Legislative Council,

Tuesday, 4th October, 1932.

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

PAPERS—ELECTORAL, EAST PROVINCE OFFICE.

HON. H. J. YELLAND (East) [4.36] I move—

That all papers dealing with the transference of the office of Returning Officer for the East Province from Northam to Merredin be laid on the Table of the House.

The chief polling place for the East Province was formerly, I believe, at Kellerberrin, although nominations were always received at Northam and the poll declared there. During 1930 the electoral office was transferred to Merredin, but the reasons for the transference have never been made public. Merredin is situated to the far east of the Eastern Province, whereas the position of Northam is most central. I desire the papers to be laid on the Table of the House so that I may look through them and, if necessary, have the matter discussed fully.

The CHIEF SECRETARY (Hon. C. F. Baxter—East) [4.37]: I have no objection to the motion and will have the necessary papers assembled and laid on the Table.

Question put and passed.

BILL—CATTLE TRESPASS, FENCING, AND IMPOUNDING ACT AMENDMENT.

Recommittal.

On motion by Hon. V. Hamersley, Bill recommitted for the purpose of further considering Clause 2.

In Committee.

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

Clause 2—Amendment of Section 30 of the principal Act:

Hon. V. HAMERSLEY: I move an amendment—

That in line 7 of paragraph (b) after "standards" the words "or droppers" be inserted.

In seeking to define what is a sufficient fence, reference is made to posts, standards and binding wires. The omission of any mention of droppers is incomprehensible, because they are recognised as the greatest adjunct to fencing in sheep country. Sheep will readily go through wire strung between posts, but if droppers are used to keep the wires apart at the proper distance, the sheep are scared off because when they attempt to go through the fence, the droppers have the effect of making the wires spring back on the animal. Unless the amendment be agreed to, justices of the peace or magistrates may regard fences largely made up with droppers as not sufficient within the meaning of the Act.

The CHIEF SECRETARY: I have no objection to the amendment, although the inclusion of standards covers droppers as well. The object of the Bill is to tighten up the provisions of the Act to make them more explicit for the guidance of justices when dealing with cases that come before them. Even as the clause stands, it refers to binding wires, although I do not regard that as a satisfactory provision in connection with fencing.

Hon. E. ROSE: We cannot make the position too clear in setting out what constitutes a sufficient fence. I suggest a further amendment specifying that not less than three wires must be used in the construction of a sufficient fence.

Hon. J. J. HOLMES: The more we load the Bill, the more difficult we make it. We start off by giving justices an idea of what constitutes a sufficient fence, and then wind up by leaving the matter to the justices. Why not strike out the definition and leave the justices to decide what is a sufficient fence?

Hon. J. M. DREW: No limit is prescribed for the distance between posts.

The CHAIRMAN: I ask members to confine discussion to the amendment.

Hon. J. M. DREW: If every possible description of fence sufficient to resist great and small stock were included, the effect of the closing paragraph leaving the decision to the discretion of justices would be weakened.

The CHIEF SECRETARY: Section 30 of the Act is conflicting and contains no guide to justices.

The CHAIRMAN: The question before the Chair is the amendment.

Hon. J. NICHOLSON: Discussion might be facilitated if the wider question were considered.

The CHAIRMAN: A general discussion can take place after the amendment has been disposed of.

Hon. J. NICHOLSON: The inclusion of the words "or droppers" should be of assistance to justices.

Hon. H. J. YELLAND: It is generally accepted that a standard is driven into the ground, and thus is distinguished from a dropper.

The Chief Secretary: I have agreed to accept the amendment.

Amendment put and passed.

Hon. E. ROSE: I should like to see provision made stipulating not fewer than three wires.

Hon. J. M. DREW: I direct attention to the fact that the posts may be any distance apart, though straining posts must be provided at intervals of not more than 300 yards.

Hon. A. THOMSON: The intention of the clause is clear. It stipulates posts or standards not more than 12 feet from each other. I agree with Mr. Holmes that when we start to define what constitutes a sufficient fence, we are confronted with difficulties, but if that is so, there was no need to amend the existing Act. Justices are apt to be guided by a literal interpretation of the law

Hon. V. HAMERSLEY: I have a considerable mileage of fencing and not one of my fences conforms with the measure. I allow eight inches from the ground to the first wire, whereas the measure prescribes six inches. The stock will not go underneath. The six inches allowed by the Bill is wrong. The distance from the ground need not be as low as six inches.

The CHIEF SECRETARY: There has been a lot of trouble in the past, and that is what the department have had to guide them. What the department has put up is that the term "sufficient fence" shall be construed to mean any substantial fence reasonably deemed to be sufficient to resist the trespass of great and small stock, including sheep, but not including goats and pigs. If we set out to define all the fences that could be termed "sufficient fences," I do not know where we should end. It could not be done. What is proposed by the Bill will be a guide to the justice as to what "sufficient fence" means.

Hon. J. J. HOLMES: I am not concerned what the department may do, but I am concerned about what we should do. We should not make ourselves ridiculous in the eyes of the public. After declaring what "sufficient fence" shall be construed to mean, the clause goes on to set out in detail what is a sufficient fence, and it concludes by saying "and in every case where any dispute shall arise as to the sufficiency of any fence, the question shall be settled by the justices hearing the case." Ninety-nine per cent. of the fences erected are 8 inches from the ground, and sheep cannot go beneath the lowest wire. It is between the wires that they go through, if they go through at all. Mr. Hamersley might have a substantial 6-wire fence, but because the bottom wire is 8 inches from the ground, his fence will not comply with the provisions of the Act.

Hon. J. NICHOLSON: The discussion will be attended by some good, because the views expressed have served to show that there are some weaknesses in the clause. There is no requirement for the purpose of a "sufficient fence" for the posts or standards to be a certain distance apart. As the clause is drawn, I suggest that so long as you have a sufficient number of droppers or pieces of binding wire, at least 12 feet apart, with posts in the ground three chains or more apart, you will be complying with the definition of "sufficient fence."

Hon. A. Thomson: You would not like to keep your stock inside such a fence.

Hon. J. NICHOLSON: That is not the point. As the clause is drawn, the posts could be put in the ground 3 chains apart so long as you had droppers or binding wire

12 feet apart, irrespective entirely of the distance the posts might be apart. Suppose I had a fence answering the description set out, and some of my neighbour's stock got into my crop. My neighbour would naturally plead that he had a "sufficient fence" within the meaning of the Act, although his posts might be 3 chains or more apart, and the binding wire 12 feet apart. The magistrate would be bound to conclude that that was a "sufficient fence." My neighbour's sheep might have come into my paddock and eaten my crop, but I would have no remedy because the fence complied with the provisions of the Act. The question of defining a "sufficient fence" carefully and precisely makes it more difficult, even in a case such as that of Mr. Hamersley, who told us that his fences were 8 inches from the ground.

Hon. J. J. Holmes: And 99 per cent. of the fences are 8 inches from the ground.

Hon. J. NICHOLSON: The result will be that the magistrate will be guided by the precise words laid down in the Act, and he will determine whether the provisions of the Act have been complied with or not. It would be wise to insert some words in the clause providing that the posts or standards should not be more than so many feet apart, and then either the droppers or the barbed wire should not be a greater distance than 12 feet apart; that is, either from a post or from another dropper or wire. There has been a lot of confusion, and it has been the cause of frequent discussion before magistrates, and even before courts of appeal. The fuller the definition is made, the better will be the guide for the magistrate. Unless we define the distance, we shall make the position more difficult for the magistrates.

The Chief Secretary: What do you suggest?

Hon. J. NICHOLSON: The usual distance between posts is half a chain, and then the droppers are in between. The clause needs recasting, and I am glad Mr. Drew called attention to it.

The CHIEF SECRETARY: I will report progress and so give members an opportunity to go further into the question. At the same time I draw attention to Mr. Hamersley's statement that the bottom wire should be eight inches from the ground. Is that low enough to prevent stock from getting underneath it? There is a difference of opinion as to the distance posts should be apart.

Progress reported.

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

Received from the Assembly and read a first time.

BILL—HEALTH ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [5.19] in moving the second reading said: It appears to be generally agreed that all shades of opinion are indebted to the many people who are so earnestly interested in health matters as members of local boards of health, and it is pleasing to say, ministerially, that they have carried out their responsibilities in a commendable manner. It will be admitted also that the Act has been administered in a thoughtful and patient way by the officers of the Health Department, against whom little criticism has been levelled in the exercise of their powers. Consequently it can be assumed that the administration has been sympathetic and in accord with the public view that there should be no lessening of the requirements of the existing law. As, therefore, neither the persons acting in honorary civic capacities nor the department has failed, I am sure the House will give serious consideration and will not lightly dismiss the proposals now submitted as the result of the experiences of those concerned in the operation of the Act. Now that the Act is again before hon. members I am certain the spirit of hearty co-operation will, when the present measure has been dealt with, find the health officers possessed of the best health legislation possible. Many of the amendments in the Bill are of a minor character, but there are also some important clauses worthy of close inquiry. Mainly, the Bill is a copy of that submitted and approved in another place in 1928, but which reached here and was submitted to the House by Mr. Kitson too late in the session for the attention it deserved, and for that reason was dropped at the end of the session. The Bill has been picked up again at the point where it was dropped in 1928, and therefore the present Bill is really the same Bill, except for certain further amendments which have become

apparently necessary since 1928. The Bill is essentially one for Committee consideration, and when it is in that stage I shall explain anything required of me in respect to any of the clauses.

Dealing now only with the important aspects of the Bill, members will see, if they peruse Clause 2, that the first principal alteration relates to the definition of "infectious diseases." The definition in the existing legislation includes many diseases which are not now considered infectious in any part of the civilised world. The definition in the Bill is one that has been agreed to by the Central Health Council of Australia, who have asked that it be made uniform throughout the States. Unless all Parliaments adopt the new definition, the situation will be that in some States certain diseases will be officially infectious, and in other States not infectious. It is desirable to have uniformity so that statistics can be kept as to the advance or decrease of infectious diseases, and in order that reliable information may be available as to the methods of treatment and the results of treatment. Clause 3 proposes that where the boundaries of a road district are altered, then the altered boundaries shall apply to the health district. That alteration is desirable to avoid the circumlocution of separate action under the Health Act. The proposed amendment to Section 20 as set forth seems to be very necessary, and if it is approved of, the Minister will be able to direct if necessary that the members of a local board of health shall be elected instead of nominated, as at present. There is not a great number of local boards of health in the State, but for those that do exist no provision is made for any expression of opinion by the ratepayers as to the personnel of the board. The names of members are simply submitted by somebody and are gazetted. It may well happen that a local board of health is constituted as to its personnel in a manner not in accordance with the wishes of the ratepayers, but at present ratepayers have no right of election. As will be seen, the power to order an election will vest in the Minister, but it is not proposed to exercise it unless ratepayers so desire.

Another suggested provision which should be useful is the proposed new Section 20A, under which sanitary areas can be constituted. This power is intended to apply to small towns where the establishment of a local board of health would not be justified. The area under view would be controlled by a sanitary board having certain restricted powers and functions. A further provision is in regard to Section 29, which provides for local authorities joining together in the appointment of a health officer. To that section it is proposed to add the provision that the appointment made will have the effect of a continuing appointment, and that the salary and the proportions to be paid by the respective bodies may be varied from time to time, with the proviso that any appointment made by the commissioner shall be automatically terminated if the bodies concerned unanimously agree on some other joint appointment which could be approved by the commissioner under Section 27. Unless the suggested addition is made to the Act, then every time there is a variation in the salary of the inspector or an alteration in the terms of his appointment, difficulties will arise in that the commissioner might be compelled to proceed as if he were making a new appointment, and waste about two months in so doing, in order to bring about the variation in salary or terms of appointment.

The addition to Section 25 provides a simplified method of dealing with local health authorities who neglect to shoulder their responsibilities. The new subsection to Section 43 will enable local authorities to negotiate with their bankers for overdrafts on health accounts in expectation of revenue from rates, on similar lines to the overdrafts on various accounts arranged by local governing bodies. Another helpful provision is in connection with sewers. This will enable the local authorities to construct a sewer within any portion of their district, and to levy upon the rateable land situated within such portion of the district such rates as will cover the cost of the undertaking. A further provision to follow Section 59 gives the local authority power to compel the owner of premises to connect up with the sewerage system when such exists.

The new Section 81 deals with the provision of sanitary conveniences at places frequented by the public, and is a consolidation of Section 81 as amended in 1926. The consolidation contains slightly increased powers to cover certain places where the local authority has experienced some trouble in taking effective action for the provision of additional services to cope with

holiday and other traffic, as at present the word "house" as defined in the Act may not be sufficient in its embracing scope to cover a particular place under view.

Another alteration proposed is in regard to Section 81A, which provides for the provision of apparatus for the bacteriolytic treatment of sewage. At present that section has a proviso that the section shall not apply to any house not erected or commenced to be erected before the end of the year 1926. This proviso it is now proposed to delete and to insert a new one applying the provisions in the section to houses not erected—completed at a date to be fixed by the local authority and published in the Government Gazette. The new subsection to Section 93 will prevent nightsoil taken in the district of one local authority being deposited in the district of another local authority, except with the consent of the latter authority, or of the Commissioner. The proposed amendment to Section 115 is of interest, and provides that a local authority may make a bylaw for the provision of water for sanitation purposes by either of the methods set forth therein.

The new Section 118A appears in the Bill as the result of an amendment placed on the Notice Paper by Mr. Harris before the Bill was dropped in 1928. It provides for the cleaning up of any land from which a house or building has been removed. By the adoption of Section 123A, as proposed in the Bill, it will be possible for a medical officer of a local authority to order that any house or part of a house, or any furniture, goods, etc., therein shall be cleansed to the satisfaction of an inspector. In this connection it is sometimes found that although premises are not in such a condition of nuisance as to enable them to be dealt with under the sections relating to nuisances, they are nevertheless far from being in a cleanly state, and I have no doubt that some members have heard of such cases. Another instance of our indebtedness to Mr. Harris is in regard to the amendment proposed to Section 136, by which it will be necessary for boarding houses and lodging houses to be provided with sufficient bathrooms and ablutionary appliances, including plunge baths and heaters. A plunge bath is an essential for any bathroom, and nowadays chip heaters are cheap enough for any boarding or lodging house keeper. By the new paragraphs proposed to be added to Section 163 the local authorities will be able to make bylaws to prevent the storage for sale of verminous furniture, and bedding and clothing; also it will be possible to deal with verminous persons frequenting public places.

A distinctly new proposal is that contained in Sections 172A, B, and C, wherein it is suggested that a local authority may order the removal of a dairy in a residential area. This has been inserted at the request of the Perth City Council and of the Claremont Road Board. Its object is to enable a local authority to deal with complaints against the licensing of dairies in residential areas where, very often, great inconvenience is felt from nuisances, which sometimes arise even from well-conducted dairies. In the new Section 201A, it is desired to prohibit persons from advising the use of artificial food for infants under six months of age, without the permission of the Commissioner of Health, but the prohibition is not to apply to medical practitioners. In this respect it has been found that the good work of the infant health centres, of which Mr. Gray and other hon. members have a good knowledge, is being frequently nullified by the action of travellers and trade nurses employed by companies and firms purveying patent infant foods. Numerous instances have occurred where the mother has been advised to cease to feed her baby naturally and to rear it upon "so and so's" patent food. It is well known that the infant naturally fed has a greater chance of good health. There are, of course, a few cases in which the mother cannot rear her infant naturally, and there are a few cases where it is undesirable that she should attempt to do so, but even in those cases the advice of a skilled sister is available as to the best thing to be done. Under the new Section 272A, local authorities will be able to subsidise infant health centres and other schemes for the prevention of disease or preservation of health. In that regard most important work is now being carried on, and it is desired to give the local authority the legal power to contribute to the funds necessary for that work.

Hon. J. J. Holmes: Do you not make provision for advising male members of the community what they shall drink?

The CHIEF SECRETARY: We have not gone as far as that. At present local authorities are contributing to the funds of the Infant Health Association, but the existing section does not definitely provide that such may be done. A matter of interest to the nursing profession is the proposed amendment of Section 283, which deals with the examination of midwifery nurses seeking registration. At present candidates for registration must produce evidence of at least 12 months' training in midwifery at an approved institution, but where the candidate has had three years' general training in an approved institution as a nurse, it is only necessary for her to have 6 months' training in midwifery. After a consultation with the Midwives' Board and Matron Walsh, it is proposed to alter the existing periods of training to 18 months' training in midwifery for an untrained nurse, and to 9 months for a trained nurse. In this regard there is a movement almost everywhere to extend the period of training of maternity nurses, on the ground that the present periods are too short to obtain the results desired.

Another important feature dealt with is in regard to parents and guardians who neglect to have remedied any medical defects that have been discovered in children by the Medical Officer. Cases have come before the Department showing that parents have wilfully neglected to secure the necessary medical attention, with the result that the health of the child has been seriously endangered. New Section 292A provides that no proceedings shall be taken against any parent or guardian until a further examination has been made by the medical officer and a proper medical practitioner in consultation. That is a very essential provision, and a very wise one, in the interests of the children of the State.

In connection with new Section 292B, some difficulty has been experienced in having aboriginals medically examined, particularly those suspected of suffering from venereal disease. At present the Chief Protector has no power to order compulsory examination, and as some natives resent examination, and escape from the stations into the bush, trouble has been encountered in suppressing the disease. Unfortunately, the untreated natives spread the disease, and very often the afflicted natives are not secured until the disease has made considerable progress. For these reasons it is thought that all medical officers of health appointed under the Health Act should possess the power to examine natives found or kept in any place, and have them transferred, if necessary, to a place for treatment, particularly to Port Hedland, where Dr. Davis has achieved some wonderful results. In the exercise of this power, if it is granted, the medical officer of health will receive the usual allowances. I have not referred to several other amendments in the Bill, but shall do so if necessary when the Bill is in Committee. I move—

That the Bill be now read a second time.

On motion by Hon. V. Hamersley, debate adjourned.

BILL—GOVERNMENT FERRIES.

In Committee.

Resumed from 29th September; Hon. J. Cornell in the Chair; the Chief Secretary in charge of the Bill.

Clause 15—Receipts and expenditure:

The CHAIRMAN: Mr. Thomson has moved an amendment, to add a proviso as follows:—

Provided that the Commissioner may at the end of each financial year deduct from the moneys aforesaid such amount (not exceeding five per centum) as he shall deem it reasonable to deduct for depreciation of the assets and property used for the purposes of this Act, and such amount shall be paid to the Treasurer and used to reduce the liability on Capital Account of the Commissioner to the State Government in respect of Government Ferries.

Hon. A. THOMSON: My object in moving this amendment was to remove some of the anomalies that exist with regard to our State trading concerns. In the event of the s.s. "Perth" being destroyed by fire or laid aside through being worn out, and a new steamer being provided to take her place, interest on the capital outlay on the former steamer would go on for all time. If, however, the s.s. "Perth" were properly written down each year she might eventually be written off altogether, and would no longer stand as a charge against capital account. Nearly half a million pounds has been paid into Consolidated Revenue by the Fremantle Harbour Trust, and yet each year

a considerable amount is charged up to loan expenditure by that authority. This practice is unsound and should not be continued. The sooner we put the affairs of State on a proper financial basis, the better will it be for all. I want to provide for a genuine writing-down of assets so that they shall not for all time stand as a charge against capital account. The unfortunate result is that a large debt is accumulated for future generations to pay. This result the amendment seeks to prevent.

The CHAIRMAN: Where does the hon. member desire the proviso to be inserted?

Hon. A. THOMSON: At my consultation with Dr. Stow, it was agreed between us that the place for the insertion of the proviso was at the end of Subclause 2.

The CHIEF SECRETARY: I have no objection to the amendment.

Hon. J. M. DREW: The amendment, if desirable, should in my opinion be added to Subclause 1, since Subclause 2 refers to expenditure.

Hon. J. NICHOLSON: The insertion of the proviso at the end of Subclause 2 requires consideration. Mr. Thomson's object, the hon. member has explained, is that there should be set aside from moneys collected by way of fares, from actual revenue, the fund he wishes to have created. Perhaps Mr. Thomson would do well to confer again with Dr. Stow.

The CHAIRMAN: It is immaterial where the proviso is inserted.

Hon. J. NICHOLSON: I understand that.

Hon. H. SEDDON: How far is the amendment intended to go? Is it merely intended to provide for depreciation of existing assets, still leaving it open to the Government to provide out of Loan funds for further assets?

Hon. A. THOMSON: I am quite convinced that Dr. Stow considered that the insertion of the proviso would enable the Commissioner of Railways, on taking control of the ferries, to provide each year depreciation not exceeding 5 per cent. of the value of the assets. Assume that the Commissioner decided to allow 5 per cent. depreciation on the assumed full value of the assets, £10,000. Then £500 would be allowed annually for depreciation.

Member: That has been done.

Hon. A. THOMSON: But it is not provided for in existing legislation. If a new steamer or new machinery is required, and is provided out of Loan funds, the total capital value of the State ferries, at the end of the first year under the proposed arrangement, will be £9,500 plus the cost of the new steamer or the new machinery.

Amendment put and passed.

Hon. J. NICHOLSON: In the circumstances I suggest that progress be reported.

The CHIEF SECRETARY: The Bill can be recommitted if necessary

Clause, as amended, agreed to.

Title agreed to.

Bill reported with an amendment.

BILL—EAST PERTH CEMETERIES.

Second Reading.

Debate resumed from the 28th September.

HON. SIR EDWARD WITTENOOM (North) [5.58]: I have read the Bill, and have also read the Chief Secretary's introductory speech. To my mind this is an important measure, and I am pleased to know that it is hedged round by many safeguarding conditions as set out in the Minister's speech. For many years, from the foundation of this State, people connected with its development, from Governors downward, were buried in the East Perth cemetery. Their remains are there; their tombstones are there. Great deliberation is necessary when dealing with this matter in a manner consonant with its importance. Numerous important circumstances surround the subject. Hundreds of people who live in this State and were born here, have relatives buried at East Perth, and therefore feel the greatest respect for the cemetery. In my own case, seven persons belonging to my family are buried there. Unfortunately, funds have not been sufficiently forthcoming to keep the cemetery in good repair. I and a few others have subscribed towards the cost. Amongst those interred there I can instance three whom I may call heroes.

The PRESIDENT: Order! It is impossible to hear the hon. member owing to the conversation that is going on amongst members.

Hon. Sir EDWARD WITTENOOM: I regard those three men—Panter, Harding and

Goldwyer as heroes. They conducted the first expedition to Roebuck Bay, which is really Broome, with a view to opening up the pastoral industry. They took stock with them and traversed a most inhospitable region. Panter and Goldwyer belonged to the police force, and Harding, who was an uncle of mine, was the manager of the company interested in the operations. They travelled by the overland route down the De Grey and along the 90-Mile Beach. There were no inhabitants in that part of the State——

Hon. J. J. Holmes: Except the blacks.

Hon. Sir EDWARD WITTENOOM: Yes, I was about to mentioon the natives. On the second day out, all three were murdered at night in their camp. Another prominent and plucky Western Australian, Mr. Maitland Brown, undertook to travel north to find the bodies. He sailed north in a small schooner, arrived at the scene of the murders, had a fight with the blacks, recovered the remains and brought them to Perth, where they were buried in the East Perth Cemetery. If it were for those three heroes and some others alone, the cemetery should be treated with the greatest respect and great care should be taken of the area. I feel sure it will be, and I am doubly assured of that when I remember that the chairman of the Parks and Gardens Board is Mr. L. E. Shapcott. I am positive he will pay every attention to the cemetery and the considerations I have mentioned. I have looked at the parent Act, and I notice that the property will be vested in the board for the purposes outlined in that Act, so that it cannot be put to any other use. In the circumstances, I support the second reading of the Bill.

HON. V. HAMERSLEY (East) [6.3]: I feel somewhat fearful as to what may happen to the cemetery when it passes from the present control to that of the Parks and Gardens Board. I am reminded that when we passed legislation at an earlier stage and decided that there should be no more burials in the cemetery, I mentioned the position of those who had maae provision for the burial of their relatives there. Many had made provision in accordance with the ideas that they brought with them from the Old Country, and desired, in accordance with the traditions of their families, to be buried side by side with those who passed away before them. When those people left the Motherland, they said goodbye to all their friends, but they carried their family traditions with them. Those traditions should always be respected, and for that reason I appealed to the Leader of the House at that time not to allow any direct interference with the rights of those who had obtained a freehold title to lots for burial purposes. I pointed out that many people wished to be buried with their relatives in the cemetery, and for that reason we amended the measure by inserting provision that, except with the consent of the Governor, no further burials should take place in the cemetery. That Bill became law, and subsequently I lodged an appeal in accordance with the safeguarding clause we had inserted, but my application was refused. Others wished to be buried alongside those who had been buried there already, but these requests also met with refusals. In these days we are apt to over-ride and ignore the traditions dear to those who came from the Old Country, and, therefore, I am doubtful as to what will happen if we agree to the Bill before us. I hear that an application was made to one of the churches for the use of some of the ground for a parking area for cars, whose owners attend the adjacent racecourse. I feel that the area should be preserved for all time for the purpose for which it was originally set aside, and we must take care that nothing will be done to hurt the feelings of some of our oldest settlers by the utilisation of the ground for purposes such as I have indicated. Another suggestion was that the tombstones should be removed and placed around the cemetery to form a fence. That would be a very serious step to take.

Hon. J. Cornell: Hear, hear!

Hon. A. Thomson: It would be sacrilege.

Hon. V. HAMERSLEY: Many people think that would be a good idea and that the cemetery should be turned into an ordinary park.

Hon. Sir Edward Wittenoom: Most decidedly that would be sacrilege

Hon. V. HAMERSLEY: But these suggestions have been made and therefore I wonder if we are justified in passing the Bill. I prefer that the question should be further considered, and I shall vote against the second reading of the Bill.

HON. A. THOMSON (South-East) [6.8]: Mr. Hamersley has viewed the position somewhat pessimistically. I understand the cemetery is in a deplorable state of disrepair, and what is everyone's business is no one's business. The object of the Bill is to see that the property is properly cared for. If any hon. member has visited Hobart he will remember seeing an old cemetery that has been turned into a beautiful park, with spacious lawns and footpaths. Certain of the monuments have been preserved.

Hon. J. Nicholson: Were they put up against a wall?

Hon. A. THOMSON: In some instances they are in the centre of the ground. I was interested in my inspection of them. Perhaps Mr. Hamersley may be able to frame an amendment that we can consider when the Bill is in the Committee stage and so obviate the possibility of anything savouring of sacrilege. I do not think it is the intention either of the Government or the Parks and Gardens Board to permit anything like what he suggested. I support the second reading of the Bill because I believe the sole intention is to convert the old cemetery into a place of beauty, rather than to allow it to remain in its present deplorable state.

HON J. J. HOLMES (North) [6.10]: I support the second reading of the Bill, and I hope something will be done to remedy the present deplorable condition of the cemetery. I do not know that the Bill will get us very far in that direction by merely transferring control from one body to another. Funds will have to be provided by some means in order to put the cemetery into decent repair. Although many of the pioneers were buried there, the place has become most neglected and the dilapidated condition into which the cemetery has been allowed to drift does not reflect favourably upon us as a community. I should like to know from the Chief Secretary what provision will be made to place the cemetery in a proper state of repair. I do not altogether agree with Mr. Hamersley in his views. We could not reasonably continue to bury people in a cemetery situated practically in the city. The time had to come when we had to cease burials there, and I do not know that we did so at too early a stage. Some provision should be made to keep the area in order and to maintain it. I hope the Minister will indicate how it is proposed to undertake that work.

HON. J. CORNELL (South) [6.12]: The proposal embodied in the Bill is the only one that could stand investigation at the present moment. By transferring the control of the area to the Parks and Gardens Board we shall be assured that the area will be kept in repair. Sooner or later what has happened elsewhere must happen here. The land will be taken for special purposes, and that is inevitable. We are a small community but we will inevitably find ourselves confronted with the necessity to do what has been done in older countries. During the war, while I was in England, I went to one centre because my grandfather was born there. I inspected a cemetery that was over a hundred years old, and I found cattle grazing over the area. The same sight can be seen in various parts of Europe. We should be concerned as to whether the control of the area is better placed in the hands of the Parks and Gardens Board and whether the interests of the cemetery will be better safeguarded. I consider the change will be beneficial, and, within the limitations of financial considerations, the board will be able to preserve the area for the purposes indicated in the Act, from which they cannot depart.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East—in reply) [6.14]: I was astonished at the comments by Mr. Hamersley, and wondered whether he had really digested the contents of the Bill. The cemetery is not in a creditable condition to-day, and the Government desire to effect an alteration as soon as possible. The only way that can be done expeditiously is through the Parks and Gardens Board, who have some money at their disposal and can proceed with the work straight away. The Act prescribes the use to which the area can be put, and the Parks and Gardens Board will not depart from the provisions of that measure. Nothing could be done as suggested by Mr. Hamersley.

Hon. J. Cornell: Not until further legislation is passed.

The CHIEF SECRETARY: All other proposals have been rejected in favour of that which is embodied in the Bill.

Hon. J. J. Holmes: Will the Parks and Gardens Board be able to find the money?

The CHIEF SECRETARY: Yes, they have some money available now and they are able to proceed with the work straight away. I hope that in a few years' time the cemetery will be a credit to the city.

Question put and passed.

Bill read a second time.

Sitting suspended from 6.15 to 7.30 p.m.

In Committee.

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

Clause 1—agreed to.

Clause 2—Land revested in His Majesty:

Hon. V. HAMERSLEY: What funds have the State Gardens Board and what is the source of those funds?

The Chief Secretary: The board collect rents, etc., from various bodies.

Hon. J. J. HOLMES: Have the board power to collect from one lot of land and expend on other land? The only reason for handing the land over to the board is that they will improve its condition, but if they have no funds we shall not get any further. Self-respect compels us to improve the conditions at the East Perth Cemetery. Have the board power to raise funds to expend on the cemetery? Nowadays we tax everybody, but I do not know that we can tax the dead.

The CHIEF SECRETARY: I cannot say whence the money will come, but the intention is to put the cemetery into decent order. As funds are forthcoming, they will be utilised. No charge would be made against the religious organisations mentioned in the Bill. The Government would not have introduced the Bill unless some funds had been available with which to effect improvements.

Clause put and passed.

Clause 3—agreed to.

Schedule:

Hon. J. NICHOLSON: I move an amendment—

That in line 4 of the first column the figures and word "70 and" be struck out.

I understand there has been no burial on that block.

The CHIEF SECRETARY: I am afraid Mr. Nicholson has been wrongly informed. There are six headstones or slabs on lot 70, and it is probable there are many graves that cannot be located owing to the weeds.

Hon. J. NICHOLSON: I have been assured that this lot has not been used for burials. If the Minister will report progress, I will make further inquiries.

The CHIEF SECRETARY: I have quoted the effect of a report bearing to-day's date, by a reliable officer of the Lands Department. Much seems to be required to satisfy Mr. Nicholson, but I will report progress.

Progress reported.

BILL—BRANDS ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [7.41] in moving the second reading said: The purpose of the amendments to the Brands Act is to modernise and tighten up the Act and to remove as far as possible any avenues for fraud. As the result of experience and owing to the increase in stock breeding in this State and to meet the wishes of the Pastoralists' Association, the Royal Agricultural Society, and kindred bodies, it is considered advisable to provide for the proper working of flocks and herds by making the suggested amendments. The Act stipulates that fire brands shall be used for cattle and horses and, naturally, breeders of stud stock are reluctant to blemish such stock with a fire brand. Therefore an amendment is provided, permitting brands to be tattooed on the ear of such animals. This amendment will apply only to such stock as is registered for Herd Book reference. A new subsection is being included to deal with the branding of stud sheep. Under the Act a breeder can not legally mark his various grades of ewes and lambs, as the Act stipulates that no brand can be used unless registered. As it is necessary to have some system of flock reference, provision is made to allow the use of the figures one to nine, either as a woolbrand, firebrand or earmark, in addition to the registered brand. Applications have been received for permission to register marks for swine and goats. There is no provision for this in the present Act so that it has been decided to make available the same mark that is used for sheep, both

in position and restriction, so far as size of mark is concerned. To mark such stock will not be compulsory, but those wishing to do so will be enabled to register a mark, and it is considered that if marks are used at all, they should be registered. As tar and pitch are detrimental to wool, it has been decided to insert "branding oil" in lieu thereof. The provisions regarding size of brands and earmarks have also been more accurately defined. As the Act provides for the publication of a Brands Directory each year after the 31st of December, it has been decided that the provisions for notification in the "Government Gazette" of each brand, as registered, and a quarterly statement of brands registered or cancelled, are unnecessary, and those regulations will be deleted. In the course of years a considerable number of brands are registered, and it is proposed periodically to communicate with the registered owner of each brand to ascertain whether it is still in use. In the event of not receiving a reply or of being advised that brands are no longer in use, it is intended to cancel such brands and make them again available for registration. The Bill also provides penalties for cropping and mutilating sheep's ears, and to be in possession of such sheep will be made a punishable offence. The present Act provides a penalty for cropping and mutilating the ears of stock, but as this is very hard to prove, it is thought that making it an offence to have such sheep in one's possession will materially assist in the prevention of stealing stray stock. A further provision is made fixing an age limit to which unbranded stock may be held, and provision is also made by which mortgagees of stock can demand that the registered owner of such stock shall brand each and every head of stock which is then already four months old, and each and every head of stock which is not four months old, when it reaches that age. The existing Act does not enforce branding until stock are eighteen months old. This clause was inserted at the request of the Agricultural Bank. It has been found that clean skinned young heifers are being sold and it cannot be proved that they are bank property as there is no brand on them. The traffic is assuming alarming proportions and in order to prevent it the Act is being amended to ensure that all Agricultural Bank clients brand their stock as they reach the age of 4 months. A number of minor alterations —some consequent upon the foregoing amendments, have been made, and it is hoped that these amendments will help to tighten up the system of registration and branding, and so prevent much of the illicit dealing that is now so prevalent and will also assist owners of stud stock conveniently to grade their herds and flocks. I move—

That the Bill be now read a second time.

HON. J. J. HOLMES (North) [7.47]: The Bill is long overdue. I agree that it is necessary to bring the Brands Act up to date, but I hope it will not in any way interfere with existing brands which have been handed down from generation to generation. The cancellation of the brands referred to by the Minister will be quite all right provided that those who administer the Act will give ample notice to enable the stock owners in the far North to reply stating whether they wish to continue the brands or not. The time allowed should not be a few days, but a few months. Again, the branding of four months old stock is an impossibility. In the North the branding is done only once a year and it would be possible to use a hot frying pan to obliterate the first brand so that another might be substituted. The age of four months might apply to dairy stock in the south, but it could not be made to apply to a million acre holding in the North. In any case, these are matters that can be dealt with when the Bill is in Committee. I support the second reading.

On motion by Hon. E. Rose, debate adjourned

BILL—FRUIT CASES ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [7.50] in moving the second reading said: This is a short Bill to amend Section 8 of the Fruit Cases Act, 1919," to allow the use of second-hand fruit cases for the purpose of sending grapes for wine-making purposes to registered factories on the goldfields. The present Act prohibits the transport by rail of second-hand fruit cases with the object of preventing the spread of fruit diseases and pests from infected districts to other districts that may be free of such diseases or pests. During

recent years, however, a considerable demand for grapes for wine-making purposes has developed, and the cost of providing new cases for each consignment of grapes, which are sold at ton rates, has a tendency to restrict the trade. The amendment proposes that where grapes are consigned by rail to the owner of a registered factory east of No. 1 rabbit-proof fence, the consignor shall be allowed to use second-hand cases. Owing to the cost of railage there is very little chance of such cases being returned from the goldfields to fruit-growing districts, so that danger from infection in that way is unlikely. The amendment will therefore encourage and assist the vignerons to increase their sales without jeopardising other sections of the fruit industry. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

BILL—INDUSTRIES ASSISTANCE ACT CONTINUANCE.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [7.54] in moving the second reading said: In introducing the Bill to continue the operations of the Industries Assistance Board, I am submitting an old friend, for this is a Bill that is presented each year. It is necessary to protect the securities of the Agricultural Bank. The present Act will operate until the 30th June of next year, and it is necessary in each session to pass a continuance Bill. No new accounts were opened during the year, and further advances on existing accounts amounted to only £11,223, compared with £106,550 last year. I move—

That the Bill be now read a second time.

Question put and passed.

Bill read a second time.

In Committee.

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

Clause 1—agreed to.

Clause 2—Continuance of Act:

Hon. J. J. HOLMES: The Minister has told us that the advances made last year totalled £11,000 against some hundred odd thousand in the previous year. Will the Minister also tell us by how much the liabilities were reduced during the year?

The CHIEF SECRETARY: I have not the figures with me, but the Bill will not go right through to-night and I will supply the information before the next stage is reached.

Hon. J. J. HOLMES: I understand that the report of the Industries Assistance Board has to be presented to us each year, but so far we have not seen it. Will the Minister also make a note of that?

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—DAIRY CATTLE IMPROVEMENT ACT AMENDMENT.

Second Reading.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [7.4] in moving the second reading said: This Bill to amend the Dairy Cattle Improvement Act has for its object the encouragement of the use of pure bred bulls and the elimination of the grade or low grade sires. It is interesting and illuminating to consider the effect of the present Act. In 1924 there were 177 pure bred bulls registered equalling 27.8 per cent. of the total registrations. In 1931 the number of pure bred bulls registered was 2,000 equalling 52 per cent. of the total registrations and in that period no fewer than 1,200 scrub bulls were eliminated. The effect is also noticed in the milk and butter fat production, although it is probable that a percentage of the improvement in that direction may be due to the increase in pasturage, and fodder conservation with a consequent improvement in feeding methods. These figures are also worth quoting—

1924-25, number of cows, 60,882.
1930-31, number of cows, 85,717.

equalling an increase of 40 per cent. In 1924-25 the milk produced was 13,363,000 gallons—the average production per cow being 219 gallons. The average butter fat contents per cow was 106 lbs. In 1930-31 the milk produced was 24,329,000 gallons, the average production per cow being 283

gallons, and the average butter fat contents 136 lbs. This equals an increase of 82.06 per cent. of milk production, and an increase of 28 per cent. in average butter fat contents. Breeders and dairy farmers readily admit that the existing Act has had a beneficial result on the industry. To further encourage the owners of pure bred bulls, it is intended by this amendment to provide for a life registration for such bulls, the certificate following the bull from owner to owner. Owners of grade bulls, however, will still be required to register such bulls annually. The basis of the system of grading is—

Grade A, pure bred ex tested dams.
Grade B, pure bred and in stud book.
Grade C, reported pure bred or showing strong evidence of breed type.
Grade D, undesirable, and farmer is given 12 months to effect a change.
Grade E, undesirable, to be slaughtered or de-sexed.

The Act has been and still will be tactfully administered, so as to cause the least possible hardship to farmers, but for the benefit both of the farmers and the State it is advisable to prevent the breeding of low grade and undesirable stock. I move—

That the Bill be now read a second time.

On motion by Hon. W. J. Mann, debate adjourned.

ADJOURNMENT, SPECIAL—ROYAL SHOW.

THE CHIEF SECRETARY (Hon. C. F. Baxter—East) [8.3]: I move—

That the House at its rising adjourn till Thursday, 6th inst.

Question put and passed.

House adjourned 8.3 p.m.

Legislative Assembly,

Tuesday, 4th October, 1932.

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

BILL—COLLIE RECREATION AND PARK LANDS ACT AMENDMENT.

Introduced by the Minister for Lands and read a first time.

BILL—REDUCTION OF RENTS ACT CONTINUANCE.

Third Reading.

Read a third time and transmitted to the Council.

BILL—STATE TRADING CONCERNS ACT AMENDMENT (No. 2).

Second Reading.

THE MINISTER FOR RAILWAYS (Hon. J. Scaddan—Maylands) [4.35] in moving the second reading said: This is a very simple measure providing merely that the State ferries, which have been operated under the State Trading Concerns Act, shall be removed from that Act and placed under the administration of the Commissioner of Railways as part of our State transport system. The Commissioner at present controls the railways, the tramways, and, probably for the last two years, has controlled also the ferries, so it is not suitable that they should be administered under the State Trading Concerns Act. The conditions in future will be the same as those under which the tramways are operated. As a matter of fact, the ferries are to all intents and purposes part of the tramway system, and it