

but I consider that two-thirds of the evidence submitted to me in writing is biased and for that reason I was anxious that the matter should be given more thorough and impartial examination.

It is not sufficient for the member for Leederville to brush this off and to say there are no economic considerations, because there are many. It is of no use him trying to say that my reasons for these economic considerations will be a direct concern only of the banks themselves if they are closed on Saturday mornings. The mere fact of banks being shut for a half-day could not have a serious economic effect, but there are many co-related factors that would have a great economic effect. Many responsible people will be most upset if they were responsible for bringing about an adverse economic effect. If justice is to be done by the people, a stronger case should be presented if it is to help those concerned with their problems.

Mr. JOHNSON: The threats made by the member for Nedlands in regard to what another place will do with the Bill deserve some notice to be taken of them. However, they should not be taken in this Chamber. We should deal with questions on their merits. The member for Nedlands, on three occasions, could have indicated what are these vague economic effects which he is talking about. However, he has given no indication of what they are. He talks and talks and talks and, in my opinion, he talks rot.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

House adjourned at 10.15 p.m.

Legislative Council

Thursday, 27th October, 1955.

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

QUESTIONS.

GOLDMINING LEASES.

Number in Norseman District.

Hon. G. BENNETTS asked the Chief Secretary:

Will he inform the House the number of goldmining leases, other than those held by Central Norseman and the Norseman Gold Mines Pty., in the Norseman district?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied:
Two.

SILICOSIS.

Effect of Aluminium Therapy.

Hon. G. BENNETTS asked the Chief Secretary:

Will he inform the House whether the aluminium therapy which is being used in the mining industry is having the effect of arresting silicosis?

The MINISTER FOR THE NORTH-WEST (for the Chief Secretary) replied:

The development of silicosis to the earliest stage at which it can be detected takes 10 years or more for most men in our mines. Aluminium therapy has been in operation a little more than five years and the position is being closely watched, but it is still too early to arrive at a definite opinion as to its effect.

BILLS (2)—THIRD READING.

- 1, Marketing of Barley Act Amendment.
- 2, Soil Fertility Research Act Amendment.

Passed.

BILLS (2)—FIRST READING.

- 1, University Medical School, Teaching Hospitals.
- 2, Bank Holidays Act Amendment (Hon. C. W. D. Barker in charge).

Received from the Assembly.

BILL—LOCAL AUTHORITIES, BOUNDARIES AND SERVANTS, SUPPLEMENTARY PROVISIONS.*Recommittal.*

On motion by Hon. E. M. Davies, Bill recommitted for the further consideration of Clause 3.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for Local Government in charge of the Bill.

Clause 3—Power of inquiry:

Hon. E. M. DAVIES: At a previous sitting of the Committee an amendment was moved by Dr. Hislop to incorporate in the Bill, the following subclause:—

(8) Where the result of the referendum is against the exercise of the power then the power shall not be exercised, but where the result is in favour of the exercise of the power and the requirements of paragraphs (b) and (c) of Subsection (7) of this section have been complied with, the Governor may by authority of this Act, and notwithstanding the provisions of any other Act, exercise the power by Order in Council.

That amendment was agreed to.

Members will recall that I contended that if a referendum was to be taken by a local authority which it was proposed should be absorbed, the local authority which would do the absorbing should also have the right to hold a referendum. I have therefore prepared an amendment which, if agreed to, will result in the deletion of Subsection (8) which was inserted yesterday and the substitution of another provision which will give effect to the opinion I expressed. I move an amendment—

That new Subclause (8) inserted by a previous Committee be struck out and the following inserted in lieu:—

(8) Where the result of the referendum is that a majority of the votes in each district is in favour of the exercise of the power and the requirements of paragraphs (b) and (c) of Subsection (7) of

this section have been complied with, the Governor may by authority of this Act, and notwithstanding the provisions of any other Act exercise the power by Order in Council; but in the case of any other result the power shall not be exercised.

In effect, that means that if it is proposed that local authority "A" shall absorb local authority "B", and a referendum is to be held in "B" then a referendum shall also take place in "A". If the voting discloses that "A" is not in favour of absorbing "B" then the Governor shall not exercise the power.

Hon. Sir CHARLES LATHAM: This amendment is not on the notice paper.

Hon. E. M. Davies: No; I had no opportunity to put it on the notice paper.

Hon. Sir CHARLES LATHAM: I would ask the Minister to report progress so that we can see what the amendment actually means. The hon. member has explained it, but we want to see what effect it will have. I do not think other members have seen the amendment, and it is unfair to ask us to come to a decision just now.

Hon. E. M. DAVIES: I have not deleted anything of any great importance from the amendment that was moved by Dr. Hislop. All I am asking is that, if an amalgamation is proposed, a referendum shall be taken in all the local authorities concerned. In my remarks last night I said that if a referendum were to be taken by a local authority to decide whether it would amalgamate with another local authority, the local authority with which it was intended there should be an amalgamation should also conduct a referendum. I was told by Dr. Hislop that this was provided for in his amendment. However, I was unable to read that into the amendment. Hence the reason for my amendment.

Hon. H. L. ROCHE: I think every member will feel quite satisfied that Mr. Davies honestly wants to achieve the end he has explained. But surely it is not asking too much to ask that progress be reported so that we may have an opportunity to see the amendment and satisfy ourselves that it will achieve the results he quite honestly expects it will achieve, without affecting any of the other implications of the Bill.

Hon. L. CRAIG: I am not quite clear about this. Yesterday I said that the amendment covered all the local authorities that were interested in an absorption, whether the larger or the smaller. When a larger body absorbs a smaller the larger one is also absorbed. "A" and "B" are absorbed in "AB." "A" is absorbed in "AB" the same as "B." I do not think there is any difference in the treatment of any local authority in respect of which

an inquiry is made. In other words, if an inquiry has to be made to decide whether local authority "B" shall be absorbed by another local authority, then the second local authority has an equal right to say whether they shall be joined together. Surely there can be no objection to that!

Hon. E. M. Davies: It is not sufficiently definite in the amendment.

Hon. L. CRAIG: If that is so, then let us alter it; but I thought it was clear that it dealt with every authority.

Hon. Sir CHARLES LATHAM: Yesterday evening we considered this matter and had a vote on it. On that account, for the hon. member to say that he has studied this carefully and to insist on the amendment which is before the Committee—I am the only one with a copy of it—is not very fair. However, I do not mind; it can go to the vote, and I shall oppose it, because I say it is not fair to members.

Hon. J. G. HISLOP: I think this would raise a considerable amount of difficulty. I gather it means that if three or four authorities are to be amalgamated and a referendum is held, and it is found that one of the authorities does not want the amalgamation, the Governor may say, "Nothing shall happen." If people agree to a referendum, they should abide by the result; and the result should be equally binding on all parties.

Hon. E. M. DAVIES: I want to make sure that if it is suggested that a local authority shall be merged with another local authority, and a referendum discloses that it does not desire to amalgamate, the Minister will not exercise his power. If the local authority desires to amalgamate, must the other local authority accept the position irrespective of whether there is a majority in that local authority in favour or not? That is the only point I am concerned about.

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

Ayes	8
Noes	11
Majority against	3

Ayes.

Hon. E. M. Davies	Hon. F. R. H. Lavery
Hon. Sir Frank Gibson	Hon. H. C. Strickland
Hon. R. F. Hutchison	Hon. W. F. Willesee
Hon. A. R. Jones	Hon. C. W. D. Barker
	(Teller.)

Noes.

Hon. N. E. Baxter	Hon. L. A. Logan
Hon. L. Craig	Hon. H. L. Roche
Hon. L. C. Diver	Hon. C. H. Simpson
Hon. H. Hearp	Hon. J. McI. Thompson
Hon. J. G. Hislop	Hon. J. Murray
Hon. Sir Chas. Latham	(Teller.)

Amendment thus negatived.

Bill again reported, without further amendment, and the reports adopted.

BILL—ZOOLOGICAL GARDENS ACT AMENDMENT.

Second Reading.

Debate resumed from the previous day.

HON. L. CRAIG (South-West) [5.0]: I do not intend to oppose the Bill, but I have a strong antipathy to the modern zoological gardens, and particularly our own. I went over there recently, and when one sees moving pictures of modern areas, where wild animals are kept in something like their natural state—

Hon. C. W. D. Barker: Like Whipnade.

Hon. L. CRAIG: Yes. There is still a better one in East Africa. Just out of Nairobi, the animals are kept in an area where they have their own natural climatic conditions. Those animals are healthy. But when we go to a zoo like our own we can see the difference. I went there on a hot day, and I came away strongly of the opinion that the time had arrived when zoological gardens should be dispensed with altogether. I do not know what purpose they are serving. I have asked a number of people what, in their opinion, is the use of our zoological gardens, except as a ground for children or a place where people can play tennis.

Hon. C. W. D. Barker: It is educational.

Hon. L. CRAIG: Some said that it was educational. The animals there are covered in dirt, because it is sandy over there. They are out of their normal climatic conditions, and are covered in flies. Let us compare that to a modern moving picture of animals living under their natural condition and ask ourselves what is the difference in the educational value.

Hon. C. W. D. Barker: I agree with you.

Hon. L. CRAIG: I am glad of that. To-day there are moving pictures of every type of animal in its natural habitat and these pictures give us some idea of how the animals live. I left our own zoo feeling disgusted with the whole place. It is a frightful, smelly area. The smell is unavoidable, but it is pitiful to see a polar bear, when the temperature is 93 degrees, sitting on a block of stone painted white to make it look like an iceberg. There was a tap with tepid water running over the animal's head and it was sitting there with its legs spread apart trying to keep cool. It did not look much like a polar bear to me. Its fur was matted because of the heat, and the same applies to all the other animals living in artificial surroundings. If we did away with the zoo, we would not be abolishing the educational value of it, because the children could see moving pictures of animals living under their natural conditions. The cost would be less, too.

While there, I saw an elephant with a chain round its leg, tied to a post in the ground. There were millions of flies

around it, and its big ears were flapping backwards and forwards trying to get rid of them; its small wispy tail was going round and round in its attempt to keep some of the flies away. Occasionally it dipped its trunk into a tub of water and squirted itself in its efforts to keep cool.

Those animals live in a tropical climate, where there is unlimited water; and in the heat, they go to the swamps and rivers and keep themselves clean and cool. There was a myriad of flies around this elephant, and it looked most unhappy. I could tell that by its expression. If one gets close enough to them one sees that most of the animals have an expression. Leopards, lions and tigers are all bred in captivity, and the tigers at the zoo had the claws growing into the pads of their feet.

Hon. C. W. D. Barker: That is neglect.

Hon. L. CRAIG: The claws are cut every year. The keepers do not like going into tigers' cages unnecessarily and asking them to put up their feet so that they can have their nails cut.

Hon. J. McI. Thomson: The tigers or the men?

Hon. L. CRAIG: We think we are living in enlightened days, and the time has come when we should give some thought to turning these areas into places where people can have hot mineral baths and beautiful playing fields. Let us make this area a playing-ground with a train and a few things like that.

Look at the kangaroos and dingoes over there! Did one ever see a kangaroo or dingo more dilapidated than those at the zoo? They were all dirty and scraggy; not one of the dingoes could kill a sheep. But that is the story of the modern zoo. The only zoo that looks anything like a modern garden is Taronga Park; and even there, if one walks round for half an hour, one has seen all that is desired. The monkeys' cage is the only place where one could spend any time. We should set an example and do away with our zoological gardens.

HON. R. F. HUTCHISON (Suburban) [5.6]: It gives me great pleasure to support Mr. Craig. I never thought I would be getting up in this House and supporting him, but every word that he has spoken on this occasion is, in my opinion, true. If we could have a theatre showing educational films free for the children it would be much better than continuing with the zoological gardens. A nice park and playing-grounds would be better than our zoological gardens. If we converted it into such an area we would be setting an example.

Zoos are outmoded and old-fashioned. I agree with Mr. Craig that they are horrible places; and, although I used to take the children there when they wanted to go, I used to leave the place in a most

distressed frame of mind. It is a shocking thing to see wild animals living under conditions such as we have at our zoo, and in a climate such as ours. I would say the same thing about Taronga Park; I have been over there, and I still think that all zoos ought to be abolished.

If children could be shown photographs of animals in their natural habitat, it would be much better than continuing with the zoo. We could have a nicely-kept pool, where our swans and other birds natural to the State would be free to come and go, as they wished; but it is cruel to keep animals or birds in cages.

If one were to go on a journey with a person to capture these animals, one would realise how dreadful it is to cage them up. I support Mr. Craig, and I hope that we will be able to do away with the zoo. Zoos are outmoded and out of date. Free educational films for schoolchildren would be much better. We could have films dealing only with animals and a number of small theatres where the children could go to see the films. The rest of the area over there could be taken up with playing fields and so on.

HON. SIR CHARLES LATHAM (Central) [5.9]: All this Bill seeks to do is to increase the amount provided by the Government from £7,000 to £15,000. It has nothing at all to do with whether the animals are well treated or not; and if we do not support this measure, we will only harass those in control of the gardens.

In my younger political days I had the same idea as Mrs. Hutchison and Mr. Craig; and I can remember Ben Strange caricaturing me with a big stick and all the lions and tigers, with tears running from their eyes, were saying, "What are we going to do if you turn us out of our home?" I have changed since those days, and I believe that the zoo has great value from the children's point of view. If one proposes to a child a visit to the zoo, the child longs for the time to come to get there.

These animals are not treated cruelly; no worse than many of them are treated in their natural state. If we are going to prohibit the keeping of animals in cages, let us prohibit the keeping of birds in cages. I think Mrs. Hutchison might even have a canary at home.

Hon. R. F. Hutchison: No. I would not keep a bird in a cage.

Hon. Sir CHARLES LATHAM: I am amazed. I thought the hon. member would have kept a parrot, or a canary, in a cage. However, I accept her word that she has not. I hope that we will not abolish the zoo. There is always a sale for these wild animals. Mr. Craig referred to dingoes. I have shot a dingo when it has been so starved for the want

of water and food that I could have knocked it over without troubling to shoot it. An animal in its wild state is no better off than an animal in the zoo. Do not let us take a retrograde step.

When we get old we grow selfish; but I hope that I am still young enough to appreciate the likes of children. Our zoo has not had a great deal of money spent on it. In the old days many people used to bequeath money for the benefit of the zoo. But nowadays there are so many claims on a person's estate that no money is left for the zoo. Children love the zoo. They love to ride on the elephant, and see the monkeys, and so on. One need not go to picture shows to see wild animals in their natural state; one can get nicely coloured photographs in books. I think we might carry it a little further and have our speeches recorded; that would do away with the necessity of our having to get up in this chamber and make a speech.

However, speaking seriously, I hope that we will not convey to the controllers of the zoo the idea that this House has become so old-fashioned that it wants to abolish the zoological gardens. Mrs. Hutchison has joined what is known as the old men's home. I suppose we ought to change its name now, but we ought not to convey to the public the idea that we have no thought for the enjoyment of the children of today.

HON. J. G. HISLOP (Metropolitan) [5.13]: I always like to agree with Sir Charles Latham; but on this occasion, I cannot find myself in agreement with him.

Hon. Sir Charles Latham: That is nothing unusual.

Hon. J. G. HISLOP: From what I could gather from the hon. member's speech, he believes that this Bill is to increase the sum of money which the Government provides; whereas it is a question of allowing the authorities to borrow so that further facilities can be provided for the zoo.

Hon. H. Hearn: For the tea-rooms.

Hon. J. G. HISLOP: It is for the tea-rooms, and the proposal is to increase the sum to £15,000. The animals will receive no benefit from the increase. At first I thought I would vote against the measure; because, I, too, agree that zoos are terrible places, and children like them only because they are pleasant places in which to play and obtain some form of entertainment.

Hon. L. Craig: They get money for peanuts.

Hon. J. G. HISLOP: If, by defeating this Bill, we intimated to the Government that we thought the zoo ought to be abolished,

we would be doing a fine thing. Personally I cannot see that the zoo constitutes anything short of cruelty to animals; and to see lions, tigers and other wild animals tied up in cages—

Hon. Sir Charles Latham: They are not tied up.

Hon. H. Hearn: They are confined in their cages.

Hon. J. G. HISLOP: I consider that a wild animal confined in a small space is virtually tied up. I do not like to see it. If I thought that by our passing the Bill the facilities within the zoo grounds would be increased, I would oppose it, so that the Government would be given an indication that I, together with other members, would like to see the zoo discontinued. If this Bill is to increase the facilities for visitors to the zoo and will not increase the facilities for the animals, then I will not vote for it. My personal view is that while such cruelty continues towards animals I shall oppose the zoo. I have it in mind at present to vote against the second reading.

HON. C. H. SIMPSON (Midland) [5.17]: I agree in substance with the remarks of Sir Charles Latham, and disagree with the divergent views expressed by other speakers. It would be doing the youth of this State a great disservice if the facilities provided by the zoo for the entertainment of children were allowed to go into oblivion. I think that, on the contrary, more money could be spent on the zoo to equip it thoroughly so that features which are complained of would disappear, and the zoo would be made a valuable adjunct to the education and entertainment of the younger section of our population.

I remember spending one Sunday morning at the zoo with the controller. In that half-day I learnt a good deal about what was being done to care for the animals. Contrary to the opinion held by most people that animals at the zoo are cruelly treated, the truth is that they are not. It has been proved by people with a lifetime experience in keeping and studying animals that those kept in captivity live two or three times longer than those living in a wild state, because in the wild state they are up against the natural hazards when they forage for food.

There is no reason to suppose that animals in captivity are unhappy. Food is provided for them. There is an animal hospital at the zoo, where they can be taken care of when the need arises. On my visit, I saw some animals which obviously were on their way back to health. The controller described the measures he took to restore animals to health. He explained that, generally speaking, nature does the job; and that, if the natural conditions under which animals live can be provided, nature will do the rest.

Among other things, he had a garden plot in which he planted various fodder foods eaten by herbivorous animals. When a lettuce is cut, it loses half of its vitamin value within a few hours. That means that vegetables brought in shops have reduced nutritive value. If one can cut fodder for animals when it is fresh and green, one can see a great improvement in their health.

The controller had a bear which had been almost blind. He described the steps he took to restore the natural conditions in which bears live. When I saw it, the sight of one eye had almost been fully restored, and the other was well on the way to recovery. The coat of that animal had a sheen which is always perceptible when animals are in a healthy state.

The complaint of the controller was that insufficient funds were provided for zoo equipment which the animals needed. He took kangaroos and emus out of the place in which they were confined and put them in an enclosure, because he said that in their natural state emus and kangaroos wandered about together. There was a male emu sitting on a clutch of eggs at the time. A lady visitor went close to the fence, but the emu rushed at her and she received a shock. The controller explained that one day he went in to feed them and a dog followed him into the enclosure. The dog chased the kangaroo and the emu chased the dog.

I consider that seeing films of animals is not sufficient for the education of children. It merely whets their appetite, and they want to see more. The happiest children are those who are able to view the antics of monkeys; who can stroll around the zoo and see the animals.

Far from being cruelly treated, the animals are well looked after. The controller told me that he had bred certain animals in the zoo which had not been known to breed in captivity anywhere else in the world. He showed me communications he had received from zoo-keepers and curators in other countries. Those people are constantly exchanging information. He appeared to be an enthusiast in his job. I am satisfied that all the birds, animals and other creatures in the zoo are very well attended to. I think that, from the children's point of view, we ought to build up the zoo rather than abolish it.

THE MINISTER FOR THE NORTH-WEST (Hon. H. C. Strickland—North—in reply) [5.27]: It is amazing to see the great amount of discussion that can arise out of small Bills. I am interested in the points raised by Mr. Craig, although I do not agree that the zoo should be abolished. I admit there is room for improvement in the care of some animals, such as the polar bear on the last occasion I saw it some years ago.

I feel very certain that the zoo has a definite value in the education of children. It is true that they look at cinema films; but in the majority of cases, those films are mere flashes, lasting seconds or minutes. The scenes change quickly. If it happens to be a film on the life of an animal, it may be very interesting and highly educational to children.

Going back to my childhood days, I remember deriving much pleasure from visits to the zoo. Of course, films then were not up to the standard of those of today. As a young boy, I was fascinated in watching the animals, birds and reptiles, and spent as much time as I could in doing so. As I grew older, I took my own children there. Strange to say, when I first followed the occupation of shearing, the thing that struck me on looking at tigers and lions was how fortunate we were that wool does not grow on them, but on sheep!

Matters referred to in this debate are the nuisance of flies and the ingrowing toe-nails of animals. Those things have been brought to the notice of the authorities. The purport of the Bill is to allow the authorities to raise a higher sum for the purposes of the Act than is now permitted. At present, they may borrow £7,000; but it is proposed to increase the sum to £15,000, which is the estimated cost of building the new tea-rooms. Even if the animals are later taken away from the zoo, the gardens, the birds and small animals will remain, and the refreshment-rooms will still be an amenity that is required. I trust that members will support the Bill, because it is absolutely necessary for the improvement of the zoo gardens.

Question put and passed.

Bill read a second time.

In Committee.

Hon. W. R. Hall in the Chair; the Minister for the North-West in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 5 amended:

Hon. J. G. HISLOP: The Minister for the North-West has said that even if the larger animals were removed from the zoo, the proposed expenditure would be required to build satisfactory tea-rooms. The point arises that if the animals were removed, it is quite possible that the tea-room site would be altered. The expenditure of this money simply means that the zoo is to continue.

I would like to put a question to Mr. Simpson. He said that statisticians had definitely found that animals in captivity sometimes lived two or three times as long

as they did in their natural habitat. I want to know whether, if some statistician told him he would live two or three times as long if he were confined to his room, he would be happy to be so confined?

Hon. C. H. SIMPSON: I have read a very well-written article in a scientific magazine on some misconceptions regarding animals in zoos and in captivity. What I quoted was the opinion of those qualified persons, and not my own opinion.

THE MINISTER FOR THE NORTH-WEST: The purpose of the Bill is not to ensure the continuance of the zoo. So far as the present Government is concerned, it will continue to function. The popularity of the zoo is obvious when over 200,000 people visit it yearly. It is a cheap outing for families, and they can combine a picnic with a tennis match, while the children can gaze at the animals and enjoy other pastimes.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—SOIL CONSERVATION ACT AMENDMENT.

Second Reading.

Debate resumed from the 20th October.

HON. A. R. JONES (Midland) [5.31]: The subject of soil conservation is one that exercises the minds of all of us, and the minds of some to a greater extent than those of others because they come into close contact with the ravages of soil erosion, both by wind and water, more so than do others. But it is generally accepted by all of us that soil erosion is something to which we must pay particular attention in order to save the huge expenditure that must be entailed if measures are not taken to arrest its progress on our land. Consequently, it is with particular interest that I have noted the amendments proposed in the Bill.

It has been the practice for the Soil Conservation Commission to work in close harmony with the soil advisory committee that was formed by a number of people outside the department and from whom advice and guidance is sought and given. The Soil Conservation Commission, which was set up some years ago, has to my mind done an excellent job, considering the fact that it has been hampered by a shortage of money, a shortage of officers, and a shortage of machinery. I suppose the whole business boils down to the fact that there is a general shortage of finance; otherwise the requisite machinery and officers could be provided.

In this State, however, up to the present, a very small area of eroded land has received attention. When one travels by air through the North, particularly from the north of Northampton for 200 or 300 miles, the evidence of soil erosion is extreme. It is very difficult to deal with country of that nature with the limited funds available, and I think more money should be provided for this purpose in order that we might get on with the job and not drift into the position into which other countries have drifted in the past.

We have been told and have read of the millions of pounds that it has cost the people of the United States of America to bring certain areas back into production after soil erosion had taken its toll; and I believe, from what I have heard from people who have travelled in other countries, that we in this State are very fortunate in that greater damage has not been done here. Therefore I consider we are justified in insisting that more money be made available to ensure the protection of our soils.

In the past, the soil conservation officers have been very diligent and co-operative. When they found that there was need to do something to arrest erosion in a certain area they made an approach to the owner of the property concerned and suggested that certain work should be done. They offered co-operation and they offered advice, and were prepared to survey and peg out any project that might be planned. We are very fortunate in the fact that possibly 95 per cent. of the owners so approached were only too willing and ready to work in co-operation with the officers; and so, if this problem has not been solved completely, it has certainly been mitigated, and we are well on the way to finally arresting the erosion of soil in those areas.

There have been some people who would not co-operate with the department and who have made it very difficult for the officers to bring about some form of soil conservation in their areas. This legislation has been brought before Parliament really to deal with a minority of the people, but it is absolutely necessary. While the committee has had the right to deal with such people, the process, as the Minister pointed out, was too slow because of the inadequacy of the Act. It was not possible to get on with soil conservation jobs quickly enough to check the spread of the erosion.

Under this Bill, it is proposed to delete one part of the existing Act and substitute a new part. The position will then be— if the Bill is passed, as I hope it will be—that the officers will be able to approach a person on land where soil conservation work is necessary regarding the work to be done. Where the officers have 95 per cent. co-operation, that will be all right. If there are people who will not co-operate,

the officers may have to use their powers to insist upon their doing certain work and, if they do not do it, to adopt other measures.

Those measures are set out in the Bill. The intention is that an order shall be served on a person who will not co-operate requiring him to do certain work or to refrain from doing certain things so that the soil may be conserved. A safeguard is provided to the effect that an order shall not be issued before the commissioner has taken into his confidence the Soil Advisory Committee, which must give the matter serious consideration before a decision is made. Meanwhile, an interim order may be issued requiring certain things to be done. The interim order may require—

all or any of the things mentioned in paragraphs (a), (b), (c) and (d) of Section thirty-two of this Act, but to such an extent only as is necessary to mitigate soil erosion pending the decision of the committee on the proposal.

The person on whom the order is served is to have the right of appeal to the Minister, and he must lodge his appeal within a fortnight. The Minister would look over the interim order and decide whether it was reasonable, and then direct the person on whom the order was served to carry out the work, but only so much as was necessary to mitigate erosion pending the decision of the committee on the proposal. If what the commissioner required was reasonable and fair, the Minister would rule that certain work must be done, and it would be incumbent upon the person to do the work; otherwise it would be carried out by the department and made a charge against the land.

There is just one point which has occurred to my mind and on which I should like the Minister to check. Suppose a situation like this occurred: There may be an area of land on high ground running down to a gully, valley or river. The owner of the land at the top of the area, holding perhaps 2,000 acres, would be approached by the commissioner and told that he had made an examination of the land and found that some measures were necessary to stop erosion, not only with a view to protecting that man's land but also the land between his property and the river.

I have not been able to find anything in the Bill to provide that the Minister would have the right or power to order another property-owner, who would benefit by the project, to be levied to pay some of the cost, and it might be that the owner at the top of the area would be called upon to meet the whole of the cost of the project. If this happened, he might find his property seriously over-capitalised. I have been unable to find anything either

in the Act or in the Bill to meet a situation of that sort. There is a subclause that reads as follows:—

If a person bound by an order fails to comply therewith, and damage is caused to the land of any other person which would not have been caused if the order had been complied with, the owner or occupier of the land so damaged has a right of action against that person for the damage.

So it can be seen that a person ordered to do certain work, in the circumstances I have set out, would be liable for damage incurred by the property-owners below him or adjoining him; and if it is good enough to protect the adjoining property-owner against damage, it should also be good enough for the Government to have the right to strike a levy—according to the protection being afforded—on the whole of the project.

If the commissioner thinks an area should be reserved, he can reserve the whole of it, and it would then become a soil conservation reserve; but the measure does not say that he shall do that. He can reserve either Crown land or private land, but the Bill does not say he shall do so. I would ask the Minister to check that point and see if there is any way in which protection could be given to a person who might have a huge cost to meet—a cost which, if incurred, would over-capitalise his land, while the work done would give equal benefit to the adjoining property-owners, who would not have to contribute towards the cost.

A further point relates to the penalty clause, which states that a person shall do various things to comply with the recommendations of the Soil Conservation Commissioner; and that, if he fails to do them, he shall be liable under the provisions of the Act to a penalty of £50; a minimum of £50 and a maximum of £100.

It states further that, if a person who receives an order fails to do anything which the order requires him to do, any person authorised by the commissioner, with or without assistance, may do that thing, and so on. When the person authorised by the commissioner comes in to do that work, if he is stopped or impeded by the owner of the land, the owner commits a breach; and, strangely enough, the penalty in that case is only £20.

If a penalty of £50 is justified in the first instance, I feel that in the second event—where I think the breach of the law is greater—an equal penalty is warranted.

The Minister for the North-West: I think that applies to officers making inspections, and so on.

Hon. A. R. JONES: Section 26 of the Act states—

(1) The commissioner may from time to time recommend to the Minister what lands (whether Crown or private), in the opinion of the commissioner should be reserved as soil conservation reserves.

(2) Where the land so recommended to be reserved is Crown land, the Governor may by Proclamation declare the same to be a soil conservation reserve under this Act.

(3) Where the land is private land it may be taken or otherwise acquired as for a public work under the Public Works Act, 1902-1933, and the provisions of that Act—

and so on. As I pointed out previously, the Minister has the right to take either Crown land or private land; but the Act does not say that he has the right to do what I have suggested should be done where an owner is called upon to spend a huge sum of money. The Minister has power to make an advance of any money necessary to carry out a project, the sum being repayable over a certain period with interest charges added; but I feel that is not sufficient, if the project is a large one and would create the circumstances I have outlined. I would like the Minister to examine that aspect of the measure. I support the second reading.

On motion by Hon. L. C. Diver, debate adjourned.

BILL—ROMAN CATHOLIC BUNBURY CHURCH PROPERTY.

Second Reading.

Debate resumed from the previous day.

HON. C. H. SIMPSON (Midland) [5.52]: I secured the adjournment of the debate as I desired to examine the measure. At first sight, with 5½ pages of matter, the Bill appeared to warrant examination; but a closer scrutiny revealed that it contained only the methods of implementing its purpose, as set out in its preamble. This Bill is necessary to meet the changes of conditions and to re-vest this property in the Bishop of Bunbury, and the new diocese which has been created, instead of the diocese of Perth as has been the case hitherto. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee.

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

House adjourned at 5.56 p.m.

Legislative Assembly

Thursday, 27th October, 1955.

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The SPEAKER took the Chair at 2.15 p.m., and read prayers.