result the opposite of the old-fashioned warfare in which prices were cut. In this instance, prices are increased.

I myself always endeavour to buy the best article, but I have found that the best article is not necessarily that which is the most widely advertised. I quite agree with radio quiz programmes, which provide first-class entertainment; and I have no objection to the high salaries earned by those taking part, or by anybody else. I have never envied the pastoralists their big wool cheques. Those cheques are the result of world conditions over which none of us has much control. I do not think revaluation or the imposition of levies will arrest that trend. I think that perhaps the Federal Treasurer would very much appreciate voluntary pre-payments of taxation, which would withdraw millions of pounds from speculative circulation.

I can quite realise that L.C.L. members would be entirely in favour of radio advertising. It has paid and still pays dividends, and naturally they want to see as much advertising done as possible. However, I think that this form of expenditure can run wild and prove detrimental by leading to increased prices of goods to consumers and to trade warfare.

Hon. H. Hearn: Good honest competition!

Hon. H. C. STRICKLAND: It is honest competition, but it is unfair competition, because the man with the money can pay and the man without it cannot. That is like the Labour Party, which cannot afford to pay for advertising. It is a matter of the survival of the fittest or of might being right. I do not agree with that. I believe in free, fair competition. I support the motion.

On motion by Hon. G. Fraser, debate adjourned.

## BILL—PUBLIC TRUSTEE ACT AMENDMENT.

*Second Reading.*

**THE MINISTER FOR TRANSPORT** (Hon. C. H. Simpson—Midland) [6.5] in moving the second reading said: This is a very brief machinery Bill. Section 37 of the Public Trustee Act provides that all moneys ordered by a magistrate of a local court to be invested under the provisions of the Workers' Compensation Act shall be paid to the Public Trustee. In 1948, however, amendments to the Workers' Compensation Act removed the jurisdiction of local courts to hear and determine workers' compensation cases, and vested this jurisdiction in the Workers' Compensation Board, which was constituted under the amendments of 1948.

It is necessary, therefore, to amend also the Public Trustee Act by removing reference to magistrates of local courts and substituting the Workers' Compensation Board, or any court, tribunal or person delegated by the board. That is the sole purpose of the Bill but opportunity is also taken to adjust the numbers of several subsections and bring a reference to the Workers' Compensation Act, 1912-1939, up to date by substituting 1949 for 1939. I move—

That the Bill be now read a second time.

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

*House adjourned at 6.8 p.m.*

# Legislative Assembly.

Thursday, 21st September, 1950.

CONTENTS.



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

## QUESTIONS.

### PERTH TOWN HALL.

*As to Site of New Building.*

Mr. NEEDHAM asked the Premier:

(1) Will he inform the House if a site for a new Perth town hall has yet been determined?

(2) If not, will he give consideration to the recommendations made to the previous Government in relation to the choice of a site?

The PREMIER replied:

(1) Yes.

(2) Answered by (1).

## RAILWAYS.

*(a) As to Decline of Passenger Traffic, Midland-Perth.*

Mr. BRADY asked the Premier:

(1) Has the Government any policy to regain for the railways the considerable falling off in passenger journeys, e.g., in 1945 passenger journeys were 18,099,395; in 1949, 12,979,098?

(1) Is he aware that twice as many private buses are operating over the Midland-Guildford-Perth bus routes as compared with 1945?

(3) Is he aware—

(a) that only two trains, one at 8.11 a.m. and the other at 9.17 a.m., leave Midland for Perth, picking up at all stations, during the early part of each morning at a time which should be a peak period for workers and shoppers travelling to Perth;

(b) that during the same hours hundreds of passengers are transferred to Perth by private buses?

The PREMIER replied:

(1) The matter is under close examination.

(2) Exact figures are not readily available but the statement would be approximately correct.

(3) (a) There is also a business train leaving Midland Junction at 7.50 a.m. and in addition to the two trains mentioned on the question paper there is one at 8.21 a.m. which runs express for most of the journey and is well patronised by Midland Junction passengers.

(b) Yes.

*(b) As to Effect of Single Fare System.*

Mr. BRADY asked the Minister representing the Minister for Railways:

(1) Is he aware—

(a) that the railway patrons being charged 9d. single fare Midland to Perth, and vice versa on Sundays are being charged 4d. return over normal return fares;

(b) that the railway patrons visiting Royal Perth Hospital and Karrakatta Cemetery and similar venues are penalised under the single fare system;

(c) that the new system of charges will probably drive patrons to use private buses;

(d) that the single fare system will penalise families wishing to visit South Beach during summer months, e.g., the return fare second class to Midland for a man and wife, exclusive of children, will cost 6s. 4d. against the normal return fare of 4s. 8d.?

(2) Will he state the estimated savings in reducing station staffs on Sundays after allowing for extra staff employed as ticket collectors?

The MINISTER FOR EDUCATION replied:

(1) (a) Yes.

(b) Fares are uniform in the metropolitan area.

(c) No. Rail fares are still cheaper than bus fares.

(d) South Beach excursions will not be affected.

(2) £117 per Sunday.

## SUPERPHOSPHATE.

*As to Subsidy on Undelivered Orders.*

Mr. HEARMAN asked the Premier:

Is he in a position to make any statement respecting the payment of subsidy on superphosphate ordered for delivery prior to the announcement of the discontinuation of the subsidy, but undelivered at that date due to transport difficulties?

The PREMIER replied:

A reply has not yet been received from the Commonwealth Government to the representations made in connection with this matter.

## PASTORAL LEASES.

*As to Watering Points and Development.*

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

(1) As the long-range objective of the Government, as announced by him, is to ensure that one watering point is established for approximately every 28,000 acres of grazing land in the Kimberleys, does he intend to include in this plan the provision of water on properties of large landholders such as Vesteys and Bovril Estates?

(2) Is he of the opinion that large absentee owners should receive Government assistance in the provision of watering points?

(3) Will he give consideration to the amending of the Land Act, where requisite, to insist that areas held by large companies are properly developed and not held to the exclusion of more effective and satisfactory small landholders?

The PREMIER replied:

(1) As the long-range objective is to ensure one watering point for approximately every 28,000 acres of grazing land in the

Kimberleys, it is intended to apply the Government's scheme to all leasehold land in the Kimberleys.

(2) Answered by (1).

(3) In submitting its proposals to lessees the Government will emphasise the necessity of properly developing the areas occupied. If results obtained are not satisfactory, then consideration will be given to other measures.

## CIVIL DEFENCE.

*As to Need for Legislation.*

Hon. A. H. PANTON asked the Premier:

(1) Will it be necessary for the State Government to introduce legislation in regard to civil defence?

(2) If so, is it the intention of the Government to introduce such legislation this session?

The PREMIER replied:

(1) Legislation may be necessary.

(2) It is doubtful whether it will be introduced this session.

## MIGRATION.

*As to Arrivals, etc., and Average Cost.*

Hon. E. NULSEN asked the Minister for Immigration:

(1) How many migrants, including displaced persons, men, women and children, landed in Western Australia since the end of World War II?

(2) How many displaced persons landed?

(3) How many have returned to where they came from?

(4) How many were sent to the Eastern States?

(5) What is the average cost of each migrant landed in Western Australia or Australia?

The MINISTER replied:

(1) 23,570.

(2) 13,555.

(3) 485.

(4) 377.

(5) This information is not available.

## MEAT.

*As to Mr. Kelly's Report.*

Mr. McCULLOCH (without notice) asked the Premier:

Will he supply me with a copy of the report recently submitted by Mr. Kelly to the Government in connection with his investigations into the meat position in Western Australia?

The PREMIER replied:

The contents of Mr. Kelly's report were given to the Press, but I have no objection to the report being made available to the hon. member.

## BILL—HEALTH ACT AMENDMENT.

*Message.*

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

*Second Reading.*

**THE MINISTER FOR HEALTH** (Hon. A. F. G. Cardell-Oliver—Subiaco) [4.38] in moving the second reading said: If, after I have introduced the Bill, members may feel dissatisfied with what I have said, I am sure that when we get into the Committee stage I will be able to explain my remarks more fully. The Bill, which is a small one, is designed for the improvement of the health of the community, and at the same time to provide local authorities with the necessary powers, both financial and otherwise, to carry out the responsibilities imposed upon them by the Health Act.

In recent years great progress has been made in matters affecting the health of the community and members will agree, I think, that that progress has been very pronounced since the recent war. The public, generally, are more interested in health matters than they were prior to the war. As a consequence there have been amendments to the Health Act in the last few years, all influenced by developments and progress in health matters. The Bill, like its predecessors, is similarly influenced and I trust that it will receive the earnest consideration of members.

The first proposal in the Bill deals with the adjustment of boundaries of local health authorities. On the proclamation of the Health Act of 1911, all local governing bodies had not developed to the stage where it was considered desirable for them to be declared generally as local health authorities. All municipalities became local health authorities by enactment but road boards were in an entirely different position. The progressive development of the State and the consolidation of local government organisation, have now reached the stage where it becomes possible and desirable for all these bodies—150 in all—to function as local health authorities.

Shortly after the proclamation of the Health Act, it became obvious that some areas, or establishments, adjacent to municipalities, or lying within road districts which did not function as local health authorities, required to be supervised. Slaughterhouses supplying meat to townships under the control of municipalities and certain beach resorts are examples of establishments requiring control in the interests of public health. To effect the required supervision the establishments, or areas, concerned were annexed to the municipal health districts. All road boards now function as local health authorities and the proposal in the Bill is to bring the

control of those areas within the jurisdiction of the road boards concerned. By so doing, the anomalous position of divided control will be removed.

The next provision in the Bill concerns the rating powers of local health authorities. The revenue of these authorities is derived mainly from rates authorised by the Health Act and limits are set upon the rates which may be levied—these having been imposed as far back as 1911. Two rates are provided for, namely, a general health rate and a sanitary rate. The first provides the funds for administration and most other branches of health activity within the municipal or road district boundaries. All health rates must be levied according to the procedure set down in the Municipal Corporations Act or the Road Districts Act. They provide that in each area the local authority must supply estimates of the cost of proposed works. The rate which is then struck must be sufficient only to cover the estimated cost. It will therefore be seen that two controls are exercised; firstly, the limit set by the Health Act and, secondly, the provision that funds must not be collected in excess of requirements as provided for in the estimate.

I have already mentioned that these limits were imposed as far back as 1911 and it will be obvious to all members that there must be some need for revision. Costs have considerably increased since that date so that the powers of boards have been lessened to a point which interferes with the effective discharge of their responsibilities under the Health Act. The position in which boards find themselves, because of increased costs, has been discussed with the Commissioner of Public Health by representatives of many local bodies. There has been considerable discussion on the matter and inquiries have been undertaken by officers of the Public Health Department with the object of arriving at a reasonable figure to which the rates could be adjusted. These are provided for in the Bill in Clauses 4 and 5. The increases concerned have been arrived at after consultation with the Local Government Association which, as I have already indicated, is concerned about the depleted finances of the various local health authorities.

The next proposal in the Bill is most important and relates to the control of tuberculosis, a campaign for which has been embarked upon by the Commonwealth in co-operation with the States. Members are well aware of the substantial contribution made by this State to these control measures. A clinic has been established, staffed by specialists and here daily x-ray examinations of members of the community have taken place. If members will recall, I mentioned in the House the other day the extraordinary number of persons who have undergone examinations. The Bill includes a clause which goes a step further still in the control programme of the Government. It sets out that the Commissioner of Public Health may, by notice published in the "Government Gazette," require all persons over the age of 14 years, of any class or classes specified in the notice, to undergo x-ray examinations for tuberculosis at such times and places as are specified in the notice. All persons to whom the notice applies shall undergo the examination accordingly.

It further provides that the Commissioner shall cause a copy of the notice promulgated to be published once at least in not less than three newspapers circulating in the State and may, in addition, cause the contents of the notice to be made known to the public in such other manner as he considers desirable. The Bill then goes on to state that the provision shall not apply to a person or class in respect of which a notice is promulgated if that person is the holder of a certificate, signed by a medical practitioner by whom he has been professionally attended or by an approved medical officer, certifying that the person has, within a period of 12 months immediately preceding the date of the publication of the notice in the "Gazette," undergone an x-ray examination of his lungs; but the person shall, if required in writing so to do by the Commissioner, produce a certificate and the report of the radiologist by whom the examination was made.

These provisions are an important step in the planned control of tuberculosis. Perhaps members may remember that some time ago it was decided, at a meeting of Premiers and Ministers for Health in Canberra in 1948, that the inclusion of compulsory powers to x-ray all persons over the age of 14 years was an integral and necessary part of the agreement between the Commonwealth and the various State Governments.

Hon. E. Nulsen: Does that apply to aborigines?

The MINISTER FOR HEALTH: I believe it applies to all persons.

Hon. E. Nulsen: Natives as well?

The MINISTER FOR HEALTH: I would not care to be dogmatic about that. The department at present does endeavour to apply this precautionary measure to all natives. The States were asked to pass similar legislation to give effect to the Commonwealth Government's plan for the eventual elimination of tuberculosis. I might mention here that one State has undertaken to do this, and the other States are, I believe, also in process of doing so. The great financial support now available enables people to undergo the examination without any cause of fear for their future. All the States were asked to hold similar examinations. Should there be agreement on the provisions in the Bill the specially trained professional staff of the Public Health Department will be able to locate cases of

tuberculosis which have not been reported, and take measures for the treatment of the patients to ensure that they will not constitute a menace to other persons. It is quite probable that unsuspected cases will be discovered in their early stages, when with proper treatment, a complete cure would still be possible. Unsuspected cases which are contagious are a source of great danger to their contacts.

As a result of the examinations we have conducted in recent months, a large number of unsuspected cases have been discovered, and these have willingly submitted to treatment, which is, of course, to the benefit of the community. The danger to the community does not come so much from the known cases of the disease but from the unknown and unsuspected cases. It is not necessarily proposed to x-ray all persons over the age of 14 years. I want to make that quite clear. In the first instance, certain groups will be selected, such as food handlers, and those in close contact with children and the public generally.

Migrants who are entering the country and were not subject to x-ray examination prior to entry constitute another category coming within the scope of the Bill. Last Sunday I visited the Wooroloo Sanatorium and there I found 250 persons, one-fifth of whom were migrants who had recently come to this country and were suffering from tuberculosis. Apart from this, there were others who could not be accommodated and were in the Northam camp. It will be seen, therefore, how necessary it is, in view of the great numbers we are admitting to the State, to see that everybody undergoes this examination.

Mr. Styants: Are they not supposed to be x-rayed before coming out?

The MINISTER FOR HEALTH: Two-thirds were displaced persons; others were British, and they were all suffering from the disease, and, of course, we are footing the bill. Immigrants who are suffering from this contagious disease and come into contact with other people here, constitute a real danger to the community.

Mr. Styants: The Commonwealth Government says they are x-rayed before coming out.

The MINISTER FOR HEALTH: The British migrants are x-rayed, but I do not know about the others. I do know, however, that what I say is true; that is, that out of 250 patients, one-fifth of them were people who had recently come to the country. Some of them are in an advanced stage of the disease and are likely to remain at Wooroloo for a long time. One man, in fact, had one of his lungs removed, so that will give members some idea of the position.

Mr. Styants: It is a fine state of affairs that they should be brought out, without first being x-rayed.

The Minister for Lands: The British migrants are x-rayed.

The MINISTER FOR HEALTH: I will deal more fully in the Committee stage with tuberculosis because then I shall be able to assure members that not only is this country endeavouring to do all it can to secure immunity from this dread disease, but we and the Commonwealth have been most generous in allowing people to be treated without fear of want. Previously, many people would not be examined because they were afraid their wives and families would suffer, and that they might lose what small wages they received. I will show by figures later on that today there is no fear of their suffering any financial loss through submitting themselves to treatment.

The next proposal in the Bill deals with the supervision of the treatment of venereal disease. Where a person is known, or suspected, to be suffering from venereal disease, he may be required by the Commissioner of Public Health to submit to examination and treatment. If the person fails to comply with the request of the Commissioner, he may be committed to prison or other institution until the necessary treatment is completed. This applies to adults and minors alike. This is a point I wish to make. In the case of minors, such action probably would be rendered unnecessary if the parents could, and would, exercise control. At present, the Health Act forbids the Commissioner to inform the parents, thus leaving no alternative but to commit the child to an institution. In my opinion, that is wrong.

Mr. Styants: Would the term "he" include both genders?

The MINISTER FOR HEALTH: As the hon. member knows, in parliamentary parlance, it includes both. We have thrashed that point out before; in fact, ever since I have been in this House, there has always been somebody to raise it.

Hon. F. J. S. Wise: It is provided for in the Interpretation Act.

The MINISTER FOR HEALTH: It has been explained to me many times, but I have never been sure whether "he" embraces "she," or vice versa.

Hon. F. J. S. Wise: As a rule, "he" embraces "she"!

The MINISTER FOR HEALTH: The Bill embodies a clause providing for the repeal of an existing section of the Health Act which is in conflict with the agreement between the Commonwealth and the State for the payment of hospital benefits. The agreement provides that public hospitals to which it relates must not make any charge to patients occupying public ward beds.

Hon. A. H. Panton: That is the present agreement.

The MINISTER FOR HEALTH: It is. An infectious diseases hospital, however, is a public hospital for the purposes of the agreement, which allows the payment of 8s. 3d. per day per patient. This does not anywhere near cover the cost. The balance is charged to the local authority, in accordance with Section 321 of the Health Act, which under a further section, makes provision for the recovery of the amount from the patient. That is where this Bill is necessary. Such recovery constitutes a breach of the Hospitals Benefit Agreement. It is therefore proposed that the section be repealed to remove what is an existing anomaly.

Hon. A. H. Panton: It is not being made retrospective, is it?

The MINISTER FOR HEALTH: Another proposal empowers certain local authorities to make larger grants to infant health centres, hospitals, etc., where the local authority so desires. The Act at present limits the subsidy, which a local authority may pay, to 10 per cent. of the local authority's income. This limitation restricts certain authorities in their desire to provide assistance. Such assistance is entirely discretionary, and is not subject to the overriding control or direction of the Commissioner of Public Health. It is true that road boards and municipalities may subsidise infant health clinics from their respective funds; nevertheless, any authority which receives power to conduct an enterprise from an Act of Parliament should receive the power to finance from the same Act. Infant health centres and the like are unquestionably health activities, and consequently it is proposed to amend the Health Act in this respect. The proposal in the Bill will allow a local authority with an income of less than £1,000 to subsidise infant health clinics and the like up to £100 per year.

Another proposal empowers the Governor to make regulations in respect of matters regarding which a local authority is empowered to frame bylaws and to declare that such regulations shall apply in any or all districts or portions of districts throughout the State. Amendments to model bylaws framed by the Public Health Department are made with increasing frequency. There are 150 local authorities. Where an amendment to the bylaws is of general application, it requires the submission of 150 files to the Crown Solicitor for checking and the preparation of documents. These files are then submitted to Executive Council and 150 separate notices appear in the "Government Gazette." This is a most cumbersome and unnecessary procedure involving the time of highly paid officers. The same difficulty was experienced in adopting bylaws made under the Road Districts Act, but this has been overcome by amending that Act in a similar manner to that now proposed by this Bill.

In providing for this simple procedure, opportunity is also taken by the same clause to validate regulations passed in 1949 and 1950 dealing with caravans and camps and with Argentine ants. These regulations are necessary control measures, and recent advice by the Crown Law Department raises some doubt as to their validity. Those doubts will be removed by the proposal in the Bill. I think we are all most anxious to proceed with the control of Argentine ants, and I advise members to do what they can to ensure that this measure is passed. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

## BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

*Second Reading.*

**THE PREMIER** (Hon. D. R. McLarty—Murray) [5.5] in moving the second reading said: The intentions of this short Bill are—

> (a) to permit the appointment to permanent positions in a restricted class of temporary clerical officers whose services are satisfactory but whose educational standard does not qualify them for promotion to higher graded positions; and
>
> (b) to delete from the original Act reference to striking and unauthorised cessation of work on the part of civil servants.

Hon. A. H. Panton: They are getting good boys now!

The PREMIER: As the hon. member knows, this is an echo of the Civil Service strike that took place many years ago.

Hon. A. H. Panton: It got their leader into the Federal Parliament.

The PREMIER: Yes, it did. The Act as it stands, read in conjunction with the Public Service Act, 1904-1948, provides ample authority to enable the Public Service Commissioner to recommend, and the Governor-in-Council to approve, appointments of temporary officers to positions in the permanent establishment. Every such appointment, however, conveys the right of appeal to the Public Service Appeal Board, as constituted under the parent Act, against the classification of a position determined by the Public Service Commissioner; and, in the event of a successful appeal, the officer in occupation of the position becomes entitled to the higher classification and salary awarded by the Appeal Board.

Under the provisions of this Bill, the right of appeal will not be withdrawn, and the officers concerned, or the Civil Service Association, in the case of vacant positions, will still have access to the board. But if an appeal is successful, the position will become vacant and the officer, except during the period of acting in it,

will not receive the benefit of the higher classification and salary. This restriction will apply not only to temporary officers who may be appointed to the permanent staff, but also to officers who have been appointed, or who may be appointed in the future, to junior positions on the minimum qualification and subsequently fail to acquire the higher educational standard necessary to fit them for promotion out of the automatic range.

Hon. A. H. Panton: Is there any minimum time which they have to serve? I am talking about length of service.

The PREMIER: I think there is a period of seven years.

Hon. F. J. S. Wise: Some have been temporary all their lives.

The PREMIER: This Bill will rectify that. The minimum educational standard for the entry of junior clerks into the Public Service is a pass in five subjects, including English and Maths "A", in the University Junior examination, and the promotional standard is not less than three subjects, including English, in the Leaving examination or its equivalent. The junior standard will allow officers to proceed through the automatic range to a gross salary, on the present basic wage, of £559 at age 27, and the adoption of this range will also permit the appointment of temporary officers and their progress to the same salary rate on a years-of-service basis, irrespective of their educational standard. Progress by promotion beyond the salary rate of £559, however, will not be permitted in either case until such time as officers have acquired the higher educational qualifications or an equivalent standard acceptable to the Public Service Commissioner.

This restriction, while enabling officers in the clerical division to proceed to a reasonable salary rate for the lower class of Public Service clerical work, will preserve promotion to senior positions leading to the higher administrative ranges, to officers who have fitted themselves by suitable courses of study to accept responsibility. At the same time, and perhaps more importantly, it will permit temporary officers who have given long and satisfactory service the opportunity to obtain the security of a permanent position and the attendant privileges of superannuation and greater sick leave benefits which permanent officers enjoy.

The words in the long title of the Act and Section 15, which it is proposed to repeal, are echoes of the Civil Service strike of 1920. As the majority of civil servants were brought under the provisions of the Industrial Arbitration Act of 1935, it is considered that references to unauthorised stoppages of work in the Public Service Appeal Board Act have ceased to have any importance and are also repugnant as a continuing reproach affecting a loyal body of State employees. The objects of the Bill have been the subject of considerable discussion between the Public Service Commissioner and the executive of the Civil Service Association. Both parties are in agreement and feel that the passing of the proposed amendments will aid efficiency and contentment in the conduct of the Public Service. I received a deputation some time ago from the executive of the Civil Service Association which asked that these amendments should be made. I agreed that they should. I move—

That the Bill be now read a second time.

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

## BILL—PRICES CONTROL ACT AMENDMENT (CONTINUANCE).

*Message.*

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

*Second Reading.*

**THE ATTORNEY GENERAL** (Hon. A. V. R. Abbott—Mt. Lawley) [5.30] in moving the second reading said: This Bill is to continue the operation of the Prices Control Act for a further period of 12 months. The administration and control of prices is a most difficult and arduous task and one which no State Government would willingly undertake unless it was felt that, by doing so, matrial benefit would result to the community.

Hon. F. J. S. Wise: That is a new excuse! You sought the authority. You asked the people to give it to you.

The ATTORNEY GENERAL: When the States took over control, they realised that rising prices were inevitable. Wage pegging had ceased; many marginal increases were about to operate in various industries; the 40-hour week had been granted. Marginal increases were given to the metal trades in October, 1947.

Hon. J. B. Sleeman: Do not forget the increased freights in 1950.

The ATTORNEY GENERAL: Marginal increases were given to the sheet metal trade in December, 1947; to the furniture trade in March, 1948; to the clothing trade in April, 1948, and to the building trade in August, 1948. I have already quoted, but will quote again, a few of the percentage increases since 1947 as they have affected Government undertakings. In the engineering trade the increase in margins for skill since 1947 has been 53½ per cent.; in the building trade 61.4 per cent.; in the furniture trade—for cabinet makers—38 per cent.; for carters and truck drivers, 60 per cent.; for the timber industry 80 to 100 per cent. and for the printing office from 76 to 90 per cent.

I do not say that those marginal increases were not justified, but I do say that they are something that Prices Ministers have been obliged to deal with. The whole position is well stated by an authority who, in my opinion, is one of the highest in Australia and quite independent. I refer to Dr. Coombs, the Governor of the Commonwealth Bank. In his annual report for 1950, he stated, as reported in "The West Australian" of the 20th September, that part of the increase in prices was directly or indirectly attributable to higher prices for imports and exportable products, but that most of it appeared to have been due to the continued pressure of internal demand on domestic production operating largely through increased pressure for and willingness to grant wage increases.

When the States accepted the responsibility they were strongly of the opinion that a subsidy on wool for home consumption would be of tremendous assistance in stabilising the price structure. That assistance to the States was refused by the Commonwealth and, further, when the States tried to organise a stabilising scheme, in conjunction with the manufacturers of woven goods, by setting aside certain of their profits to iron out any unnecessary increases, the Commonwealth Government added to the difficulties by charging the fund with taxation and taking to itself a large sum of money. I say that the States have done a great deal to stabilise the prices structure of Australia, in face of tremendous odds.

Hon. J. B. Sleeman: You know that the States cannot control prices.

The ATTORNEY GENERAL: During the year six conferences of Prices Commissioners and Ministers were held. These discussions enabled uniformity of action to be achieved so that the principle of co-ordination between the States, which is so necessary, could be maintained. This was particularly so in the case of phases which have a major bearing on the Australian economy and which are considerably affected by oversea markets and which, in many cases, were subject to negotiation with the Commonwealth Government. As I have already stated, the price movement has been upwards, although in many cases the percentages and margins of manufacturers and distributors have been reduced materially.

Hon. J. T. Tonkin: When was that?

The ATTORNEY GENERAL: The principal causes of the upward trend are (a) the effect of wage increases during the 12 months to the 30th June, 1950; (b), the steep increase in the price of wool, followed by (c), the effect that high oversea prices has had on the home consumption price of many of our export products, and (d), the effect on our primary and secondary industries of high oversea prices of many of the commodities imported into Australia.

Hon. J. B. Sleeman: It is a good way to legalise profiteering.

The ATTORNEY GENERAL: In respect of foodstuffs and groceries that are under control, I will give a brief outline of price movements and the action taken during the year in relation to a number of items. In accordance with past practice a complete review of the bread industry was undertaken and resulted in approval being granted for an increase of ½d. per 2 lb. loaf, bringing the price to 8d., which represented an increase of 6.7 per cent. on the price obtaining as at the 30th June, 1949. At the increased figure the price is only 33 1/3rd per cent. higher than the pre-war cash price. In view of the heavy increase in production and delivery costs during the past 11 years, it can be said that the price of bread has been held at a reasonably low level and bread, as members will realise, is one of the most important items of diet.

As from the 3rd July last, the retail price of tea advanced by 7d. per lb. from 2s. 9d. to 3s. 4d. Of this 7d., one penny was approved on account of increased packing and handling costs and 6d. was the result of the Commonwealth Government's decision to maintain the subsidy on tea at a total amount rather than at so much per lb. of consumption. This meant, of course, that if consumption advanced, the amount of subsidy per lb. was correspondingly reduced —and that, in effect, is what happened. Following representations made by the Queensland Government on behalf of the sugar producers of Queensland and New South Wales, the retail price of sugar was advanced by ½d. per lb. throughout Australia as from the 12th November, 1949. That increase was necessary because of the added costs incurred by the industry. As a result of that increase, the price of golden syrup was also raised. I come now to jam.

Mr. J. Hegney: The price of jam has increased substantially. The workers cannot buy much of it now.

The ATTORNEY GENERAL: During the year the price of jam in Western Australia decreased.

Hon. J. T. Tonkin: The price of honey has not decreased.

The ATTORNEY GENERAL: During the year the retail price of potatoes increased from 7d. to 9d. per half stone. This was due to an increase to growers of £2 5s. per ton and a minor adjustment in wholesale margins. The increase for the 12 months ended the 30th June, 1950, was only 11.7 per cent. The growers have made representations for an increased price and a complete investigation of the cost of production is at present being undertaken.

Hon. J. B. Sleeman: The consumers want a say in it, also.

The ATTORNEY GENERAL: The increase of ½d. per lb. in the charge for onions was due to higher prices granted to growers on account of increased production costs.

Hon. F. J. S. Wise: It would be interesting if you would tell us where one could buy goods at these prices.

The ATTORNEY GENERAL: Onions are being bought in Egypt at the present time. Following applications made on an Australia-wide basis, the soap industry throughout the Commonwealth was granted increased prices during the period with which I am dealing. This was necessary because of increases in nearly all items of manufacturing costs. The new prices applied equally throughout Australia. Kerosene, like all petroleum products, is dealt with on an Australia-wide industry basis and an increase of 2½d. per gallon was granted as from the 6th February, 1950. The main reason for the increase was the effect of revaluation of dollar to sterling exchange.

Because of limited supplies during last spring and early summer, the usual winter shortage of meat was accentuated this year. That, plus the effect of the high price of wool, caused a grave shortage of supplies to the Midland Junction market and the meat trade generally. Cattle have been and still are in short supply, owing to scarcity of shipping to enable extra cattle to be brought from the north to augment supplies from the south, where a general shortage exists, although the Government did take advantage of all available shipping to bring south as many cattle on the hoof and as much frozen meat as possible.

At the beginning of this year the Government, anticipating a difficult situation, obtained 35,000 carcases of frozen mutton and lamb from the Eastern States. The policing of the control of meat prices has been extremely difficult. A large number of prosecutions have been taken and in a number of cases severe fines have been imposed. The department has had as many as 20 officers engaged on this work alone, and surprise visits have been made to centres outside the metropolitan area.

Mr. Graham: Those officers must have been going around with their eyes shut.

The ATTORNEY GENERAL: Many conferences have been held with the wholesalers and retailers, but no concrete suggestions, except cost plus schemes and decontrol, have been put forward by anybody. The Government brought Mr. Kelly, who is recognised as one of the most experienced men in the meat trade in the Commonwealth, to this State to conduct an inquiry. He is the man who advised the Commonwealth for many years in this regard, and members know the result of his inquiries here. The Government is making every effort to ensure that maximum supplies of meat will be available next year and during the winter period—

Hon. F. J. S. Wise: What do you think the result of the efforts will be?

The ATTORNEY GENERAL: —when it is expected that there will be a grave shortage of meat, not only in Western Australia, but also all over the Commonwealth. A departmental committee has been set up to advise the Government in connection with the quantites of meat to be acquired and the steps to be taken for that purpose.

Hon. J. T. Tonkin: Is this another meat advisory committee?

The Premier: We want some advice as to the quantities to be stored.

Hon. J. T. Tonkin: What is wrong with the old committee?

The ATTORNEY GENERAL: It has to be admitted that price control over meat must always remain extremely difficult, as long as the price is not controlled at the source, and although many schemes have been considered by this and every other Government in the Commonwealth, no workable scheme for price control at the source has been devised. With regard to clothing, garments, apparel and drapery, the percentage increase in the index figures for Perth for the period June quarter, 1949, to June quarter, 1950, was the lowest of any capital city.

Hon. A. H. Panton: They must be going naked in the Eastern States. It costs 19 guineas for a decent suit here.

The ATTORNEY GENERAL: The figures showing the percentage increase for the period just mentioned are as follows:—

| | Percentage Increase. |
|---|---|
| Perth .... .... .... | 11.7 |
| Sydney .... .... .... | 16.5 |
| Melbourne .... .... .... | 15.1 |
| Brisbane .... .... .... | 14.2 |
| Adelaide .... .... .... | 13.8 |
| Hobart .... .... .... | 15.9 |
| Average for six cities .... | 15.2 |

The increases which have occurred were occasioned by the following:—

1. Increases in the manufacturing costs of Australian goods, brought about principally by basic wage marginal increases and increased raw material costs, i.e., wool, rayon, cotton, etc.

2. The effect of the devaluation of the pound sterling to the dollar has increased the prices of—

(a) wool;

(b) imported yarns—cotton and rayon;

(c) imported piecegoods—cotton and rayon.

Although a constant review is made of trading margins, it is not possible to prevent the increased costs being reflected in consumer prices. I will now mention a few of the stabilisation schemes and I point out to the House that they have meant a considerable saving to the Australian public. Australia's price structure, as I have previously mentioned, has been seriously affected by the high prices oversea for essential commodities produced in Australia. These commodities fall into two broad categories—

1. Commodities having a two-price structure, the lower of which is the Australian consumer price and the other and higher, the export price, and

2. Commodities having a single price both for export sales and sales internally in Australia.

In the first group are the following major items: Meat, lead, zinc, butter, tallow, hides and leather, and wheat. Of these, some are the subject of planned marketing and pricing schemes, which may take various forms as follows:—

Butter and wheat: A subsidy is paid to the producer on all goods used in Australia for home consumption. The producer is guaranteed cost of production. All production in excess of home consumption needs is sold oversea at world parity.

Tallow, hides and leather: Pools operate.

Lead, zinc and meat: In these cases there is no organised marketing or pooling scheme, but the two-price structures operating on those commodities are obtained by purely prices legislation and, to some extent, the co-operation of some of the major producers.

In the second group are the following:—Wool, wool tops, and woollen and worsted yarns. The greatly increased price of wool must seriously affect the Australian price structure unless steps are taken by means of subsidies or some stabilisation scheme, such as exist in connection with some of the other commodities I have mentioned. That these schemes have been of material assistance to the Australian price structure is shown as follows:—

| | | £ | s. | d. |
|---|---|---|---|---|
| Lead: | Australian fixed price .... .... | 35 | 0 | 0 |
| | Oversea price .... | 140 | 0 | 0 |
| Zinc: | Australian fixed price .... .... | 40 | 0 | 0 |
| | Oversea price .... | 159 | 7 | 6 |

Mr. J. Hegney: Has lead gone up recently?

The ATTORNEY GENERAL: Yes, lead was formerly £35 a ton, but recently the price increased to £65. The oversea prices quoted above were those ruling, with the exception of lead, at the 29th August, 1950. The next item is tallow—

The present prices paid for Australian tallow by the U.K. Ministry of Food vary, according to grade, around £130 per ton f.o.b. The present prices for bulk products in capital cities are as follows:—

Inedible tallows from £27 to £36 per ton.

Edible tallows from £37 to £42 per ton.

Hon. J. B. Sleeman: Some people seem to be doing all right.

The ATTORNEY GENERAL: So it can be seen that the stabilisation which has been carried out by the States in conjunction with the Commonwealth, have meant the saving of enormous sums of money to the Australian public. Let us make a contrast with wool, where there has been no stabilisation scheme and, of course, no subsidy. The following prices which I will quote, relate to wool tops. They are—

| Type of | Wool Top. Price per lb. in pence as at the 30th June, 1938. | Percentage Increase as at 28th July, 1950. |
|---|---|---|
| 70 S Average | 44¼ | 224-406 |
| 64 S Super | 45½ | 226-400 |
| 60 S Average | 41 | 206-400 |

These figures are indicative of the whole range of wool tops prices and will be reflected in the higher yarn, piecegoods and clothing prices.

Mr. J. Hegney: We will not be able to buy a suit next year.

The ATTORNEY GENERAL: I propose now to give a few figures comparing the price trends in the most important commodities in the various States. The percentage increases of "C" series items between June, 1949, and June, 1950, are as follows:—

| Food and Groceries. | Percentage Increases. |
|---|---|
| Perth .... .... .... | 8.6 |
| Sydney .... .... .... | 9.7 |
| Melbourne .... .... .... | 10.8 |
| Brisbane .... .... .... | 6.9 |
| Adelaide .... .... .... | 9.3 |
| Hobart .... .... .... | 2.6 |
| Average for six cities .... | 9.5 |

Mr. J. Hegney: Hobart, what?

The ATTORNEY GENERAL: Two point six. That was extraordinarily low, but that city had rather a heavy increase in the previous quarter.

Hon. F. J. S. Wise: You do not think the Government had anything to do with it?

The ATTORNEY GENERAL: I do not know, but I do know that the prices control of the six States had a great deal to do with it. I have never claimed that this is a particular effort of an individual Government.

Hon. F. J. S. Wise: You would be ashamed if you did that, surely?

The ATTORNEY GENERAL: I am very proud of it and so is Mr. Finnan of New South Wales, as is also the Prices Minister in Tasmania.

Hon. F. J. S. Wise: I know what they think of it.

The ATTORNEY GENERAL: Yes, the hon. member knows they have done a good job. The following figures show the percentage increases for clothing between June, 1949, and June, 1950:—

| | Clothing Percentage Increases. |
|---|---|
| Perth .... .... .... | 11.7 |
| Sydney .... .... .... | 16.5 |
| Melbourne .... .... .... | 15.1 |
| Brisbane .... .... .... | 14.2 |
| Adelaide .... .... .... | 13.8 |
| Hobart .... .... .... | 15.9 |
| Average for six cities .... | 15.2 |

The figures for Miscellaneous Items and "C" Series—all items—for the same period are as follows:—

| | Miscellaneous Items. Percentage | "C" Series. Increase. |
|---|---|---|
| Perth .... .... | 5.6 | 7.9 |
| Sydney .... | 7.3 | 9.8 |
| Melbourne .... | 7.8 | 10.0 |
| Brisbane .... | 4.6 | 8.1 |
| Adelaide .... | 3.4 | 8.4 |
| Hobart .... | 2.7 | 6.3 |
| Average for six cities .... | 6.6 | 9.3 |

From the foregoing it will be noted that under each of the three headings for the period June, 1949, to June, 1950, the percentage increases in Western Australia were lower than the average of the six capital cities, and the total for the "C" series—all items—discloses the same result. The following table sets out the position:—

| | Food and Groceries Western Australia. Per cent. | Average Six Capital Cities. Per cent. |
|---|---|---|
| Food and Groceries .... | 8.6 | 9.5 |
| Clothing .... | 11.7 | 15.2 |
| Miscellaneous | 5.6 | 6.6 |
| "C" Series (All Items) .... | 7.9 | 9.3 |

I have quoted those figures to show the price trend in Western Australia and they bear out the contention that during the past 12 months the upward movement of prices was less in Western Australia than in any other State. All over Australia prices have taken an upward trend, but we, in this State, are below the average for the six cities and only one State, Tasmania, has had a better percentage. I would point out that there are some commodities which enter into the cost of living and which are controlled by boards other than the Prices Branch. For instance, the price of eggs is controlled by the Western Australian Egg Marketing Board.

Hon. J. T. Tonkin: Surely that is not correct?

The ATTORNEY GENERAL: Yes.

Hon. J. T. Tonkin: The Egg Marketing Board cannot fix the price of eggs if the Prices Branch does not agree.

The ATTORNEY GENERAL: I do not know whether it is merely coincidental, but the percentage increase during the same period is well above the average in the series to which it applies. The average for food and groceries in Western Australia for the period June 1949 to June, 1950 was 8.6, but during the same period the increase in milk was 20 per cent. and eggs, 12.5 per cent.

Mr. W. Hegney: Are you satisfied now that we cannot keep prices down?

The ATTORNEY GENERAL: I am satisfied we cannot, but I am equally satisfied that a reasonable balance can be maintained. Price checking has been consistently carried out during the year and a special section has been created to deal with this aspect of the work. A total of 9,126 checks were made during the 14 months' period from the 1st June, 1949, to the 31st July, 1950, or an average of 652 per month. This is a considerable increase on the previous 14 months from the 20th September, 1948, to the 30th November, 1949, when the figure was 6,818 or a monthly average of 487. Checking covers manufacturers, wholesalers and retailers, both in the metropolitan area and in country districts. Arising out of the checks, 912 charges were laid, covering 170 traders.

I should not like to end my remarks to the House without expressing my appreciation to the Prices Control Commissioner and to the Prices Branch for the unceasing efforts and good work carried out during the year. Whatever may be said about the Minister, the Commissioner and his staff have worked long hours and conscientiously to ensure that the people of this State receive all possible consideration in these very difficult times. I move—

That the Bill be now read a second time.

On motion by Hon. A. H. Panton, debate adjourned.

## BILL—PLANT DISEASES ACT AMENDMENT.

Received from the Council and read a first time.

## BILL—TRANSFER OF LAND ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 14th September.

**HON. F. J. S. WISE** (Gascoyne) [5.49]: This Bill of 74 clauses and some schedules is designed to do three things in the main, —to enable consolidation of 17 amendments, most of them minor, since the original legislation was passed in 1893; to correct some errors which experience has disclosed to be necessary, and to introduce only one or two new principles. I think it can be said that legislation dealing with matters pertaining to land laws, whether land tenure or methods adopted under the Transfer of Land Act, would be amongst the most important on the statute-book. After having made a very close examination, I would say that, in my humble view, the Bill is excellently drafted.

The measure has as its background the original Act introduced into the Legislative Council in 1874, which, in the main, was repealed when the Act of 1883 was introduced. This embodied most of the Victorian Act, which had followed the introduction in all the States of Bills based on the Torrens system of titles. I was sorry that the Minister did not take an opportunity to give a review of the history of the foundation of the Transfer of Land Acts in Australia. As the hon. gentleman knows, it is a most interesting study.

The Attorney General: Most interesting.

Hon. F. J. S. WISE: The measure introduced into the South Australian legislature in 1858 by Sir Robert Torrens made a contribution to the land laws of the world by giving an indefeasible title, as well as facilitating, simplifying and cheapening the transfer of land. During the war years, as a sort of spare time occupation perhaps, I had the honour and privilege, as chairman of the Rural Reconstruction Commission, to study such matters closely. I submit in all humility that the ninth report of that Commission, with its schedules dealing with land laws and tenures of all the States of Australia, is a basis for reference and is a work that will last for many years and, from a factual standpoint, will bear any examination.

The report contains a survey of the tenure systems obtaining in the various States of Australia. Although all of them are based on the Torrens system and are somewhat though not wholly uniform, it is unfortunate that the tenures prescribed under the land laws are not so. It is a great tribute to the man who evolved and presented the measure to the South Australian legislature over 90 years ago that his system, which provided for recompense to anyone who suffered hardship under it, should have, in all those years, involved that State in payments from the assurance fund of less than £5,000. An even further tribute could be paid to Torrens for his simplification of land transfer methods. New Zealand and all the Australian States quickly realised that Torrens had devised something which would contribute to land settlement in this sparsely populated continent.

The principles enunciated by Torrens were adopted by almost all the provinces of Canada and ultimately found their way into the land laws of the United States of America and were even copied into the Transfer of Land Act of England. It is a very striking tribute that an Australian, a member of the South Australian legislature at the time, should have been able so to revolutionise and simplify the methods of dealing in land.

I do not wish to occupy much time by giving references that may be found in reports accessible to every member, but paragraph 1902 of the ninth report of the Rural Reconstruction Commission aptly and amply sums up the position—

> The proper use of land and its preservation as a national asset require, in the interests of the State, that the nature of the title to the land shall be such that the holder can obtain an equity in the land and an expectation of secure possession; that the State shall have the power to impose restrictions and control which will ensure the proper use and preservation of the land, and power to exercise the right of resumption in the event of neglect.

I wish to elaborate that point, even to the degree that it may appear to be somewhat revolutionary, but there are certain people who have proved themselves not fit or capable or deserving of holding a title in land. Far too many people have an attitude towards land that is absolutely individualistic and, unfortunately, within Australia, we have had experience of individuals to whom land has been handed down through the centuries under land laws entitling them to far too generous treatment.

An excellent study of the Torrens titles system is to be found in the work of Donald Kerr. Some of the legal fraternity of Western Australia have contributed to a review of this subject, but it also contains the preamble given to the measure introduced by Torrens in 1858. The preamble clearly sets out the intention, as follows:—

> Whereas the inhabitants of the Province of South Australia are subjected to losses, heavy costs, and much perplexity, by reason that the laws relating to the transfer and encumbrance of freehold, and other interests in land are complex, cumbrous, and unsuited to the requirements of the said inhabitants, it is therefore expedient to amend the said laws.

Prior to that time, the old system of memorials obtained. That was a difficult system, because there was no title in the register. The transference of land was difficult because of the tracing back that one was forced to do through all sorts of documents to prove the validity of title and transfer. If members are interested in this subject, they will find in the work of Kerr a close analysis of Torrens's statements and writings prior and subsequent to his introduction of the Bill in 1858. The people who find in the handling of land dealings difficulties and something irksome associated with the practices insisted on, are, I think, considering the matter superficially because, under the Transfer of Land Act of 1893 of this State, there is not only clarity in verbiage but, with the exception of the amendments proposed in the present Bill, ample opportunity for almost every type of conveyance in land, or transference of land to take place and be properly registered by the endorsements of the original and duplicate documents in the register.

We are a fortunate people indeed when we compare the position in this State with that obtaining even in England, where persons occupy land to which they have no title, but to which no other person can prove a title or ownership. The attempt in this Bill, in some particulars, not only to clarify the position but to provide for the difficulties associated with the titles of other days is, I think, a splendid job on the part of the draftsman, whoever he may be. There are one or two principles in the Bill with which I do not agree, and I shall deal with them shortly. I think, however, it is important for us to realise that the transactions which are necessary, and which are at present provided for by our statutes, such as the going from place to place to get endorsements, and the provisions respecting the rights of mortgagees should be appreciated by people who wish for sanctity of contract, which is really expressed in the transfer of land system obtaining in Western Australia.

In the past, as Minister for Lands, I had a very close association with the transactions and difficulties that arose when the country was not as prosperous as it is today. At that time, the rights of second mortgagees had no place at all in law. Institutions, such as some of the Associated Banks, appeared to me to be pleased to push aside the second mortgagee, if it happened to be the Crown, in the case of the Agricultural Bank. Unsatisfied second mortgages which were not worth the paper they were written on, were treated in that way in the days when we had to contract land settlement and deal with marginal area securities. I am pleased to see in the Bill, however, an attempt to give second mortgagees—many of them private people or small concerns that are assisting lame dogs—a chance to realise, to their satisfaction, on the asset of the first mortgagee by taking it over, if they so desire. That is a distinct change in principle and, in my view, a very good one.

Mr. Totterdell: Did not that always apply?

Hon. F. J. S. WISE: No.

Hon. H. Shearn: There have been some very sad experiences in the past.

Hon. F. J. S. WISE: Some of them have been heartbreaking. Second mortgagees have no standing at law, so I strongly support the clause in the Bill dealing with that point. If we examine the parent Act closely to see how carefully it protects the rights of the individual, I think we will get the impression that the rights of the public are clearly safeguarded in the Transfer of Land Act, 1893. One of the features which obtain because of the Torrens system applying is that the title, which is in original and duplicate in the register kept by the Registrar, and to which all endorsements of the original are added, and must be added, before any dealing in the title can take effect, is very important in the framework of the original Act. The Registrar's functions and powers, which are considerable, are clearly set out.

It is a striking tribute to the system that through all these years the Registrars, in succession, have had no challenger in the courts over the actions which the statute has given them authority to undertake. The powers of the Registrar are very wide. The Bill contains a particular clause—I know you will not allow me to name it, Mr. Speaker—dealing with restrictive covenants, which has a dual purpose as designed in the Bill. It is to give an added authority, in the one part, to the Registrar, but in the second part—and I approve of the first authority—it gives to the people occupied in the administration of justice an authority with regard to courts and court action to which I do not subscribe.

One important part in the treatment of alterations to the original title, and those sections of the parent Act which apply to endorsements, is the fact that the principle of indefeasibility of title is kept sacrosanct. A title can never be challenged as an instrument. It is a document which has to be recognised as something tangible for the transfer, conveyance or mortgage of land, subject to the point that all endorsements must be submitted to the Registrar to be noted in his register. I refer to Chapter IX. of Kerr's "The Australian Lands Titles (Torrens) System," as follows:—

> General Statement as to the Principle of Indefeasibility of the Registered Title.
>
> One of the cardinal objectives of the Torrens System is to facilitate the proof of title to estates in land. It was of the very essence of the scheme

designed by Torrens that henceforward the mere presence of the document of title in the Register Book should prove such title to all the world and against all the world.

It is unchallengeable—

Therefore, every bona fide purchaser without notice can rely absolutely on the title appearing in the Register Book, and, on becoming registered in respect of such title, cannot be defeated in his purchase, notwithstanding whatsoever flaws there may have been in the title of his vendor.

That latter part is important in the acceptance by Australia, and all countries which adopted the Torrens system, of the unchallengeability of the title which is handed by the seller to the purchaser. The Minister knows much better than I do what occurred, from essentially legal angles, in the law courts of England and Australia because of the old types of memorials that led to endless litigation, and always without satisfaction. The principle in the parent Act of some provision for caveats, in which a specific part of the Act provides for all sorts of caveats that have, more commonly, Latin phrases attached to them, is also something which the Bill seeks in a minor degree to simplify. Although there is one clause, to which I shall refer when the Bill is in Committee, with which I do not agree on that point, I think, in general, the simplification is something to be applauded.

In dealing generally with the Bill, I would say that its introduction has been prompted obviously, as was strongly pointed out by the Minister, by the need and demand for consolidation. It is also required in order to bring up to date and within the law some of the practices which obtain in the Titles Office, and which I think should be authorised by law. In addition, it is needed to deal with a few of the errors and omissions that have occurred, and also one or two changes which may appear to be radical but which are important so far as the Transfer of Land Act is concerned. One important feature running through the whole Bill is the endeavour to simplify the procedure, both for the administration and the public alike.

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

Hon. F. J. S. WISE: There are several new principles, which I think are deserving of commendation, contained in the Bill. I refer particularly to that dealing with a section of the parent Act and which will, if the amendment becomes law, bring within the scope of the Act land alienated before 1875. I think it is a vital amendment, as it deals with the provision regarding tenants for life and will correct the position now existing. I know that provision has been challenged in the courts. In the references to which I looked there was at least one case where the court had decided against the application of a tenant for life being included under this law.

The Minister for Lands: That is correct.

Hon. F. J. S. WISE: Therefore this amendment will remedy a defect in the original legislation in that regard. The rigidity required in the form of application seems also to have been eased a lot, insofar as the submission of documents of proof is concerned. Another interesting provision—I suspect the Treasurer had a hand in it—is that which requires a stated value to be given under the application for transfer. In the present circumstances, if it cannot be a stated sum it need not be included, but this amendment requires —for the purposes of stamp duty, I take it —that a specific sum be mentioned in every case where a consideration has passed, for approval in the transfer of a title. The provision which seeks to prevent easements requiring a separate title is most important.

Under the law at present an easement, which can be a vital part of a property—whether urban or rural—can be on a separate title, possibly very much to the distress of the holder of the title of the parent block. The provision to prevent the small area controlling the larger, and to provide for the incorporating of the easement within the original title, is a sound one. If it becomes law it will be possible, where it is proved that an easement belongs to a property, for it to be incorporated in a new title and registered as such. The section of the parent Act dealing with easements covers many provisions, but this one is entirely new and where it can be proved that an easement is of no further use or has outlived its purpose—there were some in the early history of this State with regard to access and accessibility—it will be possible for it to be incorporated in the title, so that the smaller parcel as well as the larger will be contained in the one document in the register.

I was interested in the Minister's explanation with regard to those people who cannot obtain registered leases because—I take it—of the duration of three years not being a period that could be registered. I notice that in the appropriate clause the Minister is introducing a principle which will give a person who cannot obtain a registered lease the right of recognition in regard to the transfer of a title in which he is interested. The Bill contains several clauses that are simply for the purpose of legalising transactions that have been in common practice. They are most necessary, but can best be dealt with in Committee. There are other matters that are mainly consequential upon amendments to other statutes.

There is a new principle embodied in the clause that seeks to amend Section 128 of the parent Act. The Minister would be well advised to reconsider his opinion as to retaining in the Bill the latter portions of the clause which seeks to amend Section 129. The first portions deal with the approval of the Registrar of removal of restrictive covenants where all persons concerned are in agreement, in which case the actions of the Registrar are purely formal because the restrictive covenant and the title in the register can be so endorsed and the restrictive condition removed. But the third and subsequent portions of the clause could bring about unfair litigation against persons who should not be involved in law because of restrictive covenants.

It is all very well for the Minister to say, as he did in his introductory remarks, that the purpose of a restrictive covenant may alter according to a change in the complexion of a district. I know of a large area in Bassendean and another area in Mt. Lawley where restrictive covenant conditions apply. I submit that the authority which this clause gives to those people who wish to appeal could be very irksome, vexatious and costly to persons who take up such property in good faith and who could, if this provision becomes law, be involved in litigation to remove the restrictive conditions of the titles. I assume the Minister will say he wishes to make this law as consistent as possible with those of other States, but that would be a poor argument because, although the Torrens system applies in principle in all the other States, the verbiage and conditions and prescribed requirements of the law vary in the different States. It is no use seeking uniformity in one particular, or arguing that success in that regard would make for complete uniformity.

If the Minister can show the House that there are in this State instances which render this provision necessary at the present stage, my criticism will fall to the ground but, if he cannot do so, I submit there is no need for the provision and that, until cases arise requiring action that cannot be decided by the Registrar, this provision should be left out of the legislation. I am prepared to argue that when this Bill goes into Committee. Many other features are tidied up, particularly in regard to caveats which have expired, because there is no alternative for the action intended to be carried out. I propose to have a word or two to say on some of the provisions when the Bill reaches the Committee stage but I do not wish unduly to delay this Bill which, in the main, I think is very necessary and very well conceived.

**THE ATTORNEY GENERAL** (Hon. A V. R. Abbott—Mt. Lawley—in reply [7.41]: I was pleased to hear the Leade of the Opposition commend the draftin of this Bill because, in my opinion, toc it has been well compiled. A great dea of trouble was taken by the Commissione of Titles, who was mainly responsible fo the drafting. He worked in conjunctio with the Parliamentary Draftsman, an I think their joint efforts merit the prais that the Leader of the Opposition ha given. I do not intend to discuss now an of the principles mentioned by the Leade of the Opposition but will do so durin the Committee stage.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 12—agreed to.

Clause 13—Section 50 amended:

Hon. F. J. S. WISE: I would like th Minister to explain to us how, if a con sideration other than a cash considerati is to be used, such value can be state and assessed for stamp duty. I want t know, if the transfer is not for a sum tha can be stated as a cash consideration, ho can the consideration be stated and as sessed for stamp duty?

The ATTORNEY GENERAL: The ques tion of consideration is not only dealt wit in Section 50 of the parent Act but als in Section 82. There are many con siderations, other than money, and unde Section 82 it will be seen that provision made for stating a consideration which other than money. That may, or ma not be assessable. Where a transfer in cludes a consideration other than mone it is usual for the document to be lodge with the Commissioner of Stamps for ad judication. He goes into the facts an obtains such evidence as he requires b declaration or otherwise. Then he assesse any consideration which has to be pai by the purchaser.

Clause put and passed.

Clauses 14 and 15—agreed to.

Clause 16—Section 68 amended:

Hon. F. J. S. WISE: Is this to protec persons who cannot obtain a registere lease because of the duration of the leas being less than five years?

The ATTORNEY GENERAL: This is nc to protect the lessee but rather to protec the purchaser of land when there is a ten ant in occupation. Under the existing con ditions a purchaser takes over subject t all leases that have been made in respec of the land to be sold, irrespective c whether the lessee or the tenant has take any steps to notify the Registrar or ser any notification on the Registrar. In othe words, there might be a lease for 15 yea

which is not registered or otherwise noted on the title in any way. The purchaser might have considered that the lease was for only 10 years and then, after, completing his purchase, realised that it was for 15 years, although there was no method by which he could ascertain otherwise, except, of course, by inquiry. This clause seeks to require any lessee, holding a lease for not more than five years, to either register his lease or lodge his caveat. If he does not, he is not protected.

Hon. F. J. S. WISE: I think we are at cross-purposes. I think the first portion of this clause deals with a tenant who, prior to holding a registered lease and by the terms of it, cannot register it because it is for three years or less. The owner will have the right to endorse it as a registered lease in protection of his tenant.

The Attorney General: No, that is not necessary.

Hon. F. J. S. WISE: Then the meaning of the words which are to be added, "and to any prior unregistered lease or agreement for lease or for letting for a term not exceeding five years to a tenant in actual possession" is that Section 68 of the parent Act is amended to protect the rights of the tenant when an unregistered lease forms part of the property which is the subject of transfer.

The ATTORNEY GENERAL: No, that is not correct. The legal position is that a lease for less than three years cannot be registered at all but for a lease for three years and in excess of that period may be registered at the discretion of the tenant. In both instances the tenant is fully protected.

Hon. F. J. S. Wise: But this means that a tenant with an unregistered lease is protected.

The ATTORNEY GENERAL: Yes, and he always has been if in occupancy, but the trouble was that a purchaser had no means of ascertaining, other than by inquiry, the tenancies existing under the lease and he may have been deceived.

Hon. F. J. S. Wise: He was protected, although not endorsed.

The ATTORNEY GENERAL: Yes, and it was thought that the register should be as perfect as possible. It would be a little difficult to compel the registration of leases for five years because they may take the form of a tenancy of a room in a commercial building and a great deal of expense would be entailed if one had to register such a lease because to do so one must have an accurate description of the land concerned. It would mean the preparation of plans which have to be lodged at the Titles Office for description purposes. So the provision does not require the registration of the ordinary form of tenancy of a room in a commercial building or a flat because they are very seldom leased for more than five years. However, if the lease is for over five years and the tenant wants to be fully protected against an intending purchaser, then he must notify his title by registering a lease or caveat. It is felt that if a person has a lease for five years, a description of the land leased is warranted.

Clause put and passed.

Clauses 17 to 18—agreed to.

Clause 19—Section 80 repealed:

Hon. F. J. S. WISE: Would the Minister give some explanation why, under Section 80, the list of cancellations or rectifications is not now to be displayed?

The ATTORNEY GENERAL: This is purely an administrative matter.

Hon. F. J. S. Wise: I know, but it is avoiding publicity.

The ATTORNEY GENERAL: Yes, the note I have from the Commissioner of Titles says—

> Section 80 of the principal Act requires lists of certificates called in for cancellation or rectification and not brought in to be exhibited in the Office of Titles and advertised in the "Government Gazette" and in such newspapers as the Commissioner shall direct. Notice is always sent by post to the owner requesting the production of such a certificate, but the provisions of this section have not been observed for many years past. The section would seem to serve no useful purpose and it seems that the best course is to repeal it.

Hon. F. J. S. Wise: In practice, it is really redundant.

The ATTORNEY GENERAL: Yes, it has not been carried on for many years. It mostly occurs with resumptions. As the Leader of the Opposition knows, as soon as a resumption is gazetted, the legal estate passes to the Crown and then a duplicate certificate is called in. To put an owner to the expense of advertising in the "Government Gazette" is considered to be unnecessary.

Clause put and passed.

Clauses 20 to 33—agreed to.

Clause 34—Division IIIA., Sections 129A-129C added:

Hon. F. J. S. WISE: This deals particularly with restrictive covenants and I have made special reference to it. The first two suggested Sections—129A. and 129B—provide for the creation of a method of discharging restrictive covenants by the Registrar with certain provisos. Proposed new Section 129B gives to the Registrar authority to discharge the restrictive covenants provided that all those affected are agreeable. That is the only part of this clause with which I can agree.

The rest of it, which provides for the court to discharge or modify restrictive covenants, could impose extreme hardship on people who, in good faith, had purchased properties, even though, perhaps, they might not be very valuable. Because of the action of somebody who had a wide title and considerable interest in adjoining land, this provision could seriously embarrass, in a court action, some other owner with a restrictive title. I do not know whether such a case has yet arisen in Western Australia.

It does not suffice for the Minister to argue that because this is in accordance with the law in other States we should incorporate it in our own statute, because, as I have pointed out, the Transfer of Land Acts in all States are not synonomous. They have been varied according to the whim of Governments since the first Acts, based on the Torrens system, were passed. I would like the Minister to inform us whether such a case as I have mentioned has arisen in Western Australia because I can see the prospect of somebody seriously embarrassing other smaller interests because they desire to test and to challenge the restrictive conditions of a title before a court of law. This clause gives the right of application to a judge; it gives the right for costs to be levied against someone. I want to know against whom I would say that in such an appeal to the court, there will have to be one person adjudged to be the plaintiff or the person taking action and the other party certainly would be the defendant. Supposing a person takes a case and succeeds in relation to a big parcel of land, or a large number of blocks, in an area to which a restrictive covenant applies. Is that person to be subjected to a law suit against his own desire? Because the judge gives the endorsement to the applicant and approves it, is the person who is objecting to be the one to pay the costs? There is no provision in this clause to obviate such a position. Most unfair action could be taken under this clause under the guise of its removing in a proper way the restrictive nature of certain covenants. To test the feeling of the Committee and to get the whole matter clarified, I move an amendment—

> That proposed new Section 129C be struck out.

The ATTORNEY GENERAL: I think the whole clause must be considered in proper perspective. The restrictive type of covenant, which I shall use as an example, is the restriction on building a residence with a tile roof. That would prevent any other form of roof being placed on a house; it would prevent any church being erected in the area; it would prevent any school being erected in the area other than by resumption, which, of course, is a different thing altogether. Sometimes when estates are subdivided, the restrictive covenant is placed on every transfer and therefore binds the land not only in the hands of the transferee but of every transferee taking title from it.

Hon. F. J. S. Wise: Every subsequent purchaser.

The ATTORNEY GENERAL: It may go on for many years, and become obsolete.

Hon. F. J. S. Wise: Then the first part would apply, not the second.

The ATTORNEY GENERAL: It would apply if the consent of every owner could be obtained, and in a large estate on subdivision that might be impossible. Some of the owners might be infants; some might be trustees and others might be dead. Discretion is given to a court or a judge, which means that the judge in Chambers can deal with such an application. The grounds on which he can found his decision are covered by paragraph (a) of Clause 34. It has virtually to be abandoned or has to become absolutely impracticable, or be such that no reasonable harm could be done to anyone who is entitled to the benefit of the restriction. There are many cases of rights-of-way in the City of Perth where freehold still exists, and where the owner has been dead 50 or 60 years. The title could not be dealt with because it rests in him. Proof would have to be given of the registered owner and if the owner happened to be an infant, the necessary consent could not be given.

I direct the hon. member's attention to the provisions in paragraphs (a), (b) and (c) of the proposed new Subsection (1) from which he will see that the grounds upon which the judge must found his decision are modified and limited. I believe that no hardship would be imposed upon any person who wished to resist the abolition of a restrictive covenant. Further, the awarding of costs would be purely in the discretion of the judge. This would not be a matter of ordinary litigation where the principle is that the claimant has a right to costs. There would be no claimant in this case. A man would merely be asking the court to exercise a privilege in his favour. Unless there was no foundation whatever for the opposition there would be no possibility of costs being given against him. Under the Administration Act, an administrator has not permission to sell land except with the consent of all the beneficiaries or by leave of the court. There is an identical position.

Hon. F. J. S. Wise: No, this is vastly different.

The ATTORNEY GENERAL: A discretion is given to the court because it might be difficult or impossible to obtain the consent of all the beneficiaries. In such cases, the court invariably imposes costs against the estate. Any proceedings under this measure would be heard in Chambers

and the costs would not be great. The provision will furnish a great convenience. The provisions of the proposed new Subsection (5) apply to the whole of the principles embodied in the suggested new section.

Mr. BRADY: In regard to an area prescribed as a brick area and endorsed as such on the title deeds, would this provision give landowners a right to erect buildings of timber?

The ATTORNEY GENERAL: A brick area, in most cases, is declared by a municipality.

Mr. Brady: Not in all cases.

The ATTORNEY GENERAL: If there was a restrictive covenant against the erection of buildings other than of brick, these provisions would operate.

Hon. F. J. S. WISE: The analysis by the Attorney General is quite unsatisfactory with regard to the costs that may be imposed upon people by the application of the proposed new Section 129C. I am not at all perturbed by his directing attention to the proposed new Subsection (5) because the amendment to that provision, in the event of my amendment being agreed to, will be consequential. It is all very well to suggest that the court might award only moderate costs. I mentioned this alteration of principle to the Attorney General last evening, and he gave me permission to discuss the matter with the Commissioner of Titles. I told that officer my objection, and he said he had no knowledge of any case to which the proposed new subsection could apply. Surely that is the test! As regards paragraphs (a) and (b) of proposed new Subsection (1), common sense dictates that the authority proposed to be vested in the Registrar is a proper one and could mean the solution of troubles which, if not remedied, could become vexatious, but these matters may not necessarily be heard by a judge in Chambers; an alternative is provided.

The Attorney General: That applies right through the measure.

Hon. F. J. S. WISE: That is so, and I hope to secure the deletion of a certain provision later on because of the inclusion of that principle. Unless the Attorney General can show that it is necessary to embody this provision in the law, it should not be accepted. This portion of the measure has been lifted from the New South Wales statute.

The Attorney General: And that of Victoria.

Hon. F. J. S. WISE: There the circumstances are vastly different and perhaps litigation has taken place because of this principle. But I strongly urge the Minister to be a bit tolerant about this amendment, because I will divide the Committe on it.

The ATTORNEY GENERAL: I also discussed this with the Commissioner of Titles. He inserted this provision and fully approves of it. If he says there is no proceeding at the present moment to which this would apply, that may be so; but there are many estates in Western Australia in connection with which someone may want to use the provision. Take Mt. Lawley for instance.

Hon. F. J. S. Wise: I am a bit afraid of that. That is why I think the provision should be deleted.

The ATTORNEY GENERAL: It may be necessary in certain instances for it to apply there and it would be impossible to obtain the whole of the necessary consents.

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

| | |
|---|---|
| Ayes .... .... .... .... | 23 |
| Noes .... .... .... .... | 21 |
| Majority for .... .... | 2 |

Ayes.

| | |
|---|---|
| Mr. Brady | Mr. Needham |
| Mr. Coverley | Mr. Nulsen |
| Mr. Fox | Mr. Oliver |
| Mr. Graham | Mr. Panton |
| Mr. Guthrie | Mr. Read |
| Mr. Hawke | Mr. Rodoreda |
| Mr. J. Hegney | Mr. Shearn |
| Mr. W. Hegney | Mr. Sleeman |
| Mr. Hoar | Mr. Tonkin |
| Mr. Marshall | Mr. Wise |
| Mr. May | Mr. Kelly |
| Mr. McCulloch | *(Teller.)* |

Noes.

| | |
|---|---|
| Mr. Abbott | Mr. Manning |
| Mr. Ackland | Mr. McLarty |
| Mr. Brand | Mr. Nimmo |
| Mrs. Cardell-Oliver | Mr. North |
| Mr. Doney | Mr. Owen |
| Mr. Grayden | Mr. Thorn |
| Mr. Griffith | Mr. Totterdell |
| Mr. Hearman | Mr. Watts |
| Mr. Hill | Mr. Wild |
| Mr. Hutchinson | Mr. Bovell |
| Mr. Mann | *(Teller.)* |

Pairs.

| Ayes. | Noes. |
|---|---|
| Mr. Sewell | Mr. Yates |
| Mr. Styants | Mr. Nalder |

Amendment thus passed; the clause, as amended, agreed to.

Clauses 35 to 48—agreed to.

Clause 49—Section 185 amended:

Hon. F. J. S. WISE: An amendment in the spelling of a word in this clause will be necessary if the Attorney General insists on retaining the Latin verbiage. I think the member for Murchison should be interested in this matter. It is not "mutatis mutandis" but something which cannot be expressed in English as effectively as in Latin and I gather that the retention of the foreign words here is necessary. I have taken the trouble to look up a commercial dictionary and I find that in the Latin phrases in common usage those in this clause do not appear at all. They are in a list compiled by a former Chief Hansard Reporter of this House for the guidance of members—and a very valuable document it is. I would like to see it reprinted for many reasons. The words in the clause to which I am referring really mean "cause to be made"

and they apparently apply particularly to a writ of execution. So far as I am concerned, the phrase may remain in the Bill, but I would draw the Attorney General's attention to the fact that the letter "o" in the word "fiori" should be "e." I would therefore like to move that the letter "e" be substituted for the letter "o."

The CHAIRMAN: I think the Leader of the Opposition had better move to strike out the word "fiori" and substitute "fieri."

Hon. F. J. S. WISE: I move an amendment—

> That in line 2 of paragraph (a) the word "fiori" be struck out and the word "fieri" inserted in lieu.

The ATTORNEY GENERAL: With regard to the amendment—

Hon. F. J. S. Wise: You did not think I had read the Bill as carefully as that.

The ATTORNEY GENERAL: I knew the Leader of the Opposition would read it carefully. Fieri facias is the name given to a particular warrant.

Hon. A. R. G. Hawke: It sounds like a Chinese breakfast.

The ATTORNEY GENERAL: It is the actual name of the process.

Mr. Oliver: What is wrong with using the Australian language?

The ATTORNEY GENERAL: It would have to be translated, "you cause to be made." I do not think it would be appropriate to call a writ by the name "You cause to be made." How this occurred was that in the old days all processes of court were written in Latin and these were the first words that were used in this writ. The cause to be made was that there was caused to be made out of the goods and chattels of the defendant the sum needed to meet the writ. The Leader of the Opposition is quite right in his spelling.

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

Clauses 50 to 59—agreed to.

Clause 60—Section 212 amended:

Hon. F. J. S. WISE: This clause would admirably suit Mrs. Barlow. It gives an opportunity to any vexatious person to insist, in any dispute about a transfer of land, that the case be heard by a judge in court, and not in chambers. It could mean that a very humble person being challenged in connection with a land transaction could be subjected to a very costly court action by someone with means. I think the clause should be struck out, and I intend to vote against it. Not only could the litigation be vexatious and harsh, but costs again could come into it.

The ATTORNEY GENERAL: On this occasion I agree with the Leader of the Opposition.

Clause put and negatived.

Clauses 61 to 76, Schedule, Title—agreed to.

Bill reported with amendments.

## BILL—FAUNA PROTECTION.

*Second Reading.*

Debate resumed from the 19th September.

**HON. A. A. M. COVERLEY** (Kimberley) [8.38]: The Bill, as introduced by the Attorney General, was placed before the House in a very moderate way, leading us to believe that it was quite a simple one. But, having perused it, I suggest to members, particularly those representing country districts, that it is not quite as innocent as it might seem, and they should consider it carefully before being prepared to agree to it. It is a Bill to establish a board to control the fauna of Western Australia. It is a conglomeration of the various measures such as the Game Act, the Fisheries Act, the Vermin Act, the Whaling Act and the Zoological Gardens Act. I admit that the Bill is necessary and can be of some value to the State.

At the moment our fauna is controlled by the various Acts I have mentioned, the Fisheries and the Game Acts being the two principally concerned. This measure proposes to establish a new form of control by means of which the fauna of Western Australia and the trapping, sale, control and farming, etc. of fauna shall be brought under this legislation. Having perused the Bill I believe it is a measure that can best be dealt with in Committee. I will not oppose the second reading but I hope that when the clauses are dealt with the Minister will agree to many amendments. The measure contains provision for the appointment of a new committee, the chairman of which shall be termed the chief warden of fauna. There is also provision that the Governor —which, of course, means the Government—may appoint some person chief warden.

Provision is made in the Bill, that the Chief Inspector of Fisheries shall for the time being perform the duties of the chief warden of fauna. I object to the provision that the Governor-in-Council may appoint as chief warden some outside person. Parliament should not place the power contained in this measure in the hands of some person outside the Civil Service and outside the jurisdiction of Parliament. The proper person to perform the duties of chief warden of fauna would be the Chief Inspector of Fisheries, whoever he may be from time to time. I hope the Minister will agree to an amendment in that regard. The Bill makes provision for the appointment of a committee of five—to which I have taken no exception—but I do object to the chairman of the committee being the chief warden of fauna.

If the wording to which I object is amended, the clause will be satisfactory. The Bill also provides for the Minister to delegate all or any of the powers conferred upon him, with the exception of this power of delegation, to the chief warden of fauna or to any warden. I do not think that should be countenanced. The wording "any warden" is too wide and under the Bill could include any inspector of fisheries, police officer or forests officer. I take it such persons would be men of average commonsense, who would perform their duties as we would expect them to, but the wording also includes honorary wardens of fauna.

The Attorney General: This provision would not apply to them.

Hon. A. A. M. COVERLEY: It would, if the Minister delegated his power to them.

The Attorney General: That applies only to the warden.

Hon. A. A. M. COVERLEY: Then the rest of the wording is superfluous and should not be there. The words "or any warden" should not appear.

The Attorney General: But "warden" is defined.

Hon. A. A. M. COVERLEY: I know that, but the words to which I have referred should not appear because the Minister will have full right to delegate powers to the chief warden or members of the committee and such power of delegation should not apply to any warden, who could be an honorary warden.

The Attorney General: That is not correct.

Hon. A. A. M. COVERLEY: That is how I read the Bill. I would like the Minister when replying to the debate to explain the provision containing the words "where the exercise of the power is dependent upon the opinion, belief, satisfaction or other state of mind of the Minister in relation to any matter." For the life of me I cannot fathom that. I do not know what the state of mind of the Minister must have been when he agreed to that wording, because it does not make sense to me. The Bill also contains provision for licenses to be issued for the conducting of farms for the purpose of breeding or raising any kind of indigenous fauna or for the stocking of a farm or the taking of any kind of indigenous fauna. To the best of my knowledge there is no such thing as a license for that purpose today, although some such business is being carried on.

Some people are at present breeding birds in captivity, for instance. Are they to be provided with licenses, and what conditions will they have to comply with before being granted licenses? Surely we do not wish to bring under the law any person with a sizeable aviary who is breeding birds in captivity. At least we ought to know the intentions of the Government and to whom the authority is to be given to say who shall get a license to operate this type of business. In my opinion there is a very pernicious clause in the Bill. It states—

> The Minister may issue to a warden a certificate of authority authorising the warden to do all things which he is required or authorised to do by the provisions of this Act and the regulations, and all courts and persons acting judicially shall take judicial notice of the certificate and the authority conferred by it.

Then it goes on to say—

> A warden who is not a member of the Police Force and who finds a person committing an offence against this Act may, without warrant other than the provisions of this section—
>
> (a) detain the person until he can deliver that person into the custody of a member of the Police Force, or take the person into custody himself to be dealt with according to law.

Hon. J. B. Sleeman: How would you like a civilian taking away your weapon?

Hon. A. A. M. COVERLEY: It appears to me that if Parliament agrees to this particular clause then it is providing plenty of trouble from both sides. First and foremost, an officer of the Forests Department or an honorary protector appointed under this Act—

The Attorney General: Not an honorary protector. He cannot do it.

Hon. A. A. M. COVERLEY: Any officer of the Forests Department or officer of the Fisheries Department or any member of the Police Force comes under it. Any member of the Forests Department, who by virtue of this Bill, is a protector may be somewhere in the bush when he discovers a civilian—probably out for a day's picnic —with a very nice and valuable shotgun. That person might see a 'possum run up a tree and on the spur of the moment, take a shot and knock it over. The forestry officer might hear the shot and come over to see what is going on. If it is a closed season and he finds that the man has breached the law, he can say, "I am sorry but this is my authority and you must come with me to the police station."

When producing his authority the officer of the Forests Department would probably have only a bit of a ticket and he would need to be a cheeky sort of fellow to take a civilian to the police station and commandeer his shotgun. I think that if I were approached in that way my reaction would be to backfire. I would be inclined to say, "I do not intend to take any notice of your card. That means nothing to me and I do not even know there is such a thing as a Fauna Act in Western Australia." I will guarantee not one per cent. of the electors of any country member's district will know anything about this Bill when and if it becomes an Act. Very few

people will read it although they might notice in the paper that there was something said about a Fauna Act. However, they will forget all about it in the course of a few months. People will probably know the closed season on duck shooting and 'possum shooting because that has been in existence for some time. If people intend to have a shot at them, they will do it under smother.

Under this Bill, any schoolboy who climbs a tree and raids a parrot's nest can be charged. It is a dangerous provision to place in any Act of Parliament and personally I do not agree with it. No country member should be in favour of a provision such as this and I hope it will be strongly opposed when we reach the Committee stage. A few moments ago the Minister stated in an interjection that honorary wardens will not have this authority and power; but it is provided for in the Bill—that the powers and duties of an honorary warden shall be those prescribed by regulations. Therefore, the Attorney General is asking the House to give him a blank cheque. He states that no honorary warden will have these powers, but who knows what the regulations will contain? Regulations are usually gazetted after the House closes. Therefore they will be in force for probably six or eight months before we can object to them and, in the meantime, they carry the force of law.

Much inconvenience can be caused and much harm can be done and I warn newer members of this Chamber to realise what they are doing when they agree to legislation of this description. The Bill also makes provision that—

> No matter or thing done by the Minister, any member of the Committee, the Chief Warden of Fauna, a warden of fauna, an honorary warden,—

Yet the Minister just assured us that these people would not have too much power! The clause continues—

> —an officer, in good faith in or about the exercise or purported exercise of any of the powers conferred upon and exerciseable by those persons, shall subject them, or any of them, to any liability in respect thereof.

I do not know why they should be immune if they make mistakes or do silly things. They should not be immune from court action any more than other citizens of the community. The Bill also provides for a penalty of £50. I think that is rather severe in the case of a person who might forget to take out a license. Apart from whether the Minister and I agree on that particularly heavy penalty, the Bill goes further, and states—

> Where any fauna, weapon, instrument, illegal means or device, or thing, which is seized by a warden pursuant to the powers conferred upon him by this or any other Act, is involved in the commission of an offence against this Act or the regulations, it shall, on conviction of the offender—
>
> unless the court of petty sessions convicting the offender orders, in the particular circumstances of the case, which circumstances the court shall record, that the forfeiture be waived, by virtue of the provisions of this subsection, be forfeited to the Crown and shall, after the expiration of the time limited for appeal, be destroyed or otherwise dealt with in such manner as the Minister directs.

I want members representing country districts to take that into consideration. I also draw the attention of the member for Harvey to this, because he is one who is likely to find himself in plenty of trouble if this clause is agreed to.

I happen to know that in the Harvey district plenty of young fellows go out after wild pigs and other game during the week-end, and I doubt whether any one of them does not own at least a pea-rifle and I am sure that some of them are in possession of valuable shot-guns. They will not be aware of the provisions of this clause, and if they are unlucky enough to shoot ducks or other protected birds out of season, and are brought before the court—because naturally they will plead guilty when the copper who has copped them says, "Well, I have caught you in the act and you had better plead guilty, because if you deny it I will press for a heavy penalty"—and say, for instance, it fines them a fifth of the maximum penalty—a tenner—for shooting a few ducks, the offenders might think the penalty a bit heavy. Imagine their surprise, however, when they leave the court and say to the policeman, "What about our guns?" and he replies, "Oh, you cannot have them; they have been confiscated."

The Attorney General: That is only a court order.

Hon. A. A. M. COVERLEY: It is not. Unless the court waives the order in such a case the gun is confiscated by the Crown. No person, under such a charge, will bother to engage a solicitor to defend him, so if he does not apply to the magistrate to have the confiscation of the firearm waived, it means that he has lost it for all time. If the responsibility is left with the Minister, then the young fellow can go to the member for his district and say, "I pleaded guilty to this charge and have been fined a tenner, but I have lost a £75 shot-gun as well." The member can then say, "I will interview the Minister and see whether I can get your gun back." If he is a decent young fellow who has been caught by a tricky law, then I think even the Attorney General would agree to returning his gun.

Hon. A. H. Panton: Do not be too sure of that.

Hon. A. A. M. COVERLEY: I think he would; I think he would soften. That particular clause should not stand, because the penalty is too severe. I take it that the Minister when replying will tell us that all or most of these clauses are similar to the provisions in the Fisheries Act; but that does not matter, because that Act controls an entirely different phase. When an amateur or professional fisherman interferes with spawning areas, etc., it is vastly different from the position that arises when a person shoots ducks or 'possums, which are a nuisance to farmers and fruitgrowers.

The last objection I have to the Bill is the usual one against government by proclamation and regulation. All the license fees and other details are to be controlled by regulation. I consider that we should not go any further with respect to government by regulation. I think the fees, etc., should be stipulated in the Bill itself. There was a fiasco last session when I complained of government by regulation. I moved amendments to place the fees in the Bill itself but the Minister, with his brutal majority, defeated them with no sympathy or mercy and no indication of the milk of human kindness flowing through his veins.

Following that, what did we find? We found that on the eve of the general elections, one of the candidates belonging to the same party as the Attorney General discovered that fishermen were a bit sceptical about having to pay these fees, so he had a hurried deputation to the Minister, who wilted. He agreed that what I suggested should have been agreed to and the fees placed in the Act. This supporter was not even decent enough to keep the information to himself, because he published it in the Press, and he did not even have the courtesy to return to the fishermen and say, "I got the Minister to agree to your request, and I therefore hope that we can expect your vote." Instead, he published it to the whole world. On this occasion, I hope the Minister will include the specific fees in the Act, because, if he does not, he will be opposed at the next election. While I shall not vote against the second reading, I do hope and expect the Minister to introduce certain amendments to this Bill.

**HON. J. B. SLEEMAN** (Fremantle) [9.5]: Quite a few queries on this Bill have been raised by the member for Kimberley, and I shall be glad to hear the Minister reply to them. There is one thing I want to congratulate the Minister on, and that is that I am pleased to see the last of the old Act, because it contained that pernicious principle of placing the onus of proof on the accused. A couple of sections in the old Act, which is being repealed by this Bill, are about as bad as any I have ever seen. I therefore hope we will not see a recurrence of such clauses brought down in another measure. It is evident that Cabinet has seen the light and has agreed that there is no need to place the onus of proof on the accused. Under the old Act, a man in possession of a duck could be charged and taken to the court to prove that he did not have it in his possession for sale or barter. What a job that man would have to prove his case! I therefore again congratulate the Minister on not leaving the onus of proof on the accused under this Bill.

On motion by Mr. Kelly, debate adjourned.

## BILL—RESERVE FUNDS (LOCAL AUTHORITIES).

*Second Reading.*

Debate resumed from the 19th September.

**MR. ACKLAND** (Moore) [9.8]: Some of the local authorities in my electorate and, no doubt, those in other parts of the State, have been waiting for a considerable time for a measure similar to that which has been introduced by the Minister for Local Government. I must admit I am somewhat disappointed at the limited scope of the Bill, and although I intend to support the second reading, I am hoping that the Minister will agree to accept one amendment which I think will be of some use.

At present the measure provides for the establishment of a reserve fund, either from the sale of assets or from a percentage of the general rates. I admit that although the local authority can, without permission, make only 5 per cent. available, it can, by approaching the Minister and gaining his consent, have that percentage increased. But that is not sufficient. In my own electorate I know of three local authorities which would like to establish a fund to be expended at a later date. To give an instance: In the Moora Road Board district a ward was established during the depression period. At great sacrifice those concerned erected a hall which today is an eyesore but which was erected at the limit of their financial capacity at the time. Today the position has altered considerably. The people in that area are now reasonably financial and they are anxious to erect a building which would be a credit to the district and something of which they could be proud.

They know full well that they could not approach the Housing Commission with the object of asking for a permit to erect such a building. If they did, the Housing Commission would be thoroughly justified in turning them down, because while there are shortages of houses, schools and hospitals, a hall of the type I have in mind would not be warranted until the position improved. But today these people are reasonably financial. They are so anxious about the matter that they have requested

their road board to rate them and to use the proceeds of that rate as a reserve fund to be spent either five or 10 years hence, or at such other time when the building position has eased and they will be justified in erecting the building which they want.

Not only would that be an advantage to the people of the district, but it would be an advantage to the whole State, inasmuch as it would tie up a certain amount of money. It would take away that much spending money from the general public and from those people to whom I refer in this particular instance. It would have the effect of decreasing the tendency of inflation to that degree. Who knows what is going to happen in the next five, six or 10 years? By that time we might be in a period when money is short and when there is a surplus of labour over that which can be absorbed.

If local authorities were permitted to establish a fund during this time of prosperity, I believe it would be an assurance that, with the money collected in the intervening period it could provide labour and purchasing power for the materials which would be required for such a purpose. There are many other avenues which could be provided for under such a reserve fund as I have anticipated. It is my intention to ask the Minister when we come to the Committee stage to accept an amendment. I have not had the opportunity of having it put on the notice paper, and as it was only prepared at lunch time today I should like to give some indication if I am in order, of the wording of the proposal which it is my intention to move at the appropriate time.

Mr. SPEAKER: The hon. member can give the House an idea only of what the amendment is likely to be. He cannot read the whole of it.

Mr. ACKLAND: It is something along the lines I have suggested, and there would be provision in it whereby the board would have to fulfil the same conditions as they will have to observe under the Bill at present, inasmuch as they would require to have first a majority of the members of the board in order to seek an authorisation. Secondly, they would need to have the authority of the ratepayers of the district in which it was to be levied.

Hon. A. H. Panton: By referenda.

Mr. ACKLAND: I did not think of that. It would be along the lines applying to the other reserve fund for which provision has been made by the Minister.

Hon. E. Nulsen: What would your amendment achieve?

Mr. ACKLAND: My amendment would make it possible for a local authority to raise a fund, or to strike a special rate for the purpose, and I believe that the Bill as presented by the Minister, will not go sufficiently far to enable the people to do that. It is not every local authority in Western Australia that has assets which it wants to put on the market. There are local auhorities today that are rated up to the limit under the Act. There is nothing to stop these local authorities from making application to borrow money to be spent immediately, and I want to do it in reverse. I want to be able to strike a rate so that they can build up a fund in order to use the money when the time is most appropriate, that is, when they will not be in competition for labour and the short supply of material. I support the second reading.

**MR. MARSHALL** (Murchison) [9.18]: I desire to make one or two observations on this measure. Quite frankly, no local authority in my electorate would be able to take advantage of the provisions mentioned. When I next visit my electorate I propose to get the road boards there to combine in order to finance a member and send him to the rural areas to find out how it is that they are in such a financial position, and to see whether advantage could be taken of this provision. The local authorities in my district are hard pressed to finance their everyday requirements. To argue that they will be able to take a portion of their rates and create a general fund under this particular provision would be to suggest something which to them is practically impossible.

However, I do not propose to object to the passage of the measure at all. But it does seem strange to me that wherever we go, it does not matter to what part of the State it is, we find that our local authorities are usually short of funds, and are constantly appealing to the State and Commonwealth Governments for assistance to make roads and footpaths, and to perform those functions which they are empowered to perform under the original Act. I agree with the member for Northam, that there is a provision in this measure which I think will be quite unworkable. This can be better discussed, however, in the Committee's stages. We should endeavour to keep the Minister out of this measure and should trust the local authorities a little more than we do at present.

The Bill contains a provision setting out the procedure that a local authority must adopt in order to create funds of this sort. A local authority must first seek authorisation to create separate funds and, having done that, must do one of two things, namely, place the facts before a general meeting of ratepayers and seek their authority, or ignore the ratepayers and go direct to the Minister. That is a bad principle. Had the Bill proposed that both the ratepayers and the Minister should be consulted, the proposal would be workable.

Let us assume that a local authority decided to go to the Minister for authorisation to create these funds and he objected, as he could do, though I do not say he

would. The local authority could then call a general meeting of ratepayers and get their sanction, and thus the parties would be at loggerheads. That would lead to a stalemate. The Minister would naturally stick to his guns and, in defiance of the wishes of the ratepayers, would refuse authorisation. That is not the right way to handle this proposal.

These funds will have no relationship to any financial assistance that might be granted to a local authority by either the Commonwealth Government or the State Government. If reserve funds are created, the money will be obtained by deducting a small percentage from the revenue derived from the general rates. I have stated that this measure is not likely to apply to my electorate, because most of the local authorities there are hard pressed to finance their present needs, but the point arises that, if the ratepayers favour taking this action, why should the Minister intervene?

The Minister for Local Government: A local authority need not approach the Minister. First of all, it would seek the consent of the ratepayers.

Mr. MARSHALL: Suppose the local authority felt doubtful of the ratepayers' decision and went to the Minister, he would then be responsible for creating a disturbance between the local authority and its ratepayers.

The Minister for Local Government: No, the disturbance would be created amongst themselves.

Mr. MARSHALL: We can discuss that point further in Committee. I am very doubtful whether the amendment indicated by the member for Moore can be accepted; I believe it would have to be embodied in a separate measure. That, however, is a matter for the Chairman to decide. I support the second reading, but believe some amendment will be necessary in Committee.

**THE MINISTER FOR LOCAL GOVERNMENT** (Hon. V. Doney—Narrogin—in reply) [9.26]: I am grateful to the Deputy Leader of the Opposition for having spoken in terms of appreciation of the Bill, and I am glad that other speakers have seen no reason to raise any major objection. The member for Northam pointed out that I had omitted to state whether the associations that represent the local authorities had intimated their concurrence with the objects of the Bill. I have to admit that I do not know whether these bodies have stated their opinion. I know in a general way that, with all local government Bills, it is a comfort to the Minister handling the measures in the House to know that the provisions have the backing of those organisations. On this occasion, I did not consider it essential to have the views of the associations of municipalities and road boards canvassed since the provisions of the measure are in no way compulsory.

I took considerable pains to remove from the measure any suggestion of intention by the Minister to act in an overriding way where the normal privileges of local authorities were concerned. The member for Northam and the member for Mt. Marshall hazarded the thought that not many municipalities or road boards would avail themselves of the provisions of the Bill. I am not too sure on that point; only time will tell, but it is conceivable that in the earlier years of the operation of the measure particularly, there will not be very many. As the years pass, however, it is feasible to anticipate that an increasing number will take advantage of what the measure offers. It can be seen that not all the local governing authorities have for instance, electricity supplies, to sell, or any other major asset, and that would generally mean that there would not be a great deal of point in their setting up one or the other of the two reserve funds referred to.

Members who have spoken have raised the question as to why it needs to be optional on the part of a local authority to refer authorisations either to the ratepayers or to the Minister. The member for Northam asked why a board should be given the right to ignore the ratepayers and see the Minister instead. I said a little while ago that it was optional whether the ratepayers were consulted, or the Minister. Members will note that the first to be mentioned in the Bill are the ratepayers, the Minister taking second place.

Hon. A. R. G. Hawke: That is of no moment.

Mr. Marshall: It is modest of you to put yourself second, but it will be effective.

The MINISTER FOR LOCAL GOVERNMENT: I have not put myself second, but I have referred to what is in the Bill. That is the order in which the two appear there, and obviously it must be with the intention of implying to the board that its first attention should be directed to the ratepayers.

Hon. A. R. G. Hawke: That is not logical.

The MINISTER FOR LOCAL GOVERNMENT: Members will know from experience that on a great number of occasions when boards or municipalities have attempted to get a body of ratepayers together they have not been able to do so, or at any rate not in such numbers as would imply some sort of majority of the ratepayers concerned.

Hon. A. H. Panton: That seems to be a reason for a referendum.

Hon. A. R. G. Hawke: We will have to vote this out, I think.

The MINISTER FOR LOCAL GOVERNMENT: I am pointing out that should a local authority be unable, after re-

peated attempts, to secure a meeting of ratepayers, the Minister would certainly be quite a handy man to fall back on.

Hon. A. R. G. Hawke: A local authority need not legally approach its ratepayers at all.

The MINISTER FOR LOCAL GOVERNMENT: I might have something interesting to say on the opinion expressed by the member for Northam. I would remind him—I imagine he knows it already—that in the measure brought down by his own Government there is something comparable with what appears in this measure. I do not think that Bill was introduced during the time the member for Northam was Minister for Local Government, because it was back in 1942 when, if my memory serves me aright, Mr. Millington had that portfolio.

I do not think I shall offend against Standing Orders if I quote from that earlier measure—the Reserve Funds Act of 1942-1945—which deals with a position almost entirely comparable with the one we are discussing now. This, too, is a reserve funds Bill and a great deal of its phraseology and intention and so forth is based on what is to be found in the old legislation. I have searched for some intention on the part of the present Opposition to give to ratepayers this larger share of attention than it is alleged they are receiving in the present Bill. I will read the appropriate section of the 1942 legislation. It is as follows:—

> Notwithstanding anything to the contrary contained in the Local Government Act of a local authority, but subject as hereinafter provided,—

and this is the point I want noted—

> —the Governor may, on the recommendation of the Minister by Order in Council—

and there is no mention, incidentally, of ratepayers or anybody else in this—

> authorise any local authority to establish during the present war and to maintain a reserve fund for the purpose of accumulating therein any surplus of ordinary revenue of the local authority . . . .

There is no mention of referring to the ratepayers a very important matter of that kind, and precisely the same as that with which we are now dealing. They were not then thought of. I do not say that the Opposition has no right to change its mind. Apparently that is what it has done.

Mr. Marshall: We had reliable Ministers in those days. They were very trustworthy.

The MINISTER FOR LOCAL GOVERNMENT: That is quite the right rejoinder, if it is the best of which the hon. member can think. My friend will appreciate this, too. The proviso to the same section I have been reading states—

> Provided that authority to establish a reserve fund shall not be granted to a local authority under this section unless and until the Governor is satisfied that the accumulation of the surplus ordinary revenue of the local authority in a reserve fund for the purpose aforesaid is desirable and expedient in the interests of the local authority and also of the ratepayers of the local authority.

Here in this Bill the ratepayers are allowed all the opportunity they want to come along and control this situation in regard to all the authorisations mentioned in the Bill. But in the other legislation it is made very plain indeed that the Governor, which is to say the Minister in charge at the time, orders everything in the interests of the local authority and the ratepayers, the ratepayers themselves having nothing whatever to do with the matter.

Mr. Marshall: We have learned a lot since then.

The MINISTER FOR LOCAL GOVERNMENT: I think we either have or should have done—one or the other.

Question put and passed.

Bill read a second time.

*In Committee.*

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

Clauses 1 to 3—agreed to.

Clause 4—Authorisation:

Mr. STYANTS: I feel a bit concerned about the dual method which is proposed for obtaining authorisation to create these funds. The authorisation can be sought either by an appeal to the ratepayers or by an appeal to the Minister. I propose to move for the addition of a paragraph after paragraph (d) of Subclause (2) to provide that where authorisation has been sought from the ratepayers and has been refused, the decision of the ratepayers shall be final and no appeal shall be allowed to the Minister to override that decision. I intend to move an amendment as follows:—

> That a new paragraph be added as follows:—"(e) Should a local authority first seek the authorisation from its ratepayers, the decision given by the latter shall be final and no request to the Minister shall be allowed.

Hon. A. R. G. HAWKE: I want to deal with an earlier portion of this clause. I was not at all satisfied with the explanation given by the Minister when replying to the second reading debate. He said that a local authority would approach the ratepayers first to obtain the necessary authorisation. He based that opinion on the fact that the reference to ratepayers in the clause appears before that

relating to the Minister. I should think that, legally, the fact that the ratepayers happened to be mentioned in the clause before the Minister would not have any bearing whatsoever.

The Minister for Local Government: Legally you are quite right. I am prepared to admit that.

Hon. A. R. G. HAWKE: Then the contention put forward by the Minister regarding the rights which this clause would give to the ratepayers falls to the ground. As I read and understand the clause, it gives no rights to the ratepayers at all if a local authority for any reason decides to go direct to the Minister. The clause allows any such local authority to ignore its ratepayers completely in seeking the authorisation which would be necessary if it proposed to do certain things under this suggested legislation. There should be some very good reason why the clause is drafted as it is, and there must have been a good reason, surely, which moved the Government to agree to the clause as we find it.

What I wanted to know when I spoke on the second reading, and what I still want to know, is why the Bill proposes to allow a local authority to ignore its own ratepayers by going direct to the Minister to obtain the authorisation. In the event of the Bill becoming law, if a local authority does go direct to the Minister, without consulting its ratepayers, and the Minister gives a decision favourable to the local authority, that decision would stand, and no subsequent meeting of ratepayers could effect it. I am prepared to give further consideration to my attitude on this clause provided the Minister can give to the Committee at least one good reason why the clause was drafted as we find it.

If there is a sound reason why a local authority should go behind its ratepayers and obtain direct from the Minister the authorisation, I would be pleased to hear it so that I might know whether to move to amend the clause in the direction of deleting all reference to the Minister, thereby compelling local authorities to seek the authorisation from their own ratepayers, or whether I should be prepared to allow the clause to remain as it is worded at the moment.

The MINISTER FOR LOCAL GOVERNMENT: The hon. member knows from experience that frequently there is a deal of ill-feeling between members of a board and the ratepayers. I am not saying that is general, because it is not; but it happens with sufficient frequency to cause the Government to provide against it to what extent is possible. The member for Northam made the point that the placing of the ratepayers first had really put them in a subordinate position. I cannot see that.

Hon. A. R. G. Hawke: I did not argue that way at all.

The MINISTER FOR LOCAL GOVERNMENT: If I misunderstood the hon. member, I am sorry. We do, at any rate, give a choice. A road board, to some degree, must be master of its own destiny, and it certainly is entitled to make whatever decision it thinks best. If, for any reason, it considers the Minister to be a better risk—for want of a better term—than the ratepayers, then it should have a choice.

Mr. Marshall: In defiance of a general meeting of ratepayers?

The MINISTER FOR LOCAL GOVERNMENT: No, because a general meeting would not have made a decision. If the ratepayers had expressed themselves, that would be all right. I am not trying to prevent that. I give them every opportunity. I think a road board would be a trifle on the foolish side if it went to the Minister instead of the ratepayers. If, instead of going to its ratepayers, a road board went straight to the Minister I would immediatley ask myself, "What reason lies behind all this?", and that might easily be a factor in my giving a negative reply. There is no question of the local authority, having had an unfavourable decision from the ratepayers, appealing to the Minister in the hope of getting a better deal.

Hon. A. H. Panton: Sometimes a general meeting of ratepayers is no criterion. I have seen as few as six at a meeting in Perth.

The MINISTER FOR LOCAL GOVERNMENT: Sometimes very few turn up, and in those circumstances the view expressed by the meeting would not have the same value as would be the case when a large number attended. In no circumstances could a board appeal to the Minister after an unsatisfactory decision by the ratepayers.

Mr. STYANTS: The Minister has almost convinced me of the necessity for striking out any reference to an appeal to the Minister. He gave, as the reason why an appeal by a local authority for an authorisation should be made to the Minister, the fact that there might be antagonism between the ratepayers and members of the board. If that is the only reason, I think provision for reference to the Minister should be struck out. There are circumstances, where the ratepayers are spread over a vast and sparsely-populated area, in which it would be difficult to get a representative meeting of ratepayers, and if a local authority had to proceed by taking a ballot of ratepayers, that might prove costly. Once the ratepayers have given their decision, there should be no appeal against that.

The Minister for Local Government: There could not be.

Mr. STYANTS: In some circumstances it might be more satisfactory for the representatives of the ratepayers to make a direct appeal.

Mr. MARSHALL: I cannot follow the Minister's argument.

Hon. A. R. G. Hawke: Nor can I.

Mr. MARSHALL: He contends he is giving the general ratepayers opportunity of making a decision upon an application for authorisation, but he is doing nothing of the sort. The clause contains no provision that the local authority shall first consult its ratepayers.

The Minister for Local Government: I did not claim that there was such a provision.

Mr. MARSHALL: The Minister said he was giving the general ratepayers first preference, so to speak, but that is not the position.

The Minister for Local Government: Circumstances in which there was bad feeling between the board and the ratepayers would occur but rarely.

Mr. MARSHALL: This provision does not make it obligatory upon a local authority to consult the ratepayers. The board has the option of going direct to the Minister without giving the ratepayers any say at all, and that is why I favour the proposed amendment. I agree that in sparsely-populated areas it may be difficult to get a fair representation of the general ratepayers, and in that case it might be better to approach the Minister. I do not like the option about the approach being left to the local authority. During the second reading debate, I said the Minister would be well advised to keep out of this matter, though under certain circumstances it might be necessary for the local authority to appeal to him. The present wording is not acceptable.

Hon. A. R. G. HAWKE: The Minister's explanation is unsatisfactory. I understood his argument to favour the local authority having full power to decide the matter without consulting the ratepayers. I agree that members of the local authority would know more about such questions than would the ratepayers, in many instances, but at the moment we are not arguing whether or not local authorities should themselves have power to decide these authorisations. The question is whether a local authority, requiring an authorisation, should in the first place obtain the approval of its ratepayers, or whether it should be able to ignore them and go direct to the Minister. I still feel that there must have been some reason why the Government had this clause framed as it stands at present. The Premier might be able to explain to the Committee the reason for it.

If the Minister had said that it would be difficult in many areas to obtain representative meetings of ratepayers for the purpose of explaining to them why a particular authorisation was required, and therefore to meet the position of such road boards the right to approach the Minister as an alternative to calling a meeting of ratepayers was put in the Bill, that would carry some weight. However, that contention could apply logically only to road boards in country areas. It could not apply to any municipality in the State because all municipalities are confined to small areas and it would be easy for them to call meetings of their ratepayers to discuss proposals to grant authorisations under this proposed legislation.

The Minister for Local Government: Do you think that it is desirable that it should be done that way?

Hon. A. R. G. HAWKE: I think it should be done that way unless the Minister, the Premier or some other member of the Government can give us a good reason as to why this clause should be worded, and continue to be worded, as it is. It was suggested that a meeting of ratepayers called to discuss a question of granting an authorisation might not be very largely attended. That might be so but at least the ratepayers would have been given the right to attend.

The Minister for Local Government: What would be the value of their decision in a case of that kind? They are given the right to attend but they apparently do not exercise it. Yet, you say there is some virtue in that.

Hon. A. R. G. HAWKE: I do.

Hon. F. J. S. Wise: I would like to hear the Lord Mayor on the point.

Hon. A. R. G. HAWKE: I see considerable virtue in a local authority, especially a municipal council, giving its ratepayers the right to meet, discuss and decide a question of this type. If only 10 per cent. or five per cent. of the ratepayers turn out, they have had the opportunity to attend and should have the right to decide the matter from their point of view. I suggest that the Minister report progress to give special consideration to the question of whether the alternative method of obtaining authorisation as set out in the Bill should apply only to road boards, making it obligatory by law upon municipalities to call meetings of their ratepayers.

Mr. Marshall: That would not be acceptable to me.

Hon. A. R. G. HAWKE: That is offering the Minister a bare hope that something along those lines might be acceptable. However, the clause as it is worded requires further consideration and unless it is amended suitably I propose to vote against the portion which gives local authorities the opportunity to go behind their ratepayers for the purpose of obtaining an authorisation direct from the Minister.

The MINISTER FOR LOCAL GOVERNMENT: I am quite prepared to report progress to obtain an opinion and look into what members have stated. If I did what the member for Murchison suggested and made it obligatory upon local authorities to first of all refer the matter to their ratepayers, then the local authorities could not turn round and later refer the question to the Minister. They would lose the choice they now have under the Bill. It would leave many boards in a cleft stick. However, I am prepared to agree to progress being reported.

Mr. READ: I do not wish to report progress. I am not in favour of the amendment suggested by the member for Kalgoorlie and I intend to speak to the proposal as it appears in the Bill because I consider it would be most acceptable to both small and large local governing bodies. This gives them an alternative to build up a reserve for future use. The Act, as it stands, is such that revenue collected by any local authority must be spent in that year, otherwise it has to be returned. It cannot be reserved for expenditure at some future period and goes as a surplus towards reduction of rating in the next year. So it is lost for projects for which it was possibly earmarked.

If a local authority has a few thousand pounds surplus in one year and it desires to put that surplus away for some project in the next year, then it should be sufficient for that authority to be able to explain to the Minister and have the money put into a reserve fund. For two years running on the estimates of my particular ward I had £3,000 earmarked for a football oval. Owing to the shortage of galvanised iron piping that work could not be undertaken. That leaves a surplus of £3,000 at the end of that year, which goes towards relieving rates collectable. Therefore, that particular project is lost because it is considered desirable to keep to the estimates of that particular year. In an instance such as that, involving a few thousand pounds, it should be quite permissible for the Minister to authorise that amount being placed to the credit of a reserve fund.

Another proposition, costing £60,000 before the war, namely, the construction of an up-to-date swimming pool, was mooted and if that amount could not be spent in the particular year for which it was required then it should be placed in reserve for the future. That is the answer to those two alternatives. A small amount which does not entail much expenditure should be put into reserve at the discretion of the Minister and a sum of great magnitude should receive the sanction of the ratepayers before it is set aside. The Perth City Council is due to collect £60,000 from the sale of electricity and gas undertakings. That is a sum which we desire to put away in trust for expenditure in future years on a desirable project.

Progress reported.

## BILL—INSPECTION OF SCAFFOLDING ACT AMENDMENT.

*Second Reading.*

Debate resumed from the 19th September.

**MR. W. HEGNEY** (Mt. Hawthorn) [10.13]: Since the second reading was introduced by the Minister I have taken the opportunity to discuss the proposed amendments with representatives of the building trades organisations which, of course, are vitally interested in this Act and any amendment thereto. At present, as the Minister pointed out, the regulations which govern the erection of scaffolding are part and parcel of the Act and before any amendment to them can be effected it is necessary to amend the Act. However, government by regulation should be kept to a minimum.

It was pointed out by the Minister during his introductory speech, that it would be cumbersome to amend the regulations because it would mean introducing an amending Bill. The parent Act was passed in 1924—some 26 years ago—and since that time I think there have been only four occasions when amendments have been effected to the schedule embodied in the regulations. I have no objection to that. I took the opportunity of looking up the debate on the second reading of the parent Act which took place on the 21st August, 1924, and in the course of his remarks the then Minister for Works said, inter alia—

> Most of the provisions of the Bill will be left to regulation. It is impossible in an Act to lay down all the details regarding scaffolding. Permission is given for this to be done by regulation, as is done in other States. All details as to the size of scaffolding; of particulars as to gear and appliances; and all those things in connection with the erection of the gear will be dealt with by regulation. Authority is given to inspectors to enter upon all buildings being erected and penalties are prescribed for obstructing an official in the performance of his duties. The manner in which scaffolding will be set up will also be left to regulations.

Sir James Mitchell interjected at this stage by saying—

> You should not do too much by regulation.

The Minister for Works replied—

> This is done throughout the States by regulation except in South Australia, where the regulations have been embodied as a schedule to the Act.

So in 1924, the Parliament of Western Australia linked the ordinary set of regulations as a schedule embodied in the Act. I now come to the proposal in the Bill to repeal Section 27 of the parent Act which sets out the method by which regulations can be made. It is considered that before any amendment to the schedule of the regulations can be effected an amendment to the Act must be passed. The Minister, when introducing the Bill, mentioned that the Builders' Guild was a strong advocate of the amendments—I am not saying this in any critical manner but in an advisory way because amendments to the regulations are vital to the building trades workers—and I therefore think I am justified in mentioning that the executive of the building trades union might have been consulted by the particular Government officers concerned with this Bill. I think at least the past president of the Building Trades Executive and the secretary of the Builders Labourers' Union should have been asked for their opinion on the measure because it affects their members.

I am anxious to obtain a reasonable assurance from the Minister that, if the Bill is passed, the present schedule will be embodied in the new set of regulations. I will quote one instance for the benefit of the House because the principle needs explanation in view of the fact that there could be a conflict of opinion as to whether the present schedule would operate or the new regulations. I do not intend to read the whole of the proposals in the amending Bill. It is sufficient to say that the regulations enable the inspector, among other things, to direct where the brick blocking or casks are to be erected and the manner in which they may be used for any part of the scaffolding. The regulations may enable the inspector to do that, but in the present schedule, on page 15 of the Act, Regulation (6) sets out—

> If an entrance for carts and vehicles between standards is necessary, then the spacing of such standards shall not be more than 10 feet. Under no circumstances shall brick blocking or cement casks be used on or for any part of the scaffolding for a greater height than two feet six inches from the ground or on an internal boarded floor.

It will be seen that if that schedule is repealed and the last part of the clause is not inserted in the new regulations, where the use of brick blocking or cement casks is permitted a builder may proceed to introduce what I have just read as being prohibitory. This may cause argument between the builder and his workmen, because the latter would not be sure that the scaffolding would be safe. On the other hand, the builder may adopt the policy that he is going to carry on until he is prevented from doing so by an inspector. That is an example of what concerns the Building Trades Executive.

If the Act is amended, I do not know whether it will be practicable for the Minister to table a new set of regulations before the end of the session. If it is possible for him to do so, it will give members an opportunity to scrutinise the regulations and see if any of them should be disallowed. I am in favour of the general principles of the Bill and if I can get an assurance from the Minister that the provisions in the present schedule to the Bill will be included in the regulations where they are still applicable, I shall be content.

In order that there may be unanimity of opinion among those concerned, I suggest that the Building Trades Executive be consulted and taken into the confidence of the Minister and his officers before the regulations are introduced. The Builders' Guild might also be consulted, so that we may have a composite set of regulations which will be applicable to the industry and acceptable to the members of those bodies and the unions as well. I propose to support the Bill, and I hope the Minister will give an assurance that the members of the building trades unions will continue to be safeguarded in regard to these provisions.

**THE MINISTER FOR WORKS** (Hon. D. Brand—Greenough—in reply) [10.24]: I am glad to say that I am able to give the hon. member the assurance for which he has asked. I feel sure we all remember that in bringing this Bill before the House, and requesting amendments as we have done, our desire is to avoid the cumbersome methods of having to come back here on each occasion when a minor amendment is desired. In view of the fact that it is most important to have regulations and provisions that satisfy not only the Chief Inspector of Scaffolding who is responsible, but the workmen associated with the building trade, who are from time to time forced to use scaffolding or to work beneath it, I have no hestitation in giving my assurance that in the main the schedule now included in the parent Act will be the basis of the new regulations, and that before the regulations are laid on the Table of the House the interested parties will be interviewed in relation to them. I will do my best to have the regulations laid on the Table of the House before the end of the session.

Question put and passed.

Bill read a second time.

*In Committee.*

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

*House adjourned at 10.28 p.m.*