

Hon. A. V. R. Abbott: It says they must be put into operation within a reasonable time.

The MINISTER FOR WORKS: We are the best judges of what is a reasonable time.

Hon. A. V. R. Abbott: Oh no, you are not!

The MINISTER FOR WORKS: Yes, we are.

Hon. A. V. R. Abbott: Oh no, you are not!

The MINISTER FOR WORKS: Yes, we are, and a reasonable time depends on the circumstances.

Hon. Sir Ross McLarty: You think 12 months is a reasonable time?

The MINISTER FOR WORKS: In some circumstances, 12 months would be unreasonable; under other circumstances, two years would be reasonable. It depends entirely on the circumstances.

Mr. Hutchinson: It depends on your point of view.

Hon. A. V. R. Abbott: If you were sitting on this side of the House, you would not say 12 months was reasonable.

The MINISTER FOR WORKS: This is the middle of the present session of Parliament. There is plenty of time if the law is amended during this session to put it into operation before the next general elections. The Leader of the Opposition knows that full well.

Mr. Court: Are you in a position to indicate the formula you have in mind for grading these zones?

The MINISTER FOR WORKS: It is not the practice of Governments to tell beforehand what is to be contained in their Bills. When the measure is brought down, the hon. member will know what it contains, the same as everybody else.

Hon. A. V. R. Abbott: When is the Bill to be brought down? Or don't you know?

The MINISTER FOR WORKS: I am not here in a quiz session, and I have no intention of answering questions on those lines. Let the hon. member be patient.

Hon. A. V. R. Abbott: He will have to be, won't he?

The MINISTER FOR WORKS: Yes; he will. I make two points in connection with this matter. The first is that the attitude of the Opposition is quite different now from what it was when the Opposition had the responsibility of carrying out the intention of the legislature. The second point is that this Government has not done anything at all yet which can be taken as an indication that it is not observing the law. There is ample time in which to put this law into operation, to give effect to it. In the meantime the Government is perfectly justified, if it thinks that the

basis of representation should be altered, in making an attempt to effect that alteration. I hope the House will agree to the deletion of the words which the Premier desires to strike out, in order that we shall get an expression of opinion from this House that steps should be taken to amend the law.

On motion by Hon. Sir Ross McLarty, debate adjourned.

House adjourned at 9.42 p.m.

Legislative Assembly

Thursday, September 2nd, 1954.

CONTENTS.

	Page
Questions : Housing, (a) as to number and locality of commission's blocks	1382
(b) as to number of homes completed	1383
(c) as to delay in building at Maniana	1383
Wheat, as to comparative rail freights	1383
Midland Junction saleyards, as to yardings, prices, etc.	1384
Lands, as to Mt. Many Peaks valuations	1384
Water supplies, (a) as to utilising south coast streams	1384
(b) as to arrangements for Allanson	1385
Bricks, as to production	1385
Education, as to constructing Teachers' Training College	1385
Poultry industry, as to subsidy and costs of production	1385
Bills : Administration Act Amendment, 1r.	1385
War Service Land Settlement Scheme, 3r.	1385
Lotteries (Control), 3r.	1385
Radioactive Substances, Message, 1r.	1386
State Electricity Commission Act Amendment, Message, 1r.	1386
Potato Growing Industry Trust Fund Act Amendment, 2r.	1386
Factories and Shops Act Amendment, 2r., Com., report	1386
Bush Fires, 2r.	1386

The SPEAKER took the Chair at 2.15 p.m., and read prayers.

QUESTIONS.

HOUSING.

(a) *As to Number and Locality of Commission's Blocks.*

Mr. WILD asked the Minister for Housing:

(1) How many vacant blocks of land are owned by the State Housing Commission in the metropolitan area?

(2) In what districts are they located and how many are there in each?

The MINISTER replied:

(1) and (2) The particulars required are set out in the following table:—

Locality.	Available for Immediate Building .	Available when Services extended.	Not Available (to be transferred as replacements, Church sites, W.A.G.R., etc., etc.	Not Available (suitable only for long term development or awaiting comprehensive land drainage).
Kelmscott ....	....	....	....	96 acres
Wanneroo ....	....	....	....	Approx. 8,250 acres.
Scarborough	1,045	95	....	Nth. Killarney 264 acres Church land 350 acres 614 acres
Rayswater	155	....	127	465 lots Hardy Rd. Area—93 acres
Bassendean				
Midland				
Belmont				
Welshpool				
Blackboy ....	....	....	....	68 acres
Greenmount ....	....	450	....	....
Victoria Park	520	1,026	70	650 Lots
Canning Rd. District....				
South Perth				
Brentwood				
Fremantle Districts	850	250	60	....
Totals	2,570 Lots	1,821 Lots	257 Lots	1,215 Lots/9,121 Acres

(b) As to Number of Homes Completed.

Mr. WILD asked the Minister for Housing:

Of the 1,462 houses completed by the State Housing Commission in the metropolitan area between the 1st January and the 28th August, 1954, how many were built under—

- the Commonwealth-State housing agreement;
- war service homes;
- State Housing Act;
- McNess Housing Trust?

The MINISTER replied:

- 765;
- 612;
- 77;
- 8.

(c) As to Delay in Building at Maniana.

Mr. WILD asked the Minister for Housing:

(1) On what date did the State Housing Commission first notify the Treasurer of the Commonwealth of its intention to build houses at Maniana under the Commonwealth-State housing agreement?

(2) How much money was involved, and how many units were to be erected?

(3) On what grounds did the Commonwealth refuse to sanction the proposal?

(4) On what date were fresh proposals submitted to the Commonwealth for building at Maniana?

(5) Was he correctly reported in the "Sunday Times" of the 29th August, in which it was stated that the delay at Maniana had meant an additional cost of about £400 for each dwelling?

(6) If "Yes" is the answer to No. (5), was the saving to be in labour and materials or a lower standard of house?

(7) Who was to be the building contractor had the original proposal been agreed to?

The MINISTER replied:

- The 20th July, 1953.
- £579,906. 322 units.
- Objection to multi-units and site plans.
- The 16th June, 1954.
- Yes.
- By deleting 3-4-5-unit buildings, cost of labour and materials increased.
- T. S. Plunkett Pty. Ltd.

WHEAT.

As to Comparative Rail Freights.

Mr. JOHNSON asked the Minister for Railways:

(1) With regard to the statistics used by the Bureau of Agricultural Economics for establishing the "Cost of Production Index, 1953-54," for wheat, how do the figures for rail freight supplied for Western Australia compare with those for—

- other States;
- the weighted average entering into the calculation?

(2) Would it be correct to assume from these figures that the wheatgrower in Western Australia was receiving 2.487d. per bushel profit as a direct result of use of the State railways?

The MINISTER FOR WORKS (for the Minister for Railways) replied:

(1) (a) and (b) The figure for rail freight is a weighted average of the following estimates for States—

	d. per bushel.
New South Wales	21.8
Victoria	17.4
South Australia	7.7
Western Australia	13.5
Queensland	16.5
Weighted average	15.987

(2) The assumption of a profit to the farmer as a direct result of the carriage of his wheat by rail applies only to the "average farmer" and is, in effect, a subsidy by his fellow wheatgrowers in the higher-cost States. It is probable that the beneficial effect is greatest to those farmers with the longest haul and less to those closest to port facilities.

MIDLAND JUNCTION SALEYARDS.

As to Yardings, Prices, etc.

Mr. HEARMAN asked the Minister for Agriculture:

(1) Can he indicate how yardings at Midland Junction saleyards in recent weeks, compare with corresponding yardings last year?

(2) Does he consider that industrial disputes at the Midland Junction abattoir at any time have had the effect of reducing the yardings at Midland Junction saleyards?

(3) Has the Government any intention of taking action to improve the position at Midland Junction abattoir?

(4) Is he aware that the practice of buying stock for slaughter "in the paddock" rather than at auction is increasing?

(5) Can he say how many sheep and cattle were—

(a) nominated for last week's sale at Midland Junction;

(b) actually put up for sale last week at Midland Junction?

(6) Can he indicate how prices changed at last week's sale at Midland Junction by comparison with the previous week?

(7) Can he say what the normal price trend is at this time of the year at Midland Junction saleyards?

The MINISTER replied:

(1) Yarding, August, 1953—Cattle, 3,862; calves, 689; sheep and lambs, 72,108; pigs, 3,682. Yarding, August, 1954—Cattle, 4,049; calves, 863; sheep and lambs, 74,357; pigs, 4,856.

(2) Yes.

(3) Yes.

(4) No. This would not be the case for normal metropolitan meat supply. Any increase would be private-treaty buying by exporters now contracting business on the trader to trader basis following removal of United Kingdom controls.

(5) (a) Cattle, 1,037; sheep and lambs, 34,085. (b) Cattle, 775; sheep and lambs, 13,198.

(6) Prices generally were up 1d. per lb.

(7) Generally commencing from mid-August, prices tend to reach their lowest level which is maintained until December.

LANDS.

As to Mt. Many Peaks Valuations.

Mr. HILL asked the Minister for Lands:

When will the allottees in the first category at Mt. Many Peaks receive their final valuations?

The MINISTER replied:

No precise date can be given, but the policy is to effect final valuation when planned works are completed and productivity assured.

WATER SUPPLIES.

(a) *As to Utilising South Coast Streams.*

Hon. V. DONEY asked the Minister for Water Supplies:

(1) Has his department any data, arising from tests as to the potableness of any of the rivers or brooks that discharge into the Southern Ocean between Albany and Hopetoun? If so, which rivers or brooks, and with what results?

(2) If the answer to No. (1) is in the negative, will he advise whether it is, or is not, considered that the rivers or brooks, referred to are, or are not, worth investigation and, in either case, for what reasons?

The MINISTER replied:

(1) Yes. The department has information regarding quality of water of the following streams east of Albany, which are all potable:

Chilginup Creek and Bolganup Creek which are tributaries of the Kalgan River;

Goodga River;

Angove Creek;

King Creek;

Waychinicup River.

(2) No detailed investigations have been made of the streams east of Waychinicup, but some are known to be saline. The department is extending its hydrographic investigations and this will include these streams.

(b) As to Arrangements for Allanson.

Mr. MAY asked the Minister for Water Supplies:

Further to the question asked by me on Wednesday, regarding a water scheme for Allanson, will he say whether this scheme is to be proceeded with when the adjustment to the wall of the Wellington Dam has been completed?

The MINISTER replied:

A water scheme cannot satisfactorily be provided for Allanson until the preparatory work for the raising of the Wellington Dam is completed and the dam has been refilled. Accordingly, the scheme will be listed for consideration in next year's loan programme.

BRICKS.*As to Production.*

Mr. WILD asked the Minister for Housing:

(1) What was the total brick production in the metropolitan area between the 1st July, 1953, and the 30th June, 1954, of—

(a) wire cuts;

(b) pressed bricks?

(2) How many bricks were produced by—

(a) the State Brick Works;

(b) the Metropolitan Brick Co.;

(c) the Metropolitan Cardup Brick Co.?

The MINISTER replied:

(1) (a) and (b) Official figures not available.

(2) (a) 29,705,598.

(b) and (c) Figures not available.

EDUCATION.*As to Constructing Teachers' Training College.*

Mr. COURT asked the Minister for Education:

(1) Does the transfer of part of the Teachers' College to Graylands mean that there will be an indefinite delay in the building of the proposed Teachers' College at Crawley?

(2) Is he yet able to indicate a projected date when:

(a) Construction of the Teachers' Training College at Crawley will be commenced?

(b) Reclamation work associated with the college site will be commenced?

The MINISTER replied:

(1) No.

(2) (a) and (b) No.

POULTRY INDUSTRY.*As to Subsidy and Costs of Production.*

Hon. Sir ROSS McLARTY (without notice) asked the Minister for Agriculture:

(1) Has he received any representations from poultry farmers that a subsidy should be provided to assist those engaged in the industry?

(2) Does the Minister consider that the present price is such that producers can cover their costs of production and obtain a reasonable margin of profit?

The MINISTER replied:

(1) Yes. A good few weeks ago I received a deputation from the Poultry Growers' Association in connection with the very matter which the Leader of the Opposition raises. The deputation was held just prior to my attendance at the Agricultural Council meeting, where the whole question on behalf of Western Australia concerning price, costs and possible subsidy to the industry was presented by me, especially with respect to the progress made with the five pilot farms which the State Government is now operating for the poultry industry.

Our experience of these farms proves that efficiency plays a tremendous part in the quantity and quality of the eggs that are recovered. But I think the chief trouble has occurred because the market in Great Britain has more or less collapsed so far as prices are concerned. However, the position has been put fully before the Commonwealth Government, not only by me, personally, but by the Poultry Farmers' Association and by my department in letter form.

Although we have not received any reply at this stage, I feel confident that what has been done will be of great interest and importance to the poultry industry within the very near future. The Commonwealth Government has been most sympathetic to my approaches, but no official reply has yet been received.

(2) I do not think the returns of poultry growers are sufficient, at this stage, to cover their outlay.

**BILL—ADMINISTRATION ACT
AMENDMENT.**

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

BILLS (2)—THIRD READING.

1, War Service Land Settlement Scheme. Transmitted to the Council.

2, Lotteries (Control).

Returned to the Council with amendments.

BILL—RADIOACTIVE SUBSTANCES.*Message.*

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

First Reading.

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

BILL—STATE ELECTRICITY COMMISSION ACT AMENDMENT.*Message.*

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

First Reading.

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

BILL—POTATO GROWING INDUSTRY TRUST FUND ACT AMENDMENT.*Second Reading.*

THE MINISTER FOR AGRICULTURE (Hon. E. K. Hoar—Warren) [2.30] in moving the second reading said: As members can see, this is indeed a small Bill, the object of which is to make only two amendments to the parent Act. The trust fund was established in 1947 as a self-contained fund to give the potato growers an opportunity of developing it entirely at their own expense, in order that compensation might be paid in some cases where disease has spread through a potato crop to an extent where the department must take active steps to eradicate it.

Very often when that work is being undertaken further damage is caused and it was for that reason that the compensation fund was established. It also covers items such as further research into matters affecting the industry, transport and many other questions. I repeat that it is entirely the concern of the growers and is financed wholly by them. Over the years it has been considered that every grower of potatoes who was a grower within the meaning of the Act, automatically had the right to vote at elections of members to the board.

In recent years a doubt has crept into the minds of the advisers of the industry, and latterly into the minds of the officers of the Crown Law Department, as to whether some of the producers had the right to vote. It is to clarify that issue that the first amendment contained in the Bill is placed before the House. At present the definition of "producer" in the parent Act reads—

"Commercial producer" means a grower by or for whom land of a total area of at least half an acre shall be planted during any season, which is

current and in relation to which the expression is used, with potatoes, the resulting crop of which is intended for sale.

The legal definition of any season which is current is the season or seasons, as the case may be, which occur as from the 1st April of any year and up till the time of an election being held, and when a list of the producers has been prepared and a ballot arranged.

As that election takes place in September of a particular year when an election is to be held, any potato grower, according to law, who plants his October potatoes one month later than the election, is not eligible to vote in the election. Consequently, if the legal position were challenged, quite a number of growers in this State would not be able to vote on such an occasion. They would be the growers who plant their crop for that year after September—actually in November—as many of them do. It is proposed to strike that reference completely out of the Act and insert a definition which would then read as follows:—

"Commercial producer" means a grower by whom or on whose behalf at least half an acre or any areas of land exceeding in the aggregate half an acre have been planted in the last preceding period of 12 months commencing from the first day of April in each year and who is qualified to vote at the election of a member of the Legislative Assembly.

If that is included in the Act, it will mean that any person who is a grower within the terms of the definition in the Act will be entitled to vote at any period within that 12 months. Members who know anything about the question will realise that a weakness exists at present, and this seems the best way of overcoming it.

The other amendment contained in the Act is to Section 12, Subsection (4), paragraph (b) of the parent Act. At the present time the Act provides that should the office of an elected member become vacant, the remaining elected member on the board has the right to fill that vacancy himself for the remainder of the term of office, by his nomination. That seems an undemocratic method. We have here a board of three members, one of them a Government officer and the other two elected by the producers themselves, yet as soon as one of them for some reason vacates his office, the remaining elected member has the right to nominate the successor.

Neither I nor the potato growers think that is right, and this amendment, which proposes to deal with the position, provides that where such a vacancy occurs it shall be filled by a person nominated for appointment by the executive of the Potato Growers' Association. I think that will clear up the two matters which have been brought to my notice this year and

which appeared to me to be decided weaknesses in the Act. Firstly, there is the method of voting and the opportunity of voting for all members and, secondly, there is the question of filling a vacancy which, to my mind, should be done by a special approach to the executive of the organisation controlling the growers who, in turn, subscribe to the fund.

Mr. Hearman: What about the clause which relates to an amendment to Section 6, which section is to be amended by the deletion of a subparagraph.

The MINISTER FOR AGRICULTURE: There are one or two consequential amendments in addition to the two principles I have mentioned. I move—

That the Bill be now read a second time.

On motion by Mr. Manning, debate adjourned.

BILL—FACTORIES AND SHOPS ACT AMENDMENT.

Second Reading.

Debate resumed from the 31st August.

Mr. COURT (Nedlands) [2.41]: I oppose this measure in its present form because I consider that the increases provided in the Bill are out of all proportion to any increase in departmental costs that one would reasonably expect to be related directly to the process of registration. The Minister claimed that the Government had no desire to recoup the whole of the departmental operating costs from registration fees. But if one looks at the increases proposed by the measure it indicates that the full impact of the increased fees would produce no less than £11,500, and may be more, in addition to the £5,000 which the Minister told us was now being received from these charges. Therefore the total revenue would be something like £16,500 against the total departmental costs of about £26,000.

During his speech the Minister did not indicate that as a result of these increased fees there would be any extra service rendered for the benefit of the people actually paying the fees. As I understand it, this was intended to be purely a registration fee. Through this registration the department is given a fairly reliable record of all the factories and shops coming within its jurisdiction, and I agree that that is a valuable and desirable record. I do not oppose the principle of charging some nominal registration fee, so long as it is, in fact, a nominal fee and not an attempt to burden the people forced to register with the cost of policing their own establishments. After all, the function of enforcing these particular laws is for the benefit of the community as a whole, and it is unreasonable to expect these people to stand the whole of the cost or, in fact, the

proportion that is now proposed—namely, approximately £16,500 out of a total of £26,000.

If these fees were directly related in percentage to the known increases in costs—such as the basic wage variation since the last increase—there would be a certain amount of logic that one could bring to bear to justify the increase. But from my calculations most of these fees have been increased by 233 per cent. and there are cases where the fees will have been increased by 400 per cent. By no stretch of imagination could we say that costs of registration have increased during the last few years to that extent—namely, 233 per cent. in some cases and as high as 400 per cent. in others.

We find that it is proposed to increase the fee for establishments employing less than three people from 3s. to 10s.; three to seven people from 6s. to £1; seven to 15 people from 12s. to £2; 15 to 30 people from £1 5s. to £3 10s. The Minister indicated that some of the other States were charging much higher fees. I have had a look at the figures for Queensland and I find that for every factory or shop in which more than 10 persons and not more than 30 are employed per annum, the fee is one guinea. For every factory or shop in which more than 30 persons and not more than 60 persons are employed per annum the fee is two guineas; for every factory or shop in which more than 60 persons are employed per annum the fee is three guineas and for all other factories the fee is 5s. and for all other shops the fee is nil.

In South Australia the position is as follows:—For every factory in which not more than two persons are employed the fee is 5s.; where there are two and not more than four persons, 10s.; where there are four and not more than ten, £1; and for every factory in which there are more than 10 and not more than 20 persons employed the fee is £2; and every factory in which there are 20 persons and not more than 30 employed, £3; where there are 30 to 50, £4; and 50 to 100, £5. And for every factory in which more than 100 are employed, the fee is £10. In computing the number of persons employed in a factory the son and daughter of the occupier are not counted. Under that scale it can be seen that even the largest of their factories—and many they have over there are bigger than we have in this State—do not reach the maximum proposed by the Government in the schedule attached to this particular measure.

Mr. Brady: But they have a lot more factories over there.

Mr. COURT: I do not think that is a relevant point. After all, it is purely a matter of registration; it is not a question of the actual policing of the Act itself.

Mr. Brady: There would be more revenue.

Mr. COURT: The Victorian scale of charges is certainly a very steep one, but I would remind the House that that particular scale has been the subject of contentious discussion and dissatisfaction in Victoria. In Victoria if the occupier works alone the fee is 5s. If not more than two persons are employed, the fee is 10s.; more than two and not more than four, £1; four and not more than ten, £2 10s.; 10 and not more than 20, £5; 20 and not more than 30, £10. Where there are 50 and not more than 100 persons employed the fee is £20. But they go further and say that where more than 100 persons are employed, the fee shall be an amount of £20, plus an additional sum of £20 in respect of every additional 50 persons or fraction of 50 persons employed.

One can imagine why there is a great deal of dissatisfaction in Victoria over that scale of fees. However, we should not be bound by the example set in the other States. It is quite apparent that they have not endeavoured to reach unanimity on any standard fee, and therefore we are entitled to approach the problem as it exists in this State. I have not heard that the Governments of the day have been dissatisfied with the fees they were receiving previously and, assuming that to be so, it would be logical to expect any request from the Government for an increase to be based proportionately on increases in costs.

Mr. McCulloch: For what year were the South Australian figures?

Mr. COURT: These figures are right up to date. I am sorry I could not get the figures for New South Wales in time. I could only obtain figures for Queensland, Victoria and South Australia. We are continually asking industry to set an example by absorbing costs, and I believe that the Government has a duty to set a good example. While one might say that the total amount of these fees is not very great it is still another impost that has to be met in connection with the operating expenses of these firms. I think that the fee could well be left at the original amount or, at the most, increased only in proportion to a reasonable estimate of the increased costs. When the last increase was made, it was approximately only 20 per cent. There was a rise of 6d. on a fee of 2s. 6d. to 3s., which is 20 per cent., and if we follow through to the end of the scale, it will be found that that proportion was maintained throughout.

Between the time the original fee was fixed and the 1948 increase, the basic wage had increased by approximately 50 per cent. If we take that as the yardstick for the increase in costs, it will be seen that the Government of the day, in 1948, sought to recoup only 20 per cent. of that in-

crease. There is a certain degree of commonsense in that, too, because only a portion of the operating expenses of the department are attributable to the registration section, and it is quite apparent that, in fixing that fairly small rise of 20 per cent., efforts were made to pass only a proportion of the increased costs of the department on to the registration fees.

Since the increase in 1948, it will be found that the basic wage has approximately doubled, and accepting that as a figure of 100 per cent., we would expect to find the increase related to that proportion. If we follow the proportions used by the Government in 1948, when making its increase, we would expect a 40 per cent. increase, or thereabouts—certainly not 100 per cent.—and by no stretch of imagination could we justify an increase of 233 per cent., and, in some cases, more. On reading the debate that took place in 1948 on a similar measure when an increase in fees was made under the Acts Amendment (Increase in Fees) Act, I noticed that the then Leader of the Opposition, now the Premier, castigated the Government roundly for wasting the time of the House by debating a Bill to alter an Act of Parliament for the purpose of increasing an annual licence fee by such a small amount. He went on to say that it was likely to remain one of the unexplained mysteries that would be the marvel of members of Parliament in future years. Apparently he has borne those comments in mind, and when he has decided to bring down a similar measure to alter these fees, he has tried to do so with a bang, and not fiddle about with any small adjustments. I oppose the measure.

HON. SIR ROSS McLARTY (Murray) [2.56]: I do not think this or any other Bill should have been introduced at this stage to increase taxes or charges. I would have expected that the Premier would first of all introduce his Budget and give us an overall picture of the State's finances. I would also think that in the Budget speech he would have referred in particular to the increased charges now proposed. Further, this measure cuts across the promises that were made by the Premier in his policy speech. He then said that if his party were returned to power there would not be increased charges, and he indicated how charges would be decreased in many directions.

Of course, up to date, there have been very few instances of charges having been decreased. As pointed out by the member for Nedlands, this Bill certainly increases charges because, as he said, it is proposed to increase them by from 233 per cent. to 400 per cent. That is certainly increasing charges with a vengeance. The Minister, when introducing the Bill, told us how these charges compared with those fixed in other States. However, after listening

to the member for Nedlands and his comparison of the proposed charges with those in other States, I think the Minister is somewhat astray in the information that was given to him. I think he should have checked it.

The Minister for Labour: I have checked it. Did you read the Victorian figures?

Hon. Sir ROSS McLARTY: I have heard the figures given by the member for Nedlands.

The Minister for Labour: Yes; and what did he say?

Hon. Sir ROSS McLARTY: For the larger factories in Victoria, the increases in fees are higher than those proposed by the Minister in this Bill. However, the hon. member referred not only to Victoria but also to Queensland and South Australia. I would suggest to the Minister that, if increased charges are warranted, surely they are not warranted to this extent. It is an extra charge on industry and a promise was made by the Premier that charges against industry would not be increased. When introducing the Bill, I do not think that the Minister gave any sound reasons why there should be such a steep increase. In the circumstances, we are justified in opposing the second reading of the Bill.

MR. JOHNSON (Leederville) [2.58]: I did not intend to speak on the Bill, but the arguments I have heard put forward by the last two speakers have convinced me that they do not understand the subject. The suggestion that the proposed increase in charges is too steep sounds very well if we deal only in percentages. After all, a rise of a penny on a penny is 100 per cent.; a rise of 2d. on 1d. is 200 per cent., and a rise of 3d. on a 1d. is 300 per cent. When dealing with percentages one can make figures look remarkably effective. But what is the highest rise? It is only a couple of shillings.

Mr. Court: That is not so.

Mr. JOHNSON: The amount is not worth mentioning; it is less than a member of Parliament would give to a football club, and what is more is deductible from one's taxation. The amount is innocuous. In the aggregate, and in the income to the department, it is of some slight value, but it still is a long way from making the department self-supporting; and that is using the figures of the member for Nedlands.

It appears to me that nobody has said that the department should cut its costs; we all agree it should not. The member for Nedlands, however, did say that the department's work was for the benefit of the general public. But the department's work is for the benefit of industry and it is not directly of any benefit to the general public. It is primarily for the benefit of

industry, and industry should meet the costs. In fact, I would like to support a suggestion that the costs should be raised to the same level as obtains in Victoria, provided we can get a similar service.

In Victoria the whole matter is very well handled, and the new Bill that was introduced on the 10th September, 1953—a copy of which is here—is a very comprehensive and effective measure, and though the costs there to industry are, shall we say, considerably steeper than they are here, the service rendered in that State, not only to industry itself, but to those employed in industry and to everybody related to industry, is very sound. The department there not only registers people, but provides statistics and inspectors. Thus in Victoria the authorities are able to render a very great service.

As a direct result of the work that is being done by the department in Victoria, a great saving to the manufacturing industry has been effected by the reduction in the number of accidents that take place in those concerns. The saving is out of all proportion to the cost. It is all very well for members like the member for Mt. Lawley to indicate that everything can be solved by giving a little money to an injured man, but no money can put a man's hand back. Every industrial accident that is prevented is a direct saving to industry. It is all very well for people on the other side to laugh and giggle, but had they been employed in industry and each had lost a hand, they would probably think differently.

Hon. Sir Ross McLarty: You do not expect us to look at you.

Mr. JOHNSON: The Leader of the Opposition does not have to look at me.

Hon. Sir Ross McLarty: You do not expect me to listen to you.

Mr. JOHNSON: The hon. member does not even have to listen; only people with manners listen. But I am glad that the truth hurts.

Hon. Sir Ross McLarty: You are a stranger to the truth.

Mr. JOHNSON: It has become quite apparent that the hon. gentlemen on the other side of the House are concerned only with money.

Mr. Court: That is not so.

Mr. Yates: You do not know what you are talking about; I have never heard of it.

Mr. JOHNSON: I know more about money than does the hon. member.

Mr. Yates: I doubt it.

Hon. A. V. R. Abbott: You will grow up one of these days!

Mr. JOHNSON: As I was saying, when members on the other side became so upset, the real value of the Bill is to give the

department a little more money to enable it to increase its services. Those members who have been here in previous sessions will recall that I have been asking questions on this particular industry ever since I have been in this House. One question I remember very vividly. To that question I got the reply that the department had neither the manpower nor the money to carry out what was recommended in its annual report.

Mr. Court: The Minister has not advanced that proposition; nor has he said that the increase is to extend the department's service. You are making the suggestion.

Mr. JOHNSON: As I was about to say when I was interrupted, I trust this will enable the department to move at least some degree in that direction. I trust some further importance will be attached, and action taken, to the matters that are recommended in those reports, particularly to the recommendation dealing with safety in industry. I further trust that when they are studied it will be found that something can be done to reduce the cost of industrial insurance to industry by reducing the number of accidents. It is better to avoid accidents, and that can be done by competent inspection and by carrying out the law in full. That would be a far greater saving to industry than the cost of putting up these charges. The amount of the charge is small, even if it may be an increase of 100 per cent. It is still very small.

Having some knowledge of the business, I should imagine that the majority of firms would far prefer to make out a cheque for an amount of at least over £1, than to be worried about cheques for 2s. 6d., and similar little bits. I do not think anybody in industry will be the least bit concerned about these minor increases in the charges. What they will be concerned about is whether they are going to get a better service, and I trust that will be provided.

THE MINISTER FOR LABOUR (Hon. W. Hegney—Mt. Hawthorn—in reply) [3.7]: I would like briefly to reply to those members who criticised the Bill. Of course, I am not in the least surprised that members opposite took the view they did.

The Minister for Housing: It is the job of the Opposition.

The MINISTER FOR LABOUR: That is so. Their objection to the measure was rather mild and, as I say, I am not in the least surprised. I thank them for their criticism because it gives me the opportunity of indicating the reason why the measure was brought down in its present form. It was done because it was felt that the Factories and Shops Department was entitled to receive more revenue than it has obtained hitherto for the purpose of enabling it to carry out its functions.

For my part, I do not propose to quarrel with the figures mentioned by the member for Nedlands. His figures, however, will be found to be merely an approximation when calculating what the extra income will be. But let us assume that the amount will be in the vicinity of £9,000 to £11,000 extra. That will bring the revenue of the Factories and Shops Department up to, say, £16,000 or £17,000, which still leaves a deficit of £10,000. I would like now to deal with a remark of the Leader of the Opposition; he said I was astray. I have the figures of the different States with me, though I did not mention them. But I did invite the attention of members to the figures obtaining in other States.

The figures in South Australia and Tasmania may be lower than what is visualised in this Bill but on the other hand, the figures in Victoria are considerably higher. There is no limit placed on employers in factories and shops in Victoria. There is nothing to indicate that Tasmania or any other State will not see fit to make some upward move with regard to the registration fees for factories. I would like to amplify the point made by the member for Leederville.

Although criticism has been levelled at the fees, it is noticeable—very noticeable indeed—that no member of the Opposition has made any reference at all to the need to protect workers in factories and shops. They merely concentrated on the amount of the registration fee, and tried to indicate by percentages that the figures proposed in the measure were out of all reason.

Mr. Court: In your second reading speech, you did not put forward the proposition of extending the service.

The MINISTER FOR LABOUR: I am not going to be led away on this occasion, either. It is all very well to quote percentages and try to show that the proposed increases provided in the measure are out of all reason. Let us for one moment examine those percentages. When the fees were increased in 1948 the basic wage was either £5 17s. 9d. or £6 1s. 4d. It is now twice as high, or an increase of 100 per cent. I shall give a couple of examples of the fees proposed in the Bill. Where the maximum number of persons to be employed does not exceed three, the present annual fee is 3s.; it is proposed to raise it to 10s. Taken in percentages, the increase is high, but when we look into the actual figure the increase amounts to only 7s. a year and if that amount is divided by the number of employees, the average would be 2s. 4d. per year, or 1d. a week.

How ridiculous is the argument of the Opposition when the actual figures are taken! Take the case of the shop employing over three persons but under seven: The fee is 6s. per year and the proposition is to increase it to £1, or an additional 14s.

If that increase is divided by the seven employees, each would average 2s. per year, or less than 1d. per week. The Leader of the Opposition thought he was about to score a point at the expense of the Premier, who is not here this afternoon, by stating that the Premier declared in his policy speech that there were to be no increases. He tried to make out that the proposed increase in fees was extravagant. In the case of a firm engaging seven employees it will be asked to pay 2s. per year per employee extra. Furthermore, the fee of £1 would be allowable expenses under the income tax law.

Hon. Sir Ross McLarty: How much would the tax on that be?

The MINISTER FOR LABOUR: In the case of the allowance of the Leader of the Opposition, I presume it would amount to seven or eight shillings. If the scale provided by the Taxation Department is checked, it will be seen that where a company makes a profit of £2,000 or £3,000 a year, a large portion of this fee is rebated.

Hon. A. V. R. Abbott: Will the Government do anything to increase the fees for the registration of unions in the Arbitration Court?

The MINISTER FOR LABOUR: If that question is put on the notice paper, it will receive the consideration it deserves.

Hon. A. V. R. Abbott: That is about as good an argument as you can put up.

The MINISTER FOR LABOUR: Where the number of employees exceeds seven but not fifteen, a fee of 12s. per year is paid. The proposition is to increase it to £1 4s. a year, or less than 6d. a week. I would like to advise members that much consideration was given to the proposed increase of fees before the Bill was presented to this House. When the increases are examined, they will be found not to be as steep as the Leader of the Opposition would have us believe.

Hon. Sir Ross McLarty: That is the same argument which has been used by the Government in regard to other taxing measures.

The MINISTER FOR LABOUR: I would like to couple the statement of the member for Toodyay with the omission by the Leader of the Opposition and the member for Nedlands. Neither of the last-named has made any reference to the necessity for the continuance of the Factories and Shops Act. If we take the trouble to read its provisions, it will be seen that it is not just a matter of registering those shops and factories. The legislation provides for the necessary authority to ensure that factories and shops are built to specifications, that sufficient regard is paid to ventilation, sanitation and air space, and, from an industrial point of view, that factory workers, who in some cases are

unorganised, will not be exploited to any appreciable extent. It is one of the functions of the inspector to see that these things are done. When I got down to the human element and dealt with the industrial side—

Hon. A. V. R. Abbott: You will not answer any interjections.

The MINISTER FOR LABOUR: I shall answer them if I am able to understand what the member for Mt. Lawley means. I shall answer them in the right place and at the right time. The member for Mt. Lawley has had an opportunity of speaking to this Bill.

Hon. A. V. R. Abbott: Then answer this one.

The MINISTER FOR LABOUR: I shall do it in my own way.

Hon. A. V. R. Abbott: If you do not answer it, I do not care.

The MINISTER FOR LABOUR: I shall do so before I sit down. The members opposing the Bill conveniently omitted reference to the human side of this legislation, but the member for Toodyay was honest enough to admit that such legislation is irritating. He was the Minister for Labour for nearly six years and administered this Act.

Hon. L. Thorn: Too right, I did!

The MINISTER FOR LABOUR: He also said that the small shops were not entitled to sell certain commodities after a stipulated hour. The shopkeepers had to undo the lock to get at those commodities after that time. The Deputy Leader of the Country Party, who was Minister for Labour for six years, administered the Act and had the authority to do certain things under it. He could have introduced a Bill to amend the Act. Why did he not do so? After this Government has been in office for less than two years, when a Bill of this character is put up, he makes some feeble innuendoes with regard to it.

Hon. Sir Ross McLarty: He administered the Act in a practical and sympathetic way.

The MINISTER FOR LABOUR: There is only one clause in the Bill. It is introduced to try to obtain a little more revenue to enable the factories department to carry out its functions.

Hon. Sir Ross McLarty: Just a little more!

The MINISTER FOR LABOUR: The Leader of the Opposition demonstrates his hostility by his unreasonable interjections. He is beginning to blush. I am going to make his hair stand on end.

Hon. Sir Ross McLarty: I knew that was coming. It always creates laughter.

The MINISTER FOR LABOUR: Speaking from memory, not so long ago when he was in office he was instrumental in increasing the licence fees of motor drivers

by 100 per cent. What extra service did the motorists get when their fees were increased from 5s. to 10s. a year? See how hollow is the criticism!

Mr. Hearman: The Minister—

The MINISTER FOR LABOUR: I hope the member for Blackwood does not come into this. When the criticism is examined, it is found to be hollow. There is only one clause in this Bill. I hope I have given a reasonable answer to the Opposition.

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

Ayes	19
Noes	17
Majority for	2

Ayes.

Mr. Andrew	Mr. McCulloch
Mr. Brady	Mr. Norton
Mr. Graham	Mr. Nuisen
Mr. Heal	Mr. O'Brien
Mr. W. Hegney	Mr. Rhatigan
Mr. Hoar	Mr. Sewell
Mr. Jamieson	Mr. Sleeman
Mr. Johnson	Mr. Tonkin
Mr. Lapham	Mr. May
Mr. Lawrence	

(Teller.)

Noes.

Mr. Abbott	Mr. Nimmo
Mr. Ackland	Mr. North
Mr. Brand	Mr. Oldfield
Mr. Court	Mr. Perkins
Mr. Doney	Mr. Thorn
Mr. Hearman	Mr. Wild
Mr. Hill	Mr. Yates
Mr. Manning	Mr. Hutchinson
Sir Ross McLarty	

(Teller.)

Paira.

Ayes.	Noes.
Mr. J. Hegney	Mr. Mann
Mr. Guthrie	Mr. Bovell
Mr. Styants	Mr. Watts
Mr. Kelly	Dame F. Cardell-Oliver
Mr. Hawke	Mr. Cornell
Mr. Moir	Mr. Nalder

Question thus passed.

Bill read a second time.

In Committee.

Mr. Brady in the Chair; the Minister for Labour in charge of the Bill.

Clause 1—agreed to.

Clause 2—Second Schedule amended:

Hon. L. THORN: I intend to move amendments to the schedule. My reasons have already been given. I said that I considered the figures are too steep altogether. The Minister worked himself up to a great heat in this debate and told members that I was Minister at one time and that I did this and did that. As a matter of fact, I adopted a most reasonable attitude towards this legislation. But he said I did this and I did that.

The Minister for Works: The Minister's complaint was that you did not do this and did not do that.

Hon. L. THORN: I will tell the Committee what I did do. I said that this was irritating legislation so far as small

shops were concerned, but not so far as it related to the inspection of factories. But if the Minister wants to know how irritating it has been regarding factories, I will tell him that inspectors used to walk into a factory without consulting the manager or anyone else, and take charge of the establishment, talking to the employees and holding up their work at the machines.

Hon. A. V. R. Abbott: How very discourteous!

Hon. L. THORN: Yes. They had to be stopped doing that—and rightly so. When I was Minister, I called the inspectors away from shops at beach holidays resorts; and I am proud that I insisted that these shopkeepers should be allowed to do a little trading at the week-ends. We were accepting fees from them; they were paying their rents; and they were in a business from which the harvest was reaped at week-ends. If they could not trade then, they were on the wrong side of the ledger.

Hon. J. B. Sleeman: You should not have done that!

Hon. L. THORN: Well, I did it! Take seaside resorts, where people congregate at the week-end, and find that they are short of some little article of food. In those circumstances, according to the Act, if a storekeeper sold to one of those people a tin of condensed milk, he was liable to a fine.

Hon. J. B. Sleeman: You should have amended the law.

Mr. O'Brien: Was he breaking the law?

Hon. L. THORN: I hope the member for Murchison is going to let me down lightly.

Mr. O'Brien: Was he breaking the law by selling the milk?

Hon. L. THORN: Yes.

The Minister for Works: You said last night that you always carry out the law.

Hon. L. THORN: We always do.

The Minister for Works: When it suits you.

Hon. L. THORN: We carry out the law in the main.

The Minister for Works: Yes, in the main; when it suits.

Hon. Sir Ross McLarty: The same can be said of the present Government.

Hon. L. THORN: People were prevented from buying a small article of food of which they were short, and storekeepers had to go to the expense of installing screens to close off the grocery section. As soon as there was a change of Government, the inspector went around and insisted on screens being erected.

Mr. May: He was doing his job.

Hon. L. THORN: When one storekeeper said to the inspector, "The Minister for Labour said we could do certain things," the inspector replied, "Yes; but he is not

the Minister now. He has gone." The inspector was delighted about it! The present harsh Minister is inflicting hardships on small shops at our beaches; and if a shopkeeper sells a tin of milk to a mother who requires it for her children, or something like that, he is prosecuted.

Hon. Sir Ross McLarty: Is he looking around the shops himself to try to get prosecutions?

Hon. L. THORN: I will have to be fair. I have not heard of it yet. I cannot vouch for that. This is a very steep increase—230 per cent. Our banker friend opposite, that genius on finance, says it is nothing. It may not be anything to him, because he has worked amongst money all his life; and I take it he is well provided for, and has all the finance he requires. So he takes a different view. As a man who has had to work most of his life, I take a sympathetic view of the position of those people. I move an amendment—

That in line 12, page 2, the figures "10 0" be struck out with a view to inserting "4 0."

That would represent an increase of 33½ per cent. If the amendment be passed, I shall move to reduce the fee of £1 to 8s., the fee of £2 to 16s., and the fee of £3 10s. to £1 15s. I shall also move to delete para (b) with a view to substituting for the figure £3 the sum of £3 10s.

The MINISTER FOR LABOUR: This measure was introduced some time ago and, in fairness to members generally, the amendments should have been placed on the notice paper so that all of us would have had an opportunity to consider them. I understand that six copies only have been distributed. When I was a private member, I protested against a couple of copies of amendments being distributed, thus leaving most members in the dark as to their effect.

Hon. Sir Ross McLarty: You can report progress.

The MINISTER FOR LABOUR: There is no need for that. For reasons that I outlined during the second reading stage—I shall not reiterate them—I cannot accept the amendment.

Hon. A. V. R. ABBOTT: Why the Minister should have introduced a lot of extraneous matter, I do not know. As a Minister, he should have known that that sort of thing should be left to other members less experienced in debate.

The Minister for Labour: What was the extraneous matter?

Hon. A. V. R. ABBOTT: Has the Minister no sympathy for the workers? We are dealing with registration fees, and I am sure the Minister would not care to have fees payable by unions for Arbitration

Court registration increased in order that higher remuneration might be paid to the bench. Why does the Minister adopt these irritating tactics? The only reason I can ascribe for his action is that summer is approaching.

The Minister for Labour: You are speaking on the wrong Bill.

Hon. A. V. R. ABBOTT: I am not. When motor licence fees are increased, the object is to cover the cost of registration and not the cost of policing the Traffic Act. No one would suggest that when a licence was issued authorising the use of a motor-car, the charge should cover the cost of policing drivers, but that is the equivalent of what the Minister is proposing and the idea is ridiculous. In protest I support the amendment.

By all means increase the fees by a reasonable amount and justify the increase by showing that it is necessary to deal with the office work entailed in registering the shops. Members should bear in mind that this is an annual charge. On principle, why increase the charges by 300 or 400 per cent.? Does the Government intend to increase the Arbitration Court fees charged to unions? If so, I would object on behalf of the unions.

Mr. YATES: I agree that we should keep pace with the higher costs involved in policing various Acts of Parliament. I am not opposed to an increase in the fees if it will help the department to do a better job. On the second reading, the Minister stated that the sole purpose of the measure was to make certain increases in the existing registration fees, and I take it he is out to get additional revenue. He did not tell us that the increased revenue would be applied to bettering the conditions of the men employed in the various industries under the Act.

When the original legislation was passed, it was never intended that the registration fees should fully cover the cost of administering the department. The fees were intended to represent a monetary transaction between the persons engaged in industry and the department. I agree that some increases should be approved, but the increases proposed in the Bill are too steep. On the other hand, the increases proposed by the member for Toodyay are not sufficient. The Minister said that the basic wage had gone up 100 per cent. since the last increase, so I propose to amend the amendment by providing for a similar increase.

The CHAIRMAN: We have first to decide whether the figure in the Bill shall be deleted; and if it is, the member for Toodyay will have the first call.

Mr. COURT: I support the amendment, because I think it is a reasonable approach to the problem.

Mr. Johnson: It does not cost so much.

Mr. COURT: The member for Leederville would be expected to make such an interjection, and it is in keeping with the relevancy of his second reading speech. The Minister criticised me, and, I think, the Leader of the Opposition, for not commenting on the human side of the measure. I invite attention to the fact that the Bill was submitted on the basis that there would be increased revenue for existing services. At no stage were we called upon to comment on the increased facilities of the department, or its functions. Had the Minister come along with a proposition to extend the department and its functions, we would have had to approach the second reading debate in an entirely different manner.

The only matter before us was the question of remuneration to the department from registration fees. I interpret the Minister's second reading comments on the basis that he wanted extra revenue for the registration function. He did not seek reimbursement of the department's costs through registration fees. Had he sought complete reimbursement, he would have had to jump the figures up even higher than he now proposes. I did draw a parallel between the proportions of the basic wage increase sought by the previous Government in 1948, when it asked for a 20 per cent. increase; and it is not unfair to relate the increase required today to that percentage increase, which would be approximately 40 per cent.

I take it that the member for Toodyay, in arriving at the figure of 4s., has taken the nearest shilling, because a rise of 40 per cent. would give an amount of about 4s. 2d. It is only common sense to deal in convenient sums. The amendment of the member for Toodyay is a reasonable approach to the problem until such time as the Government comes forward with a measure to reorganise completely the operations of the Factories and Shops Department. In the meantime, we are only considering the function of registration, and I think an increase of 33½ per cent. is reasonable.

Amendment put and negatived.

Mr. YATES: How do I stand with my further amendment?

The CHAIRMAN: We are not discussing the amendment, but the deletion of the figure "10". As the figure has not been struck out, no other can be inserted in its place.

Sitting suspended from 3.45 to 4.3 p.m.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

BILL—BUSH FIRES.

Second Reading.

Debate resumed from the 24th August.

MR. ACKLAND (Moore) [4.5]: My mind goes back to some 18 years ago when the control of bush fires was non-existent—at least in any reasonable form. At that time most road boards had their own laws and dates for burning and in many instances the dates varied in the different wards. Sometimes one found that with two pieces of land, with only a road between them, the landholder on one side could burn possibly a fortnight before the man on the other side.

Some 17 years ago the first bush fire legislation was introduced. At that time it was much in the nature of an experiment and since then many amendments have been made to the parent Act. As a result, I think it was wise of the present Minister to introduce this Bill to repeal the old Act and incorporate in the measure those amendments which have been made and present it to us in a consolidated form. I intend to support the second reading and in Committee I shall have something to say about many of the 66 clauses in the Bill. I expect support for some of the amendments which I intend to move.

Control of burning is more essential now than ever before. The State is advancing rapidly and many areas are sown to valuable pastures which, in many instances, are extremely inflammable. The provision in the Bill to increase the penalties for people who do not conform to reasonable conditions deserves the support not only of members in this House but also the people in the country districts. It is profitable for a man to have a fire when the conditions are ideal, even if dangerous, because such a person can easily save himself many hundreds of pounds by allowing a fire to get away, if it will mean that he does not have to let a contract for clearing.

Mr. May: And then probably blame the railways for it.

Mr. ACKLAND: I will deal with the railways in a minute. I think we must make it unprofitable for a man to burn unless reasonable precautions have been taken to ensure that his neighbours and the rest of the district do not suffer damage. But I think there is far too much regimentation about this Bill. That is the trouble with all controls; there is no limit as to how far regimentation and the provisions of an Act can go and that, in itself, defeats the object which the measure sets out to achieve. I must support the contention of the member for Roe who said that conditions which exist in some parts of the State vary completely from those in other parts. The other night the member for Albany said

that even the Kalgan River was not wide enough to prevent a bush fire spreading, under certain conditions.

I have read of instances, from time to time, particularly in the Eastern States, where the tops of a eucalyptus forest were burning at least half a mile ahead of the ground fire. Such conditions would not prevail in various parts of the State. I myself have had the experience of burning a very heavy stubble crop without any previous provision being made for firebreaks or precautions other than a supply of water in two or three haversack sprays. Although I do not suggest for one minute that we should make provision for that sort of thing in this Bill, I cite it as an illustration of what the conditions should be in deciding what constitutes a safe and efficient firebreak.

It is quite possible for two or three men, each equipped with a cheap haversack, with one man in front to dampen down the stubble and another following behind to ensure that a spark has not travelled across the break to cause a further burn, to ensure that every precaution has been taken. Therefore, I think drag-net provisions are not always necessary, and if carried to extremes they will have the effect of encouraging some people to allow fires to get out of hand, which could be described as accidents.

I believe it is a wise move that provision has been made for the appointment of some paid fire officers. There have been instances of men with influence who have not been prosecuted by fire brigade boards merely because they are influential. There have also been instances—I can quote one that occurred only last year—of there being a multiplicity of fire officers in a district—all with some authority—who were not prepared to burn breaks in those places where they would have been most effective.

So although I believe in providing for substantial penalties for a breach of the law, I think that, if a man has fulfilled all the obligations laid down in the Act; that if he has made firebreaks, has given notice, has complied with all the conditions that are necessary before he can burn, and then, through an act of God, say, a willy-willy, or something of that nature which may have carried a spark a considerable distance and started a fire, the penalty in such instances would be particularly severe. I believe that the conditions that apply to private individuals should also apply to the Railway Department.

It is well known by members that the Railway Department has been responsible for some of the worst fires that have occurred in our agricultural districts. However, it is extremely difficult to obtain sufficient proof to secure a conviction, or to get the Railway Department to pay when it is known that it has been responsible for fire damage in the country districts. If the Railway Department were subject to exactly the same conditions as the

man who has fulfilled all his obligations laid down under the Act, I would not have so much objection to that part of the Bill.

I have known instances—particularly in the Victoria Plains Road Board section of my electorate where the Clackline and Miling lines pass through that board's area—of very little effort being made by the Railway Department to prevent fires getting away during a high summer day; when it has not advised the local road board or those adjacent to it of its intention to burn and when it has shown a complete lack of co-operation with the local authority and the district farmers. If the conditions were as stringently imposed upon the Railway Department as they are upon the individual farmer, the wealth of this country would not be so likely to go up in smoke.

Another point I wish to make concerns the penalty that will be imposed on the man who takes his equipment to a bush fire and does not follow implicitly the instructions of the fire control officer. I know of individual land-holders who own several thousand pounds worth of fire-fighting equipment which is kept in constant readiness during the summer months in case a fire breaks out. I know that several individuals have each more money tied up in fire-fighting equipment than has their local authority or their local fire brigade board.

Those men have always been most willing to take their equipment to a fire, not only in their own district, but also to an area many miles away from it. If they are going to be in strife because they do not comply with the instructions given by somebody who possibly and most probably has not had the same experience as they have in fighting fires, and as a result of such instructions are forced to take risks by entering hazardous places where their equipment may be destroyed, or their lives or those of their employees are in jeopardy, they are going to keep their equipment right on their own property and fight only those fires which endanger their holdings. I think the Minister should study that provision carefully. The man who does not comply with the instructions given by one of these officers is liable to a penalty of £100.

With such a penalty in mind, those men are going to stay at home and will not make their equipment available to fight a fire in other places, particularly if great distances are involved. There is always the fear that when controls are introduced they will go to such extremities that they will defeat the object which it is thought to achieve by imposing them. I support the second reading.

MR. OWEN (Darling Range) [4.19]: The Bill, which has rather an imposing and self-explanatory title, is a very comprehensive measure. It is quite certain that

if statutory control in itself could control fires, we would have no fear of uncontrolled bush fires in the future. In fact, the measure has been described to me as a "bureaucrats' dream." However, I believe that we must have power if it is sought to control anything.

In my fairly long experience of administering certain Acts in which a great deal of power was given, I found that provided the power was exercised with discretion and a certain degree of leniency, all was well. But I do think in this instance that if all the power with which the board, the fire control officers and wardens are to be clothed were exercised, it would have a very bad effect in that many people would be afraid to undertake preventive or controlled burning. We must all agree that the more controlled and preventive burning that is done in the restricted period, the less danger there will be of fires getting out of control later. Accordingly I think every encouragement should be given to those people to burn during the safe and restricted period. In fact they should be helped wherever possible to carry out that burning.

For the most effective working of an Act such as is envisaged in this measure, I believe it will be necessary for great care to be exercised in the selection of the fire warden, because he has quite a few duties entrusted to him and, if he were an officious type, no doubt he would get everyone's back up and would receive no co-operation at all. After all, the controls envisaged in this Bill depend almost entirely on the voluntary effort of the fire fighters that form the brigades. Unless they receive the greatest co-operation, I think we might have an instance as mentioned by the member for Moore of people with quite good equipment not taking it out to fight fires if they were instructed by a fire warden, or a fire control officer, to use it in dangerous places, or where either the machinery itself or life were in danger.

Accordingly, whoever is to be responsible for the appointment of those wardens, should take considerable care in selecting those officers. The same, of course, applies to the fire control officer. He must be a man who has had a wide experience in fire fighting, particularly in his own district and locality. It is not uncommon for a man who has had experience in say, agricultural areas, to be just a nuisance when it comes to controlling a fire in the forest country. Therefore, the local authorities, or whoever is responsible for the appointment of these officers, should exercise due care in their selection.

There may perhaps be the possibility of a local authority referring such a matter to the local progress association, the subject being brought up in the course of the usual meeting and different people being nominated. Many may not be anxious to take on the duties of fire control officer

and I know for a fact that at times it is possible for someone who might not be over anxious but who nevertheless would glory in the power conferred on him, to take on the job, with dire consequences in the control of fires in that particular area.

The Bill provides for the board to be constituted of nine members, four of whom are to be nominated by the Road Board Association. Although I feel that association would nominate the right people, I would like to see it specified that the people nominated by the organisation should be practical primary producers, because most people who have had occasion to fight fires have a very wide understanding of the necessity for controls and burning seasons. In most of the farming districts I understand that voluntary fire brigades have reached a fairly high pitch of efficiency and they have very little trouble now as compared with 15 or 20 years ago.

As has already been mentioned, many private individuals own a considerable amount of fire fighting equipment and they have been most co-operative, both in their own areas and also in adjacent districts. Accordingly it is most important that that spirit of co-operation should be fostered, and that it should continue wherever possible if we are to have an effective fire fighting set-up throughout the rural areas.

There are some provisions in the Bill which, I feel, can be effectively dealt with at the Committee stage, but there are one or two points on which I would like to touch. One in particular is that which mentions the need of having a firebreak ploughed or cleared around the perimeter of the area it is decided to burn. That is all right and would, generally, meet the case. But it is another instance where, I feel, quite a lot of discretion must be shown by the fire control officer.

I speak particularly of those areas in the hills with which I am familiar, because in many instances if people are compelled to plough firebreaks, it can prove a great hazard so far as soil erosion is concerned, as most of us in this corner of the Chamber realise. Where possible, therefore, I would advocate that in hilly country a firebreak should not be ploughed, but should be cleared of rubbish and, wherever possible, the entire burning should be done under the direction of the fire brigade while the position is still safe; that is, early in the season when the temperatures are lower and the grass and rubbish are not so dry. If that were done, in many cases there would be no need to prepare a firebreak at all. That applies to the smaller blocks situated in and around the hills areas.

Certain conditions of fire control embracing the escarpment of the Darling Ranges exist and are peculiar to that electorate. Most of that country was originally scrub and forest. It differs entirely from grass or farm lands. Fires which get out of control on hillsides are

very difficult to combat, because the up-draught of hot air will carry a fire up a hill very quickly, particularly in steep gullies. In the areas to which I refer there are several distinct sections. First, there is the forest area controlled by the Forests Department. Possibly 50 per cent. of the geographical area of the Darling Range electorate is covered by forest, and fires which occur there are controlled by the Forests Department.

Generally speaking, that department has been most co-operative with settlers adjoining forest areas, and it has been known to go a long way off the beaten track to assist settlers troubled by fires. On only a few occasions has conflict arisen between them. In orchard country there is no trouble respecting fire hazards because in a properly kept orchard the land is under fallow during the dry season. The only trouble arises when orchards are planted close to bushland and, through the fault of the orchardist, there is not a sufficient fire break.

Where orchards abut on forests, the Forests Department has given a great deal of assistance to owners in burning off during the off-season. It has also encouraged settlers to burn off their land during that period. So it can be seen that very little danger to orchards exists from bush fires. In my electorate, there are also small holdings on which grazing is undertaken and these constitute the greater fire hazard, particularly those situated at the foothills. Possibly, the worst section is that which adjoins the railway. At present, there is only one line that serves my electorate, three others having been discontinued. There is therefore little menace of fire from the railways.

I must mention the number of fires which have occurred in the Swan View district and which can be traced to sparks from locomotives. Just out of Bellevue, where there are steep grades, firemen on locomotives invariably endeavour to get a full head of steam to pull trains up the steep grade. They keep their fires well stoked. On the first steep grade, when there is extra draught caused by heavy exhausts, usually a heavy shower of sparks is emitted. The land around this line is mainly used for grazing; consequently, many fires are caused there.

Another factor which tends to create fires started by sparks from locomotives is the very strong gully winds experienced on summer nights. Sparks from the fire-stack are not the only cause of this trouble. Instances have occurred where clinkers and finer particles of burning coal falling down to the ash-pan have not been flooded. With the strong winds blowing down the gullies, very often this burning coal is carried far beyond the fire breaks built by the Railway Department. Settlers there live in constant fear of fires being started by locomotives, and one of them told me only a few weeks ago that during

this season he intends to burn all his paddocks in close proximity to the railway line so that better protection will be afforded to paddocks further back.

Around the townships there are many small blocks subdivided into quarter or half-acre lots. I refer to those not built on. In many instances, they are owned by aged people or absentees who cannot undertake burning off. In such cases, the local fire brigades generally assist in burning off these small blocks during the safe burning period. One brigade in my electorate advised owners that it was prepared to do burning off, and asked for permission and co-operation from them. The brigade has received many donations for this work and has derived quite a few pounds in revenue for that service which has been used to buy more and better equipment.

The several bush fire brigades in the district have, during the last four or five years, performed a wonderful service. Members of the brigades have been very interested in this Bill and have looked forward to its introduction for the last year or so. The border of the Darling Range electorate adjoins the metropolitan area where the metropolitan fire brigades have full control. Quite often full co-operation from the metropolitan fire brigades is received. They have turned up on occasions and, without water being available, assisted in combating various fires.

But on one or two occasions ill-feeling has been caused when metropolitan fire brigades have turned out. When the local bush fire brigade was fully engaged in combating a fire, one metropolitan brigade stood by and did not assist. The members contended they were there to protect the house property threatened and until the fire got near it, they would not assist.

The Minister for Lands: You admit that there is an improvement in the Bill on that point.

Mr. OWEN: Yes. In those circumstances, there was not the best feeling between the metropolitan fire brigade and the bush fire brigades. Those were isolated cases; generally there was full co-operation. There are other factors contributing to bush fire hazards apart from the railways. These are the S.E.C. and the P.M.G. Department. It is not always their fault when fires are caused, but they have not on every occasion acted for the best when leaving rubbish around after falling trees and clearing land. Very often, chance sparks cause such deposits to be set ablaze, and these spots are a source of worry to the local fire brigades. On being approached, the two departments concerned have, in some instances, taken action, but I would like to see it obligatory on these departments to dispose of the rubbish which is left after clearing operations.

There is a provision which refers to the burning of breaks while a bush fire is raging; and heavy penalties are provided for anyone back-burning unless ordered or authorised to do so by a fire control officer. As a general principle, that is quite all right; but there have been some cases—particularly in the small subdivided areas I have referred to previously—where quick action on the part of those already on the spot has saved the situation. I would be very loth to see people penalised when they have taken the initiative in burning back before a brigade has arrived, because in most instances those who do so have had experience of fires and are able to prevent them getting out of control.

The matter of burning rubbish during the prohibited period is one that has given a lot of concern to the bush fire brigades in my area. Up to the present they have been quite happy about people burning household and garden rubbish after it has been placed in approved incinerators. But they are somewhat opposed to the burning of rubbish in the open during prohibited times. This Bill provides that such burning can be done during certain hours, provided there is a break of 15ft. round the heap being burnt.

I would not like to see that clause deleted. I think we have to allow the burning of rubbish; but I would advocate a wider break than 15ft., particularly where there is grassland. The reason I would not like to see the provision cut out altogether is that it is a fairly common practice of orchardists who have to dispose of quantities of fruit in order to minimise the danger of fruit-fly, to render it sterile by burning or boiling. Small quantities can be disposed of in an incinerator; but where there are comparatively large quantities—particularly of soft fruit with a high percentage of water—it has been found that the most economical method of disposal is to boil it.

Many orchardists, including myself, make a practice of putting the fruit in water in 44-gallon drums and lighting a fire underneath. Then, when the fruit is thoroughly sterilised by boiling, it is buried. The Bill makes provision for that. However, there has been some agitation from fire brigades to have that cut right out. I would prefer to see the clause retained, particularly if it is stipulated that such fires may be lit only after the site has been inspected by the bush fire control officer or an officer of a brigade.

The matter of Sunday burning is one of considerable controversy. Some of the brigades, particularly around the built-up areas, feel that Sunday burning should not be allowed, because many of their officers, and others, who have volunteered for duty during the week, feel they are entitled to one day of rest, and prefer Sunday, particularly as some areas have a restricted telephone service on that day. On the other

hand, other parts of the district say that Sunday is the only day that a full attendance of bush fire brigade officers can be mustered since, during the week, many are at work and out of the district. I think it is a matter which must be treated with considerable discretion.

Hon. Sir Ross McLarty: On Sunday, many are at golf or tennis or football.

Mr. OWEN: That is so. I am referring to the points of view submitted by two brigades in my area. One is in favour of the practice and the other is definitely opposed to it.

The Minister for Lands: It is hard to legislate for differing opinions like that.

Mr. OWEN: The two brigades come under different local governing authorities; and it might be possible to effect control by means of by-laws. In many instances, in the Kalamunda area, we have had rather serious bush fires at week-ends because owners who have visited their properties at that time have decided to do a spot of burning in the middle of summer, with a strong wind blowing.

In that area, particularly during the last season, there has been occasion to launch quite a number of prosecutions against people who have been careless in lighting fires of that kind. I think that the Forrest-field brigade had to go out something like 18 or 20 times at week-ends, and they take a very poor view of people lighting fires on Sundays and endangering properties. The brigades have gone to fires because they have wanted to make the district safe. In many instances the properties of the members of those brigades have not been menaced; and I think the spirit they have exhibited in attending such outbreaks is to be commended.

There is one part of the Bill which I think should be amended. When a warden or a bush fire control officer considers that a fire on a property is out of control, or has extended beyond the limit of that property, the brigade or forestry people may take steps to bring it under control or extinguish it. In those circumstances, it is provided that the person whose property is concerned shall pay the local authority a sum of £200. That is rather severe, and could very easily lead to a little victimisation, because it is left to the judgment of the fire control officer as to whether a fire is out of control.

Many of us know that there has been ill-feeling on the part of some bush fire brigades against certain persons; and if a fire control officer were vindictive in such circumstances, he could say that a fire was out of control, steps would be taken to deal with it, and it would cost the landholder up to £200. I would like to see that provision amended to provide that such individual might be called upon to pay after consideration of the matter,

by the local authority, rather than that payment should be compulsory. I consider that the provision is a little too mandatory.

The Minister for Lands: That is for the recovery of costs.

Mr. OWEN: Yes, but the provision says "shall," not "may."

The Minister for Lands: A man would have a normal defence against that.

Mr. OWEN: I do not think that would apply because the provision is mandatory. I wish to say a few words about the penalties prescribed in the Bill. Most of them are fairly severe, and I think we are all agreed that they must be severe if they are to be effective. As was stated earlier in the debate, some people would rather pay a fine of £10 or more if they could put a fire through their property that would make a complete job of the clearing. To control actions of that sort, I agree that fairly high penalties must be provided, but in a few of the clauses, some of the proposed minimum penalties might well be lowered.

We have had quite a lot of experience of fires getting out of control, through the ignorance of the person responsible, and it might be desired to take action against that person as a warning if it were considered that a warning by word of mouth or letter was not strong enough. In such a case, the minimum penalty provided in the Bill could be too severe. In various cases, it may be said that while the man concerned was responsible, the offence was not serious enough to warrant the infliction of a penalty of £10.

The Minister for Justice: That would be the minimum penalty, would it not?

Mr. OWEN: Where the offence was a minor one, I think the minimum penalty could well be lowered, but, of course, if the offence were a major one, the greater penalty should apply. I think a little more latitude could be allowed in that direction. If the penalty were too severe, there might be some hesitation about prosecuting for minor offences.

In the measure, as in the Act, provision is made to deal with the insurance of members of a brigade or volunteer fire-fighters as well as of the vehicles and equipment used. Such a provision is only right. Anyone who takes his equipment to assist in fighting a fire should be protected to the utmost. Here I might relate how, in one instance, a firefighter was penalised. His vehicle was insured; he had a mishap with it and made a claim on the insurance company. This was paid, but on that account, he did not receive the no-claim bonus on his next year's premium and was penalised to the extent of several pounds in consequence. The local authority felt that this was not right and followed the matter up. It appeared that out of the many insurance companies

accepting such insurance, the only one that would not allow the bonus was the one he was insured with. The company with which the local authority had insured provided cover for many other things and did meet the situation the first year, but in the second year, I think the loss of the no claim bonus had to be borne by the individual. I mention this to show that while we might with all good intentions cover everybody concerned by insurance, there are likely to be some minor slip-ups. I consider that the Bill is quite a good one and, with some amendments, will prove of great assistance in helping to control bush fires. I support the second reading.

HON. J. B. SLEEMAN (Fremantle) [4.55]: I do not profess to know very much about bush fires, but I am rather surprised that more complaints against the Bill have not been voiced by our country friends. I consider that some of the penalties proposed are pretty savage. Under one clause, if a man in the country does everything possible and everything required by the Act and by the fire control officer and the fire gets away, he is to be subjected to penalties. When a man has observed every requirement of the Act and a fire gets away by accident, he should not be penalised as is proposed in the Bill.

The portion of the measure to which I am most strongly opposed is the provision permitting a man in those circumstances to be fined £500 or imprisoned for five years. The clause does not even say that he may be fined an amount up to £500 or may be imprisoned for a term up to five years. I shall read the provision—

A person who . . . places a match or other inflammable or combustible substance matter or thing in a position so that it may directly or indirectly be ignited by the rays of the sun or by friction or other means, or to be exploded or set on fire, or whereby a fire may be lit or caused under such circumstances as to be likely to injure or damage a person or property, whether the fire be caused or not, is guilty of an offence.

Thus if he does something that may have caused a fire, he is guilty of an offence and the penalty is £500 or imprisonment for five years. If he does something that could have caused a fire but did not cause it, he is still liable to a penalty of £500 or imprisonment for five years.

But that is not the worst part. A man in those circumstances is not going to be tried by jury; he has to be tried by a stipendiary magistrate. Here is the provision in the Bill—

A person guilty of an offence against this section may be summarily convicted, but the complaint shall be heard and determined by a stipendiary or resident magistrate.

When the penalty prescribed is a fine of £500 or imprisonment for five years, the man should have a right to be tried by jury. If we adopt the provision in the Bill, we shall be getting away from the system of trial by jury. However, if representatives of country constituencies are prepared to let their friends run such a risk, even when they do not actually cause a fire, I do not mind, but I am surprised that they did not raise the point.

Hon. Sir Ross McLarty: I think we shall have to give you support on that matter.

Hon. J. B. SLEEMAN: The Minister might be able to explain it.

The Minister for Lands: What is the number of the clause?

Hon. J. B. SLEEMAN: I am not permitted to say, but the Minister will find it at the top of page 30. One point on which I think the Minister will not be able to satisfy me is that, when a person is liable to a fine of £500 or imprisonment for five years, he shall be tried by a resident or stipendiary magistrate. We should strike out that reference and insist upon trial by jury.

MR. WILD (Dale) [5.0]: Anything that will assist to control or prevent bush fires must receive the support of every member. In the electorate that I represent, I fear that what causes 95 per cent. of the fires is not, logically enough perhaps, covered by the Bill, because I understand it comes within the Railways Act. Most of the fires—some of them very bad ones—that occur in the Dale electorate are caused by railway engines.

I notice that under the Bill the board is to report to the Minister as often as it thinks expedient so to do, on the best means to be taken for preventing or extinguishing bush fires. I suggest to the Minister that the board, if it is honest in its intention to prevent fires, should, as one of its first duties, spend a week or a few nights at the Oaklands-rd. crossing between Byford and Armadale, and as sure as night follows day, it will see practically every night, not one fire but two or three being started by the hard-working engines puffing their way up the hill, in their efforts to get their loads over the grade and into Armadale.

This seems to be a favourite spot. I have been on many deputations from the Armadale Road Board about this gradient, but we have been told that it is a pinch where the engine has to be given everything. But that is no satisfaction to the poor old settler who, year by year, gets burnt out. I know of one particular man who sold out last year, and who was burnt out four years running. Practically every blade of grass on his property was taken, and he had on his farm in the order of 80 or 100 head of cattle and a few horses, which meant that he had to fall back on neighbours to help him out.

From memory, I think, that on a couple of occasions the Agricultural Department assisted him by getting feed for him so that he could carry on; but, virtually, his industry was thrown to the wolves in a matter of five minutes, due to these sparks that come either from the funnel of the engine or the fire-box. That man, and his good lady, who were in advanced years, were finally forced to sell out last year because their sons had married and moved away from the property, which meant that Dad and Mum were left to remain awake nearly every night throughout the summer months to watch for these fires. In this district, we have bad easterly winds, and when the engines try to make the crest of the hill without stopping, the sparks are swept 100 or 200 yards from the railway line, and, before we can say "Jack Robinson," away goes the country!

Hon. L. Thorn: What coal would be used?

Mr. WILD: I presume it would be Collie coal. We had deputations, but we could never get anyone to accept responsibility for these fires. The Railway Department always says that, providing it makes a firebreak, unless the farmer actually sees the coal going on to his land and lighting it, it accepts no responsibility.

Most of the properties in the district that I am talking about are of the order of 100 to 200 acres. To prevent these hot coals from lighting the pasture, the farmer would virtually have to clear practically the whole of the first 200 acres adjacent to the railway. So, one of the first things the board should do is to go out and pitch a little tent for a few nights and see just what really does happen and pin, for the first time, the liability on the Railway Department, which is responsible for starting these fires.

The Bill provides for general prohibitions and offences, and states that it is an offence for a tractor to operate during the prohibited burning times unless the exhaust pipe is fitted with a spark arrester as prescribed by regulation. If it is good enough for the farmer to have to do that—he would do it in his own interests, anyway—it is good enough for the Railway Department to fit its engines in the same way. Over the years, the railway officials have said, "They are adequate, and we test them all."

But what I have spoken of this afternoon, I have seen with my own eyes; and I know that when this particular section of Dale was in the Murray electorate the member for Murray at that time experienced exactly the same trouble. The railways cannot deny what I have said. I would say that 95 per cent. of the fires which burn that country out every year—this does not occur in odd years, but every year—are started by the railways.

Mr. Ackland: What has the member for Collie to say to that?

Mr. May: I can take you and show you where there were fires nowhere near the railways last year.

The Minister for Health: If they had an efficient suppressor, they would not be able to steam.

Mr. WILD: The Minister for Health is quite right in his statement, but the problem, I submit, is one for engineers, and it is up to the Railway Department to do something to eradicate this menace.

Hon. L. Thorn: Do you think the diesels would solve the problem?

Mr. WILD: Yes. In the summer, there is a period of three or four months when this trouble is an absolute menace, and everyone relies on the volunteer firemen the member for Darling Range spoke about. The engines do not stop on Saturday nights, but go on pulling coal to Perth every night, and so these fellows have to be on duty for seven days of the week. It is not good enough that they should have to spend so many hours, knowing full well what is going to happen night after night. Something should be done along the lines I have suggested, and one of the first tasks of the board should be to see who causes the fires and then use its powers as set out in the Bill. If it did that, it would do the Armadale district, at any rate, a tremendous amount of good.

MR. NORTON (Gascoyne) [5.8]: The Bill is to be commended as it will do the State a tremendous amount of good, but it contains one or two clauses that I wish to comment on. One portion relates to the exhausts fitted to tractors and other machinery, and it provides that the exhausts shall be kept clean, in an upright position, and so on. Then it refers to internal combustion engines and says that they shall be fitted in accordance with the regulations. Just where the regulations are governing these engines and other machinery, I do not quite know.

Internal combustion engines are dangerous as they are used in many places close to inflammable materials. They are used on power harvesters and many other types of machinery, as well as on pumping installations that are near grass. They should come under the same regulation as the tractors do, and be required to keep their exhausts clean and fitted with an efficient spark arrester. The exhausts should also be in a vertical position. When the Minister is replying, I would like him to clear up these points.

The Minister for Lands: There is power covering the regulations, but neither the hon. member nor I know what they are.

Mr. NORTON: Subclause (1) of Clause 27 provides what is necessary in connection with tractors, and I would like to know why internal combustion engines have not been included there.

The Minister for Lands: They were probably considered and I presume there would be special regulations to cover them.

Mr. NORTON: Then I would like to know what those regulations are. I know the dangers involved and have seen the damage done by big fires caused by internal combustion engines—particularly diesels—with dirty exhaust pipes. I would like the Minister, when replying, to clarify the position.

The Minister for Lands: Do you think I am superman?

Mr. NORTON: Another matter to which I wish to refer is that raised by the member for Fremantle. I can see the danger in lighting or causing fires to be lit and in this respect I am referring to the truck driver who, in the North-West, wishes to boil his billy. If he lights a fire for that purpose he will, under this provision, be liable to the penalties provided.

Mr. Owen: There is provision covering the boiling of billys.

Mr. NORTON: The provision says that a person who lights or attempts to light or causes the lighting of a fire is liable to a penalty. Apart from the points I have mentioned, I support the Bill.

HON. D. BRAND (Greenough) [5.12]: I support the second reading. As members have said, any organised effort aimed at protection against fire is commendable and worthy of support, but no matter what efforts are made by the responsible authorities or what legislation is passed in this House, unless, hand in hand with it, there is a propaganda campaign to make the public more conscious of the necessity of avoiding those thoughtless acts which are responsible for fires, no real achievement can be expected.

In this connection, I have in mind particularly the areas along the Midland and Wongan Hills lines where every year thousands of acres of additional land are being cleared. The result is that the native bush, which hitherto would not carry fire, is being cleared and the land laid down under pasture. Members know that every year we are confronted with improvements, in the scientific and agricultural sense, relating to the growing of pastures. I remember reading, a few years ago, about the fires in the Eastern States which constituted a national problem. Those fires swept many thousands of acres of country travelling from one district to another.

Up till the present, Western Australia has not experienced such vast fires as that and it is satisfying to know that an authority is to be set up and organised to prevent the development of a state of affairs such as caused those disastrous fires in the Eastern States. Agricultural pursuits in Victoria and New South Wales had at that time perhaps developed to a greater

extent than is the case here and the growing of pastures had certainly been undertaken on a scale not dreamt of in Western Australia. We are now, however, bringing our methods into line and it is time we brought to the notice of the public the fact that the mere throwing of a lighted match or cigarette butt from a car may be the means of causing a most disastrous fire.

As members who know the country along the Midland line are aware, the land is gradually being cleared and sown to pasture or planted with cereal crops. I realise that some effort is being made to awaken the public to the dangers of leaving behind fire that has been started for picnic purposes, and so on. I am hopeful that the right sort of propaganda will continue and that the departments concerned will spare no expense in that direction. I repeat that it is necessary to awaken the public conscience in regard to fire.

It is true that not a great number of fires have been started by the locomotives on the Midland line, mainly, I think, because they use Newcastle or other imported coal. I am glad to note that as the result of the use of diesel rail cars and, later, diesel engines on the Wongan Hills line, the fire menace in that area will not be so great in future as it has been in the past. I would draw the Minister's attention to the fact that, in an effort to minimise the fire hazard from railway engines, contracts have, over the years, been let for the ploughing of firebreaks along the railway lines. There was a time when that work was done with shovels, but contracts are now let to local farmers to plough the breaks. As the result of the red tape associated with the letting of these contracts, the work is often done too late, in the northern areas, for the ploughing to be of any use.

Mr. Ackland: Very often it is a sheer waste of money.

Hon. D. BRAND: That is so. The contractor starts at a certain mile peg and never stops the plough until he reaches the mile peg at the other end of his contract and it is no exaggeration to say that in such circumstances the plough is on the ground only occasionally. Very often the ground is so hard that a disc plough will not do the work.

The Minister for Lands: Do you say the plough is airborne most of the time?

Hon. D. BRAND: It may be making marks on the ground, but it is certainly not doing the job intended and for which the money is paid.

Mr. Ackland: It is not the fault of the operator.

Hon. D. BRAND: That is so. In view of what we have seen happening year after year, I feel that there is not sufficient supervision of the carrying out of the conditions of these contracts. I admit that if the ploughing is done very early the winter

rains will bring up the grass on the ploughed land and create another fire hazard. I would like the Minister to note what I have said, not so much as a point to be raised with his colleague, the Minister for Railways, but as something of interest to the members of the proposed board.

The Minister for Agriculture: I will bring it to their notice.

Hon. D. BRAND: Even if we do not get all that is necessary done in one year, we should at least ensure that the firebreaks ploughed are good for part of the distance. Members have pressed the point that greater responsibility should be placed on the Railway Department for damage done as the result of fires alleged to be started by railway engines. I am of the opinion, while appreciating the difficulties associated with any claims, that added responsibility must be cast upon the Railway Department in order to ensure that it makes a greater effort to minimise the possibility of starting fires. From time to time in this House we have heard of efforts to introduce efficient spark-arresters. We have been given as reasons for their inefficiency the fact that on occasions they are set aside because they interfere with the steaming qualities of the coal. But I am sure that if the department were faced with the direct responsibility of meeting claims, which would amount to hundreds of thousands of pounds, the Minister and the Government, and the Treasury, would see fit to spend more money for the provision of efficient spark-arresters and the like.

The point raised by the member for Fremantle—and I might say that this has been discussed by a number of members on this side of the House—regarding the penalty of a fine of £500 or imprisonment for five years, is one which I understand my colleague, the member for Mt. Lawley, will discuss in a few moments. I can appreciate the action of the board members in stipulating a penalty such as this in an effort to prevent people who desire to get around the Act by dropping a match, or setting a wax match under a glass bottle, or using the rays of the sun in some other way to start a fire which will burn the bush surrounding their properties, from doing so.

Some people do this because they desire certain portions of their properties to be burnt, and they know that it is difficult to obtain permission because of the restrictions and regimentation in the Act. That sort of thing will always be difficult to police, but I am hopeful that the penalties, even if reduced, will be sufficiently severe to cause people who are prepared to take the risk and ignore the danger of setting such a fire, to think a second time. Apart from that, I commend the Bill to the House. A number of amendments will be moved in Committee, and it is to be hoped that as a result of the effort to consolidate the Act, a sure foundation will be laid for a

good measure which will go a long way towards controlling what will be an increasing menace in this State—fire.

HON. A. V. R. ABBOTT (Mt. Lawley) [5.25]: I do not propose to discuss the principle involved in this Bill so far as it relates to bush fires, but I would like to say, firstly, that it is a very savage measure. When a police magistrate is given power to send a man to prison—it is not even trial by one's own peers—for five years, I think it is going too far. A man does not receive a penalty of five years' imprisonment for indecent dealing or similar crimes. A person might ruin a child's life, but the law does not impose a penalty of five years' imprisonment.

The Minister for Housing: In this case, a man might ruin the lives of scores of people.

Hon. A. V. R. ABBOTT: I know it is a serious matter, but I think a penalty of five years' imprisonment is also a serious matter. If a man receives a sentence of five years' imprisonment, I can imagine what hasty applications will be made to the Minister for Justice, and what his views about it will be. As far as I know, this Bill, if it becomes an Act in its present form, will be the only statute which gives a stipendiary magistrate power to try a case and award a penalty of five years' imprisonment. Where a penalty of that nature is involved, a man should be tried by a judge, or by a jury. I endeavoured to have an Act passed under which the jury could give a majority decision, but it was said that that was against the principles of the Labour Party. But here the Government is giving all this power to one man. That is most inconsistent and I hope the members who voted against my Bill will vote against this provision in Committee.

There is one other provision which, I suppose, relates more to the farmer than anyone else, and if he wants it that way, I suppose he is entitled to it. But there is an old common law principle which says that if a person takes a dangerous thing on to his land, he is responsible for it if it gets loose. That arose because people took wild animals on to their properties and they got loose. It was held that, although the people concerned were not negligent, they had to compensate any person who suffered damage. In other words, the owner is the insurer.

In England, it was thought that if a person lit a fire, other than for domestic purposes, he was putting a dangerous thing on to his land, and he had to ensure that it caused no damage. That law, like the rest of the common law principles, was brought to this country. But in England, a farmer, in the course of his trade, does not have to light fires; they do not burn off in England because it is unnecessary. It seems extraordinary that if a person lights a fire—which is necessary in the course of

his business and the law recognises it as such—and he takes all the necessary precautions, he is still liable under this old common law principle that the person concerned is the insurer. One of these days, someone will be completely ruined. That happened in South Australia.

The Minister for Lands: It has happened many times in years gone by.

Hon. A. V. R. ABBOTT: But one man will be completely ruined because his fire will go through several properties, even though he has observed every precaution and every requirement in the Act.

The Minister for Lands: Whatever you do with the Bill, you cannot protect that man against common law.

Hon. A. V. R. ABBOTT: Yes, we can.

The Minister for Lands: No, you cannot.

Hon. A. V. R. ABBOTT: Yes, we can because the Minister has particularly inserted a provision in the Bill.

The Minister for Lands: Then read it out to me.

Hon. A. V. R. ABBOTT: I will. The Minister has taken the trouble to place in the Bill a provision that such a person shall be liable.

The Minister for Lands: You are thinking of an Act your Government brought in some years ago.

Hon. A. V. R. ABBOTT: No, I am not; I am thinking of this one.

The Minister for Lands: You might just as well take my word for it that there is a provision that will cover responsibility under common law, and when I reply I will read it out to you.

Hon. A. V. R. ABBOTT: The Bill specifically states that although permission is given to do something, it does not prevent a person being responsible under common law if a fire breaks out. If that provision were not inserted, possibly one would be entitled to light a fire and would not be responsible unless negligence was proved. The railways do not take that risk.

The Minister for Lands: It is no good talking about the railways. They operate under an entirely separate Act and you know it.

Hon. A. V. R. ABBOTT: I agree. The Government itself will not take that risk because it accepts this principle of common law and for very good reason. I think the day has come when a farmer, who carries out the terms of this legislation and takes every precaution and yet the fire still gets away from him, should not stand a chance of being completely ruined. A good many years ago a farmer in South Australia had to pay damages amounting to £50,000 or £60,000 which completely ruined him. Some day a farmer in this State is going to be liable not for £5,000 or £6,000, but for £60,000 or £70,000, which will completely ruin him.

The Minister for Works: That same farmer may ruin somebody else.

Hon. A. V. R. ABBOTT: But the Act—

The Minister for Works: This is as a result of providing for a man who does not take any action in regard to a fire and yet suffers. You have to decide between the two of them.

Hon. A. V. R. ABBOTT: Where the inconsistency occurs is that if a man lights a fire for domestic purposes—and where there might be a much greater risk—he is not responsible.

The Minister for Works: If a man uses something that is potentially dangerous and causes somebody else to suffer, the man who uses the potentially dangerous thing must take the consequences. You cannot avoid that.

Hon. A. V. R. ABBOTT: I do not know.

The Minister for Works: Well, who is to pay?

Hon. A. V. R. ABBOTT: A motorcar is a potentially dangerous thing.

The Minister for Works: Yes.

Hon. A. V. R. ABBOTT: All right. If, as a result of driving a car, somebody else suffers damage, the driver of the car is not responsible. It is called an accident, unless the driver of the car is proved to be negligent. If a fire is lit in order to boil a billy for domestic purposes and the fire gets away, the person who lights it is not responsible. But if it is lit to burn off a paddock, in the normal course of ordinary farming operations, the person lighting that fire is responsible. What counts is the extent of the damage.

The Minister for Lands: Where did you get the idea that a man who lights a fire for any purpose during restricted burning periods is not liable?

The Minister for Works: That is what I am wondering.

Hon. A. V. R. ABBOTT: I said that if a man lights a fire to boil a billy for domestic purposes he is not responsible. That is common law.

The Minister for Lands: But he is liable.

Hon. A. V. R. ABBOTT: No, he is not. He is not liable at common law. He might be liable under the provisions of this legislation. All I am saying is that, under common law, if a man lights a fire for domestic purposes he is not responsible unless he is proved negligent. If he lights a fire on his property for any other purpose, he is responsible at common law.

The Minister for Works: At common law?

Hon. A. V. R. ABBOTT: Yes. I am not referring to the penalties under this legislation. That is the common law of the land and if farmers want it that way, well and good.

Mr. Perkins: I am doubtful whether it is the law of the land.

Hon. A. V. R. ABBOTT: I am sure it is the law of the land and it has never been upset as far as I know, unless it was only recently. That right was preserved under this legislation.

Mr. Perkins: There have been very few instances of a fire getting away from a man's property and the party who is the insurer has not been held responsible.

Hon. A. V. R. ABBOTT: That is exactly what I am saying. If one lit a fire on his property, other than for domestic purposes—unless the law has been varied recently, and it is varied quite frequently—it was provided that if a person brought on to his land something that was dangerous, that person was the insurer. That is the old law inherited from England.

Mr. Perkins: I do not think there is any intention of lighting a fire for domestic purposes.

Hon. A. V. R. ABBOTT: If a person lights a fire for domestic purposes, that person is not responsible.

The Minister for Lands: If a man lights a fire and it gets away on to another man's property and burns it out, the man who is burnt out has a claim against the person who lights the fire.

Hon. A. V. R. ABBOTT: No.

The Minister for Lands: He has.

Hon. A. V. R. ABBOTT: The Minister had better consult the Crown Law Department.

The Minister for Lands: You cannot allow a man to go around lighting fires to boil a billy and not hold him responsible if the fires get away.

Hon. A. V. R. ABBOTT: I did not say, "to boil a billy."

The Minister for Works: Yes you did.

Hon. A. V. R. ABBOTT: I said that if he lit a fire on his property for domestic purposes—that is, close to his home—

The Minister for Lands: You said that if a man lit a fire out in a paddock to boil a billy.

Hon. A. V. R. ABBOTT: If he lit the fire in the paddock, that would be quite all right. What I said was that if he lit the fire for domestic purposes and the fire got away, he would not be responsible. The Minister has taken the trouble to preserve that right under the Bill. Personally, I think that if a man observes all the terms of this legislation and is not negligent in any way and another man is burnt out, that is a risk of the game. If I drive a motorcar down the street and somebody gets seriously injured, I am not responsible, if it is proved that I was not negligent.

The Minister for Works: Is not somebody responsible?

Hon. A. V. R. ABBOTT: No.

The Minister for Works: What about the insurance company?

Hon. A. V. R. ABBOTT: The insurance company might be responsible because it is the insurer against an accident, but I would not be responsible for damages unless there was negligence on my part.

Mr. Hearman: The insurance company would not accept responsibility unless negligence had been proved.

Hon. A. V. R. ABBOTT: I am not quite sure about that. However, it is not important. In 1948 we did make an effort and this provision was struck out of the Act. However, later, it was reinserted at the wish of the bush fires committee.

The Minister for Lands: You promptly had it put back in 1950.

Hon. A. V. R. ABBOTT: That is so. I still think it is extremely dangerous. It is not possible for a man to get an insurance company to protect him. I remember the days when Sir Ross McDonald had occasion to burn off. He formed a limited liability company especially for the purpose. He leased the land to the company and after he had burned off he liquidated the company. He went to all that trouble because he was not prepared to take the risk involved. If I were a farmer, I would not light a fire because it would be too dangerous.

The Minister for Works: It is dangerous for the chap next door.

Hon. A. V. R. ABBOTT: Who can afford to light a fire if there is a chance of it getting away?

Hon. Sir Ross McLarty: If you had scrub you would have a beautiful fire.

Hon. A. V. R. ABBOTT: One of these days some unfortunate farmer will be caught, and he will have the whole country-side against him even though he was only doing what this Bill says he should. The particular clause to which I wish to refer is Clause 52, which states—

(1) Except as otherwise expressly provided in this Act, nothing in this Act and no conviction, payment or penalty or proceeding taken under this Act takes away or affects any right of action or other remedy at common law or otherwise which a person may have in respect of loss or damage caused by a bush fire to which this Act relates.

(2) It is not a defence to claim for damage, loss or injury in respect of the doing of anything, that it was done by or pursuant to the authority of this Act.

So it can be done with the authority of this measure, and yet the people concerned will be responsible for the damage.

HON. SIR ROSS McLARTY (Murray) [5.42]: Naturally this Bill is of very great interest to members who represent rural areas, and it is no wonder that we have heard so many country members speak on the measure. In October, 1952, the Bush Fire Prevention and Control Committee issued a brochure of twelve pages which the Minister sent to me the other evening when I passed him a note suggesting that as soon as this Bill became law a further brochure should be printed. I have no doubt that the Bill will become law though possibly with some amendments. The brochure sets out very clearly what is expected of farmers, in particular, of course, those who have to light fires both to burn off and to protect their properties.

I cannot help thinking that if some Acts of Parliament were expressed in the same plain language as that used in this brochure the public would have a much better understanding of the law. The Minister has told me, however, that a brochure will be printed and I know it will be of great service to those whom it will affect. With the increasing amount of cultivation that is taking place and the greatly increased amount of super that is being used, it is natural that we are getting much more pasture throughout the State; and pasture is much more liable to fire than is scrub.

The Act will be known as the Bush Fires Act, but I think in these days it might more appropriately be called the Grass Fires Act because it is with grass and pastures that we are mainly concerned. As I have moved about the country, and I have done so to a great extent, I have been appalled at times at the precautions which landowners themselves have failed to take as regards the protection of their own properties. I have been through areas where a firebreak has not been ploughed and where there has been grass right up from the edge of the road. A match or a cigarette butt could, in those places, very easily set hundreds of acres of good pasture alight.

When I was Premier on occasions I used to have claims submitted to me with real hard luck stories attached. But on investigation I used, again, to be surprised that no insurance at all had been taken by certain farmers to protect themselves against loss by fire. The Bill does not suggest that farmers should insure, and, as I have said, I have seen not only no effort being made by the farmers to protect themselves against loss of their pastures, but on their properties there has also been grass right up to the houses and the sheds as well with no firebreak. Accordingly I cannot help but think that some farmers must become more fire-minded and make greater efforts to protect themselves. By way of interjection the Minister in charge of the Bill said that railway fires were not his concern.

The Minister for Lands: No, not exactly that; I am very much concerned about them.

Hon. Sir ROSS McLARTY: I know the Minister is.

The Minister for Lands: The Railway Act is separate and it is difficult to amend that Act by means of this one.

Hon. Sir ROSS McLARTY: I heard the Minister's explanation, and even so I am wondering whether it would not have been wise to have made some provision in this measure in relation to railway fires. Reference has been made to railway fires by a number of speakers this afternoon, and there is no doubt that they are responsible for causing very severe losses. From personal experience, I know just how these fires can start because some of my property adjoins the railway.

Last season I could have been involved in very heavy loss indeed in the early hours of the morning because of a fire that had been started by railway engines, if my brother and son had not been up early trucking sheep. We would have suffered severe loss with practically no chance of any compensation at all. On that occasion the train that caused the fire was a goods train with two engines. When the enginedrivers or crew saw that the country was alight, they stopped the train and used their best endeavours to put the fire out. Accordingly I am glad of this opportunity of expressing my thanks to them. With the very strong easterly wind that was blowing, they were not successful, but they did make the effort.

I do not know if you, Mr. Speaker, would permit me to pursue the question of railway fires much further, but they are certainly responsible for very considerable damage in this country. Not only do they cause damage to land adjacent to railways, but they can travel very great distances as well. When we come to fires caused on roadsides, there is no doubt that a great deal of carelessness exists. It is very hard to overcome such carelessness because some people have no idea of the danger caused by lighting a fire, particularly in the case of picnickers. They go along leisurely and light fires but take no trouble to put them out.

Although the existing Act provides penalties for people who light fires and leave them burning on roadsides, it seems to make little difference. Under the legislation, the burning off time in regard to roads is between 6 p.m. and midnight. I realise it is very necessary indeed, when roads are burnt, that every precaution should be taken. I ask the Minister if some latitude could not be allowed. Very often at 6 p.m. the weather is damp and it is not possible to get a good burn. Local authorities should be given the right to say whether the burning of roads could be carried out at an earlier hour than 6 p.m.

As the Minister represents a district in the far South-West, he knows that when there is a very late winter, the grass in that area remains green for a long while and it is difficult to get a burn. If we burn a road under those conditions, a considerable amount of grass would be left, certainly sufficient to cause danger to adjoining properties. Perhaps the Minister will look at this aspect before we reach the Committee stage next week.

The Minister for Lands: Certainly not this week.

Hon. Sir ROSS McLARTY: I am not purposely detaining the House with that in view. We wish to assist the Minister. I know that the previous measure provided latitude enabling local authorities to extend the burning season. I think that is necessary. The present Bill provides that 14 days before or at the end of the burning season shall be the extent of such latitude. The same conditions could arise in regard to the burning of roads. Seasonal conditions play an important part and road boards have the practical knowledge and will not abuse the power reposed in them. There is also a stiff penalty for careless smokers. The penalty is a fine up to £50.

Mr. Brady: It is a fine of £50 straight-out, not up to.

Hon. Sir ROSS McLARTY: As the hon. member has said, it is a straight-out penalty, imposed on careless or thoughtless smokers. They can certainly cause a great deal of damage in rural districts. I do not know how a conviction can be obtained against this type of offender. Usually people travel about in cars and one might easily throw out a lighted cigarette or cigar butt and so set the countryside ablaze. Where there are a number of people travelling in motor-cars it is exceedingly difficult to prove the guilty one. However, I think it is wise to have the penalty provision in the Bill. It might do something to create a sense of responsibility in the individuals who are likely to throw out lighted cigarettes or matches.

I have nothing more to say in regard to the Bill. Like other members, I wrote to the Farmers' Union and road boards in my electorate so that they might have some idea of the clauses in the Bill. There is no need for me to read the views relating to railway fires because the Minister has already heard a great deal about that. I would like to read out one or two suggestions that have been made to me and to which the Minister might give consideration during the Committee stage. The Rockingham Road Board wrote to me on the 30th August. The letter states—

Re Bush Fires Bill.

I desire to thank you for forwarding copy of proposed Bill for the control of bush fires, and have been

directed by my board to advise that in their opinion Clause (1) (a) of Section 25 should be deleted from the Bill. It is the opinion of the board that picnickers and the like could be catered for in defined areas set apart for their use and therefore the indiscriminate lighting of fires anywhere in the district is unnecessary.

I do not know if that is a practical suggestion. Evidently it is the desire of the Rockingham Road Board to set aside areas for picnickers in which fires can be lit. Perhaps we might have another word on that during the Committee stage and the Minister can decide whether it is a practical proposition or not.

The Minister for Lands: If amendments are desired, I think they ought to be placed on the notice paper.

Hon. Sir ROSS McLARTY: That is a reasonable request. Only this afternoon I received a reply from the branch of the Farmers' Union on the Peel Estate dated the 31st August, 1954. It suggests some alteration to Clause 25 (1). It wants to delete paragraph (a), and alter paragraph (b) from 20 feet to 50 feet. The reference to 20 feet applies to the area to be cleared of all bush and other inflammable material where the burning is to take place. That is where charcoal is burnt and certain other type of burning is carried on. It also wishes to delete paragraph (c) of that clause, and part of paragraph (d) (ii). I am not asking the Minister to commit himself now, but I would be glad if he would look at that portion of the Bill during the Committee stage. If I decide to move amendments as requested by the writers of these letters, the Minister will be au fait with them.

I support the second reading of the Bill but I think certain amendments should be made to it in Committee. We want a workable measure, one that is practical and one that will not, because of its harsh penalties, cause landholders to panic in any way. We want a measure that will encourage them to keep within the law and do all they possibly can to assist in preventing grass fires throughout the country.

On motion by Mr. Brady, debate adjourned.

House adjourned at 6.1 p.m.

Legislative Council

Tuesday, 7th September, 1954.

CONTENTS.

Assent to Bills	1407
Question: Traffic, as to interviewing hospital patient	1407
Bills: Matrimonial Causes and Personal Status Code Amendment, Message, as to Royal assent	1407
Police Act Amendment (No. 2), 1r.	1408
Land Act Amendment, 1r.	1408
Mines Regulation Act Amendment, 1r.	1408
War Service Land Settlement Scheme, 1r.	1408
Factories and Shops Act Amendment, 1r.	1408
Crown Suits Act Amendment, 1r.	1408
Lotteries (Control), Assembly's amendments	1408
Shipping and Pilotage Ordinance Amendment, returned	1408
State Government Insurance Office Act Amendment, 2r.	1408
Industrial Arbitration Act Amendment, 2r.	1418
Jury Act Amendment, Com.	1428
Warehousemen's Liens Act Amendment, Assembly's Message.	1487

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

ASSENT TO BILLS.

Messages from the Lieut.-Governor received and read notifying assent to the following Bills:—

- 1, Reprinting of Regulations.
- 2, Police Act Amendment (No. 1).
- 3, Stamp Act Amendment.
- 4, Companies Act Amendment.
- 5, Inspection of Scaffolding Act Amendment.
- 6, Public Works Act Amendment.
- 7, Rents and Tenancies Emergency Provisions Act Amendment.
- 8, Coroners Act Amendment.

BILL—MATRIMONIAL CAUSES AND PERSONAL STATUS CODE AMENDMENT.

Message—As to Royal Assent.

Message from the Lieut.-Governor received and read notifying that he had reserved the Bill for the signification of Her Majesty's pleasure.

QUESTION.

TRAFFIC.

As to Interviewing Hospital Patient.

Hon. Sir CHARLES LATHAM (without notice) asked the Chief Secretary:

(1) Is it a fact that a person representing the Motor Vehicle Trust called at the Kununoppin Hospital for the purpose of