

The amendment is designed to ensure that only those things which are not required for the continued efficient production of the products mentioned can be disposed of without the application of the terms of this Bill. I am advised, and I think it is apparent, that otherwise none of the plant, even if it was unwanted, could be sold without the approval of Parliament, and I think that is obviously undesirable. I have gone as far as one can reasonably go in this matter to ensure that the hon. member obtains his desires, except to the degree that I am asking the Committee to agree to this amendment and the principle which has prompted me to bring it forward.

Hon. A. R. G. HAWKE: This amendment proposes to give to the Governor in Council the right to allow the Government to sell what is considered no longer required for the efficient production of charcoal, and so on. Taking the somewhat exaggerated view of the amendment I think it might be said that everything at Wundowie could be sold by the Government without Parliament being consulted in any way. I think, however, we should be prepared to accept the Government's intentions in this matter as being absolutely bona fide. During this Government's term of office, the Governor-in-Council has been made to do one or two terrible things, but I can hardly believe that the Government would cause him to take such steps as would permit of selling everything at Wundowie on the pretence that nothing was longer required for efficient production.

There is no reference in the amendment to machinery, tools, etc., used at Wundowie for the production of sawn timber. I realise that the Act does not provide for the establishment of a timber mill there. Presumably the Government established the mill under some other Act, or perhaps without legislative authority, as being a necessary adjunct to the industry.

The Minister for Industrial Development: I think it was the instrumentality that created the wood charcoal.

Hon. A. R. G. HAWKE: The point I am concerned about is whether some reference to the timber mill should not be made in the amendment.

The Minister for Industrial Development: Let us report progress and you and I will discuss the matter with the Parliamentary Draftsman. I have not considered that aspect at all.

Hon. A. R. G. HAWKE: The second portion of the amendment refers to appliances and materials "not required for the efficient production of charcoal and other products by means of a process of wood distillation and of charcoal iron and steel." I can clearly understand the first part up to and including the word "distillation," but I cannot understand the remaining part and I doubt whether the Minister could explain what is a process

of charcoal iron and steel. I do not know of any such process and I doubt whether anybody else does.

The Minister for Industrial Development: I think that could be remedied by making it read, "and in the production of charcoal iron and steel."

Hon. A. R. G. HAWKE: That would make sense.

The Minister for Industrial Development: It was taken from the phraseology of an earlier section of the Act.

Hon. A. R. G. HAWKE: That may be so, but to me it seems senseless.

The Minister for Industrial Development: Surely not as bad as that!

Hon. A. R. G. HAWKE: I do not know of a process of charcoal iron and steel.

The Minister for Industrial Development: You have to relate it back to the word "production."

Hon. A. R. G. HAWKE: I hope the Minister will agree to have that part of the amendment, as well as the previous part, discussed with an officer of the Crown Law Department. In view of the Minister's undertaking, I suggest that progress be reported.

Progress reported.

House adjourned at 10.15 p.m.

Legislative Council.

Thursday, 21st September, 1950.

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

ADDRESS-IN-REPLY.

Presentation.

The PRESIDENT: In company with several members, I waited on His Excellency the Governor and presented to him the Address-in-reply to His Excellency's Speech agreed to by this House, and His Excellency has been pleased to make the following reply:—

Mr. President and hon. members of the Legislative Council—I thank you for your expressions of loyalty to His

Most Gracious Majesty the King, and for your Address-in-reply to the Speech with which I opened Parliament.

MOTION—HEALTH ACT.

To Disallow Biograph Box Regulations.

Debate resumed from the 6th September, on the following motion by Hon. Sir Charles Latham:—

That the whole of new Part III of the Public Building Regulations, made pursuant to Section 178 of the Health Act, 1911-1949, as published in the "Government Gazette" of the 23rd September, 1949, and laid on the Table of the House on the 29th September, 1949, be and is hereby disallowed.

THE MINISTER FOR TRANSPORT

(Hon. C. H. Simpson—Midland) [438]: For reasons I shall give, I trust the House will not accede to Sir Charles Latham's motion. I am afraid that I shall have to correct some of the assertions made by Sir Charles. In the first place, he said that the regulations under discussion were displacing those which, to his mind, had served a very useful purpose, and which should be allowed to continue to serve that purpose. Sir Charles then referred to the fact that those previous regulations were introduced in 1933.

The hon. member is labouring under a misapprehension, as the only previous regulations for the construction and operation of biograph boxes were introduced in 1916, when the cinema industry was in a very crude state. In fact those were the days of the "custard pie" era. Sir Charles may have confused these regulations with others gazetted in 1933 for the fireproofing of buildings. No previous regulations other than those of 1916 existed to deal specifically with biograph boxes. The 1916 regulations prescribed that the biograph box should be fireproof, but no details of any kind were given as to the size of the box, other than that there should be a clear space of at least two feet "at the rear of the lantern."

There were no provisions in the old regulations concerning ventilation, and, apart from clauses relating to the use of non-inflammable material, the provision of a guard to prevent the film, if kindled, from burning towards the spool, and the provision of a chemical fire extinguisher or "two buckets of water and a wet blanket," there is very little that is not now outmoded. No amendments to these regulations have been made since, and until the new regulations were passed by Executive Council in September, 1949, the 1916 regulations were the only legal sanction for the proper construction and operation of biograph boxes.

It is surprising to note that No. 6 of those regulations reads—

The Commissioner (of Public Health) reserves to himself the right of modifying any of these regulations and requiring the adoption of such further protections, in addition to those specified herein, as circumstances may require.

It will therefore be seen that this regulation gives the Commissioner arbitrary authority to modify any condition in the construction of these boxes as he thinks fit. I cannot imagine that any member of this House would consider it desirable for a public servant to have the right to amend regulations without the sanction of Parliament. If the House approves of the motion moved by Sir Charles, the old regulations will come into operation again, together with this most undesirable provision.

The Commissioner of Public Health is responsible under the Health Act for the safety of public buildings. As he has no architect or engineer on his staff, there has been established a working procedure whereby the Principal Architect of the Public Works Department acts on his behalf and reports to the Commissioner on the technical details concerning this particular part of the Act. The authority remains, however, with the Commissioner, and this arrangement has proved to be satisfactory to both departments.

With the development of modern building methods, over the years, the requirements adopted by the Principal Architect for the construction of biograph boxes have been adjusted in conformity with modern practice, and, for example, those that have been constructed within the last 15 years or so within the metropolitan area conform more or less to modern standards. The Principal Architect has issued working instructions to his staff to see that this is done. Operators working in biograph boxes are necessarily exposed to—

1. An enclosed space.
2. Possible poor ventilation.
3. Absence of daylight.
4. Fumes of carbon arcs, some of which contain copper.
5. Hazard from fire.
6. Risk of infectious disease.

The lighting is artificial and, unless rigid practices are adopted, the ventilation may be inadequate with resultant possible harmful effects on the health of the operators. It is the responsibility of the Health Department to ensure that these adverse conditions are controlled under the Health Act.

In 1946 representations were made to the then Minister for Health, Hon. E. Nulsen, by the president of the Theatrical Employees' Union, that the members of his organisation were concerned with the conditions existing in some of the bio-boxes

operating in cinemas. The then Commissioner of Public Health, Dr. Cook, investigated the matter and discovered that the position concerning the regulations was as I have outlined. In order to bring our legislation up to date, and into conformity with modern standards, that operating in other States was investigated and new regulations were framed, using those of South Australia and the working instructions of our own Public Works Department as models. It is considered that these new regulations are merely on a par with accepted practices in other countries.

At the time that they were framed there was no intention that they should have retrospective application to all existing boxes. It was intended that they should apply where a new box was to be constructed and where there were substantial alterations to be made to an old box. Sir Charles and other members may rest assured that in no instance has there been any intention to apply them indiscriminately to cinemas already operating under conditions that are reasonably satisfactory.

There was, however, an instance concerning a box that was found to be constructed of caneite walls and a felt ceiling. This obviously had to be rectified in accordance with the regulations. Sir Charles stated that now was an inopportune time to introduce these regulations, as every bit of building material is required for housing and other amenities. On the contrary, it is felt that this is an excellent time for their introduction. Owing to building restrictions there is practically no construction of major public buildings at present, and this period of pause before public building recommences is a most suitable time to bring the regulations up to date and have them ready.

Sir Charles stated that alterations will have to be made in all theatres that do not comply with the specifications in the regulations. This is quite incorrect as there is no retrospective intention in the regulations. They are intended to apply only to new buildings or to bio-boxes which are to be considerably altered, or where gross abuse may exist. Sir Charles further stated that a proprietor had paid an architect's fee of £300 for a design that did not conform to the regulations, owing to the architect's ignorance of the regulations. There is no doubt that the responsibility in this case rests with the architect.

The criticism advanced by Sir Charles as to the method of publicising new regulations applies not only to the present case, but also to the introduction of all regulations, as the procedure in this case was the normal one. Sir Charles complained that the new regulations insisted on masonry bio-boxes in masonry buildings, but permitted other materials to be used in wooden buildings. There is no doubt that masonry bio-boxes with concrete floors and ceilings are the most satisfactory type of boxes from the fire protection

point of view. In masonry buildings where brickwork, concrete, etc., are used generally, it is required that the box be completely constructed of these materials. In the case of wooden buildings, it is not reasonably possible to construct masonry boxes. The regulations have therefore been framed to permit the use of wooden constructed boxes with asbestos lining, which is the most satisfactory type that may be reasonably provided.

Then again, Sir Charles felt that some of the regulations in regard to ventilation were unnecessary. These provide that where there is no mechanical ventilation, flues shall connect the box with fresh air, and one external wall of the box shall be in contact with the outer atmosphere. Sir Charles stated this would result in bio-boxes having to be completely reconstructed. May I again point out that the regulations refer to future buildings only, except in those where gross abuse exists, and that therefore this criticism by Sir Charles misses the point. The hon. member also said that the present ventilation in bio-graph boxes is almost as good as that in any other buildings. This assertion has already been strongly contested by cinema operators who should be aware of the facts.

With regard to sanitation, the hon. member did not consider it necessary to provide separate staff facilities in theatres, where, as the regulations provide, more than three performances are conducted weekly. He stated that such provision would entail unnecessary expense. So far as this is concerned, the Commissioner of Public Health is prepared to submit an amendment whereby separate toilet accommodation for the staff is provided in all cases where the theatre is in use for more than three hours a day. Where the use of the premises does not exceed three hours, it is considered that the demand for special staff accommodation would be so slight as to make it unreasonable to require its provision. I might say that it is a fundamental principle in industrial health that employees shall have change rooms and sanitary and ablutionary facilities provided for their own use independently of the public.

Sir Charles referred to the fact that modern films are non-inflammable and fire-proofing of boxes is, therefore, not really necessary. However, the introduction of non-inflammable films and other special equipment for the purpose of minimising fire risk, is a very recent innovation, and it will probably be some years before their use becomes general. Until that time, it cannot be regarded as reasonable to remove ordinary safeguards against fire. The Public Health Department has to provide for the safety of public buildings, as they actually are, and not as they might be at a hypothetical future date.

I have given some little time to this subject to provide the House with the reasons for the introduction of the regulations. However, I think the criticisms of Sir Charles defeat themselves. He says that the objections to the regulations are that they would absorb building materials required for more urgent purposes and would involve theatre proprietors in extra expense in altering existing biograph boxes. As I have pointed out, this is incorrect as there never has been, nor is there any intention to apply the regulations to other than new buildings except where gross abuses may prevail, or where substantial alterations are being made. So far there has been only one case of this nature, where the box was lined with combustible materials. The opportunity was taken to have the regulations ready for the time when new picture theatres are built. In addition, as I have mentioned, the disallowance of these regulations would bring back into effect the crude and archaic regulations of 1916.

In conclusion, I would point out that if the regulations are not disallowed, the Commissioner of Public Health is prepared to submit immediately an amendment making it quite clear that they have no retrospective application. He is also willing to arrange, as soon as possible, a conference of cinema employers and employees to ascertain whether the regulations can be suitably further amended to the satisfaction of all parties. I oppose the motion.

HON. H. HEARN (Metropolitan) [4.53]: Once more we see regulations being introduced at the last minute which, when passed, constitute the law for many months before they are challenged. That principle seems to be a development of modern legislation. I was keenly interested in the case presented by the Minister, but I feel that we have never had any indication, from the regulations, that they were not intended to be retrospective. I still maintain that if these regulations are allowed to go through, then we are still in the hands of the Minister as to their retrospectivity.

Hon. E. H. Gray: Will you not take his word?

Hon. H. HEARN: I believe it is quite fair for the Minister to give us the viewpoint of the men who work in the industry, but having done that, and even before these regulations were tabled, we should have had some assurance that the trade itself had at least been consulted before any regulations were brought down. I believe I am correct in saying that the trade as a whole knew nothing of them until they were discovered, as Sir Charles Latham has told us, as the result of some suggestion of building.

I would remind members that this trade is certainly one of the very few that disciplines itself. This is so because it is incumbent upon every theatre showing films

that are hired from film companies, to conform to certain standards, and this is borne out by the fact that there have been no regulations instituted since 1916. I think we can therefore claim that these people have a sense of the right and proper thing to do, and if anyone is in any doubt he could at least pay a visit to the Mayfair Theatre which was one of the last constructed and see what was done there voluntarily by the proprietors of that cinema.

If we are to get one side of the picture as to any regulations that affect any industry, then we should also get the other side. It is of no use the Minister continuing to mention that the union itself asked for these things without his being able to tell us that it extended the courtesy of approaching the employers and asking what their viewpoint was. If that has not been done, then I think it is a poor show on the part of the Government. I have no hesitation in saying that if these regulations are likely to be objectionable, then they should be the subject of a conference between representatives of the Government, the employers, and the employees. It is all very well at this particular stage to say that because these regulations are challenged, the Government is prepared to call a conference between the employers and the trade itself, because we must accept the fact that if these regulations are passed, the employers are governed by them and no-one can prevent that.

During his remarks the Minister mentioned that it would be a long time before non-inflammable films were used, as a general practice, by the trade itself. I have taken steps to secure information on the subject and from all the data I have gathered, I find that that is not so. But even if it were so, the figures I have, to my mind, speak for themselves. After all, the greatest danger that we recognise in a biograph box is that of fire. The following figures give a record of the films destroyed by fire in the motion picture industry since 1948 to date:—

| | Footage. | Approx. value. |
|---------------------|----------|----------------|
| Baker's Photo Plays | | £ |
| 9/7/48 | 1,900 | 21 |
| Pearce Aerodrome | | |
| 24/5/49 | 3,600 | 26 |
| Swanbourne Theatre | | |
| 12/12/49 | 2,000 | 12 |

Hon. J. A. Dimmitt: Some of those are not public halls, are they?

Hon. H. HEARN: No, but I am including all of them. I believe we should show the worst. So, in two years we have had £59 worth of fire damage to films and now—here is the staggering fact—the trade itself aggregates a weekly circulation of film of 6,531,000 feet. These are actual figures. I maintain that if we are to have

regulations, and if one side is to be consulted, then, in fairness, we should expect, from our own Government, that the other side should be consulted.

Hon. J. A. Dimmitt: From any Government!

Hon. H. HEARN: Yes, from any Government; it should consult the other side. Because of that fact, I am fully behind Sir Charles Latham's motion for the disallowance of these regulations.

HON. G. FRASER (West) [5.0]: Strange as it may seem, I intend to vote for the motion. I say "strange," because only recently I informed the House that on most occasions when motions are moved for the disallowance of regulations, I adopt the attitude that the mover must prove his case. I do not want Sir Charles Latham to think that, because I am voting for disallowance of regulations on this occasion, I am satisfied that he has proved his case.

Hon. Sir Charles Latham: You will prove it for me now.

Hon. G. FRASER: I intend to vote for the motion for entirely different reasons. I have endeavoured to obtain some information on the subject and, out of the hurly-burly of statements and contradictions, this appears to be the position: These regulations were drawn up in 1933. I may be wrong, but that is the position as I understand it.

The Minister for Transport: No, in 1916.

Hon. G. FRASER: I understand that these regulations were drawn up in 1933, though I realise that their disallowance will take us back to the regulations operating since 1916.

The Minister for Transport: That is what I meant.

Hon. G. FRASER: I realise that there may be some danger in going back to regulations framed 34 years ago. I suppose the year 1933 would be about the time, of, or perhaps even before, the introduction of talkies.

Hon. L. A. Logan: They were introduced in 1929.

Hon. G. FRASER: At any rate they were not introduced very long before 1933, and there had been no regulations since 1916.

Hon. Sir Charles Latham: They have been amended since then.

Hon. G. FRASER: Apparently the further we go, the more fogged the position becomes. I believe that these regulations were drawn up in 1933 since which there has been wonderful progress in this class of business. I understand that the regulations are out of print.

Hon. Sir Charles Latham: That is so; it is impossible to get a copy of them.

Hon. G. FRASER: The mere fact of regulations governing an industry such as the movies having been 17 years old at that time is certainly an indication that they need revision. I intended to suggest that a conference of the three interested parties—the Health Department, the employers and the employees—should be held to discuss the requisite regulations, but in that I have been forestalled. I am pleased at the Minister's statement that it is intended to arrange such a conference with the object of arriving at satisfactory amendments.

When the conference is held, the best course to adopt will be to consider the whole matter. I suppose that will be the only occasion on which the three parties will have been brought together to draw up regulations. If that is so, let the conference tackle the whole job and put the regulations on a 1950 basis instead of a 1933 basis! Then, when the new regulations are tabled in the House, my attitude might be different. I feel sorry for the Minister on this occasion because I usually defend him against his friends. This time, however, I shall join the pack and give a vote for the motion, for the reasons I have stated.

HON. H. S. W. PARKER (Suburban) [5.4]: I shall vote for the disallowance of the regulations. I was astonished to hear the Minister say that there is no intention of making them apply to existing biograph boxes. Neither the Minister nor anyone else has the right to make a statement of that sort. In the regulations, we have the law set out, and whatever we may think of the administration of these regulations, the fact remains that there is the law and that it must be enforced. It is quite wrong to have regulations drawn up and gazetted if there is no intention of enforcing them. That only creates a lot of trouble and probably misleads people.

The regulations governing this industry—not those at present under discussion but the earlier ones—undoubtedly need bringing up to date. I still think that there was some confusion of thought when those regulations were drawn up because they are a hotch-potch between fire regulations and public building regulations and yet they are headed "for regulating animated pictures." Perhaps the matter may be the question of agreement, but I ask the Minister to ensure that this aspect is considered and that the regulations are brought under the appropriate section of the Act. The preface to the regulations mentions Section 171 of the Health Act. I have not consulted the Act to ascertain whether that is correct, but I ask the Minister to ensure that this matter is considered when the new regulations are being framed.

I was pleased to hear the Minister say that a conference would be arranged between the department, the exhibitors and the men operating these machines. I understand that in some of the theatres the bio. boxes require additional ventilation, but why this sudden demand for an alteration in view of the Minister's statement that biograph boxes constructed over the past 15 years conform more or less to modern standards? Yet these regulations require that a bio. box, instead of being 7ft. 6ins. high, shall be 8ft.

Again, if a bio. box constructed of asbestos is considered suitable and sufficient in a wooden building—I believe most boxes are of asbestos, even in the metropolitan area—why should it be necessary to have a concrete ceiling to a bio. box in a substantial brick building? Surely it is less necessary to have a concrete box in a solid brick building than in a wooden building! To my way of thinking, that is absurd.

Hon. G. Fraser: You seem to have a copy of the regulations.

Hon. H. S. W. PARKER: Yes, I have. Some of these regulations revert to the dark ages. They include provision for the showing of magic lanterns using a naked light. That is rather absurd in these days. The heading to the regulations refers to the showing of animated pictures, yet separate sanitary arrangements have to be provided for artists. Take those cinemas that do actually have an artist on the stage: He would be there for perhaps five or 10 minutes, and yet the regulations require provision of separate cloak rooms and sanitary arrangements. An analysis of the regulations will show the Minister many things that require careful consideration.

Hon. E. H. GRAY: I move—

That the debate be adjourned.

Motion put and negatived.

HON. E. H. GRAY: (West) [5.10]: I had no idea of any intention to conclude the debate at today's sitting, and I had desired to obtain further information. However, I shall vote against the motion and in favour of retaining the regulations. I am astonished to find that it is impossible to obtain a copy of them. This places members in a very difficult position, but I think the Minister explained the situation fully.

Obviously, regulations are necessary, and I intend to take the word of the Minister against that of Mr. Parker regarding the building bylaws, namely, that they will not apply to existing buildings, but will be enforced in buildings to be erected in future. I cannot imagine any regulations being enforced that would require a lot of expenditure on the part of present theatre proprietors. Therefore I shall act on the Minister's word that the regulations will apply only to a few existing bio. boxes and to new ones that may be built.

HON. E. M. DAVIES (West) [5.12]: As a rule I support the Minister when regulations are challenged, particularly regulations governing an industry in which electricity is used; but on this occasion we have to consider the regulations which were promulgated in 1933, and which it was thought fit to amend last year and lay on the Table on the day the session finished. The Minister has stated that the Commissioner of Public Health is prepared to bring down an amendment to his own regulations. Surely he must appreciate that the regulations he himself has had tabled are not all that they should be!

I consider that these regulations should be disallowed and that the Commissioner should have an opportunity thoroughly to investigate the whole matter after discussing the details with those who, being conversant with the industry, know what is required. Then a new set of regulations drawn on modern lines could be brought down. A statement was made by Mr. Hearn that certain people had done things voluntarily. I do not agree with him. There are some people who would be prepared to show animated pictures in a tent if there were no regulations to prevent their doing so.

Hon. H. Hearn: They would have no electricity in a tent.

Hon. E. M. DAVIES: While it is a fact that various theatres have been built, the owners have had to comply with the health regulations of the respective local governing bodies and so it is ridiculous to say that certain requirements have been complied with voluntarily. However, on this occasion I shall support the motion because I believe that if the regulations are disallowed an opportunity will be given to those associated with the industry, together with the Commissioner of Public Health, to go thoroughly into the question and bring down what might be regarded as 1950 model regulations.

HON. SIR CHARLES LATHAM (Central—in reply) [5.16]: I point out to Mr. Gray that he has had 16 days since I moved to disallow the regulations, so he can hardly claim that he did not have an opportunity to find out what they contained, except insofar as the regulations are not available at the Government Printing Office, where the laws of this State, and the regulations made under our laws, may be purchased; and it is the only place I know of where they can. Therefore I charge the department with negligence in that respect. If people have to comply with the law, whether statute law or law by regulation, then at least we should make available to them the printed matter to which they have to conform.

The excuse put up by the department in connection with the payment of an architect's fee of £300 for a design that did not conform to the regulations be-

cause of the architect's ignorance of them, does not appeal to me the slightest bit. I refer to the contention that the architect should have seen the regulations. I got in touch with the Government Printer, and I could not get a copy. The department presented me with a roneoed copy, otherwise I would not have been able to see the regulations. So, I charge the department in that respect. The Minister said the regulations were not retrospective. I point out to him that the regulations promulgated in the "Government Gazette" of the 2nd June, 1933, provided as follows:—

Subject to the provisions of Regulation 2 hereunder, it shall be the duty of the owner or occupier of a building or of portion of a building which is hereafter erected or altered, and which is used or intended to be used as a public building, to conform to the following structural requirements:—

That was not made retrospective, but applied only to buildings that were subsequently erected. The new regulations, promulgated on the 20th September, 1949, prescribe in the schedule—

The abovementioned regulations are amended by deleting the whole of Part III—Exhibition of Animated Pictures and inserting in lieu thereof a new Part III—Exhibition of Animated Pictures as follows:—

I consider that when I asked for the disallowance I had a perfect right to make available to this Chamber the information that I have given. The excuse put up by the departmental officers to the Minister does not seem to me to hold water. The new regulations proceed—

PART III.

Exhibition of Animated Pictures.

The owner, occupier, tenant or proprietor of any public building wherein animated pictures involving the use of combustible film are exhibited shall provide the said premises with a fire-proof compartment to be known as the biograph box (bio box).

To my mind that means either new or existing buildings. Therefore the Minister was wrongly informed in that respect. I object to departmental officers misleading the members of this House in that way. We should have correct information placed before us. The previous regulations were not retrospective, but these are. The department must accept the responsibility. We had nothing to do with the drafting of the regulations.

Hon. H. S. W. Parker: These regulations apply to all existing places.

Hon. Sir CHARLES LATHAM: Of course they do. The people who would suffer most are those in the country. Every one of the bio boxes in the country districts, as far as I know, was approved by the Principal Architect, acting on behalf of the

Health Department. Under the regulations, to which I am objecting, they would all have to be altered. Last week-end I was in the country, and not one of the halls, including one at York, that I went into—and I deliberately saw a good many of them—would conform to the regulations without a considerable amount of structural alterations being made.

It is of no use the Commissioner of Public Health misleading this Chamber, through the Minister. If we are to have laws or regulations, they should be such as we shall enforce, and no others. It should not be left to the whim of any Minister of the Crown or departmental officer to say whether or not they shall be applied. So far as I am concerned, that will not be allowed. In reply to Mr. Davies, I wish to say that pictures could not be shown in a tent. The owners of the films—after all the persons using the films only rent them—would not allow a tent to be used, or any other building where there would be danger of fire. The greatest care is taken of the films.

The information given by Mr. Hearn indicates just what little damage is done to the great quantity of film used in one week, even in a State like Western Australia. Despite the fact that the Minister is doing his best to justify the regulations, I feel sure that if he did not have his present responsibilities he would be with us, because there was not a better champion of matters such as I am dealing with than he, when he was a private member. I consider that a very good case has been made not only by me, but by other members, for the disallowance of the regulations. It is right that the people who have to carry out the regulations, the people controlling or owning halls, should be consulted.

It is of no use a man sitting in an office, setting up standards for buildings or anything else, without knowing whether they can be carried out. I have no objection to the people who handle the films in the bio boxes being consulted, but I do object to one set of people being consulted and not the others. I am sure the House will agree that I am justified in asking for the disallowance of the regulations, and that can only be achieved by members voting with me on the motion.

Question put and passed; the motion agreed to.

BILL—PLANT DISEASES ACT AMENDMENT.

Read a third time and transmitted to the Assembly.

BILL—STATE TRANSPORT CO- ORDINATION ACT AMENDMENT.

Second Reading.

HON. A. L. LOTON (South) [5.24] in moving the second reading said: The purpose of the Bill is to delete one word in

the third paragraph of the Third Schedule in order to add further words. The original Act came into operation on the 1st July, 1934. It was introduced by the then Minister for Railways, Hon. J. C. Willcock, towards the close of the parliamentary session in the preceding year. When the Minister introduced the Bill he said that it was for the purpose of co-ordinating and controlling the entire system of transport in Western Australia.

It does appear, after reading the whole debate in both Chambers at that time, that the main point in the Bill was to define the duties of, or arrange co-ordination between, road and rail transport. It was proposed that a Select Committee should be set up to give further consideration to the Bill which, as I have said, was introduced late in the session. That suggestion was not agreed to. The Minister, further on in his remarks, made this statement—

It is not intended through the Bill to kill motor transport. In certain respects, some motor transport is superior to the railways. But the motor transport agencies must be prepared to submit to control. The passing of the Bill will restore to the railways some measure of former conditions and, in consequence, will increase their earning power.

I think those words were a little ambitious, because the railways have slowly but surely deteriorated year by year. In the last couple of years, there has been some improvement respecting rollingstock, but the haulage by the railways of two very essential commodities has had to be assisted in no uncertain manner by road transport.

Hon. E. M. Davies: They were worn out during the war.

Hon. A. L. LOTON: Yes, I know. That is a wonderful excuse! Everyone uses it.

Hon. E. M. Davies: I do not like your saying the war has been used as an excuse.

Hon. A. L. LOTON: Unfortunately it has, and also unfortunately, because of a war that is being fought today, there will be a curtailment of certain other projects. To give some idea of what road transport has done, in the season 1949-50, the amount of superphosphate carted by rail was 215,120 tons. That was the figure on the 11th July, 1950. The quantity carted by road was 138,436 tons. That is the amount on which a subsidy was paid. The amount carted by road, and on which no subsidy was paid, was 41,964 tons. So, nearly 180,000 tons were carried by road as against 215,000 tons by the railways. In 1948-49, the amount of superphosphate carted by road was 36,134 tons.

When the Bill was originally introduced, the Government of the day did not visualise the volume of road transport that would be needed to haul one of the commodities that is so essential to our

primary production, namely, superphosphate. At page four of the report of the Western Australian Transport Board for the year ended the 30th June, 1949, we find this—

The State transport system has managed to cope with essential requirements only with abnormal assistance from road haulage. Goods transport continues to be a matter of concern, the gravity of which tends to become obscured as each successful expedient to meet our transport ills satisfies demands from day to day.

Further there is this—

In the better days of our railways the suggestion of moving timber, wheat and fertilisers in bulk quantities by road would have invited ridicule.

That was evident from the remarks made during the various speeches in 1933. It goes on—

In the past 12 months, over three hundred thousand tons of wheat have been moved from the farming areas to the ports by road at an added cost to the producer.

I might mention that the cost of hauling that wheat to Geraldton is just over 5d. per ton per mile, and to Fremantle just over 4d. Therefore, members will realise the quantity of wheat that has been hauled and paid for, not by the Government but by the producers of wheat. Further on the report states—

In the same time, over one hundred thousand tons of superphosphate have been moved by road at a cost in subsidy payment by the State of over one hundred and twenty-three thousand pounds; large quantities of timber were also transported by road.

That gives members some idea of the extent to which road transport has had to come to the assistance of rail transport. The purpose of my Bill is to enable a producer to convey, on a vehicle that is owned by him and registered in his name, wool to any destination that he desires. At present, in Clause 3 of the First Schedule, it is stated that the producer can, on his own vehicle, convey—

livestock, poultry, fruit, vegetables, dairy produce or other perishable commodities or wheat or oats from the place where they are produced to any other place in a vehicle owned by the producer thereof and on the return journey the carriage of requisites for the domestic use of such producer or for use by him in the production of the commodities herein named.

An amendment to the First Schedule was made in 1948, to enable the carriage of bees by road transport. I desire to insert the word "wool" in the schedule so that a producer can convey, on his own vehicle, wool that he produces, and cart it from

the place of production to any destination. When the schedule was first drafted, there were few farmers who owned motor vehicles. In 1933 we were at the height of the depression. If any member cares to take the trouble to read the speech of Mr. Willcock at that time, I think he will see references, time and time again, to the fact that if anything were done to the farming community, all its members would become bankrupt. Therefore, he said that freights had to be kept as low as possible to give farmers encouragement in the cartage of their goods.

Vehicles owned by farmers today are mostly petrol-driven. There are very few diesel-driven vehicles in their possession, and all petrol-driven vehicles are sources of revenue to the Commonwealth Government by way of the petrol tax. A considerable portion—although not nearly enough, I will admit—of that tax comes back to the State Government for use by the Main Roads Department on the repairing and maintaining of roads in rural areas. Every gallon of petrol used by a producer, or by anybody, is a source of revenue, and brings back to the State a certain sum of money to be spent on roads. Diesel oil is used for propelling the big haulage trucks used by contractors for the transport of wheat and super. Therefore, they do not contribute by way of the petrol tax. The weight of these vehicles is far in excess of that of any vehicle owned by a producer; when I say "producer" I am not including Messrs. Butcher Bros., who own the transport train used in the northern part of this State. I am talking about vehicles used in the agricultural areas.

Freight rates are also interesting. Using 150 miles as a basis, in 1935 the superphosphate freight on the railways was 5s. 2d. per ton and the general rate at that time was 20s. per ton. That state of affairs continued until September, 1948, when the superphosphate rate rose to 6s. 5d. per ton, plus 6d. per ton surcharge. I have not been able to ascertain why that 6d. per ton surcharge was added, because it started during the war and it seems that once a surcharge is applied, it remains. Although the freight is shown at 6s. 5d. per ton, it is really 6s. 11d. per ton.

The Honorary Minister for Agriculture: For what distance is that?

Hon. A. L. LOTON: I am using 150 miles as a basis. I take that figure because it is an average of the distances travelled. The rates I have quoted continued from September, 1948, until August, 1949, and then they were increased to 13s. 3d. per ton, excluding 6d. per ton surcharge. That was an increase of 8s. 1d. in a period of 11 months. Using 150 miles as a basis again, in 1935 the freight rate on wool was 44s. 6d. per ton. In 1948, it rose to 54s. 6d. per ton—this is a straight-out freight rate and does not include shunting

and sheeting charges. In 1949, the freight went higher and rose from 54s. 6d. per ton to 60s. 8d.—an increase of 16s. 2d. from 1935 to 1949. That increase was 36 per cent.

In 1935—using 150 miles as a basis again—the freight on bagged wheat was 12s. 6d. per ton. I am using bagged wheat right through, because bulk wheat is an extra 3d. a bushel. In 1948, the rate increased to 15s. 8d., per ton. Then, for some reason, the special rate that operated for wheat was abolished and all grains were placed under a special grain rate, which included oats, barley and wheat. Under that scheme, the 15s. 8d. per ton which operated for wheat became 19s. 8d. on the grain rate. From 1948, the special rate for wheat has been abolished. All grains now come under the grain rate, and from September, 1948, to August, 1949, the freight went from 15s. 8d.—which had operated for wheat—to 22s. 3d.

Hon. E. H. Gray: What is it for bulk wheat?

Hon. A. L. LOTON: I have been using bagged wheat for my figures, and the freight rate for bulk wheat would be 23s. All grains now come under the same rate and wheat has no special preference over the other grains. That shows that the railways have endeavoured to meet the additional cost of haulage, and their other commitments, by steadily increasing freights. Unfortunately, the railways cannot catch up and cart a greater quantity of the two essential commodities; one into the country—namely, superphosphate—and the other from the country to the ports—namely, wheat.

Any member who has made a trip into the country during the last fortnight will have seen on every highway trucks transporting wheat from the bins in the inland areas down to the seaports. It is very nice to have the wheat there, but the farmers want to get their wheat to the ports. It is almost the end of September, and in another two months' time wheat will be coming into the outlying wheat bins again. The wheatgrower is not paid for his wheat immediately. He receives an advance when the wheat is delivered to the bins, but the Australian Wheat Board is not paid by overseas countries until the wheat is shipped. That causes delay in further advances to the producers. If members agree to the proposal contained in my Bill, it will enable producers, in many cases, to help themselves, and this will prove of benefit to the railways.

Hon. E. H. Gray: Would it make any difference to the licensing of trucks?

Hon. A. L. LOTON: No. At present farmers can cart wool from their properties to the nearest siding but it cannot be transported further unless application is made to the Transport Board. The Transport Board cannot grant permits because it is not allowed to do so. Now we have

the two outports of Albany and Geraldton operating and two boats will be arriving at Albany before Christmas.

With the changeable weather during shearing it might be difficult to transport some of the wool to Albany in time to be shipped by the first boat. If a farmer had been shearing and had half his clip ready to move, and his property was anywhere round Katanning, or further south, he could load that wool on to his truck, convey it to Albany and be back home in half a day. A farmer will not order a truck to do his carting if he has not a full load available, but if he could cart his own wool it would make the position much easier for him.

Last year over 5,000 tons more superphosphate were carted from the works than for the previous year. With the delay in transport, I feel sure that there are many producers who, if they could cart their wool to Fremantle, would be prepared to call at the superphosphate works and take back loads of super. That would be a saving to the Government because every ton of superphosphate carted by the railways, or by road haulage employed by the Government, is subsidised by the Government. I hope I have made my point clear to members. As I will have a chance to reply, I will now formally move—

Hon. G. Fraser: What is this "formally move" business when you have been speaking for the last half-hour?

Hon. A. L. LOTON: I have not really got going yet, and if the hon. member wants to start me off by interjecting, I could continue. I move—

That the Bill be now read a second time.

On motion by the Minister for Transport, debate adjourned.

MOTION—ADVERTISING COSTS.

As to Action to Restrain.

Debate resumed from the previous day on the following motion by Hon. G. Fraser:—

That the Legislative Council views with alarm the very high aggregate value of costs, including prizes, in "Quiz" and similar contests given by manufacturers, and requests the Government to confer with other States and the Commonwealth Government in an endeavour to exercise some restraining influence over these high advertising costs.

HON. E. H. GRAY (West) [5.47]: I hope this motion will be dealt with similarly to the one debated earlier in the sitting. I think it is a very grave mistake at this stage of the session, unless members are notified about it, to attempt to push legislation through. Some country members are away and it is natural that

they would wish to speak to and vote on motions before the House. There is plenty of time, and the debate on the motion moved by Sir Charles Latham should have been adjourned to give all members the chance of voting. When I moved the adjournment of the debate on that motion, earlier in the sitting, I was amazed to see the motion defeated. I did not press for a division as I did not wish to subject anybody, including myself, to humiliation.

There are certain traditions which this Chamber should uphold. The Leader of the House made an important statement which conflicted in many respects with that made by Sir Charles Latham and that, I think, necessitated some further consideration being given to the whole matter. That is why I moved the adjournment. Instead of the debate being adjourned, the motion itself was put and carried without at least one-third of the House having an opportunity to vote on it. I believe every consideration should be given to important matters, unless it is late in the session when we have to hasten with our legislation, and every member should be given an opportunity to express an opinion and exercise his right to vote. I now turn to the motion before the House.

Hon. H. S. W. Parker: You are only just getting to that.

Hon. E. H. GRAY: My first few remarks were merely a preliminary. I think Mr. Fraser is to be commended on the motion he has moved, because Parliament has a duty to perform at all times. In these days of high prices, we should have the opportunity to express our ideas and, by example and precept, do everything possible to reduce the cost of living. The big interstate manufacturers should lead the way and not indulge in costly advertising campaigns, particularly the type referred to by Mr. Fraser. In the course of his speech, Mr. Watson said that the money spent by these firms would be taken from profits or from amounts that would otherwise be paid in income tax.

Hon. H. K. Watson: The recipient pays the income tax.

Hon. E. H. GRAY: It is a surprise to me that the Commonwealth and State Governments have not taken some notice of these extravagant quiz sessions. Some of the prizes are very extravagant. I know that Mr. Watson has a very high reputation and understands all about assessments and taxation. If advertising campaigns are allowable deductions, I am surprised that the Commonwealth and State Governments have not noticed the big leakage of money that should come to them instead of being spent on costly advertising campaigns.

Hon. H. K. Watson: There is no leakage. It is paid by "B" instead of by "A."

Hon. E. H. GRAY: I think prizes of that description would not be taxable.

Hon. H. C. Strickland: Salaries would.

Hon. E. H. GRAY: That is only one phase of the advertising campaign. I am supporting the motion so that we can draw the attention of the public to ways and means by which we can stop the spiral of inflation. The burden of the high cost of living and inflation is, in the main, carried by, firstly, the working man and his family; secondly, persons with fixed pensions and incomes; thirdly, and by no means the least, that large army of citizens with its savings invested in Commonwealth bonds and securities. Lastly, we have many thousands of people who have taken out policies to safeguard their future with the respective life insurance companies. They all carry the burden.

Another important point, which this motion gives us the opportunity to discuss, concerns the very high dividends being paid by manufacturing and industrial undertakings in Australia. I think the boards of directors of these big companies are deserving of censure for agreeing to pay out dividends which often vary from 10 to 15 per cent. and higher, without reducing the profits. In many cases they could, by paying smaller dividends, effectively reduce the cost of living by selling their products more cheaply to the public.

The average man who reads the newspapers and sees the balance sheets and reports of these big undertakings must be aware of the fact that the people who are earning these dividends are not sharing the high cost of living. In former times these people were receiving half the profits they obtain today, and consequently the four groups I have mentioned above are carrying the major portion of the burden of the high cost of living. I think the leaders of commerce and industry could, if they so desired, set a splendid example to the people by taking the necessary measures, as quickly as possible, to rearrange their businesses so that the dividends would not be excessive.

The Honorary Minister for Agriculture: There are not too many at 15 per cent.

Hon. E. H. GRAY: There are a number at 10 and 12 per cent.—I saw one at 12½ the other day.

The Honorary Minister for Agriculture: I wish you would lead me to them.

Hon. E. H. GRAY: The woolgrowers are getting more than 15 per cent.

The Honorary Minister for Agriculture: It is about time, too.

Hon. E. H. GRAY: I do not envy them at all, but I am afraid of the consequences. I like to see the farmer and the pastoralist get as big a price as possible because over the years both have suffered considerably. Mr. Watson expresses amazement at the man who punts to the tune of £5,000 or £6,000. I share his feeling, but I am more amazed at the thousands of people who waste their assets on S.P. betting, and betting of any description. I shall not stand up in this House and make myself out to

be a wowser, but I think excesses in this kind of questionable amusement and so-called sport are a great danger and have the effect of increasing the cost of living.

I do not want to stress that point because fortunately we have a large force of public opinion that frowns upon this great economic waste. I do not object to anybody betting as long as he does not go beyond his means. I think there is a great economic waste in S.P. and ordinary betting. Mr. Watson referred to a Labour politician who died recently leaving £500,000. If it is the man to whom I think he is referring, he was defeated in politics and started in private enterprise. He was obviously much more successful in the latter sphere of activity. I am sorry that the hon. member brought that matter up; I do not think it was in very good taste.

Reference has been made to wireless comedians. I would not do a thing to put any obstacle in the way of Jack Davey, but I think the show could be run more cheaply. I am not in the position to say what Jack Davey is worth. I consider he is the king of comedians in Australia, and there are thousands of people who would prefer to stay at home and listen to him rather than spend 10 shillings on a picture show. He is doing a wonderful job, and it gives me great pleasure to say so. Joe E. Brown is another comedian whom thousands of people want to hear, though he is a different type of entertainer from Jack Davey. He not only makes people laugh but he always finishes his session with a talk which, I think, gives ethical education to his listeners. Both these comedians are doing a wonderful job.

Hon. A. L. Loton: How do you like the Andrew Sisters?

Hon. E. H. GRAY: I never bother about them! We must do everything possible to curb this present-day trend and we should urge the people to be very wary of extravagant expenditure, whether they are in receipt of high salaries or merely normal wages that they have well and truly earned. We have to do our best to stop the spiral of inflation and therefore I think Mr. Fraser deserves the commendation of this Chamber for bringing this matter before the House. I support the motion.

HON. H. C. STRICKLAND (North) (6.0): I believe that excessive expenditure on extravagant advertising can be detrimental to the cost of consumer goods, bringing about a rise in prices. It can also become a menace to newer and weaker firms endeavouring to establish themselves in the same class of business. Such firms would not have the turnover or the capital to exploit taxation deductions of which the big firms make the best use, with an adverse effect upon the smaller concerns. Such extravagant expenditure can also lead to a kind of trade warfare with a

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) [6.51] 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.

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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?