

the Eastern States, but continuous efforts are made to obtain increased supplies. The value of milk products coming into this State is approximately £402,585 a year.

With reference to agricultural machinery, the shipment of erected machines in time for seeding and harvesting operations each year necessitates constant attention during the year. Approximately 20,000 tons of parts and machines of all types were brought in during 1951-52.

The liaison officers in Sydney and Melbourne are doing valuable work, and the fact that all orders and directions to secure goods and shipping space come direct from our Perth office of Supply and Shipping has ensured satisfactory co-ordination. In addition, at Brisbane, Adelaide and Hobart where no direct representative of Western Australia is stationed, we have received the utmost co-operation from the Commonwealth Department of Supply and Development.

Progress reported.

BILL—ROAD CLOSURE.

Bill returned from the Council without amendment.

ADJOURNMENT—SPECIAL.

THE PREMIER (Hon. D. R. McLarty—Murray): I move—

That the House at its rising adjourn till 2 p.m. today.

Question put and passed.

*House adjourned at 12.33 a.m.
(Wednesday).*

Legislative Council

Wednesday, 10th December, 1952.

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The **PRESIDENT** took the Chair at 2.30 p.m. and read prayers.

QUESTIONS.

STATE ELECTRICITY COMMISSION.

As to Rates on Leased Houses.

Hon. C. H. HENNING asked the Minister for Transport:

Referring to the Minister's answer to my question of the 28th October, relative to the payment of rates on houses let to employees of the S.E.C.—

(1) Has any decision been made as the result of the investigation?

(2) If not, when is it likely to be made?

The **MINISTER** replied:

(1) Without prejudice it has been decided that the State Electricity Commission will pay local authority rates on houses and buildings not directly utilised for the purposes of the Commission.

(2) Answered by No. (1).

HOUSING.

As to Building Lots, Melville.

Hon. G. FRASER asked the Minister for Transport:

In connection with the building lots bought from the Melville Road Board by the State Housing Commission about July, 1947, would the Minister supply the following information—

(a) Description of each lot sold by the State Housing Commission to the War Service Homes Commission and its clients;

(b) the price charged for each lot?

The MINISTER replied:

(a) and (b) Lot 732 Weld-st., Palmyra, £75; lot 658 Foss-st., Palmyra, £65; lot 711 Harris-st., Palmyra, £85; lot 770 Murray-st., Palmyra, £75; lot 784 Hope-st., Palmyra, £80 lot 845 Waddell-st., Palmyra, £85; lot 846 Waddell-st., Palmyra, £85; lot 847 Waddell-st., Palmyra, £85; lot 46 Stock-rd., Palmyra, £40; lot 20 Zenobia-st., Palmyra, £35; lot 21 Zenobia-st., Palmyra, £35; lot 24 Zenobia-st., Palmyra, £35; lot 25 Zenobia-st., Palmyra, £35.

Hon. G. Fraser: What about Applecross and Canning Bridge? My question had regard to those lots taken over in the Melville Road Board district, and the Minister has given only half an answer.

The MINISTER: If that is so, it was due to an error and I will supply Mr. Fraser tomorrow with the information sought.

BILL—LICENSING ACT AMENDMENT (No. 3).

Introduced by Hon. E. M. Heenan and read a first time.

BILL—MILK ACT AMENDMENT.

Third Reading.

THE MINISTER FOR AGRICULTURE (Hon. Sir Charles Latham—Central) [2.36] in moving the third reading said: I have something to say before moving the third reading, because of statements that have been made outside. From the commencement of the Act in July, 1947, to the 30th of June this year, 100,377 cattle have been tested, including retests, of which 7,310 have been slaughtered, and compensation totalling £129,739 has been paid, which works out at about £17 15s. per head. The State has found half of this money less, as pointed out by Mr. Henning, the value of the consumers meats and of the hides.

This State has been generous in comparison with other States. In New South Wales the Treasury pays 20 per cent. compensation and Queensland subsidises 50 per cent. with a maximum of £6 for a bull or cow, £3 for a heifer and £1 for a calf. In Victoria the Government finds 40 per cent. of the maximum of £35 for any beast. In Tasmania the State contributes three-quarters of the official valuation with a maximum of £25 for a pure bred beast and £15 for a grade beast. In South Australia the State pays no compensation at all but a fund is built up by a stamp tax imposed on the sale of cattle. Any delay caused was not my fault.

The Bill was read a second time by the Minister for Lands on the 16th of September, 1952, and the delay was not caused

by any governmental action but by outside interference owing to advice taken from inexperienced advisers. I move—

That the Bill be now read a third time.

Question put and passed.

Bill read a third time and passed.

BILL—BRANDS ACT AMENDMENT.

Report, etc.

Report of Committee adopted.

Bill read a third time and returned to the Assembly with amendments.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from the previous day. Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clause 5—paragraph (c) of the proviso to Clause 1 of the First Schedule amended (partly considered).

The CHAIRMAN: Progress was reported after Mr. Fraser had moved an amendment to strike out paragraph (d).

Hon. G. FRASER: I ask leave to withdraw the amendment with a view to inserting a new clause.

The CHAIRMAN: There being no objection, leave is granted.

Amendment, by leave, withdrawn.

Clauses 6 and 7—agreed to.

New clause:

Hon. G. FRASER: I move—

That a new clause be added as follows:—

“6. Paragraph (d) of the proviso to clause one of the First Schedule to the Act is repealed.”

I do so because I have found that the board prescribes fees which do not approximate the hospital charges that a patient has to bear. At the moment the board prescribes 27s. a day outside the metropolitan area and 22s. a day within the metropolitan area. I do not know what the country charges are, but I understand they are about 30s. a day. The charge per day in a private hospital in the metropolitan area is 35s. Therefore, the fees prescribed by the board are much below the actual fee paid by the patient. The amount of £15 provided by the Act for hospital expense is fair and reasonable. I cannot see the justice of fixing a maximum amount in the Act. It would be quite possible for a patient's fees to be much below the amount prescribed in the Act and yet he may be called upon to pay money out of his own pocket.

The MINISTER FOR TRANSPORT: I hope the Committee will not agree to the insertion of this new clause. There is

good reason why certain maximum fees should be fixed and why the board should be entrusted with the responsibility of fixing them. The board recognises that from time to time the fees have to be varied. In fact, it is now considering a new determination, which will bring the fees somewhere into line with actual hospital charges. The notes that I have refer to the amendment that Mr. Fraser has withdrawn and while they may not be pertinent to his present proposal, they cover the ground fairly substantially. I will read the paragraph which the hon. member wishes to repeal and then the notes that were submitted to me. Paragraph (d) of the First Schedule reads as follows:—

- (d) the hospital charges referred to in the preceding paragraph shall not exceed those prescribed by the board from time to time, and until so prescribed shall not exceed—
- (i) twelve shillings per day for hospitals situate within a radius of fifteen miles from the General Post Office, Perth;
 - (ii) fifteen shillings per day for hospitals situate elsewhere within the South-West Land Division of the State as defined in the Land Act, 1933;
 - (iii) sixteen shillings and sixpence per day for hospitals situate in any part of the State other than either of the localities hereinbefore mentioned; and
 - (iv) one pound eleven shillings and sixpence for operating theatre fees.

Then follows this proviso:—

The charge of fifteen shillings per day or sixteen shillings and sixpence per day hereinbefore prescribed shall apply only for the first thirty days during which the worker remains in hospital for treatment, whether such days are consecutive or not. Thereafter the charges shall be twelve shillings per day, irrespective of the situation of the hospital.

Those fees were fixed at that time and have been varied periodically as conditions demanded. Prior to 1948 the hospital fees in respect of workers' compensation cases were fixed by the Act and it became necessary to amend it before such fees could be increased. In 1948 the Act was amended to enable the board to prescribe new fees from time to time, thereby avoiding delays which occurred in having to submit the matter to Parliament. It is, of course, expected that the board will handle this matter in a realistic manner and will keep in touch with increasing hos-

pital costs and, whenever necessary, increase the rates by the promulgation of a new regulation.

The authority for the board to prescribe such fees is contained in paragraph (d) of the proviso to Clause 1 of the First Schedule to the Act. The daily rates fixed by the board are to meet hospital costs for normal accommodation that would be available to an injured worker and could not be prescribed to meet the cost of private wards such as Mr. Fraser referred to in his previous amendment. I understand that the board is now giving consideration to increasing the hospital fees, and a new regulation is likely to be promulgated at an early date.

The effect of Mr. Fraser's proposed new clause would be that no authority would exist for determining the fees payable to hospitals and consequently hospital accounts, as submitted, would have to be paid in full by the insurers. The result could and probably would be that injured workers would ask for accommodation in private wards, and the ultimate cost to industry would be substantially increased. The new maximum of £150 in respect of each injured worker would still apply, but only in a few cases where workers were seriously injured would the hospital account reach that figure under the prescribed daily rates.

The board approaches this question with a full sense of responsibility. It has been found necessary to keep these fees within bounds. If an injured worker demanded a private ward, he could have it by paying the difference. I suggest that the provision in the Act should be retained and that the new clause should be rejected.

Hon. H. L. ROCHE: Evidently an injured worker could incur hospital expenses in excess of the amount the board was prepared to pay and thus an injustice could be done if the new clause were adopted. The Minister stated that the board provides a reasonable rate, but it seems that the minimum maintained is not the amount charged to a patient. If there is going to be a lag between the rates approved by the board and the increase in hospital charges, injured workers eligible for compensation will suffer.

Hon. H. HEARN: I hope that members will not approve of the new clause. The board has been operating for 34 years during which time three applications have been made for an increase in hospital fees, one of which is before the board at present. We should not consider any proposal that would deprive the board of the right to decide the fees that should be charged. I believe it is merely a question of making an application in the right quarter and such workers will receive consideration. Nowadays there are very few cases of litigation on the question of workers' compensation. When every re-

quest has been granted, the new clause would be tantamount to a vote of no confidence in the board.

Hon. E. M. DAVIES: I fail to see the logic of Mr. Hearn's argument. Nobody will deny what has been done by the board, but we have to consider existing conditions. Injured workers are being called upon to pay an amount for hospital fees above that provided by the board. The lowest fee charged by a hospital is 35s. a day, which is not for a private ward, and the board pays 27s. The 8s. per day is not paid to every injured worker, and if a worker were in hospital for four days, he would receive an account for £1 12s. Mr. Hearn said there had not been many cases of litigation, but there will be if action is not taken to obviate the present injustice.

For years our legislation has laid down that an injured worker is entitled to receive medical and hospital treatment, and today the hospital treatment is not being paid for. The charge in the metropolitan area is 35s. and in the country 30s. In the metropolitan area the Workers' Compensation Board pays 27s., and in the country 22s. An injured worker in hospital for four days would be responsible for the payment of £1 12s. It has been said that the board is reviewing the question. If it does not pay, there will be some argument.

Hon. L. A. LOGAN: I interrupted Mr. Davies to say that the Commonwealth Government was paying 8s. on top of the 27s., and I think that is a fact. The formula which Mr. Davies referred to concerns the 4s. allowed by the Commonwealth Government to people who are participants in a hospital benefits fund.

Hon. E. M. Davies: No.

Hon. L. A. LOGAN: I have been in touch with a man who knows more about this than anyone here. I asked him was the 8s. being paid, and he said it was. He said the formula applied only to the 4s. which was paid to the people who were in a fund. It was stated last night that none of these funds operated in connection with workers' compensation. I admit that, but when the compensation limit is reached and further payments must be made by the worker, then the fund begins to operate.

Hon. F. R. H. Lavery: Which fund does?

Hon. L. A. LOGAN: One does to an extent now, and others are working out a policy whereby they can do it, too.

Hon. J. G. HISLOP: I have a great respect for the Workers' Compensation Board, but one thing it has fallen down on is the allowance in regard to hospital fees. It is extraordinary that the board should have to wait until an application is made for an increase in hospital costs.

We might assist the board by putting into paragraph (d) the provision that the hospital charges shall be the current charges for a public hospital bed, and shall not exceed the current cost of a ward bed in a private hospital. The board would exercise discretion in certain cases. If an injured worker required treatment in a private room, instead of a ward bed the costs would rise considerably. I think the board would view such a case favourably, provided it had the power to do so. We should say the costs shall not be less than those of a public bed in the Royal Perth Hospital and not more than a ward bed in a private hospital.

Hon. C. W. D. BARKER: Recently I heard of a case which proved that many private hospitals refused to take workers' compensation cases. A worker who had been injured at Midland Junction was carted about from 9 a.m. to 8 p.m. before being admitted to a hospital.

Hon. H. S. W. Parker: Before a bed could be found. He was not taken to Royal Perth Hospital.

Hon. C. W. D. BARKER: He was at the finish. The amount allowed should at least cover the hospital fee. Hospitals cannot accept patients who cannot pay.

Hon. H. K. WATSON: I agree with all the previous speakers who have expressed the view that no worker, who goes to hospital, should be denied reimbursement of full and adequate hospital charges. If an injured worker requires a private room, then the cost of the room should be regarded as the minimum cost, and he should receive full reimbursement for it. On the other hand, someone must have the authority to say what the maximum shall be, and what shall be a fair thing, and this is where I think the debate has got away from the amendment, which is to deprive the compensation board of the right to fix the maximum prices. That is all the proviso does at the moment. The only question we are discussing is whether the board shall or shall not have power to fix maximum fees by regulation. I think it is necessary that the board should have the power, but in exercising it, it should have regard for this debate and see that the fees it prescribes are reasonable. I oppose the amendment.

Hon. G. FRASER: All I am aiming at is that the hospital charges incurred by a man injured at his work shall be paid. Paragraph (d) of the proviso to Clause 1 of the First Schedule to the Act, and the action of the board in prescribing a maximum amount for hospital accommodation will not allow this to be done. Mr. Watson said it should prescribe the maximum amount. Why? It has nothing to do with what hospitals charge. It is all very well for the Minister to say that the matter is being considered by the board, which will do something later.

The Minister for Transport: It is dealing with the application.

Hon. G. FRASER: Yes, and it has been dealing with it since the 27th October, and this is the 10th December—about seven weeks—and it is still considering it. Mr. Hearn said that only about three claims had been made, and two met. That might be so, because it is only in the last couple of months that the hospital fees have gone to this amount.

Hon. H. Hearn: The claims cover the period since the inception of the board.

Hon. G. FRASER: That might be correct, because the fees paid by the board were somewhat in conformity with the hospital charges previously. It is only in recent months that the great increases in hospital fees have taken place. Mr. Logan said that what Mr. Davies put forward was wrong. Mr. Logan said he got his information from someone who knew more about it than anyone else—I would expect that to be someone in the Medical Department, and that is where Mr. Davies got his information, so here we have two versions, apparently, of the one subject. An injured worker should be given the hospital treatment he is entitled to. This does not permit of that because there is a maximum.

The Minister for Transport: It limits the liability of the fund. It does not prevent him getting the other if he should have it.

Hon. G. FRASER: I do not know. There is the amount laid down by the board, and the amount that has been paid up till now, except in one or two cases. We can accept only the facts that have been established. The Minister said the board has been considering this, and will no doubt prescribe the amount. If that is so, there is no harm in carrying the amendment.

The Minister for Transport: If your amendment is carried it will not have the power.

Hon. G. FRASER: Yes.

Hon. H. Hearn: There will be no control over the amount at all.

Hon. G. FRASER: The board has no control over the amount of the hospital charges. Would Dr. Hislop like the board to have the power to say what amount shall be paid to a medical man?

Hon. H. Hearn: It is a limited amount. It is £100.

Hon. G. FRASER: Yes, in the Act. I am leaving this in the Act, too—£150 for hospitals—and I say we should give the same treatment to a person going into a hospital as we give to a doctor. We have placed £150 in the Act for hospitalisation and £100 for a doctor, which is sufficient safeguard without delegating the right to some other body to say, "Although the amount is £50, we will pay only £40." Let us lay down the maxi-

mum amount for hospitalisation and let the compensation board meet the accounts submitted to it. Why should we lay down that it shall be 35s. a day, because there are many cases where it is necessary for an injured worker to go into a single room? I have already quoted a case which came under that heading, and many are likely to occur. I hope the Committee will agree to my proposed new clause.

Hon. J. G. HISLOP: I have a suggested amendment which might satisfy the position. It reads—

Paragraph (d) in line 3—Delete all words after the word "time" and insert, "Provided that the charges allowed shall not be less than the fees currently charged for a public hospital bed and shall not exceed the fees currently charged for a ward bed in a private hospital if such charges are in excess of those charged for public hospital beds.

Hospital charges shall include fees for theatre and drugs and dressings other than those granted under the Pharmaceutical Benefits Act. Hospital fees under this section shall be governed by any contribution made under the Hospital Benefits Act."

That would mean that an injured worker could be admitted to a public bed in a public hospital and would not have to meet any bills when he left. That would be the minimum, and the maximum would be a ward bed in a private hospital, and those two fees are probably within £1 per week of each other. It would give a worker the right to go to a private hospital, if he could find accommodation, and be treated by his own doctor. It is also essential that hospital charges should cover such items as theatre fees, and so on. If that were done, the cost would not be increased greatly, and the man concerned would have a feeling of security.

The CHAIRMAN: It will be necessary for Mr. Fraser to withdraw his proposed new clause before that can be moved.

New clause put and a division taken with the following result:—

Ayes	.....	14
Noes	.....	13
Majority for	.....	1

Ayes.

Hon. C. W. D. Barker	Hon. C. H. Henning
Hon. G. Bennetts	Hon. A. R. Jones
Hon. R. J. Boylen	Hon. F. R. H. Lavery
Hon. E. M. Davies	Hon. A. L. Lotton
Hon. L. C. Diver	Hon. H. L. Roche
Hon. G. Fraser	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. W. R. Hall

(Teller.)

Noes.

Hon. N. E. Baxter	Hon. J. Murray
Hon. J. Cunningham	Hon. H. S. W. Parker
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. K. Watson
Hon. J. G. Elsllop	Hon. F. R. Welsh
Hon. Sir Chas. Latham	Hon. L. Craig
Hon. L. A. Logan	(Teller.)

New clause thus passed.

The CHAIRMAN: I wish to draw the attention of the Committee to the position that has now been created. Paragraph (d) refers to the proviso which has now been struck out, and I think it will be necessary for us to recommit the Bill in order to deal with paragraph (d) of new Clause 6.

Hon. G. FRASER: I complained, when speaking to the second reading, that I could not relate several references in this Bill to different reprinted Acts that were in my possession. I have looked up the 1948, 1949 and 1951 amendments, and I cannot dovetail them with this Bill.

Hon. H. K. Watson: It is a case of the blind leading the blind, is it?

The CHAIRMAN: It is obvious that this reference to paragraph (d) must be struck out, because there cannot be a reference to something that does not exist.

Hon. G. FRASER: I can see that it will have to come out because it specifically refers to the provisions of paragraph (d). However, I suggest that progress be reported so that we can study the position.

Progress reported till a later stage of the sitting.

BILLS (2)—FIRST READING.

1. Bulk Handling Act Amendment.
2. Alsatian Dog Act Amendment (Hon. G. Fraser in charge).

Received from the Assembly.

BILL—REFERENDA ON PROPOSALS FOR MARKETING OF WHEAT, OATS AND BARLEY.

Assembly's Message.

Message from the Assembly received and read notifying that it had agreed to the Council's amendment.

BILL—GOVERNMENT EMPLOYEES (PROMOTIONS APPEAL BOARD) ACT AMENDMENT.

Second Reading.

Debate resumed from the 6th December.

HON. G. FRASER (West) [3.31]: I intend to support the second reading of the Bill although I am not entirely happy about it. I have not had any word from two or three of those who will be affected by it, but I know at least one section of the service that is not too pleased about the matter. As far as the Public Service generally is concerned, we have to realise

that the 1945 Act permitted appeals on promotions. But in 1946 there was a reclassification as a result of which large numbers of persons were cut right out of the right to appeal. The persons cut out were as follows:—

Superintendents.

Head Teacher, East Claremont Demonstrating School.

Head Teachers of Demonstrating and Practising Schools.

Deputy Head Master, Perth Modern School.

Head Masters of High Schools, Classes I, II and III.

Head Master, Perth Modern School.
Principal Lecturer, Teachers' College.

Lecturers in Charge, Perth Technical College.

Art Master, Perth Technical College.
Principals of technical schools.

Deputy Principal, Perth Technical College.

Principal, Perth Technical College.
Principals, schools of agriculture
Class I.

All those people were cut out as a result of the reclassification. In 1950 there was an interim adjustment and an additional number of persons were cut out as follows:—

Assistant Head Master, Perth Boys' High School.

First Assistants, all 5th year high schools.

Lecturers, Technical College.

Commercial masters, Class A, Technical College.

Principals, schools of agriculture, Class II.

These were in addition to the list I read out previously. In 1951 there was a further reclassification and an additional number of people were cut out from the right of appeal and these were—

Primary school first assistants with "A" certificate.

Head Teachers, junior high schools.

Head Teachers, training schools.

Instructor in charge manual training section.

Manual training instructors in high schools.

Lecturers Teachers' College.

Vice Principal Teachers' College.

Assistants 3rd and 5th year high schools.

Senior Assistants 3rd and 5th year high schools.

The above were all cut out as a result of alterations made since.

Hon. L. Craig: Do you refer to alterations in the salary range?

Hon. G. FRASER: They were denied the right they possessed of appealing against promotions. Up till 1945 promotions could be appealed against. There is a difference between the promotions and the appointments. The 1945 Act permitted all those people to lodge an appeal in connection with promotions.

Hon. L. Craig: You mean those who failed to be promoted?

Hon. G. FRASER: If the hon. member would like to put it that way. I was referring to the fact that promotions could be appealed against.

Hon. L. Craig: The same thing.

Hon. G. FRASER: While this amending Bill redresses a number of the anomalies that occurred since 1945, it does not meet the case entirely, and we find that when the amending Bill is carried the following people will be cut out of the right of appeal:—

Head Teacher junior high schools.

Head Teachers training schools.

Head Teacher East Claremont Training School.

Vice Principal Teachers' College.

Principal Lecturers Teachers' College.

Head Masters Classes I., II. and III. high schools.

Head Master Perth Modern School. Superintendents.

Lecturers in Charge, Perth Technical College.

Principal Class I. Technical School.

Deputy Principal Technical College.

Principal Technical College.

So, even with the amending Bill, these persons are still denied the right of appeal.

Hon. L. Craig: Do you not think it is right that the top men should be cut out?

Hon. G. FRASER: There are not only top men involved.

The Minister for Transport: They are very senior appointments.

Hon. G. FRASER: They might be, but they are promotional appointments and any appointment by promotion should be permitted to be appealed against. These people progressed through the service by way of promotion and all along they either had the right to appeal or to be appealed against.

The Minister for Transport: They can appeal to the Public Service Commissioner or the Minister.

Hon. G. FRASER: That is so, but it takes them out of the jurisdiction of the Public Service Appeal Board.

The Minister for Transport: I think that may be desirable with senior appointments.

Hon. G. FRASER: I might agree in the case of ordinary appointments but not in the case of promotional appointments. However, the Bill has come down very late in the session and I had a look at it with a view to moving some amendments, but I know it would be difficult to amend it at this stage of the session and so I am not going to attempt to do that. I would like to draw the attention of the Minister to the large number of people who, up till 1945, had the right of appeal but who, even under this amending Bill, will be denied that right. I trust the Government will give serious consideration to that aspect. There are other clauses concerning seniority and one thing and another which are not satisfactory, but it is so late and so difficult to make any amendment to the Bill that I do not propose to attempt to do so.

I would like to ask the Minister why certain representations made by teachers' organisations were not replied to. They were not taken into consideration at all when this legislation was framed. I think that if some cognisance had been taken of their views and if they had been communicated with, any little opposition there may be to the Bill might have been removed altogether. It is always wise when dealing with organisations such as the Public Service to discuss any proposed legislation with its representatives so that they will know the legislation under which they are working. These people did not know anything about what was being done until the Bill was brought down, notwithstanding the fact that they had made certain representations. That appears to me to be wrong and I hope it will not be the practice followed in future. The Bill is desirable and I support the second reading.

THE MINISTER FOR TRANSPORT
(Hon. C. H. Simpson—Midland—in reply)
[3.40]: The desire of teachers to be upgraded with regard to rights of appeal were given very serious consideration. The point at issue was not the one mentioned by Mr. Fraser but the method by which the amount should be arrived at. I understand that a very complicated formula was put forward and that by mutual agreement it was simplified in the form provided in the Bill. I will not enter into the merits or demerits of appeals against promotion and I think that probably the principle is accepted as sound. It has always been recognised that in very senior appointments, where merit was definitely an important qualification, there should be the right to make appointments which were not subject to appeal to the ordinary Promotions Appeal Board.

I think members understand that that board consists of a representative of the employer, a representative of the employee and an independent chairman. In practice that has worked very well but in

regard to senior appointments it is sometimes necessary to take into account factors other than seniority. Qualifications for the job are primary considerations and those qualifications sometimes include the personal aptitude of a man for handling employees. That is an important consideration when a man is to control a department or a considerable number of men.

It is sometimes very difficult for the employer's representative to submit evidence to an independent chairman who knows very little about the internal workings of the organisation and say, "Yes, we admit that so-and-so is a good man but we know, from actual experience, that he cannot handle men." From our point of view it is more important that men should inspire teamwork and get results than that they should have academical qualifications. Therefore we claim that after a certain grade, we should make these appointments on merit and on what we believe will eventually have the best results, because from the appointment we make will result the credit or discredit of the control of the department.

I can speak with a certain amount of knowledge on that because there was a case brought to my attention not long ago. It concerned a senior appointment in the railways and there was a certain amount of alteration made to it. As the Act then stood, the Commission was the final arbiter. The Commission made the appointment and from it there was no appeal because it came within the list of senior appointments. An appeal was made to me and to the Premier to bring that appointment within the scope of the promotions appeals board Act. We felt that there were very good reasons why it should not. It was not so much a question of the merits or demerits of the appointment as of the principle at stake, and we held the view that the practice of the Public Service generally was a very sound one and should be followed, because under the Public Service Act the Commissioner recommends the appointment to the Minister and the Minister may, or may not, refer it to Cabinet. An Executive Council minute then goes through and the appointment is confirmed. In the case I have mentioned the Act did give the Minister power to prescribe certain appointments so that an Executive Council minute could be put through prescribing these classifications, which could then be subject to the approval of the Minister, thus taking a certain amount of power out of the hands of the Railways Commission.

Those appointments now have to be referred to me; they could, if necessary, be referred to the Premier or to the Governor. The right of appeal has been provided on the part of the individual who has been appointed by the Commissioner and then any officer who feels that he has been passed over, will

have the right of appeal to the Minister, or, if necessary, to the Premier. With regard to senior appointments where ability and efficiency count for so much as well as personal qualifications, we always, quite rightly so, consider the matter should be determined on the merits. While I appreciate the fact that the hon. member intends to support the Bill, I thought it advisable to inform the House regarding the procedure decided upon and how it operates in actual practice.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Read a third time and passed.

BILL—CATTLE TRESPASS, FENCING AND IMPOUNDING ACT AMENDMENT.

Second Reading.

Debate resumed from the 3rd December.

HON. L. A. LOGAN (Midland) [3.49]: I quite agree with the principle set out in the Bill submitted by Mr. Davies, but I think its provisions are a little too wide open. The Minister for Agriculture has an amendment on the notice paper, which will fully cover the position he has in mind. As it is at present, the Bill would apply not only to building blocks in the metropolitan area but to agricultural properties as well. I do not think that was the intention. I suggest that in paragraph (c) of Clause 2 the position is too open and it could cover quite a lot of matters that I do not think were intended. In Committee I will suggest that the words "of a permanent nature" be added after the reference to structures. For instance, a tent might be erected on a property and that might be regarded as sufficient to bring the property under the provisions of the legislation. While I agree in principle with the Bill, I trust that in Committee the measure will be left less open.

Question put and passed.

Bill read a second time.

In Committee.

Hon. H. S. W. Parker in the Chair;
Hon. E. M. Davies in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 25 amended:

The MINISTER FOR AGRICULTURE:
I move an amendment—

That in line 2 of proposed new Sub-section (2) after the word "land" the words "of an area of less than one acre" be inserted.

The Bill, as drafted, has State-wide application and will cover rural areas as well as the city. In the metropolitan area there are many instances where fences are erected on three sides of a block, there being no front fence at all. If a person should erect a temporary building on the adjoining block, a claim might be made upon him for the payment of half the cost of the fence alongside his block. He might refuse to acknowledge the claim. Of course if he should make use of the dividing fences, I would have no objection to the provision applying to him. I have looked up the meaning of the word "structure" and I do not know that it would cover a tent as suggested by Mr. Logan. If it were a shed, it might be different.

Hon. E. M. DAVIES: I have no objection to the amendment, which will cover objections that I have heard raised to the Bill. I do not wish to impose any hardship upon those living in rural districts. I have been told that it might apply to a fence that might run for miles. That, of course, is not the intention. The amendment by the Minister will leave covered all I have in mind.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That in line 4 of paragraph (a) of proposed new Subsection (2) after the word "structure" the words "of a permanent nature" be inserted.

I think it necessary to provide that the structure must be of a permanent nature rather than allow the provision to apply to temporary structures.

The CHAIRMAN: I take it the hon. member intends to amend the other paragraphs as well.

Hon. E. M. Heenan: If the amendment is to be inserted, it should be included in all the paragraphs.

Hon. L. A. LOGAN: Yes, I will move to amend the other paragraphs similarly.

Hon. E. M. DAVIES: I cannot see what Mr. Logan hopes to gain as a result of the amendment. Structures are erected that may be said to be of a temporary nature, but they remain for many years.

The CHAIRMAN: At Parliament House there is a temporary structure that has been up for 45 years!

Hon. E. M. DAVIES: If a person were to erect a structure on an adjacent block, he might claim it was not of a permanent nature and therefore he would refuse to pay half the cost of the divisional fence. I cannot agree to the amendment.

The MINISTER FOR AGRICULTURE: I think there is room for some misunderstanding in this matter. If the word "substantial" were inserted before the word "structure" I think the position would be covered better. A structure of a temporary nature might not be a substantial building at all.

Sitting suspended from 4.0 to 4.13 p.m.

The CHAIRMAN: I understand the hon. member wishes to withdraw his amendment.

Hon. L. A. LOGAN: Yes, in favour of another.

Amendment, by leave, withdrawn.

Hon. L. A. LOGAN: I move an amendment—

That in line 3 of paragraph (a) of proposed new Subsection (2) after the word "any" the word "substantial" be inserted.

Amendment put and passed.

Hon. L. A. LOGAN: I move an amendment—

That in line 4 of paragraph (a) of proposed new Subsection (2) the word "other" be struck out.

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

Title—agreed to.

Bill reported with amendments and the report adopted.

BILL—FREMANTLE ELECTRICITY UNDERTAKING (PURCHASE MONEYS) AGREEMENTS.

Second Reading.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland) [4.25] in moving the second reading said: Members will recollect that last week this House passed a Bill to ratify an agreement which had been entered into between the State Electricity Commission and the Fremantle Municipal Tramways and Electric Lighting Board for the sale to the Commission of the electricity undertaking controlled and managed by the board. The sum agreed upon for this transaction was £700,000. The Bill that I am now explaining is complementary to that measure, inasmuch as it asks Parliament to ratify agreements that have been entered into between the Fremantle Municipal Tramways and Electric Lighting Board, the City of Fremantle and the Municipality of East Fremantle. These agreements provide the means by which the purchase sum of £700,000 will be dealt with.

The Fremantle Municipal Tramways and Electric Lighting Board was constituted by Act of Parliament in 1905, which granted jointly to the City of Fremantle and the municipality of East Fremantle, the right to conduct transport undertakings and to supply electricity. This Act gave the board power to exercise these functions on behalf of the two local authorities, which accepted responsibility for loans raised by the board. The Act provided also that the profits of the board were to be shared in the proportion of six-sevenths to the City of Fremantle and one-seventh to the East Fremantle Municipality.

With the sale of the electricity undertaking to the State Electricity Commission, it became necessary for agreements to be entered into for the control of the purchase money of £700,000. By referring to the Bill, members will note that two agreements between the parties I have mentioned were entered into on the 17th April, 1952. The first agreement deals with the control of the sum of £550,000 which will be paid by the State Electricity Commission upon 12 months' notice by either the Commission or the Fremantle Municipal Tramways and Electric Lighting Board.

The second agreement in the Bill makes provision for the control of the sum of £10,000 which the Commission contracted to pay at once, and the sum of £50,000 which the Commission will pay by five annual instalments. The first agreement makes the board the trustee for the amount of the £550,000. It gives the board power to invest the amount in authorised securities, or to leave it on loan with the Commission. As I explained when introducing the previous and complementary Bill, this latter course is being adopted for the time being. Should any of the amount be uninvested, the city and the municipality concerned have power to borrow from the board in the proportion of six-sevenths and one-seventh respectively.

The interest on the loan to the Commission is to be applied each year firstly to the repayment of any loss incurred by the board on its transport trading accounts. Any surplus after making good that loss is to be net profit under the provisions of the Act under which the board was incorporated and is to be divisible between the city and the municipality in the proportion of six-sevenths and one-seventh respectively. With regard to the second agreement, a rather unusual situation has developed. Some time after the agreement had been approved and signed by all parties it was found that it would be necessary to alter some of its terms. The Town Clerks of Fremantle and East Fremantle and the manager of the Fremantle Municipal Tramways and Electric Lighting Board were appointed to investigate this matter and on the 3rd November, 1952, they submitted fresh proposals to their principals.

These proposals were acceptable and they were included in a new agreement which has been approved and signed by all parties. This agreement which is dated the 27th November, 1952, superseded that contained in the Second Schedule to the Bill.

The legal officers of the Crown Law Department have advised that the Bill should be amended in Committee by adding a Third Schedule containing the new agreement. This is considered advisable so that there shall be a full legislative record of all that has occurred in this matter, and for the reason that the second

and now superseded agreement was binding on the parties until such time as the third agreement was signed, some seven months later. No confusion will be caused by this procedure as Clause 9 of the new agreement specifically states that the new agreement supersedes the previous agreement and that the latter is thereby cancelled. There is no question that Parliament is altering the agreements in any way as the action I have outlined is merely to ratify what has already been agreed to by the parties concerned. The Government has no hand in the agreements, they being purely private ones.

The new agreement provides that the sum of £100,000 will be used on capital purchases for the board's transport undertaking and to meet existing liabilities of the board and any future liabilities resulting from existing contracts or undertakings. The balance of £50,000 will be divided between the City of Fremantle and the municipality of East Fremantle in proportion to the length of single tramway track in each district. The money will be used for the removal of tram tracks and for repairs and renewal of roads damaged by such removals.

The agreement also provides for the manner in which the recovered materials are to be disposed of and how the proceeds shall be allocated between the board and the two local authorities. It is essential that the Bill be passed this session. In fact, the agreements provide they must be ratified and confirmed by Act of Parliament on or before the 31st December, 1952. I move—

That the Bill be now read a second time.

HON. SIR FRANK GIBSON (Suburban) [4.33]: It is not my intention to speak at length on the Bill because the Minister has given a full explanation of all the details. The measure has met with the approval of the Fremantle City Council, the Municipality of East Fremantle and the Fremantle Tramways Board. I commend the Bill to members, and ask them to vote for the second reading.

HON. L. CRAIG (South-West) [4.34]: I will not speak at length, either, but I waited to see if any of the members who spoke during the debate on the Broken Hill Proprietary Steel Industry Agreement Bill and who waved their arms and were indignant that any agreement should come before the House for ratification—

Hon. H. C. Strickland: Without giving us the right to amend it.

Hon. L. CRAIG: Yes, without the right to amend it, and to treat it as we liked. In comparison, here is a most complicated agreement, and there is not one member who claims the right to make any alteration to it.

Hon. E. M. Heenan: I rise to a point of order, Mr. President. I question Mr. Craig's right to speak on anything outside the subject matter of the Bill.

The PRESIDENT: Mr. Craig is quite within his rights.

Hon. L. CRAIG: Thank you, Mr. President. I merely wanted to point out the inconsistency of some members.

HON. E. M. DAVIES (West) [4.35]: I have been drawn into the debate.

Hon. G. Fraser: Bit like a schnapper!

Hon. E. M. DAVIES: I point out to Mr. Craig that this is an agreement between the Fremantle City Council, the Municipality of East Fremantle and the Fremantle Municipal Tramway and Electric Lighting Board, and has nothing to do with Parliament. The Bill is merely brought before Parliament to ratify the agreement. This House is not asked to make an agreement.

Hon. L. Craig: We were not asked to make an agreement in the other case either.

Hon. E. M. DAVIES: I merely wanted to make the position plain.

HON. G. FRASER (West) [4.36]: I want to hammer the same point home, too. There is a vast difference between ratifying this agreement and the one we were asked to ratify a few days ago. This one will cost the State nothing.

Hon. L. Craig: That is what you think!

Hon. G. FRASER: This agreement is brought before Parliament because the people concerned were operating under an Act of Parliament and consequently the agreement had to be ratified by both Houses. There is quite a difference between the two agreements.

The Minister for Agriculture: All right, we accept your word.

Hon. G. FRASER: This agreement will not cost the State anything, and in view of that we should readily agree to the Bill. I only wanted to draw Mr. Craig's attention to that phase, which he has overlooked.

Question put and passed.

Bill read a second time.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Clauses 1 and 2—agreed to.

First Schedule:

The MINISTER FOR TRANSPORT: The Clerk has drawn my attention to some necessary alterations in this Schedule. Mr. Jerrat's name has been spelt with two "t's" instead of one, and the first initial of

Mr. McCombe's signature should be N instead of M. Should I move an amendment, Mr. Chairman?

The CHAIRMAN: No the Clerk will make the necessary corrections.

First Schedule put and passed.

Second Schedule—agreed to.

New Clause:

The MINISTER FOR TRANSPORT: I move—

That a new clause be added as follows:—

(3) An agreement entered into on the 27th day of November, one thousand nine hundred and fifty-two, between the parties mentioned in section two of this Act, a copy of which agreement is set forth in the Third Schedule to this Act is approved, ratified and confirmed.

New clause put and passed.

New Schedule:

The MINISTER FOR TRANSPORT: I move—

That a schedule be added after the Second Schedule, as follows:—

Third Schedule.

This indenture made this 27th day of November one thousand nine hundred and fifty-two between Fremantle Municipal Tramways & Electric Lighting Board a Board constituted pursuant to the Fremantle Municipal Tramways & Electric Lighting Act, 1903-1946, whose office and principal place of business is situate at William Street, Fremantle, in the State of Western Australia (hereinafter with its successors and assigns referred to as "the Board") of the one part City of Fremantle (hereinafter called "the City") of the second part and Municipality of East Fremantle (hereinafter called "the Municipality") of the third part.

Whereas:

(a) Heretofore the Board has carried on a transport undertaking and an electrical undertaking in Fremantle and district under the powers vested in it by the Fremantle Municipal Tramways & Electric Lighting Act, 1903-1946 (hereinafter called "the Fremantle Tramways Act").

(b) The Board has sold its electrical undertaking to the State Electricity Commission of Western Australia (hereinafter called "the Commission") by an agreement dated the sixteenth day of April, 1952, pursuant to the powers vested in it by section 6 of

the Oil Refinery Industry (Anglo-Iranian Oil Company Limited) Act, 1952.

- (c) The Commission has agreed to pay the Board £700,000 for its electrical undertaking as follows:—

- (i) £100,000 to be paid to the Board forthwith on the Commission taking over the electrical undertaking.
 - (ii) The sum of £50,000 by five equal annual payments of £10,000 each, the first of such payments to be made on the first day of June, 1952.
 - (iii) The balance of £550,000 to be paid on twelve (12) months' notice on on either side.
- (d) The agreement of sale provides for the payment of interest at the rate of £4 per cent. per annum but subject to variation as therein provided.
- (e) The Board intends to continue carrying on its transport undertaking.
- (f) The Fremantle Tramways Act (section 21) provides for the division of net profits derived from the working of the Board's undertakings in every year between the city and the municipality in the proportions therein set out.
- (g) The parties hereto are desirous of making provision for the use, control and safeguarding of the said purchase money and interest thereon.
- (h) This indenture makes provision for the control of the sum of £150,000 of the said money.
- (i) Instead of this indenture making provision for the control of the balance of £550,000 a separate indenture has been entered into between the parties hereto dated the 17th day of April, 1952.

Now therefore, this indenture witnesseth as follows:—

1. This indenture is subject to the condition that the terms hereof are ratified and confirmed by Act of Parliament on or before the 31st day of December, 1952.

2. The Board shall be entitled at any time to spend and use the said deposit of £100,000 as follows:—

- (a) On capital purchases for the Board's transport undertaking and whether real or personal property.
- (b) For discharging and liquidating existing liabilities of the Board.
- (c) For discharging and liquidating future liabilities of the Board resulting from contracts or undertakings heretofore entered into.

3. The Board shall pay the said sum of £50,000 to the City and the Municipality as and when received by payments as follows:—

- (a) From the first instalment of £10,000 there shall at once be deducted the sum of £400 and this amount shall be paid to the City forthwith in view of unexpected increase of labour costs of removing rails in City area.
- (b) The balance of the sum of £50,000 including any interest that may accrue shall as and when received be divided between the two local authorities in proportion to the chainage of single track that is laid down in each municipal district; namely 728.5 chains in the City and 266.5 chains in the Municipality.

4. The City and the Municipality shall use such moneys so paid to it under the preceding clause exclusively for the removal of tram track and the repairing and/or renewing of roads resulting from the pulling up and removing of tram track.

5. The materials that are recovered by removing tram track shall be stored and made available equitably to the three authorities for their own works and undertakings and any surplus not so required shall be sold and the proceeds shall be divided between the City and the Municipality and the Board in the following proportions, namely:—

As to the City	52%
As to the Municipality	20%
As to the Board	28%

Provided after the Board has received a sum of £4,000 hereunder all further moneys received from the sale of the said materials shall be divided between the City and the Municipality in the proportions of 74% to the City and 26% to the Municipality and no further moneys hereunder shall thereafter be payable to the Board.

6. The Board shall undertake the sale and disposal of the materials in clause 5 referred to and the Board shall likewise undertake and be responsible for the allocation and payment of the proceeds on the sale thereof as herein provided for.

7. The City and the Municipality shall clean all rails so recovered in the respective district of each so as to make same satisfactory for sale.

8. The words "tram track" shall not include any trolley lines and wires and gear supporting same but only sleepers, rails and gear fastening rails to sleepers.

9. This agreement is in substitution of a previous agreement made between the parties dated the 17th day of April, 1952, and dealing with the matters herein contained. The said previous agreement is hereby cancelled.

In witness whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore appearing.

F. E. GIBSON.
C. LAW.

Sealed with the Official Seal of the Fremantle Municipal Tramways and Electric Lighting Board and signed in authentication by Frank Ernest Gibson, Chairman of the Board and Claude Alexander Law, Secretary, in the presence of— [L.S.]

C. W. Jerrat.

The Common Seal of City of Fremantle was hereto affixed this 27th day of November, 1952, pursuant to a resolution passed the 17th day of November, 1952, in the presence of— [L.S.]

W. FRED SAMSON,
Mayor.

N. J. C. McCOMBE,
Town Clerk.

The Common Seal of the Mayor and Councillors of East Fremantle was hereto affixed by direction of the Council in the presence of— [L.S.]

W. WAUHOP,
Mayor.

L. R. LATHAM,
Town Clerk.

New Schedule put and passed.

Title:

The MINISTER FOR TRANSPORT: There is a consequential amendment required in the first line of the Title. It

reads, "An Act to approve, ratify and confirm two . . ." Obviously, there are three agreements. I move an amendment—

That the word "two" be struck out.

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

Bill reported with amendments and an amendment to the Title, and the report adopted.

Third Reading.

Bill read a third time and returned to the Assembly with amendments.

BILL—STATE GOVERNMENT INSURANCE OFFICE ACT AMENDMENT.

Second Reading.

Debate resumed from the 27th November.

HON. E. M. DAVIES (West) [4.46]: I do not intend to debate the Bill at any length other than to say that I believe it is necessary because these funds should be protected and the measure will afford the requisite protection when any property is acquired by the office. I support the second reading.

Question put and passed.

Bill read a second time.

In Committee, etc.

Hon. A. L. Loton in the Chair; the Minister for Transport in charge of the Bill.

Clause 1—agreed to.

Clause 2—Section 7 amended:

Hon. J. G. HISLOP: Under this clause the office is to be authorised to erect, equip, furnish, alter, demolish, replace and maintain buildings necessary for the purposes of carrying out its functions under the Act. The time must come when we shall have to give the office authority to build its own hospital to cater for workers' compensation cases. The discussion this afternoon has made this clear, and it is possible that compensation cases could be dealt with in such a hospital better than in a public hospital. Would the office be empowered to build its own hospital?

The MINISTER FOR TRANSPORT: I should say that the Act would confer that power, though I cannot imagine such action being taken on the general question of providing hospital accommodation without reference to Parliament. The main purpose of the Bill is to enable the funds to be handled in the interests of the office. It could create reserves to permit of a greater volume of business being transacted so that the income could probably be used in the direction desired by Dr. Hislop.

Clause put and passed.

Title—agreed to.

Bill reported without amendment and the report adopted.

Read a third time and passed.

BILL—RESERVES.*Second Reading.*

Debate resumed from the previous day.

HON. G. FRASER (West) [4.52]: I cannot claim to know anything about most of the reserves mentioned in the Bill but I am concerned about the one referred to in Clause 14 dealing with the site in the Government Gardens for an orchestral shell. I do not feel at all happy about the proposal and I should like to know whether the Town Planning Board has been consulted. Much has been done without reference to town planning and I assume that that is what is happening here. It might be preferable to delete the clause and obtain some advice when the new town planner arrives.

Hon. L. Craig: It is not a question of town planning.

Hon. G. FRASER: It has quite a lot to do with town planning. I should not like to see any structure placed on that reserve that would not be in conformity with town planning ideas. I cannot recognise the Fremantle reserves from the lot numbers mentioned in the Bill, but perhaps Sir Frank Gibson will be able to enlighten us.

The Minister for Agriculture: Which reserves are those?

Hon. G. FRASER: Reserves No. 17035 and Fremantle Lot 1517.

The Minister for Agriculture: Would you like to see the litho?

Hon. G. FRASER: I assume that the Minister does not intend to take the Bill into Committee today.

The Minister for Agriculture: I should like to do so. We have a lot of work still to do.

Hon. G. FRASER: I should not like to vote in the dark.

The Minister for Agriculture: You will never be guilty of doing that.

Hon. G. FRASER: I should like to hear an expression of opinion from members on the proposal to place the orchestral shell in the Government Gardens. Apart from the town planning point of view, I have in mind that the gardens are in the centre of Perth and have been a godsend to many people over the years, and I should not like to see the public deprived of the use of any portion of those gardens. A visit there at almost any time will show how much those gardens are used; they are patronised by people from all over the State. The city is growing very rapidly and in a few years we shall probably find that sufficient provision has not been made for the public in the way of parks. Little though the space may be that this orchestral shell will occupy, that small area might prove to be of real value to citizens in future.

HON. J. G. HISLOP (Metropolitan) [4.56]: I speak with some diffidence on the subject because it seems to have become almost imperative that the shell be located on the site suggested. I do not think this is the correct site for such a shell. First of all, it is bordered by traffic along Barrack-st. and Riverside Drive—traffic that will become heavier with the years and will be too close to the auditorium section of the shell.

These shells require a background, either of hill or water, and this site is going to have its background broken by a goodly number of trees and shrubs that will absorb rather than transmit the sound. Similar shells in the United States of America are located on the bend of a river so that the river shall act as a sounding board. The one at Hollywood has hills behind it that act as a sounding board. It seems unwise to spend money on a shell in Government Gardens that is expected to last for only five years, though frankly I cannot see that that will be the experience.

Hon. G. Fraser: Like some of the temporary Government buildings.

Hon. J. G. HISLOP: Yes, a Kathleen Mavourneen business; we do not hear of one of them being pulled down. We should give thought to an excellent area that exists in King's Park. If one recalls No. 3 parking ground, there is a hillside that falls away naturally and steeply, and an orchestral shell could be placed at the bottom and seating accommodation could be arranged up the hillside. I have been informed by Mr. Watson, superintendent of the park, that this site has the conditions of a natural sounding board.

I think we should view the question from the standpoint whether it would be wise to spend money on something that is doubtful when we have a really natural area eminently suited for the purpose. To say that the people will be able to attend the performances more easily on the Esplanade than in King's Park is, I consider, stretching the long bow. To adopt the King's Park site would mean that a roadway would have to be constructed through the centre of the park from King's Park-rd. and it would cost a considerable sum of money, more than is to be spent on the present shell, but it would be permanent, and would attract visitors from all over the world.

These bowls have become famous institutions. With our Western Australian orchestra reaching such a high standard, we would be able to put on orchestral concerts of considerable merit. I ask those in charge to reconsider the wisdom of erecting a shell in the suggested area. I wish also to question Clause 22, which gives security of tenure to the King's Park tearoomsite. I suggest that instead of its being "the tearoom site" it should be "a tearoom site" because I am not certain that the present site is the correct one.

Hon. L. Craig: It is a very fine place.

Hon. J. G. HISLOP: There is a finer one.

The Minister for Agriculture: The board should be able to determine it.

Hon. J. G. HISLOP: The Bill refers to "the tearoomsite" which means, I think, the present site. I would like to make it "a" tearoomsite for the reason that anyone going there wants to have the best possible view available. If these tearooms were in countries abroad they would be on the edge of the hill so that the patrons would be able to see the extensive views.

I have often thought, as I walked into King's Park, that the correct place for a tearoom would be just beyond the Bellevue Terrace entrance so that the building could be erected on the edge of the hill, and the whole of the front could be fitted with swinging plate glass windows so that the people dining there could look out over the immense panoramic view of water between Perth and South Perth. I feel the present site is too far back from the water to do justice as a tourist attraction.

May I suggest the word "the" be struck out and the word "a" inserted in lieu? This would allow the King's Park Board to grant a new site to the present holder of the tearoomsite. The site I suggest already provides accommodation for caterers and others bringing goods to the tearooms. The kitchen entrance, etc., would face Bellevue Terrace. This would do away with any objection that the traffic in connection with the tearooms would enter through the main King's Park gate. A magnificent site can be found here overlooking one of the most beautiful views in the world. When the Bill is in Committee I shall move to strike out the word "the" and insert the word "a".

HON. A. L. LOTON (South) [5.5]: I support the Bill, but I wish to refer to Clause 9 which deals with reserve No. 21054, the old East Perth cemetery site. This reserve, a few sessions back, was handed by Act of Parliament to the State Gardens Board for beautification. A considerable amount of levelling and planting of grass has taken place, and, in general, the deplorable mess into which the area was allowed to drift has been cleaned up. It is proposed that certain blocks of land—Perth lots E69, E70, E71, and E72—which are on the west side of Plain-st. shall be resumed—they were not used as a burial ground, but were part of the original East Perth cemetery site—for extensions to Girdlestone College.

Hon. J. A. Dimmitt: No, Perth Girls' School.

Hon. A. L. LOTON: Yes. On the east which was closed some years ago. It is side of Plain-st. there is a small reserve used as a recreation ground for the girls' school, and across the road is reserve

No. 21054 on which is situated St. Bartholomew's Anglican Church, and on which the gravestones have been re-erected. This area may be leased, on the authority of the Governor, to the Perth Diocesan Trustees for a term not exceeding 50 years, because the church is still used as a place of worship. In the restoration of the site, there has been considerable moving of the headstones, railings, etc. The place in general has been tidied up, but when one looks at the plan one sees a small area of ground on this reserve No. 21054 that does not seem to be mentioned in any of the projects.

The Minister for Agriculture: You know why?

Hon. A. L. LOTON: Yes, because the Minister told me privately, but I do not know how the position has arisen. Perhaps when the site was originally granted as a reserve, the survey was made from west to east from Plain-st. Possibly at that time they were not so accurate, so that now when a survey is made from east to west, after measuring a certain area, there is a piece of ground between the point arrived at from the survey from east to west, and Plain-st. What will happen to that land I do not know, but I suppose that in the end it will be included in reserve No. 21054 and come under the jurisdiction of the State Gardens Board, which has planted grass there and so, apparently, has taken for granted that the land will revert to the Crown.

I wish to comment also on Clause 22, which deals with the tearoomsite in King's Park, but I am taking exception to the proposal on grounds other than those mentioned by Dr. Hislop. I think the King's Park Board should build the tearoom itself and then call tenders and grant a lease for whatever term it likes. Under the Bill the site has to be leased to someone for a period not exceeding 21 years under such terms and conditions as the Governor may approve. The whole control is here taken away from the King's Park Board and handed over to someone who is prepared to run the tearooms for a period of 21 years.

For my part, I favour the other idea of the board building the tearooms and leasing them. We would then get better service. Once a contract is signed for 21 years, most of the control is given away so long as the tenants comply with the by-laws of the board. I hope that when we get into Committee on the Bill one of the members representing the metropolitan province will give us some information that has not yet been forthcoming because not much information has been made available to members in the remarks of the Minister.

HON. G. BENNETTS (South-East) [5.12]: I am of the same opinion as Mr. Fraser and Dr. Hislop about the shell

I saw the Honolulu shell on a picture screen the other day, and it was in a beautiful cave setting. It would, no doubt be away from any noise of traffic. The present proposal would mean that portion of an area that country people appreciate when they come to Perth would be lost to them. The shell should be in a different site, and a place where it would be permanent. If it cost a little more, it would be money well spent. I am of the same opinion as Dr. Hislop in respect of the refreshment room in King's Park.

Many people in our State do not know what a wonderful view we have from King's Park. It is equal to anything in Sydney. I have been around the harbour there on many occasions. From the top of King's Park we have a view equally as good as, if not better than, any in Sydney. One appreciates the wonderful view at Scarborough. From the dining-room there people overlook the sea. If a tearooms were built on the site suggested by Dr. Hislop we would have a great asset in connection with visitors to the State. I support the Bill.

Question put and passed.

Bill read a second time.

In Committee.

Hon. H. S. W. Parker in the Chair; the Minister for Agriculture in charge of the Bill.

Clauses 1 to 8—agreed to.

Clause 9—Reserve No. 21054 at East Perth:

Hon. A. L. LOTON: Has the Minister any further information to give me on the matter I discussed with him yesterday?

The MINISTER FOR AGRICULTURE: In the early days the only titles given were those granted by the Governor of the day to individuals and it was rather a rough sort of method. There have been instances of where blocks of land have been given and the centres of those blocks have been granted to other people. Acts of Parliament were required to rectify those anomalies. Originally this was a piece of land given to the Church of England and in those days the church was built with a cemetery around it. It was not until 1874 that real titles for land were given.

There is a piece of land not far from Scarborough that juts out into the sea for about 15 chains. It was shown as a piece of land, but it would be difficult to use and an adjustment had to be made. The hon. member has a full knowledge of what has taken place as regards the reserve mentioned in this clause, and I think he agrees with the Government's view that it is about time something was done. Some of the land will be used for extension of school grounds and some will be re-

served to the church for a lengthy period. I hope the restingplace of these early pioneers will be respected.

Hon. A. L. LOTON: Will steps be taken to bring into Reserve No. 21054 the piece of land that nobody seems to own, particularly as the State Gardens Board is adopting a plan of beautification for that area? I want to see that piece of ground included in this plan. I trust that my wishes will be given consideration.

The MINISTER FOR AGRICULTURE: As soon as the Government is satisfied that no-one has a right to that land, something will be done about it. I will bring the hon. member's wishes to the notice of the Minister for Lands and express my support that this land should be included.

Clause put and passed.

Clauses 10 to 14—agreed to.

Clause 15—Reserve No. 10887 at Perth:

Hon. J. G. HISLOP: I am not going to oppose the erection of this shell, but I ask the Government, before ratifying the agreement, to meet the committee once more and discuss the shell with it in the light of conditions surrounding every modern shell. It is wrong to erect something for five years and then have to change over to the correct spot. We should not hamstring those who will conduct the shell by laying down certain conditions. The agreement says that performances cannot be held at intervals of less than seven days without the approval of the Minister for Lands. That will mean that we cannot have a weekend festival without the permission of the Minister for Lands. Why hamstring the organisation in that way? Furthermore, they will not be able to charge for daily performances and can charge only 1s. per person for all evening performances. That means we will be able to have only people who are willing to perform for charity or people who are being paid through some other means to give us these performances.

The Minister for Agriculture: You know why that is done?

Hon. J. G. HISLOP: I want to know.

The Minister for Agriculture: A lot of things are stupid to the hon. member.

Hon. J. G. HISLOP: I cannot help that. No show can be put on at a charge of 1s. per person. This will mean that the Perth Symphony Orchestra can play because it will be subsidised by the A.B.C. or the State Government. But nobody else will be able to do it.

Hon. G. Bennetts: People will get very tired of the one thing.

Hon. J. G. HISLOP: I think the whole agreement needs reconsideration. The agreement also lays down that there shall be no performances between the 1st April

and the 30th September. I think the whole plan will die at birth. So I hope the Government will give it further consideration. If a shell is started in the wrong way, people will lose interest in it and it will be a long time before a shell of a first-class standard is erected. The Government should thoroughly consider this agreement before anything definite is done.

Hon. A. R. JONES: I most strongly oppose this clause. A year or so ago certain members took strong exception to the fact that this reserve was to be made available as a town hall site. Many members said that it would not be fair to deprive the people of this haven of rest. On a warm day children with their parents can enjoy a rest under the trees and if this shell is built certain of the gardens and ornamental trees will have to be removed. Consequently, I strongly oppose this clause. If it is agreed to, it will not be long before everything else in the gardens is removed.

Hon. G. BENNETTS: I support Mr. Jones in the arguments he has advanced. We have not enough reserves available for the people now, especially in the centre of the city. On the Goldfields the council gave away certain of our reserves so that homes could be built, and we have been sorry ever since. The children are forced to play on the streets and every year children are prosecuted for playing football or cricket on the road.

The MINISTER FOR AGRICULTURE: I did not hide anything from the Committee. I read the letter attached to my notes from the Minister setting out exactly what the position was with the City Council. The land is between the Supreme Court building and Riverside Drive. An "A" class reserve belongs to the people and we cannot prevent anybody from going on to it, and so no charge can be made for any sports on an "A" class reserve. That has been established practice for many years, though I will not say it has not been violated. With a small charge everybody will have the right and it cannot be then said that we are setting it aside for any particular people.

Hon. G. Bennetts: Cannot you get a block somewhere else?

The MINISTER FOR AGRICULTURE: The intention is that it should be central. If the hon. member thinks King's Park will be better, I suppose it will be all right, but not so many people would want to go there as would go to Stirling Gardens. I will submit the views of members to the Government. I believe there is a desire by the Perth City Council to obtain possession of the land for the city folk and if that were done there is nothing we could do about it. The Government has done the right thing by coming to Parliament. Governments in the past have exercised a

right they did not possess over "A" class reserves. I hope members will pass the measure as it is, and I will ask the Government to take the matter up with the City Council.

Hon. G. FRASER: A period of five years is mentioned. Are there any guarantees?

The MINISTER FOR AGRICULTURE: Yes, I have a letter dated the 20th November, an extract from which is as follows:—

4. Shell to be erected by the end of 1952 on a site to be approved by the Minister for Lands and to design similarly approved; otherwise this agreement to lapse.

5. Period of five years to commence when erection complete.

6. Agreement to be made with members of the orchestral shell fund committee, and to be signed by members of the committee.

This has been approved by the Government and the committee.

Hon. G. FRASER: That does not answer my question. What guarantee have we that it will end in five years? There are a lot of temporary buildings around the place already. I have in mind those around Parliament House. They have been there for 50 years. So what guarantee have we that after five years this will be removed?

The MINISTER FOR AGRICULTURE: The clause itself is a sufficient guarantee, as the member will see when he has time to read it. I think that ought to satisfy the hon. member.

Hon. G. FRASER: Are there any provisions or an agreement that this will be removed after five years, or is it to be left there?

The Minister for Agriculture: It will be taken down.

Hon. G. FRASER: It is all very well to say that, but we want some safeguards.

The MINISTER FOR AGRICULTURE: If it satisfies the hon. member I will ask the Government to bring down an agreement entered into between the City Council and the Government. I will make that request to the Government on behalf of this Chamber.

Hon. J. G. Hislop: Does the agreement suggest that the period of five years can be extended?

The MINISTER FOR AGRICULTURE: No, and I hope the hon. member will accept my assurance that the clause covers the matter entirely.

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

Ayes	.....	16
Noes	.....	10
Majority for		6

Ayes.

Hon. L. Craig	Hon. Sir Chas. Latham
Hon. J. Cunningham	Hon. L. A. Logan
Hon. J. A. Dimmitt	Hon. J. Murray
Hon. Sir Frank Gibson	Hon. C. H. Simpson
Hon. H. Hearn	Hon. H. C. Strickland
Hon. E. M. Heenan	Hon. H. K. Watson
Hon. C. H. Henning	Hon. F. R. Welsh
Hon. J. G. Hislop	Hon. W. R. Hall

(Teller.)

Noes.

Hon. N. E. Barter	Hon. G. Fraser
Hon. G. Bennetts	Hon. A. R. Jones
Hon. R. J. Boylen	Hon. A. L. Loton
Hon. E. M. Davies	Hon. H. L. Roche
Hon. L. C. Diver	Hon. F. R. H. Lavery

(Teller.)

Clause thus passed.

Clauses 16 to 21—agreed to.

Clause 22—Reserve No. 1720, King's Park, Perth:

Hon. J. G. HISLOP: I have been reading the notes given to me by the Minister when moving the second reading and the amendment I had in mind will not apply to this Bill. This refers to the present site of the King's Park tearooms and it only gives the King's Park Board the right to lease that town lot, because it appears under this that the actual site of King's Park reserve—

The Minister for Agriculture: We will report progress.

Progress reported.

BILL—WORKERS' COMPENSATION ACT AMENDMENT.

In Committee.

Resumed from an earlier stage of the sitting. Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

Title—agreed to.

Bill reported with amendments and the report adopted.

Recommittal.

On motion by Hon. J. G. Hislop, Bill re-committed for the further consideration of new Clause 6.

In Committee.

Hon. J. A. Dimmitt in the Chair; the Minister for Transport in charge of the Bill.

New Clause 6—

Hon. J. G. HISLOP: I move an amendment—

That in line 3 the word "deleted" be struck out.

This will enable me to move that paragraph (d) be amended.

Amendment put and passed.

Hon. J. G. HISLOP: I move an amendment—

That in line 3 the following words be inserted:—"Amended by deleting all words after the word 'time' and inserting the following words in lieu:—

"Provided that the charges allowed shall not be less than the fees currently charged for a public hospital bed and shall not exceed the fees currently charged for a ward bed in a private hospital if such fees are in excess of those charged for public hospital beds. Hospital charges shall include fees for theatre services and drugs and dressings other than those granted under the Pharmaceutical Benefits Act. Hospital fees under this Section shall be subject to any contributions made under the Hospital Benefits Act."

This amendment will provide that the compensation paid for treatment in hospital shall not be less than the current rate in a public ward bed of a public hospital and not more than in a ward bed of a private hospital. It also provides that the charges shall include fees for theatre services and drugs and dressings, other than those granted under the Pharmaceutical Benefits Act, but if any contribution is made by the Commonwealth at any time under the Act, it will be deducted from the fees charged to workers' compensation. The worker will receive greater benefits compared with what are being received today.

THE MINISTER FOR TRANSPORT: I am prepared to accept the amendment. It restores the power of the board and gives it a very definite basis for assessing charges. I am sure the board would be quite ready to perform its duties in accordance with the method laid down.

Hon. G. FRASER: I agree to the amendment because my object has been achieved and the question of hospital expenses has been set on a more solid basis than previously. Although this amendment does not go as far as I would like, I realise that the amendment carried earlier threw the gate wide open and could have been the means of quite a lot of unnecessary additional expenditure being incurred in hospitalisation.

Hon. H. HEARN: I am happy about the amendment. It will clear up the points raised, and everybody should be happy about the compromise effected. I am delighted to know that we have kept the question of hospital benefits under the authority of the board.

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

Bill again reported with a further amendment and the reports adopted.

ADJOURNMENT—SPECIAL.

THE MINISTER FOR TRANSPORT (Hon. C. H. Simpson—Midland): I move—

That the House at its rising adjourn till 2.30 p.m. tomorrow.

Question put and passed.

House adjourned at 5.56 p.m.