Legislative Council

Wednesday, 2nd December, 1953.

CONTENTS.

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

QUESTIONS.

RAILWAYS.

As to Sleeping Berths, Kalgoorlie Express.

Hon. G. BENNETTS asked the Chief Secretary:

(1) Is it correct that the two-berth sleeping cars are to be taken off the ordinary Goldfields express and placed on the "Westland," and the old four-berth-type cars are to be used on the ordinary Goldfields express?

(2) Is he aware that—

(a) the amount of revenue received from fares of interstate passengers is half of that recovered from the Goldfields passengers;

(b) if the above plan is put into operation, it will impose severe hardships on Goldfields residents?

The CHIEF SECRETARY replied:

(1) During the particularly busy period from now to the end of January, 1954, the number of two-berth sleeping cars on the Kalgoorlie expresses will be limited.

(2) (a) No.

(b) No.

SCHOOL BUS SERVICES.

As to Holidays and Payment to Contractors.

Hon. N. E. BAXTER asked the Chief Secretary:

(1) Is he aware that school bus contractors are paid 75 per cent. of normal rates for public holidays when not operating their service?

(2) Is he aware that school bus contractors do not receive any payment under their contracts for the eight weeks' normal annual school holidays?

(3) Could he ascertain, and advise the House, whether school bus contractors will receive any payment for the additional two weeks' holidays to be given to schools annually?

(4) If the answer to No. 3 is "No," would this not be a breach of contract by the Education Department?

The CHIEF SECRETARY replied:

(1) No.

(2) Yes.

(3) Contracts were based on the average number of school days in a year, which varies from year to year. For instance, in 1952 the number of school days was 213, while the number in 1954 will be 209.

The full impact of the new school holidays will not be felt until 1955 because the schools break up one week later in 1954 than they did in 1953.

Some compensation will be paid to contractors for loss of school days in 1954.

(4) Answered by the reply to No. 3.

SUPERPHOSPHATE.

As to Return of Excess Equalisation Payments.

Hon. A. R. JONES asked the Chief Secretary:

(1) In view of the fact that users of superphosphate during the 1952-53 delivery season contributed, through the superphosphate freight equalisation levy, some £160,000 above the required amount, will he inform the House when those users who have contributed and have a claim,

will be given the opportunity of making their claim? These farmers are very wroth at the Government's presumably having use of their money, interest free, while they in some circumstances are paying interest on overdrafts.

(2) In view of the fact that on the 2nd July, 1953, I wrote to the Acting Premier asking whether, on the distribution of the surplus equalisation levy funds, special consideration could be given to those users of superphosphate who were served in delivery by the Midland Railway Coy., or who drew their supplies from the Geraldton works, will the Minister inform the House—

(a) if special consideration has been given to my request in the letter dated the 2nd July, 1953;

(b) the outcome of such consideration, if any;

(c) why I have not received a reply to my letter concerning this matter?

The CHIEF SECRETARY replied:

(1) Although disbursements from trust moneys are not made by the Treasury in the usual course unless claims are submitted, Cabinet has approved of the waiving of claims as it would be an unduly cumbersome procedure, and create much undue delay.

The assessing of refund amounts is being pushed forward as rapidly as possible, but the work involved in checking consignments will prevent the completed schedules reaching the Treasury before the middle of January.

(2) (a) Consideration was given to the letter dated the 2nd July, 1953.

(b) It was decided that one section of farmers should not be given special concessions above other sections.

(c) Although the information was prepared, a reply was overlooked.

STANDING ORDERS SUSPENSION.

(a) New Business, Time Limit.

On motion by the Chief Secretary, resolved:

That Standing Order No. 62 (limit of time for commencing new business) be suspended during the remainder of the session.

(b) Closing Days of Session.

The CHIEF SECRETARY: I move—

That during the remainder of the session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting, and all messages from the Legislative Assembly to be taken forthwith.

This motion is complementary to the first. Wherever possible I shall meet the wishes of members if they desire to postpone consideration of a Bill to a later sitting. I am not in favour of the idea of putting a Bill through all its stages in one sitting, but in the last week or two of past sessions we have found it necessary to do so.

Hon. A. L. LOTON: I appreciate that we are drawing near to the end of the session and some important legislation will be coming forward. Members will no doubt wish to move amendments in regard to some of the Bills and these will be placed on the notice paper so as to give the Minister and other members of this Chamber an opportunity to look at the proposals and to consider how they will affect the measures. The Minister assured us that wherever possible the wishes of members desiring to postpone a Bill will be met and I hope he will bear that in mind when the occasion arises. If he is prepared to do that, I shall support the motion.

Hon. A. F. GRIFFITH: I support the motion. I have been a member of this House for only a brief period, but perhaps I may be forgiven if I remark that it is a little ironical to hear the Chief Secretary moving such a motion, because it is quite contrary to the attitude he adopted when he was sitting on the other side of the House. Yesterday I asked him a question without notice, but he did not answer it. The question was whether he considered the practice of bringing down important legislation in the dying hours of the session is as appropriate now as in the past.

When I was a member of another place, the stock tactics were to castigate the Government for bringing down important legislation in the dying hours of the session. Yet the present Government finds itself in precisely the same position as did the previous Government, and doubtless this sort of thing will continue to happen in future. However, it is interesting to note that the very people who criticised the previous Government have been caught in the same way. I am glad that the Chief Secretary has indicated his intention to consult the wishes of members when dealing with legislation that has yet to be considered.

Hon. C. H. SIMPSON: I did not intend to speak to the motion, because we all realise that at this stage of the session, the action proposed is necessary. I have no doubt that members generally will do their best to assist the Leader of the House to get the business through.

It may not be out of place for me, as a member of the previous Government, to recall that, despite our efforts to get legislation presented to both Houses early in the session, we always found that an unavoidable build-up occurred at the end of the session. This is due to several factors, not the least of which is the unreadiness of departments to get their legislation prepared earlier in the year. Some of them

seem to be under the impression that so long as the House is sitting, even though it be the last week of the session, they can submit a Bill, get it approved by Cabinet, printed, and then passed by Parliament in the space of a few days. One cannot emphasise too often or too much the necessity for departments to give thought to these matters earlier in the year. We had the experience and now the present Government is having it, but it will probably lead to an attempt on its part, just as we endeavoured, to get the various departments busy earlier in the year.

I think that in another place insufficient thought is given to the hurried nature of the debates that must ensue in this House when legislation is delayed. I think there is not enough appreciation of the difficulty under which we labour in trying to give adequate consideration to the important measures that are sent to us. Having registered this protest, I assure the Leader of the House that we shall give him all possible assistance to expedite the passage of legislation through this Chamber.

The CHIEF SECRETARY (in reply): I thank members for their offers of co-operation to get the business through. How that co-operation will work out, I do not know. In reply to the matter raised by Mr. Griffith, I regret that I overlooked the question to which he alluded. However, his question was so long and contained so many points that perhaps the oversight on my part was excusable. This is my twenty-sixth session in Parliament and irrespective of the political complexion of the Government of the day, the same rush has always happened towards the end of the session. I daresay that down the years every Government has tried to avoid the congestion.

Hon. H. Hearn: Not too hard, I should say. It is good business if you wish to get a Bill through.

The CHIEF SECRETARY: The hon. member may have that psychology, but it does not apply to the present Government. We do not want the House to pass any measure unless it is quite in order. We believe that everything we present to the House is correct, and that if it were passed in the form in which it was introduced, it would be satisfactory. I assure members that we do the best that is in our power.

I may take this opportunity of mentioning that I should like members, if necessary, to meet on Friday—say at 2.30 p.m.—and sit till 6 p.m. Whether that will be required, we shall be able to gauge on the progress made today and tomorrow. If to-morrow night the notice paper is light, there will be no need to sit on Friday and I will not move a motion to that effect. In saying this, I am not requesting members to cut short their remarks on the various Bills.

Question put and passed.

BILL—ENTERTAINMENTS TAX ASSESSMENT ACT AMENDMENT (No. 1).

Order Discharged.

On motion by the Chief Secretary, order discharged.

BILLS (4)—THIRD READING.

1, Upper Darling Range Railway Lands Revestment.

2, Inspection of Machinery Act Amendment.

3, Police Act Amendment.
Passed.

4, Land Act Amendment.
Transmitted to the Assembly.

BILLS (2)—REPORT.

1, Electricity Act Amendment.

2, Licensing Act Amendment (No. 2).
Adopted.

MOTION—LICENSING.

As to Temporary Facilities, Kwinana.

Debate resumed from the previous day on the following motion by the Chief Secretary:—

That this House approves—

(a) of the provision in the Kwinana district facing Harley Way in Medina shopping and business centre of temporary facilities for the purchase and consumption of liquor and other liquid refreshments as set out in the form of agreement tabled in this House on the twenty-sixth day of November, 1953, and made pursuant to clause 5 (o) of the agreement defined in section 2 of the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952, between the State and the Company therein mentioned and Australasian Petroleum Refinery Limited; and

(b) of the completion of the form of agreement and the carrying out of its provisions.

HON. H. S. W. PARKER (Suburban) [4.52]: I intend to oppose this motion, not because I think the contents of the agreement are wrong, but because of the procedure that is being adopted. The agreement that was entered into and that is now the law of the land, and under which the amended agreement is drawn, is—

> That any obligations under or provisions of this agreement may from time to time be cancelled, added to or varied by an agreement in writing to that effect signed by or on behalf of the parties hereto.

In my opinion—which does not really matter for the purposes of my further argument—the amended agreement does not come within that clause.

In my view, the only amended agreement that could have the force of law would be one made by amending the provisions in the existing agreement in the schedule to the Act. There is no mention anywhere in the Act or in the original agreement of amending the licensing laws in any way. Subsection (2) of Section 3 of the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act states—

> Notwithstanding the provisions of any other Act, the provisions of Clauses 1, 3, 4 and 5 of the Agreement shall have effect as if the same were repeated in and enacted by this Act.

When we gave consideration to the agreement in the schedule to the Act, we realised that there were one or two existing statutes which were, in effect, amended for the purposes of this oil industry undertaking, but, in my opinion, the matter now before us does not come within the scope of that provision.

If it did, I think members will agree that the Government and the oil company could enter into such an agreement as this to entirely override the Licensing Act; and if that were so, there would be nothing to stop the Government and the company entering into an agreement to override also the gambling laws. If that were the position, the Government and the oil company could—if they so desired, which, of course, they would not—start a casino. If this amended agreement is within the scope of the Act they could do that.

Let us assume that that was possible and that this agreement comes within the scope of Clause 5 (o) of the original agreement. In that case, where is the necessity for this motion? We are told that the Crown Law Department has advised that there may be some doubt about it and that the Government should have this motion passed by both Houses of Parliament, agreeing to the proposal.

With all due respect, there is only one way in which we can amend the law or make the law, and that is by a Bill which must pass through both Houses of Parliament, be read three times in each, and finally, assented to by the Governor. Short of that we cannot in any way amend or make any law. Therefore this motion means absolutely nothing but a pious request. We well know that many motions have been passed in this House over the years only to be ignored by Governments from time to time. The only way the desired end can be achieved is by a short Act of Parliament.

It is my duty to point out that if we pass this motion and it is passed also in another place, it will mean exactly nothing, but will give a false idea to the people most concerned. They will start off by selling liquor and then along will come some person who has a strong objection to the sale of liquor outside and even within the terms of the Licensing Act. Such a person will be advised to go to the court and apply for an injunction to prevent the sale of liquor at this place. It is my opinion that the court would grant that injunction. I am informed that the Crown Law Department has advised the Government to take this action. The Minister told us that, and he also said that there were some doubts, and I feel sure that that is the reason for this motion. I repeat that the only way in which that doubt can be resolved would be by means of a short Bill, which would have my support. I regret that I cannot support the motion, as I think it would be misleading to the people concerned.

HON. A. F. GRIFFITH (Suburban) [5.0]: There are one or two points about the motion that I would like clarified. In the meantime, I will reserve my decision as to whether I approve of it or otherwise. In the first instance, I believe that we have had information from a legal man, Mr. Parker, as to how the Licensing Act affects the position. I take it the State would have to make application to the Licensing Court for a licence.

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

Hon. A. F. GRIFFITH: In that case it would mean the operation of an ordinary wet canteen. Who is to conduct it?

The Chief Secretary: The State Hotels Department.

Hon. A. F. GRIFFITH: If that is the case, I am prejudiced right from the start. Members need only look at minutes of the proceedings of the House over past years and they will notice that the profit made by State hotels is miserably poor when compared with those made by licensed premises conducted by private enterprise.

Hon. N. E. Baxter: I do not know whether you are on sound ground there.

Hon. A. F. GRIFFITH: The hon. member can get up and tell me that my ground is unsound if he so desires. Why not let private enterprise have the licence instead of the State Hotels Department? Can an undertaking such as this be entered into when its operation is outside the provisions of the Licensing Act; and, if so, how? The way the motion is worded indicates purely and simply an attempt to gain the blessing of this House for the State to operate a wet canteen. The Minister can nod his head if he wishes, but on principle I am opposed to the motion.

On motion by the Minister for the North-West, debate adjourned.

BILL—ROYAL VISIT, 1954, SPECIAL HOLIDAY.

Second Reading.

Debate resumed from the 25th November.

HON. C. H. SIMPSON (Midland) [5.3]: Whilst I have no intention of opposing the Bill, because it is merely a formal measure, I have had a request submitted to me which I, in turn, discussed with the Chief Secretary and the Minister for Health. It is hoped that this request can be given some consideration because it was made by the Western Australian Nurses Association, some of whose members will be affected by the Bill.

This measure is in line with the one that was introduced to declare a holiday during the proposed visit of the late King George VI; and when it was discovered that he was unable to make the trip and Princess Elizabeth would stand in his stead, another Bill was passed to legalise the holiday for that occasion. The date fixed for the holiday to be declared during the visit of our Queen is the 29th March. The request that I have received from the Nurses Association is that its workers should be on a par with other employees who have been given special consideration, whether they have to work on that day or whether it is their normal day off on a rostering system. The letter I received from the Western Australian Nurses Association reads as follows:—

> November 23, 1953.
>
> In reference to the Royal Visit Holiday.
>
> This Bill covers all persons excepting those who have that day off, which is their normal rostered day off duty.
>
> Our contention is that a special gazetted holiday such as this should be granted to everyone irrespective of whether the holiday falls on a rostered day off.
>
> In the Hospital Domestics' award their holiday allowance is seven public holidays and three weeks' annual leave. The Mental Nurses' award has five public holidays plus four weeks' annual leave. In our nurses' award there is no provision for public holidays but they have four weeks' annual leave, except for those working in clinics and they receive all public holidays. I find that the first two types of hospital workers are entitled to the gazetted public holiday although only specific public holidays are mentioned in their awards.
>
> I am enclosing a copy of the letter sent to the Minister for Public Health.
>
> Yours sincerely,
>
> (Sgd.) K. Reedy,
> Secretary.

It is pointed out that the nurses did not get the holidays that were declared in the Jubilee year or at the time of the Coronation, when the same conditions obtained, and yet they were working alongside other workers who did. As a result, they consider it is not fair. They realise that such holidays do not occur very often, but nevertheless, when the third special holiday came around, they considered that the matter should be mentioned in the hope that the Government might grant a concession in their case, even if it were only in regard to this special occasion. I am inclined to agree with the argument they have put forward.

As we know, nurses have a valuable place in the community. They have to work all sorts of hours and shifts and, by and large, they take their days off when they can, because they are not able to have regular week-end days off owing to the exigencies of their profession. They are the last members of the community that should suffer because of some peculiarity in their award, which does not allow them the same privileges that others receive. I would ask the Chief Secretary to approach the Government to ascertain if this request from the Nurses Association could not be given some consideration. With those observations, I support the Bill.

HON. F. R. H. LAVERY (West) [5.10]: It gives me great pleasure to support Mr. Simpson in his request on behalf of the Nurses Association. When the holidays for the Jubilee year and the Coronation were declared, a great deal of negotiation took place between the Employers' Federation and the various unions. As outlined by Mr. Simpson, although many workers were working alongside one another, one section obtained the benefit of the holiday and yet others did not.

When the Bill to declare the holiday for the Jubilee year was brought down, Mr. Hearn successfully moved an amendment which resulted in members of unions benefiting from the holiday that was gazetted, but I know that members of the nursing profession did not. If the Chief Secretary and the Government can see their way clear to overcome this difficulty in regard to the nursing profession, they will be serving a just cause.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.12]: I appreciate what Mr. Simpson has said, but the point he has raised is nothing new. It is something that effects not only nurses, but also a number of other unionists throughout the State. If members will peruse the Bill closely they will see that, as far as possible, everyone is covered. A person who has to work on the holiday will be paid award rates and in those cases where there is no award covering the position, he must be paid double time or be granted another day off, according to the employer's con-

venience. That leaves only those persons who have a day off on the holiday, and they are the persons who should receive special consideration according to Mr. Simpson.

Hon. C. H. Simpson: It does not alter the fact that members of the Hospital Employees' Union get the day off and the nurses do not, and they are a special section of the community.

The CHIEF SECRETARY: If the nurses work on that day, they are covered.

Hon. C. H. Simpson: Only by ordinary rates of pay.

The CHIEF SECRETARY: According to their award. They will be paid according to what is laid down in their award. Mr. Simpson is concerned only about those nurses who are off duty according to their roster. A similar position will arise next Boxing Day which is a public holiday. Thousands of workers would normally have that day off because it is a Saturday, but nevertheless, they will not get an extra holiday.

Hon. C. H. Simpson: Hospital workers do.

The CHIEF SECRETARY: I do not care who does. Whoever has a day off on Boxing Day will not get another day off in place of it. Those workers will be in exactly the same position as nurses on this special holiday. Most workers will be covered, but there will be others in exactly the same position as the nurses. I would like to see the nurses and others who are similarly placed obtain the benefit of this holiday, but I realise the difficulty that arises. However, the hon. member has asked me to place the request before the Government for consideration, and I will do so. It must be appreciated that it is just the luck of the draw if a worker happens to have this day off while others obtain the benefit of the holiday. I admit that they are in a bad position, but I do not know how we can get over the difficulty.

Question put and passed.

Bill read a second time.

In Committee.

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

BILLS (3)—FIRST READING.

1, Entertainments Tax Assessment Act Amendment (No. 2).

2, Builders Registration Act Amendment.

3, State Housing Act Amendment.

Received from the Assembly.

BILL—WATER BOARDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.20] in moving the second reading said: This Bill consists of one important amendment to the principal Act, together with several of a more minor nature. As members will be aware, local authorities have the power under the Municipal Corporations Act and the Road Districts Act to make regulations providing for the granting of long-service leave to their employees. Up to the present time, 109 local authorities out of 146 have accepted this principle and have granted their employees long-service leave.

Another fact which is known to members is that some local authorities are also water boards. It was thought that such local authorities could grant long-service leave to those of their employees who were engaged wholly on water board work. That opinion is now subject to doubt, which has arisen in this manner: The Bunbury Municipal Council, which is the local water board, wished to grant long-service leave to its employees, by the making of a regulation under the Municipal Corporations Act. The Crown Law Department has advised that it is extremely doubtful whether those employees on full-time water board work are eligible for long-service leave under the Municipal Corporations Act. This is a position which should be rectified. It would be manifestly unfair for some of the permanent employees of a local authority to enjoy long-service leave, while others were debarred from the privilege. This matter has been brought to notice also by the Local Government Bodies Employees' Association.

It is therefore proposed, by means of this Bill, to remove the anomaly by giving water boards the authority to grant long service leave to their employees. This authority is permissive, and therefore water boards may use their discretion as to whether they implement it or not. The other amendments are of a minor nature, being designed to facilitate the administration of the parent Act.

For some years it has been the practice to commence the rating year in a water area as from the date on which the water board was first appointed. This has proved the most satisfactory procedure, but there appears to be no authority in the Act for such action. The Bill, therefore, seeks to give the Minister power to stagger rating years, and to validate action of such a nature taken in the past. This staggering of rating years brings about the necessity to amend Section 83 of the Act, and that is achieved in the Bill by repealing and recasting that section.

At present, Section 83 specifies that the net annual value of all ratable land in the rate-book shall be the ratable value for the year commencing on the 1st January. To bring this into line with the staggering provisions, the Bill seeks to provide that the net annual value of land from the beginning of the rating

year shall be that shown in the rate-book, except where the value has been altered as a result of an appeal or of a reassessment. A similar provision to one in the Country Areas Water Supply Act is sought by the Bill. This would give water boards power during a rating year, and after the rate-book is made up, to reassess net annual values for the unexpired balance of the year, in cases where properties have increased or deteriorated in value.

Sections 100 and 101, together with the Fifth and Sixth Schedules to the Act, which deal with the recovery of rates, have been repealed. These are no longer operative in view of the provisions of the Distress for Rent Abolition Act. This has also brought about an amendment to Section 102 of the principal Act. The opportunity is taken, also, to repeal Section 143 of the Act, which deals with the approval by the Governor, and the gazettal, of by-laws. This section is redundant, as it is covered by Section 36 of the Interpretation Act. I move—

That the Bill be now read a second time.

On motion by Hon. J. M. A. Cunningham, debate adjourned.

BILL—DISEASED COCONUT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [5.25] in moving the second reading said: Members will recollect the events that led to the introduction of this Bill. I doubt whether their memories need refreshing in regard to the main facts, but I will briefly trace the history of the events, as part of the story may be unknown to most members.

On the 22nd July, 1953, the Director-General of Health of the Commonwealth Government circularised all State Commissioners of Public Health. This letter pointed out that there had been a disturbing increase in the incidence of typhoid in a number of localities throughout the Commonwealth. Outbreaks in Victoria and New South Wales were being investigated, and three cases had been reported in the Australian Capital Territory during the previous week. At the time of this advice from the Director-General of Health, the cause of the outbreaks was not known, and this State was asked to supply details regarding any typhoid patient here.

On the 4th August, 1953, the Commissioner of Public Health received a telegram from the Director-General of Health advising that nine cases of typhoid in Victoria, and four in Canberra, had a recent history of consumption of desiccated coconut. On the 7th August, 1953, the Director-General reported that typhoid organisms had been discovered in samples of desiccated coconut bacteriologically examined in Victoria and Canberra. All this coconut was processed near Aroa, which is 40 miles west of Port Moresby.

Action was immediately taken in Western Australia. On the 11th August, 1953, a special issue of the "Government Gazette" ordered all persons in the State having in their possession any desiccated coconut produced in Papua to isolate all stocks and prevent it from being used, or from coming into contact with any food or drug. Examinations in the Eastern States continued to reveal cases of infected Papuan desiccated coconut.

On the 12th August, 1953, a report from the Department of Public Health in Sydney suggested that the coconut was polluted by excremental infection, possibly from well water during washing, and from inefficient heating during the drying process. On the 17th August, 1953, the Commissioner of Public Health reported to the Minister for Health that there was conclusive proof that desiccated coconut from Papua was contaminated with Salmonelli Typhi, which is the germ causing typhoid fever. Many other samples taken throughout Australia, including five in Western Australia, were found to contain other varieties of Salmonelli organisms, although not of the typhoid type. These discoveries, however, proved that faecal contamination existed.

In view of this history, the Public Health authorities in each State and of the Commonwealth decided that it was imperative to ban the importation of Papuan coconut and to seize and destroy all stocks in Australia. As a result, Executive Council in this State approved an order requiring all wholesalers and retailers to deliver all their stocks of Papuan coconut to their local authority within one week. All householders were advised to destroy their stocks, preferably by burning. It was estimated that stocks held by wholesalers amounted to approximately 265 cartons of 65 lb. each.

It will be noted that this measure is due to expire on the 31st December, 1954. This is because it is designed to meet what is hoped is a temporary state of affairs only. The Bill seeks to give the Commissioner of Public Health the power, in the interests of public health, to order the seizure and destruction of any desiccated coconut which is

(a) found in this State;
(b) produced in or received from Papua; and
(c) in his opinion contaminated with or likely to be contaminated with the germs or organisms of a dangerous infectious disease or an infectious disease.

The Bill goes on to provide that where this is done no compensation shall be paid for coconut imported after the 15th September, 1953.

In Western Australia, the Health Act provides that compensation shall be paid for anything that is destroyed in the interest of public health, provided that no breach or neglect of duty is traceable to the owners. No other State is required by law to pay for anything destroyed in the public interest. Any compensation paid in Western Australia may not exceed the market value of the article.

In this particular case some difficulty has arisen. All coconut from Papua is of the "Tropic Snow" brand. It is purchased from Papua by a firm named Harrisons, Ramsay Pty. Ltd., which distributes supplies throughout Australia. It is certain the contamination occurred during processing, so it was evident that Harrisons, Ramsay Pty. Ltd. cannot be found guilty of neglect. It was suspected that this firm had a very close link with the manufacturers. This, however, cannot be proved, and the Crown Law Department has advised that the State will have to pay compensation. If compensation is payable, this may amount to as much as £6,000.

It has been decided, however, that no compensation will be paid for any coconut seized after the 15th September, 1953. This is a reasonable datum line as all stocks of Papuan coconut in the State had been seized prior to that. Possibly, there will be no more trouble of this nature. Ample warning has been issued, and if any other contaminated samples are found, no compensation will be paid. It is trusted that after this measure has expired, it will be possible to allow again the importation of Papuan coconut. Needless to say, a strict check will be kept if this occurs.

Members will appreciate that it is unlikely there will be similar complaints regarding Ceylon coconut. It has been ascertained that in Ceylon, in addition to careful drying, the shredded coconut is also pasteurised. It is kept at a temperature of 176 degrees Fahrenheit for one hour in an enclosed drier, in order to ensure the destruction of enzymes and organisms which might affect the stability and edibility of the product. The authorities in Ceylon state that the prevention of microbiological taint is the aim of all their desiccated coconut millers, who, since milling started 60 years ago, have exported over 1,000,000 tons of desiccated coconut. It is very evident that production in Papua is carried on in a much more crude form than in Ceylon.

I omitted to mention that any person found guilty of importing any dangerously contaminated coconut into the State can be subject to a fine of £200 or one month's imprisonment. With regard to the seized stocks, some is still held by local authorities and the rest is in a Public Health Department store. A definite decision regarding it has not yet been made. It is possible that, properly treated, it can be used for some other purpose, and the Commissioner of Public Health is still investigating this aspect. If this can be done, the revenue obtained thereby would to some extent offset the compensation the Government will have to pay. Instructions have now been issued in regard to the submitting to the department of claims for compensation. I move—

That the Bill be now read a second time.

HON. H. K. WATSON (Metropolitan) [5.33]: No one can raise serious objection to the general purpose of the Bill, but I would like to have some more cogent reason from the Chief Secretary as to why we should pass Clause 2 which provides—

> A person shall not import or introduce into this State any desiccated coconut which is contaminated with the germs or organisms of a dangerous infectious disease or an infectious disease.

A person who contravenes this provision is guilty of an offence and is liable to one month's imprisonment or a fine of £200. In addition, under the Customs Act or the Quarantine Act his goods can be confiscated.

We have to consider in some degree the interests of the importing merchant. In the ordinary course of trade and commerce, reputable wholesale merchants import coconut, maybe, from Papua or Ceylon. I can safely say that by no stretch of the imagination could we expect any such merchant to know whether the coconut was or was not contaminated with the germs of an infectious disease as is mentioned in the Bill. The typhoid outbreak was finally traced to Papuan desiccated coconut, but only after the coconut had been sent to the Commonwealth Laboratories in Canberra, and had been subjected to most extensive analytical and medical tests.

In these circumstances, how can we reasonably expect that a merchant carrying on his trade in the ordinary way will know whether or not desiccated coconut is contaminated? Certainly, if he did know, he would not import it. The prime responsibility of protection in this matter is contained in the Commonwealth Customs Act and the Quarantine Act, under which the merchants are liable.

If the clause is passed as printed, the average merchant will simply refuse to import coconut because he will not run the risk of being liable to a fine or imprisonment. As a result, the confectionery, biscuit and cake manufacturers might find themselves without a necessary ingredient. When the Bill gets into Committee we might give serious consideration to deleting Clause 2. I do not think objection can be taken to Clause 3 which

deals with the confiscation, and so on, of desiccated coconut which has come from Papua.

HON. J. G. HISLOP (Metropolitan) [5.38]: I doubt whether Clause 2 can even be regarded as common sense. I have a feeling it is like a piece of petty legislation. For many years we have been importing coconut, and now some of it has been found to be infected, and the infection to have occurred during its manufacture in a distant country. This clause provides a penalty on the importer if an accident occurs and he imports infected goods. First of all, I want to say that no merchant will knowingly import desiccated coconut which is infected.

Hon. L. Craig: The word "knowingly" is not used.

Hon. J. G. HISLOP: That is so. If someone finds that the coconut is contaminated, the merchant is liable to a month's imprisonment, or a fine of £200. We should not panic because this has occurred, but regard it as fortunate that there were men in the Eastern States who were astute enough to pick the matter up very quickly. The story of how it was found will one day make very interesting reading. Even I, from my medical reading of it, have not yet learned the true story, but it was certainly a most astute piece of research of a public health nature. I cannot imagine that this clause could even be policed. Therefore, when the Bill is in Committee I shall support any move to delete it.

HON. N. E. BAXTER (Central) [5.40]: I agree with the two members who have already spoken. Clause 2 is ridiculous and will remain so unless it is amended in some way or other, but I shall not suggest how at the moment. Importing merchants are not doctors or scientists, and so do not know, when they purchase coconut, whether or not it is contaminated with germs. How can they know, when they order coconut from a distant country, whether it is infected? If it is, then once it lands here, they will, under this measure, be liable to a fine or imprisonment. I cannot understand why the Parliamentary Draftsman framed the clause in this way. Surely some safeguard, such as "knowingly importing" it, should apply before importers could become liable to a penalty. It is ridiculous to pass legislation of this sort.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [5.42]: I can see that there is a lot in the argument put forward by those members who have spoken on the Bill, but there is also something in favour of the retention of Clause 2. If we do not make the person who imports the coconut responsible, who is to be responsible? No one. This is legislation of a protective nature, and there must be some penalty to be incurred by the person who brings this sort of mechandise into the country.

Hon. N. E. Baxter: The Government could have it examined when it lands here.

The CHIEF SECRETARY: Is it not the province of the person who imports something to see that it is of merchantable quality when he puts it on the market?

Hon. H. K. Watson: Here we are dealing with something that is unknown and unascertainable.

The CHIEF SECRETARY: It is up to the importer to see that he does not import merchandise that will injure the health of the people of the Commonwealth. I am surprised that members should suggest that before the coconut comes into the country the Government should do something about it. I have heard the hon. member complain many times in the House because we are asking the Government to do too much.

Hon. N. E. Baxter: I did not say, before it comes into the country, but when it lands here.

The CHIEF SECRETARY: If the hon. member likes to include in the Bill a provision that the Government shall do it at the expense of the importer I might possibly agree, but not when he says that the Government has to provide the wherewithal for someone to put the goods on the market.

Hon. N. E. Baxter: Why do we provide a health authority in the State?

The CHIEF SECRETARY: We do not provide it to give free service to everyone who wants to import goods. The main point is that the clause is a protective one, and it throws the onus on the importer to make sure that he imports goods which he can expect to be reasonably clean because of the country from which they come.

Hon. L. C. Diver: We are making a mountain out of a molehill.

The CHIEF SECRETARY: Exactly. It is only fair and reasonable to expect that anyone who wants to import anything into the Commonwealth shall take proper precautions. I can see nothing wrong with this portion of the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Chief Secretary in charge of the Bill.

Clause 1—agreed to.

Clause 2—Prohibition on importing diseased coconut:

Hon. H. K. WATSON: I move an amendment—

That in line 1 of Subclause (1), after the word "not" the word "knowingly" be inserted.

The Chief Secretary: You cannot prove that.

Hon. H. K. WATSON: The importation of coconut could not be policed and I suggest that the importer has to be given some protection. This is the limit to which the penal provision should be applied, otherwise the measure will stultify trade.

Hon. L. C. DIVER: I support the amendment because it would be almost impossible for an importer to comply with the provisions of the Bill. How many instances have we had in the last 50 years of a foodstuff being imported into this country and requiring the research that has been needed as regards desiccated coconut? The Health Department is set up to guard against this sort of thing, but the Bill will make that job the responsibility of the traders. I realise that the amendment will make the Bill inoperative; but at the same time importers should be protected and the Health Department should be prepared to do its own job.

Hon. L. CRAIG: My sympathies are all with the mover of the amendment, but I am afraid that his suggestion will not work in practice. It is impossible to prove "knowledge". Unfortunately there are similar instances of this sort of thing in other walks of life. If a person stows away on a ship and, on arrival at an Australian port, gets ashore, the captain is fined £100 if the stowaway is discovered. It does not matter whether the captain of the ship knows the stowaway is on board or not. The fact that a penalty is provided in a measure such as this will ensure that an importer buys his coconut from a reputable firm that sterilises its product. The responsibility must be placed on somebody to see that goods imported are free of contamination. The importer is the only one upon whom the responsibility can be placed and it is not an unreasonable proposition. For the time being I am afraid I must oppose the amendment.

Hon. R. J. BOYLEN: I oppose the amendment. The experience of the Eastern States makes it imperative that we should prevent contaminated coconut from being imported into this State. Unfortunately, the responsibility must be placed on the importer and not on the exporters in other countries. However, the exporters will take cognisance of the legislation in this State. As Mr. Craig pointed out, there are other people who are in a similar position so far as responsibility is concerned, and I see no reason why the importer should not be responsible in this case.

Hon. H. K. WATSON: As Mr. Craig said, the captain of a ship is liable, but the captain knows that he has a prohibited immigrant on board and it is his duty to see that that person does not get ashore. Here we have the case of a man importing coconut and there is no evidence to show that the coconut is contaminated.

Hon. H. Hearn: He has no control over it.

Hon. H. K. WATSON: Let us prohibit its importation altogether under the Customs Act. An importer buys coconut in all good faith and it is not possible to tell with the naked eye—nor apparently, on occasions, by medical tests—whether the coconut is contaminated. Therefore, why should the importer be held liable? There were cases recently of an odd package of coconut being contaminated.

The Chief Secretary: More than an odd package.

Hon. H. K. WATSON: Well, several packages. The merchant should not be held liable for importing coconut if it is ultimately discovered that, through no fault of his, it is contaminated.

Hon. C. H. HENNING: I am not certain what to do about this. The clause definitely sounds harsh, but after all the merchant is responsible for the quality of the goods he imports. Would any merchant, if this amendment were carried, knowingly import goods that were contaminated? I am inclined to believe that if the clause is agreed to as it stands, a merchant will definitely ensure that the goods he buys and imports into this State are of the highest quality.

Hon. L. A. LOGAN: The more one reads this clause, the more one realises that the Bill should have been thrown out. No merchant, if he knows an article is contaminated, will bring it into the country. If we agree to the amendment and insert the word "knowingly" it will not make any difference.

Hon. R. J. Boylen: Yes; it will give him an excuse.

Hon. L. A. LOGAN: The whole clause is ridiculous.

Hon. E. M. HEENAN: This is certainly an unusual piece of legislation but it is designed to cope with a state of affairs which is also unusual. Due to the importation of contaminated coconut, a number of deaths has occurred and we must do all we can to prevent that sort of thing happening again.

Hon. L. A. Logan: This Bill will not stop it.

Hon. E. M. HEENAN: It may not stop completely the importation of contaminated coconut, but it will minimise the risk of its importation, because it will place the onus on the importer to ensure that, to the best of his ability, he is

importing into the country uncontaminated goods. The onus must be placed upon someone, and, if it is placed upon the importer, it will make him wary about purchasing a commodity from an unreliable source.

Hon. L. A. Logan: They relied on it for years before this happened.

Hon. E. M. HEENAN: Perhaps an importer could take out an insurance policy to cover him.

Hon. H. S. W. Parker: Not for imprisonment, surely.

Hon. E. M. HEENAN: This will make the importers of coconut more guarded in the future, because what has happened only once in 50 years might happen far more frequently in the next 50 years. Measures such as this might be harsh on someone, but the risk is so great that we have to be careful and, unless there is some legislation, importers will buy their commodities from any source whatever. Legislation such as this will ensure that importers take every care when buying commodities. If their representatives overseas let them down after they have taken all that care, it is their bad luck; but they will not go to gaol. I am sure that any court, after hearing the circumstances will take them into consideration. The consequences to public health are so grave that we must place something on the statute book to minimise the risk.

Hon. A. F. GRIFFITH: I appreciate that it is the Government's responsibility to protect the health of the people, but I do not like this clause as it is or as it is proposed to be amended. Let us assume a Bill of this nature was introduced some years ago in order to protect the public from the contagious disease that was found in the sample of coconut imported. Would that legislation have stopped coconut being imported into the country? The answer must be "No," because a man who imported it would not know that it contained any sort of disease until it got here.

Hon. E. M. Heenan: Someone was careless.

Hon. A. F. GRIFFITH: I do not think there was any neglect attached to it.

Hon. E. M. Heenan: At some stage there was.

Hon. A. F. GRIFFITH: That may be so, but members supporting the argument desire to place the responsibility for acts of carelessness by those oversea on the importer immediately the commodity reaches these shores. Is that fair? If I wanted to place an order for desiccated coconut I would send a draft to the country manufacturing and supplying it. This might be packed in any kind of container and be supplied by a recognised firm. But when it arrives at Fremantle and is inspected by the customs, and the officials from the Health Department take samples and find contamination, they will immediately say, "Arthur Griffith, you will be gaoled for one month." It would be most improper, particularly if they were sending me to gaol! As Mr. Craig said the use of the word "knowingly" provides an opportunity for all sorts of abuses. We are permitting a man to plead ignorance of the law.

Hon. F. R. H. LAVERY: I have listened to the remarks of the previous speakers. I would like to ask what happens in the case of a chemist who receives a drug which is supposed to be one thing, but when it is sold it is found to be another drug altogether. Who has to accept responsibility? The chemist, of course.

Hon. H. S. W. Parker: You have to prove negligence.

Hon. F. R. H. LAVERY: That is so, but the chemist is the one who caused the death.

Hon. A. F. Griffith: You are speaking of a product that is one thing and is marked something else.

The CHAIRMAN: Order! Would members kindly permit Mr. Lavery to continue with his speech.

Hon. F. R. H. LAVERY: A few months ago a consignment of rice came to Fremantle. It was sold to the shops and within a few hours people had bought it and cooked it. It was not until they got the effluvia that they realised there was something wrong with the rice. Robert Harper & Coy. was the importer and, after an examination of the rice that was returned, it was found to contain carbolic. The shopkeepers were relieved of their responsibility because Harpers were the importers.

Hon. H. K. Watson: They would accept the commercial responsibility.

Hon. F. R. H. LAVERY: Mr. Logan mentioned the question of manufacturers overseas. I cannot imagine how we will be able to control those manufacturers. This provision is to prevent unscrupulous dealers from selling a product that might be contaminated. If it never occurs again, then the importers will have nothing to worry about.

Hon. C. W. D. BARKER: I am not happy about this at all. I appreciate the Government's idea in bringing down this legislation to protect the people. The fact that contaminated coconut is imported in the future will only be discovered when it is on the market. So I cannot see how this provision will protect the public or how any importer will know that the coconut is contaminated. I do not think it is correct to put the onus on the importer. He would not know whether or not the coconut was contaminated and he would still be held responsible. I would like the Chief Secretary to give some explanation as to how this Bill will work.

Hon. J. G. HISLOP: This is surely panic legislation; it shuts the stable door after the horse has bolted, and it seeks to prevent the importation of any coconut which is contaminated with the group causing bowel disease. Now this has been brought to the notice of the Government of Papua it is unlikely that any more of this coconut will be imported until it has made certain that the product to be exported is a good one. The Administrator will see that nothing affects the industry which he is trying to develop.

The provision seems to me very much like a mother preventing her child, after it has had measles, from playing with other children who may have the disease. She forgets, of course, that it is possible for the child to contract scarlet fever, or whooping cough, or something similar. Suppose I suggested that no edible foodstuffs which are contaminated should be introduced into this State. It would be just as logical as this provision. Most of these foodstuffs are imported from countries that suffer from these diseases, and it is to the credit of Ceylon's Administration that it has been able to keep its coconut free from this disease.

I think the provision should be left out. The correct method would surely be for the Commonwealth to bring down legislation. This is a quarantine measure for Australia, not only for the State. I think we should send a message back to the Assembly saying that we think the correct approach is to ask the Commonwealth Government to introduce a Bill making it mandatory that no coconut shall be introduced into Australia unless accompanied by a certificate of sterilisation and freedom from infectious disease. That would make sense; it would make more sense than penalising importers who are legitimate traders with a fine of £100 and imprisonment. During the tea suspension I propose to seek advice as to how this matter should be dealt with.

Sitting suspended from 6.15 to 7.30 p.m.

Hon. C. H. HENNING: I stated that I did not favour this amendment, and that I believed merchants should be responsible for the purchases they made. In the main, this Bill deals with desiccated coconut produced in a territory administered by the Commonwealth. In every State of the Commonwealth there is a health Act or pure foods Act under which food is controlled; but in the territories, such as Papua, there is no control. Merchants buying goods from the territories must realise the conditions under which they are manufactured, and the standard of sanitation of the men engaged in those industries.

It would not be outside the scope of the clause to mention the report of the economic-cost survey of the coconut industry in New Guinea, prepared by the Department of Commerce and Agriculture, issued in May, 1953. This will give an idea of the conditions under which the workers in industry live.

In 28 plantations it costs 13.28d. a day to recruit natives from their natural state and to repatriate them at the end of their indenture. They receive 16.5d. wages per day, and their food costs 3s. Their medical expenses cost .63d. per day. In all, the complete expenses for a year for one man including wages and other factors, is £76.84.

If natives are brought from their natural state where they have lived under insanitary conditions, can they be expected to comply with the rigid conditions of sanitation under which food is produced on the mainland? Labour coming from the villages where there is no sanitation except of the most primitive kind, cannot turn out goods to comply with the requirements of the Health Act. Therefore any merchant who buys from the territories must be fully aware that he is running a risk, and it is up to him to take every precaution to ensure that the goods at point of manufacture are not contaminated by any of the diseases dealt with under this Bill.

Hon. H. S. W. PARKER: I suggest an amendment to the effect that a person shall not sell or dispose of any desiccated coconut which is contaminated with germs or organisms. At present the clause stipulates "shall not import". Western Australia procures these goods from merchants in the East; there is no direct importation from outside the country. I agree with Dr. Hislop that there is no need for this measure. It deals with past events. I would suggest that a comprehensive Bill be introduced to deal with foodstuffs generally, including such things as dates imported from foreign countries where the standard of hygiene is low. It would be better to make a general amendment to the Health Act. I commend this suggestion to the mover of the amendment.

Hon. N. E. BAXTER: I would prefer to see progress reported so that a more suitable clause could be inserted. The merchants who imported coconut in the past few months have met with a new experience. After importing it they found its sale prohibited. They will have to wait months before they will get compensation. In future importers buying coconut will have to be particularly careful. Unless the Minister puts up a better suggestion, I am prepared to support Mr. Watson's amendment.

Hon. H. L. ROCHE: Members might give serious consideration to Dr. Hislop's suggestion. In this State the Health Department is asked to accept a responsibility which is very difficult to carry out, as compared with the responsibilities of the Customs Department. All the goods in question are imported. I am not satisfied that only desiccated coconut should

be the subject of legislation like this. There are other coconut derivatives, such as coconut oil, which are not covered by the Bill.

I am not happy about margarine with coconut content. A doubt has existed in my mind from the time when the Deputy Commissioner of Public Health made a statement that there was little chance of bacterial contamination of margarine. He made it at the time when the desiccated coconut scare was at its height. If there is little chance of contamination, obviously he must have thought there was at least some chance. He explained that when the oil is extracted from coconut, heat and pressure are used, which limits the possibility of contamination. To deal with the question under the Health Act does not seem to provide as complete a control of coconut products as could be obtained if the suggestion of Dr. Hislop were adopted.

Hon. E. M. DAVIES: I am at a loss to understand the fuss that has been raised over the clause. It says that a person shall not introduce into this State desiccated coconut which is contaminated with germs or organisms infected with dangerous diseases or infectious diseases. A fine of £200 is provided. The average person importing or indenting goods is generally reputable. It seems to me that this clause has been drafted to safeguard the public from individuals who import goods without regard to the safety of the public. We already have laws to safeguard the health of the public. The majority of importers are reputable and would not come within the ambit of the clause. In all walks of life there is some section which tries to evade the law. I do not think the honest importer has anything to fear.

Hon. J. G. HISLOP: Probably the soundest basis on which to tackle the question would be to request the Government to advise the Commonwealth Government that both Houses of this Parliament consider that the importation of coconut should be prohibited under the Federal Quarantine Act unless accompanied by a certificate that the coconut has been submitted to sterility tests and is free from dangerous or infectious disease. No matter how we might amend the clause, the fact remains that the importation of coconut into Australia should be controlled by the Commonwealth. I do not know how I could move in the direction I have indicated.

The CHAIRMAN: There is at present an amendment before the Chair.

Hon. J. G. HISLOP: Yes. I consider that the obvious way to deal with the matter is as I have suggested.

The CHIEF SECRETARY: I am astounded at the attitude of members. The object of the Bill is to protect the public.

Hon. J. G. Hislop: It will not have that effect.

The CHIEF SECRETARY: A penalty is provided if an offence is committed. Instead of the community's bearing the burden of compensation, the onus will be placed on the individual.

Hon. H. K. Watson: It is one thing to put the onus on an individual who knows what is happening but a very different thing to put it on a person who does not know.

The CHIEF SECRETARY: The importer would have to ensure that the coconut was free from disease and there are ways in which he could protect himself. There was only one firm importing coconut from Papua and, this being so, it should not have been difficult to ensure that the article was pure. This State has to pay £6,000 because a firm imported contaminated coconut.

Hon. J. G. Hislop: In good faith.

The CHIEF SECRETARY: That is no excuse. The importing firm should have had it analysed and certified. That is all the Bill proposes.

Hon. L. A. Logan: How long has the firm been importing coconut from Papua?

The CHIEF SECRETARY: I do not know. The amendment would nullify the value of the clause. If the word "knowingly" were inserted, all that an offender would have to do would be to plead that he did not know.

Hon. H. K. Watson: Is not that a fair plea?

The CHIEF SECRETARY: No.

Hon. H. K. Watson: He could plead that he could not have known and could not reasonably be expected to have known.

The CHIEF SECRETARY: He could have taken reasonable precautions.

Hon. C. H. Henning: Like the fellow who said he did not know the gun was loaded.

The CHIEF SECRETARY: Yes. The firm did not know the coconut was loaded, but could have ascertained whether it was.

Hon. C. W. D. BARKER: The Chief Secretary has convinced me that there is only one firm dealing with coconut from Papua and that it could have taken precautions to ensure that the article on arrival was not contaminated.

Hon. H. K. WATSON: I question the Chief Secretary's statement that only one firm is importing coconut. Maybe there is only one importing it from Papua.

The Chief Secretary: That is what I said.

Hon. H. K. WATSON: But the clause is not confined to coconut imported from Papua. Would the Chief Secretary agree to limiting the clause to imports from Papua?

The CHIEF SECRETARY: I cannot accept the limitation. I mentioned Papua because that was the source of the contaminated coconut. Conditions in the industry there are entirely different from those in Ceylon. No difficulty is contemplated regarding imports from Ceylon where different processes are adopted.

Hon. L. A. LOGAN: Presumably, the firm in question had been importing coconut for some years and suddenly discovered that one shipment was contaminated. How could the firm have known beforehand that it was contaminated? Yet, under this clause the firm would be liable. That is not right.

The Chief Secretary: Is it fair to make the State pay?

Hon. L. A. LOGAN: There may have been a mishap in the factory and all the blame is to be put on the firm. How could the firm have had knowledge of the condition of the coconut?

The Chief Secretary: It could have made sure.

Hon. L. A. LOGAN: How?

The Chief Secretary: By having it tested before it was distributed.

Hon. L. A. LOGAN: The Bill will not assist in that direction.

The MINISTER FOR THE NORTH-WEST: Mr. Logan's remarks should convince members of the need to retain the clause, which will ensure that the coconut is examined at the source. The importer could insist upon receiving a certificate from the manufacturer. The Bill will place the onus on the manufacturer, not the distributor. Mr. Henning has told us of the primitive and unhygienic conditions under which the coconut is prepared and, in view of his statement, we should provide this protection for the public. The manufacturer would be in a position to certify that the coconut supplied was free from disease.

Hon. A. F. GRIFFITH: I do not agree with the amendment, which would provide an easy way out for the importer who desired deliberately to breach the legislation. Nor do I agree with the clause as it stands. The Chief Secretary said the producer should have the coconut tested before exporting it, but I see nothing wrong with Mr. Parker's suggestion that the importer of coconut from Papua or elsewhere should take reasonable steps to see that it is pure. If, when it is examined on arrival, it is found to be contaminated, the importer should not be able to dispose of it. As the clause is worded, if the commodity were found to be contaminated on arrival at Fremantle the importer would be liable to heavy penalties. Mr. Parker's suggestion to include the words "shall not sell or dispose of" is preferable.

Hon. E. M. HEENAN: The amendment would destroy the purpose of the Bill, and I see no valid argument in favour of it.

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

Ayes	10
Noes	16
Majority against	6

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. S. W. Parker
Hon. H. Hearn	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. L. Loton	Hon. H. L. Roche *(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. A. F. Griffith
Hon. G. Bennetts	Hon. E. M. Heenan
Hon. R. J. Boylen	Hon. C. H. Henning
Hon. L. Craig	Hon. A. R. Jones
Hon. J. Cunningham	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. Sir Frank Gibson	Hon. F. R. H. Lavery *(Teller.)*

Amendment thus negatived.

Hon. H. S. W. PARKER: I move an amendment—

> That in line 2 of Subclause (3) after the word "offence" the following proviso be added:—
>
> > Provided that it shall be a defence to a charge under this section that all reasonable precautions had been taken to prevent the importation or introduction of such coconut.

That would give an innocent importer or storekeeper a chance to avoid being charged with an offence.

The CHIEF SECRETARY: I can understand the desire to ensure that all necessary precautions are taken; but the word "reasonable" is too loose, and I hope the Committee will not agree to the amendment.

Hon. N. E. Baxter: You did not question the use of that word in the oil refinery legislation last year.

The CHIEF SECRETARY: That was a Bill introduced by the Government supported by the hon. member. The word is not definite enough, and the amendment is therefore not acceptable.

Hon. H. S. W. Parker: The magistrate would have to interpret the word "reasonable".

The CHIEF SECRETARY: I do not want it left to the discretion of anyone.

Hon. E. M. HEENAN: The purpose of the measure is to minimise the risk of importation of a potentially very dangerous

commodity, and in the circumstances we must enact a stringent measure. There has recently been experience in Australia of a number of people having died through consuming contaminated coconut, and we do not want a recurrence of that. I think the onus should be on the importer to see that the product is free from disease. If the amendment were agreed to, he would have only to say that he had taken all reasonable precautions; but I think it should be incumbent upon him to take the most stringent precautions.

Hon. A. F. Griffith: Proper precaution.

Hon. E. M. HEENAN: Not proper or reasonable precautions, but the most extreme precautions. As Mr. Henning pointed out, it is similar to a man shooting a gun. This is a very dangerous commodity.

Hon. H. S. W. Parker: You do not suggest that a man is guilty of an offence if he has a gun which he does not know is loaded, and it goes off!

Hon. E. M. HEENAN: If an importer appeared before a magistrate and proved that he had been extra careful, and had fulfilled all requirements in regard to taking every precaution, he would have a complete answer to the charge, and that would not give full satisfaction. This amendment is almost as innocuous as the other proposal.

Hon. C. H. SIMPSON: I support the amendment because I think it is reasonable. We seem to be drawing certain inferences that do not exist. Here we are dealing with something which is admitted to be dangerous to health. From our point of view the ideal form of legislation would be that which controls the danger at the source; that is, in Papua. I think we can assume that the Commonwealth Government will take the necessary precautions to remedy the existing state of affairs at the source. If it considers that there is still a danger, it will probably stop the importation of the product altogether. Everything points to the fact that all concerned wish to rectify this unfortunate state of affairs, and therefore precautions will also be taken by the manufacturers at the source. I think we can assume that the coconut arriving here in the future will be properly tested and reasonably safe for human consumption. By the Bill we would be imposing a savage penalty on an innocent man who made a mistake.

Hon. J. M. A. CUNNINGHAM: I do not think the amendment is specific enough. As many of us know, it is the intention to cultivate greater areas of land in Papua for the production of foodstuffs to be exported to this country. Every precaution should be taken. If an importer is to import goods that are to be consumed by the people in this State, he should be forced to comply with strict regulations. He should have to apply to the Health Department for approval to import these goods. A man may import goods who has had no previous experience in that direction. He may make application to import an article merely because he thinks he will make something out of it. It is not satisfactory to rely on a hit-and-miss proposal such as that which has been submitted.

Hon. H. S. W. PARKER: I would like to correct an impression that some members seem to have, that this is a Bill to prevent the importation of desiccated coconut. It is nothing of the sort. All it provides is that, after the coconut arrives here, if some innocent merchant is found to have some diseased desiccated coconut in his possession, he is liable. As has been pointed out the damage has already been done. This proposal is to punish a man who has been under the impression that it was a good and wholesome food.

All I am asking is that he should not be found guilty of an offence if he has taken all reasonable precautions. There is nothing unjust about that. For instance, if a man has obtained a health certificate from the country where the product is produced, can he do more? Before a person can be found guilty of a criminal offence, intent has to be proved; therefore it must be proved that he knew what he was doing when the offence was committed. By this amendment I am throwing the onus on to the importer to prove that he took all reasonable precautions.

The CHIEF SECRETARY: I do not want to waste the time of the committee any further. The hon. member knows only too well that any interpretation could be placed on the word "reasonable". Members know that we have passed Bills in this Chamber that have provided definite penalties; and what happens? A penalty is inflicted according to the view of the court in which the case is heard. In this instance the health of the community could be affected, and yet we are seriously considering leaving the position as it is. If members do not appreciate what the Government desires to do in an endeavour to right this wrong, they should put something definite in the Bill.

Hon. N. E. BAXTER: For the edification of the Chief Secretary, I would point out that courts of law in England have recognised the use of the words "reasonable precaution." This term has also been approved by the House of Lords. A test case involved a cheque which had passed between two banks. One bank slipped, but it was proved that it had taken every reasonable precaution. If this term is good enough to be used in English law, it should be good enough for the courts in this State.

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

Ayes	11
Noes	14
Majority against	3

Ayes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. L. C. Diver	Hon. H. L. Roche
Hon. A. F. Griffith	Hon. C. H. Simpson
Hon. J. G. Hislop	Hon. H. K. Watson
Hon. A. R. Jones	Hon. H. S. W. Parker
Hon. A. L. Loton	*(Teller.)*

Noes.

Hon. C. W. D. Barker	Hon. E. M. Heenan
Hon. G. Bennetts	Hon. C. H. Henning
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. J. Cunningham	Hon. L. A. Logan
Hon. E. M. Davies	Hon. H. C. Strickland
Hon. G. Fraser	Hon. J. McI. Thomson
Hon. Sir Frank Gibson	Hon. L. Craig
	(Teller.)

Amendment thus negatived.

Hon. H. K. WATSON: I move an amendment—

That in line 3 of Subclause (3) the words "one month's imprisonment or a fine of" be struck out.

The CHIEF SECRETARY: I hope the Committee will not agree to the amendment. Surely this is something we can leave to the discretion of the court. We are not proposing that there shall be a fine of £200 and a month's imprisonment. The word "or" is used. Surely if a person is found guilty of having imported into this State coconut of such a kind that it could cause a disaster similar to that which occurred in the Eastern States recently, it should be left to the court to say what penalty should be imposed.

Hon. H. S. W. Parker: What the court thinks reasonable!

The CHIEF SECRETARY: What the court thinks is right. What is thought to be reasonable may not be right.

Amendment put and negatived.

Clause put and passed.

Clauses 3 to 5, Title—agreed to.

Bill reported without amendment and the report adopted.

BILLS (3)—FIRST READING.

1, Jury Act Amendment (No. 2).

2, Death Duties (Taxing) Act Amendment.

3, Administration Act Amendment (No. 2).

Received from the Assembly.

BILL—CLOSER SETTLEMENT ACT AMENDMENT.

Second Reading.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North) [8.39] in moving the second reading said: This is a very small Bill, the introduction of which has been made necessary by the fact that one of the personnel appointed to serve on the committee constituted under the amending Bill of 1945 to inspect and report on any land which, in the Minister's opinion, might be suitable for closer settlement, was designated the "Director of Land Settlement." A measure was passed not long ago amending the Land Act and abolishing that title. Consequently it is necessary to amend this Act by making provision for another officer to sit on the committee.

The 1945 amendment provided for the committee to consist of an officer of either the Lands Department or the Agricultural Department, the Director of Land Settlement, and a third person selected by the Minister for his knowledge and experience of agricultural and pastoral matters in relation to the particular part of the State which was to be the subject of inquiry. Such inquiry was to be conducted in connection with the Closer Settlement Act of 1927. As I have already said, in 1945 the parent Act was amended; and the amending measure stated that notwithstanding any other provisions of the Act, the Minister could appoint from time to time a committee consisting of the personnel I have just mentioned. I am not aware of the reasons for that amendment, but I am told that the board set up under the original Act of 1927 never functioned; it was never called upon to make an inquiry—for what reason I do not know.

The present committee was established by the 1945 legislation, but it cannot operate because the title of "Director of Land Settlement" has been abolished, and therefore no such officer can be appointed to serve on it. The Bill provides for the appointment to the committee of one officer from the Lands Department; one from the Department of Agriculture; and a person living in the locality where land is being examined, with a view to a report being submitted concerning its suitability or otherwise for closer settlement.

Hon. G. Bennetts: That might give us a chance of getting a land settlement scheme for Esperance.

The MINISTER FOR THE NORTH-WEST: Quite possibly. I move—

That the Bill be now read a second time.

HON. C. H. HENNING (South-West) [8.44]: As the Minister stated, this Bill is entirely due to the change in name of "Director of Land Settlement" to, I think, "Chairman of the Land Settlement Board." It deals with an amendment to the original Act. I do not think anyone can object to that; but what does strike me is that in the original Act of 1927, Section 2 makes provision for another committee. It is remarkable that an amendment could not be brought down to provide for one board instead of two. I admit that the

powers of the board we are dealing with here are different from those in the original Act. Nevertheless, it would not seem to be too much to ask that the two boards be made into one.

If the Bill is passed, we will have a board composed of an officer of the Lands and Surveys Department, an officer of the Department of Agriculture, and a man with local experience. The board provided for under the original Act consists of an officer of the Department of Lands and Surveys, an officer of the Department of Agriculture, and a practical farmer. To all intents and purposes the two are the same. They both have the job of advising the Minister on certain matters. Although I intend to support the Bill, I think it is advisable to clarify the original Act by bringing down legislation so that there will be one board functioning under an important measure such as this is.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [8.47]: I agree that the Act wants tidying up. It appears that when the amending Act of 1945 was introduced it simply brushed aside the previous Act. The only alteration I can see that matters very much is that in the original Act the board consists of three members to be appointed by the Governor, and to be known as the Land Acquisition Closer Settlement Board. Each member of the board is to hold office for such period as the Governor may direct, and he may receive such fees as are prescribed. In that case the board necessarily had to be set up.

I understand that over the years it was never called upon to make any inquiries. I believe that until 1945 it did not do any work at all of the nature required of it. Therefore it was thought better to constitute a committee of practically the same officers or members, with this difference: that the committee was to be appointed by the Minister. The particular section of the Act provides—

> Notwithstanding any other provisions of this Act, the Minister may from time to time appoint a committee consisting of three members.

It looked as though this committee might on rare occasions be required to make some investigations, and so it was left to the Minister to say when it should make an investigation; whereas the original Act constituted a board which had to be in existence all the time.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—KWINANA ROAD DISTRICT.

Second Reading.

Debate resumed from the previous day.

HON. C. H. HENNING (South-West) [8.52]: The Chief Secretary, when concluding his second reading speech, said he would be pleased to answer any questions raised on the Bill. During the course of my remarks I shall direct one or two questions to him, and I hope he will reply to them when he is winding up the debate.

It is my intention to support the Bill because I believe that, in the circumstances, this is the only way by which we can get efficient administration in that area, at least in the early stages. But we must bear in mind that when the commissioner is appointed he will have the same powers as apply to a road board under the Road Districts Act.

I do not think any board could start from bedrock, as this one will, and function efficiently, with the terrific amount of work that will confront it. I do not think that anywhere else in Western Australia have we had, or are we likely to have, for some considerable time, more development concentrated in a comparatively small area in such a short period. The board will start off with no office, plant or anything else.

The area is not very large. Measuring the plan, it is about 7½ miles by 6 miles, which gives an area of approximately 28,000 acres. One thing I am not able to understand is that the district takes in only a very small portion of the plan contained in the Industrial Development (Kwinana Area) Act, which was passed last year—that is, a narrow strip going east from the coast. The balance is in the adjoining districts, north and south. That portion of the land which is in the South-West Province, I know fairly well, and I am aware of what is happening there.

One interesting remark made by the Minister was that the unimproved capital value of that land was £42,000, in round figures, at an average of 30s. per acre. Without doubt, because of the resumptions and land sales there, the prices will rise. The normal procedure, when land prices rise, is for the Taxation Department to make a valuation on the average sales in the district. But here abnormal circumstances will apply because of acquisitions and resumptions; and I hope that when the values are eventually put before the board or the commissioner, as the case may be, consideration will be given to the fact that most of the agricultural land there is not of a very high quality. The swamp lands are extremely good, but the rest, from an agricultural point of view, is not what anyone would call good land.

It was mentioned by the Chief Secretary that the anticipated population in two years' time is 6,500; and in three

years, 8,000. He went on to say that it is expected that in 15 to 20 years' time the population could easily be between 25,000 and 40,000. If that occurs, we will have a case for the establishment of a municipality. Will that area of approximately 28,000 acres, as it is laid out today, be able to cope with a population of 40,000? Are the plans for the future such that the whole of the area will be required, or only a portion of it?

If a municipality is eventually formed, as I feel certain it will be, what will happen to those people who are at present engaged in agricultural activities outside the area in which residential and industrial development take place? I presume the Minster has some ideas on the future, because this proposition has been planned extremely efficiently. I am concerned, in particular, about the land on the east side. I can quite understand the extension of the industrial and residential portion along the coast, but I would like to know if it is planned to go right up to the eastern boundary.

Another remark made by the Chief Secretary was that a large area would be developed by Government finance. Does this mean that the whole area will be developed, including the provision of roads and other facilities for those engaged in primary production, or will the Government finance be more or less concentrated in the residential and industrial areas? Also, is it the intention that the board shall eventually recoup the Government for any expenditure there? After all, the revenue today is £1,499. I presume the Chief Secretary was accurate to the last pound. I would have preferred him to say £1,500. If that is so, it means that the amount that can be borrowed is only £15,000, and no board can get a very great distance on that sum.

On the present indications there will be from the outlying districts, apart from the area to be developed immediately, very little revenue coming in; and it will definitely be insufficient to pay for the establishment of an office, and the provision of plant, and then meet the ordinary maintenance of the roads. I presume that the Main Roads Department will construct any main roads going through the area and I take it that there will be more than one road constructed.

I would also like to know, if the Minister can tell me, what the estimated revenue will be from rates and licences at the end of three years; he says that the anticipated population at that time will be 8,000. We are being asked to agree to the appointment of a commissioner for a term of not less than three years or more than five years; but he can be reappointed for a further two years, making a total of seven years in all. If, at the end of three years—with a population of 8,000 people, of whom the majority will be stable—the revenue is sufficient, the local people might be able to start looking after their own affairs. I am not suggesting they should be pushed into it too quickly, but I think that aspect should be given consideration.

There is one further point. In this area there are two men who have given good service to the Rockingham Road Board, and it seems a great pity that their services cannot be used in some way. Both of these men are engaged in primary production, and with their local experience they would be able to give some useful advice. As I said before, I hope that a board will be able to function much sooner than the Government anticipates and that it will not be necessary to increase the term of appointment of the commissioner. I have every intention of supporting the second reading.

HON. F. R. H. LAVERY (West) [9.3]: The Bill has my full support; but there is one aspect which I wish to discuss, and it concerns people who are not actually in the new township area. Mr. Henning referred to those people as living in the agricultural section of the district. As is well known, a number of people have been established in this area since the Peel Estate days, and they are of the opinion that when a commissioner is appointed he will be concerned only with the town-site areas of Medina, Callista, and the other two proposed suburbs.

These folk are at present under the jurisdiction of the Rockingham Road Board; but now, if this measure is passed, they will come within the new area. Let me give an example. Say Jim Brown had a farm and made representations to his board for an extension of the road. The board might say to him, "Yes, we would like to do that, but we cannot do it at the moment. At the first opportunity we will carry out the work." That is the usual way a road board deals with its ratepayers. Now the people are concerned because they consider that the commissioner might make a decision which would be absolutely final, and they would have no right of appeal.

They think that if the same farmer, Jim Brown, made an application for an extension of the road, he might receive a letter stating that the application had been considered by the commissioner but it could not be granted. The people want to know whether such a decision would be final, or whether they would be able to have the same rights as a ratepayer who comes under the jurisdiction of an ordinary road board. I have much pleasure in supporting the second reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West—in reply) [9.5]: I am pleased at the reception given to, and the small debate that has taken place on, this Bill. In answer to Mr. Lavery, might I say that the people in this area will be in no dif-

ferent position to those who are in the Rockingham Road Board district. They will receive from the commissioner exactly the same consideration as they have received from the Rockingham Road Board in the past; as a matter of fact some of the people mentioned by the hon. member will receive more consideration, because they are in an area which, owing to the limited finances available to the board, has not been particularly well catered for. In other words, the Rockingham Road Board has not been able to do all that it would have liked to do in that area.

With the rapid growth taking place in the Kwinana area, however, I am hopeful that these people who have been taken over from the Rockingham Road Board will, in the course of the next two or three years, see much more progress in their district. Generally speaking, the commissioner will be in exactly the same position as an ordinary road board, and whatever finances are available will be spent to the best advantage.

As regards Mr. Henning's quiz session, I appreciate the trouble the hon. member took to study the Bill. He raised so many points that I cannot remember them now, but he seemed to be mainly worried about finance. I do not think the hon. member need have any worries. In the first year or so the rates collected will not be sufficient for the establishment of an ordinary road board. There is a difference between a new board and one which will be established in this particular area, because all the roads which will be required within the next year or so in this district have already been made, and there will be no road expenditure, in the early stages, from the funds of this local authority.

Hon. A. F. Griffith: What about the two retiring members of the Rockingham Road Board?

The CHIEF SECRETARY: When there is an alteration in the boundaries of a local authority, provision is generally made for a reallocation, so that members who have been serving in those particular areas have an opportunity to serve in the new wards which result from the shifting round of the boundaries. I assume that possibly the same thing will occur here. Mr. Henning mentioned the fact that most of the area concerned is not very good land. That is true; but we must realise that the greater portion of this area will be townsite and very little land used in the production of food has been taken away, if any. I do not think the hon. member need have any worries on that score.

Hon. C. H. Henning: Is there any recoupment for the board?

The CHIEF SECRETARY: The idea is that there shall be no recoupment because everything that has been done up to the present, has been done at Government expense; but that will not be the case in the near future. Once the Government completes the programme to which it is committed under the agreement signed with the Anglo-Iranian Oil Company—that is, the building of 1,000 houses and the other activities mentioned—it will be the end of Government expenditure on houses.

Admittedly, the main roads will be provided by the Main Roads Department, and whether it were a new authority or an old authority would not make any difference in that respect. However, there will be a good deal of private expenditure in this area; and as the land will be sold by the Government, it will recoup itself from those sales. Therefore, there will be no need for the Government at any time to make a call on the local authority as regards the early expenditure.

In the early stages, too, there will be a Kwinana fund; and no doubt, if necessary, funds would be made available for the local authority to carry on. We must remember, also, that the Rockingham Road Board will have to pay the new authority a sum of money. That provision is always made where a local authority has land transferred from it, or an adjustment is made between local authorities. So there will be a sum of money earmarked by way of an adjustment between the new board and the Rockingham Road Board.

Hon. C. H. Henning: What would be the position as regards offices and plant?

The CHIEF SECRETARY: In the early stages there will not be a great need for plant. All the roads in the area are made; and until such time as the new elected board takes over, there will possibly be no need for the purchase of any extensive plant.

Hon. C. H. Henning: Other than a grader or something like that?

The CHIEF SECRETARY: That is so; only sufficient plant for ordinary maintenance work. There has been an extensive road programme; and, other than for ordinary maintenance work, there will be no need for any great expenditure of money in the early stages. When members visit the area next Wednesday morning they will see what a good job has been done, and I want to take this opportunity of paying a compliment to all those concerned in this project. I refer particularly to the Main Roads Department, the Water Supply Department, and the planning consultant; and, in fact, everyone concerned with the building of the new townsite has done a remarkably good job.

Hon. A. F. Griffith: Not forgetting the McLarty-Watts Government.

The CHIEF SECRETARY: It did not do much except sign on the dotted line with the Anglo-Iranian Oil Coy.

Hon. A. F. Griffith: Thank God!

The CHIEF SECRETARY: I always like to give credit where credit is due.

Hon. A. F. Griffith: Then give plenty in this case.

The CHIEF SECRETARY: Not a great deal. Except for signing on the dotted line the McLarty-Watts Government did not have a great deal to do. It had little to do with the actual building of the town, and that is the point with which I am concerned.

Hon. A. F. Griffith: All you had to do was to carry on; everything was laid out for you.

The CHIEF SECRETARY: If the hon. member made a few inquiries, he would find that that is not the case.

Hon. A. F. Griffith: Generally it is.

The CHIEF SECRETARY: That is not the point. The question of who should get the kudos—whether it be the McLarty-Watts Government or the Hawke Government—is one which will be decided in two years' time and not now.

Hon. F. R. H. Lavery: I think the planner should get the kudos.

The CHIEF SECRETARY: I would not say that, either.

Hon. F. R. H. Lavery: A fair share of it.

The CHIEF SECRETARY: Quite a large slice. But it is of no use having a planner if the other sections are not available to co-operate. In this case everyone has co-operated. I think it is an absolute eye-opener to most Australians, because generally we are so casual in our approach, particularly when we consider that in the early part of this year there was not one stick in that area. The building first commenced on the 14th January of this year.

Hon. C. H. Henning: You are keeping up with the company's rate of development.

The CHIEF SECRETARY: I would say that the company has nothing to teach the Australians down there. I admit that the company has done a good job, but so have the Australians who have been handling the Kwinana town project. Should members think of anything else, they can bring it up at the Committee stage.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—HAIRDRESSERS REGISTRATION ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [9.20] in moving the second reading said: The main object of this small Bill is to place the finances of the Hairdressers Registration Board on a more stable basis. As the title indicates the parent Act provides for the registration of men's and ladies' hairdressers and for the appointment of a board to conduct examinations and, among other things, to make recommendations to the Commissioner of Public Health in regard to the standard of hygiene and sanitation in hairdressing premises.

The board comprises the Secretary for Labour, who is chairman; a representative of the Master Gentlemen's Hairdressers' Association; and a representative of the Ladies' Hairdressers' Union of Employers; as well as two representatives—one male and one female—of the employees. The funds of the board are derived from the registration fees paid by hairdressers to the board.

These fees have not been altered since 1946, when the basic wage was about £5. The fees at present are £2 2s. per annum for an employer and 5s. for an employee. It is proposed in the Bill to increase these to £2 12s. 6d and 12s. 6d. respectively. It is also proposed to increase the examination fee from £1 1s. to £2 2s. At present the annual income of the board is about £1,100. This stems from approximately 600 employees and 470 employers. Members will realise that from that sum a registrar and an inspector have to be paid. Unless the fees are increased, it will be virtually impossible for the board to operate.

Every conceivable economy has been effected, the principal of which has resulted in the inspector being employed on a part-time basis in alternate weeks. This is by no means satisfactory; and the position has been reached where, if the board continues to operate on its present fees, the excess of expenditure over income will at the end of the present year amount to £250. At a recent meeting of registration boards in the Eastern States, Western Australia was represented only as a result of a board member's paying his own fare.

The board is most emphatic that the fees should be increased. Even the proposals in the Bill will only allow of restricted action by the board.

I am told that both employers and employees agree that the board is doing an excellent service in maintaining the standard of the trade, and in providing protection for the public. I can assure members that these small increases in fees will not be handed on in the way of dearer haircuts. I am sure members will agree that the reduction in money values since 1946 warrants the small increases suggested by the Bill.

The other small amendment in the Bill is to rectify an omission in the Act. When a hairdresser succeeds in obtaining registration, the board issues to him a certificate and a badge. The Act states that if a registration is suspended or cancelled

the board shall require the surrender of the certificate. No mention is made of the badge, so the board cannot demand its recall. The Bill sets this in order and also gives the board the power to make regulations covering the issue of badges as well as certificates. I move—

That the Bill be now read a second time.

HON. C. H. SIMPSON (Midland) [9.23]: I do not think it is necessary to delay the business of the House at this stage of the session by giving very great consideration to this measure. The main purpose of its introduction is to permit the Hairdressers Board to increase certain fees. I may say, however, that that application had been made previously but the Minister in charge in the previous Government was of the opinion that the board was using too much of its revenue for administration expenses and not enough to do the actual job. He desired it to reduce its overheads and satisfy him that it was no longer in that condition, before he was prepared to introduce a Bill to allow fees to be increased. I know that has been done and, having regard to the difference in the value of money since this Act was passed in 1946, I think the board has made out a reasonable case for the increase in fees.

I am pleased to know from the Chief Secretary that this will not contemplate a further increase in haircutting or hairdressing charges. I remember when a similar Bill came before the House in 1926. A number of very good reasons why hairdressing should be controlled were submitted. It was pointed out that in these days of hair waves, perms, and so on, there was need for operatives skilled in the use of certain machines. There had been cases where serious and permanent damage had been done because the operatives had not measured up to the desired standards. The House accepted those proposals, the result being that the board was authorised by the necessary legislative authority, and has carried on. I recommend that the House support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

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

BILL—CREMATION ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. J. G. HISLOP (Metropolitan) [9.28]: In the short time that I have had to study the Bill, I have been able to satisfy myself that there are certain features in it which are necessary and which will correct some of the anomalies that exist at present. One of the main objects of the Bill is to shift the onus of consent for cremation from the district registrar, or the Registrar of Births, Marriages and Deaths, to the Commissioner of Public Health. That could be a very wise provision because, after all, the registrar is an official collector of statistics; whereas he is not necessarily competent to decide whether a cremation should take place. The rest of the Bill is not so clear. In Clause 6 provision is made that the Governor may from time to time appoint one or more medical practitioners to be referees. One is at a loss to know whether the referees are to be Public Health Department officers or members of the medical profession. It rather suggests that while, in the main, the Commisioner of Public Health is the final arbiter, the work of being a referee may fall on to members of the medical profession, because in proposed Section 8 (4) (b) the medical referee is entitled to retain the prescribed fee for his own use. Then in the latter portion of the Bill there are powers to prescribe the duties and obligations of medical referees and the fees to be paid for cremation.

I have not been able to discuss this with other members of my profession. On giving the question careful consideration, I think it is wise that the referee shall be a member of the Public Health Department. If the department decides to appoint some member of the practising profession as its adviser, it can do so. One realises that it is extremely difficult for a member of the medical profession to act as a referee when application is made for cremation of a person who had been under the attention of a colleague practising nearby. At times this would engender some ill feeling between members of the profession; whereas if it were done by a Government department, there would be no criticism. I think the matter should be cleared up, and the Chief Secretary should indicate what is intended by a referee.

Hon. Sir Frank Gibson: What are their duties?

Hon. J. G. HISLOP: They are fairly clear. I can give an outline of the powers to withhold a permit for cremation. A medical referee shall not issue a permit for the cremation of the body of a deceased person unless a certificate in the prescribed form is given by a medical practitioner who was in attendance upon the deceased person at the time of his death, and he is satisfied that the medical practitioner has made full enquiries as to the cause of death of the deceased person. If one member of the profession is a referee against another and one member can say to another, 'I have to be satisfied that you have gone fully into the causes of death", we can see a difficulty arising.

The second duty is that the referee shall not issue a permit where the deceased person has left a written direction that his body is not to be cremated, except where the commissioner orders the body to be cremated. I take it this portion would cover the case of a person dying from smallpox. Further, the referee shall not issue a certificate unless he is satisfied that the applicant for the permit is entitled or authorised to make the application; in other words, he is the administrator of the estate, or one who has real power.

Again, he shall not issue a permit where the permit is in the first instance refused by him under the provisions of Subsection (5) of Section 8 of the Act, unless and until he receives from a coroner a certificate in the prescribed form authorising him to grant a permit. Further, the referee cannot be in any way related to the deceased person. In other words the medical referee has to be satisfied that all is in order before giving a certificate for cremation.

This is where the measure breaks down. It serves no better purpose than the present Act. The position under the Act is completely farcical, because an undertaker can go along to a doctor and say, "This is a cremation burial," at the same time presenting a long document to be filled in by the doctor. The undertaker can go to any other medical officer and present a certificate that he is satisfied that there is no untoward event in the conduct of the case, and there is no reason why the cremation should not take place. Without further ado, the medical practitioner signs the document.

That will serve no better purpose than if no document had been signed at all. What is more, supposing the practitioner did decide to go to the mortuary and view the body of the deceased, he still could not gain sufficient grounds to prevent the cremation from taking place. There is no provision in the Bill to allow a referee to demand a post-mortem. I think that is essential if the referee is going to be satisfied that all is in order. If we are to get statistics on a sound basis the question of post-mortem must be accepted by all as a scientific approach.

Hon. Sir Frank Gibson: In every case?

Hon. J. G. HISLOP: Yes. In other hospitals in the world, the fact that a patient enters the hospital is an indication that he is prepared, in the event of his death, to submit his body to a post-mortem examination. The absence of such an arrangement in this State has held up the work of the hospitals. Although I dislike Government interference, I believe that the Government should cover the cremation of a dead body. It is in the interests of the community that all the facts should be known before a cremation occurs. Once it takes place there is little chance of finding out anything. Therefore the Chief Secretary should make clear what he proposes in regard to referees. Are they to be members of the public health medical staff, or are they to be members of the profession?

Secondly, will the Chief Secretary provide in this Bill power for a referee to order a post-mortem? The only provision in force is for a coroner to do so. That is not always necessary. A full inquiry into the cause of death may not be absolutely essential before a referee can decide that a cremation is wise.

There is a further point, and that is in regard to the costs attached to post-mortems. The Government must decide what the cost shall be, and how it is to be met by the person asking for cremation. The cost can be covered by a charge on every cremation, and the post-mortem when it is ordered can be debited against that charge. Under this Bill the referee is able to retain fees, but if the referee is a member of the public health staff he cannot do so. The fees will go into consolidated revenue.

Section 17 of the parent Act is amended to allow the prescription of fees and charges for burials. So there is no difficulty about the Government's adding a clause empowering a referee to order a post-mortem if he thinks it necessary. If this is not added to the Bill, I shall vote against the third reading, because the Bill will end up being more farcical than the present Act, if one has only to apply to a Government officer for permission to cremate and he has no power to do anything except ask one or two questions. I request the Chief Secretary to refer the Bill to his department with a view to the powers I have suggested being giving to the referee.

On motion by Hon. A. L. Loton, debate adjourned.

BILL—PRICES CONTROL ACT AMENDMENT AND CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. G. Fraser—West) [9.45] in moving the second reading said: This Bill has two objects—to continue the operations of the parent Act for a further 12 months ending the 31st December, 1954, and to appoint a consultative commission in the place of the advisory committee which is at present provided for under the Act.

The Act states that the Minister shall appoint, to advise him, an advisory committee of persons possessing expert or business knowledge, one of whom shall be nominated by the President of the Arbitration Court to represent consumers. All of

the members of the committee hold office during the pleasure of the Minister. The Premier, in his policy speech during the last election campaign, stated that the Labour Party favoured a more representative manner of appointing the committee. The Bill seeks to give effect to those remarks.

Instead of having an advisory committee, the Bill suggests a consultative commission, and proposes that the commission shall meet at least once a month and on other occasions when requested by the Minister. There is no provision in the Act specifying when the present committee shall meet. According to the Bill, the commission will comprise the Prices Control Commissioner or his deputy, as chairman, and four others, representing the manufacturers and retailers, the retail traders, the primary producers, and the consumers. It is proposed that the representative of the consumers shall be a woman. All members of the commission will be appointed by the Minister. It is thought that such a body will be of greater consultative value to the Minister than the present committee.

The other amendment seeks parliamentary approval for the continuation of price-control for a further 12 months, that is, until the 31st December, 1954. Before discussing this, I should like to draw members' attention to the position in the other States of the Commonwealth. In New South Wales and Queensland permanent price-control legislation exists. Victoria has extended its Act until the 31st December, 1954, and Tasmania to the 31st October, 1954.

In South Australia price-control is regarded so seriously that Mr. Playford administers the portfolio of prices as well as that of Premier. Mr. Playford has succeeded in passing his price-control continuation legislation through the South Australian Parliament. I believe that the Legislative Council in that State passed the third reading last night. I submit that the position warrants the continuation of control legislation in this State as much as is the case in the rest of Australia.

I wish to emphasise that my Government is not wedded to the policy of control. It will be recollected that the Government has decided that no vestige of building material control shall continue after the end of this year. If it could be shown that price-control could be dispensed with that, too, would go; but, at present, in the interests of the purchasing public, statutory control should exist. My Government has continued a steady decontrol of commodities where it has been proved that supplies are ample, and that profits of a reasonable nature are being made. Where articles are released from control a constant check is made to ensure that excessive margins of profit do not exist.

During the month of October, 1953, for instance, the following goods were released from control:—

Coffee, with or without chicory.
Coffee beans.
Coffee essences.
Cocoa.
Corrugated fibro-cement roofing sheets.
Sheet metal products used for building and roofing purposes, made from other than galvanized iron.
Iron and steel sheets, other than galvanised.
Belting of leather, rubber, canvas or composition.
Hose, rubber or plastic.
Calico bags.
Metal kegs and casks.
Rope, cordage and twine.
Tyre cord and tyre fabric.

One important reason for the continuance of price-control has been the decision of the Arbitration Courts in regard to the basic wage. With the wage remaining stationary, and with prices continuing their upward trend, it is essential that the public be protected against any effort to make excessive profits. Take as an example that most important and necessary article, clothing. In very moderate and lower income homes, the task of clothing the family is a continual and a worrying problem. I think it was in July, 1952, that all clothing was released from control.

However, in view of the many complaints, and as a result of investigations, the Prices Ministers' conference held during April, 1953, resolved to recontrol the more essential types of clothing used by the average wage-earners and those in the lower-income groups. Some retailers, however, have not profited from this action, or might I say, they have over-profited. In August, 1953, checks were made on 267 items of men's women's, children's and infants' clothing and drapery. Of these 267 items, 183, or 68 per cent., showed excessive margins of profit. During the following month, September, 1953, of 308 items checked, 233, or 75 per cent., were over-priced. These margins of profit were up to 27½ per cent. above what were considered reasonable figures.

This check was regarded as sufficiently comprehensive to show that the recontrol of the more necessary items was completely justified. It also revealed that many retailers were not treating the public fairly. This does not tend to create confidence in the assurance given by the Retail Traders' Association that, if prices were decontrolled, they would not seek increased profits. Their contention that prices would find an equitable level if open competition existed has not been borne out.

Another blow to free competition was the effort made last year by the Grocers and Shopkeepers' Association to prevent any retailer from charging prices for decontrolled goods below those fixed for the whole trade by the association.

The retail price of meat is such that it is possible the Government may have to consider the reimposition of control. During the quarter ended September, 1953, the Federal basic wage increase for Perth was 4s. Of this, meat was responsible for 3s. During the month of October last, wholesale and retail checks indicated that wholesale margins for cow beef and mutton were high, and that retail margins could be reduced by at least 2d. per lb.

Although the executive of the Meat & Allied Trades Association has urged its members to charge only the retail margins that prevailed when meat price-control operated, it is evident that many retailers were reaping an undue harvest. The wholesale livestock market in October this year was similar to that of 12 months ago, but retailers' prices were in many cases much higher.

Another instance of blatant overcharging was in connection with some hotel tariffs. I am told that, although the U.L.V.A. endeavoured to restrain some of its members, its effort was in vain. The Government, therefore, had no option but to reinstitute control. Another source of overcharging was plumbing, and this gave rise to a spate of complaints. A thorough investigation showed that most of these complaints were justified. To overcome this, the Prices Branch has provided a comprehensive scale of plumbing charges, and has been instrumental in obtaining quite a number of refunds to exasperated clients of plumbers who in some cases were overcharging by as much as 136 per cent.

Similar complaints were received in regard to electrical installations. A qualified electrician investigated these and, as a result, control was reinstituted. The inquiries revealed that some electricians were charging up to 70 per cent. over a reasonable price. Members will recall the efforts made by the oil companies to obtain increases in prices. Far from agreeing to this, the Prices Ministers recently reduced the price of motor spirit by 2d. a gallon; lighting kerosene by 1½d.; distillate by 2d.; diesel fuel by 40s. a ton, and fuel oil by 60s. a ton.

It might surprise members to know that these reductions are estimated to represent an annual saving to the Western Australian public of £733,000.

Hon. H. K. Watson: That was absorbed by the increase in rail freights.

The CHIEF SECRETARY: This is 13 times greater than the cost of £55,000 to the State for the administration of the Prices Branch, which amount is negligible by comparison. The reductions in the prices of oil were not made lightly. These prices are the subject of constant study and investigation. In this regard, it is interesting to hear the views of the Australian Automobile Chamber of Commerce. A letter from this body, dated the 28th October, 1953, read—

> At the annual meeting of the Australian Automobile Chamber of Commerce held early this month in Melbourne, a very strong recommendation was made from the conference that each of the member associations approach his State Government for the retention of price control on all petroleum products.
>
> This recommendation has been further discussed by the executive of this chamber, and we wholeheartedly agree with same, as any precipitious lifting of price control at the present time would undoubtedly mean an increase in price to the consumer, owing to the present state of the oil industry in the trade-war for increased gallonage, which is resulting in such uneconomic practice as installation of unwarranted industrial or commercial pumps, and also an over-abundance of petrol selling points.

The control of hide and skin prices constituted another problem. The Commonwealth Government suggested to the Prices Ministers that price-control be lifted from hides and skins. Particular consideration was given by the Ministers to the home-consumption price, and applications for decontrol have been continually and strenuously resisted in the knowledge that such action would result in all hides and skins in Australia being sold at world-parity prices.

It is estimated that this would result in an increase of 100 per cent. in the cost of hides to tanners and that the additional cost to the users in Australia of boots and shoes alone would amount to the substantial total of nearly £7,500,000 per annum. The average increase in the cost of footwear, generally, would be as follows:—

> Men's, 13s. a pair; Women's, 9s. 6d. a pair; and children's, 3s. 7d. a pair.

Hon. C. H. Simpson: Those figures have been disputed and will be disupted again.

The CHIEF SECRETARY: I have never known figures to be produced that could not be disputed, and I shall go so far as to say that if one desires to prove anything, one can always do so with figures. The effect of these increases upon the budget of the average family can be imagined. So far as bread is concerned, the Perth and Suburban Bread Manufacturers' Association recently asked that under no circumstances should price-control be lifted from bread.

In respect to superphosphate, prices were recently reduced on the grounds of—

(1) The profits being made by the companies;

(2) A reduction in the cost of manufacture caused by the greater use of brimstone in relation to sulphur produced from pyritic ore.

(3) A reduction of 3s. per dozen in cornsacks as from the 1st October, 1953.

The new prices on all sales of super made since the 30th June, 1953, are—£14 9s. 3d. per ton for super packed in new cornsacks; £13 13s. 9d. when in paper bags; £12 10s. 6d. in farmers' own bags; and £12 1s. 9d. unpacked. These prices are a reduction of 7s. 9d. per ton on prices operating at the 1st August, 1953, and are 33s. 9d. below those of the 1952-53 season for super in new cornsacks. When packed in other than new cornsacks the new prices are 4s. 9d. per ton less than on the 1st August, 1953, and 11s. 9d. per ton below that of 1952-53.

During the month of October, 1953, the Prices Branch visited 415 metropolitan and 75 country traders for checking purposes. A comprehensive check of Collie was completed, and the result was generally satisfactory, a number of minor offences being dealt with by warnings. During October, 1,704 items were checked, and two metropolitan traders and one country trader were prosecuted on a total of 11 charges involving the sale of fish, vegetables and beer.

In conclusion I should like to reiterate that the Government holds no brief for price-control. We are recommending the continuance of control because we believe the continuance of a measure of control is necessary. As I have said, other States, including South Australia with its Liberal Government, hold similar opinions. Where decontrol or recontrol is warranted, the Government will lose no time in implementing it. I move—

That the Bill be now read a second time.

On motion by Hon. C. H. Simpson, debate adjourned.

House adjourned at 9.58 p.m.

Legislative Assembly

Wednesday, 2nd December, 1953.

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