

never held office. However, I know it speaks for the returned servicemen and I heartily support the view that they should be given a vote.

The Minister for Transport: Their action in sending these telegrams is condemned by their president.

Hon. H. S. W. Parker: And many others, too.

Hon. E. M. HEENAN: I do not know anything about that. I did not see any reference to it in the Press.

The Minister for Transport: It was published in the Press this morning.

Hon. E. M. HEENAN: However, I do not think the telegram makes any difference whatever to the principle involved. When I went overseas on active service, I was only 18 years of age, and I recall that I had my first vote when I was 19. That was granted me by virtue of the fact that I had served overseas.

Hon. H. S. W. Parker: Not under consideration.

Hon. E. M. HEENAN: No. The first man I voted for was Mr. Needham, who in those days was a member of the Senate. At that time, young men who had served overseas were given a vote, although they were under the age of 21.

Hon. H. S. W. Parker: They were all volunteers.

Hon. E. M. HEENAN: I do not know whether that makes any difference. Even if any member is opposed to that provision, it should not influence him against voting for the second reading of the Bill. The main clause is the one giving the vote to the wife of a householder. By a small amendment, we can extend that right to the wives of freeholders, leaseholders, and so on. That is the policy of the Government which was elected a few years ago. It was strongly recommended by the Select Committee some years back; it was supported by the late Mr. Baxter and was strongly advocated by Sir Hal Colebatch and by Mr. Parker, when he was the Minister in charge of this House two years ago. We must improve our parliamentary institutions. There are grave issues at stake these days, and we must not be afraid of changes. We have to keep on improving. The Industrial Arbitration Act Amendment Bill was dealt with in this Chamber tonight, and the sentiments expressed by Mr. Hearn, when he spoke on the measure, show that we are living in changing times.

Democracy and parliamentary institutions have a fight on their hands. Unless we equip ourselves in such a way that we can wholly conform to the viewpoint of democratic government, those who are satisfied to stand by and do nothing will become victims of the wave of unrest that is sweeping over the world. Mr. Baxter quoted an instance of 187 people, only three

of whom were on the roll. Unfortunately, that is typical. Whether it is due to lack of interest or ignorance I do not know, but if democratic government and democratic institutions are to survive, that sort of thing cannot be allowed to continue.

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

*House adjourned at 11.3 p.m.*

## Legislative Assembly.

Thursday, 16th November, 1950.

### CONTENTS.

	Page
Questions : Swan River, as to algae and pollution by Fremantle shipping	1983
Fremantle Harbour, as to proposed turning circle	1983
Water supplies, as to squatters' tank, Barney's Bore	1983
Land settlement, as to Mollerin-Bonnie Rock areas	1983
Transport Board, as to refusal of special permit	1983
Hookworm, (a) as to outbreak, Wyndham school	1984
(b) as to outbreak, Forrest River Mission natives	1984
Education, as to tenders for school, Halls Creek	1984
North-West, as to subsidy on transport of perishables	1984
Assent to Bills	1985
Bills : State Housing Act Amendment, Conference managers' report	1984
Council's message	1993
Industrial Arbitration Act Amendment, report	1985
Increase of Rent (War Restrictions) Act Amendment (No. 2), recom.	1985
Bush Fires Act Amendment, returned	1993
Health Act Amendment returned	1993
Industrial Arbitration Act Amendment (No. 2), 2r., remaining stages	1993
Council's amendment	2011
Coal Mining Industry Long Service Leave, 2r., Com.	1994
War Service Land Settlement Agreement (Land Act Application) Act Amendment, 2r., Com.	1996
Judges' Salaries and Pensions, 2r.	1999
Milk Act Amendment, 2r., Com.	2000

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

**QUESTIONS.****SWAN RIVER.***As to Algae and Pollution by Fremantle Shipping.*

Mr. YATES asked the Minister for Works:

(1) What caused the remarkable growth of fresh water algae and other marine growths in the Swan River above the Causeway after the year 1912?

(2) What caused the growth of algae and other marine growths on the south or Fremantle side of the Pt. Walter sand bank from November, 1949, to May, 1950.

(3) How is it proposed to eliminate the resultant chemicals from faecal matter (or nightsoil) and sewerage effluent passing up the Swan River from the harbour?

(4) Should the harbour be extended upstream with a resultant increase in the number of shipping berths, what steps does he propose to adopt to ensure that the cleanliness of the river is maintained?

The MINISTER replied:

(1) There is no record.

(2) Algae grows in relatively shallow water subject to sunlight and warm temperatures.

(3) There is no evidence that faecal matter or sewerage effluent passes up the Swan River from Fremantle Harbour.

(4) It is not anticipated that the cleanliness of the river will be affected by the upstream extension proposed.

**FREMANTLE HARBOUR.***As to Proposed Turning Circle.*

Hon. J. B. SLEEMAN asked the Premier:

In view of his answer "Yes" to my questions (1) and (2) of 7/11/50, will he inspect Colonel Tydeman's plan No. 23 in Vol. 3 of his report on the Port of Fremantle, and inform the House—

(1) How is it proposed to move ships of greater size from the existing harbour and proposed up-river extension to the turning circle of 2,000 feet, as shown on Plan 23?

(2) If Colonel Tydeman's outer harbour extensions (north and south) are ever contemplated as shown on Plan 23 with a water space of under 600 feet between the proposed wharves, will it be possible to move ships berthed there to the turning circle if 1,400 feet water space between the existing wharves in the present Fremantle Harbour is inadequate?

The PREMIER replied:

(1) By the same means as at present, i.e., by ship's own power, by tugs, or by the use of both.

(2) I am advised it will be possible to move ships by normal methods from the waterway width of 600 feet to the turning circle in the seawards future extension scheme. Although the existing waterway width of 1,400 feet limits the turning circle size, it is surplus for ship berthing movement.

**WATER SUPPLIES.***As to Squatter's Tank, Barney's Bore.*

Mr. CORNELL asked the Minister for Works:

(1) Is it considered that the recently erected stand supporting the squatters' tank at Barney's Bore in the Wialki district will be strong enough?

(2) When will the installation of the pump at this bore be completed?

The MINISTER replied:

(1) Yes.

(2) All equipment is ordered and installation will be completed as soon as possible after delivery.

**LAND SETTLEMENT.***As to Mollerin-Bonnie Rock Areas.*

Mr. CORNELL asked the Minister for Lands:

(1) Has the Government any proposals regarding the re-settlement of the Mollerin-Wialki-Beacon-Bonnie Rock areas?

(2) If not, will it give consideration to instituting inquiries for the re-selection of land in this area?

The MINISTER replied:

(1) There are a large number of blocks in the area available for selection under the usual conditions laid down in the Land Act.

(2) In view of the heavy losses incurred by the State in this locality, it is not proposed to consider the area under Land Settlement projects.

**TRANSPORT BOARD.***As to Refusal of Special Permit.*

Mr. MARSHALL, asked the Minister representing the Minister for Transport:

(1) Is it a fact that residents of Welshpool asked for the services of the State-owned transport to supply special bus transport for such residents for Sunday, 26th November, 1950, to visit Rockingham?

(2) Is it also a fact that the Transport Board flatly refused to give permission to the Tramway Department to engage in this particular service, and made it mandatory for the residents of Welshpool to engage the services of the Metro Bus Company for this particular trip?

(3) In view of the fact that the Tramway Department provide the ordinary passenger service to the centre of Welshpool daily, does the Government condone the conduct of the Transport Board in this case?

(4) If not, will action be taken by him to see that the Tramway Department is given permission to do the trip?

The MINISTER FOR EDUCATION replied:

(1) The Tramway Department applied for permission to operate a special bus from Welshpool to Rockingham on the 26th November, 1950.

(2) The Transport Board refused the application as Metro Bus Pty. Ltd., operate a regular service over practically the whole of the route concerned and were in a position to provide a special bus at a comparable price on this occasion.

(3) The Tramway Department operates over a small section of the route only, consequently the Transport Board refused the permit in accordance with the provisions of the State Transport Co-ordination Act.

(4) Answered by (3).

### HOOKWORM.

(a) *As to Outbreak, Wyndham School.*

Hon. A. A. M. COVERLEY asked the Minister for Health:

(1) Has she been advised of an outbreak of hookworm at the Wyndham School?

(2) If so what steps have the department taken to cope with it?

The MINISTER replied:

(1) Two cases of hookworm at Wyndham School have been diagnosed and investigation is proceeding to establish whether more cases exist among the pupils.

(2) (a) The departmental doctor at Wyndham is in constant communication with the department.

(b) The schoolmaster has been advised to ensure that all pupils wear shoes.

(c) Material is at present on its way for providing septic sanitary arrangements at the school.

(b) *As to Outbreak, Forrest River Mission Natives.*

Hon. A. A. M. COVERLEY asked the Minister for Native Affairs:

(1) Has he been advised of an outbreak of hookworm amongst natives at Forrest River Mission?

(2) If so, what precautions does the department propose to take to deal with this disease?

The MINISTER replied:

(1) Yes.

(2) The Department of Public Health Medical Officers have been employed for several months on activities designed to bring about eradication of the disease.

### EDUCATION.

*As to Tenders for School, Halls Creek.*

Hon. A. A. M. COVERLEY asked the Minister for Education:

(1) Have tenders for the erection of a school at Halls Creek yet been advertised?

(2) If not, will he state when they will be advertised?

The MINISTER replied:

(1) No.

(2) January, 1951.

### NORTH-WEST.

*As to Subsidy on Transport of Perishables.*

Hon. A. A. M. COVERLEY asked the Premier:

(1) Has any decision been made to the request for the subsidy on perishables for the North-West?

(2) If not, will he give some assurance of a very early decision?

The PREMIER replied:

(1) The matter is still under consideration, but if a subsidy is paid, it will not commence before 1st December, 1950.

(2) An early decision will be made.

### BILL—STATE HOUSING ACT AMENDMENT.

*Conference Managers' Report.*

The MINISTER FOR HOUSING: I beg to report that the conference managers met in conference on the Bill and reached the following agreement:—

Clause 4 of the Bill is deleted and the following clause substituted therefor:—

4. Section twenty-two of the principal Act is deleted and the following section is substituted therefor:—

22. Notwithstanding any provision to the contrary in any Act, the Commission in respect of vacant rateable land acquired within the district of a local authority, shall make annual payment thereon of the current rate out of the Fund to such local authority: Provided that in the case of vacant unsubdivided land no payment shall be made by the Commission until such land has been held vacant by the Commission for a period of at least two years and in the case of subdivided vacant land no payment shall be made by the Commission until such land has been held vacant by the Commission for a period of at least one year.

I move—

That the report be adopted.

Question put and passed, and a message accordingly transmitted to the Council.

### ASSENT TO BILLS.

Message from the Governor received and read notifying assent to the following Bills:—

- 1, Plant Diseases Act Amendment.
- 2, Railways Classification Board Act Amendment.
- 3, Western Australian Government Tramways and Ferries Act Amendment.
- 4, Supply (No. 2), £7,000,000.
- 5, Public Trustee Act Amendment.
- 6, Water Supply, Sewerage and Drainage Act Amendment.
- 7, Public Service Appeal Board Act Amendment.

### BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT.

Report of Committee adopted.

### BILL — INCREASE OF RENT (WAR RESTRICTIONS) ACT AMENDMENT (No. 2).

*Recommittal.*

On motion by Mr. Brady, Bill recommitted for the further consideration of Clauses 6, 11, 12, 16 and new Clause 13.

*In Committee.*

Mr. Perkins in the Chair; the Chief Secretary in charge of the Bill.

Clause 6—Section 5 amended:

Mr. BRADY: Previously I expressed the opinion that some provision should be made to exclude pensioners and superannuated persons from the rent increase. Many of those people are drawing meagre pensions, some as low as £2 5s. a week for a married couple, and they should not be required to pay more rent. I move an amendment—

That the following proviso be added:—

Provided pensioners and superannuated persons receiving less than five pounds per week shall not be subject to this subsection.

The CHIEF SECRETARY: I oppose the amendment. There would be between 40,000 and 50,000 pensioners in this State and, if they were excluded, of what value would the clause be?

The Premier: Are not pension and superannuation rates rising?

Mr. Brady: Not commensurately with the 25 per cent. rise in rents.

The Premier: Why single out a special class?

Mr. Brady: It is a class that will be hardest hit by the increase.

The CHIEF SECRETARY: Pensioners would be living in houses in keeping with their incomes. The number of old-age pensioners who are tenants would come to many thousands as vastly to outnumber those at present protected, and the value of the clause would be so heavily diminished as to make it hardly worth while. There are thousands of other people just as badly off as are pensioners, and the proviso would give pensioners preference over certain ex-Servicemen in receipt of pensions, but not full pensions. That would make a farce of the whole thing. The clause is designed to yield a small amount of benefit to owners in order to bring them up to a normal level. I cannot see anything to commend the amendment.

Mr. BRADY: The Minister is assuming that every pensioner pays rent.

The Chief Secretary: No, I said that many are house-owners.

Mr. BRADY: Only a percentage of pensioners rent homes. Many people who will receive an increase can better afford to do without it than the pensioners. The landlords are not depending on rents for their livelihood.

The Premier: Some are, of course, and they are having a pretty rough time.

Mr. BRADY: House-owners who want to get into their own homes have the right to do so under the eviction clause, and I am in agreement with that. A pensioner getting £2 5s. a week, or people trying to rear families under the social service scheme, should not be obliged to meet anything up to a 25 per cent. increase in rent. I get letters from such people saying that even now they cannot make ends meet. The small number of people who would benefit as a result of my amendment should be protected.

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

Ayes	22
Noes	24
Majority against	2

Ayes.

Mr. Brady	Mr. McCulloch
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Graham	Mr. Oliver
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Hoar	Mr. Tonkin
Mr. Marshall	Mr. Wise
Mr. May	Mr. Kelly

(Teller.)

## Nocs.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Owen
Mr. Cornell	Mr. Read
Mr. Doney	Mr. Shearn
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hearman	Mr. Watts
Mr. Hill	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Manning	Mr. Bovell

(Teller.)

## Pairs.

Aye.	No.
Mr. Pantou	Mr. Mann

Amendment thus negatived.

Clause put and passed.

Clause 11—Section 15 amended:

Mr. GRAHAM: When discussing the Bill on the second reading I said that it would assist the housing problem if we provided for tenancies entered into as from the 1st January next to be exempted from the tenant protection that is given by the Act so far as evictions are concerned; but, of course, control of rents would still operate. No existing tenancy would be upset or otherwise interfered with. The amendment would mean, however, that anyone who in the future desired to let a house or portion of a house could do so without the fear that exists at the moment that he could not get rid of his tenant within a period of months or, perhaps, years.

I personally am aware of a number of instances where portions of houses are untenanted now, because the owners are not prepared to take the risk of accepting into their homes for an indefinite period people who might be disagreeable companions. I am confident that if my proposal is agreed to hundreds of additional families will be accommodated, some of them for a limited period and others indefinitely. I realise that the amendment would apply to complete homes. I can see nothing much wrong with that. Gradually Parliament is going to agree to a relaxation of the present rigid controls. We have already entirely exempted licensed premises. Persons who previously thought they had permanent accommodation in a hotel can now be given a week's notice, and they have no alternative but to depart.

As from the 1st January next, if my proposal is agreed to, anybody going into a house will know that with the customary notice his tenancy can be terminated. He might, of course, find difficulty in subsequently getting accommodation, but at least he would have some better accommodation available to him than he is suffering at the moment. It is not taking away any protection granted to tenants now. Therefore I am hopeful that not only will this appeal to landlords but that it will also give some additional hope to many would-be tenants, and overall it will assist with the terrific housing problem we now have. It should make available accommodation

in hundreds of cases which are denied at the moment, because of the real and genuine fear on the part of owners of homes that if they permit people to come into their houses it may be difficult to get them out. Therefore I move an amendment—

That a new paragraph be added as follows:—

“(c) adding a subsection as follows:—

(4) The provisions of this section shall not apply to premises, being a dwelling house, a lease whereof is entered into after the thirty-first day of December, one thousand nine hundred and fifty.”

There may be some doubt in the minds of members whether it is sufficient to cover the proposition I have outlined, or whether perhaps it goes too far. But a glance at Section 15 of the parent Act will show that this will widen the scope of the exemptions. I trust the amendment will be agreed to.

The MINISTER FOR EDUCATION: There is a point or two I would like the member for East Perth to consider in regard to this amendment. I am not opposed to the proposition as long as it means what I think it does. As I understand it, he is providing that the provisions in regard to rents shall apply and the provisions regarding eviction shall not apply to the premises.

Mr. Graham: That is so.

The MINISTER FOR EDUCATION: Should it not be a lease for the first time, or does the hon. member not think that this would be a means of making difficulties for a tenant already there? He might be required, to avoid an action for eviction, to enter into a new contract of lease. It occurred to me that the hon. member should consider whether it should not be made to apply only to leases entered into with fresh tenants, or for the first time with respect to a tenant after the 31st December, 1950.

The Chief Secretary: Does the hon. member mean first entered into after the 31st December?

Mr. GRAHAM: I think it would be found in actual practice that it would apply, as the Minister for Education has suggested, in respect of premises let for the first time or to entirely new tenants. At present, because of the Act, most leases in operation are what one might term statutory leases; that is to say, they are leases continuing only because of legislative action that has been taken.

The Chief Secretary: A lease here has to conform to the definition of lease already in the Bill.

Mr. GRAHAM: Which is pretty wide. I feel that not much damage will be done. Conceivably there would be a number of

people diffident about reletting their premises when leases have expired, assuming they could get rid of their tenants.

**Mr. Griffith:** What about reletting to the same tenant?

**The Minister for Education:** That is what I had in mind.

**Mr. GRAHAM:** There would probably be a difficulty there. Might I suggest that the Committee agree to the amendment. The Crown Law Department could then look at it and the Minister could take appropriate action in another place to have the matter clarified, so that the gates would not be too widely opened. If the Minister is prepared to allow it to proceed, I do not think anybody would take offence if we tidied it up later on.

**The CHIEF SECRETARY:** If the hon. member will follow that course, I am quite satisfied, and have no objection to the amendment.

**Mr. J. HEGNEY:** I do not feel inclined to support the amendment. The hon. member states that his main purpose is to try to provide for premises that are only partially occupied to make the unoccupied portions available to other tenants. I feel certain that it will impose hardship on other tenants, and the amendment will not do what he desires. Under the law as it stands, a person who occupies portion of a house is only a licensee, and because of that the owner can give him notice and he must get out. That applies even to ex-Servicemen.

**Mr. Graham:** Under Clause 4 there is a provision that licenses will be drawn within the ambit of the Act.

**Mr. J. HEGNEY:** The hon. member's amendment is to try to remove difficulties in the way of owners who are apprehensive about letting portion of their premises to tenants. I think the proposed amendment falls to the ground. The hon. member knows the housing position as well as I do, and I do not think the amendment will make any more accommodation available. We have liberalised the Act sufficiently, and this emergency will exist for many years. Existing tenants are entitled to the protection of the law and, when the stage is reached when we can wipe out the Act, everybody will get like treatment. For that reason I oppose the amendment.

**Mr. GRAHAM:** I do not think the member for Middle Swan has any conception of what the amendment means, or of its effect. Firstly, no existing tenant is going to be disturbed in any way; secondly, it can have only one effect, and that is to make additional premises available, whether for short or long terms; thirdly, I am aware, as is the member for Middle Swan, that there are evasions of the Act at the moment because of what are known as licenses. The member for Middle Swan should know that in Clause 4 there is a

provision that licenses will be drawn within the ambit of this Act. Therefore his objections fall to the ground.

**Mr. FOX:** I think the amendment is a good one. There are many people at the moment who would let rooms, or portions of premises, but they are afraid to do so in case they cannot remove the tenants. I know of a person who let a room because her two sons were away shearing. The people who took the room said they were prepared to get out as soon as the sons came back, but this they refused to do when the time came. They said, "We are not going to get out, and you will have to go to the court to evict us." No person will let rooms unless he has some protection, such as this will give.

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

Clause 12—New Section 15A inserted:

**Mr. MARSHALL:** I draw the Minister's attention to Subsection (6) of proposed new Section 15A. In the circumstances, surely the Minister could not accept a penalty of £100 as sufficient imposition on a person who would deliberately flout this particular provision. If a man has a legitimate case on which to base his claim for possession of his home then the court will grant him permission to go in, but if he does not approach the court, takes possession of the home, and ignores this provision and sells the home within 12 months, he is fined only £100.

We have heard quite a lot of the high property values today. What burden would be placed on a person who takes advantage of those high prices by selling his home without permission of the court and then pays £100 fine? He would get two or three times the original value of his home, so what effect would that penalty have on him? It would have none at all! I was inclined to move an amendment to delete the word "one" with a view to inserting the word "five," and £500 would be little penalty enough.

**The CHIEF SECRETARY:** The hon. member has quoted an extraordinary case which would not be commonly met with, but which might crop up now and again.

**Mr. Yates:** Such cases happen all the time.

**The CHIEF SECRETARY:** Because a person sells a house at a figure much in excess of its original value it does not mean to say that he is making a total profit of, say, £3,000. Not all of that amount would be profit. The fact that a man would be able to pay £100 penalty because he disregarded the court order would not alter the degree of the misdemeanour. One could put that another way by saying that where a penalty of £10 is provided for a certain offence the magistrate would be entitled to say, because the man had plenty of money, "I think in this instance I will raise the penalty to £200." We cannot

have varying fines to suit all cases. Under this provision it is considered that if in the normal way, an offence is committed the penalty should be £100, which is a pretty sizeable amount. However, just because the man happens to have £100 in his pocket, the member for Murchison wants to say that the magistrate should decide, "In this case I will make the fine £500." Therefore, my advice is that the Committee should not consider the suggestion.

**Mr. J. HEGNEY:** I move an amendment—

That in line 8 of Subsection (6) of proposed new Section 15A, after the word "penalty," the word "one" be struck out and the word "five" inserted in lieu.

The argument submitted by the Minister is not that which was put up when the Building Operations and Building Materials Control Act Amendment and Continuance Bill was before the House. As to that particular matter, it was found that persons were securing building materials without a permit, and the fine imposed was infinitesimal compared to the advantages that were obtained by securing such materials without a permit. However, this Parliament saw fit to increase the penalty, but, even so, persons are still committing such breaches. In this Bill we have made it easy for a man to obtain possession of his own home. The only person who can police the legislation is the one who is forced to vacate the premises because, if he knows that the owner has disposed of his dwelling within the period of 12 months, he will no doubt report it to the proper authorities.

A penalty of £100 for a breach of this clause is only a flea-bite compared with the large profit an owner can make on the sale of a home at the existing high prices. Many owners will no doubt take advantage of the position at present and, if there is not sufficient deterrent to prevent them, then the housing problem will be accentuated. A fine of £500 will be a fair penalty because many owners are obtaining £500 and more beyond what is considered a reasonable value for homes at present. Under the Bill, as amended, the owner has to make a statutory declaration that he will live in the house himself, but if for some unforeseen circumstance he has to vacate the premises he can do so if he gives a legitimate reason to the magistrate. However, if he does not vacate, but sells at a high price, then he takes the risk of incurring a penalty of only £100.

**Hon. J. T. TONKIN:** The Minister missed the real point behind the suggestion of the member for Murchison. He endeavoured to show that the penalty of £100 is no deterrent whatsoever, having regard to the tremendous advantages to be obtained by owners because of the ruling prices. Any person who knows

that it is possible to make a profit of £1,000 or so on the sale of his home will not be deterred against emptying tenants out simply because he might be likely to be fined £100. If we are genuinely attempting to prevent these wicked injustices we should be prepared to impose a penalty which would be a real deterrent. For my part, I would put in gaol the person who deliberately misled the court in order to obtain possession of premises in which he himself had no intention of living, but which he desired to sell. Avarice, of course, will cause people to do extremely wicked things.

I mentioned a case the other evening of two elderly people who deliberately misled the court to obtain possession of a dwelling and emptied a cripple out into the street, and three days later advertised the property for sale; and nothing could be done about it. I put the matter in the hands of the State Housing Commission and it was referred to the Crown Law Department and eventually to the police, who made a number of inquiries, but subsequently it was ruled that the matter could not be proceeded with. Eventually the woman lived in a tent for some weeks until finally a home was obtained for her. That was a deliberate attempt to mislead the court in order to make money, and no attempt whatever was made to live in the house. I could mention many other instances of owners gaining possession of their homes on the plea that they wished to live in them.

The Chief Secretary: Perjury, in order to gain possession of a home, is quite common, I must admit.

**Hon. J. T. TONKIN:** Of course it is, because the attraction is so great. When a person is likely to make a rake-off of £2,000 or more then he is prepared to take the risk if the worst that could happen is only a £100 fine. If we only want to inflict a mild punishment on such a person then, of course, £100 fine is quite sufficient. We then say in effect, "We do not approve of what you have done, but you have done it. We will fine you £100." If that individual has made a profit of £1,000 or more in the meantime, will that fine worry him? It would simply be an inducement to some people to take the risk. We should certainly fix the fine at an amount that will act as a deterrent and I think £500 would have that effect.

The Premier: That is the maximum.

**Hon. J. T. TONKIN:** That is so. We should impose a penalty that will make people think twice before they take the risk.

**Mr. GRIFFITH:** I support the amendment. The Bill is an endeavour to reach an equitable position as between landlord and tenant. I agree with the member for Melville that we are enabling a man to regain possession of his home provided he

wishes to reside in it himself and will remain in possession of it for 12 months. At the same time, we should remove any possibility of the law being flouted.

Mr. YATES: I support the amendment, but I do not think it goes far enough. The period of 12 months should be increased to two years. What worries me, however, is that should a man regain possession of his home and sub-let all the rooms with the exception of one in which he lives, will he be immune from prosecution? I think a minimum penalty should be provided, and the amount of the fine should not be left to the magistrate to determine.

Mr. STYANTS: It is no use leaving it to the magistrate.

Mr. YATES: I would like the minimum to be fixed at not less than £200.

The Chief Secretary: You must recollect that, in connection with the sale of houses, in many instances the amount involved would be relatively small compared with the few in which £3,000 would be paid.

Mr. YATES: We should not regard this matter in the same light as, say, drunken driving charges, where a fine of £30 or so would be imposed. Sales of houses have been effected at £1,000 or more whereas their erection cost much less. I have in mind instances such as that related by the member for Melville. If the amount of the penalty were fixed at £500 as a maximum, a magistrate might impose a very much smaller amount because he would regard the defendant in the light of a first offender. Naturally it would be the first offence because only one house would be disposed of. If the maximum penalty is fixed at £500 I shall move a further amendment to provide for a minimum penalty.

Mr. STYANTS: I hope that whatever is decided by the Committee, this matter will not be left to the discretion of the magistrate.

The CHAIRMAN: The hon. member is not in order in discussing a proposed amendment at this stage.

Mr. STYANTS: The object of this provision is to permit a man to obtain the premises he owns in order that he may live in them himself. He will be required to go to court in the eviction proceedings and swear that he desires to live in the premises himself. As a guarantee of good faith, we expect the person to live in the house for at least 12 months before he endeavours to let or dispose of it. The Bill provides merely a penalty of £100 to be imposed should he fail to carry out that obligation. By introducing the Bill with the penalty clause embodied in it, the Minister subscribes to the principle that there should be punishment provided for offences. I do not think a fine of £100 is anything like adequate. With the advant-

age of vacant possession, an owner might dispose of the premises within 12 months and probably secure 10 times the amount of the £100 fine. A penalty of £500 would act as a deterrent.

The Premier: Laying down a minimum penalty is not a very desirable procedure.

The CHIEF SECRETARY: I do not like the suggestion that there should be no power of discretion left to the magistrate. Who else is better qualified than a magistrate to assess the seriousness of the offence committed?

Mr. STYANTS: The fine is set out and no discretion is indicated.

The CHIEF SECRETARY: I regard it as entirely undesirable to assert that the magistrate has not the wit to assess the offence at its proper value. As to the amount of the penalty, I am prepared to let the matter go to the vote. I do not suggest that a fine of £100 would be sufficient in all cases, but I cannot agree to the amendment.

Amendment put and passed.

Mr. YATES: I stated earlier that I was prepared to move for the provision of a minimum penalty. I have listened to the reasons advanced with regard to the fine to be imposed and, like the member for Kalgoorlie, I favour a minimum penalty being set out in the Bill. I understand that, according to the Attorney General, the normal procedure is for a penalty of 10 per cent. of the maximum to be imposed.

The Premier: It is a matter of discretion.

Mr. YATES: I have heard some mention of an old lady or a pensioner who may in all innocence break the law. I am therefore prepared to reduce the amount that I had in mind, and I move an amendment—

That at the end of line 8 of Sub-section (6) of proposed new Section 15A the following words be added:—  
“maximum; one hundred pounds minimum.”

The PREMIER: I hope the Committee will not agree to the amendment. It is bad in principle to prescribe in an Act of Parliament what the minimum fine shall be and to take discretion from the magistrate. I have heard this matter argued in the Chamber on previous occasions when Ministers resisted this type of amendment. In this instance, it is now laid down that the maximum penalty shall be £500, which is severe. The magistrate trying a case would realise, from the provision of a maximum penalty of £500, that Parliament viewed this class of offence seriously and he would not inflict a trivial fine. But there are cases where ignorance of the law might lead someone to break it, and in that event I think the magistrate should have some discretion. It is a dangerous principle to lay down what the minimum penalty shall be and, rather than that, I would leave the decision with the magis-



trate to say, after he has all the facts in his possession, what fine would be a just one. The amendment could lead to unjust fines being imposed.

Mr. STYANTS: I support the amendment because I have lost all faith in leaving discretionary power to magistrates to inflict penalties for certain offences. I have in mind some of the ridiculous penalties imposed by magistrates in traffic offences and also in connection with the building materials control Act. If we allow the same powers of discrimination in this case we will probably have a repetition of that.

The Chief Secretary: Would you stop discrimination in all cases?

Mr. STYANTS: One of my constituents, a man of considerable wealth, some five or six years ago obtained a permit to build a house in Nedlands. He exceeded his permit to the extent of erecting three additional rooms. He was warned by an inspector on three different occasions while the house was in course of erection that he was exceeding his permit, but he took no notice. He completed the house, the Commission took action against him and he was fined £120. He told me he was quite satisfied with the result. It cost him an additional £40 for each of the three rooms. The magistrate had power to fine that man £200 and sentence him to six months' imprisonment and confiscate the additional materials involved. In the circumstances members will realise how ridiculous was the fine. It was no penalty at all. The amount of £120 was absolutely nothing to the man, but he deprived somebody else of the use of those materials. He was not satisfied with obtaining a permit for a five-roomed house but built an eight-roomed house. If we leave this power discretionary, we will have magistrates fining people perhaps only £10.

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

Clause 16—Section 18M added:

Mr. YATES: The ex-Servicemen's League is concerned about the wording of paragraph (b) in the definition of "protected person." The organisation obtained legal opinion as to the use of the word "killed" in line 1 of the paragraph, and the opinion was that the widow of a person killed during war service would receive the protection of this provision but the widow of a person who died would not. I move an amendment—

That in line 1 of paragraph (b) of the definition of "protected person" the word "killed" be struck out with a view to inserting the words "whose death was caused."

The CHIEF SECRETARY: I readily agree to the amendment.

Amendment (to strike out word) put and passed.

Mr. YATES: I now wish to move that the words proposed to be inserted be inserted.

Hon. J. T. TONKIN: Unless there is some reason for using the words "was caused," why not insert the word "occurred"?

Mr. Yates: I have no objection to the alteration.

The CHAIRMAN: Is the member for Melville moving to amend the amendment?

Hon. J. T. TONKIN: Yes, I move—

That the amendment be amended by striking out the words "was caused" with a view to inserting the word "occurred" in lieu.

Mr. GRAYDEN: I should imagine that if we insert the word "occurred" it will mean that a person will have to die during his war service for his widow to have the benefit of this provision. We should have the definition framed so that it will cover dependants of men who die because of their war service even though death may not occur strictly during the period of service. It should cover a person who is wounded or has some illness which causes his death after his war service.

The CHAIRMAN: I do not think the hon. member is speaking to the amendment.

Mr. GRAYDEN: I am speaking about the word "occurred."

The CHAIRMAN: That does not apply to this amendment.

Amendment on amendment (to strike out words) put and passed.

Hon. J. T. TONKIN: I move—

That the word proposed to be inserted be inserted.

Mr. GRAYDEN: This would seem to indicate that death occurred during war service.

Hon. J. T. Tonkin: That is what the definition says.

Mr. GRAYDEN: Yes, but what of the man whose death occurred after his war service because of war-caused injuries?

The CHAIRMAN: The hon. member cannot speak on those lines.

Hon. J. T. TONKIN: It is well that members should be clear what they are voting about. The definition originally proposed that a protected person should be the widow of a person killed during war service. It was pointed out that a man might die during his war service, without being killed. For instance, he might die of some disease. It is the intention of the Bill to cover persons who die while on active service.

The CHAIRMAN: I think the member for Melville is getting ahead of where I am putting the amendment.

Hon. J. T. TONKIN: I am not getting ahead of where I intended it to go. The provision was worded to cover a person killed during war service. The member for South Perth moved to replace the word

"killed" by the words "whose death was caused." I suggested that instead of our using the words "was caused," the word "occurred" should be employed. It is only a question of phraseology so far as I am concerned. Previously the intention was limited to persons who were killed, but it is quite conceivable that during his war service a man might contract a fatal disease. That man's widow would be just as much entitled to protection as would be the widow of a man killed by a bullet. The member for South Perth suggested we should say "whose death was caused" in place of "killed," but it struck me that it would be better to use the word "occurred" instead of "was caused."

Amendment on amendment (to insert word) put and passed; amendment, as amended, agreed to.

Hon. A. R. G. HAWKE: There is much to be said for the point raised by the member for Nedlands. I therefore move an amendment—

That in paragraph (b) after the word "during" the words "or as a result of" be inserted.

The Attorney General: It might occur years afterwards.

Hon. A. R. G. HAWKE: What is wrong with that, provided his death occurred as a result of war service?

The Attorney General: Ten years later?

Hon. A. R. G. HAWKE: Yes.

The Attorney General: I do not know.

Hon. A. R. G. HAWKE: Surely if a man dies some years after the war has ended, as a result of service he gave during the war, his widow would be entitled to some consideration.

Mr. GRAYDEN: I support the amendment. It would be entirely wrong for us to protect the widow whose husband died during war service and not one whose husband died a week after his discharge from the army.

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

New Clause 13—Section 15B.

Mr. HOAR: This new section was introduced last night by the member for Blackwood. He explained that he had made an effort to have it placed on the notice paper, but unsuccessfully. As a result, it passed through this Chamber without my full appreciation of its meaning. I consequently asked for a further review today. There are two amendments that I propose to move to Subsection (2) of proposed new Section 15B. I move an amendment—

That in line 1 of Subsection (2) of proposed new Section 15B the word "lessor" be struck out and the word "lessee" inserted in lieu.

The purpose of the member for Blackwood in moving his amendment was to encourage decentralisation of industry, and

to give employers who build homes for employees more confidence in their ability to regain possession of those premises once the employees are no longer with them. I know of one man the development of whose farm has ceased for the last 12 months because he has been unable to get a tenant—a former employee—out of the premises that he built for the purpose of housing his employees. Provision should be made for an employer quickly to regain possession of such premises without going through the usual processes.

Employees in many industries today are almost entirely of the tenant class. I refer to the timber industry, as an example. In that industry, employees rent premises from the employers for almost the whole of their working lives, and in this instance we may have a man who has worked for 20 or 30 years for the one employer, occupying the same premises during the whole of that time. Such an employee might then be sacked or decide to leave his employment, and one can imagine what a disastrous state of affairs could be created for a large number of people in such circumstances.

My object, therefore, is to make it easier for the court to give consideration to the hardships or circumstances of the tenant, as well as those of the owner of the premises. My understanding of the proof of the circumstances, as mentioned in Subsection (2), is that if the employer informs the court that he has had a certain individual in his employment and has now dismissed him, that is all the court will require before it orders the tenant to vacate instantly. I want to ensure that both lessor and lessee can approach the court, so that the lessee may state the reasons why he should not be evicted.

The Attorney General: That is the original provision.

Mr. HOAR: Not entirely.

Amendment put and passed.

Mr. HOAR: I move an amendment—

That in line 3 of Subsection (2) of proposed new Section 15B the word "determination" be struck out and the word "termination" inserted in lieu.

Amendment put and passed.

Mr. HOAR: I move an amendment—

That in line 10 of Subsection (2) of proposed new Section 15B the word "shall" be struck out with a view to inserting other words.

If the amendment is agreed to, I will move that the words "after hearing evidence from both parties may" be inserted in lieu of the words struck out.

Mr. HEARMAN: I have discussed this amendment with the member for Warren and think we have the same approach to the new section. If this amendment is agreed to, the object of the new section will

be defeated. The Parliamentary Draftsman and the Crown Law Department are emphatic that, under the parent Act, if an employer who is also a landlord applies to the court, the court may make an order for immediate vacation of the premises by the tenant, or that he shall vacate the premises at any time up to two years. If the amendment is agreed to, we will get back to that. My intention in moving for the insertion of the new section was to give incentive and encouragement to employers to erect suitable accommodation for their employees. If they are to do that, they must have a reasonable degree of control over such premises and must not have to rely on approaching the court through the normal channels to obtain an order.

In the circumstances with which we are dealing, the employee who becomes a tenant enters the proposition with his eyes open and knows, when he takes possession of the house, that he does so on the understanding that he retains possession only so long as he continues in the employment of the owner and that, in the event of his being no longer employed, he automatically forfeits the right to continue in occupation. There is, therefore, no undue hardship when he is asked to vacate. The member for Warren mentioned the employee who has occupied a house for many years, but such an employee knows that when he wishes to retire or go to work for someone else, he must vacate the premises he is occupying. If we carry protection of the tenant too far, employees will remain in possession of premises and employers will have continually to build new houses in order to maintain their labour forces. If employers are to be encouraged to provide accommodation, they must have an untrammelled right to gain possession of their premises. I have had the opinion of the Crown Law Department in this matter.

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

Mr. McCULLOCH: The longer I look at this amendment, the less I like it. The member for Blackwood referred to encouragement being given to the employer. I do not think we should encourage the employer at all. The employer has an obligation to build homes for his workers if he wants to get men for his industry. Furthermore the amendment says "for the ejectment of the lessee and every other person." We know that in many instances whole families are working for one employer. The husband is naturally the lessee and if he is ejected the rest of the family, including possibly married sons and daughters, will have to get out.

The court has to prove nothing. The amendment says "The court shall make the order to operate forthwith." The court is not obliged to take into consideration whether the man has been rightly dismissed or not, or whether the family is

suffering hardship. It considers absolutely nothing. All it says is that he must get out of the home in seven days. It is a dangerous amendment to put into any legislation. The employer is going to be able, willy-nilly, to put an employee out of his home.

The Attorney General: He has ceased to be an employee.

Mr. McCULLOCH: I oppose the amendment.

Mr. OLIVER: I feel I cannot support the amendment moved by the member for Blackwood. My main objection is that the court would have no discretion whatever when ejecting a person from the employer's home. All the owner is asked to do is to prove the circumstances, which means that the employment has fallen through and the owner wants his house. I am not suggesting that the ex-employee should be placed in the position of staying in the house indefinitely. I think the employer is entitled to some protection, but in this case the court would have no discretion, no matter what the circumstances.

The Attorney General: What about the other employee who wants to get in?

Mr. OLIVER: Let me put my case and perhaps the Attorney General will understand my meaning. I am not supporting the principle of an employee taking advantage of an employer's indulgence, but there may be circumstances where a harsh employer would not give any consideration to the matter. I would rather see the word "may" inserted in lieu of the word "shall." Then the employer could put the circumstances of his case to the court and if it was conclusive the magistrate would make an order. On the other hand, if the ex-employee was able to prove to the magistrate that due to circumstances over which he had no control he could not possibly get out of the house, then within that seven days he would get that consideration.

Hon. E. NULSEN: I agree to a certain extent with the member for Blackwood and I also agree with the member for Warren. In my district the Western Mining Corporation has built 20 or 30 houses for its employees and, if it happened that at any time one of these employees was not doing his job properly, the Corporation would find it would be short of houses. The new section is a little too mandatory. If the word "shall" were deleted it would make all the difference and give the court the opportunity to take into consideration all the evidence before it. I feel certain that any magistrate who thought that an employee had no right to live in a house would issue an order telling him he had to get out. As framed, the new section does not give the court any discretion—it is just a case of he "shall" get out.

The Chief Secretary: The employer has to show proof of circumstances.

Hon. E. NULSEN: That is not the case with the amendment of the member for Blackwood. The word "shall" is there and that is emphatic. I think I would favour the amendment on the clause, as I think it would put the matter on a fair and equitable basis so far as the court is concerned.

Mr. HOAR: In moving this amendment I thought I was doing the member for Blackwood a good turn, because I felt he did not realise the full implication behind this. In his reply he said that when a man takes up employment he knows the circumstances before he takes the job on, and knows he can only occupy the house as long as he is employed. That is quite true. I propose that discretionary power be given to the court—when dealing with the case of a man who is taking on employment for no other reason than to gain possession of a house—to say that in its opinion he is no longer a bona fide tenant; that he was not honest when he took on the job, and that this Act shall forthwith apply. There are those men in industry who have devoted the best part of their lives to production in this State: For instance those in the timber industry and the coalmining industry, etc.

The majority of the working class are tenants in homes owned by their employers because they have not enough money to buy homes of their own. The scope of this proposed new section is very far-reaching and affects working-class people most severely. If it is allowed to remain as it is the fact that "the court shall make the order to operate forthwith" would simply mean that even the member for Boulder's suggestion of substituting "may" for "shall" would not be sufficient. Under the member for Blackwood's clause, all the employer has to do to prove the circumstances of his case is to give information to the court that on a certain day a man was employed by him and on the next day he terminated his employment. He need not tell the tenant anything about it.

Even if he did give the tenant a rough idea, the tenant would probably forget all about it, and before the latter knew what was happening he would be faced with a court case which he would have no opportunity of attending or defending, with a view to explaining his difficulties; and, further, without any warning at all he and his family would be put out on the streets. I am quite certain that the member for Blackwood did not have that in mind when he proposed this new section. I agree with the member for Blackwood, except that discretion will not be given to the court to determine who is a bona fide tenant and who is not. The new section represents a retrograde step and could be viciously employed against working-class people. The Attorney General

asked what about the other employee wanting to get into the house? My reply is that an employee in industry should know that he has some security.

Amendment (to strike out word) put and passed.

Mr. HOAR: I move—

That the following words be inserted in lieu of the word struck out:—"after hearing evidence from both the lessor and lessee may."

Amendment (to insert words) put and passed; the new clause, as amended, agreed to.

Bill again reported with further amendments.

## BILL—STATE HOUSING ACT AMENDMENT.

### *Council's Message.*

Message from the Council received and read notifying that it had agreed to the report of the conference managers.

### BILLS (2)—RETURNED.

1. Bush Fires Act Amendment.  
With amendments.
2. Health Act Amendment.  
Without amendment.

## BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

### *Second Reading.*

Debate resumed from the 14th November.

HON. F. J. S. WISE (Gascoyne) [7.52]: By this measure, the Government is endeavouring to meet a difficult situation in which the State Arbitration Court finds itself; in fact, the Bill can be said to be here at the suggestion of the President of the court. The provision in the Act requires that the basic wage shall be fixed according to the needs of the average worker. The Commonwealth court recently accepted an additional basis when fixing the basic wage, namely, regard to the national income and the general prosperity of the country existing at the time of consideration. This would cause an amount to be granted different from the figure if fixed strictly in accordance with the basis of needs.

By a majority decision, the Federal court declared that there was justification at the time for an increase of £1 per week because of the general prosperity or the economic capacity of the country. The purpose of the Bill is to repeal Section 123 of the Act and substitute a new section designed to widen the powers of the State court to enable it to consider the economic capacity of industry or matters not necessarily considered at the time of the automatic determination annually, so that a determination could be made on other than the basis of need.

The existing section provides for many of the things contained in this amending Bill, but the important difference lies in the fact that the Bill proposes to empower the court to widen the inquiry and give consideration in certain circumstances and at different times to aspects other than the basis of need. Thus, by empowering the court to consider the economic capacity of industry, it will be afforded an opportunity to consider the new basis as determined by the Federal court. As the time has arrived when the annual presentation of the case would be made to the court, this measure will empower the court to take advantage of the determination of the Federal court and not delay proceedings by waiting for the annual hearing.

When the Bill came before us on Tuesday last, Standing Orders were suspended to permit of its being passed through all stages at one sitting. Members will recall that an adjournment was requested to give members on this side of the House an opportunity to consider the principles contained in the measure. I understand that the proposal in the Bill has received the endorsement of all parties who would be included in an approach to the court. In the paragraph dealing with the economic capacity of industry and other relevant matters that the court may determine, we intended to move an amendment as follows:—

That in the proposed new Section 123 (3) (b) after the word "advisable" the following words be added:—  
"but so as not to reduce the basic wage below an amount deemed necessary by the court to meet the requirements of paragraph (a) of this subsection and determined without regard being had to the matters mentioned in this paragraph."

The effect of the amendment would be that when there is a loading on the basis of economic capacity, it shall not in any way affect the basic principle of the basis of needs. If the amendment were moved in this Chamber, we could not get a fair print of the Bill and have it reported tonight, and so, during the suspension for tea, I suggested to the Premier that one of his Ministers should introduce the amendment in another place.

Hon. J. T. Tonkin: There was no difficulty in getting a fair print when the gag was applied.

Hon. F. J. S. WISE: This would not be a suitable measure to be introduced in the Council and, as it is necessary that a common date should be fixed, the Bill should be passed with expedition. The Government introduced the measure to meet the situation that has arisen and we not only supported the suspension of Standing Orders, but are also prepared to assist in getting the Bill passed expeditiously. So, we do not wish to amend the

Bill in Committee. If the Attorney General or the Premier will give us an assurance that one of the Government's Ministers in another place will make the amendment we will be quite satisfied. The Attorney General explained the Bill when introducing it, and I make these remarks to show what it is all about, and our attitude towards it.

**THE ATTORNEY GENERAL (Hon. A. V. R. Abbott—Mt. Lawley—in reply [8.1]):** The Leader of the Opposition has made the position quite clear. The Government has arranged for one of its Ministers to introduce the Bill in the Upper House, and to move the amendment read out by the Leader of the Opposition. The Government has no doubt whatever that the amendment will be accepted in the other place. In these circumstances I feel I need say no more.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

Bill read a third time and transmitted to the Council.

## **BILL—COAL MINING INDUSTRY LONG SERVICE LEAVE.**

*Second Reading.*

Debate resumed from the 14th November.

**MR. MAY (Collie) [8.5]:** The Bill is for an Act to constitute a coalmining industry long service trust fund; to provide for the payment therefrom to employers in the coalmining industry of amounts paid by them to employees in respect of long service leave accrued to such employees under certain awards; to validate certain matters; and for purposes connected therewith. When the Minister introduced the Bill he said that it was brought down at the request of the Commonwealth Government, and that it was complementary to legislation already passed by the Commonwealth under the Commonwealth Coal Mining Industry Act of 1946. The Bill is more or less a machinery one to carry out Commonwealth legislation as affecting the coalmining industry in this State.

I want to refer to one or two matters that were not very clearly explained by the Minister when he introduced the measure. The award, as stated in the Bill, is to have application from the 19th June, 1949. The Bill does not say whether the long service leave is to be retrospective. The general impression among the men working in the industry is that the Act was to date back for a period of 10 years. I have searched the Bill, but can find no provision having a bearing on that aspect. I understand that the measure will be governed by regulations, but I do not know whether this retrospectivity will be dealt

with in the regulations. I would like the Minister to explain, when he replies, whether the long service leave commencing date is to be made retrospective, or whether it is to be the date mentioned in the Bill, namely, the 19th June, 1949.

Another feature is that the Bill states that the employees in the industry at present cannot take any long service leave until January, 1954. I can understand that, because to avoid dislocation in industry it will be necessary to make arrangements for the men who are to proceed on long service leave to be replaced. But the men who have been compulsorily retired at the age of 60, and who have been out of the industry for the last five or six years, will want to know how the measure affects them. They may have been in the industry all their lives up to the date of retirement, and according to the information we have received from the Eastern States they will be entitled to long service leave payments for a period of at least 10 years back. In addition there is the case of men who retired and subsequently died. Will their dependants be entitled, under the Bill, to make a claim for the portion of long service leave payments that the men would have been entitled to had they still been living?

Another feature of the Bill is that it puts no financial responsibility on the State. The fund is to be a Commonwealth one, and the only part the State will play in connection with it will be to administer it. I understand that the employers, or the coalmining companies, will pay the long service leave when it becomes due, and will be subsequently reimbursed from the Commonwealth fund. The legislation is applicable to all States with, perhaps, the exception of Tasmania. Therefore those States with a coalmining industry will participate on the same scale.

I point out to the Minister that the measure contains no provision for the full-time paid officials of the union to participate in the long service leave arrangements. That is remarkable, because there are very few fulltime union officials. We have the general secretary, the general president and two or three others who are called check weighmen. The company's weighmen, who regulate the weighbridges, are, I understand included. I cannot see why the union check weighmen, who operate with the company's weighmen, should not enjoy the same privilege. I hope that due regard will be paid to them, and also to the general secretary who, when all is said and done, has been in the coalmining industry for many years; and likewise the general president.

When the Bill reaches the Committee stage I intend to raise one or two points, but for the most part I endorse the measure and intend to support the second reading. Having regard to the loyal service which the coalminers in this State have given to the industry, thereby keeping industrial

disputes at a minimum, I feel that the union covering the coalminers, and the other unions within the industry, are fully entitled to this consideration. It is one of those things which I think will tend to create greater contentment in the industry, and thus materially benefit the State. I hope the Bill will receive the unqualified endorsement of the House.

**THE MINISTER FOR HOUSING (Hon. G. P. Wild—Dale—in reply)** [8.14]: The member for Collie made one or two points which I shall try to elucidate for him. He referred to the period at which an employee would be eligible for long service leave. The award is to date from the 19th June, 1949. I realise that the hon. member has been at a disadvantage in that we have only one copy of the award, order and prescription for long service leave of the Coal Industry Tribunal. It was given to me only yesterday. It is from this award that the complementary legislation has been introduced in this State and also in New South Wales, and for the hon. member's benefit I shall read Subsection (2) of Section 2—

On and from the 19th June, 1949, employees in the coalmining industry covered by this award shall be entitled to long service leave subject to the following conditions and limitations:—

For periods of employment in the coalmining industry prior to the 19th June, 1949, a person employed in the industry on 19th June, 1949, shall accumulate five shifts of entitlement for each completed year of such employment with one or more employers, provided that periods of such employment aggregating thirteen years or more shall count as thirteen years' employment only.

The Mines Department interprets that to mean that when this Bill becomes law there will be an entitlement, as at the 19th June, 1949, for a man in the industry on that date up to 13 years' long service leave.

The member for Collie also made mention of union officials. The Mines Department communicated with the Coal Tribunal in the Eastern States, but unfortunately we have received advice to indicate that under the legislation union officials cannot be admitted. The only suggestion I can make in that regard is that the union, probably through the Government, make representations to the Coal Tribunal in the Eastern States to have an amendment placed in the Commonwealth Act. If that were done, we could pass supplementary legislation at a later date. When the Bill reaches the Committee stage, there are one or two amendments that will be necessary as we have received certain instructions from the Eastern States.

When the Prime Minister requested that this legislation be passed in each of the States, it was agreed that each State would

send to the Commonwealth a copy of the Bill to be placed before their respective Parliaments. When our Suggested Bill went over the Commonwealth found an error in Clause 2, and we received a telegram this morning requesting us to amend it. I have conferred with the member for Collie and, in order to give him an opportunity to discuss this amendment with the members of the union concerned, I have agreed that the Bill should go into Committee, and that progress should then be reported.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Minister for Housing in charge of the Bill.

Clause 1—agreed to.

Progress reported.

**BILL—WAR SERVICE LAND SETTLEMENT AGREEMENT (LAND ACT APPLICATION) ACT AMENDMENT.**

*Second Reading.*

Debate resumed from the 14th November.

**MR. MARSHALL** (Murchison) [8.20]: This Bill purports to provide some legal means for the Government to acquire land for the purpose of soldier settlement, a principle to which many Parliaments, even since the first world war, have always subscribed. I frankly confess that I am not at all hostile to the measure but I failed to follow the argument of the Minister when he introduced the Bill. In the first place, may I say to the Minister that I do not think a Bill of this sort should have been drafted, and submitted for consideration by this Assembly, without some reference to the Mines Department. I say this having regard to the fact that involved in this particular measure is a question as to the rights to gold, silver and other precious metals and lesser minerals. Such a question is one that should at least be referred to the Mines Department for its information.

I become more anxious about what has happened now than I would have been had I discovered that the Mines Department had given some consideration to the provisions contained in the Bill. In introducing the measure, the Minister said that until the introduction of the Land Act of 1898, the Crown reserved, when granting Crown grants to itself, all rights in gold, silver and precious metals. Whoever drafted the Minister's brief is entirely wrong in his information. It was not until 1898 that the Crown reserved the right, when granting any tenement or any tenure, to reserve unto itself all the wealth that lies within the bosom of mother earth. In support of that information may I remind the Minister that we have grants in existence now where gold and precious metals

have not been reserved to the Crown. My friends who occupy seats immediately behind me will remember an area of land known as Hampton Plains, which is just outside Kalgoorlie. That is a Crown grant and the grantees have the rights to all minerals including gold, and other precious metals.

The Attorney General: That was specifically granted to them for that purpose.

**MR. MARSHALL:** That is the point, but that is not what the Minister said. Had the Minister used those words I could have followed him, but now I cannot. The Minister further said that the Crown, or the Government, intended to reserve for itself gold, silver and other precious metals when issuing the new lease. That may be so, but when I looked at the Bill I could not make head nor tail of what has actually happened for so many years, and I could not quite understand the intent of the Minister. In order that the Midland Railway Co. should not enjoy something, which it has never enjoyed, by the passage of this measure, I was obliged to go right back through the contract and further to follow it through to see if I could find the actual document which covered the situation, so far as minerals and metals were concerned, when the Crown grant was given to the Midland Railway Co.

So I got hold of the signed contract which embodied all the terms and conditions that the company were to enjoy under the contract when building the railway from Guildford to Walkaway. The only reference to the terms set down in the contract, having regard for concessions or benefits to be granted, are to be found in Section 49 of that particular contract—known as the Waddington contract. I think Waddington was the individual who was financing this proposition and he had a representative in Western Australia at that time who is referred to in the agreement as the contractor. I have with me the "Government Gazette" of 1886 and at page 164, Section 49, it reads as follows:—

In consideration of the premises the Government agrees to grant in fee simple to the contractor by Crown Grants in the form prescribed by the Land Regulations of the Colony a subsidy in land for and in respect of each section of deviated section as hereinbefore defined at the rate of 12,000 acres for every mile of the railway which shall be duly completed and open for traffic in accordance with the provisions of these presents and a proportionate quantity for and in respect of such length of line less than 20 miles which shall be over from the end of the last of such sections to the actual completion of the line.

Apart from that there is nothing, but the reference to the Lands Regulations gave me a clue, so, I went back in the "Gazette"

to see what was set down. In the same "Gazette," on page 26, I find that Section 96 of the Lands Regulations has this to say—

In addition to any powers of resumption and to any rights of entry, and of cutting and taking timber, and of searching and digging for building and other materials, and to any reservation of mines of gold, silver, and other precious metals ordinarily contained in Crown Grants, the Governor in Council may, from time to time, by order under his hand, direct whether any of the precious metals existing in the form of alluvial deposits, or any inferior metals, or any gems or jewels, shall be in like manner reserved for the Crown: In which case the forms of deeds of grant will be modified accordingly.

The Minister gave us no information about what was actually contained in the Crown grant, nor did he give us any indication as to where we might find a copy of that particular document for our edification so that we could follow clearly what is in the Bill. Reverting again to the "Government Gazette" of 1886, at page 8 I find that Regulation 5 reads as follows:—

All leases, licenses and instruments disposing of Crown lands other than Crown grants—

I will interpolate here to point out that we are now dealing with Crown grants.

—shall be signed by the Commissioner, or other officer authorised in that behalf by the Governor. The Governor-in-Council—

I emphasise "the Governor-in-Council."

—may from time to time by order under his hand, to be published in "The Government Gazette," prescribe the forms of Crown grants, leases, licenses, and other instruments requisite for carrying these regulations into effect, and may make rules for all or any of the matters necessary for the due carrying out of the provisions of these Regulations; such rules not being contrary to the provisions of these Regulations. Until otherwise notified, the forms given in the Schedules hereto for Crown grants, leases, licenses, applications and other matters under these Regulations may be used, with such variations as circumstances may render necessary in any particular case.

So there we have it quite clear that as far back as 1886 every Crown grant could have varied with respect to special minerals and precious metals. They could have reserved them or given the recipient all of them, but I do not know what the Minister is giving the Midland Railway Co. now, nor whether he is providing that the lesser minerals be returned to that com-

pany, although that is distinctly stated in the Bill. I am not sure what "lesser minerals" may include.

I cannot find the minute by the Executive Council. I would have to search all the gazettes right through until the time that railway was completed and the Crown grant made before I could find the terms and conditions that were set out in such Crown grant. So, actually speaking, we do not know what we are giving back to the Midland Railway Co., but I assume we are only returning to it that which we will temporarily take from it under this Bill. The Minister did not explain the position very fully as to this point. The Government does not propose to acquire any of the property held by the Midland Railway Co.

The Minister for Lands: We have already acquired a good deal of property.

Mr. MARSHALL: The position as I see it is that the Midland Railway Co., acquired the right by Crown grant to a given quantity of land, in return for the construction of the railway.

The Minister for Lands: Yes.

Mr. MARSHALL: That is the point. I do not know what minerals we are getting, if any. The objections which I have are that the Midland Railway Co. has, in turn, sold the land to various individuals which right it had under the grant, but when it did so it reserved to itself the mineral wealth within those specific tenures which was, no doubt, provided for in the Executive Council's minute. So the company issued a tenure to the buyers, gave them the full right of the land, but reserved for itself, in the contract of sale, the right to all mineral wealth which was evidently given to it under the Crown grant. The Minister has not told us exactly what those minerals are and I cannot ascertain what they are because I cannot find the Executive Council minute.

The purport of this Bill is to enable the Government to acquire that land from the buyer who bought it from the Midland Railway Co. I suppose the company said to the Government, "You can buy the land, but we have a legal right to all the mineral wealth in it and we refuse to permit a transfer without those conditions being set down in it," and that is the reason for this Bill. What happens is that the land must again be vested in the Crown in order to protect the Midland Railway Co.'s right to all the mineral wealth within that area. Having done that it will issue a new lease to the soldier who buys the block, but it denies him any rights which he would have had if he had obtained the land from the company without any reservations. The Government takes from the soldier that right and reverts it in the Midland Railway Co. in new Crown grants. That is all the Bill contains and there can be no objection to it.



I think it is unfair to throw something like this at us, leaving us completely in the dark as to what, in the first place, the Government is taking from the Midland Railway Co. in mineral wealth and what, on the other hand, is being given back. I can only assume that the draftsman looked up the conditions of the Crown grant and therein found, by virtue of the Executive Council minute, that the Government had reserved to the Midland Railway Co. certain mineral rights. This Bill will be instrumental in issuing back the new titles to the Midland Railway Co. and reserving to the Crown all rights to gold, silver and precious metals from the soldier who will ultimately acquire the block. To this I subscribe.

My only worry is that the Minister must have felt that the proposition was a little sticky and so did not give us full information upon this matter. I advise the Minister and every other Minister, when they start dealing with propositions which are the prerogative of the Mines Department, that at least, in an amending measure such as this, courtesy demands that the Mines Department should be consulted. I know that its officers were not consulted because when I read the Bill I thought that the Under Secretary for Mines would know all about it, and I decided to confer with him to ascertain what rights the Government is withholding from the Midland Railway Co., what it is giving back to it and what is to be reserved to the Crown, and I was astonished when the Under Secretary for Mines told me he knew nothing about it.

The Attorney General: It has nothing to do with the Under Secretary for Mines.

Mr. MARSHALL: The Under Secretary for Mines has something to do with the title because we are going to take from the soldier any rights in precious minerals and reserve them to the Crown, so he will have to be consulted under this Bill. I am confident that if the Under Secretary had been consulted I would not have been left in the dark as to what is the legal right of the Midland Railway Co. and what is not. I am not afraid of much gold being found in and about the Midland Railway Co.'s land, but there is every possibility that alkaline earth minerals will be discovered there. They are particularly valuable and I think the company will have every right to them. On the assumption that we are not giving back to the company other than that to which it is lawfully entitled, I support the Bill.

**THE MINISTER FOR LANDS** (Hon. L. Thorn—Toodyay—in reply) [8.42]: I am not going to agree with the hon. member when he says that I threw the Bill at the House, but I must congratulate him on the research he has made in this matter as to the mineral rights.

Hon. F. J. S. Wise: He swore at me because I gave it to him to do.

**THE MINISTER FOR LANDS:** The point at issue is a legal one. I told the House that under the Crown Lands Act passed in 1898, Crown grants only reserve to the Crown gold, silver and precious metals and the Midland Railway Co., under this grant, was allotted the lesser minerals such as oil, phosphatic rock, tin, copper, etc. Early in the activities of soldier settlement, the Midland Railway Co., in the few small properties it was handling, overlooked its mineral rights and did not raise the issue. But as our activities increased and we took over larger properties such as Tootra, which provided 27 farms, the Midland Railway Co. came into the picture and took an interest in its mineral rights. It was a legal issue and actually, was not a matter for the Mines Department. The hon. member said that the Under Secretary for Mines told him that he did not have any information as to this matter, but that he must have some information as to the issue of Crown grants of mineral rights.

Mr. Marshall: I bet they are pretty well informed about that.

**THE MINISTER FOR LANDS:** But this is actually not a mining matter but one affecting the Crown Law Department. It is on the advice of the Crown Law authorities that the Bill has been introduced to allow the mineral rights to be handed over to the Crown until such time as we have arranged the leases in connection with soldier settlement. The Government has given an undertaking to the Midland Railway Co. that when the matter has been straightened out from the legal point of view, the lesser mineral rights will be transferred to the company. The hon. member agrees that that is necessary.

Mr. Marshall: Yes, but I cannot find the document that defines what is included under the heading of lesser minerals.

**THE MINISTER FOR LANDS:** That does not alter the position.

Mr. Marshall: Yes, it does.

**THE MINISTER FOR LANDS:** No, because gold, silver and precious metals are reserved to the Crown and the lesser minerals are those that will be handed over.

Hon. J. B. Sleeman: Would that include alkali earths and so on?

**THE MINISTER FOR LANDS:** Yes. That is the explanation of the position.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair; the Minister for Lands in charge of the Bill.

Clauses 1 and 2—agreed to.

Clause 3—Section 5 added:

The MINISTER FOR LANDS: I move an amendment—

That in line 3 of paragraph (b) of Subsection (3) of proposed new Section 5 the words "Second Schedule" be struck out.

There is no Second Schedule to the Act. The amendment is to correct a drafting error.

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

Clause 4—Second Schedule.

The MINISTER FOR LANDS: I move an amendment—

That in lines 2 and 3 the word "second" be struck out.

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

Title—agreed to.

Bill reported with amendments.

### BILL—JUDGES' SALARIES AND PENSIONS.

#### *Second Reading.*

**THE ATTORNEY GENERAL** (Hon. A. V. R. Abbott—Mt. Lawley) [8.50] in moving the second reading said: The Bill has two objects, one to make an alteration in the system of pension payments to Supreme Court judges and the other to make an adjustment in the salaries now being paid to them. Judges' pensions are provided for under Section 14 of the Supreme Court Act which states—

Every judge of the Supreme Court shall be entitled, on resigning his office after having served for 15 years as a judge of that court and attained the age of 60 years, or on its being made to appear by medical certificate to the satisfaction of the Governor that he is incapable of performing the duties of his office, to demand a pension by way of annuity to be continued during his life to the amount of one half of the annual salary of his office.

There is a further provision that the pension is to be adjusted in the event of a retired judge accepting any appointment under the Crown in any part of His Majesty's Dominions and to be forfeited in the event of his practising as a barrister or solicitor in Western Australia or elsewhere in His Majesty's Dominions. The Supreme Court Act to which I referred provides no retiring age for judges but an Act was passed in 1937 that does do that.

This Act, known as the Judges' Retiring Act, provides that notwithstanding that a judge may not have served for a period of 15 years, he shall retire upon attaining the age of 70 years and further that upon retiring and although he may not have attained the age of 70 years, he shall not be deemed to be deprived of his right to a pension. So, under that Act, a Supreme Court judge, if he attains the age of 70

years, although he may have acted as a judge for less than 15 years, would be entitled to his full pension rights. It is possible that he may have been appointed a judge for only four or five years but when he attains the age of 70 years and his retirement is compulsory, he is then entitled to a full pension.

Hon. E. Nulsen: I think there is only one judge who does not come under that Act.

**THE ATTORNEY GENERAL:** The Bill proceeds to make provision for the pensions of judges to be along lines similar to those provided for High Court judges under the Commonwealth Act. It sets out that where a judge has attained the age of 60 years and retires after serving as a judge for not less than 10 years, he shall, on retiring, be entitled to an annual pension at the rate of 27½ per cent. of his salary, and an additional rate of 2½ per cent. of his salary for each completed year of his service in excess of 10 years, but so that the rate of his pension shall not exceed 40 per cent. of his salary. Where a judge retires and the Minister certifies that his retirement is by reason of permanent disability or infirmity—

- (a) if his retirement occurs during his first five years of service as a judge, he shall be entitled on retiring to an annual pension at the rate of 15 per cent. per annum, or
- (b) if his retirement occurs after he has served as a judge for not less than five years, he shall be entitled on retiring to an annual pension at the rate of 15 per cent. of his salary and an additional rate of 2½ per cent. of his salary for each completed year of his service in excess of five years, but so that the rate of his pension shall not exceed 40 per cent. of his salary.

In the event of a judge dying before his retirement or after his retirement, his widow receives half the pension he would have received or was actually receiving. In addition, the Bill makes provision for his children. On the death of a person who is a judge or was immediately prior to his death in receipt of a pension, an allowance at the rate of £1 per week is to be paid in respect of each of his children who is under the age of 16 years until the age of 16 years has been attained. In the event of a retired judge marrying after his retirement and pre-deceasing his wife, no pension is paid.

The provisions of the Bill, if passed, will apply to every judge who is appointed after the commencement of the Act provided that any judge who is serving as such at the commencement of the Act may elect, within six months after the commencement of the Act, to come within its provisions. A retired judge may elect, also, to come within the provisions of the Act if he so desires.

Hon. E. Nulsen: Would they not be better off under the old pension provisions?

The ATTORNEY GENERAL: I think so, but the option is given to them. It will be seen that although the pensions payable to judges on their retirement have been reduced from 50 per cent. to 40 per cent. of their salaries, on the other hand increased benefits have been provided for their widows and children. The Act provided that the pension should be reduced on a retired judge accepting any appointment under the Crown in any of the King's Dominions by the amount of any remuneration received by him as a result of such appointment and that provision has been deleted. But that relating to his forfeiting his pension if he practises as a barrister or solicitor in any of the King's Dominions has been retained. As members are aware, judges' salaries were considered, together with other statutory salaries, by Sir Ross McDonald, and Mr. Taylor; and in their report to the Government they recommended that the salaries of judges should be £3,000 per annum for the Chief Justice and £2,600 for each of the puisne judges, an increase of £400 and £300 per annum respectively on the existing salaries. The Government has accepted the recommendations, and the salaries provided for the judges in this Bill are those recommended. I move—

That the Bill be now read a second time.

On motion by Hon. F. J. S. Wise, debate adjourned.

## BILL—MILK ACT AMENDMENT.

### *Second Reading.*

Debate resumed from the 15th November.

MR. MANNING (Harvey) [9.11]: I support the provision in this Bill for a dairyman to be elected to the Milk Board. I strongly advocate that the dairymen's representative should be one who is actively engaged in the industry. I object to any other person being appointed. Unless he is one who is actively engaged in the production of milk, the dairymen's representative is of no value as a producers' representative. The board should have as one of its members an active dairyman to advise it at first-hand of the point of view of the producers, and to tell the board just how its various regulations and decisions would affect those producers. Such a representative would know how such things would affect the producers, because he would know exactly how they affected him. He would be aware immediately of the probable reactions of dairymen.

I am most anxious that the wholemilk industry should settle down and run smoothly. The inclusion of a bona fide producer on the board, who would assist in drafting the various regulations, would be of help in this direction, because in mak-

ing its decision the board would have a full knowledge of the point of view of the producers. Unless the representative is a person who is actually milking cows, he cannot have the desired intimate knowledge of the problems associated with the production of milk.

Hon. J. T. Tonkin: How could he forget about them?

Mr. MANNING: Unless he is actually a producer, he does not know what production entails.

Hon. J. T. Tonkin: Suppose he had been a producer but was no longer associated with the industry?

Mr. MANNING: The industry is such that I consider it necessary for the producers' representative to be a wholemilk producer so that he may know all that is entailed.

The Minister for Lands: Hear, hear!

Mr. MANNING: If the dairymen's representative were not such a person, he would not have knowledge that I consider would be of value to the board. With that in view, I have placed on the notice paper amendments which I propose to move when the Bill is in Committee.

I come now to the amalgamation of the administration fund and the compensation fund. This will certainly put the finances of the board on a much sounder basis. Although the provisions in the amendment of Section 30, relating to the license fees are quite elastic, I foresee that the board has been set a difficult task in arriving at a fair and equitable licensing fee, especially for new producers. It is not, however, my intention to oppose that part of the Bill, because at the moment I have nothing better to offer; but I draw the attention of the Government to the fact that the board has been set a difficult task in this regard. I fully realise the necessity for placing the finances of the board on a sounder basis, and I accordingly support that portion of the Bill, though with some reservations. I think that the increase from £20 to £25 in compensation for the destruction of T.B. reactors is a little too conservative, but it is a step in the right direction. I support the second reading.

THE MINISTER FOR LANDS (Hon. L. Thorn—Toodyay—in reply) [9.51]: In speaking to the Bill last night, the member for Melville was rather concerned about the Government's change of attitude in connection with appointing a member of the board who is fully engaged in the dairy industry. I interjected that circumstances at times alter cases. He will remember as well as I that, when the composition of the board was altered, we were passing through very difficult times, and it was in order to correct a position that had arisen regarding the personnel of the board that the Government took the steps it did to amend the Act.

A most undesirable situation arose in connection with the Milk Board. As members will recall, there was a milk strike and we had the regrettable spectacle of one member leading part of the strike. He was responsible for going on to a dairyman's property and tipping the milk out on the ground, and doing many other most undesirable things. He was not a true representative of the wholemilk producers. He was engaged in retailing milk.

Mr. J. Hegney: Who elected him?

The MINISTER FOR LANDS: The producers. That was a most important interjection, and I will tell the hon. member how it was done. There is another most undesirable feature about the election of members to the board. We know that, at a time when petrol was rationed, this gentleman drove through the South-West with ballot papers in his pocket and got them filled in in his favour. He made two trips to the South-West, travelling as far as Albany, and then he visited the Goldfields with another pocketful of ballot papers which he had filled in in his favour.

Hon. J. B. Sleeman: He was certainly energetic.

The MINISTER FOR LANDS: Very energetic! A little too energetic to be a true representative of the producing section of the industry. Instead of the producers having a genuine representative, they were represented by a retailer. That often happens in the election of boards controlling primary products. I have in mind two gentlemen for whom I have the greatest respect. There is provision for a producers' representative on the Apple and Pear Board; but we found there was a gentleman representing the producers who was entirely engaged on the selling side and was not producing an apple or pear. Then, in connection with the Perth Marketing Trust, we have another very desirable gentleman in the commercial world, who is managing director of Westralian Farmers Ltd., but who represents the producers on that trust.

As a result of the action of the Government in amending the Milk Act, we were able to some extent to clean up the undesirable position that existed, and now we think it desirable that we should provide the dairymen with a representative on the Milk Board. We have taken further precautions. There will not be loose ballot papers flying around, as in the past. We have made arrangements in the Bill for the Chief Electoral Officer to conduct the election, and I am hoping that system will be adopted in future in the election of all boards. I have pointed out before in this House what has happened with regard to the Dried Fruits Board—how candidates went round the Swan district filling in ballot papers for Jugo-Slavs, in their own favour. I have seen them myself coming

into Midland Junction with their pockets bulging with ballot papers, and posting them to the returning officer.

Hon. F. J. S. Wise: That is not the way they elect the chairman, is it?

The MINISTER FOR LANDS: No. I am referring to producers' representatives.

Hon. J. B. Sleeman: Did you hear about those postal vote officers who were doing that during the last election?

The MINISTER FOR LANDS: No, I did not hear about that. The hon. member has not informed me on that point.

Hon. J. B. Sleeman: Ask the member for Melville; he will tell you.

The MINISTER FOR LANDS: Very well, I will. He tells me most things, and he must have overlooked that one. I feel that, as a result of this Bill, the method of conducting the election for the producers' representative will be greatly improved.

Mr. Marshall: How do you account for the change of view by the Government?

The MINISTER FOR LANDS: We can always profit by experience. As I said before, we had such an unpleasant experience—and milk is a most difficult primary product to handle; we have had plenty of trouble with it—that the Government, in its wisdom, made the change referred to. Governments can always learn and profit by experience. The time has arrived when we feel we can profitably place a genuine producer on the Milk Board.

Reference was made by the member for Melville to the T.B. cattle compensation fund. It has been suggested that we should pay the full market value of the beasts destroyed. I take it that we are doing so; because, after all, members will realise that only diseased beasts are being destroyed and not healthy beasts. Such animals have not the full market value of healthy animals placed on the market. The Government, however, realises that in these prosperous times there have been definite increases in the price of beef, mutton, etc., and, to go some of the way with the dairymen, it has agreed to increase the maximum amount payable to £25, a 20 per cent. increase. The Government is making a real attempt, through the Milk Board, to increase the production of milk and the Farmers' Union, which is interested in the production of milk, is doing all in its power to increase supplies. I have here some interesting figures from our dairy adviser, who says that the Stirling Dam at Harvey will eventually serve 13,000 acres. He says—

Last year the area watered from this dam was 6,816 acres; thus there are 6,189 acres yet to be watered.

When that country is watered and the pastures come on it will assist greatly in the production of milk. The statement continues—

4,000 acres of the above are in the area south of Harvey, where no water on new irrigation country has yet been used from the Stirling Dam. None of this is yet served by channels, 2,189 acres remain between the area served from the original Harvey Dam and Yarloop. The Public Works Department engineers state that the whole of this area will be served by channels by the end of 1950-51 summer.

That will assist greatly in the matter of pastures and must naturally help to increase the production of milk. It is stated further—

It has been estimated that the additional areas yet to be irrigated from the Stirling Dam will supply ultimately approximately 1,750,000 gallons.

Hon. J. T. Tonkin: Gallons of milk?

THE MINISTER FOR LANDS: Yes.

Hon. J. T. Tonkin: And when is that to be expected?

THE MINISTER FOR LANDS: I have already stated that they expect to water and channel these areas by the end of 1951, and I suppose the increased production will follow on.

Hon. J. T. Tonkin: In 1961!

THE MINISTER FOR LANDS: That may be the hon. member's idea of when the increased production will eventuate.

Hon. J. T. Tonkin: Surely you do not say that in two years' time we will have so much milk that we will not know what to do with it!

THE MINISTER FOR LANDS: We cannot expect that, but we are moving rapidly towards increased production. It must be remembered that circumstances have greatly interfered with the production of milk. As practical men, we know that the increase in the price of beef has been the cause of a large number of dairymen cutting down their dairy herds from perhaps 40 cows to 25 and letting the rest of the herd go to the production of beef. Present-day circumstances are creating many of our production difficulties. As I have said, the Bill deals mainly with the election of a practical dairyman to the board and with the amalgamation of the two funds in order to give the board better opportunity of collecting the fees due to it. The hon. member referred to treatment plants and said they should have been put to more use in the collection of revenue—

Hon. J. T. Tonkin: I said that those who refused to pay should have been made to pay.

THE MINISTER FOR LANDS: I agree, and the Bill will attend to that by amalgamating the two funds. I have here some figures regarding the unrecoverable amounts due by the different dairies and what the fund has lost through these levies not being paid. They are as follows:—

	Outstanding.
	£
Brownes Ltd. ....	1,040
Della ..... ..	1,382
Masters' Dairy ..... ..	509
Ideal Dairies ..... ..	203
Mounsey's ..... ..	1,347
Shepherd's ..... ..	272
South-West Co-op Dairy Farmers ..... ..	850

That will show how the funds have suffered in that regard. It is essential that the Act be tightened up so that the board will have the opportunity to collect these fees. Members will agree that in a progressive State such as this it is essential that we do everything possible to secure pure milk for the consumers. This measure is an endeavour to clean up the dairy herds and secure pure milk for the community. To do that we must have substantial funds with which to compensate the dairymen for the cattle that are to be destroyed.

Question put and passed.

Bill read a second time.

*In Committee.*

Mr. Perkins in the Chair, the Minister for Lands in charge of the Bill.

Clauses 1 and 2, agreed to.

Clause 3—Commencement:

THE MINISTER FOR LANDS: I move an amendment—

That all words after the word "on" in line 1 be struck out and the words "a day to be fixed by proclamation" inserted in lieu.

Hon. J. T. Tonkin: What is the purpose of that?

THE MINISTER FOR LANDS: We have to conduct an election, and I believe one member of the board retires on the 31st of December next. A specified date—the first day of July, 1951—would leave a gap.

Hon. J. T. Tonkin: How can you hold an election under the Act if you do not proclaim it?

THE MINISTER FOR LANDS: It is provided for by proclamation. We can then bring the Act into operation as soon as the election has been held.

Hon. J. T. TONKIN: Under this measure an entirely different board is envisaged and provision is made to hold an election for that purpose. How can the Minister hold the election until he proclaims the Act? I do not see that anything is to be gained by delaying the proclamation.

**The MINISTER FOR LANDS:** The position was brought to my notice only today. We have had the advice of the Crown Law Department and the matter was discussed with the Attorney General, who I think could give a fuller explanation than I can. It has been thought essential that this amendment be made in order to deal with the matter more expeditiously.

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

Clauses 4 and 5—agreed to.

Clause 6—Section 11 amended:

**Mr. MANNING:** I move an amendment—

That in line 2 of paragraph (b) of proposed new Subsection (4) after the word "dairyman" the words "and no other license" be inserted.

The purpose of the amendment is to ensure that those eligible for election will be producers of milk only and will hold only the one license under the Act.

**Hon. J. T. TONKIN:** I oppose the whole of this paragraph and suggest that it should be struck out. Could that be done?

**The CHAIRMAN:** I am afraid not. Once we have dealt with something after the word "dairyman" we cannot go back beyond that word.

**Hon. J. T. TONKIN:** The hon. member has moved to insert words but if the amendment is negatived what prevents the whole paragraph being struck out?

**The CHAIRMAN:** I cannot see any way in which it can be done other than by the recommitment of the Bill for the further consideration of the clause.

**Hon. J. T. TONKIN:** Suppose the member for Harvey were successful in inserting words after the word "dairyman"? There is nothing to stop me deleting all the words after the words he puts in which would result in the whole of the sub-paragraph being meaningless.

**The CHAIRMAN:** The position would be that the sub-paragraph would become meaningless and the Bill would have to be recommitted. I think the hon. member could obtain his purpose that way.

**Hon. J. T. TONKIN:** It is a very round-about way. I am against the amendment for the reason I am against the sub-paragraph. The Premier will recall that the producers went to him by deputation and discussed this matter. It is his intention to give the producers representation but why should that representation be restricted? If there is a genuine desire to let producers have representation let them have the representation that suits them, not that which suits the Premier. Producers may have indicated to the Premier that they want to make their own choice as to the type of person to represent them on the board, and he agreed that this industry is a very exacting one entailing long hours of work for those engaged in it. It

is difficult for a man actively engaged in the industry to give the necessary time to act on the Milk Board. He would be obliged to put in a manager and, immediately he did that, he would no longer be actively engaged in the industry.

**The Minister for Lands:** There could be a partnership of brothers where one could be spared.

**Hon. J. T. TONKIN:** That is going to limit the choice still further. Does the Government want to give the producers representation or not? I am all for letting them have the type of representative they want and their choice should be untrammelled. We must have confidence in them and they should select whom they please. He will be their representative, not ours. The Chairman has indicated that I will not be able to move for the deletion of this clause if the member for Harvey proceeds with his amendment, but whether the member for Harvey succeeds or not with his amendment it is my intention to move to delete all the words after the words the member for Harvey wants to insert, thereby defeating this subparagraph, so that the representative to be elected can be freely chosen by the producers themselves. I am not advocating something which has emanated from this side. I am telling the Minister what the producers have themselves asked of the Government.

**The Minister for Lands:** What section?

**Hon. J. T. TONKIN:** The section that counts. The Premier knows that they went to him by deputation and asked him this very question. He agreed that a man actively engaged in the industry would not have the time to act on the board. That is what they say. The Premier agreed with them and yet we have this Bill drawn up in this manner.

**The Minister for Lands:** There are two associations.

**Hon. J. T. TONKIN:** Ask the Premier! The one he met is the one to which I am referring.

**The Minister for Lands:** That is the minority.

**Hon. J. T. TONKIN:** I do not know. They informed me that the Premier agreed to their proposal.

**Hon. F. J. S. Wise:** The Premier has a bad memory for deputations.

**Hon. J. T. TONKIN:** The Minister talks about majorities and seems a bit concerned about who wants this wider choice. There is no need for concern because if the majority of producers do not want the right to elect somebody who is not actively engaged then they would not elect him but, by providing this greater width of choice, we would be giving them the opportunity to say whom they wanted without restricting them. I do not think there is any argument against it; none has been advanced yet.

The CHAIRMAN: Had the member for Melville cared to move to strike out the words as far as "dairyman" he could have achieved his end, but I cannot do anything now.

Hon. J. T. TONKIN: That is for the member for Harvey to do.

Mr. MANNING: Have I the right to read my amendment?

The CHAIRMAN: Actually the hon. member has his amendment before the Committee and he can proceed, but he may care to withdraw his amendment until such time as the member for Melville has moved his amendment.

Mr. MANNING: I will be prepared to do so if I have your assurance, Mr. Chairman, that I will be permitted to move my amendment.

The CHAIRMAN: The hon. member has that assurance.

Amendment, by leave, withdrawn.

Hon. J. T. TONKIN: I thank the member for Harvey for giving me this opportunity because had he insisted on his amendment I would have had to take my chance subsequently. I move an amendment—

That in paragraph (b) of proposed new Subsection (4) of paragraph (f) the words "Only a person who holds a current license" be struck out.

The Committee should give very close consideration to the request of the producers in this matter. The purpose of this amendment is to give the producers representation on the board. They want the right to say who should represent them and they are entitled to that. They had it before, this Government took it away, and now it is putting it back. The Government should yield to the request of the producers to have an untrammelled right to elect their representative.

The producers may never take advantage of that extra width in the Act, and might believe that they would be better served by a man actively engaged in the industry, but if they cannot get a suitable man are they to be deprived of a representative? The Government should show some wisdom in this matter and realise that it will not be easy for a man actively engaged in the industry to give the necessary time to the board. The question of partnership would only be limiting the choice. I would have preferred to make one bite of it and delete the whole paragraph, but that would prevent the member for Harvey from proceeding and I have no desire to do that.

Mr. MANNING: I oppose the amendment. The purpose of the Bill is to give the producers representation on the board, and I am concerned with getting a person on it who would be most satisfactory to the producers. It is no good giving producers representation without giving them suitable representation.

Mr. Marshall: You do not trust them.

Mr. MANNING: I think I have the bulk of wholemilk producers in this State in my electorate, and I feel I am in a better position to pass an opinion than are members opposite. I have spent all my life milking cows, and if members opposite want any information in that regard I suggest they refer to me! I wish to tie things up so that we shall have a bona-fide producer on the board. It is not desirable to have as producers' representative a man holding two licenses, because his interests on the retail side would be greater than on the producing side. Under my proposal there will be ample freedom of selection.

Mr. BOVELL: The purpose of the Bill is to have a producer on the board and it would be in the best interests of the industry to ensure that a producer is appointed, not a producers' representative.

Hon. F. J. S. Wise: You could have a producer as consumers' representative.

Mr. BOVELL: At the moment, we are not dealing with consumers. Experience showed that a producers' representative was not satisfactory and, in order to ensure satisfaction, the Government has provided that the producers shall be represented by a producer.

The MINISTER FOR LANDS: Under the amendment, a producer-retailer could be elected or even a gentleman from St. George's-terrace, and if that happened, we should be risking a repetition of the old trouble. We propose to allow the men genuinely engaged in the industry to elect their representative—the men whose milk the board is handling—and the amendment indicated by the member for Harvey will tighten up the position. Under his proposal, only a person holding a producer's license could be elected. He is guarding against the possibility of the election of a person holding also a retailer's license.

Mr. W. Hegney: What if a producer did not nominate?

The MINISTER FOR LANDS: There need be no worry on that score. I appeal to members to allow the genuine producers of milk to have representation.

Hon. E. Nulsen: That could be done democratically by allowing them to elect their own representative.

The MINISTER FOR LANDS: Yes, but he might be merely a representative of the producers and not a producer. We must not overlook the canvassing that occurs by interested parties, probably on the selling side, probably by people who are handling the finances of dairymen, and we are trying to prevent that. If the amendment of the member for Melville is agreed to, the position will be left too open. We desire a board that we believe will function satisfactorily.

Hon. J. T. Tonkin: That is what you said on the previous occasion.

The MINISTER FOR LANDS: And it worked well.

Hon. J. T. Tonkin: Then why alter it?

The MINISTER FOR LANDS: Just to eliminate a weakness.

Mr. HOAR: If the Bill is designed to give producer representation on the board, how can the Minister claim that the best way to achieve this is by selecting a section of the industry?

The Minister for Lands: The wholemilk producing section, not one who holds a double license.

Mr. HOAR: Sometime ago a deputation waited on the Premier and it was representative of only one section of the industry. The Premier ought to tell us what occurred. Why did he receive a deputation from one section and not from the other?

Mr. Manning: What do you mean by one section of the industry?

Mr. HOAR: I am taking the Minister's statement that the most suitable section will determine who shall represent the dairymen. I want to know who the others are.

Mr. Manning: The section referred to are the producers of wholemilk.

Mr. HOAR: Does the hon. member's proposed amendment come from the Wholemilk Producers' Association?

Mr. Manning: I am concerned with the producers who come under the Milk Board.

Mr. HOAR: Do not the members of the Wholemilk Producers' Association come under the board? I do not like the idea of the appointment being restricted to one section in order that the Government may get the man it wants. I believe in producer representation and want to ensure that the producers have the choice of a representative. If the member for Harvey wishes to bar the appointment of a retailer who also holds a dairyman's license, he should move accordingly. There are competent men who have retired from the industry and would have the time to devote to this work, but they would be unable to nominate under the proposed amendment of the member for Harvey. Consequently, the dairymen would have no real choice. A man who was removed from the board under the 1948 legislation is no longer engaged in the industry. He gave valuable service and should not be barred from appointment by the dairymen. This is a sort of dictatorship that I do not like.

Mr. ACKLAND: We seem to be losing sight of the real object of the Bill, which is to give the genuine milk producer representation on the board, and not by a man who is a retailer. As I heard it expressed, the desire is to give a clean-skin milk producer the right to representation.

Everyone must feel concerned about the unsatisfactory conditions of those engaged in the milk industry. It is the most unenviable industry in the State because of its entailing long hours of work on seven days a week. If we have a genuine milk producer on the board it must be to the benefit of the industry. I hope the amendment will be defeated and that we will later be able to support the member for Harvey.

The PREMIER: This matter has been before Parliament on and off during the 20 years I have been a member. If we accept the provision in the Bill it will lead to more contentment than we have had. It is true that a deputation came to me seeking producer representation on the Milk Board. That section of the wholemilk industry was the Milk Producers' Association. There are two different organisations in the wholemilk set-up, one the Milk Producers' Association and the other the Farmers' Union. The member for Melville said I made some reference to the difficulties of a man engaged in production in carrying out his duties if elected a member of the board. I believe I did say something along those lines. Whilst I appreciate the difficulty of a producer serving on the board, I feel certain that there are many producers in the industry who could serve on the board. The member for Melville and the member for Warren say that the producers' choice is being restricted. I have often heard that point argued here. The object of the proposal is not to restrict the choice, but to see that we get someone on the board who has a practical and thorough knowledge of the industry in which he is engaged. The Marketing of Onions Act, which was introduced by the member for South Fremantle in 1938, provides that the elective members who shall sit on the board shall be two, both of whom shall be growers. The Marketing of Barley Act, which was introduced in 1946—and I think the member for Melville was the then Minister for Agriculture—provides that there shall be two producers on the board. These are two instances where producers must be represented on boards by producers.

I am most anxious that we should get more satisfaction in the wholemilk industry. I have been trying to do something to that end during the past 20 years, and the member for Melville has been endeavouring to help. He knows, as an ex-Minister controlling the Milk Act, the difficulties he was up against. Whilst other boards have gone along satisfactorily, we have had this continual dissatisfaction in the set-up for the board in the wholemilk industry. I believe we will get over that dissatisfaction if we ensure that the representative of the producers shall have a full knowledge of the difficulties which face the producers.

I have not the fear which the member for Melville expressed that we would not get a producer on the board because of the busy life he leads, although I admit that



for that reason many could not offer themselves as candidates for appointment. I do not agree with the member for Warren that this is an attempt to restrict the producers' choice. It is an endeavour to see that he does get the practical advice which we think he should have. I hope the Committee will not agree to the amendment.

Hon. J. T. TONKIN: I wish to deal with the points raised by the Premier, because I think he is on very unsound ground. He referred to other legislation to bolster up his argument, but he need not have gone as far back as he did. He could have referred to the Agriculture Protection Board Bill which passed through this Chamber only recently. The Minister then insisted on the very provision that I am now seeking to put into this measure. He said he wanted the widest possible choice.

The Premier: That was not a marketing board.

The Minister for Lands: It was a board to control wild dogs.

Hon. J. T. TONKIN: It was a board. The Minister wanted to have the widest possible choice, because he said he had in mind some reputable person who could give the necessary time to the matter. The Premier referred to the Barley Board and the Onion Board. Is there anything comparable in the length of time involved in producing barley and that in producing milk?

The Premier: The same principles apply.

Hon. J. T. TONKIN: It would be a simple matter to get a man engaged in producing barley or onions to make six months available for this work, but not a man producing milk. The words the Premier used to the deputation were, "The man would not have the time" when they suggested they should elect their own representatives and not be restricted to someone actively engaged in the industry. I agree with the Premier because I do not think a producer would have the time. In making this alteration we shall not be carrying out the election or deciding who the representative shall be. That will be left to the producers. They will carry out the voting under the supervision of the Electoral Department. There will be no carrying around of ballot papers in pockets.

What is wrong with the producers, who wish to be represented on the board, selecting the man they think will give them the best representation? It is remarkable how circumstances alter the attitude of members of the Government. When they were on this side they would have given short shrift to any suggestion that the right of the producers should be restricted in any way. What I am advocating comes from the producers. If they wish to elect someone actively engaged in the industry, they will do so. If they believe he does not give them proper representation because he does not attend half the

meetings of the board, they will say, "This is no good. We want an alteration." The Premier is asking for stability in the industry. He will not get it this way.

Mr. Manning: You will get it only if you have bona fide producer representation on the board.

Hon. J. T. TONKIN: No, only if the producers can elect whom they like. If we say we shall decide the limits of their representation we shall, in a small space of time, have another amendment before Parliament because they will put pressure on the Government for that purpose. What harm can we do the board, or anyone at all, if we say to the producers, "You have the right to make your own selection; it is your responsibility to select someone to do the job thoroughly?" They should have perfect freedom of choice, but they will not have it if we say to them, "In making your selection you have to choose someone actively engaged in the industry." It might not be possible, within those limits, to get an entirely suitable man. Usually, the most industrious men, who are the greatest success in the industry, are those who do not want to leave their farms to sit on boards. They prefer to be looking after their properties instead of going away at all times to sit on boards of this description.

The Premier: That would be a bad outlook if it was the outlook of all sections; to say that they have not time to look after their own industries but will leave it to somebody else.

Hon. J. T. TONKIN: It depends on the industry. With a board like the Wheat Stabilisation Board, the farmers are working for only a short period of the year when putting in their crops, and then they wait for them to grow.

Mr. Bovell: I think the member for Moore might have some comment about that.

Hon. J. T. TONKIN: Is he not a farmer?

Mr. Bovell: Yes.

Hon. J. T. TONKIN: He can find time to sit in this House three days a week.

The Premier: He is keeping a close eye on the industry.

Hon. J. T. TONKIN: Would he be able to keep a close eye on the dairying industry in same way?

The Premier: I think he would.

Hon. J. T. TONKIN: I am sure he would not. I have done my part and placed before the Committee the request of the producers themselves.

The MINISTER FOR LANDS: The hon. member was most persuasive. He reminded me of a quotation I once heard, "Almost thou persuadest me to be a Christian." He almost persuaded members that he is giving them the best advice as to who should represent the milk producers. He greatly

exaggerated the position about the time that dairymen will have to spend on this work. As members know, with every industry there is always a percentage of those engaged in it that can spare time to serve the industry.

Mr. Graham: It would be a very small percentage.

The MINISTER FOR LANDS: No, there are quite well-to-do settlers in the dairying industry. They are not only engaged in dairying but may also raise sheep and cattle; they are actively engaged in the dairying industry. So I do not think members should let that point worry them. We are endeavouring to give genuine dairymen representation on the board. That is the main objective of the Bill. The hon. member's amendment will have the effect of bringing in a big percentage of producer-retailers. There are 14 producer-retailers in Albany, and they are more interested in the retail side than in the dairying side.

Mr. Hoar: Why?

The MINISTER FOR LANDS: Because there is more money to be made out of it.

Mr. Yates: And they do not have to work seven days a week.

The MINISTER FOR LANDS: I have my suspicions as to the person whom the member for Melville has in mind.

Hon. J. B. Sleeman: Who would that be?

The MINISTER FOR LANDS: I think the hon. member knows.

Hon. J. T. Tonkin: I suggest that the Minister tells us who it is because I am certain that he does not know.

The MINISTER FOR LANDS: I think we all agree on the person, and there is no need for me to say any more on the point.

Hon. J. T. Tonkin: But we do not agree.

The MINISTER FOR LANDS: If the Bill is agreed to as drafted it will ensure that genuine dairymen are placed on the board, and they will have a say in handling their own products. The member for South Fremantle adopted the same attitude regarding the Onion Board, and I trust he will support me in my objection to the amendment.

Mr. FOX: I think the Minister has given the show away altogether. His object in putting this provision in the Bill is to keep some specific person off the board.

The Minister for Lands: The retailer.

Mr. FOX: The Bill will prevent producers from having placed on the board any particular person they may desire. The Minister has somebody marked out, and does not want him elected to the board. This Bill is a remarkable somersault by the Government since the previous Bill was introduced. The Minister spoke of the Onion Marketing Board. Ninety per cent.

of those producers live in the Spearwood district, and it is quite easy to have growers' representation on the board, because they take their produce to Perth and can attend meetings of the board after they have marketed their produce. There is no comparison between that board and the Bill we are discussing.

Mr. Ackland: Do you not think dairymen ever come to Perth?

The Premier: They will come all right.

Mr. FOX: There is nothing to prevent the producers putting whoever they like on the board if the amendment is agreed to. Therefore I hope the amendment will be carried.

Mr. READ: I take it that there have been some deputations to the Minister, and apparently that has had some effect on the debate. To my mind, the proposed new Subsection (4) (a) covers all that is necessary. Personally, I do not think the Bill should be before the Chamber at all. We have passed a motion asking the Government to appoint a Royal Commission to inquire into all the ramifications of the production and distribution of milk. If that is done, we can have a Bill drafted on the lines to be recommended by the Royal Commission. This will be of benefit to the consumers and the producers as well. The Minister said that we run the risk of meeting the same trouble we had last time, namely, that because we had a dairy producer on the board during that strike it was most offensive to all concerned. However, the Bill is such this time as will preclude any of the canvassing that was done on the last occasion and the business will be carried out in a democratic manner. That is sufficient protection for the dairyman.

Mr. MANNING: In reply to previous speakers I reiterate the remarks of the member for Vasse. He made an important point when he said it was the desire of the Government to appoint to the board a representative of the producers so that it would have the value of the advice of a bona fide producer. I should know because I live among them. The member for Melville is a little misguided. I kept in touch with the milk producers on this question.

Hon. J. T. Tonkin: You said they did not consult you in this matter.

The Minister for Lands: He said the retailers did not consult him.

Hon. J. T. Tonkin: No, he said the producers.

Mr. MANNING: A producer on the board would be of the greatest value in representing the producers' point of view and assisting in the drafting of regulations that affect them. It is my desire that the clause should stand as printed, and it is then my intention to move an amendment to ensure that the dairyman on the board is a bona fide producer.

Mr. BOVELL: I appeal to the Committee to note carefully the remarks by the member for Harvey.

Hon. J. T. Tonkin: "You scratch my back and I'll scratch yours."

Mr. BOVELL: It is not that at all. The hon. member is vitally interested in this question and he stands or falls politically on it.

Hon. F. J. S. Wise: That is sob-stuff.

Mr. BOVELL: The Premier has said that during the whole of his 20 years' experience in this House the subject of wholemilk has always been most contentious. The member for Harvey is a producer himself and represents the majority of the producers, and I therefore ask the Committee to give careful consideration to his viewpoint. There is an important principle also, namely, that an organisation will elect one of its own to look after its interests and that is the object of this Bill.

Mr. HOAR: I have followed the advice of the member for Vasse and given careful consideration to the statements by the member for Harvey. I notice from his amendment that the only matter to be considered is that the representative should not hold two licenses; one a dairyman's license and the other a retailer's license, because he seeks to insert the words, "and no other license." Of course, that might apply to a motorcar.

Mr. Manning: One would not get a motorcar license under this Bill.

Mr. HOAR: I quite agree that it is desirable to keep a retailer off the board. That can be achieved if we follow the amendment of the member for Melville and immediately destroy this clause and then, at the end of the preceding clause, certain words could be inserted that will carry out the wish of the member for Harvey that no retailer should sit on the board. If the members for Harvey and Moore are sincere in this matter there is no reason why the point cannot be dealt with in that manner.

Mr. Manning: There is no reason why you should not accept my amendment. (

Mr. HOAR: That is an entirely different matter because, under the hon. member's amendment, such men who have a full knowledge of the industry but who have retired from it may be denied the right of being nominated by the dairymen. I believe that all people with the exception of retailers should have the right of nomination but the amendment by the member for Harvey will destroy that.

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

Ayes	.....	24
Noes	.....	23
Majority for	.....	1

Ayes.

Mr. Brady	Mr. Needham
Mr. Coverley	Mr. Nulsen
Mr. Fox	Mr. Oliver
Mr. Graham	Mr. Read
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Shearn
Mr. W. Hegney	Mr. Sleeman
Mr. Hoar	Mr. Styants
Mr. Marshall	Mr. Tonkin
Mr. May	Mr. Wise
Mr. McCulloch	Mr. Kelly

(Teller.)

Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Nalder
Mr. Brand	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. North
Mr. Cornell	Mr. Owen
Mr. Doney	Mr. Thorn
Mr. Grayden	Mr. Totterdell
Mr. Griffith	Mr. Watts
Mr. Hearman	Mr. Wild
Mr. Hutchinson	Mr. Yates
Mr. Mann	Mr. Bovell
Mr. Manning	

(Teller.)

Pair.

Aye.

Mr. Pantom

No.

Mr. Hill

Amendment thus passed.

Hon. J. T. TONKIN: I move an amendment—

That all words after the word "license" in line 2 of paragraph (b) be struck out.

Amendment put and passed.

Mr. HOAR: I move an amendment—

That in lieu of the words struck out the following words be inserted:—  
Provided that such member shall not be a licensed retailer."

Amendment put and passed.

Hon. J. B. SLEEMAN: I move an amendment—

That a new paragraph be inserted as follows—

"(b) The nominee member to represent the consumers shall be a woman."

That will give the Government ample scope to appoint a woman member of the board. We have a woman representing the Crown as a Minister in this Chamber.

Hon. F. J. S. Wise: And a woman is going to Moscow.

Hon. J. B. SLEEMAN: That is so.

Mr. Bovell: I hope she stays there.

Hon. F. J. S. Wise: Yes, I hope so too.

Hon. J. B. SLEEMAN: I noticed from a statement in the Press the other day that a woman, who is a member of the Canadian Parliament, is to visit Western Australia shortly, and it was also stated that the only other woman member there was the Speaker of the House. A woman could very appropriately represent the consumers because no-one knows the consumers' side of the industry better than she does.

The MINISTER FOR LANDS: I am sure that the Committee will not accept the amendment.

Mr. Marshall: But this is your policy!

The MINISTER FOR LANDS: The amendment would restrict the choice of the Government. There is nothing to prevent the appointment of a woman to the board.

Hon. F. J. S. Wise: There are 200,000 women from whom you can pick a member.

The MINISTER FOR LANDS: Yes, and there are 200,000 men from whom we can pick a representative. The amendment is not fair because it restricts the choice of the Government—and that was the argument of the member for Melville a few minutes ago.

Hon. J. T. Tonkin: But you did not accept my point of view.

The MINISTER FOR LANDS: The majority opinion of the Committee prevailed, and the majority must always rule. I hope the Committee will not agree to the amendment.

Hon. A. A. M. Coverley: Ask the Minister for Health her opinion.

The MINISTER FOR LANDS: She agrees with me.

Hon. J. B. Sleeman: If the Minister wants to argue that way we can claim his vote. This is not a restrictive proposal at all. It covers the whole of the women of the State, so where can there be any restriction? The time has arrived when Parliament should do the right thing, and say that the women know more about the consumer side of the business than do men.

Mr. MANNING: I am concerned to ensure that the board will function satisfactorily in the interests of the industry and the community generally.

Hon. J. B. Sleeman: You are hard on the women.

Mr. MANNING: We should have a producer on the board to represent the views of that section. Those who are on the board are all consumers, and therefore the views of consumers are adequately represented. The retailers operate on a margin which is worked out on a cost basis, and so it is merely a matter of accountancy. The Milk Board is all the time watching the production side and production methods in order to keep down the cost to the consumer. If there were direct consumer representation, there would be a clash of interests.

Hon. J. T. TONKIN: The Minister's argument was quite correct, but the point he overlooked was that it is not a matter of election but merely one of nomination. It will not limit the field from which the election will take place.

The Premier: But it does restrict the field to the appointment of a woman.

Hon. J. T. TONKIN: I do not mind giving a direction to the Government, but that is not a restriction. If the Committee feels that a woman should be appointed to the board, that will not be a restriction.

Hon. F. J. S. Wise: It was in accordance with the Premier's policy that he announced when he said he would appoint women to all boards.

The Premier: That is not so.

Hon. F. J. S. Wise: That was the announcement made in 1947!

Mr. Marshall: If the Premier had his way he would appoint a woman to a seat in heaven.

The Attorney General: That is where they will all go.

Hon. J. T. TONKIN: The Premier announced that as part of his policy.

The Premier: We are carrying out our policy.

Hon. J. T. TONKIN: And you are opposed to it.

The Premier: I opposed your advocacy of it.

Mr. Yates: And the member for Melville is opposing it.

Hon. J. T. TONKIN: No. I am supporting it.

Hon. F. J. S. Wise: To give effect to Government policy.

Hon. J. T. TONKIN: The Government intends to alter the constitution of the board because it is of the opinion that there is the necessity to do so. I do not want this to be a matter of one-way traffic. I want to prevent any cut and dried scheme, and that is what I am afraid of. I will support the amendment even though I opposed such a proposal previously.

The Minister for Lands: Circumstances alter things!

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

Ayes	.....	22
Noes	.....	23
		—
Majority against	.....	1
		—

#### Ayes.

Mr. Brady	Mr. McCulloch
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Nulsen
Mr. Graham	Mr. Oliver
Mr. Guthrie	Mr. Rodoreda
Mr. Hawke	Mr. Sewell
Mr. J. Hegney	Mr. Sleeman
Mr. W. Hegney	Mr. Styants
Mr. Hoar	Mr. Tonkin
Mr. Marshall	Mr. Wise
Mr. May	Mr. Kelly

(Teller.)

#### Noes.

Mr. Abbott	Mr. Manning
Mr. Ackland	Mr. McLarty
Mr. Brand	Mr. Nalder
Mrs. Cardell-Oliver	Mr. Nimmo
Mr. Cornell	Mr. Owen
Mr. Doherty	Mr. Read
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
	Mr. Bovell

(Teller.)

#### Paix.

Aye.	No.
Mr. Pantou	Mr. Hill

Amendment thus negatived.

Clause, as previously amended, agreed to.

Clauses 7 and 8—agreed to.

Clause 9—Section 15 added:

Mr. MANNING: I move an amendment—

That in line 1 of Subsection (2) of proposed new Section 15 after the word "licensed" the words "as a dairyman and holds no other license" be inserted.

The purpose of the amendment is to ensure that those who are doing the voting are bona fide producers who hold one license only—that of a licensed producer—and not one of a producer-retailer.

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

Clauses 10 to 20—agreed to.

Clause 21—Section 32 amended:

Hon. J. T. TONKIN: The Minister has me puzzled with the wording of this clause. The only conclusion to which I can come is that nobody but a nitwit would need this direction. There is to be an appeal to the Minister in connection with certain matters, and this provision sets out that the Minister may determine the appeal on such factors as he considers relevant. I would like to know on what other factors a Minister would consider any appeal! What a stupid Minister he would be if he considered an appeal on factors that were not relevant!

The Minister for Education: What harm will the words do?

Hon. J. T. TONKIN: I think it is just stupid. I move an amendment—

That paragraph (b) be struck out.

The ATTORNEY GENERAL: It is ill-advised to interfere with the Parliamentary Draftsman. He has given it a good deal of careful consideration whereas the hon. member has just picked up the Bill and not thought about it very long. If he had the Act in front of him he would find it has quite a different provision.

Hon. J. T. Tonkin: I have.

The ATTORNEY GENERAL: Very well. This provision says that the Minister can conduct the inquiry on any facts that he considers relevant. The Act says that he shall hear evidence, and the implication is that he shall conduct a formal inquiry and hear both parties and be involved in a good deal of labour and trouble. The Bill simplifies the whole thing.

Hon. J. T. TONKIN: If there are Ministers who require this direction I am prepared to let it stay in.

The Premier: That is the stuff!

The Minister for Lands: That is a sporting offer!

Hon. J. T. TONKIN: But there was not a Minister in the Labour Government who would have required to be told he had to consider an appeal upon relevant factors.

The Attorney General: Such factors as he thinks relevant.

Hon. J. T. TONKIN: Yes. That makes it worse.

The Minister for Education: Better! They might be relevant and he might not think they were.

Hon. J. T. TONKIN: The words are absolutely stupid.

Mr. Cornell: What if he cannot think?

Hon. J. T. TONKIN: I had overlooked that! We are being asked, seriously I assume, though I find it hard to believe, to insert in a Bill that a Minister shall determine an appeal upon such factors as he considers relevant.

The Attorney General: That is a normal expression.

Hon. J. T. TONKIN: Would he not have enough gumption to know that without being told?

The Attorney General: No, because sometimes an Act says what he shall decide it on.

Hon. J. T. TONKIN: On such factors as he considers relevant! In other words the Minister himself has to consider an appeal and come to a decision about it without any aid from outside. The Minister will consider any factors he likes, whether this Bill tells him he has to consider their relevancy or not.

The Attorney General: The Act did not say that.

Hon. J. T. TONKIN: It will depend on the Minister.

The Minister for Lands: Let it stay!

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

Ayes	20
Noes	24
Majority against	4

#### Ayes.

Mr. Brady	Mr. May
Mr. Cornell	Mr. McCulloch
Mr. Coverley	Mr. Needham
Mr. Fox	Mr. Oliver
Mr. Guthrie	Mr. Sewell
Mr. Hawke	Mr. Sleeman
Mr. J. Hegney	Mr. Styants
Mr. W. Hegney	Mr. Tonkin
Mr. Hoar	Mr. Wise
Mr. Marshall	Mr. Kelly

(Teller.)

#### Noes.

Mr. Abbott	Mr. McLarty
Mr. Ackland	Mr. Naider
Mr. Brand	Mr. Nimmo
Mrs. Cardell-Oliver	Mr. Nulsen
Mr. Doney	Mr. Owen
Mr. Graham	Mr. Rodoreda
Mr. Grayden	Mr. Thorn
Mr. Griffith	Mr. Totterdell
Mr. Hearman	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Mann	Mr. Yates
Mr. Manning	Mr. Bovell

(Teller.)

#### Pair.

Aye.	No.
Mr. Panton	Mr. Hill

Amendment thus negated.

Clause put and passed.

Clauses 22 to 32—agreed to.

Clause 33—Section 61 amended:

Hon. J. T. TONKIN: I move an amendment—

That in line 1 of paragraph (b) the words "twenty-five" be struck out with a view to inserting other words.

This clause deals with the maximum compensation to be paid for the destruction of an animal and seeks to change the amount from £20 to £25. During the second reading debate I pointed out that in England the practice now is to pay the full value of the beast as an untested animal. Tonight the Minister said that the beast found to be a reactor was not worth as much as before it was tested, and suggested that no great financial sacrifice by the producer would be involved if he did not get full value for the animal. I disagree, as the progress made in the eradication of T.B. reactors, the experience with the fund and the great increase in the value of cattle are such that I do not think the producer should carry the financial burden involved in providing for an improvement in the general health of the community. There should be no limit to the amount of compensation paid, up to the real value of the animal.

The Premier: The board had paid out over £108,000 as compensation up to the 30th June last.

Hon. J. T. TONKIN: What payment is it expected will be necessary to complete the scheme?

The Premier: I do not know, but when the fund got into difficulties we made a special grant of £10,000 and I expect we will have to make further grants.

Hon. J. T. TONKIN: As money is spent to improve health in other directions I do not see why it should not be spent in this regard.

The Premier: We have increased the compensation by £5 per head.

Hon. J. T. TONKIN: I do not think that meets the position.

Hon. F. J. S. Wise: These are not Kimberley bullocks.

Hon. J. T. TONKIN: The destroyed beast is not a total loss as parts of the carcass may be sold and there is a recoup to the fund. The producer is entitled to the full value of the animal in all the circumstances.

The Attorney General: I do not think so. The Leader of the Opposition is not pleased with the amendment as he may have to find the money in the future.

Hon. J. T. TONKIN: I will move to provide a higher figure so that the full value may be paid up to that maximum.

The MINISTER FOR LANDS: I hope the Committee will not agree to the amendment. There has not been one appeal by a dairyman against the sum paid in compensation.

Mr. J. Hegney: Should not the compensation paid diminish from now on?

The MINISTER FOR LANDS: That is not the point. We feel we are paying fair compensation now.

Hon. E. Nulsen: Does the destroyed beast go to the butcher?

The MINISTER FOR LANDS: I believe parts of the carcass that are affected are cut away and the rest goes to the butcher. A badly infected beast would go into the digester.

Mr. May: Who receives payment for what the butcher uses?

The MINISTER FOR LANDS: It is paid into the fund as the dairyman has already been compensated. I suggest that the member for Melville should not press the amendment, and the position could then be reviewed in twelve months' time.

Amendment put and negated.

Clause put and passed.

Clauses 34 to 39, Title—agreed to.

Bill reported with amendments.

## **BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).**

### *Council's Amendment.*

Returned from the Council with an amendment.

### *In Committee*

Mr. Perkins in the Chair; the Attorney General in charge of the Bill.

The CHAIRMAN: The Council's amendment is as follows:—

Clause 2—That after the word "advisable" in line 3 of paragraph (b) of Subsection (3) of proposed new Section 123, the following words be added:—

"but so as not to reduce the basic wage below an amount deemed necessary by the court to meet the requirements of paragraph (a) of this subsection and determined without regard being had to the matters mentioned in this paragraph".

The ATTORNEY GENERAL: The amendment inserted by the Legislative Council is in the terms suggested by the Leader of the Opposition in his second reading speech. In the circumstances, I move—

That the amendment be agreed to.

Question put and passed; the Council's amendment agreed to.

Resolution reported, and a message accordingly returned to the Council.

*House adjourned at 11.25 p.m.*