

some things also in our Western Australian industrial sphere which, apart from good advertising and good marketing, are bound to be noticed. For instance, personally, in order that I might do my part, I have had cloth from the Albany Woollen Mills and got it tailored here into suits. I confess that it was not a tailoring success. For some reason or other, the shape of the suits did not remain as excellent as that of the suit with which the Minister at the present moment is adorned.

The Minister for Labour: These clothes are from Albany material.

Hon. N. KEENAN: They are better shaped than mine were.

The Minister for Labour: How many years is it since you had that experience?

Hon. N. KEENAN: About three years. The clothes were sent to the cleaner for the purpose of making them more sensible. They were not worn, but were somewhat soiled, and the colour had almost disappeared. They were sent to one of the best cleaners in Perth, but for some reason the dye was not in the cloth in a way that would resist the operation of cleaning. This defect no doubt has been remedied. I remember distinctly when the German Aniline Dye Coy. took legal proceedings in England for the purpose of protecting its patents. I was in London at the time and I was particularly interested in the legal arguments that ensued. The German company was successful in its action and was able to convince the English court that the patent for aniline dyes was German, notwithstanding the mass of evidence adduced that it was due entirely to British chemical research and that the Germans had merely used the brains of the British chemists for the purpose of manufacturing the commercial article. Subsequent to that decision, an attempt was made to use English dyes, and members probably remember with what results. There was not the permanence or the quality of the German-produced dye, but in time that deficiency was overcome in the English product. As a result of experience and most intensive research, that result was achieved and to-day the English products concerned are as effective as those of German origin.

I do not wish to detain the Committee any longer. As I remarked when I rose to speak, I intended to deal only with

our secondary industries and to take the opportunity to congratulate the Minister on his resumé of what has been accomplished by his department. I am particularly glad to extend my congratulations to him because we have sometimes indulged in what could scarcely be described as complimentary exchanges. On this occasion, I am very happy indeed to be able to offer him my most genuine congratulations. I hope that not only will he be able to tell on future occasions a still more flattering tale regarding our secondary industries, but also give a more happy account of his own health.

Progress reported.

BILL—ROAD CLOSURE.

Returned from the Council without amendment.

House adjourned at 10.25 p.m.

Legislative Council,

Tuesday, 5th November, 1940.

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

QUESTION—CITY OF PERTH.

Rating Appeals.

Hon. C. F. BAXTER asked the Chief Secretary: Will he lay on the Table of the House all papers dealing with the City of Perth municipal rating appeals?

The CHIEF SECRETARY replied: Yes.

MOTION—AGRICULTURAL PRODUCTS ACT.

To Disallow Regulations.

Debate resumed from the 31st October on the following motion by Hon. A. Thomson (South-East):—

That the regulations made under the Agricultural Products Act, 1929, as published in the "Government Gazette" on the 6th September, 1940, and laid on the Table of the House on the 10th September, 1940, be and are hereby disallowed.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [4.37]: As a merchant dealing in eggs for local consumption, members would no doubt expect me, after having heard the speeches delivered by previous speakers, to support the motion, but my experience convinces me that the department is doing the State a service and therefore I intend to oppose the motion. I would counsel hon. members to afford the department an opportunity to give this promising industry a real uplift. The language and length of the regulations must create a feeling of nervousness where no attention has been given to the importance of the marketing of supplies; but I have the fullest confidence that the departmental officers will adopt an educative rather than an autocratic administration. Mr. Thomson's concern appeared to be for the farmer who desires to sell a few eggs to his neighbour or to the storekeeper in a small country centre. He was concerned because the farmer would have to comply with the regulations, particularly with regard to providing an approved room and a certificated candler and be liable to prosecution if he did not do so. We have the Chief Secretary's assurance that the department does not intend strictly to police the regulations in small country districts, and hon. members no doubt will have heard Mr. Shaw's assurance in a recent broadcast on this point. But where eggs are sent to a storekeeper for sale or despatch to a wider market, I hope the regulations will apply. Difficulties that might be caused by compliance with the regulations are not nearly as great as Mr. Thomson fears, and the reward will make compliance well worth while, that is, the reward to the producer.

Hon. A. Thomson: What reward do you think he would get?

Hon. J. M. MACFARLANE: Wait until I have finished. If the House will

bear with me a little, I will demonstrate what candling means and show that it operates to the advantage of the storekeeper and of the producer of eggs. When I have explained the position, I think members, too, will realise the value of the regulations.

Most storekeepers throughout the farming areas are served with electric current from the town supply, or they generate it themselves. If they have no separate generating plant, they can draw current from the battery of a motor car or truck, or, failing that source of supply, a small dry cell battery will serve the purpose. In any store or farmhouse there would be a room that could be shaded or darkened. A kerosene tin or box will serve the purpose of a candling plant such as the one before me. It needs to be painted white inside and black outside. A hole is cut in the box the size of an egg, the light is turned on and the egg is held up to the light. In this inexpensive way a very effective machine may be made for the work of candling. The machine before me is lighted by a small dry cell battery and does the work quite well. If I hold an egg before the light, it shows the soundness or otherwise immediately. The egg I am now holding before the light is sound in every respect; a second egg shows a slight red discolouration which indicates the presence of blood spots. A third egg, which is known to the trade as a cooking egg, shows an increase in the air space and could not be used for export or table purposes.

Hon. A. Thomson: That is the plant you got from Mr. Shaw?

Hon. J. M. MACFARLANE: Yes; it is a very good one, and has been used in the work of educating producers and storekeepers. I borrowed this one from Mr. Shaw because it illustrates the inexpensiveness of the plant needed to impart instruction in egg-candling. There is no great difficulty in educating anyone to a knowledge of the standard required for the market. For many years milk, meat and butter have had to be graded and guaranteed, and why not eggs?

Let me now quote my experience of a purchase of eggs made in the market on Friday last. We buy what is known as the carry-over or surplus eggs and we grade and brand them for export. The eggs are graded as standard, pullet, cooking, cracks, olive yolks and blood spots, and we handle only the standard eggs suitable for export. In

all, nearly 167 dozen eggs were handled, which came from nine centres, and the results show how effectively the grading could be done and how little argument would then arise as to the quality of the consignments. What one or two people can do, others can do. In those instances where suppliers complied with the standard, they did well, but obviously others tried to get a high price for eggs that were not of standard quality. Let me quote the grading of the eggs marketed by three of the nine suppliers—

Count.	Standard.	Pullet.	Cooking.	Cracks.	Useless.
25 doz.	21½ doz.	3 doz.	....	½ doz.	....
25 doz.	24½ doz.	....	....	½ doz.	½ doz.
25 doz.	½ doz.	....	24½ doz.	....	....

Thus one producer supplied nearly 100 per cent. of standards while another supplied only 5 standards out of a total of 25 dozen. The analysis of the 167 dozen worked out as follows:—

Standards.	Pullet.	Cooking.	Cracks.	Olive yolks and blood stains.
116-4 70%	10-4 6%	33-7 20%	3-1 2%	3-7 2%

The figures show the need for regulations to secure improvement upon those results. Here is a scale for testing the weight of eggs, the cost of which is about 11s. 6d. So for an outlay of 10s. or 12s., producers can test their eggs and ensure that undersized eggs are not included with those of standard grade.

Hon. V. Hamersley: What redress have those people?

Hon. J. M. MACFARLANE: We took the stand with the Egg Board that we could not pay the price for eggs that worked out so badly, and the board decided to test the position by making up the difference to us. This is still being done. We have to submit returns showing the results of the analyses, and it is from one of these returns that I am now quoting. The cash result was—

	£	s.	d.	£	s.	d.
166 doz. at 1s. doz.	8	6	11
116½ doz. at 1s.	5 16 4			
10½ doz. (pullet) at 9d.	0 7 9			
30½ doz. cooking and cracks at 1d.	1 4 5			
3½ doz. olive yolk and blood spots				7	8	6
Loss	0	18	5

The loss was equivalent to 1¼d. a dozen. There was no charge for grading or cartage. Producers need to be instructed in the requirements of the market and this can be done only by adopting the regulations. Officers of the department are engaged upon this work of education. We passed a law authorising the making of regulations for this purpose, and I favour the department's regulations in preference to having this side of the business handled by a board. There is usually ample labour in every store to permit of dealing with the eggs as they are delivered, and if they are properly candled and graded, it will be the means of saving freight on eggs of a low standard.

Hon. J. J. Holmes: How do you ascertain when an egg is stale? It may be all right when candled, and afterwards become stale.

Hon. J. M. MACFARLANE: One knows the history of the eggs supplied.

Hon. J. J. Holmes: I mean, the buyer.

Hon. J. M. MACFARLANE: The natural corollary to candling and grading is the branding to which exception has been taken. However, I realise that it is necessary. It has been done for years in the case of eggs shipped to England, and they have been sold weeks after shipment, bringing prices satisfactory here in Australia and giving satisfaction to Home consumers. If these regulations come into effect, candlers and graders will be given branding numbers. For instance, each of my assistants who does candling and grading will have a number. The number, or stamp, will trace the eggs back to the person who supplied them and also to the person who did the candling. That gives protection to the consumer. It will also protect the producer, because when a storekeeper finds eggs not satisfactory the producer will be able to show the date on which the eggs left the farm. An aggrieved consumer can take the unsatisfactory eggs back to the storekeeper, who will be able to trace the wholesaler or producer.

Another point I wish to illustrate is the carelessness of some farmers in the way in which they collect eggs and send them to market, destroying the value of the product not only for themselves but for other producers as well. Eggs are picked up promiscuously and sent to the storekeeper, who packs them promiscuously and sends them

to market. Here I show two eggs taken from a case which I am informed turned out nearly 60 per cent. of eggs of that quality. I assure hon. members that the quality is not too fresh.

Hon. J. J. Holmes: Don't drop the eggs!

Hon. J. M. MACFARLANE: I am handling them carefully. This is how waste occurs. The buyer gives a ridiculously low price for such eggs, and cannot afford to give more because he knows at a glance that the eggs are not of good quality. Candling and grading under the conditions I have described brings producers and storekeepers into line. The storekeepers have plenty of time to candle the eggs.

Hon. J. Cornell: How often do you suggest the farmer should deliver his eggs to the storekeeper?

Hon. J. M. MACFARLANE: Once a week, anyhow.

Hon. A. Thomson: Some producers do it twice a week.

Hon. J. M. MACFARLANE: In summer, when the temperature runs over a hundred degrees, one is in trouble with eggs coming in three times a week. Such eggs as those I have just shown should be retained on the farm and given to the pigs. Otherwise they depress the value of eggs on the market as a whole. In fact, that is happening now. The proposed regulations are intended to better the existing conditions, and for that reason we should stand by those regulations. I may mention that the industry is growing at a fine rate. This year Australia will ship over half-a-million cases of 30 dozen eggs to the case, representing about £1,120,000. That increase in export figures has come about under the present conditions. If we apply to eggs sold locally the conditions applying to eggs for export the consumer at home will be benefited, and the cost of candling and grading is next to nothing. I ask hon. members at least for a chance to let the regulations give the industry its opportunity.

HON. G. B. WOOD (East) [4.57]: I am glad that in connection with the egg business I see eye to eye with Mr. Macfarlane. Members will recollect the battle Mr. Macfarlane and I had as to egg marketing, he representing the merchants and I the producers. In this instance I am one hundred per cent. with the hon. member. His re-

marks are entirely in keeping with what should be done. If there is one section of food supply which requires careful handling, it is eggs. Sale of eggs is built up on confidence. If the consumer has confidence that he will receive good eggs, it may reasonably be supposed that he will be prepared to pay a good price for them. Unquestionably the effect of the regulations will be to build up confidence in the industry. It matters not whether the eggs come from the ordinary farmer or the poultry farmer, candling and grading will make for better prices. I have taken considerable interest in the poultry industry, and recently I have been at pains to look into the regulations. I wish Mr. Cornell to understand that these regulations have nothing to do with the Egg Marketing Act, although that statute provides for a board to introduce regulations for candling and grading of eggs. The Government has got in first with its regulations, a board not yet having been brought into existence. Part and parcel of the policy of the poultry section of the Primary Producers' Association for many years has been the introduction of compulsory candling and grading of eggs, and I am indeed surprised that any objection is taken to the regulations. I regret that Mr. Shaw did not go to the organised producers and consult with them regarding a few minor details of the regulations. He would have been well advised to adopt that course, considering that the organised producers have been in favour of the candling and grading process for so long. Indeed, it might have been courteous on Mr. Shaw's part to go to them and clear up various points which Mr. Thomson sincerely believes to be objectionable. Then Mr. Thomson might not have had to move his motion. Yesterday in York I consulted two storekeepers as to what they thought of the regulations. The replies were, "They will not affect us at all, because for the past two years we have been doing what is proposed." Mr. Macfarlane told us that it was a matter of merely a small box and an electric light. I have seen and I know what has been done. Instead of the farmer's wife gathering up the eggs every Sunday and bringing them in half bad and people complaining about some of them having this and some having that, the farmer's wife is being educated and she gathers the eggs every day or perhaps every second day. If the eggs are candled, it will

be possible to send along a guarantee that the candling has been done. Then if any queries come back about the condition of the eggs, it can be said what is complained about cannot be so because it will be possible to show that the eggs have been candled. One of the storekeepers told me that he employed a girl to do the candling in part of her time.

Hon. A. Thomson: According to the regulations she will have to be approved.

Hon. G. B. WOOD: Why should not a girl be approved by the authorities? I contend that with a little tuition any person can learn to grade and candle eggs in a few days. Another storekeeper told me that he did the work in his spare time. Anyway, there is not very much trade done between one producer and another. I should like Mr. Thomson, when replying, to tell us who the producers are that have raised objection to these regulations. It was one of his points that they had objected and that the farmer's wife selling eggs to someone would not be in a position to candle those eggs. I do not think that any Government inspector would enforce the regulation in such a case.

Hon. A. Thomson: An inspector would go out to the farm.

Hon. G. B. WOOD: There is so little trade done between one farmer and another that it would not be worth the inspector's while to go out to the farm. Most of the trade is done with the storekeepers. That is where the eggs go; they are not all sent direct to merchants, they find their way to the country storekeeper. Mr. Thomson also said that we could improve the position regarding the eggs that come down here. I know that a lot of eggs do come down here and some are rejected. We want to improve that condition of affairs and this is the way it can be done—by regulation. Mr. Thomson also said that because an egg came from a farm it was a guarantee that it was fresh. That is not so now. Mr. Macfarlane also said that it was not a guarantee that eggs were fresh merely because they were gathered like those sent to the merchants. I have been told by storekeepers that the producers are being educated in the manner in which eggs should be gathered and then guaranteed. In view of all the circumstances and also what I have been told, I intend to oppose the motion.

HON. L. CRAIG (South West) [5.5]: I have not yet made up my mind as to how I shall vote on the motion. I am not quite convinced that the regulations in existence or to be enforced can be made to apply to the whole of the State.

Hon. A. Thomson: That is the point.

Hon. L. CRAIG: It is necessary that eggs for export and for consumption in the metropolitan area should be candled. Candling could be done for other large centres such as Bunbury, Geraldton and Albany. In smaller rural areas, however, I do not see how it can be worked.

Hon. J. M. Macfarlane: Regulations may not be enforced in the smaller areas.

Hon. L. CRAIG: I do not believe in passing regulations it is not intended to enforce. It is also dangerous to enforce or otherwise regulations at one man's will. If we can say that certain areas shall be defined as areas where candling will be enforced, then I will agree to the regulations. I do not see why that cannot be done. Certain localities could be mentioned. I can see a lot of difficulties in country villages where one or two storekeepers do a comparatively large trade in eggs but where egg marketing may be only a small part of their trade.

Hon. G. B. Wood: Why should they not have candling arrangements?

Hon. L. CRAIG: Why should they? I do agree that where large quantities are handled, candling may be necessary; but a country storekeeper may do a considerable trade and may receive eggs and send goods back. As conditions exist to-day, I do not think any harm is done. If a storekeeper sells eggs that are not first-class, it is known at once because the customer will say, "The eggs I got from you last week were not up to standard," and the storekeeper will reply, "I will talk to Mrs. Smith about it; she was responsible." I can see a lot of difficulties in making the regulations apply to every place throughout the State. But as I said at the outset, I am open to conviction. I cannot see that the proposal is feasible in small areas where eggs are interchangeable with stores between farmers and small storekeepers. I do not agree that regulations should be enforced in some localities and not in others. Mr. Macfarlane told us that as we graded meat, butter and other commodities, so we should grade eggs. We do not, however, grade farm butter in rural areas. It is taken to the store and sold perhaps on

the next day. No one handles it except the person who makes it. I am not talking about anything that comes to Perth; that should be subject to inspection; but farmers, as I have pointed out, sell direct to small stores and in those cases there is no need for inspection of butter or meat. There is no inspection of meat in small country areas; there are hundreds of small places where there is no meat inspection. What is the good of saying there is? I agree that meat in the larger country towns is subject to inspection and is inspected, and I also agree that eggs that are sent to those towns should be candled, but I repeat that there are many small areas where candling is not feasible. In small towns it is known at once if eggs are not up to standard.

The Chief Secretary: Why not define those towns in the regulations?

Hon. L. CRAIG: That is done in connection with other commodities. We could make this apply to some places. I propose to support the motion, but as I have said, I am always open to conviction.

HON. C. F. BAXTER (East) [5.13]: I would not have spoken but for some of the remarks of the hon. member who has just resumed his seat. He has advanced the best arguments in favour of the regulations, and yet he spoke against the motion. Those who are associated with egg production have been endeavouring to bring about a satisfactory state of affairs in connection with the distribution of eggs. During the last few years a fair amount of success has been achieved, and there is one point on which I agree with Mr. Craig, namely, that Mr. Shaw has done a good job against very strong opposition. Never before in the history of the State has egg production and marketing been in a better position. People can now rely on getting an article that is actually as described, whereas four or five years ago they could not do that. One bad feature is that the careless person who is not in the industry to make a living but just sells an occasional few dozen eggs is not affected. Mr. Craig referred to the case of a hen with a nest of 12 eggs. We all know perfectly well that two-thirds of those eggs would have reached a stage when they would be unfit for human consumption.

Hon. L. Craig: How do you know?

Hon. C. F. BAXTER: Everyone with experience knows. Those eggs, as Mr. Craig

mentioned, would be disposed of to the local grocer. How and by what process would the grocer be able to tell the buyer whose eggs they were? Such eggs come from various sources and I have never known them to be kept separate. Mr. Craig mentioned that there are places where meat is not inspected. Why? Simply because they could not afford to have inspectors there. That does not mean, however, that the product should not be inspected. For the sake of the people's health, it should be inspected and the same applies to eggs. Mr. Craig said it is quite all right at Dardanup.

Hon. L. Craig: I did not say that.

Hon. C. F. BAXTER: There is no inspection of eggs at Dardanup, but that does not mean it is right. The people there and at all small centres run the risk of obtaining meat and eggs that are not fit for consumption. As an article of diet, an egg can be much more dangerous than meat. What the regulations aim to do is to place on the market a supply of eggs that can be proved to be wholesome. Anyone associated with the industry will agree that during the last five years there has been an increased consumption of eggs, simply because a reliable class of eggs has been marketed as a result of the alteration of the system of handling and disposal.

Hon. J. Cornell: The present price has a lot to do with it.

Hon. C. F. BAXTER: Members know that if a man has for breakfast an egg which is bad, he will not want to look at another egg for weeks. Prior to the adoption of the present system, eggs of inferior quality were frequently sold, but to-day people can rely on the eggs they find on the breakfast table being of a good standard. Dealers have been known to go to the market and buy what are called reject eggs which come from the country, are mixed together and ultimately are sold to the retailers in Perth. I do not know whether that still occurs to any great extent, but the reason I mentioned it is that I saw one of the worst culprits in that direction in close conversation with someone connected with a retail establishment. The regulations provide a protection for the consuming public, whether in a small country centre, in a large town or in the metropolitan area. They will also result in a better return for the producers, and that is what we desire. We need to bring the in-

dustry to a state in which men can make a living by supplying a reasonably-priced article that can be relied upon. I would like to agree with Mr. Thomson, but I feel he is on wrong ground in opposing the regulations. While they may not apply to every part of the country, it must not be forgotten that the department will have power to send inspectors to small country centres to compel the distributors of whom Mr. Craig spoke to handle and grade their eggs as in more populated areas. For that reason alone the regulations will perform a useful service. They are for the benefit of the producers and the consumers.

HON. J. J. HOLMES (North) [5.20]: I do not wish to prolong the discussion but there are one or two points on which I desire to be clear. First of all, I understand that candling pronounces an egg to be good or bad. We are told what happens to eggs that have been under a hen for a week or so, but what happens in the case of a store-keeper who has eggs in his store for weeks on end? The public has no protection. Even if candling is carried out, there is no guarantee as to the age of the egg. The other point I wish to make is that if regulations are to be enforced, the enforcement must be general. If eggs are classified in the country and the best are sent to the country, what will become of the others? Members of the Country Party should think about this matter. It seems to me that in the circumstances people in the towns and cities will get the best quality eggs and those in the country will get what is left. Having considered the matter very carefully, I have decided to vote against the motion.

HON. W. J. MANN (South-West) [5.22]: I have only one or two words to say on this question. I, and probably other hon. members, can recall how frequently people used to go into the country and while there say, "Let us get a few fresh eggs." Almost any Sunday, if hon. members drive along the Bunbury-road, they will, within a distance of 20 or 30 miles from Perth, see stalls on the side of the road at which eggs, cream, fruit and other produce are sold. People buy those goods because they believe that in doing so they are getting the best quality, something a little better than they usually obtain in

the city. Any action taken to insist that the consuming public receives the best should be supported. I listened attentively to the various arguments for and against the motion. On the ground that we should ensure that the best possible commodities are provided for people who pay good cash, whether they buy in small places where there is only one store, or in the city, I support the regulations. Another reason why I oppose the motion is that we should do everything possible to protect the careful egg producer—the man in the country who, we understand, is to be exempted, which is an idea in which I do not believe—against people who are careless and send any kind of produce to the stores where investigation does not take place and where candling is not carried out.

HON. SIR HAL COLEBATCH (Metropolitan) [5.25]: One difficulty about regulations is that we cannot give them a trial. If we agree to them and they prove unsatisfactory, there is no method by which they can then be repealed or altered, although I have no doubt the Government, in its wisdom, would alter them if there were anything seriously wrong with them. I am in accord with any movement to ensure the highest possible standard of all our products. While in London, I had occasion to see exactly the extent to which a reputation for high quality advanced prices. There was one occasion on which the reputation and the market price of Australian eggs were seriously damaged by the arrival of a large consignment of inferior goods, though I am glad to say they did not come from Western Australia. I am also entirely in agreement with the argument that if we are going to build up a reputation for our products overseas, we must do the same thing so far as local consumption is concerned. The only doubt I have in regard to the regulations is this: We are told that it is not intended fully and uniformly to enforce them. I agree with Mr. Craig that to have regulations that are not enforced is bad. I have been told that in some instances the Government does not enforce certain Acts of Parliament, or at least that it does not enforce them as vigorously as some people desire. The admission or the statement that the Government does not

intend to enforce these regulations all round suggests to my mind that there must be instances in which it recognises that their enforcement would be undesirable. What I want to know is whether it is not possible so to frame the regulations that they can be fully enforced; whether it is not possible to set out where they shall be applied and the conditions under which they shall be applied. During the week-end I had an opportunity to discuss this matter with one or two small country storekeepers, who said very positively that the introduction of the regulations must mean an increase in the margin between the amount paid to the producer and the amount charged to the consumer. I think we all agree that is undesirable. Mr. Mann has referred to people who sell eggs by the roadside. It is quite possible that in some cases their privileges may be abused, and that they may pretend to sell fresh home-laid eggs and yet not do so. There should be some means of checking abuses of that kind. On the other hand, I am sure that there are a great many who genuinely and legitimately sell home-laid eggs. At different times I have bought such eggs and have always found them to be of excellent quality. If these regulations are in any way going to hamper small domestic industries of that kind, they are bad and to be regretted. We should encourage individuals to make a living in a straightforward honest way, by such domestic industries.

At present people can buy from shops in Perth eggs that are branded as having been graded. Quite rightly a little more money is charged for them. From that point of view the thing is working itself out because people are realising that it pays to have these things done. I should be sorry to vote against the regulations. At the same time, I feel a certain anxiety partly on account of the admission that there are circumstances under which the regulations ought not to be enforced, and partly because I do not understand that it should be impossible so to frame them that they will achieve all the desires of the department, being strictly enforced without imposing any hardship such as would seem likely to result from their general application in their present form.

HON. H. TUCKEY (South-West) [5.30]: Mr. Macfarlane has told us what a valuable industry this is to the State. I take it the regulations are designed for the protection of that industry. It is not intended that the inspector should travel round the country to see that they are enforced, any more than is done in connection with the regulations governing the butter industry. Whilst it is difficult to frame regulations to meet all cases, I think we should support these particular regulations, and then see whether we cannot do something to improve an industry that means so much to Western Australia. What Mr. Craig said about meat and butter inspection is quite true. He referred to a number of small country centres where no meat whatever is inspected. The same thing applies to butter. If these regulations are passed, I do not think they will be applied more forcibly than is the case in connection with the butter industry, and the small producer will not be saddled with any extra expense with regard to the eggs he takes to the local storekeeper. I hope the regulations will not be disallowed.

HON. A. THOMSON (South-East—in reply) [5.31]: During the debate, the only person to receive consideration has been the consumer. The interests of the producers have hardly been mentioned. We have been told that in no case would the regulations be a hardship on storekeepers. I am not worried about them. When they receive eggs they pay a flat price for them, 6d., 8d., or 9d. per dozen, pack them, and send them either to the city or their established customers on the goldfields. Mr. Baxter said that the last five years had seen a wonderful improvement in the egg industry, and that people could now rely on getting fresh eggs from the stores. It would be a reflection upon the stores if they sold to their customers eggs that they claimed to be fresh and new laid, but were in fact not so. They would not be likely to do that because their desire would be to retain their customers. If people do buy bad eggs, they very soon complain. I am not worried about what is going to happen to the storekeeper or the business man who is handling eggs. Mr. Macfarlane expounded to some extent on the subject of egg testing. I would also pay a tribute to the department for its activities. Sir Hal Colebatch suggested that we should try out these regulations and

ascertain whether they are going to be helpful or otherwise. I should feel happier if I could support them. Not one member has yet indicated how the producer will be enabled to get a better price for his commodity. Members have said that the producers should get a better price and will get a better price. I have yet to learn that producers have had a better price for their eggs because of standardisation. I admit that when a person asks for standard eggs, he pays a higher price for them. In the country town to which I belong pullets' eggs have been sold at 3d. per dozen, because they have been said to be not worth sending to market. That occurred not long ago. If regulations are promulgated, they should be enforced. The Chief Secretary has stated that the department has no intention of enforcing these regulations, and I should like to know the reason for that statement. If I could amend them, I would move in that direction, in the hope that they might be confined to the metropolitan area and the goldfields.

Hon. J. M. Macfarlane: I would support that.

Hon. A. THOMSON: Unfortunately, I am unable to move in that direction. If it is proved that the primary producers receive a better price for their commodity, no one would be more pleased than I to see the regulations applied throughout the State. Storekeepers affirm that they will mean a higher price to the consumer and a lower price to the producer.

Hon. C. F. Baxter: No.

Hon. A. THOMSON: Everything goes to bear out that contention. In practically every instance regulations of this kind mean an additional impost upon the primary producer.

Hon. C. F. Baxter: These regulations are all in favour of the producer.

Hon. A. THOMSON: Then let us try them out in the metropolitan area and on the goldfields, and give the country people a chance to see how they operate.

Hon. G. B. Wood: That is being done now.

Hon. A. THOMSON: If so, why bring down these regulations at all?

Hon. J. M. Macfarlane: So that the practice may be made universal.

Hon. A. THOMSON: No storekeeper or business man would offer for sale any kind of egg, so long as it was called an egg. Mr. Baxter and Mr. Macfarlane know that quite well.

Hon. J. M. Macfarlane: I tried to tell you something about the industry this afternoon.

Hon. A. THOMSON: The only case advanced this afternoon has been on behalf of the merchants and storekeepers. I am principally concerned about the primary producer. I appeal to the Chief Secretary to amend these regulations so that they will apply only to the city and the goldfields. If they are enforced, many country storekeepers will be unable to dispose of their eggs until they have passed through the hands of a grader approved by the department, in approved premises, and in accordance with the regulations. Failure to comply with such conditions will land them in trouble. Furthermore, they will have to return those eggs that do not comply with the regulations. Many farmers' wives have a circle of private customers to whom they send small quantities of butter and a few dozen eggs per week, and no objection has been raised to that type of trade. Week after week my home buys a little butter and a few eggs from a local farmer's wife, and we pay her a price a little better than would be paid by the local storekeeper. These regulations will debar farmers' wives from making a little extra pocket money, which is so badly needed by them. If there is no intention to police the regulations, why have they been framed? I am sorry some of my colleagues are at variance with me. That indicates that we can approach some matters from different angles. I appeal to the House to pass the motion, or, alternatively, to see that the regulations are applied only to the city and the goldfields. Mr. Holmes said he was going to vote against the motion because he considers that the regulations will mean the selling of guaranteed good eggs. Unless the date is stamped on an egg to show that it has been candled, it is still possible that eggs will be sold not as fresh as the purchasers would like them to be. Mr. Macfarlane referred to the purchasing of eggs on the floor and stated that at certain times the eggs were not up to standard, thus leading to a reduced price for the producer. Apparently the producer himself is always made to bear any charges that may be imposed upon the commodity he sends to market. Many farmers send

their eggs direct to the floor in Perth, whilst others produce sufficient to enable them to market overseas. In the latter case the eggs must be up to a very high standard.

Hon. L. Craig: They are always candled.

Hon. A. THOMSON: That is done by the farmers. No one has indicated what will happen to small eggs or pullets' eggs, and others that may be on the border line and fit only to be pulped.

Hon. J. M. Macfarlane: Pulp them.

Hon. A. THOMSON: Then I want to know just how that will be accomplished. Does that affect the merchants to-day? They have been carrying on successfully for many years. I believe that in the country areas there are storekeepers who purchase eggs from their customers, grade them, and then forward the eggs with their own labels on their consignments. If any of the eggs should be found below standard, I can quite understand that a claim would be made against the storekeeper concerned. I commend the department on its desire to improve the standard of eggs and, in opposing the regulations, I do not suggest that first quality eggs should not be supplied to consumers. My fear is that the regulations will prove detrimental to the small men upon whom we do not wish to place additional restrictions. Such men should be afforded reasonable opportunities to enable them to make a living. I have received letters from poultry farmers who are carrying on their businesses in areas adjacent to the city, congratulating me on my endeavour to protect the small men.

Hon. C. F. Baxter: The regulations do not affect them in the slightest.

Hon. A. THOMSON: Of course not—according to the hon. member. Probably the men who wrote to me were fortunate individuals who had built up rounds for supplying eggs to customers. I appeal to the House to disallow the regulations and then, seeing that the departmental officials are so sure that those regulations will be beneficial to the industry, they can substitute others that can apply until we can demonstrate to the small producers that the regulations will be to their benefit. I claim that the present regulations will prove detrimental to the country producers, while I recognise that eggs for the metropolitan market should be governed by necessary regulations. I submit the motion to the House.

Question put and negatived.

BILL—FISHERIES ACT AMENDMENT.

Received from the Assembly and read a first time.

BILL—HARBOURS AND JETTIES ACT AMENDMENT.

Returned from the Assembly without amendment.

MOTION—RAILWAY SERVICE, SUPERANNUATION.

HON. SIR HAL COLEBATCH (Metropolitan) [5.51]: I move—

That in the opinion of this House it is desirable that the Government give consideration to the cases of those railway employees who were in the service prior to 1905, several of whom are in straitened circumstances.

Last week I asked the Chief Secretary a question regarding the intention of the Government to give effect to the recommendation of the select committee of the Legislative Assembly appointed in 1937 to inquire into the liability of the Government to pay superannuation to railway employees who were in the service prior to April, 1905. The Chief Secretary's reply was—

The whole position has been dealt with exhaustively in Parliament.

In the circumstances I feel it incumbent upon me to explain my reasons for asking this section of Parliament to give consideration to this matter. When I left the city something like 35 years ago and took up my residence in Northam, there was a great deal of railway activity and railway extensions through country districts. Northam was the centre of that activity. I became acquainted with, and formed many friendships amongst, railway men then stationed there. Since my return from the Old Country, I have met a number of these men and I have been both surprised and distressed to find the condition in which many of them are forced to live—surprised because I knew them to be prudent, frugal men, who did not dissipate their wages, and whom one would expect to be able to enjoy a comfortable old age. I have also had an opportunity to discuss this matter with groups of these men, and I made it my business to investigate their

claims to see if they were justified in the attitude they had taken up. The Minister has informed the House that the matter "has already been exhaustively dealt with in Parliament." Let me recall the circumstances in which it was dealt with, and then let us ask ourselves if the Chief Secretary's reply was very illuminating, and if it had any relation to the facts of the case.

In October, 1937, the Legislative Assembly, by 31 votes to 10, carried a motion for the appointment of a select committee. That select committee was representative of all parties in the Lower House. After exhaustive inquiries and the examination of a large number of witnesses, the committee submitted a report which contained the following recommendation:—

Your committee recommends that as the declared policy of the Government in relation to claims for superannuation under the provisions of the Superannuation Act of 1871 is based on what the Committee considers to be a wrong interpretation of the words "established capacity," the Government should recede from its attitude in this regard.

The report with recommendations was adopted in the Legislative Assembly by a large majority, the voting being 26 for and 12 against. That represents a majority of more than two to one. When the Chief Secretary said that the matter "had been exhaustively dealt with in Parliament," that reply hardly conveyed the impression that the one section of Parliament that had considered the question had arrived by a more than two to one majority at a decision to which the Government in power was not prepared to give effect. I am not going to quote extensively from the report of the select committee. I propose to assume, from that point of view, that the whole matter is generally understood, but I deem it necessary to refer to two salient paragraphs—

Recognising that the interpretation of the words "established capacity in the permanent Civil Service" occurring in Section 1 of the Superannuation Act, 1871, has been, and is, the governing factor in determining the liability of the Government to pay superannuation, and having regard also to the fact that successive Governments have been guided by the interpretation given to those words by the late Mr. Septimus Burt on the 13th October, 1902, your Committee closely questioned witnesses on this point in an endeavour to discover the correctness or otherwise of that interpretation.

The provisions of Section 1 of the 1871 Act were closely scrutinised and compared with

the opinion given by Mr. Burt, and your Committee finds it very hard to reconcile the wording of that section with the Burt interpretation. Documentary evidence was put in giving the legal opinion of men of eminence in the legal world, namely, the late Mr. Justice Burnside, Sir Walter James, K.C., Mr. Norbert Keenan, K.C., Mr. Justice Northmore, Mr. W. F. Sayer, K.C., late Solicitor-General, the late Chief Justice McMillan, and Acting Chief Justice Isaacs of the High Court of Australia in the Jackman case, each and all of whom gave interpretations of the words "established capacity" diametrically opposed to that given by Mr. Burt, and more in keeping with the words "day pay, weekly wages, or annual salary" in Section 1 of the 1871 Act.

From a careful reading of all the debates that have taken place on this subject, it would certainly appear that the legal right of these railway men to a pension is no longer contested by the Government. That legal right is admitted. The Government relies upon the overriding authority of the Governor in Executive Council to say whether a pension shall, or shall not, be granted. I do not question the wisdom of having such an overriding authority, which represents a part of government. The principle underlying it is that the King can do no wrong, but that does not mean that the King can do just whatever he likes and it becomes right just because the King does it. What that means is that the King must do the right thing, because of the exalted position in which he is placed. Thus the Governor in Executive Council must do the right thing. There may be many circumstances in which the Governor in Executive Council may override a strictly legal right to a pension. For instance, in cases where there is no moral right to a pension, the Governor in Executive Council would be justified in overriding such claims. In the case of the railway men whom I have in mind, there is at once both the moral and the legal right. It does not seem to me that it is in conformity with the dignity of the State, that this overriding power should be exercised in such cases. If we turn to the debate in the Legislative Assembly when the select committee's report was considered on the 17th December, 1937—I do not intend to quote extensively from the debate but merely sufficient to show that the opposition offered by the Premier was entirely foreign to the real question at issue—we find that the Premier said—

The amendment to the Public Service Act of 1904—

That was the amendment by which the pensions of those who joined the service after the 15th April, 1905, were abolished—

—dealt with public servants only. From a strictly legal aspect school teachers and railway officers have claims that are not yet statute barred, notwithstanding that all employees of the State were held to be bound by the principles enacted in the Public Service Act of 1905. That Act referred only to the Public Service officers. That is the position from an entirely legal standpoint. This shows that the recommendation is really unworkable. If decisions were given on a purely legal basis, the financial burden that would be imposed on the State would be colossal.

In the case of known figures of known people, it would cost this State £2,273,000. This deals only with railway servants. Then we would have to add 30 or 40 per cent. for other people in all the other branches of the Public Service, and these would make up the total expenditure to about £4,000,000.

The Premier went on to say—

From the strictly legal aspect, they may be eligible for a pension.

In spite of those arguments, the Legislative Assembly adopted the report by a majority of more than two to one. But I contend that those arguments are entirely fallacious. The argument put forward by the Premier was that, because the amendment to the Public Service Act passed in 1904 applied only to civil servants, therefore those entering the railway service after 1905 during the whole period in which pensions had been disallowed to civil servants would be entitled to a pension, and if that claim were admitted, it would cost the State £4,000,000. Men entering the railway service or the Education Department after the passing of that Act knew perfectly well that they were not entitled to a pension. They have no moral claim whatever, and if they have a legal claim, then it is a case in which the Governor may well exercise his overriding power and say, "This may be a legal claim, but it is not a moral claim. You knew perfectly well you were not entitled to this." If we accept the statement that because the Act of 1904 disallowing pensions was not applicable to railway employees, and that therefore those who joined the service after the 17th April, 1905, had the same legal right as those who joined before that date, we reach a position in which the overriding power of the Governor in Council might justifiably be exercised; but we do not reach this position, that because these people have a legal but not a moral right, therefore we

are to deny relief for those who have both a legal and a moral right. I am informed—I believe on good authority—that on one occasion the Premier promised to give the matter consideration if it could be shown that the number of men concerned was considerably fewer than he had been given to understand. The number he mentioned was about 900, whilst the actual number was only 422, and that number has now been reduced to a little more than 300; and since their average age is 73 and some of them are over 78, it stands to reason that this number must be rapidly reduced. I do not think it altogether fitting that men who have a moral and legal claim upon the State should plead for consideration on the ground of acute need. But this is the position to which these men are reduced. Railway wages during most of their period of service were much lower than they are to-day. A fireman then received only 7s. a day and a first-class engine driver only 11s. Their conditions, too, were much harder and the opportunity to save up for their old age was practically non-existent. The result, I am informed, is that 80 per cent. of the survivors are now dragging out a miserable existence by aid of the old-age pension. It is a condition of affairs that is not creditable to the State.

Hon. L. B. Bolton: It is a shame.

Hon. Sir HAL COLEBATCH: The motion I have submitted does not call upon the Government for any specific action. It does not even urge the complete honouring of the decision of the select committee as adopted by the Legislative Assembly. It specifically excludes all men who joined the railway service after the 17th April, 1905, who have no moral right to any pension. It merely asks that in view of the facts that the moral right of the men who joined before that date has never been questioned; that their legal right has now been fully established and is no longer contested; and that many of them are in straitened circumstances, the Government should give further consideration to the matter with a view to affording such relief as in its judgment may be adequate and equitable. The men concerned gave long and faithful service to the State in days when a railway man's lot was far less enviable than it is to-day; the fact that they are now in distress is no fault of theirs, and it is not to the credit of the State that such men, having at once

a moral and a legal right to consideration, should go to their graves indulging a grievance that is entirely well founded and that might be removed without any undue strain on the Government finances.

On motion by the Chief Secretary, debate adjourned.

BILL—BILLS OF SALE ACT AMENDMENT.

Recommittal.

On motion by Hon. J. Nicholson, Bill recommitted for the further consideration of Clause 2.

In Committee.

Hon. J. Cornell in the Chair; Hon. E. M. Heenan in charge of the Bill.

Clause 2—Insertion of new Section 29A:

Hon. J. NICHOLSON: At the last sitting a proviso was added to the clause. In order to make it quite clear, I move an amendment—

That after the word "held" in the proviso the following words be added: "used or traded in."

The concluding words of the proviso will then read, "and which goods or chattels are held, used or traded in for the purpose of such business or trade." The addition of the words will make the proviso plain.

Hon. E. M. HEENAN: I have no objection to the further amendment, because it makes the intention clearer. For instance, furniture stores will be exempted from the provisions of the measure.

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

Bill again reported with a further amendment.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

Debate resumed from the 30th October.

HON. A. THOMSON (South-East) [6.11]: This Bill has been introduced at the request, I think, of country road boards and municipalities, and the proposed amendments have their support. The measure is long overdue, and there is no

gainsaying the fact that in the past a great deal of property has been destroyed because of the lack of a properly organised method to deal with bush fires. There was no co-ordination of effort to deal with these fires. People were quite willing to lend their aid to combat the fires, but all too frequently no person was in charge to conduct operations. Both the Act and the Bill provide for many penalties, but not for much financial assistance. I personally regret that provision has not been made for assistance to combat hush fires similar to the assistance provided for fire brigades in towns and cities. I understand that in their case the Government pays one-third, the local authorities—if my memory serves me correctly—one-third, while the insurance companies pay the remaining third.

The Chief Secretary: The Government contributes one quarter; the other bodies three-eighths each.

Hon. A. THOMSON: I thank the Chief Secretary for his correction. It seems to me that under this measure the whole of the expense of policing the Act will be borne by local authorities. I am voicing my own opinion on the matter, but I think it would have been much fairer to grant the local authorities some financial assistance in the protection and preservation of an extremely valuable product, namely, crops. I well remember a fire that passed through my district in which many men lost not only their crops, but unfortunately their stud sheep also. It has taken many years for those farmers to make up that loss.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. A. THOMSON: I was pointing out that in my opinion the local authorities should contribute so much and the Government so much. I am aware that the local authorities would have to rate themselves to provide their portion, but under this measure no provision is made for that. The Bill proposes the appointment of a committee to be known as the Rural Fires Prevention Advisory Committee. This I consider is a wise step. The Minister may, on the recommendation of the committee, pay to any member who is not a servant of the Crown any travelling or other expenses actually incurred by him in the exercise of his office. Thus the Government is making provision for the payment of travelling expenses to some members of the committee.

This being so, the Government might well consider the introduction of some form of insurance for voluntary workers. I know it is not competent for a private member to move to this effect. However, quite a large number of men will be acting in a voluntary capacity as bush fire brigades, and probably some of them will be injured, and they will not be eligible to receive any relief or assistance for medical or hospital treatment. Perhaps a scheme could be devised whereby the State Insurance Office could arrange for cover. I do not wish the Minister to think that I am criticising the Bill; I am merely trying to offer helpful suggestions. The main portions of the Bill are excellent, but my attention has been directed to Subsection 3 of Section 10 of the Act, which reads—

Nothing in this section shall be deemed to relieve any person from liability for any actionable damage sustained by any other person in consequence of any burning operations carried out in compliance with all the conditions prescribed in Subsection 1 of this section.

The Bill proposes to add to Subsection 3 the following words—

or for payment of any local authority or the Forests Department of the amount of any expenses incurred by it in preventing the extension of the fire started by such person in case it escapes from the land of such person despite due compliance with all the requirements of this section.

I direct the attention of members to the words "despite due compliance with all the requirements of this section." That is an amazing provision to put in an Act of Parliament. The Act definitely stipulates in Sections 7 to 10 what measures shall be taken for the prevention of bush fires, and heavy penalties ranging up to £50 are provided. A settler might have complied with the whole of the requirements laid down in the Act. He might have personally given two days' notice of intention to burn to each owner or occupier of land adjoining his holding and given notice to the bush fire control office and taken all the precautions stipulated, including the requirements as to clearing and the presence of three men in constant attendance during the burning. In the course of the burning a strong puff of wind might carry the fire into an adjoining property and cause damage. If that happened, in spite of the settler having taken all the precautions laid down in the Act,

he is to be held personally liable for the damage caused. The provision is a drastic one. A man who does not attempt to comply with the Act but who negligently drops a lighted match and starts a fire cannot be held responsible and is under no liability because nothing can be proved against him. Yet if a settler complies with all the requirements laid down in the Act and the fire, through no fault of his own, extends to another property, he is to be held personally liable for the damage. I can visualise the occurrence of a very severe fire such as I mentioned earlier in my remarks. That fire swept the country for many miles, and conceivably a settler, held responsible for the damage in such an instance, might be ruined, and this, I remind members, through causes over which he had no control. I direct the Minister's attention to this provision and in Committee shall submit an amendment to which I hope he will agree. I propose to move for the deletion of Subsection 3 of Section 10 and the substitution of words to this effect—

The PRESIDENT: I suggest that the details of a proposed amendment and of particular clauses of the Bill had better be discussed in Committee.

Hon. A. THOMSON: I appreciate that that is the practice, but I was hopeful that I might be permitted to indicate the scope of the amendment for the information of members.

The PRESIDENT: Incidental references to such an amendment are quite allowable.

Hon. A. THOMSON: The matter is so important that I felt an explanation was justified in order that my amendment might receive the fullest possible consideration of members. My desire is that no action for damage shall be incurred when a settler has complied with the requirements of the Act. As I stated earlier, the Bill is a good one. Gradually we are improving the Act for the prevention of bush fires. For many years I advocated a system of bush fire control. I have often assisted to combat bush fires, and the trouble has been that nobody had control of operations. If anybody suggested burning up to an oncoming fire, particularly if it necessitated burning on somebody's property, the course was not adopted because the individual who took the responsibility might have been held liable for any damage done. I

have seen a bush fire brought almost under control when a puff of wind has carried embers 300 or 400 yards into a paddock, and the fire has swept away once more at tremendous speed. I commend the department on the Bill. It will improve the existing law, but the clause to which I have called attention should be amended. I feel sure that the Government has no intention of penalising a settler who has complied with the provisions of the Act. The Chief Secretary has had experience on the land.

Hon. C. B. Williams: He went broke on the land and does not know much about it.

Hon. A. THOMSON: I am not saying that he went broke on the land.

Hon. C. B. Williams: I am saying it; he told me so.

Hon. A. THOMSON: Whatever his experience might have been, he certainly has a considerable amount of personal knowledge of the difficulties that confront settlers, and I do not think he would agree to a provision that might impose an overwhelming financial responsibility upon a settler. If the Bill is taken into Committee to-night, I hope the Minister will agree to report progress on Clause 7 in order that I might have an opportunity to place my amendment on the notice paper. I feel strongly in connection with such an important measure that amendments to be proposed should appear on the notice paper, so that members may have an opportunity to digest their purport.

HON. G. B. WOOD (East) [7.46]: I support the second reading. The Bill contains highly desirable amendments. In a new Act such as the parent statute it is only natural that need for amendment should crop up from time to time. For instance, we now have gas producers, which were not numerous when the original Act was introduced. Three years ago Mr. Piesse, with my support, moved an amendment to eliminate Sunday burning. Much to my astonishment, the Honorary Minister in charge of the Bill objected to it, and the House upheld him. I am glad something of the kind is contained in this Bill. Under it, only two days' notice of intention to burn need be given; and that is desirable. In some cases four days' notice is too much, since weather conditions change rapidly. A

man prepares everything to burn in four days, and in the meantime weather conditions change entirely. A Bill like this cannot please everybody, since climatic conditions in the South-West vary so much from those in the eastern districts. There should be give and take on the measure. I have a few amendments to place on the notice paper. One relates to wax matches, the definition of which should be clearer. In Committee I shall explain the amendment. With regard to charcoal burners, the Bill provides that they shall clear 20 feet all round the burning heap of wood. That may be all right in some cases; but in bush which is green all the year round, a clearing of 20 feet would be unnecessary. It would represent quite a large area. The forestry officer should have discretion in the matter.

Hon. L. Craig: The forestry officer cannot be expected to inspect every burning.

Hon. G. B. WOOD: No; but in a particular district, such as Sawyer's Valley, he could lay down a general rule. I know of areas in the grass country where 20 feet of clearing would not be enough. In the country I refer to there has never yet been a fire caused by the charcoal burners, who clear only two or three feet. The matter should be left to the discretion of the forestry officer. Another amendment relates to burning between breaks, the burning taking place between 8 p.m. and midnight, and requires that the break should be 10 feet wide. That width is unnecessary when burning in the night time. Railway breaks are not 10 feet, and burning on them takes place at all hours of the day. My amendment will be to reduce the breaks to six feet. A hard and fast rule of 10 feet is unnecessary, especially when the break has—

The Chief Secretary: Is that not the width of the break?

Hon. G. B. WOOD: I think it is the actual break on each side. Ten feet would not be enough when burning between breaks. A chain might be required. A break of six feet half a chain wide would be sufficient. However, I shall deal with that matter later. The Minister is to determine charges on road boards in certain eventualities. In my opinion those charges should be determined by a court, and I shall move an amendment to that effect. While on this subject I desire to pay a tribute to an officer of the Agricultural Department, Mr. Giblett, who has made a speciality of bush fire brigades,

thereby rendering wonderful assistance to road boards, which he has educated on the subject of the necessity for such fire brigades. Particularly at a time of war, when the country could be set alight by a raiding aeroplane, or by a passing motor car, every road board should have a bush fire brigade. What Mr. Giblett does not know about bush fires is not worth knowing, and he has been of immense assistance to the road boards. I have not yet gone into the amendment suggested by Mr. Thomson, but at present it strikes me as highly desirable.

HON. L. CRAIG (South-West) [7.50]: I shall not speak at length on the Bill, which obviously is a Committee measure. Having gone through it carefully, I am of opinion that on the whole it will operate for the improvement of the Act. That Act, passed in 1937, has been most effective. Bush fire brigades have been formed throughout the country, and with the purchase of fire-fighting appliances, particularly the knapsack sprayer, have almost eliminated the fear which used to be prevalent when summer came, on the score of bush fires. In my district we have fire-fighting appliances dispersed over two or three areas. Last year severe fires broke out, but were brought under control in no time by the knapsack sprayers. I am not sure that the position as it stands now is not all right. Great satisfaction is expressed throughout the country now that there are organisations for controlling fires, with the necessary appliances. I repeat, there is no longer the fear that there used to be. However, I share the view expressed by Mr. Thomson that if we complicate conditions relating to the lighting of fires in the burning season, we shall not receive the co-operation of the farmer who wants to burn. If he finds it a complicated business to burn a paddock, something involving the notification of numerous neighbours, ploughing large breaks and burning between them during certain hours, he just will not do it. I know of people who are not doing it now. They say, "It is so complicated." They start ploughing a break down a certain portion of their property, and then one night a fire starts inexplicably. That is due to the difficult conditions imposed by the Act, particularly in heavy grass country, where extreme precautions are necessary. I know of areas

where the timber is thoroughly dead, and a lot of ringbarking and suckering has been done. After three or four years, it is curious how regularly a paddock that has been dead takes fire. If the matter is made too complicated, I am sure fires will occur. I support the Bill, and shall assist the Government as far as lies in my power to pass a measure that will be beneficial to the country generally. Whether Mr. Wood's amendments are necessary I do not know at this stage.

HON. C. F. BAXTER (East) [7.55]: I shall not traverse the ground covered by previous speakers. At the same time I shall support most of the amendments which have been suggested, and which I consider to be highly necessary. This amending Bill gives more power and authority than the Act confers, and consequently should result in better control of the bush fires that are likely to occur. If there are persons of the class described by Mr. Craig, it is for the people of the district to bring them to the light of reason. In 1933 I drafted a bush fires Bill, but unfortunately we were not in office to bring it before Parliament. However, I kept pegging away each year in the Press, and I do appreciate the present Government's action in passing the Act of 1937. But let us be careful that we do not go too far, as indicated by Mr. Craig. Mr. Wood, too, has sounded a note of warning in that direction by his suggested amendments. It is a question of making a Bill that is workable without imposing anything unnecessary on the people operating under it. Still, we cannot get away from the fact that the legislation must be strictly administered; otherwise it will not prevent extensive damage from bush fires. Every year the danger has been accentuated. That remark applies not so much to the wheat areas as to the South-West, where the danger increases annually in that the developed properties, putting more areas under grass, produce an extent of country under grass which, if attacked by fire, will be burnt out. The effect there may be something in the nature of Victoria's Black Thursday, when the country was burnt from the South Australian border to Geelong. The necessary safeguards are created by forming breaks and burning off. The proper way is to have two small breaks and burn in between them. I appreciate the Government's action in passing the Act of

1937 and now introducing amendments needed to make that Act more workable. I shall support the measure and some of the amendments which have been indicated.

HON. L. B. BOLTON (Metropolitan) [8.0]: I am interested in the Bill and I express my appreciation of the satisfactory work that has been carried out under the Act during the past few years. In my district we take every precaution knowing what we have to do under the provisions of the Act. I warn the Minister, however, that it will not be advisable to make the Bill too complicated as has been suggested by Mr. Craig. The Act can be improved in many directions as is proposed in the Bill and therefore I shall be pleased to give it my support.

THE HONORARY MINISTER (Hon. E. H. Gray—West—in reply) [8.3]: The reception given to the Bill indicates that the proposals in the main meet with the approval of members. I hope, however, that the amendment appearing on the notice paper will not be pressed, because it will inflict great hardship on the people of comparatively small means. The amendment provides that persons driving motor vehicles shall have affixed to those vehicles in a readily accessible position a suitable covered receptacle for used matches, cigarettes and cigar butts. Such a provision, I am sure, members will agree will be unworkable and will inflict a hardship on those least able to bear it. Mr. Thomson strongly advised the House not to take anything out of the Act. The amendment he referred to merely gives the local authorities and the Forests Department the same right as an individual has at the present time. If a person is put to any expense and he is in a position to pay, he should pay. Generally speaking I am satisfied that country members in this House will assist to make this a workable measure. There is a class of people who will always take a risk and make the excuse that the Act is too complicated. Those people, however, in starting a fire, think nothing of the damage likely to be done to a neighbour's property.

During the course of the debate, reference has been made to some of the proposals in a manner that would lead to the belief that there exists a certain amount of uncertainty in regard to their operation. I will en-

deavour to remove any existing doubts on these matters. I refer more particularly to a statement made by Mr. Thomson in regard to the prohibited period when he said that the Bill contracts by one month the open season. There appears to be some confusion in his mind, and that of other members, on the length of time called "the prohibited period." Mr. Thomson is under the impression that the Bill will have the effect of extending this period for another month to the 31st May. I wish to point out that the prohibited periods vary according to the districts. For the purpose of dealing with this question in a systematic manner, the State has been divided into zones. Under Section 8 of the Act provision is made for the Governor to declare by notice in the "Government Gazette," the times of the year during which it shall be unlawful to set fire to the bush. At present these times extend from the 15th October to the 15th February, from the 15th November to the 1st March, from the 15th December to the 31st March, and so on. In no instance does the prohibited period extend beyond the 31st March.

These dates have been approved by the Governor after investigation by the advisory committee, which takes into consideration the requirements of local governing bodies before arriving at a recommendation. As a matter of fact, one of the members is Mr. G. A. W. Piesse, Chairman of the Road Board Association, so that there is practical representation of local authorities on the Committee.

The period of time between the 1st October and the 31st May is not, therefore, the prohibited period.

Hon. L. Craig: That suits only certain parts of the South-West.

The HONORARY MINISTER: Section 10 of the Act seeks to prevent the indiscriminate lighting of fires outside the prohibited period during the 1st October and the 30th April by providing that it should be unlawful to set fire to the bush unless precautions are taken, such as the giving of four days' notice of intention to burn to neighbours, local authorities, etc. The Bill proposes to limit this notice to two days, and to extend the period in which such notice shall be given for a further month to the 31st May.

Hon. L. Craig: Fancy giving the South-West notice to burn in May when the country is half under water.

The HONORARY MINISTER: This extension for an additional one month to the 31st May should not entail any disadvantage to settlers, and I think if members will weigh the pros and cons of the position they will agree it is a wise proposal in that it is making it obligatory on the part of anyone desiring to burn the bush to take certain precautions for yet one more month no matter what district he is in. In connection with the burning of the carcass of any animal, it has been contended that the condition that no fire should be lighted within a distance of 20ft. of any standing tree is a provision that is likely to cause some hardship. This has been considered necessary for the reason that the burning takes place in the prohibited period and great danger of extensive damage to property can arise if this safeguard is not taken. Under the Act, a 10ft. distance is provided for. It is considered that this is sufficient safeguard to prevent a fire spreading, and it is better to make provision for the extra precaution than to be faced with the prospect of probable fires.

The same argument applied in regard to the supply of an iron or brick container for the purpose of burning garden or orchard refuse. Many fires are caused through negligence in this regard, particularly in town areas. The fact that such a provision applies to the metropolitan area will not cause undue hardship to anyone. An iron container can be any small receptacle for this purpose; for instance, a small bin with holes punched in the sides. The question of compensation for injury incurred by fire fighters is an important matter which has had the attention of the advisory committee for some time. The committee has been making certain investigations and has found that the matter can best be handled by way of insurance. Rates, etc., are being obtained and when full information is available members can rest assured that this important aspect will have the earnest attention of the committee. I am informed that no amendment of the Act will be required in order that insurance may be effected.

Hon. L. Craig: You had better leave it alone.

The HONORARY MINISTER: Other matters have been mentioned, but I will endeavour to deal with these in Committee. One hon. member suggested that due regard should be given to the views of local authori-

ties in connection with all matters affecting bush fire control. For the information of the House, I can state that the department and the advisory committee endeavour at all times to co-operate with the local bodies, and the fact that the Chairman of the Road Board Association is a member of the advisory committee indicates that the views of the local authorities are not set aside. However, the proposal in the Bill whereby the local authorities shall have such members on the committee as is nearest to one-third of the membership, is indicative of the Government's intentions in this regard and should leave no cause for complaint.

I explained the provisions of the Bill when moving the second reading. All the provisions are considered necessary by the advisory committee and the Forests Department, the desire being to tighten up the control and prevent bush fires, the tragedy of some of which cannot be over-emphasised when we take our minds back a year or two to those disasters which beset the forests of Victoria, where 70 lives were lost, and a vast amount of damage was done to property and to the virgin forests of that State.

On the question of prosecutions under the Act, it is considered that such matters should not wholly be left to the judgment of local governing bodies. In some cases it might be difficult to get the local authority to authorise a prosecution. Some of these authorities may be loth to start such an action, and at times evince no great interest in utilising their powers under the Act. The effect of the amendment in the Bill, therefore, will be to relieve police or forest officers from the obligation of reporting offences to local authorities, while it will still be obligatory on the part of bush fire control officers to make reports.

Following the disastrous fires in Victoria to which I have referred, a Royal Commission was appointed to inquire into the causes and to recommend preventive measures. A perusal of the report cannot fail to arrest attention and from it lessons for the future may be gleaned, not only by Victorians but by Western Australians and citizens of every State of the Commonwealth. The Royal Commission affirmed that, while it was not suggested that the fires of 1939 could have been prevented,

much could have been done to prevent their spread to such destructive force and magnitude. The report stated that the law against the lighting of fires was inadequate, ineffective and deliberately flouted. It was unpopular and there was no effective way of policing it. The department had no policy of fire prevention although it claimed jurisdiction over parts of the timbered areas.

The report went on to say that the most prolific fire-causing agents were settlers, miners and graziers; the percentage of the fires caused by them exceeded that of any other class. Their firing was often deliberate, but all other firing was generally due to carelessness. Persons who caused the fires were classified in a descending scale of responsibility as follows:—

Settlers: Burning off for growth, clearing for protection.

Graziers: Burning off to promote grass growth.

Miners and prospectors: Clearing to facilitate operations.

Sportsmen, tourists and campers: Neglect of billy and camp fires, lighted matches for smoking, burning to promote passage through bush.

Persons using roads: Neglect of billy and camp fires, lighted matches and burning obstruction logs on roadway.

The law designed for the prevention of fires, it says, had, by the unsuitability of the specific terms and the ill-considered use of the power of proclamation conferred by it, been a fruitful cause of bush fires. It failed because it was not fitted for the widely diverse conditions and circumstances which obtain in Victoria. It failed because the people had neither understood nor been instructed in it. The report states that few people had any interest in the subject of fire prevention. Townships had been allowed to be encroached upon by scrub. No attempt in many such places had been made to render safe the township or its environs by clearing, or conservation of available water.

So in conclusion I say, let us take such steps in our own legislation as will be required for the proper control and prevention of bush fires. This State in the last few years has shown that it is endeavouring to deal with this dreadful menace to life and property, and the Bill is another step in that direction. With further experience and better organisation to back them up, fire control officers and members of local

fire brigades will be in a much better position in future years to deal with a problem which must be attacked with the idea that prevention is better than cure.

Member: You are the only one listening to the speech.

The HONORARY MINISTER: I am very sorry the hon. member is not listening to remarks on a very important measure such as this. It is my duty to put forward the case for the Bill's acceptance and I have done it to the best of my ability. The passing of the measure will result in a great improvement to our legislation.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Progress reported.

BILL—CITY OF PERTH (RATING APPEALS).

Second Reading.

Debate resumed from the 30th October.

HON. L. B. BOLTON (Metropolitan) [8.19]: It is my intention to support the second reading of the Bill which proposes to substitute a board of three, to be called the City Rating Appeal Board in place of the full City Council sitting as an appeal board. The Chief Secretary has fully explained the Bill and I do not propose to occupy much time in debating the matter. I am certain that the large body of ratepayers will welcome the measure. The dissatisfaction that sometimes exists following rating appeals is not confined to the City of Perth and if the measure is passed and given a reasonable trial, I am sure other local governing bodies throughout the State will be glad to follow the lead of the Perth City Council. No additional expense is to be incurred in an appeal by a ratepayer and if after the appeal he is still dissatisfied he will have the right of further appeal to the local court. Quite a number of hon. members have served on local governing bodies and they will appreciate the great

benefit that the proposed board will prove as compared with the full council listening to ratepayers' appeals from time to time. In my 26 years' experience of municipal and road board work, one of the most difficult jobs I undertook was to sit as mayor or as a member of a council or road board to listen to an appeal against rates.

The Honorary Minister: By a neighbour!

Hon. L. B. BOLTON: Yes, very often by a neighbour. At times to give satisfaction is almost impossible. I speak without fear of contradiction when I say that great difficulty is experienced in eliminating the personal element from an appeal. It is most unfair that one man in a street having the ear of the majority of the appeal court should secure a reduction in rates, while his neighbour having failed to do likewise, continues to pay the full rates.

The main point that will require some consideration in Committee is the constitution of the board and the method of appointment. The special committee appointed by the Perth City Council submitted a recommendation for the appointment of certain persons to the board, but the full council made an amendment that one member of the board should be a representative of the ratepayers. The original committee favoured a board composed entirely of specialists and I am inclined to support that suggestion. On the notice paper is an amendment to the clause dealing with this matter and that amendment is worthy of support. It proposes to eliminate the ratepayers' representative and replace him by another valuer. The House, when in Committee, will decide whether it would be wise to have as the third member of the board a ratepayers' representative, another valuer or a representative of the architects or builders. Either of the last two mentioned could and should be appointed by a recognised body and in my opinion the chairman, who is to be a legal practitioner, should be appointed by the board suggested in Mr. Baxter's amendment.

Hon. J. J. Holmes: Nominated by the Barristers' Board.

Hon. L. B. BOLTON: Yes. If the third member of the board is to be an architect he should be chosen by the Institute of Architects and if he is to be a builder, he should be selected by the registered builders.

Such a method of appointment would inspire more confidence in the ratepayers than if appointments were made by the Governor in Council. The Bill has been needed for many years and I am sure it will be agreed to. I support the second reading but reserve my right to vote for amendments appearing on the notice paper.

HON. C. F. BAXTER (East) [8.25]:

Considering the information submitted when the Bill was introduced, I have no doubt that the need for a measure such as this has existed for some time. It is remarkable to find that a body of what I might term laymen, from the point of view of the ability to make valuations, has the right to alter valuations made by a competent valuer. Members of the Perth City Council may have some knowledge of valuing, but not one of them can possibly have the knowledge possessed by the City Valuer, whom I look upon as being one of the most competent valuers in the State and a man whose integrity is undoubted. The council as a body has reduced by tremendous amounts assessments made by the City Valuer. Consider the Trotting Association property. The City Council reduced the valuer's assessment from £3,000 to £1,857. In that way, not only the revenue of the municipality but also the revenue of the Government has been interfered with, inasmuch as the receipts of the Water Supply Department have been heavily reduced for a period of years. The reduction in the valuation of the Trotting Association's property led to a reduction of £136 per annum in the rates paid to the Water Supply Department, and the loss to the municipality has been between £170 and £180.

Let us consider also the values placed on city hotels for the last year. I have here a list of figures which is too extensive to read, but hon. members should familiarise themselves with these amounts. As a result of a reduction in values of city hotels, the Water Supply Department will lose approximately £4,000 and the municipality £5,000. Thus by reducing a competent valuer's assessment the city councillors have reduced the combined revenue of the municipality and the Government by £9,000.

Hon. J. J. Holmes: Are you going to tell us about certain hotels?

Hon. C. F. BAXTER: No. I have shown how the valuations made by the City Valuer

have been reduced by the City Council. I have no desire to weary the House, or to increase the cost of the records of the House, by reciting all the instances that could be taken from the files.

Hon. J. Nicholson: You have a schedule in front of you?

Hon. C. F. BAXTER: The particulars are available in the papers that were kindly laid upon the Table to-night by the Chief Secretary. I have to thank the Leader of the House for his promptness in presenting these papers. They are very interesting. From the financial point of view, the Government is deeply concerned in this matter.

Hon. J. J. Holmes: You mean that consequent upon the reduction of city values, the Water Supply Department also loses money.

Hon. C. F. BAXTER: Yes. There is a loss to the Water Supply Department as well as to the municipality itself through the City Council reducing valuations made by its competent official. Of what use is it to have a City Valuer in such circumstances? Up to a point, the Bill is a good one, but I do not agree with certain parts of it. I refer particularly to Clause 5. I will not go into details now, but that clause provides for the appointment of a chairman of the board. According to the Bill, he must be a legal practitioner of not less than ten years standing in the profession. That is quite a wise provision, so far as it goes, but to that should be added the words "and shall be nominated by the Barristers' Board."

Hon. J. Nicholson: That is very important.

Hon. C. F. BAXTER: The Barristers' Board should be able to vouch for the qualifications of the candidate for the office.

Hon. J. J. Holmes: You mean he should be recommended by the Barristers' Board?

Hon. C. F. BAXTER: The nomination should come from the Barristers' Board, the members of which would know their professional brothers, and all there is to know about them. It is very necessary that such an amendment should be made to the clause. There is also a provision that one member of the board shall be a member of the Institute of Valuers. In my opinion, both the other members should be nominated by the Institute of Valuers. How else would it be possible to get competent men? The clause

sets out that another member of the board shall be a person who is a ratepayer of the City of Perth, not a member of the City Council, and shall be nominated by the Minister. Of what use is it to have a ratepayer of Perth nominated? We want something more definite. In this case we are dealing with the valuation of city properties, and the amount of rates to be returned to the municipality as well as the amount of rates to be returned to the Water Supply Department. The ratepayer may be a layman, and in my view we do not want any more laymen to deal with matters of this kind. We should not perpetuate the old system whereby ratepayer auditors were appointed in days gone by to go through the accounts of the local authorities.

Hon. J. J. Holmes: You do not want sworn valuers.

Hon. C. F. BAXTER: No. Certain sworn valuers are not members of the institute. Some of them might be able to qualify for such a position, whereas others might not do so. Of what use is it to appoint such men if they have not the qualifications to sit on a board of this kind? The amendment I propose is that the two persons must be approved by the Institute of Valuers, one to be recommended by the institute, and one by the Perth Chamber of Commerce, to protect the ratepayers' interests. In that way we could rely upon having a good, sound board. Another amendment I propose to move is for the deletion of paragraph (b) of Clause 7. That is meaningless. The rate in the pound is fixed by the City Council each year, and cannot be altered by appeal or otherwise. Later on in the Bill the same reference occurs. Why should that be put in when it means nothing? I do not know how it came to drift into the measure. Once a rate has been fixed it cannot be altered.

Hon. J. J. Holmes: What does the Bill provide?

Hon. C. F. BAXTER: It provides that the board shall have power to hear and determine all appeals by ratepayers in relation to the valuation of any rateable land assessed for municipal rates. Paragraph (b) speaks of any rates assessed in respect of any rateable land. That rate has already been fixed. I wish also to refer to another matter. I was astounded to read in the Press the other day a statement that reflects upon

members of this House. The statement reads—

One of the members for the North Province said, "My opinion is that the 3 per cent. is better in the hands of the City Council than it would be in the hands of the Government." What an expression of opinion! What an entirely loose and irresponsible statement unsupported by any reasonable argument. No wonder people are becoming tired of gerontocracy. These people are hopelessly out of date, and so steeped in tradition that their reasoning is warped.

Hon. J. Cornell: That refers to another Bill.

Hon. C. F. BAXTER: I did not think I would ever reach a period when a reflection of that kind would be cast upon members of this Chamber. That reflection comes from a person who no doubt went out of his way to get another person to supply him with that word. The term "gerontocracy" is not one that is in general use. What was intended to be conveyed could have been conveyed in simple language. No doubt the statement was prepared for the person in question so that he might read it out. I have no intention of using words supplied by others or of searching the dictionary for such words, but his reflections on a body of men who have done and continue to do such good service to the State compared with his weak display prompts me to use words that are general, in contrast to his reflections. I characterise him as a clod-pated dolt, elevated to an important position.

Hon. J. Cornell: Perhaps he made up the words as he went along.

Hon. C. F. BAXTER: I say to the man who would thus reflect upon members of this House—

The PRESIDENT: Order! I should like the hon. member to connect his remarks with the Bill.

Hon. C. F. BAXTER: I am informed that this matter deals with another Bill. The statement, however, was made in the public Press. A reference was made to 3 per cents.

Hon. H. S. W. Parker: There are no 3 per cents. in this Bill.

Hon. G. B. Wood: Was that not said in connection with another Bill?

The PRESIDENT: I hope the hon. member is not quoting from some matter that refers to another place.

Hon. C. F. BAXTER: I am not referring to another place.

The PRESIDENT: And I hope the hon. member is not referring to anything that was said in another Chamber.

Hon. C. F. BAXTER: Surely I am privileged to reply to any statement that is made in the daily Press, the source from which I obtained what I have read. I do not read "Hansard" as it relates to another Chamber, as I find my time fully occupied in reading what has occurred in this Chamber. I am sorry I am not allowed to finish what I was going to say, and that I made the mistake of bringing this matter up in connection with the wrong Bill. The measure now before us has my approval with the exception of the amendments to which I have referred, amendments which I think will make this a sound Bill, from the standpoint of the Government, the City Council and the ratepayers. The only way in which it can be made a sound measure is for my amendments, which are on the notice paper, to be accepted, and for the House to ensure that only competent valuers are appointed to the board, men who know their business. The other amendments are neither here nor there, and may be accepted or rejected as the Minister pleases. After what we have read in the Press recently, and after looking through the papers that have been laid on the Table of the House, I am pleased to have this Bill before us and to commend the Government for bringing it down. The officer, who has so long been assiduous in trying to bring about some improvement in existing practices on behalf of the department he is administering, is also to be thoroughly commended. I support the second reading of the Bill.

HON. J. NICHOLSON (Metropolitan) [8.40]: It will be generally acknowledged that this measure represents a wise act of reform so far as the municipal laws of the city are concerned. We have had a long experience of a cumbersome method of rating not only in the city but in connection with every municipal council and road board in the State. A system is outlined in the Bill with the object of attaining greater efficiency and satisfaction in the matter of rating appeals and this is something upon which we are justified in offering our congratulations to the Government. At the same time we must reserve to ourselves the

right to criticise certain clauses of the Bill, as has already been done by previous speakers. I must refer first to Clause 5. No doubt that was drafted in an attempt to secure what either the draftsman or the Minister concerned thought best suited to the purpose. Mr. Baxter's amendments in this connection are deserving of the fullest consideration. If the Bill is to give the public that degree of efficiency and satisfaction which I am sure it is the wish of the Government to secure, it is essential that a board should be constituted free from any question of having its efficiency challenged. Whilst it is true certain qualifications are fixed for the chairman, they do not go far enough. The Bill provides that he must be a legal practitioner of not less than ten years' standing. There are members of the profession of ten years' standing who may not, according to the conception of those best able to judge, have the qualifications enabling them to fill a position so responsible as this one. The same contention applies with equal force to the other two appointments. One can readily realise that if the qualifications of the two individuals who may be appointed to hold such responsible positions are not supported by the good opinions of those best able to judge, there cannot be that sense of satisfaction that one would like to have and which the Government would desire. I hope, therefore, that full consideration will be given to this matter in an earnest endeavour to remodel the system applying to rating appeals. The old system has proved not only cumbersome but obviously unsuited for either the Government or the municipalities concerned. I feel sure that if the legislation we pass proves satisfactory to all concerned, the system outlined could very well be applied to other municipalities and probably to road boards throughout the State. I have pleasure in supporting the second reading.

HON. H. S. W. PARKER (Metropolitan-Suburban) [8.48]: The Bill represents a step in the right direction, but does not go nearly far enough. I fear that some of Mr. Baxter's statements on this Bill were not quite correct, particularly with regard to the conclusions he arrived at. The Bill seeks to establish an appeal board and the objections raised by Mr. Baxter to past practices under the Municipal Corporations Act will still apply, even if the Bill be agreed to. The Act provides that the council may appoint a

valuer to value property, but the council may accept or disregard his valuation. The Act says—

The valuation so submitted may be adopted by the council with or without alteration, and when adopted shall be the valuation of the council.

Thus the council may continue to act as Mr. Baxter mentioned. Again, I would draw that hon. member's attention to his references to hotels. The City Valuer has for some years past adopted a certain value for hotels. The question was gone into thoroughly and a formula was adopted, which the council accepted. The amount arrived at is only the annual value. Each year the City Valuer has conscientiously stated the value at his original valuation, and each year it is revised and formally adopted by the council. Paragraph (b) of Section 383 of the Municipal Corporations Act says—

The annual value of rateable land which is improved or occupied shall be deemed to be a sum equal to the estimated full, fair average amount of rent at which such land may reasonably be expected to let from year to year.

One can readily understand that ingoing is paid in connection with hotels, and there is great competition for those properties. Usually tenders are called at a fixed rental and the individual tenders on the ingoing, which may vary from a small to a large sum. The question is: What is a fair, full, average rent? I am sorry the Bill does not include a clause making that provision more explicit.

Hon. J. Cornell: That is analogous to "all things being equal."

Hon. H. S. W. PARKER: That is difficult to arrive at. When the appeal board is established, that tribunal may adopt a formula. The board may adopt that formula or some other provision. Actually, the value of city hotel property is largely based on the rental, plus the ingoing, less certain deductions. If that position could be clarified, much difficulty would be obviated. Then again, a rather curious fact is that the ingoing respecting no other premises is taken into consideration in arriving at the fair, full, average rental. Many people pay ingoing for boarding houses, shops and other businesses or premises. That emphasises my point that if the position had been dealt with in the Bill, a difficulty that has obtained in the past would have been overcome. However, the measure represents a step in the

right direction. Obviously, a councillor is placed in a very awkward position when one of his supporters appears before him seeking a reduction in his rates. In all these matters the Government is vitally interested and therefore should have some representative on the board of valuers. The Taxation Department fixes valuations, but that is on a different basis. I wish the Government would take into consideration the clarification of paragraph (b) of Section 383.

HON. J. CORNELL (South) [8.53]: The provisions of the Bill apply solely to the City of Perth. It has taken over a quarter of a century to get away from the old system of municipal valuations. A long time has been required to determine that the old system was bad and should be corrected in the interests of the city. All the municipalities operate under a similar system in regard to the fixing of rates. Apart from the City of Perth, there are 18 municipalities with an average minimum number of 12 councillors. If the proposed system is regarded as satisfactory for the Perth municipality, why not extend it to other municipalities? The same disabilities apply proportionately with the smaller municipalities as with the larger local governing authorities. Mr. Bolton referred to the undesirable system that requires a councillor to sit in judgment on an application for a reduction of rate when that application is lodged by his next-door neighbour. Possibly Mr. Bolton has had a worse experience in his capacity as a justice of the peace.

Hon. C. B. Williams: No, or he would not be a member of Parliament.

Hon. J. CORNELL: That is by the way. The position to-day is that the City Valuer fixes the rates and the council is the appeal board. As there is no appeal, finality is reached.

Hon. H. S. W. Parker: No, there is an appeal to the local court.

Hon. J. CORNELL: If there is to be an appeal, why not go to the court straight away? If an appeal board is to be set up, why not constitute it of one member who would be a legal practitioner possessed of the necessary knowledge enabling him to sift the evidence. How will the appeals be determined? They will be dealt with in accordance with the weight of the evidence. If I were to lodge an appeal, I would endeavour to back it up with expert evidence. In

the circumstances, I think a one-man board would be quite sufficient. I cannot see the necessity for going beyond a board of that description. An appeal to a higher court should be allowed only on a question of law, not of facts as affecting a valuation. There is one direction in which the Bill could be improved. The point was raised by Mr. Baxter, who said that the Government would lose revenue by a reduction in the rating adopted by the municipal council. If the Bill is passed in its present form, the City Valuer may fix the rates as heretofore and the right of appeal will lie with the ratepayers affected. For the sake of argument, we will accept that the valuation fixed is lower than that which applied formerly. In those circumstances it is hardly likely that any person would lodge an appeal. The fact remains that the return for an essential service, such as water supply, might be reduced in consequence of the rating fixed by the local authority. The Bill could be improved if the Government or, for instance, the Water Supply Department, were given the right of appeal in the event of an assessment being too low. As the Bill stands, none but the ratepayer has the right of appeal, and it seems to me that the Government in its capacity as a supplier of services should have a similar right. Probably other instances could be quoted. The difficulty that has been cropping up year after year is not likely to be overcome by this Bill, and so I make that suggestion to the Minister. I shall support the second reading because I cannot imagine a reasonable court of appeal constituted of about 28 members of the council. I served for a term on the Boulder Municipal Council and Mr. Williams was also a member, and periodically we had to sit as a court of appeal.

Hon. C. B. Williams: Those members who would attend.

Hon. J. CORNELL: Seemingly only those who wished to gain notoriety were willing to sit, and when there was a larger attendance, it was fairly clear that most of the members knew little about the subject. The idea of the Bill is to set up a tribunal that will have some cognisance of the facts and some idea of what is a reasonable assessment to impose. If this board proves beneficial for the City of Perth, I hope it will be extended to other municipalities.

Hon. J. J. Holmes: Try it on the City of Perth first?

Hon. J. CORNELL: Yes, try it on the big dog first. Usually we reverse the order and try things on the small dog first.

HON. W. J. MANN (South-West) [9.2]: I support the second reading. I have had a good deal of experience of local bodies as an onlooker, and am of opinion that some extraordinary things take place at appeal boards. For years I have felt that the existing practice was quite wrong. Provided the councillors are free of bias and have not had a quarrel with their neighbours, the system in vogue would be excellent, but in a few instances where other considerations have been allowed to interfere, reprehensible things have occurred. The Bill is a move in the right direction. As an experiment I believe it will prove successful and that other local governing bodies will watch its operations with interest and in turn will be glad to have the responsibility moved from their shoulders and placed on a qualified body such as is provided for in this Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

Clauses 1, 2—agreed to.

Clause 3—Sections 401 to 404 of Municipal Corporations Act not to apply to City of Perth:

Hon. J. NICHOLSON: The clause provides that after the commencement of this measure Sections 401 to 404 shall not apply to the City of Perth. Clause 2 states that the Act shall be read in conjunction with the Municipal Corporations Act "hereinafter referred to as the principal Act." This is not an amendment of the Municipal Corporations Act; it is a distinct measure. Therefore the words "of the principal Act" should be inserted in the clause.

The CHAIRMAN: The marginal note specifies the Act, but that means nothing.

Hon. J. NICHOLSON: That is so.

The CHAIRMAN: Therefore the words are necessary.

Hon. J. NICHOLSON: I move an amendment—

That after the words "four hundred and four" the words "of the principal Act" be inserted.

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

Clause 4—agreed to.

Clause 5—Constitution of board:

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

That the words "and shall be nominated by the Barristers' Board" be added to Subclause 3.

The CHIEF SECRETARY: I oppose the amendment. The Bill has been introduced at the request of the Perth City Council and the constitution of the board has been determined, not by the draftsman or the Minister, but by the City Council.

Hon. J. J. Holmes: But this Bill is intended to take the business out of the council's hands.

The CHIEF SECRETARY: The council, after a long and heated debate described elsewhere as acrimonious, requested that a board be appointed as provided in the Bill. The request is backed by reason and logic. More than one member has suggested that if the chairman was recommended by the Barristers' Board, we would have a guarantee that a satisfactory person would be appointed to this important position. If we accept the amendment we shall limit the choice. The Barristers' Board consists of ten legal practitioners, five of whom, I understand, are King's Counsel.

Hon. H. S. W. Parker: All of them are King's Counsel.

The CHIEF SECRETARY: If the Barristers' Board was asked to recommend a chairman, it is unlikely that a member of the board would be nominated.

Hon. L. Craig: Why not?

The CHIEF SECRETARY: I have been advised that the board might consider this was not the right thing to do. If we ask any particular body to make a recommendation, it might be better to let the Law Society do so. I believe that society includes practically all legal practitioners, whereas the Barristers' Board consists of ten of the most prominent legal men in the State. If it be that there is anything to substantiate the suggestion I have made,

as to their being somewhat loth to nominate a member of their own body, that does not seem right to me. The Government's choice should not be limited. To alter this provision would be a mistake.

Hon. C. F. BAXTER: I cannot agree with the Chief Secretary's line of reasoning. I am anxious that the board when established shall be sound. On the one hand there is the Barristers' Board composed of the leading legal men of the State, against what? Against the Minister and his officers. Knowledge on one side, guesswork on the other. I cannot think that the Barristers' Board would do otherwise than recommend the best man available. Then the Minister would have the responsibility taken off his shoulders. The Minister should not make the appointment.

Hon. J. NICHOLSON: The Minister has suggested the desirability of leaving the clause unaltered. If any recommendation or nomination should be decided, he thinks it should be a recommendation or nomination not of the Barristers' Board but of the Law Society. I hold—and possibly Mr. Parker and Mr. Heenan will agree with me—that it is most essential and most desirable that the recommendation or nomination should be that of the Barristers' Board, which is the controlling authority in regard to the conduct of all legal practitioners in the State. It is the body constituted by Act of Parliament, and has vested in it powers which the Law Society does not possess. For that reason, and also because of the authority which the Barristers' Board has vested in it, that board has a knowledge in regard to the conduct of solicitors which is not always available to the Law Society.

Hon. C. F. Baxter: You should stick to my amendment after that!

Hon. J. NICHOLSON: I suggest retaining the Barristers' Board in the amendment.

Hon. G. Fraser: You believe in going to the union's executive, and not to the union.

Hon. J. NICHOLSON: No. The whole control is vested in the board by statute. I hope the amendment will be carried.

Hon. H. S. W. PARKER: The Barristers' Board consists of leaders of the profession, but not of all the leaders of the profession. I understand the King's Counsel rarely attend meetings of the Barristers' Board, except on important occasions.

There would be no bar to getting a good man outside the Barristers' Board. Equally prominent lawyers are not members of that board. If the board thought one of its members was a suitable man, he would be recommended for appointment.

Hon. E. M. HEENAN: I appreciate the virtue of the Government's getting a recommendation from the Barristers' Board and from the Law Society, but I also appreciate the Minister's point of view that the Government desires to retain the widest power in making such an appointment. I agree with the Minister that the power should not be delegated to either the Barristers' Board or the Law Society. When an appointment is to be made, the Crown Law Department would probably obtain advice from both the Barristers' Board and the Law Society.

The CHIEF SECRETARY: Naturally the Government would fortify itself with the opinions of those best able to make a recommendation in this regard. That is the strength of the argument which I submitted long ago, that we should not in any way limit the Government's choice. I do not deprecate in any way the standing of members of the Barristers' Board. I was informed that usually such a board looks outside its own ranks for the purpose of making a nomination. In view of the circumstances which gave rise to this measure, we should first have regard for values; and, secondly, some regard to a choice as wide as possible so far as the Government is concerned. I ask the Committee to agree to the clause as it stands. It should not be necessary for me to give the Committee an assurance that the Government will take every precaution to ensure that the person appointed to the position has the recommendation of the profession of which he is a member.

Hon. G. FRASER: I oppose the amendment. The principle of the Bill is the one generally followed by a Government in making appointments. If the Commonwealth Government desires to appoint a workers' representative to some position, it does not ask the executive of the Trades Hall to make the appointment. It would ask the executive to make a recommendation.

Hon. L. Craig: That is all the amendment does. The Barristers' Board is to be asked to make a recommendation.

Hon. G. FRASER: The Government could obtain a recommendation from the Barristers' Board or from the Law Society, and from the names submitted could make a choice. There would be a limit of choice if the amendment were carried.

Hon. L. CRAIG: The position seems to be misunderstood. The amendment does not say that the Barristers' Board shall make the appointment, but that the Minister or the Governor shall appoint a man recommended by the Barristers' Board.

Hon. G. Fraser: The amendment says "shall appoint".

Hon. L. CRAIG: It says "shall appoint someone recommended by the Barristers' Board".

Hon. G. Fraser: No, nominated.

Hon. L. CRAIG: The word "nominated" should be altered to "recommended".

The CHIEF SECRETARY: That brings us back to the point that I have already raised, that there is a difference between the words "nominated" and "recommended". Only one construction can be placed upon the amendment, and that is that the appointment of the chairman of the board will be left to the Barristers' Board.

Hon. L. Craig: That is undesirable.

The CHIEF SECRETARY: If the amendment provided that the chairman of the board should be a person recommended by the Barristers' Board, that would be a different matter altogether.

Hon. C. F. BAXTER: In deference to the Committee, I would like to move that the word "nominated" be struck out with a view to inserting in lieu the word "recommended."

The CHAIRMAN: I will accept an amendment upon the amendment.

Hon. G. W. MILES: I move—

That the amendment be amended by striking out the word "nominated" and inserting the word "recommended" in lieu.

Amendment on amendment put and passed.

Amendment, as amended, put and passed.

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

That Subclause (4) be struck out and the following subclause inserted in lieu:—(4) The other two members shall be persons who are members of the Commonwealth Institute of Valuers in actual practice, one of whom shall be nominated by the Commonwealth Institute of Valuers and the other shall be nominated by the Perth Chamber of Commerce.

An ordinary ratepayer should not be a member of the board. That idea has long since proved to be wrong. It is necessary that competent valuers should be appointed to the board. These, as suggested by the amendment, should be members of the Institute of Valuers, not sworn valuers, who are a different body altogether.

The CHIEF SECRETARY: The same objection applies to this as applies to the other amendment. It proposes that the Government shall delegate to an institution the appointment of two members of the board. I think the hon. member's suggestion is not in keeping with an earlier remark he made. I remind him that on the second reading he suggested the Government was entitled to some representation on a board of this kind.

Hon. C. F. Baxter: I did not say that.

Hon. J. Nicholson: I do not remember that.

The CHIEF SECRETARY: I beg the hon. member's pardon. I think the remark was made by Mr. Parker. He suggested that the Government should be represented on a board such as this. The Bill provides that one member of the committee shall be a member of the Commonwealth Institute of Valuers in actual practice, and we can rest assured that the Government would satisfy itself that it was appointing a competent member of the institute. No doubt it would accept a recommendation from the institute in regard to that particular member. With regard to the third member of the board to be nominated by the Minister, does it not stand to reason that the Minister would have some regard to the qualifications of the man appointed? There are many ratepayers who are members of the Institute of Valuers, and the man appointed might be one of those members. The ratepayers are entitled to have one member on the board to whom they can look to represent their interests. Provision is made that the person nominated who is a ratepayer of the city and nominated by the Minister shall not be a member of the council. That is the only disqualification. We should not restrict the choice of the other two members of the board to the Institute of Valuers. Mr. Baxter's amendment provides that the institute shall nominate. That is open to some objection.

The CHAIRMAN: For the sake of consistency, I suggest Mr. Baxter change the word "nomination" to "recommendation."

Hon. C. F. Baxter: It must necessarily be altered.

The CHIEF SECRETARY: I think we can take it for granted that if the second member of the board is to be a member of the Institute of Valuers in actual practice, the Government will satisfy itself in regard to any person who desires to nominate and may even ask the institute for a recommendation. With regard to the third person to be nominated, we should not tie the hands of the Minister or the Government.

Hon. L. B. BOLTON: I am not sure I agree with Mr. Baxter's suggestion that the two remaining members of the board should be recommended or nominated by the Commonwealth Institute of Valuers. I should like to see the second member so appointed but it would be advisable to have an architect or a prominent builder as the third member. In such an event the appointment should be recommended either by the Institute of Architects or registered builders, as the case may be. In this way a third opinion would be available to the board.

Hon. L. CRAIG: I can perceive a danger in a valuer in actual practice being appointed to the board but I cannot suggest an alternative so am compelled to agree to what is proposed. My objection is that valuers in actual practice are dependent on ratepayers for their living. They are nearly all land agents and a member of the board dependent for a living on the goodwill of owners of large properties would be unconsciously biased in favour of low rating. If a ratepayer considered his property assessed above its value, he would not feel too friendly towards the valuer who approved of the high rate. The private business of the valuer would be affected, inasmuch as fewer properties would be entrusted to him for sale. The same applies to the appointment of a ratepayer's representative to the board. Unconsciously a ratepayer would favour ratepayers, and would be inclined to seek low rates. However, having no alternative proposals to suggest, I must agree to the proposals in the Bill.

Hon. H. S. W. PARKER: I would like to see the clause left as it is except that I consider the words "as a representative of the ratepayers of the said city" should be omitted. A lawyer and a sworn valuer are to be appointed, and the third member ought to be a commonsense man. We do not want

another expert. I do not, however, see why he should be a representative of the ratepayers.

The CHAIRMAN: The hon. member should move an amendment on the amendment along those lines.

Hon. H. S. W. PARKER: I move—

That the amendment be amended by striking out the words "as a representative of the ratepayers of the said city."

Hon. C. F. BAXTER: If the Committee agrees to Mr. Parker's amendment there will be as chairman a legal practitioner who knows nothing about property values.

Hon. H. S. W. PARKER: Who said so? I deal with them every day.

Hon. C. F. BAXTER: The hon. member is an authority on everything! The chairman will hold the balance between the other two members of the board. They will consist of a valuer and what Mr. Parker called a commonsense person. What will happen with one valuer on a board of three members? We need an experienced man.

The CHAIRMAN: The hon. member's amendment will not be affected by Mr. Parker's amendment.

Hon. A. THOMSON: The ratepayers are entitled to some representation on the board. As the City Council has asked for this Bill, and this Committee has agreed to the chairman being a barrister recommended by the Barristers' Board, it is fair that the ratepayers should also be represented. Those who pay the piper should have some right to call the tune. I want a little commonsense imported into the personnel of the board.

Hon. J. NICHOLSON: I am surprised at the turn the discussion has taken.

The Chief Secretary: I am not.

Hon. J. NICHOLSON: Surely the man who has a knowledge of values is a better person to serve on the board than is an ordinary representative of the ratepayers. We do not want a person who knows nothing about values to determine important matters of this kind. The question is whether we are going to make this a good Bill, or to fail in the attempt. I see in the amendment something that will help to secure success for all municipalities. Only men competent to deal with these questions should serve on the board.

The CHAIRMAN: Only an amendment to strike out certain words is before the Chair.

Hon. J. NICHOLSON: If those words are struck out we might as well retain the rest of the subclause, in which case the Committee will have failed to attain that perfection in the constitution of the board which is so essential.

Hon. H. S. W. PARKER: The board will hear appeals against values which have already been fixed. Why should those who are appealing to the board wish to have their representative upon it? The chairman will not want as assistants two persons who are pulling against each other, nor do I think one of those persons should be representing the appellants.

Hon. J. J. HOLMES: I oppose the amendment on the amendment, and shall vote for the subclause as it stands.

Hon. W. J. MANN: I, too, will vote in that way. The board will hear evidence and arrive at determinations on that evidence. The situation will be met by the subclause as it stands.

Hon. C. F. BAXTER: I am astonished at the turn of events. The Bill was brought down because in the past appeals have been heard by the City Council, whose members are not valuers.

Hon. J. J. Holmes: We do not want two valuers on the board.

Hon. C. F. BAXTER: Apparently we shall finish up with a legal practitioner as chairman, one member as a valuer, and another person to be nominated by the rate-payers.

Amendment on amendment put and negatived.

The CHIEF SECRETARY: In view of the discussion it is easy to understand the difficulty experienced by the Perth City Council in arriving at a decision as to how this board should be constituted. Having arrived at that decision, we should meet the council as far as we possibly can. Of the other two members of the board, one has to be a member of the Commonwealth Institute of Valuers. The third member must be appointed by the Minister and he may be a valuer, an architect or a man whose associations give him a standing that enables him to deal with matters of this description. The Committee should not limit the choice. We

have agreed that the chairman shall be recommended by the Barristers' Board, but I do not think we should interfere further with the constitution of the appeal board.

Hon. C. F. BAXTER: In view of the strong opposition to my amendment, I ask leave to withdraw it with a view to substituting another amendment providing that the valuer shall be appointed on the recommendation of the Institute of Valuers.

The CHAIRMAN: That can be done on recommitment.

Amendment, by leave, withdrawn.

Clause, as previously amended, put and passed.

Clause 6—agreed to.

Clause 7—Powers of board:

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

That paragraph (b) be struck out.

The paragraph is meaningless. Rates are assessed for the year.

The CHIEF SECRETARY: I hope the paragraph will not be struck out. In Clause 9 reference is made to appeals to the board against incorrect rating.

Hon. G. W. MILES: The Act contains the right of appeal. I have a case that is now pending and if I do not get satisfaction, I shall appeal to the Local Court.

The CHIEF SECRETARY: Mr. Miles's contention is an additional reason why the paragraph should be retained. The Municipal Corporations Act will stand and the only effect of the Bill, if agreed to, will be to substitute a board for the City Council in connection with appeals.

Hon. C. F. BAXTER: The paragraph deals with the amount of the assessment which will be fixed by the council each year and the rate cannot be altered.

Hon. G. W. Miles: An appeal can be lodged against the valuation.

Amendment put and negatived.

Clause put and passed.

Clauses 8 to 15, Schedule, Title—agreed to.

Bill reported with amendments.

House adjourned at 10.25 p.m.