railways cannot now handle the harvest. The Australian Wheat Board requires 20,000 tons of wheat per week to be moved, over a considerable period, and arrangements will have to be made for road transport to move about 8,000 tons per week.

The railways cannot carry the stock, offering throughout the country districts, or to Midland Junction, and road transport has had to be enlisted for that work. The railways were not able to lift the wool as it became available in country centres, and again road transport had to be allowed to take some of it. Super is being moved at the moment, but it is not confined to the railways. Although the Government has given a subsidy for the early carting of super, in order to relieve the strain on the railways, thousands of tons will have to be carried by road this season.

Hon. L. B. Bolton: The railways will handle four times as much super this year as last year.

Hon. H. L. ROCHE: A considerable amount has been carted by road. No-one in this House or elsewhere could justify leaving the railways in their present condition, where men are trying to operate a system that has been allowed to run down under the present administration. It cannot be left for another year or so, in the face of what might easily be very strong recommendations from the present Royal Commission, without legislative machinery being provided to effect the necessary change and to carry into effect the recommendations of the Royal Commission. The public are not now getting the service that is required, and the conditions and treatment of railway employees are not those to which they have a valid claim. I support the second reading.

On motion by Hon. L. B. Bolton, debate adjourned.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR MINES (Hon. H. S. W. Parker—Metropolitan-Suburban): I move—

That the House at its rising adjourn till Tuesday, the 9th December.

Question put and passed.

House adjourned at 10.12 p.m.

Legislative Assembly.

Thursday, 4th December, 1947.

CONTENTS.

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

QUESTIONS.

NORTH-WEST.

(a) As to Hospital for Nullagine.

Mr. HEGNEY (on notice) asked the Minister representing the Minister for Health:

(1) Has any action yet been taken by the Government in connection with the establishment of a suitable hospital or nursing cottage at Nullagine?

(2) If the reply to number (1) is in the negative, will she indicate the intentions of the Government in the matter?

The HONORARY MINISTER replied:

(1) No.

(2) The suggestion is receiving consideration in view of the increased number of medical men likely to be available soon.