

Legislative Council,

Thursday, 26th November, 1935.

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

QUESTIONS (2)—COMMONWEALTH WHEATGROWERS' RELIEF ACT.

Participants in 1935.

Hon. J. J. HOLMES asked the Chief Secretary:—1, What are the names of the persons who participated in the distribution of the sum of £137,000 provided by the Commonwealth Wheatgrowers' Relief Act, 1935, and distributed by the State Government? 2, To what extent did those persons respectively participate?

The CHIEF SECRETARY replied: To answer these questions it would be necessary to obtain from the various branch offices of the bank lists of the names of the 3,093 wheatgrowers who have received assistance under the Act, with the amount paid to each. The completion of these returns would take considerable time, and entail expense which is not considered to be justified, and for which the fund makes no provision.

Recipients in 1934.

Hon. J. J. HOLMES asked the Chief Secretary: What are the names of the persons, referred to by the Minister for Lands ("Hansard," 19th December, 1934, page 2197), who received an additional 2s. per acre for wheat harvested 1933-34?

The CHIEF SECRETARY replied: The 2s. per acre is an estimated figure based on the fact that average sustenance granted would be about £30, and the average area

cropped 300 acres. To answer the question it would be necessary to examine about 2,700 cases. The completion of the return would take considerable time and entail expense which is not considered to be justified, and for which the fund makes no provision.

QUESTION—STATE SHIPPING SERVICE.

Vessels' Earnings.

Hon. J. J. HOLMES asked the Chief Secretary: Referring to the earnings shown in the State Shipping Service balance sheet for the year ended 30th June, 1934—£181,602 14s. 1d.—what proportion was earned by the "Koolinda," "Kangaroo," and "Kybra"?

The CHIEF SECRETARY replied: "Koolinda," £88,859 16s. 11d.; "Kangaroo," £67,089 3s. 11d.; "Kybra," £25,590 10s. 6d.; miscellaneous, £63 3s. 7d.; total, £181,602 14s. 1d.

BILL—ST. GEORGE'S COURT.

Read a third time and passed.

BILL—CONSTITUTION ACTS AMENDMENT ACT, 1899, AMENDMENT (No. 2).

Report of Committee adopted.

BILL—NATIVE FLORA PROTECTION.

Second Reading.

HON. H. J. YELLAND (East) [4.39] in moving the second reading said: I have been entrusted with this Bill, and hope the House will pass it. The measure seeks to repeal the Native Flora Protection Act of 1912, and to substitute this piece of legislation to meet the altered conditions. Since 1912 quite a different state of affairs has arisen which demands the protection of a good deal of our native flora. Let me say at the outset that the Bill will not in any way interfere with the Forests Act of 1918-31. The measure is to come into force by proclamation, on the issuing of which only those plants mentioned in the schedule will be affected. However, the Governor may notify, by proclamation, at any time, that any wildflower or native plant is protected, so that at any future time any other

native plant may be brought under the provisions of the measure.

Hon. C. F. Baxter: Will that include double-gees?

Hon. J. M. Macfarlane: They are imported plants.

Hon. H. J. YELLAND: Provision is also made to remove the name of any native plant from the schedule. The main feature of the Bill prohibits the picking and sale of any protected plant during the protected season. I have information to give concerning the devastation that has taken place amongst a good deal of our native flora, and it is felt that some protection of those plants should be provided. Clause 8 provides for preventing the mutilation or destruction of any protected plant on reserve land. When the Bill was first mooted there was a suggestion that it should apply to private land also. Difficulties arose and that provision had to be eliminated, but we were advised to exert every effort to give information to the public that the destruction of wildflowers on private land not used for general cultivation should be restricted as far as possible. Clause 10 prohibits any person from selling or exposing for sale any wildflower showing evidence from the cutting that the plant bearing it had been destroyed or was likely to suffer from the rough handling it had received. Any breach of that provision will be an offence.

Hon. C. B. Williams: Of course, they would not cut such plants before they were put in the shop, would they?

Hon. H. J. YELLAND: If the flowers were cut instead of being pulled, there would not be nearly so many complaints. Take the beautiful *Leschenaultia*; when people pick it they invariably pull it up by the roots. If cut with a knife it would be equivalent to pruning, and in the following season the original bush would grow again, generally with greater vigour than previously. When a plant or tree is pruned, no jagged surface is left exposed to the air, as happens when a plant is broken or pulled. Naturally pulling has a detrimental effect on a plant. What applies to the pruning of our cultivated trees applies also to the cutting of flowers from native plants. Under Clause 11, the Minister is granted discretionary power to waive certain conditions by issuing licenses to pick protected wildflowers for scientific purposes. If anyone were going through the country to ascertain for scientific purposes the value of some

of our plants, he could be granted a license to do so. When a scientist is granted an opportunity of that kind, he takes only those plants suitable for his purpose of scientific investigation. The object is to allow persons to make investigations for scientific purposes anywhere in Western Australia.

Hon. W. J. Mann: The Bill will mean the end of all wild flower shows throughout the State.

Hon. H. J. YELLAND: I do not think so. In order to police the Act, provision is made for the appointment of honorary inspectors; and to prevent the handling of illegal consignments on the railways, the Commissioner of Railways is empowered, through his officers, to refuse any consignments of wildflowers that may be reasonably suspected of having been obtained in contravention of the Act.

Hon. C. F. Baxter: It will never be possible to prove a charge under the measure. All that will result from passing the measure will be the moral effect.

Hon. H. J. YELLAND: That applies to a great deal of legislation. The moral effect, however, is greater than the legal results. Penalties are provided: a fine of up to £10 for a first offence, up to £20 for a second offence, and up to £30 for a third and any subsequent offence. The Bill also provides for the making of regulations. I ask hon. members to take note of the schedule on page 5 of the Bill, containing a list of all the most beautiful species of wild flowers to be found in Australia—and not only in Australia but in the world. The schedule would come into force with the proclamation of the measure. Some of the flowers can be removed from the schedule if that course is found advisable, and other flowers can be added to it as occasion may demand. That covers the provisions of the Bill, but I should like to mention a few reasons why our wild flowers should be protected. In 1926 a Science Congress was held in Western Australia, and a New South Wales lady attending it was heard to ask whether the claim of Western Australians that their wild flowers were superior to those of her State was well founded. She put the question to the then Professor of Biology in New South Wales, and the reply Professor Harrison gave is significant. He said, "My good lady, Western Australia possesses the finest specimens of wild flowers not only in Australia but in the en-

ture world." The lady would not believe it until she had been taken on trips into various parts of the country and shown just what Western Australia's wild flowers are. I heard a lecture by the same professor on the importance of Western Australian wild flowers to the world's science. He said that three different sciences—botany, zoology and geology—enabled scientists to prove a theory of recent origin known as the "Continental Drift" theory. It is to the effect that in the early stages of the creation of the world South America and Australia were joined to South Africa, and that by some means the three continents became separated, South America going away to the west and Australia passing down, as it were, to near the South Pole and eventually drifting upwards into its present location.

Hon. W. J. Mann: Australia has been drifting ever since, financially!

Hon. H. J. YELLAND: The hon. member speaks lightly of the drift of continents, but I can inform him that even at the present time scientific observations are being taken respecting the movement believed to be taking place in the case of Iceland. That island is believed to move towards America and the Arctic regions. Scientists use botanical specimens from this State to prove that the theory is well-founded. Geologically the theory accounts for conditions in the centre of Australia, where evidences are found of that portion of the earth's surface having once been a region of ice. This indicates that at one time it was part of the Antarctic Continent.

Hon. J. Cornell: And it has turned right round?

Hon. H. J. YELLAND: It has drifted further north. A strange fact is that in South America and in the southern parts of Western Australia and also in South Africa are to be found plants which are very much alike, indicating that they have sprung from a common origin. Further, there are indications of the geological structure of the three continents having been somewhat the same. Botanical specimens from Western Australia form part of a centre of a scientific research that is in progress throughout the world in regard to the theory of continental drift. Professor G. E. Nicholls, who occupies the Chair of Biology at our own University, and is now away on study leave, will make a special trip to

South America in order to gain first-hand knowledge of the zoological aspect of the subject.

Hon. T. Moore: But some plants are universal.

Hon. H. J. YELLAND: Yes; but some are not.

Hon. T. Moore: Is the theory that we were all joined together once?

Hon. H. J. YELLAND: I could not say that. If the hon. member would care to make a trip among the islands north of this continent, just below the islands lying to the south of Asia, he will find that there is a clear-cut division between the trees growing on those islands and our eucalypti, the latter going up to a defined line and very clearly stopping there. Only a few miles further north, in the islands south of Asia, starts the Asian arboreal growth.

Hon. J. Cornell: The same thing applies to races of man.

Hon. H. J. YELLAND: It is an indication that at one time there was a greater separation than those few miles. I merely refer to the matter as a proof that our native flora is something receiving the attention of the whole scientific world with reference to that theory. Western Australia is divided into three distinct zones: the Kimberleys, where we have a special growth of plants peculiar to that region; the central portion of the State, chiefly mulga; and then the South-West Division. Curiously enough, the South-West Division is considered to be one of the oldest portions of the earth's surface, containing as it does many of those flowers which are characteristic of an extremely early age: for instance, the woolly or blanket plant and kangaroo paw. Those two species indicate a growth appertaining to an age long before that of the more advanced portions of the Eastern States. Western Australia has retained some members of the ancient plant life. In the whole of Western Australia there are 6,000-odd species of native flora. About half of those are found in the South-West Division.

Hon. G. W. Miles: Only half?

Hon. H. J. YELLAND: About half. I may say that the information I am giving comes from the Government Botanist. Of those 3,000 plants, approximately, growing in the South-West Division 75 per cent. are not to be found in any other part of the world. Thus we have something of which

we may justly be proud. Its effect upon the scientific world is such as to draw a great deal of attention to Western Australia. Roughly, 2,000 to 2,500 of the species are indigenous to this State. In spite of that, the only place where we can get seeds of these plants, our own plants, in any quantity is in the Eastern States. Hon. members will have observed in the Press a couple of days ago a paragraph drawing attention to some special flowers that had been grown in England from seed produced in America. The Englishman sent them to his son in Western Australia, and when the son had grown them he found that they were the blue lace flower of Western Australia. That fact shows how the seed is distributed. The seed of the blue lace had been sent to England as that of a peculiarly fine garden flower of America, and by a circuitous route it returned to its place of origin. Most seeds of our native plants are to be obtained in any considerable quantity only outside Western Australia. Going to Melbourne one is offered there a bunch of Melbourne boronia. It is the Western Australian boronia, but it has been cultivated in Melbourne and has become known as "Melbourne" boronia. As regards the red flowering gum, people in the East ask whether we have any. They will not believe that it is a native of Western Australia and to be found nowhere else in the world. Simply because the seed has been sent to other countries, and distributed thence as a product of those countries, the statement as to its Western Australian origin is disbelieved. Take the Swan River daisy. Nearly all the seeds we get of that come from England and America. One scarlet flower, *Grevillea*, grows profusely all around Perth and Toodyay, especially on the old road to Toodyay. Some of its seed had been sent from Adelaide to people in Perth, and these people grew it. Eventually they exhibited the plant at a show as something new. A botanist had a look at the plant and said, "You can get that by the ton up in our own hills." Now, these are the flowers which we are allowing to become extinct. They grow in profusion all around us, but we are allowing them to be destroyed. The time has come when we should take a little more pride in one of the best gifts bestowed on us by Nature—not so much a gift that will return hard cash, but a thing of beauty and also of scientific importance. May I refer to the destruction of kangaroo

paws that is taking place. This in itself would be sufficient justification for the introduction of the Bill. Years ago when we travelled from Perth to York or Northam it was quite a pleasure to see the profusion of kangaroo paws that were growing by the roadside. To-day we see very few indeed, and this is due to the manner in which the flower has been plucked. Almost invariably the plant is pulled up by the root, and so destroyed. If it were cut the person who plucked it would have the pleasure of possessing the flower, and he would also have the satisfaction of knowing that he had in that way increased the strength of the root portion. His action in just cutting the plant would have the effect of building up the root surface. If merely the flower is plucked the vitality of the plant is concentrated upon the other portions, and in the following year even better blooms will result. But the moment the root surface is destroyed, the plant is destroyed for ever, and there is no chance of its reproducing itself.

Hon. C. F. Baxter: Don't you think that fires have been largely responsible for the destruction in this respect?

Hon. H. J. YELLAND: No; probably the flowers would grow up again from the roots, unless of course the fire had burnt into the roots.

Hon. W. J. Mann: Is it not difficult to pull up the kangaroo paws by the roots?

Hon. H. J. YELLAND: If you pull the flower out you leave a small hole into which the moisture drains and into which also the air has access, and the roots that may remain dry up. There are eight species of the kangaroo paw. The large red and green paw is perhaps the best of all, and being greatly sought after is the paw that has suffered most. There is also the black kangaroo paw known as the *Macropidia fuliginosa*. That is totally different from the red and green paw. The black paw is becoming scarce, and we are in danger of losing it altogether. It is time therefore that we took steps to have it protected.

Hon. G. W. Miles: It should have been done years ago.

Hon. H. J. YELLAND: Then there is another to which I should like to refer, and it is one of the most beautiful in the State. It is known as *Vettricordia Grandis*, and is found in the light country between Watheroo and Irwin River. This flower is likely to become extinct as the land on which it grows

comes into cultivation. All these flowers have been grown on sandplains, and their existence is threatened. Their disappearance would be a great disaster, and I should say that the botanical world would suffer considerably thereby. When it grows on the roadside, almost everyone who passes picks it, and does so without taking any interest in what he leaves in the ground. Very often the plant is so mutilated that it does not grow again. It might interest members to know that the present Lieut.-Governor's name has been handed down to the botanical world by one of our plants being given the name of *V. Mitchelliana*. This is the latest *Vetricordia* found, and constitutes the forty-eighth.

Hon. L. B. Bolton: There are some beautiful specimens around the Watheroo Observatory.

Hon. H. J. YELLAND: It is hoped that we may be able to preserve the plant there. I am putting up a case for the preservation of these fine specimens of plant life that have made Western Australia famous. The orchid collectors in the past have been very destructive in their methods. Almost invariably they pull the plant right out. If they only took the trouble to cut the flower or even pinched it off with their finger nails, the underground portion would be preserved. Unfortunately, however, it has been the practice to pull it out and in every instance the underground portion has been destroyed. This is due to stupidity, or perhaps I should say an entire lack of knowledge concerning the treatment of plant life. We are hopeful that good will result from the passing of the Bill. It may be possible with this legislation to preserve our best flowers which are now destroyed every year through ignorance. One could go on almost ad lib. on this question. It is our desire to prevent the pulling of wildflowers and the unrestricted collecting of these blooms. We have seen people returning in the flower excursion trains with their arms laden with blooms which they cannot possibly utilise, and I guarantee that if you went into the backyard the next day you would find all the flowers in the rubbish bin. The flowers, it will therefore be seen, are plucked merely for the love of gathering them.

Hon. J. J. Holmes: This Bill will not prevent that.

Hon. H. J. YELLAND: It will have a moral effect.

Hon. T. Moore: Will it prohibit the running of flower-excursion trains?

Hon. H. J. YELLAND: I do not say it will do that; nor will it prevent anyone from collecting flowers in the proper way. That is what we are aiming at. We desire to educate the public in the direction of treating the flowers with respect, and in that way preserving them. I should like to make the suggestion to the Minister that perhaps the Government at some time or other will be able to find a little land in certain localities where it will be possible to make reserves and grow the flowers under protection. The plants would then thrive in their native habitats. I am satisfied that if other countries had the wonderful heritage we have in King's Park, they would have created that place into a wild-flower reserve, and grown there many species of our best plants.

Hon. J. Nicholson: That has been attempted, but the soil was found to be not favourable.

Hon. H. J. YELLAND: Yes, for certain flowers. There are some, however, that would grow there.

Hon. J. Nicholson: They have received attention.

Hon. H. J. YELLAND: The kangaroo paws that are growing in the park are really a credit to the board controlling the area, and in the Spring thousands visit the park to see them when in bloom. Every effort should be made to increase the number of wildflowers that can be grown there. I do not know that there is much more that can be said. The object of the Bill is to prevent the plucking of flowers by the roots, and to create reserves where the blooms can be seen. The Government would be well advised to put into force regulations with that object in view. I have given a brief outline of the Bill and the reasons for its introduction. I admit I have rambled a good deal in dealing with the subject, but I have done so from the point of view of duty, and also because of the effect of the wildflowers of Western Australia on the botanical world. I trust that members will give me every assistance to put the Bill through. I move—

That the Bill be now read a second time.

HON. C. F. BAXTER (East) [5.13]: There is no doubt that the object of the Bill is a worthy one, but just how it will

work out in actual practice is difficult to say. The Bill leaves so many loopholes. For instance, Clause 4 reads—

The Governor may notify by proclamation published in the "Gazette" that any wildflower or native plant specified in the proclamation is protected under this Act in any part or parts of Western Australia specified in the proclamation.

That is, when it is proclaimed. This is not the first attempt that has been made to prevent vandalism with regard to our native flora. An Act was passed in 1912 and the late Sir Walter Kingsmill was responsible for it. Everyone who was associated with him will remember the interest he took in the flora and fauna of Western Australia. This Bill comes into force when it is proclaimed. That was the position with regard to the Act of 1912. Clause 1 reads—

This Act may be cited as the Native Flora Protection Act, 1935, and shall come into operation on a date to be fixed by proclamation, and not more than six months from the passing of this Act.

The original Act provides that "it shall come into operation on a date to be fixed by proclamation not less than three months and not more than six months from the passing of the Act." Our worthy President, whose memory is very good and is an acquisition to the House, reminded me that the parent Act was never proclaimed.

Hon. G. W. Miles: That was a disgrace to the Government of the day.

Hon. C. F. BAXTER: It was very much more workable as a measure than this Bill will be. It is a very simple Act, and does not leave the loopholes that are left in this Bill.

Hon. J. J. Holmes: Why not proclaim the old Act?

Hon. C. F. BAXTER: It is too late to do that. Clause 6 reads—

Any person who in any locality, area or part of the State specified in a proclamation under Section 4 wilfully picks during the protected period mentioned in the proclamation any protected wildflower or protected native plant to which the proclamation relates commits an offence; provided that this subsection shall not apply where such wildflower or native plant is picked on any private land.

Are we going by an Act of Parliament to prevent persons from picking wildflowers in places where they are growing in profusion? Many people go out on Sundays and holidays for a day's outing. It is their

delight to do so and it is very good for them. It creates a good spirit amongst people that they should gather and bring home a few native flowers. If the flowers are picked judiciously no harm is done to the plants. The persons we ought to deal with are the vandals.

Hon. H. J. Yelland: Can you tell me why the Act was not proclaimed?

Hon. C. F. BAXTER: I do not know. That was a question for the Government of the day. The proviso to Clause 6, as I have said, reads—

Provided that this subsection shall not apply where such wildflower or native plant is picked on any private land.

Subclause 2 of Clause 7 reads—

It shall be a sufficient defence in any prosecution under this section to prove that the wildflower or native plant was picked in a place not included in any proclamation aforesaid.

Subclause 2 of Clause 8 says—

In any prosecution under this section it shall be a sufficient defence to prove that the matter charged as an offence was the result of accident.

Look at the loophole there. How is it possible to enforce anything under a measure of this kind? It will not be possible to get a prosecution. The moral effect may, however, do some good. The Act of 1912 is a definite one, and does not provide the loopholes that have been left in this Bill. The measure before us will be of very little use in gaining the end desired by its sponsors. Clause 12 provides that the Minister may appoint honorary inspectors to assist in the carrying out of the provisions of the Act. There is nothing more pernicious in our every-day life than honorary inspectors. We generally find that these people are appointed from amongst persons who have a particular kink in the direction sought by the particular Act under which they are appointed. They never recognise any reasonable limit. They give no end of worry and trouble to many people. Clause 12 should certainly be deleted.

Hon. H. J. Yelland: Some inspectors will have to be appointed.

Hon. C. F. BAXTER: No doubt. Section 6 of the 1912 Act reads—

It shall be lawful for any constable or other officer of the police force of Western Australia to examine any flowers or plants in the possession of any person, and if such flowers or plants appear to have been obtained contrary to the provisions of this Act to detain the same

and to demand the name and address of the person in possession of the same.

That section should be embodied in the Bill instead of Clause 12. I have a great objection to honorary inspectors. I know to what length they can go and what troubles they have created in the past. They would be continually harassing people who were taking a holiday in the country, and, instead of the holiday being an enjoyable one, the people concerned would spend a miserable day.

Hon. J. M. Macfarlane: If you are going to protect our wildflowers you must do something.

Hon. C. F. BAXTER: Yes, but this Bill does not give adequate power. It contains too many loopholes, and will not meet the wishes of its sponsors. If Section 6 of the 1912 Act were inserted in place of Clause 12, some good might come out of the Bill.

Hon. J. Nicholson: You think the Act should regulate the picking of wildflowers.

Hon. C. F. BAXTER: Yes.

Hon. J. Nicholson: And that it should not prevent people from picking them?

Hon. C. F. BAXTER: No. When the proclamation is issued, under this Bill, no one will be able to pick wildflowers, although there is the loophole to which I have referred.

Hon. A. Thomson: Wildflowers cannot be picked in King's Park.

Hon. C. F. BAXTER: No.

Hon. J. Nicholson: That comes about under the by-laws of King's Park.

Hon. C. F. BAXTER: There are not enough reserves such as King's Park.

Hon. L. Craig: And they cannot be picked in National Park.

Hon. C. F. BAXTER: No and flowers should not be picked there. The ranges elsewhere are covered with wildflowers. It does no harm to pick them, the harm being done when the plants are pulled up by the roots.

Hon. J. Nicholson: It does no harm to cut the flowers.

Hon. C. F. BAXTER: Some of the plants are broken instead of the flowers being cut. I support the second reading, but I want to see Clause 12 struck out and Section 6 of the Act inserted in its place.

HON. J. M. MACFARLANE (Metropolitan-Suburban) [5.22]: I support the Bill. I feel that members who are not prepared to support it cannot value our native flora

as they should value it. Our flora is of advertising value quite apart from its beauty. If we do not support the measure, we may live to regret that we have not done so. A very large floral exhibition was recently arranged in Newcastle, New South Wales. Specimens were gathered there from many countries of the world. There was considerable representation from Germany, Belgium, America and England, while the exhibits from Western Australia not only won the first prize, but the championship. The Western Australian exhibit was much talked of because it represented such a splendid display of our wildflowers. Actually it was rather too early in the year for the best possible exhibits to be shown. The Western Australian display was so successful that the horticulturists of the countries I have mentioned have prevailed upon the Horticultural Society of Western Australia to compete at the Crystal Palace during the coming year, on very much the same lines as the contest in New South Wales. I am told that as the result of this fine exhibition the Council of the New South Wales Horticultural Society have notified that a sum of money will be available from the New South Wales Government for the purpose of collating, protecting and doing everything possible to preserve our wildflowers. It is realised that from the tourist point of view wildflowers constitute a great draw to Australia in that they induce numbers of tourists to visit the Commonwealth. It is rather a tribute to the flora of Western Australia that the New South Wales Government should be contributing in this unselfish way to the cost of preserving Western Australian wildflowers. New South Wales will not get any direct benefit from the outlay, but it is expected that if people are induced to visit Australia to see the wildflowers in this State they will proceed to the Eastern States, and New South Wales will benefit from the additional tourist traffic. If lovers of wildflowers who wish to take some to their homes cut them properly and are careful about the plants themselves, not much harm can accrue. It is the vandal who does the harm. Many people enjoy a Sunday run in their cars and take the opportunity of picking a few wildflowers. There are others who bring home quantities of flowers only to throw them away

as soon as they return, because perhaps they have withered. I am supporting the Bill more with the idea of providing protection for the plants than for the flowers themselves. An amendment could be inserted in the Bill to provide that the cutting of wildflowers under certain conditions would not be an offence. That would be an improvement. I am credibly informed by members of the Council of the Horticultural Society, which represents all the horticultural societies in the State, that vandalism is so rife amongst those who gather wildflowers, that something drastic must be done to prevent it. I do not agree with Mr. Baxter in his objection to Clause 12. Some proper authority must be set up for the protection of our native flora and plants. In my opinion the reason why the Act of 1912 was not proclaimed was that the department realised the difficulty of policing the Act. As it was not possible to police it, the measure was allowed to go by the board. I am told that in the Plant Diseases Act and the Fertiliser Act there is power to appoint honorary inspectors who assist in seeing that the legislation is properly carried into effect. This system is said to be working satisfactorily.

Hon. C. F. Baxter: It is very unsatisfactory, and causes no end of trouble.

Hon. J. M. MACFARLANE: I am told that the work being done could not have been done half so well but for the inauguration of the present system.

Hon. C. F. Baxter: It may have suited the department, but it did not suit the public.

Hon. J. M. MACFARLANE: This Bill has been brought down because members of the public have to be restrained in some way. If a clause such as has been suggested by Mr. Baxter were embodied in the Bill we might as well refrain from passing the Bill. I do not know whether the member who has sponsored the Bill in this Chamber is in agreement with the amendments I have placed on the Notice Paper. The measure received a rough handling in another place. I am in sympathy with the movement, and I desire to see that our native plants are protected more than they have been in the past. The object of the amendments is to enable the measure to be policed. I can give members the name of

a certain person, and the number of his car, who, a fortnight ago yesterday, conveyed over half a ton of the young plants of the kangaroo paw to Fremantle for shipment to the Eastern States. People import clumps of our wildflowers, and when they arrive at their destination in the Eastern States they are broken up into separate plants and are sold at a large profit. This practice is devastating many areas of our native plants. Almost every interstate boat carries away large consignments of wildflower plants of one sort or another. In this way our parent plants are being destroyed or removed from the State, and something should be done to check the practice. If that is not done, future generations will charge us with having been careless of our trust. I hope the amendments I have placed on the Notice Paper will receive close attention. It is useless to pass such legislation unless we provide powers enabling the provisions of the measure to be enforced. The Minister should certainly have authority to appoint honorary inspectors to assist in policing the measure. I am satisfied the Minister will be able to secure the services of various individuals who will assist in that direction and I have already cited the precedent for the appointment of honorary inspectors in connection with the Plants Diseases and Fertilisers Acts.

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

BILLS (2)—FIRST READING.

1, Legal Practitioners Act Amendment.

2, Supreme Court.

Received from the Assembly.

RESOLUTION—STATE FORESTS.

To Revoke Dedication.

Message from the Assembly received and read, requesting concurrence in the following resolution:—

That the proposal for the partial revocation of State Forests Nos. 20, 22, 27, 29, 30, and 38, laid on the Table of the Legislative Assembly by command of His Excellency the Lieutenant-Governor, on the 26th November, 1935, be carried out.

BILL—INDUSTRIAL ARBITRATION ACT AMENDMENT (No. 2).

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.37] in moving the second reading said: Although this is a very lengthy Bill, it is not half as formidable as it would appear. Many of the clauses deal with procedure and arise particularly from the fact that, in order to give effect to the decision of the Government to enable Government officers to have the right of access to the Arbitration Court, the Arbitration Act must be amended. The amendment takes the form of a separate Part to the Act, and it is therefore necessary to recapitulate in one form or another the procedure to be adopted, if the Bill be agreed to. The Bill provides that Government officers shall have the right of access to the Arbitration Court for the fixation of their wages, salaries, allowances and so forth. As members are aware, under existing conditions Government officers who are subject to the Public Service Act have their salaries, wages, allowances and overtime payments fixed by the Public Service Commissioner. Under the provisions of the Public Service Act, the Commissioner is required to reclassify those officers once every five years. If the Bill be agreed to, those particular officers will be removed from the jurisdiction of the Public Service Commissioner in that regard and will have the right to approach the Arbitration Court in relation to the matters I have mentioned. There are other Government officers besides those who are subject to the provisions of the Public Service Act of 1904. Some are subject to Ministers, some to various boards that have been created from time to time, and some to so-called commissions. Those officers also have been catered for in that, under the definition of "Government officer," they are included.

Hon. L. Craig: Including officers of the Agricultural Bank?

THE HONORARY MINISTER: Yes.

Hon. L. Craig: Are they to have access to the court, too?

THE HONORARY MINISTER: Yes. The Bill in that regard is self-explanatory. If members turn to the definition clause they will ascertain just what is meant by the term "Government officer." Briefly, the term applies to all those who are eligible to be members of the Civil Service Associa-

tion but are not eligible to be members of an industrial union.

Hon. G. W. Miles: Is it proposed to abolish the office of the Public Service Commissioner?

THE HONORARY MINISTER: No, he will still have certain duties to perform. The Arbitration Court will be called upon to fix rates of pay and allowances, etc., for these officers, but only in classes or grades. The salaries of individual officers will not be dealt with by the Arbitration Court.

Hon. L. Craig: What do you mean by "individual officers"? Those who receive over £700 a year?

THE HONORARY MINISTER: No, those under £700 a year. The Arbitration Court will fix the salaries for grades or classes for which a certain salary will be provided, and it will then be the duty of the Public Service Commissioner to place those Government officers in their respective grades or classes. So the Arbitration Court will not be called upon to deal with individual officers. The Bill further provides that the Civil Service Association shall be registered, with its present constitution.

Hon. L. Craig: As an industrial union?

THE HONORARY MINISTER: In effect, yes, with the right of access to the court. If the members of the Civil Service Association desire at any time to amend their constitution, they must make application to the court in the same manner as any other industrial union. In that event the court will notify any other industrial organisation that may be affected by the proposed alterations, and that other organisation will have the right to object to the proposed amendments of the constitution, if deemed necessary. If the Bill be agreed to, it will be necessary to amend two other Acts—the Public Service Act of 1904 and the Public Service Appeal Board Act of 1920. The amendments to those Acts are purely consequential following upon the Bill now before members. With regard to the fixation of salaries for classes and grades, to which I have already alluded, a limit is placed upon the court to the extent that the officers to be dealt with are to be those receiving up to a maximum of £699 per annum. There are other officers who receive £700 a year or more. Under the Public Service Act there are 54 such officers who receive higher salaries than £699. It is not considered desirable that those particular officers shall be subject to the Arbitration Court, although provision is

made in the Bill that the Public Service Commissioner, when assessing or varying salaries of those particular officers, shall do so in accordance with the decision of the Arbitration Court in regard to the classes dealt with by that tribunal. Amongst those also are professional men, men whose duties perhaps it might be correct to say cannot very well be dealt with by the Arbitration Court. They are men holding high positions in the Public Service. Under the Public Service Act, there are approximately 54 officers who are receiving more than £699 per annum. The Bill also provides that the Arbitration Court may order the salaries and wages of Government officers to be varied in accordance with variations in the cost of living, provided that the aggregate variation in any one year is £5 or a multiple of £5. In other words, if the cost of living be increased or decreased by an amount less than £5 per annum, there will be no variation in the salaries I refer to, but if the cost of living be varied to the extent of £5, or £10, or £15, as the case may be, the court may order that those salaries shall be varied accordingly. The question might be asked why we have made this limitation at £699 per annum. I have given one reason for it, namely, that anyone in receipt of more than £699 should not be subject to the Arbitration Court. In New South Wales the operations of the Industrial Arbitration Court in respect of Government officers are limited to those whose remuneration does not exceed £750 per annum. The Western Australian Railways Classification Board Act of 1920 excludes from the jurisdiction of the Classification Board all heads and sub-heads of branches. So there is a precedent for that provision. The Bill also provides that the Civil Service Association and the various employers—such as the Public Service Commissioner, the Agricultural Bank, the Main Roads Board and others—shall have the same rights and privileges as are provided for in the existing Arbitration Act for industrial unions of workers or employers registered under the Industrial Arbitration Act. That is necessary in order that the usual procedure might be carried out when one party or the other desires to approach the Arbitration Court. The Bill encourages negotiations between the parties before an approach to the court is made. There is provision whereby industrial agreements may be entered

into between the parties, thus perhaps obviating the necessity for going to the court in connection with matters which the court has power to deal with. Power is given to the court to refer any matter to any person or persons as a board of reference whom the court may consider to be in a position to deal with professional or technical matters which may be involved. There is no necessity for the court to accept the views or recommendations made by such boards of experts, but still the court is given power to secure information in that way if so desired.

Hon. L. Craig: It is putting Government employees on exactly the same footing as industrial unions.

The HONORARY MINISTER: That is the main object of the Bill but it is considered advisable to have a separate part added to the Act. I have outlined the main points contained in the Bill. There are also many clauses of a purely machinery nature, while others are in accordance with the provisions of the Arbitration Act as far as industrial unions are concerned. Then it will be noted that the Bill makes adequate provision for the protection of the rights of any industrial union which is already registered by the Court of Arbitration. Except as modified by the jurisdiction now to be given to the court, the duties and responsibilities of the Public Service Commissioner will remain as they are to-day, that is, with the exception I have referred to, namely that the court will fix salaries, wages and allowances.

Hon. J. M. Macfarlane: The Public Service Commissioner will be glad of that.

The HONORARY MINISTER: I should not be surprised. At the same time, he will have quite a lot of work still to do in the placing of the officers. Then there is the Public Service Appeal Board constituted at present, to which Government officers have the right to appeal on practically all matters dealt with by the Public Service Commissioner. That appeal board will still remain, but officers will not have the right to appeal to the board on matters determined by the Arbitration Court. What they will be able to appeal to that board about will be those matters dealt with by the Public Service Commissioner, such as grading and the like. Broadly, what I have said covers the principal points embodied in the Bill. There is a large number of clauses, which

makes one think it is a very cumbersome method of expressing what could be simply stated as the transfer from the Public Service Commissioner to the Arbitration Court of the right to fix wages and salaries of Government officers. Doubtless members will desire more information than I have given at the moment, but when in Committee I shall be glad to furnish all possible information. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—PUBLIC SERVICE ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.54] in moving the second reading said: This is one of the two measures which I advised the House were consequential upon the passing of the Industrial Arbitration Act Amendment Bill, if that measure be agreed to by the House. The purpose of this Bill is to make amendments to the principal Act, necessitated by the proposal to grant the Arbitration Court certain powers in regard to the salaries of officers employed under the Public Service Act, 1904. Apart from purely consequential matters, the only amendment proposed is contained in Clause 5, which amends Section 46A of the Act. That section gives the Public Service Commissioner power to grant increased remuneration to an officer when acting in a higher position and performing the work of another officer. But occasions arise when officers are called upon to act in what are known as vacant positions, and it has been held that such cases cannot be considered as coming under Section 46A, because the acting official is not doing the work of another officer. It may be that this does not very often happen, but evidently it is necessary to have the position clarified. This amendment does that. It places the officer who is acting in a so-called vacant position in the same category as an officer doing the same work who is acting and doing the work of another officer. I move—

That the Bill be now read a second time.

On motion by Hon. C. F. Baxter, debate adjourned.

BILL—PUBLIC SERVICE APPEAL BOARD ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. W. H. Kitson—West) [5.56] in moving the second reading said: This is the second measure which will be consequential on the passing of the Industrial Arbitration Act Amendment Bill. The sole purpose of the Bill now before us is to remove from the jurisdiction of the appeal board any dispute which, under the Industrial Arbitration Act Amendment Bill, would be a matter entirely for the Arbitration Court to consider. I may point out for the information of members that the Appeal Board Act relates, not only to officers employed under the Public Service Act, but also to school teachers, and superannuation claims generally. The proposed amendment affects only Government officers, as defined in the Industrial Arbitration Act Amendment Bill, and so it has no relation whatever to teachers. Apart from the consequential amendments to which I have referred, the jurisdiction of the appeal board is not altered. I move—

That the Bill be now read a second time.

On the motion by Hon. C. F. Baxter, debate adjourned.

BILL—METROPOLITAN WHOLE MILK ACT AMENDMENT.

Second Reading.

Debate adjourned from the previous day.

HON. L. CRAIG (South-West) [5.58]: In dealing with this Bill, it is rather necessary to go back to the period before there was a board in existence. Many members who knew anything at all about the milk industry before the board was appointed will know that the industry was in a chaotic state. When the price of butter-fat began to go down, the retailers started to force down the price of milk.

Hon. J. J. Holmes: That was good for the public.

Hon. L. CRAIG: Unfortunately the public did not get the benefit of it. The competition, indeed, was so keen that the retailers approached the producers and said, "We are going to renew your contract, but only at a lower price." So it went on and on until

the industry got into a dreadful state. Then the producers appealed to the Minister to constitute a board. A board was appointed, consisting of an independent chairman nominated by the Government, two representatives of the consumers and two representatives of the producers.

Hon. J. Nicholson: And a representative of the retailers.

Hon. L. CRAIG: The retailers are not directly represented; they have representation through the producer-retailers. Mr. Parker stated yesterday that this legislation was a mass of regulations. That is correct; it has been and probably will continue to be so for some time. It must not be forgotten that this is purely experimental legislation. The board have found that many of the regulations which have been issued are either *ultra vires* or cannot be enforced. They have had to be withdrawn and new regulations substituted. We must remember that the board are an independent body, and have to obtain legal advice outside. I understand that they cannot make use of the Crown Solicitor, except for special purposes. With experimental legislation, regulations are necessary. The whole milk zone is divided into two areas. No. 1 area extends roughly 12 miles by 17 miles and comprises more or less the metropolitan area. No. 2 area extends to Muchea in the north and Brunswick in the south. Let us consider how the producer fares. The producer to-day receives a gross price of 1s. 1d. per gallon for his milk. Out of that he has to pay certain charges. Buyers, as a rule, provide the cans. The producer has to pay for handling and cooling at the depot—in the case of Brunswick and Harvey, that would be at the cooling depot at Harvey—charges amounting to 2d. per gallon, railage amounts to 1½d. per gallon, and cartage from Perth station to the metropolitan cooling depot ¾d., a total of 4d. per gallon. That leaves him with 9d. per gallon for his milk.

Hon. J. M. Macfarlane: That is No. 2 area?

Hon. L. CRAIG: Yes. The people who receive 9d. per gallon—the Harvey-Brunswick producers—would get the least; others closer to Perth would receive a little more because their charges would be slightly lower, but the difference would not be much. Out of the 9d. per gallon the producer has to pay a further charge of one-twentieth of a penny per gallon for compensation. A com-

pensation fund is being built up to compensate any dairyman who happens to be eliminated from the industry for any particular reason. He might be flooded out or the site of his dairy might not be suitable. If he is eliminated from the whole milk business, he has to be compensated.

Hon. J. M. Macfarlane: He does not come under the cattle compensation fund?

Hon. L. CRAIG: No. The producer has still another charge to meet towards the cost of the administration of the board, namely, five-sixths of a penny on every 5s. of his gross proceeds. A retailer who distributes the milk pays five-twelfths of a penny on every 5s. of his gross proceeds, or half as much as the producer pays. Objection has been raised in another place on the ground that the retailers are not represented on the board. I think every member has received a letter to that effect, claiming that the retailers have a right to be represented. Members should bear in mind that No. 1 area comprises roughly the metropolitan area.

Hon. T. Moore: Why are there two areas?

Hon. L. CRAIG: Because they fall into different categories.

Hon. T. Moore: Different treatment?

Hon. L. CRAIG: Yes. I am trying to show that in effect the retailers are represented on the board. Although the Act stipulates that there shall be two producer representatives, the effect under existing conditions is to put one retailer on the board. In the metropolitan area there are 208 dairymen producing milk. Of that number 134 are retailers, so the producer-retailers dominate any election. Of the producers' representatives, one is appointed from No. 1 area, and one from No. 2 area. Of the 208 producers in No. 1 area, 134 are vendors of milk or retailers. A large majority of them supply considerably more milk than they produce; that is, they buy a lot of milk for distribution. Thus the retailers are represented and must be represented in future, because the producer-retailers number 134 against 74 who are producers only. On the boards in Melbourne and Sydney the retailers have no representative. Consequently the retailers here are treated better than are those in Melbourne and Sydney. It would be a mistake, in my opinion, to have a direct representative of the retailers on the board. They have been making efforts to reduce the price of milk to the producers. There is definite evidence of retailers

having made arrangements with producers to debit them every week with goods which they do not receive as an off-set against the price. The buyers of milk are unable to reduce the price below 1s. 1d. per gallon, and to offset that some producers have been told that their contracts cannot be renewed, and so some of them were induced to agree to be debited for goods that they did not receive.

Hon. W. J. Mann: Those people should be protected.

Hon. L. CRAIG: Further, efforts were made by some of the purchasers of milk to place the cost of cooling in Perth on the producers. Many were induced to accept that cost which meant that they received for their milk 1s. 1d. per gallon, less the charges I have enumerated and less the further charge for cooling in the metropolitan area. I have pointed out that the producer receives 9d. per gallon, less the levies of one-twentieth of a penny and five-sixths of a penny.

Hon. J. M. Macfarlane: That applies to No. 2 area?

Hon. L. CRAIG: Yes. The producer in the metropolitan area would get a little more than that. The retailer receives not less than 2s. per gallon, and very often a little more.

Hon. W. J. Mann: Up to 2s. 4d.

Hon. L. CRAIG: I have taken 2s. as the minimum. The retailers pay 1s. 1d. per gallon for the milk, leaving them 11d. to cover their cooling charges, if they have any, and delivery charges. They can save a further $\frac{3}{4}$ d. per gallon by taking delivery of the milk themselves at the Perth station. I pointed out just now that the cost to the producer was $\frac{3}{4}$ d. per gallon for delivering the milk from the Perth station to the cooling depot. Anyhow, say the retailers get a minimum of 11d. to 11 $\frac{3}{4}$ d. per gallon to cover the cost of distribution. Let me show why a board is necessary, and how chaotic are the conditions still existing in the industry. If we are going to straighten out the industry the board will require further powers as time goes on. In 269 streets in the metropolitan area—all kinds of streets were taken into account—the average number of houses in each was 21.1. The average number of milk carts visiting each street was 10. Thus every day we have 10 carts visiting each street with an

average of 21 houses. Each cart, on an average, delivers two-fifths of a gallon of milk in each street, and each cart travels one mile to sell one gallon of milk. Having quoted those figures, I leave members to ponder how much straightening out is necessary in the industry.

Hon. T. Moore: Is that happening now?

Hon. L. CRAIG: Yes. The board, with their present powers are unable to alter that. I hope that later on the board will be given greater powers so that they may place the industry on a better footing. The total cost of the board to the industry is about £6,500 per annum. That is inclusive of inspectors, inspection fees, etc. There is a retailers' compensation fund of £2,900. That does not belong to the board; they can never handle it; it is money accumulated by the levies I have mentioned, and is available to compensate retailers who may have to be eliminated from the industry. In the producers' compensation fund there is a sum of £1,900 for a similar purpose. The board levy has been reduced by 16 per cent. since the 30th June last. The board guarantee the producers against bad debts. All milk delivered from the 1st to the 15th of the month has to be paid for four days after the 15th, and all milk delivered from the 15th to the end of the month has to be paid for four days after the end of the month. The board thus guarantee that there shall be no bad debts. That has proved a boon to the industry because bad debts were heavy previously. Certain new provisions are contained in the Bill.

As to leave to continue.

The CHIEF SECRETARY: I regret having to interrupt the hon. member in order to make an urgent explanation. I informed members that the House would continue to sit after tea to-night, but after having examined the Notice Paper, I find that there is really no need to sit. In discussing the matter with you, Sir, I realised that it would be possible, with the unanimous consent of the House, to grant Mr. Craig leave to continue his speech at the next sitting. We wish to hear the hon. member at length on this Bill. I have mentioned the matter to several members, and if the hon. member and the House have no objection I move—

That the hon. member be granted leave to continue his speech at the next sitting.

The **PRESIDENT**: Although this is not a practice hitherto adopted in this Chamber, it is a recognised Parliamentary practice and is certainly availed of in the Federal Parliament. It is simply a matter of asking permission of the House for leave for the hon. member to continue his speech, but leave must be granted without a dissentient voice. In this instance the object is to meet the convenience of the House.

Motion put.

The **PRESIDENT**: There being no dissentient voice, leave is granted.

House adjourned at 6.17 p.m.

Legislative Assembly,

Thursday, 28th November, 1935.

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

QUESTION—EDUCATION, SECONDARY SCHOOL, SOUTH PERTH.

Mr. **CROSS** asked the Minister for Education: 1, Is it the intention of the Government to erect a secondary school in South Perth? 2, If so, where will the school be built? 3, If not, has a suitable piece of land

been resumed? 4, If this has not been done, will the department give immediate attention to securing sufficient land in a suitable position?

The **MINISTER FOR EDUCATION** replied: 1, No. 2, See answer to No. 1. 3, No. 4, The question of the acquisition of a suitable area of ground for a secondary school on the south or south-east side of the river has been and still is receiving the consideration of the department.

QUESTION—RETURNED SOLDIERS, DESTITUTE CASES.

Mr. **MARSHALL** asked the Premier: In view of the amount granted to destitute returned soldiers in the way of a 1s. certificate by the Federal Government for their last Christmas dinner, and believing that this may be all that will be forthcoming from the Federal Government to destitute returned soldiers for the approaching Christmas, will he, through the Returned Soldiers' League, see that the destitute returned soldiers of this State are better treated by way of a Government subsidy for their Christmas dinner?

The **PREMIER** replied: Since this Government has been in power additional work has been given to men employed on relief work for Christmas, and a cash consideration to those in receipt of sustenance. The Government are extending similar consideration this year. The matter of any special consideration for returned soldiers is really the function of the Federal Government.

BILLS (2)—THIRD READING.

1, Legal Practitioners Act Amendment.

2, Supreme Court.

Transmitted to the Council.

BILL—RAILWAYS CLASSIFICATION BOARD ACT AMENDMENT.

Second Reading.

The **MINISTER FOR RAILWAYS** (Hon. J. C. Willecock—Geraldton) [4.35] in moving the second reading said: This Bill follows almost exactly the same lines in connection with the enforcement of awards of the Railway Classification Board as was