It is a credit to everyone concerned that our death rate has dropped from 4.18 per thousand in 1937 to 1.08 in 1951; and I imagine that by now it is still less. But that does not leave us in the position where we can say, "We have done a good job; we can knock off." We have to get to the stage where the death rate is nil; and any suggestions made by Dr. Hislop for the purpose of achieving that end will be worthy of every consideration.

His last suggestion in regard to blood counts, particularly under the Coronation Gift Fund where money is being made available for the purpose of co-ordinating blood counts and maternal mortality, has quite a lot of merit.

I think we can deal with one or two clauses of the Bill in Committee; and when Dr. Hislop thinks we should go no further, I will be prepared to report progress.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (The Hon. W. R. Hall) in the Chair; The Hon. L. A. Logan (Minister for Local Government) in charge of the Bill.

Clauses 1 and 2 put and passed.

Progress reported, and leave granted to sit again.

House adjourned at 7.56 p.m.

Legislative Assembly

Tuesday, the 27th September, 1960

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

SITTINGS OF THE HOUSE

Thursday Hours

MR. WATTS (Stirling—Deputy Premier) [4.30]: On behalf of the Premier, I desire to inform members that on Thursday next, the 29th September, the House will not meet until 3.15 p.m.

The Premier also wished me to advise members that it is his intention that the House should sit on Thursday nights as from the 13th October, inclusive of that date.

I confirm the Premier's announcement that it is not intended that the House should sit on Wednesday of Show Week.

QUESTIONS ON NOTICE

MIGRANT CHILDREN

Subsidisation by State Government and Non-claimant States

1. Mr. HEAL asked the Minister representing the Minister for Child Welfare:
   (1) What was the subsidy paid by the Government on migrant children entering Western Australia, not including moneys paid by the Lotteries Commission, for the years 1953-59?
   (2) What is regarded as the average yearly expenditure on migrant children in non-claimant States?

(3) With the Government's policy of reduced subsidy to be paid this financial year, why is the estimated expenditure of £44,500 for 1960-61, greater than the expenditure of £42,166 for the year 1959-60?

Mr. PERKINS replied:

		£
(1)	1952-53	31,277
	1953-54	44,067
	1954-55	51,035
	1955-56	53,906
	1956-57	49,347
	1957-58	47,641
	1958-59	39,069
	1959-60	32,633

(These figures include State subsidy of 23s. 3d. per child per week, plus costs of doctors, hospitals, dentists, outfits, tools of trade, and subsidising of wages).

(2) This is not known, but it is believed not to exceed £5,000 per annum.

The maximum subsidy in other States is 14s. per child per week.

(3) The present rates of subsidy will continue to be paid for all migrant children now in institutions and for certain children in employment in Western Australia. The reduced rates apply only to those arriving after the 1st September, 1960.

The slight increase in estimated expenditure for 1960-61 over 1959-60 is to cover anticipated increased costs of medical and dental fees, tools of trade, and subsidy to wages.

STIRLING HIGHWAY MEDIAN STRIP

Tabling of Papers

2. Mr. GRAHAM asked the Minister for Works:

Will he lay upon the Table of the House all papers in connection with the decision to construct the Stirling Highway median strip; also the decision to cease operations, and in both cases the reasons therefor?

Mr. WILD replied:

Yes—for seven days.

The papers were tabled.

MOORE RIVER

Flood Danger at Moora

3. Mr. LEWIS asked the Minister for Works:

Will anything be done during this financial year for the snagging and training of the Moore River near Moora, to further relieve the flood danger at that town?

Mr. WILD replied:

No provision has been made this financial year.

GOOMALLING NATIVE RESERVE

Ablution Block

4. Mr. LEWIS asked the Minister for Native Welfare:

(1) Will anything be done at Goomalling this financial year to provide an ablution block for the native reserve?

(2) If so, when will work commence?

Mr. PERKINS replied:

(1) and (2) It may not be possible to provide these facilities at Goomalling this year; and, if not, it is hoped to do this work next financial year.

MAJOR AND LIMITED ACCESS ROADS

Decision on Routes

5. Mr. JAMIESON asked the Minister representing the Minister for Town Planning:

In view of the upsetting effect of the repeated changes in the proposed routes of major and limited-access roads, on property owners concerned, particularly in the Welshpool area, would he request the Town Planning Department to finalise its decision on this matter before the end of 1960?

Mr. PERKINS replied:

There have been no repeated changes in the proposed routes of major and limited-access roads.

Notice of intention to resume land for (a) Welshpool Road diversion at Welshpool, and (b) Riverton-Welshpool controlled-access road (Riverton Street to Tomlinson Road section) were gazetted on the 18th March, 1960, and the 26th August, 1960-respectively. The decisions on these routes are, therefore, finalised.

ROAD BUSES

Holiday Concessions for Pensioners

6. Mr. GRAHAM asked the Minister for Railways:

(1) Is it a fact that pensioners are to be denied travel concession fares on Government road buses—

(a) during the Royal Show period from the 29th September to the 6th October, inclusive;

(b) during the Christmas - New Year holiday period from the 24th December to the 2nd January, inclusive;

(c) during the next Easter holiday period from the 30th March to the 4th April, inclusive?

(2) Does he not regard these decisions as harsh and unfair to pensioners?

(3) Will he give immediate attention to a review of the decisions in the interests of the deserving aged and invalid sections of the community who have only limited means, as a consequence of which many would have no option but to deny themselves some simple pleasures at certain festive occasions?

Mr. COURT replied:

(1) Yes, where there are alternative rail services. The concession fare travel will still be available on the rail service.

(2) No. Concession fares will still be applicable at all times where no alternative train service is provided. The decision to grant concession-fare travel on all railway road services other than during certain specified peak periods is an extension of the concessions granted by the previous Government.

(3) In view of the answer to No. (2) a review at this juncture is not necessary as alternative services are available for these sections of the community.

The effect of the operation of the new concessions will be examined after several months' experience.

WELSHPOOL-WEST MIDLAND RAILWAY

Construction

7A. Mr. BRADY asked the Minister for Railways:

(1) Has he any date for the possible commencement of the Welshpool-West Midland line?

(2) Will commencement be made at approximately the same time from both centres?

Mr. COURT replied:

(1) An examination of the priorities of the projects involved is being made with a view to determining when the Kewdale marshalling yard could be established and brought into operation.

The construction of the Welshpool-West Midland line will also be taken into account, as completion of this work will be necessary for the operation of the marshalling yard.

(2) Possibly, but not necessarily. It will depend on planning.

WEST MIDLAND RAILWAY BRIDGE

Widening

7B. Mr. BRADY asked the Minister for Railways:

Is it proposed to make an early start on widening the West Midland subway railway bridge?

Mr. COURT replied:

This work will be done in conjunction with the Welshpool-West Midland railway.

CEYLON CROWS

Entry into Western Australia

8. Mr. BURT asked the Minister for Agriculture:

In view of the urgent need to prevent the influx of Ceylon crows to Western Australia, and the apparent ease with which these vermin are able to arrive on overseas ships, would he investigate the possibility of amending regulations to hold ships' captains responsible for preventing the entry of Ceylon crows to these shores on their vessels?

Mr. NALDER replied:

Yes. The advice of the Crown Law Department is being sought on existing powers under the Vermin Act and any amendments which might be required. The question has also been referred to Commonwealth authorities to ascertain whether action is possible under the Commonwealth Quarantine Act.

MT. LAWLEY STATE SCHOOL

Sun Baffles for Windows

9. Mr. OLDFIELD asked the Minister for Education:

(1) In view of the fact that the Education Department has been requested repeatedly during the past three years to provide sun baffles over the windows of the two western classrooms of the Mt. Lawley State School, and that several inspections have been made by departmental officers, will he inform the House whether it is intended to provide some form of protection from the sun?

(2) If not, why not?

(3) If the answer to No. (1) is in the affirmative, will this work be completed before the commencement of the coming summer?

(4) If not, why not?

Mr. WATTS replied:

(1) Yes.

(2) Answered by No. (1).

(3) Yes.

(4) Answered by No. (3).

RADIANT OIL HEATERS

Incidence of Household Fires

10. Mr. HALL asked the Chief Secretary:

(1) How many household fires were attributable to radiant oil heaters for the years 1957-58 and 1958-59?

(2) How many of such fires are known to have been fatal for the same years?

(3) Are radiant oil heaters tested for the effects of draughts before sale?

(4) Has there been an increase in the sale of radiant oil heaters since the introduction of television?

Mr. ROSS HUTCHINSON replied:

(1) Reports of fires refer to kerosene heaters only; viz.:—

Year ended the 30th September, 1958—3.

Year ended the 30th September, 1959—5.

(2) Nil.

(3) Not by the W.A. Fire Brigades Board.

(4) Precise information is not available to my department.

W.A. Fire Brigades Board fire report information is restricted to the metropolitan area and those country towns gazetted as fire districts.

BENTLEY HIGH SCHOOL

Additions

11. Mr. JAMIESON asked the Minister for Education:

(1) As considerable additions will be required to accommodate the expected increase in enrolments at the Bentley High School at the beginning of the 1961 school year, when is it anticipated that these extensions will be started?

(2) Will he give an assurance that they will be completed in time for the beginning of the 1961 school year?

Mr. WATTS replied:

(1) Approximately the 18th November, 1960.

(2) The specifications of the contract call for the classroom section to be ready for occupation by the beginning of the next school year. The whole contract will require approximately six months to complete.

GOVERNMENT DEPARTMENTAL HEADS

Allowances

12. Mr. ANDREW asked the Treasurer:

What were the total expenses incurred and payments made, in addition to salaries, on account of transport, fares, cars, travelling allowance, hotel, meals, entertaining, postage, telephone, or any other allowance or expense whatsoever, for each of the last three years separately in respect of the following positions:—

(a) Director of Agriculture;

(b) Conservator of Forests;

(c) Director of Works;

(d) Under-Secretary, Premier's Department?

Mr. WATTS (for Mr. Brand) replied:

The information requested is as follows:—

(a) Director of Agriculture

Expenses incurred in addition to salary.

	£ s. d.
1957-58—	
Fares, travelling, telephone, etc.	313 14 3
Allowance as Chairman, Land Settlement Board	200 0 0
(Mileage—Car 566—16,884).	
1958-59—	
Fares, travelling, telephone, etc.	499 10 0
Allowance as Chairman, Land Settlement Board	200 0 0
(Mileage—Car—566—16037).	
1959-60—	
Fares, travelling, telephone, etc.	712 9 3
Allowance as Chairman, Land Settlement Board	119 12 0
(Mileage—Car 566—14,304).	

Note 1: Actual expenditure on car 566 is not available but the mileage travelled each year is given. The mileage travelled was on behalf both of the Department of Agriculture and the War Service Land Settlement Branch.

Note 2: Portion of costs of attending Agricultural Council meetings is recouped by the Commonwealth, but being a bulk recoup is not capable of being related to the director's expenses.

(b) Conservator of Forests

Period		Travelling Allowance	Out of Pocket Expenses	Air Fares	Telephone
From	To	£ s. d.	£ s. d.	£ s.	£
1/7/57	30/6/58	417 12 9	16 3 1	344 16	40
1/7/58	30/6/59	282 1 3	23 7 1	225 1	46
1/7/59	30/6/60	317 3 6	18 14 1	114 14	74

A departmental car is provided for the use of the conservator; and during the above period, the average mileage was 13,000 miles per annum for this car. In addition, a total of 1,606 miles was paid for at Public Service rates for mileage run in his private car during this three-year period.

(c) Director of Works

The only expenses kept individually are—

	1957-58			1958-59			1959-60		
	£	s.	d.	£	s.	d.	£	s.	d.
Telephone (rental)	11	17	3	11	17	6	14	0	10
Travelling expenses (including hotel meals)	30	18	6	54	12	8	26	9	0

No allowance is paid for entertaining.

Note (a): It is not possible to give figures under the headings of transport or fares. Should the director travel by air or rail, bookings are made by the department and the accounts when received are charged to appropriate works as general expenses, but are not listed under the names of individual officers.

Note (b): Car—The director uses a plant suspense vehicle on which a hire charge of £612 per annum is raised; this figure provides for overhaul. It would take some time for the plant engineer to ascertain what charges have been raised against this vehicle during the period in question. The mileage recorded by the vehicle at present in use since its purchase in February, 1957, is 32,316.

(d) Under-Secretary, Premier's Department.

	1957-58			1958-59			1959-60		
	£	s.	d.	£	s.	d.	£	s.	d.
Air Fares and Insurance	545	11	9	258	12	0	558	12	6
Cars	52	0	6	65	13	0	120	16	11
Travelling Allowance	81	17	0	24	5	6	148	8	3

(Hotel meals included in Travelling Allowance.)

	£	s.	d.	£	s.	d.	£	s.	d.
Entertaining	2	0	0	Nil			Nil		
Postages	Nil			Nil			Nil		
Telephone	24	8	1	24	8	6	27	19	7

Note: A special payment of £100 was made in 1957-58 for expenses in connection with Royal visit.

HOLIDAYS

Credit-Travel Conditions

13. Mr. HALL asked the Premier:

(1) How many agencies, including shipping companies in this State, are offering credit travel for holidays?

(2) Are repayments on loans commenced before persons leave on holidays? If so, how many repayments are made before departure?

(3) Are repayments made over six-monthly, nine-monthly, or twelve-monthly periods?

(4) Is a compulsory insurance taken out to cover repayments in the case of sickness, accident, or death; and if so, what is the cost of such a policy?

(5) What is the annual rate of interest charged on moneys borrowed for travel purposes?

Mr. WATTS (for Mr. Brand) replied:

(1) to (5) The Western Australian Government Tourist Authority does not offer credit travel for holidays. The policy of private agencies is not known.

CRIMINAL CODE AMENDMENT BILL

Third Reading

On motion by Mr Watts (Attorney-General), Bill read a third time and transmitted to the Council.

ESPERANCE LANDS AGREEMENT BILL

Second Reading

MR. BOVELL (Vasse—Minister for Lands) [4.40]: I move—

That the Bill be now read a second time.

In seeking parliamentary approval for the renegotiated agreement relating to land at Esperance, I consider it necessary to give a brief history of events leading up to the need for a fresh arrangement for the progressive, orderly, and continuous development of the land subject to the agreement.

The first official approach was made by Allen Chase to the then Minister for Lands on the 24th August, 1956, following which the matter was considered departmentally as to its scope and financial implications, and its probable impact on the State's resources in undertaking such a large-scale project. An advisory committee comprising the then Director of Agriculture, (Mr. G. K. Baron Hay), the Chairman of Commissioners of the Rural & Industries Bank, (Mr. G. H. Chessell), and the Under-Secretary for Lands (Mr. F. C. Smith) was appointed to consider the proposals; and, after consultation with the Solicitor-General, a draft agreement between the State and the company was submitted to the then Cabinet on the 18th October, 1956.

Minor amendments were made, and the agreement was approved by the then Cabinet on the 22nd October, 1956. The agreement finally became a document in law dated the 19th November, 1956. It provided in the main that the State of Western Australia make available to Esperance Plains (Australia) Pty. Ltd.—Allen Chase being the principal of this

company—an area of land in the Esperance Downs district—east and west of Esperance—comprising approximately 1,981,000 acres as bordered green on the plan at the back of the original document—and which is attached to the Bill—from which a total area of 1,500,000 acres was to be selected for development.

A purchase price of 4s. per acre was fixed for the land, plus the cost of survey, which was not to exceed 1s. per acre; and selection of the land was to be made by progressive parcels of approximately 50,000 acres in the first year, a further 100,000 acres in the second year, a further 100,000 acres in the third year, and a further 100,000 acres in the fourth year; and a total area of 1,500,000 acres, more or less, was to be selected and applied for by the original company prior to the 31st December, 1961.

Following the signing of this agreement, survey work in connection therewith was commenced on the 10th January, 1957. To the 30th September, 1958, 10 parcels, comprising Neridup Locations 12 to 21 inclusive had been marked and classified, and roads and reserves within them marked on the ground, whilst the total work effected to that date was—

	Miles.
(a) Roads located and rut-dragged	475
(b) Of the above—roads surveyed on both sides	237
(c) Above roads surveyed on one side only	173
(d) Roads located and rut-dragged but not surveyed	65
(e) Roads formed by the Main Roads Department	138
(f) Total area then classified 551,800 acres (approx.).	

At that time all survey work involving the marking of external and internal roads, and that of reserves to be excluded therefrom, had been completed in connection with the following locations:—

Neridup Location—	Acres.
12 (parcel No. 1)	61,536
13 (parcel No. 2)	59,528
14 (part of which comprised parcel No. 3)	66,724
	Approx. Acres.
15 (parcel No. 4)	9,100
16 (parcel No. 4)	39,300
17 (parcel No. 4)	48,000
18 (parcel No. 4)	52,267
19 (parcel No. 4)	18,700
20 (parcel No. 4)	47,000
21 (parcel No. 4)	45,000
Approximate total area of the 10 locations	447,155

After providing for these 10 locations there still remained 104,645 acres of classified land. In view of the slow progress made by the company in applying for and proceeding with the development of the land already selected, and for which permits to occupy had been granted, it was considered that the survey work effected to the 30th September, 1958, would more than meet the company's requirements for some time to come; and, accordingly, the survey of further locations east of the railway ceased at that date. Particulars of the land transactions of the company up to the 30th September, 1958, were—

(a) Parcel No. 1—Neridup Location 12 of 61,536 acres (selected 25/3/1957).

(b) Parcel No. 2—Neridup Location 13 of 59,528 acres (selected 30/5/1957).

(c) Parcel No. 3—Part of Neridup Location 14 of 45,413 acres (portion only selected 26/7/1958).

(d) Parcel No. 5—Neridup Location 16 of 39,300 acres (selected 13/3/1959).

This shows that during the period of little more than two years the company had requested permits to occupy 205,777 acres, which area—following the handing back to the Crown of the whole of parcels two and three as previously referred—had been reduced to 100,836 acres as comprised in Neridup Locations 12 and 16.

Details of the release to the Crown of portions of the above surveyed locations subsequent to selection are as follows:—

(a) Release No. 1 of the whole of Neridup Location 13 of 59,528 acres dated the 13th January, 1959.

(b) Release No. 2 of portion of Neridup Location 14 of 45,413 acres dated the 24th February, 1959.

In addition, the company signed deeds of release dated the 5th August, 1958, and the 4th February, 1959, from its option on approximately 50,000 acres, 65 miles west of Esperance in the region of the Oldfield and Munglinup Rivers, and 21,311 acres being balance of Neridup Location 14.

The company had up till then, therefore, released to the Crown a total of 176,252 acres comprising—

	acres	acres
Neridup Location 13		59,528
Neridup Location 14	45,413	
	21,311	
	66,724	66,724
Oldfield and Munglinup River area		50,000
		176,252

These were designed for subdivision into 85 blocks; and were subsequently made available and selected under conditional purchase. An additional area of 100,267 acres, being Neridup Locations 17 and 18, was released to the Crown and designed for subdivision into 46 blocks. These were

made available for selection and allotted under conditional purchase during May, 1960.

The company had in effect only purchased one parcel; namely, Neridup Location 12 of 61,536 acres. It was apparent to the Government that Allen Chase and his company—Esperance Plains (Australia) Pty. Ltd.—had failed to carry out their obligations, as development had not proceeded along the lines envisaged in the agreement. With a view to assessing the position at Esperance, the Minister for Agriculture and I visited the area during April and May, 1959, when a thorough inspection was made by both of us. Our personal observations, from a detailed inspection of the area taken up by this company, confirmed the Government's opinion that no worth-while contribution by the company to develop this land had been made or attempted since 1957.

We inspected land occupied by Americans—Galt, Newton, Linkletter, and Hexter —and, by contrast, their holdings were being developed on sound lines, and there was evidence of considerable capital investment on their properties. An inspection was also made of individual properties taken up by Australian settlers. Progress here emphasised the great potential of Esperance Downs country when properly farmed according to acknowledged methods.

There is a very high community spirit amongst the Australian settlers; and where methods proven at the Esperance Research Station had been adopted and followed, successful pasture establishment was evident. I would like to commend the settlers in the Esperance district for their enterprise. They have established a high standard of development and should be encouraged to continue their activities.

In view of the extremely poor showing of Esperance Plains (Australia) Pty. Ltd. as compared with the progress made by Australian settlers and Americans other than A. T. Chase, I recommended the Government take action to force Allen Chase and Esperance Plains (Australia) Pty. Ltd. to carry out the terms of the agreement. On the 3rd June, 1959, the Premier communicated with Mr. Allen Chase in Los Angeles, and advised the immediate need for development of land at Esperance subject to his agreement with the Government.

Mr. Chase was advised by the Premier that, from reports submitted by the Minister for Agriculture and myself, it was abundantly clear to the Government that the company's venture at Esperance had failed to obtain the results as envisaged in the 1956 agreement, and it would appear that the company had no prospect of successful achievement. In his communication the Premier also stated that the Government was prepared to negotiate fresh proposals to include an area of land which could be developed by the company within a specified period of time from financial and physical resources which it could demonstrate were available to it. Mr. Chase, under date the 6th August, 1959, wrote to me saying that it was necessary to formulate a new programme and he was endeavouring to interest financial concerns in the project.

Messrs. J. Ernest Ednie (Finance and Development Vice-President) and L. A. Faye (Plantation Manager) of American Factors Associates Ltd., Hawaii, visited Western Australia, conferred with me, and made a detailed inspection of the land at Esperance subject to the Chase agreement. Those gentlemen returned to Hawaii without giving any firm undertakings at that time.

Mr. Hawke: Was Mr. Chase responsible for creating their interest in the proposition?

Mr. BOVELL: Yes. On the 17th September, 1959, I advised Mr. Allen Chase—Chairman, Esperance Plains (Australia) Pty. Ltd.—that the main causes of his company's failure were its inability to find the necessary capital which in 1956 it had represented it was able to obtain; inefficiency; and a refusal to accept advice; and not—as he stated—factors beyond the reasonable control of his company. He was reminded that his company was allotted land at a low price, on the faith of its promise to effect a rapid and large-scale development and settlement of the area.

He was informed that the Government was anxious to consider proposals which American Factors Associates Ltd., Hawaii, might care to submit, and his co-operation in forwarding early advices in this matter was sought. Both the Premier and I made persistent requests for early proposals for consideration by the Government; but, as no submissions worthy of consideration were forthcoming, the Solicitor-General was instructed to issue notice of default; and this was given in December, 1959, as provided for in clause 19 of the original agreement. This gave Esperance Plains (Australia) Pty. Ltd. a period of not less than one year in which to remedy the default.

Clause 20 of the original agreement provides that the company shall have the right, with the consent in writing of the State, to assign, or otherwise dispose of, the agreement or any interest therein, and that such consent shall not be arbitrarily or unreasonably withheld. Therefore, Allen Chase and his company had two alternatives—

(a) to remedy the default as specified in notice of default;

(b) to assign their interest.

The notice of default apparently galvanised Mr. Chase into action, as arrangements were made by him for representatives of the Chase International Investment Corporation—I might say this has no relation to Mr. Allen Chase; although the

name is similar they had no business associations before this—an associate company of the Chase Manhattan Bank, of the United States of America, and American Factors Associates Ltd. of Hawaii, in the persons of Messrs V. E. Rockhill, J. Ernest Ednie, and C. E. S. Burns, Jnr., to visit Western Australia. Those gentlemen arrived in April, 1960, and conferred with the Government. Those firms subsequently negotiated with Mr. Allen Chase for the assignment of his interest to them, as provided for in clause 20 of the original agreement. At the time of the assignment, the land position was as follows:—

	Acres	Acres	Acres
Area originally set apart for the purpose of the agreement	....	....	1,981,000
Less :			
Area taken up by Esperance Plains (Aust.) Pty. Ltd. :			
Neridup Loc. 12, freehold	61,536		
Neridup Loc. 15, permit to occupy	9,100		
Neridup Loc. 16, permit to occupy	39,300		
	48,400		
		109,936	
Area released by the company and disposed of by the State under conditional purchase—			
Neridup Loc. 13	59,528		
Neridup Loc. 14	66,724		
Oldfield and Munglinup Rivers area	50,000		
Neridup Loc. 17	48,000		
Neridup Loc. 18	52,267		
	....	276,519	
			386,455
			1,594,545

I might say these figures are approximate only.

As previously stated, the Government's objective is for progressive, orderly, and continuous development of the subject land, and the deed provides for that. An area of approximately 177,850 acres will be made available for selection under conditional purchase between now and 1963, leaving approximately 1,416,965 acres for development by the assignee. It was deemed necessary to have land available for release under conditional purchase until it was considered the company would be able to make land available for sale so that there could be a continuous release of land in the Esperance district.

The parties to the agreement are American Factors Associates Ltd. of Hawaii, a corporation organised under the laws of the State of Delaware, United States of America; and Arcturus Investment and Development Limited, a corporation organised under the laws of Canada, and are a subsidiary company of the Chase International Investment Corporation, which will arrange for a partnership to be registered under the provisions of the Limited Partnership Act, 1909, of the State of Western Australia, to be called "Esperance Land and Development Company," consisting of companies incorporated in Australia, the United States of America, or England.

Provision is made for the assignee to have funds of not less than £1,500,000 available in Western Australia for carrying out its obligations as assignee of the original agreement, as amended by the deed, provided it has been ratified by both Houses of Parliament of the State of Western Australia by the 31st October, 1960. New development conditions include an obligation on the assignee to select and apply for the following minimum areas:—

(a) By the 31st December, 1960—50,000 acres.

Here I might add that to date—and that was the 23rd September—I was advised by the representative of these associations (Mr. Carl Berg) that 9,000 acres had been chained; and it is anticipated that by early November 40,000 acres will have been treated by this method of clearing. It is intended to burn this area in the latter part of the summer of 1961. The land will lie in fallow until seeded in the autumn of 1962. To continue with the new development conditions:—

(b) By the 31st December, 1961, a total of 150,000 acres.

(c) By the 31st December, 1962, a total of 250,000 acres.

(d) By the 31st December, 1963, a total of 350,000 acres.

The assignee undertakes that it will expend in the purchase of this land and in its development, excluding administrative expenses incurred in Australia or overseas, the following amounts:—

(a) Prior to the 31st December, 1690, an amount of £12,500.

(b) Prior to the 31st December, 1961, a total of £25,000.

(c) Prior to the 31st December, 1962, a total of £250,000.

(d) Prior to the 31st December, 1963, a total of £500,000.

Although the assignee is entitled to apply for an area not exceeding 350,000 acres prior to the 31st December, 1963, it shall not be entitled to select and apply for further land until it has expended an amount of not less than £500,000. Provided sufficient land, the subject of this agreement, remains at the time, and that the assignee has expended funds in the manner already mentioned, development can proceed as follows:—

Minimum expenditure £	Date by which expenditure is to be made	Minimum area to be developed Acres
500,000	31st Dec., 1964	450,000
700,000	31st Dec., 1965	550,000
900,000	31st Dec., 1966	650,000
1,100,000	31st Dec., 1967	750,000
1,300,000	31st Dec., 1968	850,000
1,500,000	31st Dec., 1969	950,000
1,700,000	31st Dec., 1970	1,050,000
1,000,000	31st Dec., 1971	1,150,000
2,100,000	31st Dec., 1972	1,250,000
2,300,000	31st Dec., 1973	1,350,000
2,500,000	31st Dec., 1974	1,450,000, or such lesser amount as remains.

As has been previously stated, there is a lesser area because of the area released for conditional purchase selection between now and 1963, when it is hoped that land through this company will be made available for sale.

Mr. Nulsen: Those figures quoted by you are minimum figures; but they can be increased if so desired?

Mr. BOVELL: That is so. They are minimum areas, and the minimum expenditure by the date, as stated. However, if the assignee has failed to select and apply for each individual area, and has not expended minimum sums as already stated, the State may, by notice in writing to the assignee at any time after six months after that date, select the whole or part of so much of the area as the assignee has failed to select and apply for, and the area so selected by the State shall thereupon become excluded from the deed and original agreement.

That is to say, so as to provide for the continuous development of this area, if the company does not proceed, within six months, to develop the land as it should have done, the land will revert to the State and the State then can make it available under conditional purchase lease or do whatever it considers to be in the best interests of the Esperance district and the State of Western Australia. That emphasises the continuity of development which is envisaged in the assignment.

However, if because of unseasonable conditions or economic or other reasons the development of the land does not appear justified, the assignee may request the State to extend the dates as may be considered desirable. If such request is refused either wholly or in part by the State, the matter shall be referred to arbitration. If the arbitrator shall hold that the refusal of the State to accede to the request for an extension of time is justified, the Governor may declare that lands the subject of this agreement to be selected, equivalent in area to the area which the assignee failed to select, shall be open for selection.

In the original agreement, each holding was required to be developed to an area of not less than 50 per cent. of each holding, whereas the new deed allows for an area of not less than 33⅓ per cent. of the area of each holding, with a minimum of 700 acres. This was considered desirable, because it would enable farms to be made available for sale earlier, and would give the purchaser greater opportunity of developing his holding from his own resources. Furthermore, it could be expected that the purchaser would have the opportunity of acquiring a holding with less capital than would be necessary if each holding was developed 50 per cent.

Provided development proceeds in accordance with conditions as stated by me, the State shall issue a Crown grant upon payment by the assignee of the sum of 4s. per acre, and upon the assignee satisfying the State that a sum equivalent to at least £1 4s. per acre, including survey fee, has been expended by it in the development of the selected parcel. That means a certificate has to be submitted to the Government to the effect that at least £1 4s. per acre, including survey fee, has been expended so far as development is concerned. As previously stated, development means development. No administrative expenses are included in this amount. The new arrangement permits the assignee to make its own banking arrangements in Australia.

I desire to record my appreciation of the co-operation given by Messrs. V. E. Rockhill, J. Ernest Ednie, C. E. Burns (Jun.), and R. A. Ainslie Q.C. in these negotiations. My thanks go also to the Consul for the United States of America in Western Australia (Mr. S. M. Backe), the Solicitor-General, (Mr. S. H. Good, Q.C.), and the Under-Secretary for Lands (Mr. F. Carlton Smith), who have rendered me valuable advice throughout the whole proceedings.

The people of Esperance have been kept informed of the developments because they are vitally concerned. I have paid no fewer than four visits to that area in connection with this renegotiated agreement. It is my intention to visit Esperance, as I have already told the member for Eyre, for a few days next week so that I can discuss with the people the contents of the Bill in order to obtain their views on it.

Mr. May: What day are you going?

Mr. BOVELL: Not on a day when I would require a pair. Proposals provide that the deed shall not be binding upon either the State or the assignee unless it is ratified, as I have already said, by both Houses of Parliament by the 31st October, 1960. I strongly commend the Bill to members; and would point out, in conclusion, that if it is not agreed to, the provisions of the original agreement will continue.

Approval will mean only that Allen T. Chase and Esperance Plains (Australia) Pty. Ltd. will no longer be parties to the agreement, and the assignee will accept full legal responsibility for carrying out the terms and conditions of the renegotiated agreement.

The standing of the companies concerned is beyond question in my opinion. Chase International, as the name implies, is an international organisation; and Arcturus Investment & Development Ltd. is a subsidiary or an associated company of Chase International. American Factors Associates Ltd. is a firm which has been operating in Hawaii for many years to very good effect.

For the information of members, I have here some publications concerning these companies, and they can be perused by

members at their convenience. I feel that members will be impressed by the solidarity of the positions of these firms.

Mr. Nulsen: Before you conclude, could you tell me how much work on each block is required before it can be disposed of?

Mr. BOVELL: The blocks have to be developed to the extent of 33⅓ per cent.

Mr. Nulsen: And where will they first start development—east or west?

Mr. BOVELL: I will be better informed on the matter when I return from Esperance, but I understand that it is on the east side. If members have perused the Bill, they will have found that there is a map which contains an index to the shaded areas. It will be seen that a considerable area has already gone from the east side of the line. As no doubt the member for Eyre already knows, there are under conditional purchase 38 blocks now being advertised comprising a total of 78,000 acres in the area near Speddingup. This area is not all included in the Chase agreement. It will be seen that there is an area shaded to the west of the east side of the line—if I make myself clear—which has been released. Adjacent to that there is an area of approximately 53,800 acres which has been added to it, comprising 38 blocks, which the brochure indicates is now available for selection and which we hope will be selected before Christmas.

It will also be noted that between now and 1963 further land will be released in the Esperance area; and, in an endeavour to assist in the development of the Hopetoun area, it was agreed that the area to the extreme western portion of the land, subject to the original agreement, be made available for selection. Surveyors and departmental officers are now in process of classifying and surveying this extreme western area.

Mr. Nulsen: Has the department given any consideration to throwing open land between Israelite Bay and Esperance Plains?

Mr. BOVELL: The department has given consideration to the area concerned, but it is felt that we should deal with this matter first before we enter into any further releases of land in the Esperance area. It is also considered that the agreement which allows for the development of 100,000 acres yearly is in order because it is felt that that is a fair area each year to be developed in any one district. If more were released, complications could arise and it would be found that plans would not proceed as they should. However, provision has been made for the development of approximately 100,000 acres each year with the amounts of capital investment to which I have referred; but we are concentrating on the development of this land which is subject to the Chase agreement, and we will give consideration to the honourable member's suggestion that we have a closer look at the Israelite Bay area.

However, I think that in the best interests of the district we should concentrate on this development. Having established this area we will study that suggested by the member for Eyre to see what can be done. Having been a Minister for many years, the honourable member knows we have a responsibility to the whole of the State, and therefore we cannot concentrate our activities entirely in one area. It has been the Government's aim to assist in the development of this Esperance area, and I believe that some progress has been made and that we can look forward to the continued development of the subject land.

Mr. Nulsen: I was looking to the future. There is land in the Israelite Bay area which is equal to that under discussion.

Mr. BOVELL: Yes; I know that. As a matter of fact, the member for Eyre has discussed this matter with me; and although I cannot promise that I will give it my attention when I go to Esperance next, as my time will be fully occupied, I do assure him that I will have full investigation made of the Israelite Bay area with a view to seeing what development could take place there. However, I think members will agree that our prime objective at present is to get the Chase land developed as speedily as possible, this being in the best interests of the State.

Mr. Nulsen: I agree.

Mr. Hawke: Could the Minister tell us briefly what is the nature of the activities carried out by this company in Hawaii?

Mr. BOVELL: As I say, I could possibly take some considerable time—

Mr. Hawke: No; briefly, please.

Mr. BOVELL: I do not think I could do justice by dealing with the matter briefly. There are publications which the Leader of the Opposition may now have if he so desires.

Mr. Hawke: Is one of its activities land development?

Mr. BOVELL: Yes, agricultural development; definitely.

Mr. Nulsen: Has it been successful?

Mr. BOVELL: We have two companies interested—one company interested in the agricultural development of land; and the other is a finance company. I do not think that we could gain a better combination. The district has been proved. As I have said, I have been through Esperance many times since assuming the office of Minister for Lands; and having seen the land, I realise its potential. The type of settler there is of a very high standard; that is, the Australian settler as well as the American. One of the Americans—Mr. Linklater—will be in Esperance this weekend, I understand.

The Minister for Agriculture and I spent some considerable time there and were impressed with the development. Since then we have released quite an area of land; and I believe that these two companies—one interested in agricultural development, and the other a financier—together with the proved potential, will work in the best interests of the Esperance district in particular and the State of Western Australia in general.

On motion by Mr. Kelly, debate adjourned for one week.

Message: Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

ARCHITECTS ACT AMENDMENT BILL

In Committee

Resumed from the 22nd September. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Wild (Minister for Works) in charge of the Bill.

Clause 4—Section 18 amended:

The CHAIRMAN: Progress was reported on clause 4 to which the member for Melville had moved the following amendment:—

> Page 2, line 10—Add after the word "five" the words "the increase provided for in this section is not to come into operation for three years."

Mr. TONKIN: I wish briefly to inform members of the purpose of this amendment, in case they have forgotten. When the Minister was introducing the Bill, the only reason he gave for making provision for these increases was that the Architects' Board desired them. He also said that the Architects' Board had no intention of immediately taking advantage of these proposed increases, and from that statement I assumed that the amount of money being obtained by the board up to the present time was adequate to meet its purposes. I therefore took the line of reasoning that we should not agree to the increases until it was demonstrated that they were really necessary.

No figures in any shape or form have been presented by the Minister to indicate just what state the finances of the Architects' Board were in—whether it was sailing pretty close to the wind, or whether it had adequate reserves. I felt that as the Committee had agreed to the increase in the registration fee which would bring a substantial increase in revenue, because it was proposed to open the doors to architects registered in other States, the Committee would be justified in requesting that these increased fees be not put into operation for at least three years.

It means that the Bill would not have to be brought here again unless, within three years, something happened which made it urgent for an increase in fees to be allowed; and I have no doubt the Committee would readily agree to an increase if figures were placed before it indicating that an increase was essential. If that position were not reached, and the Architects' Board were not short of funds, the board would suffer no handicap by not being able to raise the subscription during the next three years. That is why I sought to limit what the board could do; and I hope my amendment will be accepted.

Mr. WILD: I have no intention of accepting the amendment. The board was set up by the Government in 1922, and it is composed of six private architects and three Government architects. Surely they can mind their own business and manage their own affairs. We were told the other day—not, I think, by the Deputy Leader of the Opposition—about the increases in costs, basic-wage increases, and all sorts of things. We know full well that in some small way, increased costs will be threaded in to the board's expenses; but following the discussion with the Deputy Leader of the Opposition, I rang the secretary of the board and asked him the position, and why he wanted the right to increase the fees. He said it was because the board was sailing close to the wind; that had it not been for the examination fees received, the board would have showed a loss of well over £100 last year.

The assertion that the board will get a flood of architects from the Eastern States is far from being correct. The only reason for the amendment to permit registration of interstate architects is that recently two Australia-wide competitions have been held—one by the Perth City Council and one by the Government—in which an architect from the Eastern States could be successful—take the competition in respect to the Government building on the Hale School site—and this would mean there would be one extra architect from the Eastern States.

We should allow the board to mind its own business. Furthermore, with respect to restricting the fee for three years, if next year or the year after it were necessary to deal with this matter, we would have to introduce another Bill; and I consider the time of this Chamber is too valuable to be dealing with tiddly-winking measures of that sort when we are asked by an independent authority for it to be given the opportunity to increase its fees if it thinks fit. I cannot accept the amendment.

Mr. TONKIN: The Minister said that we should let these people mind their own business. If that is so, why does Parliament lay down what they can charge? Why do we not say, "Charge what you like"?

Mr. Wild: Parliament laid down those fees in 1922. We are giving the board some elbow room.

Mr. TONKIN: Showing that it is our business.

Mr. Wild: You have your views; and I have mine.

Mr. TONKIN: I know the Minister has his view, all right, whether it is right or wrong.

Mr. Hawke: There is no need for him to get bad-tempered about it.

Mr. TONKIN: If the Minister finds difficulty in arguing the point, he will just dodge it. But that does not help. If the Architects' Board is to be left to mind its own business, and if that is a sound argument, we should not lay down any maximum at all; we should say, "The amount of the fee you charge is your business; please yourself about it." But Parliament does not do that. These boards are given statutory authority, and Parliament provides what it considers to be a reasonable amount in the circumstances. So this matter is our business; and because of that we should not simply agree to anything these boards ask for. We should have it demonstrated to us that their request is justified; and I am not at all satisfied that the two proposed increases are justified.

The right and proper thing for the Minister to have done was to bring a financial statement here showing the board's position and demonstrating that some increase in the annual subscriptions and the registration fees was necessary. Had he done that, there would have been no trouble. To come here and say, "It is none of our business. They should be left to mind their own business. We should agree to these things because they ask for them," cuts no ice with me.

Mr. J. HEGNEY: I support the amendment. When the Minister introduced the Bill he indicated that the board had waited on him. Evidently the main reason why it waited on him was so that it could provide for Eastern States architects to be registered here; and as an afterthought it put up the proposition that it be given power to increase the fees.

The Minister said it was some considerable time since the board had had the right to increase the fees. But since the inception of the board, it has had no reason to increase the fees. The Minister also said that it did not intend to increase the fees at present, but that it might wish to do so in the future, and therefore it was asking for the necessary power.

An inflationary trend exists; and the Minister knows this because the Government has opposed increases to the basic wage—in the Commonwealth Arbitration Court and in our own court here. Therefore, the Government is not consistent when it agrees to this proposition. The provision in the Bill is not of great moment from the point of view of influencing the inflationary trend; nevertheless the Government, by agreeing to it, is supporting it, although it is opposed to such a trend in other directions.

The board does not propose to use this power at the present time. Therefore, the amendment is not unreasonable. If, during the next three years, it became urgent to do something for the board, no doubt Parliament would give effect to what was needed.

The Minister said that we should not have to deal with tiddly-winking propositions like this. The last two clauses, apparently, should not be in the Bill at all. The amendment dealing with the registration of the architects was sufficient; but evidently the board thought it would go further than that and get this additional power. The clause seeks to increase the fees by 100 per cent. in one instance, and by more than 80 per cent. in the other. There is no justification at this stage for the Committee to agree to the request of the Architects' Board as contained in clause 4. If the matter is deferred for three years we could see the effect of the inflationary trend; and if it was then necessary to grant an increase, effect could be given to the proposition. I support the amendment.

Mr. TONKIN: I find some difficulty in reconciling two statements made by the Minister. The first one was that there was no intention on the part of the board to take advantage of this power to increase its fees. The second was that the board was sailing so close to the wind that it nearly lost £100. This suggests to me that if the latter statement is true, it will not be long before the board will be taking advantage of the power provided by the clause. If that is so, the board was not telling the truth when it said it was not going to take advantage of the provision. These statements appear to contradict each other.

If the board is sailing as close to the wind as the Minister has said, it would appear that the imposition of the increase is imminent. If that is so, why not be honest about it and say that the board needs this power because it is not getting sufficient revenue? But we were told that the board had no intention of using the power straight-away. That mystifies me; it just does not add up.

If it is the board's intention to use this power straight away, we were being misled; which makes me suspicious. Why mislead us? On the other hand, if the board is not sailing close to the wind and did not nearly lose £100, why does it require this provision? There is something radically wrong somewhere. The Minister is not entitled to change his argument to meet circumstances during the debate. Either the board needs the money straight away, or it does not. I appeal to the Committee to impose on the board the limitation which I seek to impose, because no justification has been submitted for the provision in the Bill; and nothing has been said to convince us that it is really necessary.

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

Ayes—23.	
Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Noes—24	
Mr. Bovell	Mr. Mann
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Majority against—1.

Amendment thus negatived.

Mr. TONKIN: As the Committee would not impose any limitation on this provision, I propose to vote against the clause so that the allowance will not be granted. That is justified in view of the conflict of the information advanced by the Minister. Therefore, I urge the Committee to vote against the clause.

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

Ayes—24.	
Mr. Bovell	Mr. Mann
Mr. Burt	Mr. W. A. Manning
Mr. Cornell	Sir Ross McLarty
Mr. Court	Mr. Nalder
Mr. Craig	Mr. Nimmo
Mr. Crommelin	Mr. O'Connor
Mr. Grayden	Mr. O'Neil
Mr. Guthrie	Mr. Owen
Mr. Hearman	Mr. Perkins
Dr. Henn	Mr. Watts
Mr. Hutchinson	Mr. Wild
Mr. Lewis	Mr. I. W. Manning
	(Teller.)

Noes—23.	
Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Majority for—1.

Clause thus passed.

Title put and passed.

Report.

Bill reported without amendment and the report adopted.

CITY OF FREMANTLE (FREE LITERARY INSTITUTE) ACT AMENDMENT BILL

First Reading

Bill received from the Council; and, on motion by Mr. Fletcher, read a first time.

STAMP ACT AMENDMENT BILL

Returned

Bill returned from the Council without amendment.

HEALTH ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 15th September.

MR. ROWBERRY (Warren) [5.56]: This Bill proposes to amend the Health Act in several respects. The Minister introduced the measure with these words—

> The Bill contains a number of comparatively small amendments. The measure is in the nature of a portmanteau Bill . . .

Although the amendments are small, the impact and ramification of some of them on the community in general will be very important. For instance, the supply of baths, basins, sinks, and troughs in homes may be commonplace to some people, but to most it has proved to be the beginning of a new era of comfort and happiness, especially for our womenfolk.

I have vivid recollections of living in homes which were devoid of baths, basins, sinks, or troughs. I also have vivid recollections of the strenuous struggle that was made to make the owners of those homes provide such amenities. As a result of that, I am convinced the Bill is most important. I can recall, after returning home from the mines, having a bath in a tin basin on the kitchen floor. The basin was then emptied into an open drain outside the house, which drain carried away all the waste water from about 100 houses in that tenement block.

I notice, too, that one of the clauses in the Bill seeks to make provision for the installation of any bath, basin, sink or trough, and the fitting of the pipes necessary to connect such installations with the common sewer. In the Act the definition of "sewer" includes sewers and drains of every description, except drains to which the word "drain" as defined in the Act applies. In Scotland, a drain was known as a sough. Amongst other things, the description of "sewer" states that the sewer must be the property of a local authority. At first sight, one might imagine that this amendment would be of no consequence to people in the country because most of them have septic or bacteriolytic tanks to deal with household sewage.

In addition to Perth and Fremantle, country towns such as Albany, Geraldton, Collie, and Northam also have deep sewerage. This Bill will be the means of benefiting those towns particularly.

There is also a proposal to install deep sewerage at Katanning and Narrogin. Of course, Kalgoorlie and Boulder have deep

sewerage schemes. In Manjimup there is a foul water drain which comes under the definition of "sewer" in the Act. This Bill could be of considerable consequence to the town of Manjimup as well.

In Bunbury there is a common sewer or drain which disposes of all the septic tank effluent I have referred to. This Bill will be of considerable importance and benefit not only to the people of the metropolitan area, but also to the residents of the country towns I mentioned.

The Minister in introducing the Bill said it will be of infinite benefit to pensioners and those on the lower-income bracket. While I appreciate that remark, I would remind him that most people in the lower-income bracket—pensioners and suchlike—live in premises owned by other people. Most of them do not own the premises in which they live.

The Minister said there is nothing mandatory about the installation of baths, basins, sinks, or troughs; but I do not agree with him. I consider it should be mandatory upon house owners to install these amenities, because they are necessary not only for the health and welfare of the community, but also for the comfort of our womenfolk.

There is no difference in having a mandatory provision under clause 3 than in having one in section 83 of the Act, which makes it compulsory on owners of land to admit representatives of local authorities thereon, and to enable them to dig drains and sewers through the property. If it can be made mandatory on landowners to permit the installation of sewers and drains through their properties, then it should be mandatory on house owners to install sinks, baths, basins, and troughs. This situation could be quite easily covered by the insertion of a new provision—similiar to the provision in section 83A.

The next amendment in the Bill deals with the supply of disinfectants for the prevention or control of disease, and pesticides for the destruction of pests. This provision fits snugly into the parent Act. On one occasion when I was sitting for a health inspector's examination, the disinfectant provided had to be equal to a 5 per cent. solution of carbolic acid. One could well realise that such a solution of carbolic acid would not be very effective in keeping flies and mosquitoes under control. In this clause we have the same impact as in clause 2. The provision in clause 3 will prove to be of great benefit to the community in general; although it is only a small one, it is very important.

Only last Wednesday one of the newspapers devoted three pages to discussing the methods of control of flies and their impact upon public health. I concur in what the writers of the article said: that no greater menace to public health and public comfort could exist than the common house fly.

Mr. Hawke: What about the present Government?

Mr. ROWBERRY: I do not think we could get a disinfectant powerful enough to get rid of the present Government. The Health Act deals with the comfort and happiness of the people. When the present Government keeps the people unhappy and uncomfortable they will get rid of the Government.

In his introductory remarks the Minister said this was a portmanteau Bill. He is careful in the choice of words, and generally he uses the correct word on the proper occasion. He probably knows that a portmanteau is a receptacle for carrying small articles. In the old days the original meaning of portmanteau was a receptacle which was convenient to be carried on a horse. As the horse has been responsible for much of the fly plague in the past, because flies breed in horse manure and the excretions of other animals, I can see how apposite are the remarks of the Minister and his description of the measure as a portmanteau Bill.

The next amendment in the Bill seeks to amend section 160 by substituting for the passage "house, building or structure or any part thereof" in the interpretation of "eating-house", the passage "land, premises or place, or any part thereof, on or". This provision in the Act enables the health authorities to enter and inspect or seize articles of food which are on part of the premises not contained in the four walls of the building. This presupposes that when we get rid of the flies and mosquitoes we will be able to eat in comfort in the open air. By the amendment in clause 4 owners of eating-houses will be compelled to permit the health authorities, for the purpose of inspection, to enter premises situated outside the four walls of the building

In the legislation passed during the last session of this Parliament, the Licensing Act was amended, and under the provision in section 44G liquor can be consumed in restaurants and eating-houses. Because of that amendment, it is necessary to allow the health authorities to enter such premises.

It may be of interest to members to know that police officers who administer the Licensing Act are sometimes desirous of becoming inspectors under that Act. When I sat for my health inspector's examination, my immediate candidates at the examination were police officers who were desirous of becoming appointed as inspectors under the Licensing Act.

The Licensing Act does not confer authority on inspectors to seize or take away for analysis any food or drug sold on the premises; so the provision in clause 4 is essential. The only way in which the inspectors under the Licensing Act can take action is to advise the Licensing Court that the license for the premises should not be renewed until certain renovations and alterations have been carried out.

The next amendment in the Bill seeks to amend section 228 of the Act. It refers to the power of inspectors, and to the right of a manufacturer of food and drugs which are seized for analysis to be notified. To my mind that provision in the Bill is very fair and equitable. Formerly when a drug or food was seized it was divided into three parts. One part was retained by the purchaser, and one by the Public Health Department, and the third was sent to be analysed. By this amendment in the Bill the manufacturer, who in most instances is responsible for the state of adulteration of the food or drug, will be given a sample.

Under clause 6, which seeks to amend section 230 of the Act, provision is made for the giving to the manufacturer of a sample of the food or drug sent for analysis. This provision differs from the previous amendment in that it deals with food and drugs in consignment or in warehouses. The provision in this clause is consequent on the amendment in clause 5.

The next amendment deals with the power to revoke or cancel proclamations, orders-in-council, or declarations, wholly or in part, either absolutely or for the purpose of substituting other proclamations. Up to a point I agree with this amendment. Such orders and proclamations are made to enable the public to do things properly and in the right spirit. They are also made to enable the public to do the right thing according to the time and circumstances; but when the time and circumstances have so changed that these proclamations and orders prevent the public from doing the right thing, they should be revoked.

Sitting suspended from 6.15 to 7.30 p.m.

Mr. ROWBERRY: Before tea, I was endeavouring to indicate that laws and regulations are for the express purpose of enabling an individual or a community to do that which is right and proper, having regard to the time and circumstances, and the good of the greatest number. Conversely, when these laws are out of date, and not doing good to the greatest number, and having regard to time and circumstances, I think that they should be disregarded; that they should be repealed or revoked. The amendment to this Act sets out to do that. This is the only part of the amendment with which I would quarrel. Having made the following provision, and I quote—

> Power given by this Act to make proclamations, orders in council or declarations includes power from time to time—

the measure continues—

> (a) To revoke or cancel those proclamations, orders in council or declarations, wholly or in part, either absolutely or for the purpose of substituting other proclamations, orders in council or declarations for those revoked or cancelled; and
>
> (b) to otherwise vary those proclamations, orders in council or declarations,
>
> unless the terms used in conferring that power, or the nature of the subject matter or the objects of the power, indicate that it is intended to be exercised either finally in the first instance, or only subject to certain restrictions.

All I can say is that "the Lord giveth and the Lord taketh away." I sometimes think that the drafters of our laws should make up their minds exactly what they want. First of all the amendment includes the power to revoke or cancel these proclamations—and we have agreed that power is right and proper if those proclamations, orders in council, or declarations are out of date. Then we say they should be kept absolutely. I think we should have it one way or the other.

However, if this is a safety clause and provides for any emergency which might occur, I will not oppose the Bill beyond the remarks I have just made. I commend the Bill to the House. It fulfils a need in the Health Act, and I therefore give it my support.

MR. ROSS HUTCHINSON (Cottesloe—Minister for Health—in reply) [7.35]: I would like to thank the member for Warren for his contribution to the second reading debate on this Bill. Although, at first glance, the amendments appear not to be important, there is quite a depth to them; and I feel nothing but good will follow their inclusion in the Act. The only part of his speech with which I disagreed was where he said he felt a house owner should be forced to supply or install any bath, basin, sink, or trough, and the like. I think it is far better if we can bring that about by other means.

Question put and passed.

Bill read a second time.

In Committee

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

NORTHERN DEVELOPMENTS (ORD RIVER) PTY. LTD. AGREEMENT BILL

Second Reading

Debate resumed from the 15th September.

MR. RHATIGAN (Kimberley) [7.41]: This Bill is somewhat similar, in many respects, to a Bill which was introduced into this House on the 14th November, 1957, by Mr. E. K. Hoar, the then Minister for Lands, who is now our Agent-General in

London. The difference between the two Bills, as I see it, is that the one introduced by Mr. Hoar resumed some 20,000 acres of land from the Liveringa Pastoral Co., and that land was given to Northern Developments Co. Ltd. The company concerned with the Ord River Bill now before us is a subsidiary of the previous company.

The responsibility of the Government, at the time the previous Bill was introduced in 1957, was to provide adequate water for the growing of agricultural products, the maintenance of roads, and the provision of buildings, etc. Experiments in the growing of sugar cane, rice, cotton, etc. go back many years—particularly those concerning cotton. If my memory serves me correctly, when experiments were undertaken in the Ord River area in the late twenties, no small part was played by Mr. McGhie, the meatworks manager at that time, and Mr. Eastergood—and Mr. Wise, agricultural adviser, in the early 1920's—who played an important part in agricultural experiments in the Kimberleys and the Gascoyne areas.

We then come to 1941, when Kim Durack established his small research station on what is now known as Bandicoot Bar, where the present dam is to go across the Ord River. Kim Durack experimented in various agricultural pursuits, including the growing of sugar cane and cotton, and he also played an important part towards proving that these products could be grown in that portion of the State. Later, the present Kimberley Research Station came into being, and experiments have been carried out very satisfactorily at that station ever since.

Coming to the present day, we find that the Northern Developments Co. is growing rice and other agricultural products under the management of Mr. Keith Gorey who has had vast experience with those products. I have no doubt that if there is anybody capable of satisfactorily growing such products for commercial purposes, Mr. Gorey would be that person.

I feel the Government has been more than generous to the Northern Developments (Ord River) Pty. Ltd. in this Bill introduced to develop the Ord River area. It has been as generous as it is possible to be in this matter; because we see from the Bill that it has guaranteed an expenditure of £100,000 spread over a period of three years and the company is to develop the 2,000 acres, to which it has a sole right.

I would like the Minister, when he replies to the debate, to let us know what the Government has in mind regarding the other blocks, as almost 20,000 acres of land are to be resumed. After the 2,000 acres, that leaves at least eight blocks still to be used, and I would like to know the Government's intention regarding those blocks. I would like to see some of them given to the agricultural experts who have experimented and worked so unceasingly and untiringly under the most difficult conditions to prove that certain agricultural commodities can be grown in the north. No doubt they would need a great amount of Government assistance; but from my conversations with various people up there, they are all keen to settle in the north, and I believe they should be given an opportunity to acquire some of those blocks and receive assistance from the Government.

Quite conceivably this scheme could have been carried out by the Kimberley Research Station, as only 2,000 acres are involved. There is plenty of land and plenty of water still available at the Kimberley Research Station which could have been used for this purpose. I would not like to see a monopoly created in this instance; and, while I quite frankly agree that Mr. Gorey is a most capable person—and, as I said previously, if anybody could prove that an agricultural product could be produced satisfactorily it would be Mr. Gorey—I think it is a high price for the Government to pay to this syndicate for his services.

We all hope that the Ord River diversion dam will be merely the forerunner of a bigger dam project which, in the course of time, will be proceeded with, and that the Commonwealth Government will see its way clear to assist the State with this work. I might mention at this stage—without bringing party politics of any shape or form into the matter—that all the experiments up there which have taken place over a period of years were originated by Labor Governments; and I am glad to see the present Government carrying on with a scheme which was pioneered by successive Labor Governments.

I should like to quote from a cutting from *The West Australian* dated the 16th September, 1960, which is headed, "Flow in Ord to Equal Snowy." It reads—

> The flow of water into the Ord River dam would be as big as the ultimate development of the Snowy Mountains project, P.W.D. Senior Design Engineer J. Lewis said yesterday.
>
> The diversion dam, which was only one-fiftieth the size of the major Ord River dam in storage capacity, would trap slightly more water than was held in the Canning Dam. Floods on the Ord River had been measured at the rate of 1,000,000 cubic ft. a second. Only three other dams in the world were known to have coped with floods of this magnitude.

That gives members an idea of the enormous amount of water which flows down the Ord, and also its potentialities. I

now quote from *The West Australian* of the 15th September, 1960, under the heading "Irrigation is Needed"—

> Public Works Department Hydraulics Engineer, D. C. Munro, said that the answer to the immediate development of the Kimberleys was agriculture by irrigation. It was up to Western Australia to show what could be done in the Kimberleys. More financial assistance would probably then be forthcoming. There was seven times more fresh water in the Kimberleys than in the South of the State. Under the proposed irrigation projects by the Government, crops such as cotton, rice and sugar would be grown, but the area would still remain predominantly pastoral.

I quite agree with those last few lines; to my way of thinking the Kimberleys will always remain predominantly pastoral, but agricultural pursuits must ultimately benefit the pastoral industry.

There is not much more I can say on this measure. We will always strike sceptics who, for some unknown reason, are inclined to view anything new as something which should not be done, or which is doomed to failure. This scheme is almost bound to have teething troubles in its initial stages, but ultimately it will be successful. I sincerely hope and trust that the House generally will agree to the measure, and that the Government will press the Commonwealth for further assistance for the north, continue with the policy which has been adopted in the past, and not treat this as some form of political football. I support the second reading.

MR. COURT (Nedlands—Minister for the North-West—in reply) [7.53]: I thank the member for Kimberley for his support of the measure. He asked that one or two questions be answered, which I am only too pleased to do. At the outset he compared this measure with the Bill dealing with the Camballin scheme. Of course, in some particulars they are the same, because they are both irrigation schemes. But when we come down to detail they are poles apart; because on the one hand the Camballin scheme was meant to be a project within itself, whereas this particular scheme upon which we are embarking with Northern Developments (Ord River) Pty. Ltd. is but a pilot scheme which we hope will be the forerunner of a major scheme.

For that reason the agreement with Northern Developments (Ord River) Pty. Ltd. provides for a much greater degree of control and co-operation by the Government with the company, because it is most important that during the next three years the scientists and the officers of the Department of Agriculture obtain all the information possible as a prerequisite to the approach that we will have to make eventually to the Commonwealth Government for the finance necessary for the major Ord River scheme.

For that reason, if one reads the two agreements side by side, one will see that there is quite an amount of detail in respect of the operations of the two companies that is different. The honourable member referred to the fact that this agreement was more than generous to the company, and went on to say that it was a high price to pay for the services of Mr. Gorey. I think that, on reflection, and after the honourable member sees the scheme in operation, he will appreciate that it is not an over-generous proposition; nor is it too high a price to pay for the services of Mr. Gorey. In fact, it is quite wrong to describe it as paying a price for Mr. Gorey's services, because he happens to be one of the senior executives of the company. He is a man with great experience in irrigated agriculture, and one who can make a great contribution during this pilot stage.

However, he is but one of the company's officers, and it was really to gain access to the whole of the company's organisation that we were anxious to make a contract with Northern Developments (Ord River) Pty. Ltd. I might also comment that we were strongly advised in this matter by the scientists and the officers of the Department of Agriculture. They considered that we would achieve much better practical results with a pilot farm project if it were separated completely as a pilot farm from the day-to-day operations of the Kimberley Research Station.

They advised that we would get a more accurate assessment of the practical farming problems if we kept the farm project as a separate venture. I mention that because the honourable member suggested that this scheme could have been carried out by the Kimberley Research Station. My own view, based on the advice given, and my own examination of the situation, is that it would not be as satisfactory if the Kimberley Research Station undertook this project.

The work of the research station is entirely different in its concept, its aims, and its objects from that of a pilot farm. The main object of this exercise is to obtain as much practical experience of farming conditions as we possibly can. There are many questions to be answered; and one, of course, is the point the honourable member raised as to the future allocation of land.

One of the objects of this pilot-farm scheme is to endeavour to determine, with the assistance of the scientists and the officers of the Department of Agriculture, what is an ideal economic unit for this type of farming. The departmental officers have made various assessments, but they have made it clear that they are not putting this forward as being the last word

as to what is a desirable economic unit. There are also conflicting views as to whether the type of development in this particular area is best pursued along the lines of the small holding of, say, 200 acres, or whether it is better to go for the bigger farms. These are some of the questions that will be answered, we hope, during the next two or three years.

There is only one unfortunate thing that I thought the honourable member did, and that was to try to bring some party-political aspect into this question. I think that is an issue which should be kept right out of that field. As regards the Ord River area, and the Kimberleys generally, I think it should be acknowledged that all Governments have successively played their part in its development; and I think they have all had the same objective.

If one wanted to retaliate to the honourable member's comments one could say that it was a Liberal-Country Party Commonwealth Government which provided the funds to enable the scheme to be proceeded with. However, if we get down to that sort of argument in regard to projects of this nature we will get precisely nowhere.

I was pleased that the honourable member supported the Bill on behalf of the Opposition, because I am sure this will be the forerunner of a great scheme. If it proves successful, it follows that the national Government of the day will have to come to our aid to assist with the greater scheme; and then we will be conducting an irrigation project the like of which this State has not had before. Whether eventually 100,000 acres or 200,000 acres are involved, it will still be a mammoth scheme for irrigated agriculture.

There is one final point I have to answer in response to the honourable member's request; that is, the question of the fate of the land resumed in addition to the 2,000 acres to be farmed by this company under the agreement. At the moment, we do not know—in fact, I doubt whether we will know for some time—how this land can be best used. I doubt whether we would be prepared to make a move in regard to the balance of this resumed land under two years, anyhow, because there are so many questions to be answered during this pilot stage; and, as I mentioned earlier, one of the important questions is the ideal size of a block of land for a farm.

Whilst we are trying to gain this practical experience, to try to save some heartbreaks for other people, it would be quite ridiculous if we decided to embark on a scheme of subdividing the land into blocks of 200, 300, 400 acres, or more, and allocating them to farmers. It is interesting to note that there is a very great Australia-wide interest in this area, and barely a week passes without somebody writing to the Government from one of the other States wanting to know whether he can be considered in the allocation of this land in the Ord area.

I am quite convinced that, when the time comes to throw the land open for selection, having regard to all the experience that will be gained during this preliminary period, and having regard to the experience that has been gained by the Kimberley Research Station, there will be many more applicants for the blocks than there will be blocks available to allot.

It is a very healthy sign that there are so many people, particularly in the other States of the Commonwealth, interested in this scheme; people who are anxious to be considered for selection and to spend their capital to back the venture.

Question put and passed.

Bill read a second time.

In Committee

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

COAL MINE WORKERS (PENSIONS) ACT AMENDMENT BILL

Second Reading

MR. ROSS HUTCHINSON (Cottesloe—Chief Secretary) [8.61]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Coal Mine Workers (Pensions) Act in three particulars. In each of the three divisions the eligibility of mineworkers or their dependants for pensions is widened to overcome injustices or anomalies that at present exist.

The first amendment bears very briefly on the interpretation of the word "continuously" in the Act. I believe that in a recent case many long hours were spent in endeavouring to interpret this word and its context in the legislation, and the outcome was that it was decided a mineworker could be prevented from receiving a pension.

Section 7 (c) (ii) (b) of the Act reads as follows:—

> Provided that a mine worker shall not be eligible for a pension under this subsection—
>
> (b) where since the date of the injury giving rise to the incapacity he has in the opinion of the tribunal been continuously engaged for a period of three years in any work other than as a mine worker.

In the past doubt has existed over the interpretation of the word "continuously." As I mentioned a moment ago, the Arbitration Court in a recent case ruled that where

a worker was employed in regular employment, whether part-time or full-time, the term "continuously" would apply. For example, the word "continuously" would apply to a worker if he were engaged in morning work every Saturday. That could be interpreted as being continuous work.

Mr. May: If he were selling the *Daily News* it would be continuous work.

Mr. ROSS HUTCHINSON: That is so. The mineworker in this case was accordingly refused his pension because he had undertaken part-time employment, following an injury which precluded his employment in the mines. In all spheres it is felt that in the circumstances of this particular case the application of the provisions in the Act as they now exist have harsh legal application. Therefore, to settle any doubts in this man's case, as well as in any other case which might arise from time to time, this amendment is necessary.

The first of the three amendments to which I have referred will make the section applicable only to the employment mentioned in the existing legislation as a full-time industry, which is described in this Bill as follows:—

> A worker engaged in work which occupies the whole of the time normally required for full-time employment.

Retrospective effect is given to the proposal so that it might cover the case of a worker who, in the opinion of the Government, has been unfortunate in regard to the application of the existing legislation.

The second provision in the Bill assists widows of what are referred to as non-pensionable workers. In the past they were excluded; but by this provision, if a non-pensionable worker is unfortunate to die after contributing to the fund for a period of five years, his widow becomes eligible for the pension. I think that might describe it fairly briefly. Perhaps it might be well for me to follow my notes here in order to assist the House.

Although this second provision is fairly simple of explanation, it has a history. Following actuarial advice in regard to the first investigation of the fund, it was recommended by the actuary that no worker should qualify for retirement benefits unless he had contributed to the fund for 25 years. To that end, an amendment to the Act was made in 1948, under which provisions a limitation was imposed which would render any worker joining the industry when over 35 years of age, non-pensionable, except for invalidity benefits if he had contributed to the fund for 10 years and was subsequently injured in the course of his employment.

In regard to widows' benefits payable under the Act, if a pensionable worker dies after contributing for not less than five years, the widow receives a pension of £5 7s. 6d. per week; but if a non-pensionable worker of the over 35-years age group dies, no benefit has been previously allowed. In response to requests from the unions, it has been agreed that pensions to widows of non-pensionable workers should be provided, subject to the payment of five years' contributions by the workers. The second provision in the Bill does just that.

The third provision in the Bill is also an important one, and will assist certain mineworkers who could be excluded from pension benefits. The provisions of the Act mentioned in the previous clause, about which I have just spoken, as applicable to the over-35-years-age group of workers, was mainly intended to apply to new entrants to the industry. It has been found, however, that there are cases of men who have had long service in the industry; and who, through ill-health, or for other reasons, have left their mining work for a short period but have re-entered it when over the age of 35.

To enable such workers, who have probably satisfied the period of contribution requirements, to enjoy retirement pensions under the Act, it is proposed that a pension should be payable where a worker has been employed in the coalmining industry for an aggregate period of 25 years, and has paid contributions for a continuous period of 15 years immediately prior to attaining the age of 60. It is, however, essential to provide that a refund of contributions has not been claimed by the worker at any time following a break in employment.

I submit the Bill to the House with some pleasure, because I believe it brings about, in three instances, certain reforms which will do nothing but good for a section of mineworkers, and their dependants, in regard to pensions which are made payable under this Act.

On motion by Mr. May, debate adjourned for one week.

Message: Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

NOXIOUS WEEDS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th September.

MR. KELLY (Merredin-Yilgarn) [8.17]: The amendment contained in the Bill deals with a section of the principal Act which refers to the destruction of primary noxious weeds on private land. It also aims at expediting the activities of the Agriculture Protection Board in the manner of its taking action against offenders in the matter of noxious weeds.

The action of weeds is altered considerably by seasonal conditions, and often the period of destruction is shortened by certain conditions prevailing at the time. Undue delay in dealing with weeds in certain instances could, of course, nullify the value of the destruction methods employed; and could also cause a further spread if action were not taken at the correct time. It is essential, therefore, that destroying action be taken at precisely the correct period, when the weeds are in such a state that destruction is made perhaps a little less difficult than at other times. Of course, with many of our noxious weeds that state differs considerably.

The amendment brought down by the Minister seeks to alter section 22 of the Act, after which a new section, 22A, is to be added. Both sections are, of course, designed to short-circuit the factor of delay in the destruction of weeds. Despite the Minister's assurance and reference to to the Plant Diseases Act and the Vermin Act—in connection with fruit-fly control—I am a little concerned at the fact that the provision contained in this amendment is already in the two Acts referred to. To my mind that does not create a good reason as to why it should be again introduced into this measure. I do not agree that action taken under those Acts is very helpful to many people.

Proposed section 22A dispenses entirely with the necessity to serve notice on the owners or occupiers of land to destroy noxious weeds. Under this Bill the notification in a copy of the *Government Gazette* or in a local newspaper is all the notice that the owner, who is alleged to be offending, is likely to receive. I can see a distinct danger of an injustice being meted out in some instances. Rather than introduce proposed section 22A, a more positive method should have been adopted. The cost to the Agriculture Protection Board would be negligible where notification of individuals is retained.

The fact that notification is first published in the *Government Gazette* does not help the average individual very much, because that is a publication read by very few people, other than those closely connected with it. It certainly is not read by the average primary producer. It would have been possible for the department to overcome the problem, without introducing a new section to the Act. It could have adopted the course of issuing pamphlets or notices—complete in every detail as to the obligation of the person offending—with a small space left for the date to be inserted indicating when the notice would expire and action would be taken.

The fact that local newspapers are given the opportunity, within the last 14 days, of advising people *en masse* is not a very satisfactory method. In many cases a big percentage of people living in a district do not subscribe to the local newspaper. The fact that the department is prepared to publish a notice in the local newspaper carries very little weight. I know quite a number of people living in the country who do not go into the local town more than once a month. A person in that category who offends under the Act will have a distinct hardship placed on him if section 22A is passed.

I am surprised at the Minister, being a primary producer himself, falling for the amendment. He stated that a similar provision appears in several other Acts. The fact that it does so is no criterion that it is the right method. People are entitled to receive more notice, if the position warrants their being given notification to destroy noxious weeds.

Some people do not even know the weeds covered by the Act. Since this Bill was introduced I have inquired from several people concerning the weeds referred to, and they told me they had never seen them. In a hypothetical case, if a noxious weed happens to grow on a person's property and he notifies the department, instead of receiving a letter from the department advising him to destroy the weeds, he could be reading in the *Government Gazette* or the local newspaper a notification that after a certain date action will be taken against offenders. Circumstances could preclude such a person from knowing anything about the particular weeds; yet the Minister, who is a primary producer, is prepared to create this hardship. I am really surprised that he should fall for this amendment in the Bill.

I recognise the urgent need to control all noxious weeds. There is no question about that at all. I consider that remedial action of a fairly severe nature is justified. But the department is not entitled to stab a person in the back, merely by publishing a notification in the local newspaper and thus making him liable. In many cases the person will be given no chance to defend himself.

I ask the Minister to re-examine proposed new section 22A. I will not endeavour in any circumstances to detract from the value of weed destruction. Personally I know what the problem is from the point of view of the district. I ask the Minister to give the matters I referred to more consideration before asking the House to pass this Bill.

MR. NALDER (Katanning—Minister for Agriculture—in reply) [8.26]: The position outlined by the member for Merredin-Yilgarn is very exaggerated. I have not, as the honourable member said, fallen for this amending Bill. I have given it much thought. It deals with persons given every opportunity to take action to destroy noxious weeds. They will have been given the opportunity before steps are taken by the department. They know the position

which exists in regard to noxious weeds. Action may be taken by the department after advice has been given by it for several years as to the methods by which the weeds can be destroyed. This problem is growing to such proportions that the Agriculture Protection Board considers it necessary to take action *en bloc*.

The honourable member omitted to mention one important factor in the Bill: that is, the local authority concerned will be notified at least one week before any notice appears in the newspaper.

Mr. Kelly: What action will the local authority take on receipt of a notice?

Mr. NALDER: The local authority, with representatives of the wards, will certainly be in a position to take action. It can notify the ratepayers what the Agriculture Protection Board will do. It is quite possible that the local authority itself will be the first one to make a move, by notifying the Agriculture Protection Board of the existence of a noxious weed. An officer of the department will go to the district to make an inspection. It may be at the instigation of the local authority that action is first taken.

The point raised by the honourable member is exaggerated. There is no chance at all of anybody being stabbed in the back, to use his words. Every precaution will be taken. Practically every district in which action is to be taken will be highlighted—perhaps on a number of occasions—prior to any action. In all previous cases where action was taken by the department, the intention of the department was known to the people and the local authority concerned. Action is taken only if people fail to take steps to destroy noxious weeds after they have been notified.

I do not think this Bill will be a problem, or that it will treat any individual harshly. It has been introduced after very serious consideration as to the manner in which an individual might be affected by it. It is an attempt to save time in the destruction of noxious weeds. As the member for Merredin-Yilgarn stated earlier in his remarks, the seasons play an important part in dealing with noxious weeds. After a short season when there has been perhaps only a few weeks of winter rains and the spring sets in early, the weeds mature very quickly, then flower and go to seed. It is mainly on those occasions that action is required by the Agriculture Protection Board. It is necessary then for that board to act quickly. I can assure the House of this: No individual will be harshly treated. It is not likely that one individual will be mainly affected, although I suppose this could happen. The intention of the amendment is to deal with a district or part of a district. A local authority will have had at least a week's notice of intention to advertise; and then there will be a further fortnight during which advertisements will appear in papers circulating in the district. I think you will agree, Mr. Speaker, that that is reasonable notice.

It is better than sending out individual letters to people. It has been pointed out that on a number of occasions a letter may be addressed to a property owner who is absent. Therefore, he will not receive the letter; whereas he might have a manager on the property who could be notified or who could possibly see the advertisement in the local paper. As the honourable member mentioned, there may be districts where the local people do not always take the local paper. However, seeing the local authorities have prior information, there is no reason at all why they should not inform their ratepayers.

Mr. Kelly: They do not at the present time.

Mr. NALDER: I think the local authorities would do this in the interests of their ratepayers. I do not think that local authorities, after receiving that information, would ignore their ratepayers. This Bill is an honest endeavour to keep our country free of noxious weeds. We do not want to see these weeds spread; and this Bill is a sincere endeavour to prevent it.

Mr. Kelly: There is nothing positive about it.

Mr. NALDER: I appeal to the House to agree to this legislation.

Question put and passed.

Bill read a second time.

In Committee

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

PLANT DISEASES ACT AMENDMENT BILL

Second Reading

MR. NALDER (Katanning—Minister for Agriculture) [8.37]: I move—

> That the Bill be now read a second time.

Two main amendments are embodied in this Bill. One is the result of a request from the Fruit Growers' Association; and it proposes that if a poll is held it shall be conducted at the end of a baiting season and prior to the commencement of the new baiting season. This is to ensure that in the event of a poll against the continuance of the scheme, baiting operations are not terminated at a crucial stage.

The other amendment is a machinery one to provide for the winding up of assets and the dispersal of funds at the conclusion of a compulsory fruit-fly foliage baiting scheme. At present the principal Act provides that any incorporated fruitgrowers' association, road board, or municipality

may request the Minister to hold a poll to determine whether or not a compulsory fruit-fly baiting scheme shall be introduced in a particular district.

If as a result of such a poll at least 60 per cent. vote in favour, then the baiting scheme is brought into operation for a minimum period of three years; and after that, continued until a further poll decides otherwise. It can be readily appreciated that at times these polls result in a disgruntled minority who are not prepared to accept the majority decision, and at present it is possible for such people to campaign and organise a poll without any regard for the stage of operations.

If the subsequent poll were against the continuance of the scheme it could then be terminated at a critical time in the baiting programme. All the Bill seeks to do is to ensure that such polls are held at the cessation of a baiting season and prior to the commencement of the new season; namely, between the first day of June and the thirty-first day of July in any year.

As previously stated, this amendment really emanated from the Fruitgrowers' Association which is anxious to ensure that once a baiting programme is commenced it should not be terminated at a vital stage. The keen sense of responsibility on the part of the association in its attitude to the fruit-fly problem is most commendable and I appreciate the ready co-operation from this organisation.

At present the Act is not specific in the event of a compulsory fruit-fly baiting scheme becoming inoperative as the result of a poll against the continuance of such a scheme, and the Bill therefore provides for the winding-up of operations by disposal of the assets and, after meeting all debts, for the remaining funds to be paid to the Fruit Fly Eradication Fund. As all the baiting schemes are heavily subsidised by the Government, this seems a reasonable proposition and ensures that any balance of funds will still be devoted to the fruit-fly pest.

On motion by Mr. Kelly, debate adjourned.

Message: Appropriation

Message from the Governor received and read recommending appropriation for the purposes of the Bill.

LOCAL GOVERNMENT BILL

In Committee

Resumed from the 20th September. The Chairman of Committees (Mr. Roberts) in the Chair; Mr. Perkins (Minister for Transport) in charge of the Bill.

The CHAIRMAN: Progress was reported on clause 146 to which the member for Eyre had moved the following amendment:—

Page 139, line 30—Delete the word "Fifty."

Mr. NULSEN: The reason for my amendment is that I feel £50 is too high a penalty. To go too close to a polling place is a mistake which anyone could make. I did suggest that £5 should be the penalty; but having studied the legislation, I find that £20 was the previous penalty. Therefore if the Minister will agree—and I think he will—to have this penalty amended in another place I will be satisfied.

Mr. PERKINS: I appreciate the co-operative attitude of the member for Eyre and if he will agree to withdraw his amendment I will give an assurance that the amendment will be made in another place. It has been pointed out to me that £50 is the penalty in the Electoral Act; but as I have indicated, wherever possible we have been trying to use the machinery already in the Local Government Act. Although I feel that £20 is possibly a little low when the present-day value of money is considered, in order to make progress with the Bill I will agree to the amendment being made in another place.

The members of the Opposition were very anxious to alter the distance of 50 yards to 20 feet in an earlier part of the clause, and I am prepared also to have that amendment made in another place.

Amendment by leave withdrawn.

Mr. TONKIN: I just want to say that I hope the Minister will carry out that assurance in order that we might enjoy a different experience from that which we enjoyed on previous assurances.

Clause put and passed.

Clauses 147 to 181 put and passed.

Clause 182—Meetings, chairman, etc., of committee:

Mr. W. HEGNEY: Paragraph (9) on page 168 reads as follows:—

> (9) The decision of a committee on a question is that decided by a majority of the votes of the members present, including the chairman who has a deliberative vote, and who in the case of an equal division of votes, has a casting vote.

Am I to understand that the chairman has two votes?

Mr. PERKINS: I understand that this is a provision which has been in local government legislation in the past; and where we get small committees appointed, it is necessary to have that provision in order that definite conclusions may be passed on to a full council. Conclusions reached by a small committee have to be dealt with by a full council at a subsequent time. Any recommendation of the committee has to be confirmed by the full council. It is something which has worked, and it is not a new provision.

Mr. W. HEGNEY: I am not satisfied with that explanation. I agree it could have been in the Act for many years, but that is no reason for its continuance. I suggest the position could be just as effective if all the words after "chairman" were deleted, and the decision of the committee would then be the majority decision. I am not going to enter into a long argument against what I call the inequality of plural voting. I think that if any member of a local governing body is required to make a decision, he should have one vote only.

Subclause (9) says that the chairman could have a casting vote or a deliberative vote. I am strongly opposed to any member of local government having two votes. You, Mr. Chairman, when you are in the Chair, do not exercise a deliberative vote. Under Standing Orders, you exercise a casting vote; but you certainly do not exercise a deliberative vote and a casting vote. I think this provision is quite outmoded. I move an amendment—

> Page 168, line 28—Delete all words after the word "chairman".

The decision would then be a majority decision and the paragraph would read thus—

> The decision of a committee on a question is that decided by a majority of the votes of the members present, including the chairman.

In the event of somebody saying there may be inequality of votes, it could easily be written into the Act that, in such cases, the question should be resolved in the negative. No decision would be determined unless it were a majority decision. I strongly object to a provision in any Act which gives a member of a local governing body a deliberative vote and a casting vote. It does not apply under the Standing Orders of the Legislative Assembly, and I do not see why it should apply in the case of any other organisation.

Mr. PERKINS: I cannot accept this amendment. I do not think the member for Mt. Hawthorn is being very realistic in putting it forward. Many of these committees are very small. In country local authorities with which I have been associated, the problem does not arise in the event of a three-man committee; but where there is a committee comprising four members—and this could be a useful-size committee—it does not appear very realistic to deny the chairman a vote. Why have a four-man committee at all?

Mr. Hawke: Well; why have it?

Mr. PERKINS: I do not think the member for Mt. Hawthorn instanced a parallel case at all. The Committee of this House is a large one and deals with rather different subjects; also, it makes the final decision. All this local government committee is going to do—it may be a committee of one of the metropolitan local authorities, such as Nedlands, or Claremont, or Northam—is to advise on a particular question, and all members of that committee express an opinion. If it is a four-man committee, it is necessary to arrive at a decision for the full council; if the council does not like the committee's recommendation, it does not agree to it. I cannot accept the amendment.

Mr. TONKIN: The Minister is seeking continuance of something that has been in operation for years past. Surely we can improve our thinking with regard to these matters. What the Minister is really asking us to accept is a situation where the chairman of a four-man committee is certain to have his way. In a four-man committee, three men deliberate what they are going to do, and the fourth man occupies the chair. Two members may decide in one direction, and one in the opposite. The chairman then decides to throw in his support on the side of the minority, which then makes it equal. He then gets another vote and secures the decision his way. Therefore it becomes the decision of the chairman; and I do not care how good a man is, he is not twice as good as any other man on the committee.

Why should his opinion always be submitted to the council? We might as well dispense with the committee altogether and let the chairman decide these matters instead of having a committee of four wasting its time. A committee of four might give careful consideration to a proposition; but, after spending some hours on the matter, if they are not in complete agreement the decision becomes the decision of the chairman. I know what I would say if I were on a four-man committee and the chairman was making all the decisions.

Mr. Ross Hutchinson: You might be the chairman.

Mr. TONKIN: That would not be right either; I would not act under those circumstances. If I were the chairman I would not exercise two votes. I think we should provide that the chairman has one vote only. If it is good enough for Parliament it is good enough for some local authority. It was the practice for many years in the Legislative Council, until this Government took office, for the President to exercise only one vote; and then he did it in such a way that the question was resolved in the negative. But under this Government he has done the opposite; breaking new ground I suppose!

Mr. Andrew: They are likely to do anything.

Mr. TONKIN: Yes. I suggest that the amendment is not an unreasonable one and should be agreed to.

Mr. W. HEGNEY: I want to impress upon the Committee that I am objecting to the clause on a question of principle. It does not matter whether it is a four-man committee or a council of 24; the

principle is there. A member should exercise one vote and one vote only, whether it be a deliberative or a casting vote. We have already agreed to this—

> The mayor or president shall not vote unless there is an equal division of votes, in which case he has and may exercise a casting vote.

Mr. Perkins: That is at the full council; this is just a committee.

Mr. W. HEGNEY: It does not matter whether it is the full council or a committee; it is a question of principle.

Mr. Perkins: Yes; but you have to relate it to practice.

Mr. W. HEGNEY: All I am saying is that there should be a majority decision and the local authority would have sufficient intelligence to appoint a committee whose members would be competent to bring down a decision. If there is a four-man committee, the majority should decide; and if there is no majority, the question should be resolved in the negative. I hope the Committee will agree to the amendment, because the chairman should have a deliberative or a casting vote only.

Mr. W. A. MANNING: I think the member for Mt. Hawthorn has defeated his own argument, because he has said that if there is an equality of votes with a four-man committee the decision should be resolved in the negative. In my view it is better for the chairman to make a decision than to have a rule-of-thumb method which says that where the voting is equal the question shall be resolved in the negative.

Mr. W. Hegney: You have missed the point. I say that the chairman should not have two votes.

Mr. ROWBERRY: I wonder whether the Minister has considered a situation where the whole of the board comprises the committee. That is quite common with the local authority in the district I represent. Under the proposal in the Bill, if one member were precluded from attending through distance or illness, and if there were an equality of votes, the chairman would determine the issue. At first sight I was inclined to believe the Minister's statement that the committee was not determining the issue, which had to go to the full board; but in this instance the issue would be determined in committee, because all the members of the board would be entitled to attend.

Mr. TOMS: The position is as the Minister stated with regard to the Municipal Corporations Act, because the chairman has a casting and a deliberative vote; but I refer members to section 133 of the Road Districts Act, which states—

> (1) At all meetings of the board, save where it is otherwise provided, all the members present shall vote, and the questions there considered shall be decided by open voting, and by the majority present.
>
> (2) Each member, including the chairman, shall have one vote only, and in the case of an equality of votes on any question, such question shall pass in the negative.

I do not think that section has been amended since, and it may be an interesting point for the Committee to consider at this stage in regard to what type of voting a committee shall use. Under the Municipal Corporations Act the chairman has a casting vote as well as a deliberative vote.

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

Ayes—23.	
Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*
Noes—25.	
Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Nalder
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clauses 183 to 197 put and passed.

Clause 198—Brickmaking:

Mr. O'CONNOR: Can the Minister tell the Committee why this industry has been singled out and what would be the license fee charged to any brickmaker in any local governing area?

Mr. PERKINS: This provision was in the previous Bill and was inserted, I think, by the Royal Commission. In referring to brickmaking, I do not think it has any particular significance. Members know, of course, that brickmaking is a very controversial subject among the suburbs of Perth. No alteration has been made to the clause since it was incorporated in the previous Bill; and, to my knowledge, its inclusion in this measure has no significance.

Mr. TONKIN: Does the Minister think it desirable that a local authority should have power to prohibit brickmaking? Because it is a fairly extensive power. I can recall a controversy that arose some time

ago in regard to brickmaking. Surely the public interests generally and the interests of the State should be paramount to the interests of a majority of a local authority. A council could make by-laws that would prohibit brickmaking absolutely. In the circumstances, would the Government have any say in the matter or would it have to accept the position?

Mr. PERKINS: The member for Melville is questioning me on a hypothetical case.

Mr. Tonkin: It could be very real.

Mr. J. Hegney: I know of one real case in Middle Swan.

Mr. PERKINS: So far, we have managed to resolve these questions. No doubt difficulties could arise in the future; and if the position is so important in certain circumstances, it might be necessary to introduce legislation to resolve the problem. It is something that has been accepted, and we should not alter it now. It will be upsetting for local authorities to take this power out, and I hope the Committee will leave the clause as it is.

Mr. HALL: I cannot agree with the Minister. In my electorate there is a firm starting brickmaking, and without doubt there could be interests in other brickmaking firms which could cause the closure of this brickworks. For healthy competition and industrial expansion this provision should be deleted.

Mr. PERKINS: This only gives power to make by-laws which must be tabled in both Houses of Parliament. If members felt strongly about the matter they could move to disallow the by-laws. This provides a reasonable balance and should be left in the measure.

Mr. J. HEGNEY: I would like to mention an example of a brickmaking industry established in Middle Swan by Mr. New. Because the site was in a lovely location the road board refused him the right to establish his brickyard. Since then a hospital and modern school have been built very close to it.

Mr. New appealed to the Minister who examined the matter on the spot, with the town-planning commissioner and the local authority; and, because of the urgent need for bricks, he upheld Mr. New and permitted the establishment of a brickyard. The local authority and the people in the area were very hostile about the decision because they felt it would ruin such a beautiful area on the shores of the Swan River.

Local authorities should have power to say where industry should be established—particularly a brickmaking industry—because, as a result of the operations of such an industry, the area is generally defaced and dangerous clayholes are left. We know there have been a number of deaths by drowning in the clayholes around Bellevue.

Mr. NULSEN: We should not take all the power away from local authorities. They do a good job in this State. If they are not permitted to use their discretion to issue a license for this purpose it might prove a danger to the district. We must give local authorities the power to act in the light of their experience; they are responsible bodies and should be permitted to use their discretion. They are not overburdened with finance, and we find Governments are not very generous in this direction.

Mr. TONKIN: I do not feel very strongly about this, because there would be a tremendous rumpus, generally speaking, if the local authority were to take action against the State. Pressure would be brought to bear and it would be compelled to reverse its decision. While I respect the view of my colleague the member for Eyre, his expression of opinion as to the sense of responsibility of local authorities leads me to give an illustration by way of example.

I have not been able to corroborate the story, but I was told that a certain local authority in the metropolitan area had prescribed a by-law which said that persons could not keep fowls within 30 feet of the residence. An unfortunate widow was keeping a few fowls within 30 feet; and in order to meet the requirements of this by-law she did her utmost to move the fowls to the fullest extent of her yard, which was 35 feet. She informed me that the local authority then altered the by-law and made the distance 40 feet.

I repeat that I have not had the opportunity to verify that information; but the woman came some distance to tell me about it. If it is true, it shows that local authorities do sometimes take action which would not be expected of a deliberative authority which is careful in the exercise of its powers. If they would go to such lengths in the case of a woman with a few fowls, one can imagine what they might do in regard to a new brickworks. So while we can hold local authorities in very high regard generally, we must not run away with the idea that they always take a fair and reasonable view.

Clause put and passed.

Clauses 199 to 207 put and passed.

Clause 208—Dumping of hot ashes:

Mr. BRADY: Can the Minister explain why only hot ashes are referred to in this clause? In many cases ordinary or dry ash can be just as great a nuisance.

Mr. PERKINS: I think the term "hot ashes" has been used traditionally in this legislation. If local authorities desire to cover dry ashes they could take action under the provisions relating to general

nuisances. Presumably there is some danger attached to hot ashes. On a quick perusal of this provision I find it has been in previous measures in the same form.

Mr. Brand: There is a fire danger and the danger of injury to children.

Mr. PERKINS: That is so. This clause is concerned with the making of a by-law to apply to hot ashes. When such by-laws are made, before they become effective they have to be tabled in Parliament.

Mr. BRADY: By having a provision like this the local authorities would be restricted in the exercise of their powers. The provision should cover any material which is considered to be a nuisance. The road board and municipal council in my electorate have frequently drawn my attention to the fact that they have no power to cover some types of nuisances; for instance, sawdust from sawmills. In another case in my electorate an ironworks is continually dumping iron screenings in the surrounding area. Similarly a firm manufacturing ball bearings is dumping waste products. My electorate covers an industrial area, and these problems are continually arising. Local authorities should have power to regulate in respect of any material. I therefore move an amendment—

> Page 181, line 32—Delete the words "hot ashes" and substitute the words "any material."

Mr. PERKINS: I am not agreeable to this amendment. The provision in this clause has been in the legislation for many years; it refers to a specific hazard. In the Bill, very wide powers are given to local authorities to make by-laws, and there is one provision which empowers them to make by-laws to prohibit and abate nuisances of all descriptions. I am surprised to learn that the local authority in which the honourable member is interested has been limited in its action.

Mr. BRADY: I am not convinced by the explanation of the Minister. Who is to define the term "nuisance"? It is certainly not defined in the Bill. In order that a definition can be made, a civil action will have to be taken. People are being continually confronted with nuisances these days. They do not have any redress unless they take a civil action to determine an act to be a nuisance. They can only do that at great expense to themselves.

With industry increasing in the metropolitan area, and with people receiving less money in these days as a result of our present system, local authorities should be given the right to determine whether a by-law should be made to cover any material considered to be a nuisance. I am convinced that local authorities have insufficient powers to cover dust, noise, dry ashes, sawdust, screenings from foundries, or dust from superphosphate works.

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

Ayes—23.

Mr. Andrew	Mr. Kelly
Mr. Bickerton	Mr. Moir
Mr. Brady	Mr. Norton
Mr. Curran	Mr. Nulsen
Mr. Evans	Mr. Oldfield
Mr. Fletcher	Mr. Rhatigan
Mr. Hall	Mr. Rowberry
Mr. Hawke	Mr. Sewell
Mr. Heal	Mr. Toms
Mr. J. Hegney	Mr. Tonkin
Mr. W. Hegney	Mr. May
Mr. Jamieson	*(Teller.)*

Noes—25.

Mr. Bovell	Mr. Mann
Mr. Brand	Mr. W. A. Manning
Mr. Burt	Sir Ross McLarty
Mr. Cornell	Mr. Naider
Mr. Court	Mr. Nimmo
Mr. Craig	Mr. O'Connor
Mr. Crommelin	Mr. O'Neil
Mr. Grayden	Mr. Owen
Mr. Guthrie	Mr. Perkins
Mr. Hearman	Mr. Watts
Dr. Henn	Mr. Wild
Mr. Hutchinson	Mr. I. W. Manning
Mr. Lewis	*(Teller.)*

Majority against—2.

Amendment thus negatived.

Clause put and passed.

Clauses 209 to 216 put and passed.

Clause 217—Hawkers:

Mr. TOMS: On the last occasion on which a Local Government Bill was before Parliament, a great deal of discussion took place in regard to hawkers. Paragraphs (a), (b), (c), (d), and (e) of the clause explain what the term "hawker" does not include. If members read those paragraphs they will find they take in almost any traveller on the roads; and he could be classified within this part of the clause.

I am prepared to admit that clause 213 gives a local authority the power to make by-laws to prohibit, to license, and to do almost anything; but that clause is not as wide as the definition of "hawker." The policing of this section would be beyond any local authority, not only in regard to policing, but also in regard to prosecutions. It would cost a terrific amount of money for local authorities to provide sufficient inspectors to watch almost everybody who moved in their particular district. Therefore, the policing of this section would be out of the range of local authorities.

I hope the Minister will consider what I am saying, with a view to minimising the effect of these paragraphs. After having been associated with local government for just on 17 years, I know how difficult it is to police a lot of the by-laws. There is plenty of power in the present Act to make by-laws, but the policing of them and the obtaining of prosecutions is a different matter. The principles contained in this clause are far too wide.

Mr. JAMIESON: The honourable member who has just resumed his seat would know far more than I of the problems

associated with the making of by-laws regarding hawkers. Therefore, I think I would subscribe to his views. However, that is not why I rose to speak. I desire to draw the attention of the Minister to the wording of this definition of "hawker." The Minister would have us believe that this is an up-to-date Bill; but when one reads this particular clause one realises that it is couched in 17th century language.

Mr. Perkins: I can explain that.

Mr. JAMIESON: Surely the definition should include some form of motor transportation rather than refer to a person who, with or without any horse or other beast bearing or drawing burden, travels and trades, etc.

Mr. Perkins: The clause was taken out of another State Act.

Mr. JAMIESON: Irrespective of that, surely there is no Act of Parliament that would prevent the clause from being modernised. I object strongly to the retention of these antiquated definitions which, to my mind, are only there to assist legal people in earning additional money. I suggest to the Minister that this clause should be looked at again with a view to reframing it so that local authorities will have a clear picture as to what they can or cannot do in regard to the making of by-laws with respect to hawkers.

Mr. O'NEIL: I understand that paragraph (e) of subsection (1) previously read—

> Persons representing a manufacturer whose goods are sold direct to consumers only and not through the intermediary of shops.

For some reason the Crown Law Department has changed the words "intermediary of shops" to the word "retailers." A retailer is defined as being a person who sells direct to the consumer. Therefore, if we substitute that definition for the word "retailer" in the paragraph it will read as follows:—

> Persons representing a manufacturer whose goods are sold direct to consumers only and not to those who sell direct to consumers.

To say the least, that would be slightly confusing, and I would therefore like the Minister to give an assurance that when this Bill is in another place the wording will be altered to express what is desired; and that is that people who represent a manufacturer of articles which are not obtainable in a shop may be excluded from this definition of a hawker.

Mr. PERKINS: First of all, an explanation to the member for Beeloo. This particular word has been lifted out of the Hawkers and Pedlars Act; and of course it has the effect of overriding any other local government legislation. It has been thought desirable to use that rather old-fashioned wording. I agree with the honourable member that it is highly desirable that many of the old Acts should be brought up to date; and I know the Attorney-General is of the same mind. However, the amount of work involved is very considerable. It could have some advantages, no doubt, from the point of view of the member for Maylands, in that if the wording of the Act were used, and an offence created under the Act, the local authority could rely on that rather than have to police its own particular by-laws.

In regard to the point raised by the member for Canning, paragraph (e) is the only one which has not been lifted from the old Act. I think there has been some previous discussion about the wording of this paragraph, and there has been a change in the wording which seems to have caused some difficulties.

I understand that representations along the same lines have been made to the Minister for Local Government, as this definitely affects one particular firm. The Minister for Local Government informs me that he is having a careful look at the position, and it may be possible to effect some modification in another place.

Clause put and passed.

Clauses 218 to 222 put and passed.

Clause 223—Markets, fairs, etc.:

Mr. ROWBERRY: With regard to subparagraph (iv) of subclause 3 (a), it seems to me that private enterprise will be interfered with. Because there is a market for the wholesale sale of fish in a district, we can regulate to prevent the setting up of a market in an adjacent district. That will interfere very much with private enterprise which the Minister and his party always seek to encourage.

Mr. PERKINS: In reply to the member for Warren, I believe that this subparagraph will have application to the metropolitan area rather than to the country districts. It could be that a fish market is established in a certain place, and therefore it would be undesirable for another to be established nearby for various reasons. Also, the wording has not been altered from that in the old legislation; and apparently in the past it has not caused any trouble.

Clause put and passed.

Clauses 224 to 531 put and passed.

Clause 532—Land is ratable property:

Mr. CROMMELIN: Members will recollect that four years ago I introduced an amendment to a similar clause in an endeavour to obtain, on behalf of the Municipality of Claremont, some concessions from the Royal Agricultural Society in lieu of rates. My intention then was to have the society pay a percentage of the ground rents it received as recompense to the Claremont Municipal Council for the

work done by it. That Bill was lost; and in any case my amendment was defeated in the Legislative Council.

I take this opportunity of saying it was again my intention this year, as occasion presented itself, to seek to amend the clause in an endeavour to have some compensation paid to the Municipality of Claremont by the Royal Agricultural Society. But in consultation with the Minister for Local Government, he suggested that we perhaps have a conference in an endeavour to reach a solution.

It is with pleasure I report that such a meeting was held last Thursday in which five members of the Royal Agricultural Society attended upon three members of the Municipality of Claremont and agreement was reached on the spot by which the agricultural society agreed to pay the council, in lieu of rates, a sum amounting to 6 per cent. of the rents received by the society other than for show purposes. I want to take this opportunity to say how co-operative the agricultural society was; and to inform members that naturally there will be no amendment to the Bill so far as I am concerned, because agreement has been reached.

Clause put and passed.

Clause 533 put and passed.

Clause 534—Council bound to increase or reduce values in accordance with taxation values:

Sir ROSS McLARTY: This seems to me to take away from a local governing authority any right to strike its own valuations. As the marginal note says, the council is bound to increase or reduce values in accordance with taxation values; and I do not see much prospect of a reduction in taxation values under present conditions. I presume a right of appeal exists. I suppose the appeal would be made to the local authority despite the fact that the valuations had been made by the Taxation Department.

In making these valuations, not only would local government be affected but all land would be affected. The ratepayer would naturally appeal only if he considered his valuations were too high. I wonder what the effect would be with the Taxation Department. There could be some confusion; and I would like the Minister to clarify the position both in regard to the assessment from the council point of view and in regard to the values placed by the Taxation Department concerning taxation valuations.

Mr. PERKINS: I cannot quite understand the complaint of the member for Murray. This matter of valuations has been examined very closely by both the Local Government Association and the Road Boards Association. This is vital to local authorities. I have consulted both these bodies, and they are satisfied with this provision. So unless the member for Murray has some particular difficulty, I am at a loss to appreciate the point he is trying to make.

Sir Ross McLarty: The right of appeal still exists?

Mr. PERKINS: Yes.

Clause put and passed.

Clauses 535 to 634 put and passed.

Clause 635—Offices of auditors to continue on the coming into operation of this Act:

Mr. BRADY: Earlier I raised the question of auditors being appointed by the local authority. I felt this was a grave weakness, because these local authorities are handling hundreds of thousands of pounds of public money. I urge the Minister to consider the question of either auditors being appointed by ratepayers; or auditors being appointed by the Government. I was wondering whether the Minister has given consideration to this matter, or whether he is likely to ask for an alteration when the Bill is in another place.

Mr. PERKINS: I noted the remarks of the honourable member, and I did say something about them when replying to the second reading; but I recognise that this is a compromise. We have had varying systems in the past whereby there have been Government auditors for the road boards, and municipalities have appointed their own. They both see virtues in their own systems, and this is something of a compromise, so as to get the Act working. I do not think it can be suggested that any wrong will be done as a result of carrying on this system. However, I am prepared to agree with the hon. member that the system of Government auditors is, perhaps, the better one.

I mentioned this matter to the Minister for Local Government, and I also discussed it with representatives of the Local Government Association and the Road Board Association. All of the persons whom I have consulted have stressed the point that this is the best way to avoid undue friction at this point, and to get the new Act working. Subsequently it may be necessary to amend this section, but I hope the Committee will accept it as it is.

Mr. NULSEN: I feel rather strongly in regard to this matter. As mentioned by the member for Guildford-Midland, a lot of money is involved; and I think all the auditors should be Government auditors. Government auditors have had much experience in administration, which they understand much better than do outside auditors. Councils should be treated on the same basis as road boards. I think there has been a compromise here, and that councils can appoint a Government auditor if they so desire.

Mr. Perkins: I think some do.

Mr. NULSEN: I feel that greater assistance can be obtained from Government-trained auditors.

Clause put and passed.

Clause 636—Office of Government Inspector of Municipalities:

Mr. BRADY: I hope the Minister will let the Minister in another place know our feelings on this matter. We feel the Minister should usurp the power for the time being and appoint all auditors until the position settles down. As I said before, there is a grave weakness in this Bill. It seems wrong for this Parliament to pass a Bill in a form by which five or six men can virtually spend £50,000 to £100,000 in about 26 or 27 municipal councils, and be responsible only to themselves. The Minister should take some responsibility in regard to trying to ensure that Government inspectors are appointed as auditors.

Mr. PERKINS: I have already discussed this matter with the Minister for Local Government, and I will do so again in order to inform him of the opinions expressed by members in this Committee. In the interim period it is necessary to allow the old system to carry on; but I agree with what members on the other side have said. I am informed that it is necessary in the interests of peace and harmony to carry on with this compromise arrangement for the time being.

Clause put and passed.

Clauses 637 to 694 put and passed.

First to twenty-sixth schedules put and passed.

Title put and passed.

Report

Bill reported without amendment and the report adopted.

House adjourned at 11.5 p.m.

Legislative Council

Wednesday, the 28th September, 1960

CONTENTS

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

QUESTIONS ON NOTICE

SORGHUM ALMUM

Reason for Prohibition of Imports

1. The Hon. N. E. BAXTER asked the Minister for Local Government:

(1) Is it a fact that the Department of Agriculture has prohibited the importation of sorghum almum seed?

(2) If the answer to No. (1) is "Yes," is the reason for prohibition that this fodder is poisonous to stock?

(3) Does the department consider this plant may spread and become a noxious weed?

Use in Eastern States

(4) Is the Minister aware that this fodder is being used with great success in the Eastern States for the production of fat cattle to the extent of one beast to the acre per annum?

The Hon. L. A. LOGAN replied:

(1) No. It is intended that only Government certified seed of sorghum almum shall be sold in Western Australia.

(2) Answered by No. (1).

(3) The main reason for the restriction is to prevent the distribution of Johnson grass, the seed of