

is a great difference between the ordinary responsibilities of Government and the right of the Legislature to disallow regulations under the Interpretation Act. Whilst there may be some argument against the proposed new clause, I do not consider the reasons advanced by the Minister in opposition to it are the soundest that could be used.

New clause put and negatived.

Title—agreed to.

Bill reported with amendments.

House adjourned at 10.37 p.m.

Legislative Council,

Tuesday, 29th October, 1940.

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

ASSENT TO BILLS.

Message from the Lieut.-Governor received and read notifying assent to the undermentioned Bills:—

- 1, Income Tax Assessment Act Amendment.
- 2, Metropolitan Market Trust (Land Revestment).
- 3, State Transport Co-ordination Act Amendment.

QUESTION—RAILWAYS, SUPER-ANNUATION.

Select Committee's Recommendation.

HON. SIR HAL COLEBATCH asked the Chief Secretary: 1, Is it the intention of the Government to give effect to the recommendation of the select committee of the Legislative Assembly appointed in 1937 to inquire into the liability of the Government to pay superannuation to railway employees who were in the service prior to April, 1905, which recommendation was approved by a more than two to one majority in the Legislative Assembly? 2, If not, why not?

The CHIEF SECRETARY replied: The whole position has been dealt with exhaustively in Parliament.

QUESTION—LANDS, COMMON-WEALTH MARGINAL AREA GRANT.

HON. J. CORNELL asked the Chief Secretary: 1, Are location holders in the marginal areas, not being clients of the Agricultural Bank, eligible for assistance from the Commonwealth Marginal Area Grant? 2, If so, how many of this class of location holders have received, or have been recommended for, assistance from the grant? 3, If not eligible, why not?

The CHIEF SECRETARY replied: 1, Yes. 2, Nil. Four applications are deferred. 3, Answered by No. 1.

MOTION—AGRICULTURAL PRODUCTS ACT.

To Disallow Regulations.

HON. A. THOMSON (South-East) [4.36]: I move—

That the regulations made under the Agricultural Products Act, 1929, as published in the "Government Gazette" of the 6th September, 1940, and laid on the Table of the House on the 10th September, 1940, be and are hereby disallowed.

For the information of the House I shall read part of the new regulations. The schedule states—

The above-mentioned regulations are amended by inserting therein after Regulation 9, new regulations, as follows:—

9A. (1) For the purpose of correctly grading hen eggs and duck eggs produced in Western Australia and intended for sale either in Western Australia or in any other State of

the Commonwealth, and as a part of or process in the course of the grading of such eggs as required by the provisions of this part of these regulations, all hen eggs and duck eggs aforesaid shall, in the course of the grading thereof, be candled in accordance with a candling process approved by the Minister by a person who has been approved as a candler by the Minister and in a building or premises which has or have been approved by the Minister as a place in which hen eggs and duck eggs may be candled in compliance with this regulation.

(2) If any hen eggs or duck eggs—(a) are not candled in accordance with a candling process approved by the Minister; or (b) are candled by a person other than a person approved as a candler by the Minister; or (c) are candled in a building or premises which has not or have not been approved by the Minister as a place in which such eggs may be candled, such hen eggs or duck eggs shall be deemed not to have been graded as required by this part of these regulations.

(3) Any person who desires—(a) that he shall be approved as a candler; or (b) that a building or premises be approved as a place where eggs may be candled in compliance with this regulation, shall make application in writing to the Minister.

(4) The Minister may grant or refuse any application made to him under paragraph (3) hereof, and, before granting any such application, may require the applicant to furnish him with any particulars the Minister may deem necessary.

I moved disallowance of these regulations because in my opinion they will impose on country residents a distinct hardship. If the department when framing the regulations had provided that they should apply only within a radius of, say, 15 or 20 or 25 miles of the General Post Office, and possibly on the goldfields as well, one might feel inclined to regard their intention as good. Primarily they are introduced to protect consumers. I have no desire even to suggest that anything but fresh eggs should be supplied to them. For many years, however, we have managed to satisfy the purchasing public with grade and quality of eggs supplied. Now that the Empire is at war, when the oversea market is narrowly circumscribed, the department promulgates these new regulations with the idea of advancing the industry. If the regulations pass as now worded, it will be a breach of them for a farmer's wife, coming into town once a week, to sell her eggs to private customers. The freshness of the eggs is guaranteed because they come direct from the farm. A person buying them from a farmer's wife

would probably pay 1d., 2d. or 3d. a dozen more for them than she would receive from a storekeeper. I shall read a letter which I received and which will probably explain the situation clearly—

I understand that these regulations have to come before Parliament, inasmuch as they have to be tabled a certain time before they become law. As far as we can see, if regulations are to be enforced, every shopkeeper in the State will have to employ an expert grader and candler, and will have to register him, as well as the premises. I do not know whether a registration fee is being imposed, but presume that it will.

Most of us who have had experience of Government departments will realise that these expert graders will be required to pass an examination. We shall then, sooner or later, have another branch of workers asking for a special award, because they are expert egg graders. I do not say they would not be entitled to an award, but that is one aspect which must be considered.

Hon. J. Cornell: Is not Mr. Wood's Act responsible for all this?

Hon. A. THOMSON: I do not think so.

Hon. J. Cornell: It was passed last session.

Hon. A. THOMSON: But these regulations do not affect the legislation introduced by Mr. Wood. Under these regulations it will be necessary also to register the premises. While we understand that it may not be the intention of the department to enforce these regulations strictly in the country, nevertheless, if the House passes them, no doubt prosecutions will follow if eggs are sold without bearing a stamp to show that they have been candled and graded. If metropolitan sellers are to be liable to prosecution, one can but assume that country storekeepers also will be prosecuted if they do not comply with the regulations. Unfortunately, under the Standing Orders I cannot move that the regulations be amended. In order that the regulations might not apply to country districts, I must move that they be wholly disallowed. I suggest to the Minister, who no doubt will secure the adjournment of the debate, that the department should seriously consider the withdrawal of these regulations with a view to the framing of fresh regulations which will apply—as I have indicated—only to the metropolitan area and to the goldfields. Eggs sent from the country to the metropolitan markets would then automatically come under the regulations, as would also the

eggs to be sent to the goldfields. In country districts there are numerous stores with branches employing perhaps only two assistants, who might be 10, 15, 30 or even 40 miles from the head store. Such assistants would be unable to sell eggs in their district; the eggs would first have to be forwarded to a centre like Katanning, Wagin or Narrogin for examination by an expert candler. Then they would be returned to the district, where they could be offered for sale. That, briefly, is the main objection to these regulations. The letter from which I quoted proceeds—

You will of course realise the utter impossibility of honestly carrying out these regulations. A firm cannot be registered, but one of the staff would have to be, and if that member is away sick or on holidays or for other reason, the firm could not sell eggs unless they were purchased from one of the other stores that had a grader and candler working. It also will be illegal for a farmer to sell his eggs direct to a customer unless he and his premises are duly registered.

I do not think the framers intended that the regulations should apply in that way; nevertheless, if they are to be strictly enforced, then a farmer desirous of selling his eggs must qualify as an expert grader and candler. I think the suggestion I have made is well worth the consideration of the Minister. I shall quote from a letter which has been circulated by the Department of Agriculture. Among other things, this letter states—

The regulations now in force—

The writer is referring to the regulations I am discussing—

—mean that every egg sold to the consumer must have on that egg a stamp which signifies that the egg has been candled and graded on an approved packing place by an approved candler, the stamp containing a registered brand of the approved packing place together with the registered number of the approved candler.

Members will understand that it is proposed to build up a new department, which of course will mean additional expense to a section of the community that to-day has the greatest difficulty in meeting its financial responsibilities. The letter continues—

This new departure in the sale of eggs will mean a change of organisation in all our methods. It is the intention of the Poultry Branch of the Department of Agriculture to conduct candling and grading classes for those people desirous of learning this branch of trade, and Press notices from time to time will inform the community of the date of these candling classes.

No doubt some members of this Chamber are interested in the egg business; but I know that some 40 years ago I was working in a cash store in Victoria. Eggs were purchased by that store from the markets and it was our business to candle and grade them before they were sold. Personally, I do not consider candling is an extraordinarily difficult process, nor does it require the knowledge of an expert. It will mean increased cost; there is no question about that. The letter continues—

It will be necessary for all those who desire to operate approved packing places immediately to forward an application in writing for approval for that packing place, together with an application for the approval of a registered brand. The packing place must be hygienic and must be able effectively to carry out the activities of the handling process. The candlers will need to be highly skilled. There are many today holding certificates of efficiency for candling and grading, and it is quite possible that these young ladies will apply for and obtain employment, especially as the activity will be a permanent one and not seasonal, as it is with the export of eggs from Western Australia.

Members will realise the difficulty country storekeepers will experience. A country storekeeper in a small way could not possibly afford to employ an expert candler, as there would not be enough work for him to do. I understand that an expert candler is expected to deal with about 400 to 700 eggs per day. How could a small country store employ such an expert and pay him high wages when he cannot be fully employed in that capacity? Therefore country people selling small lots in their towns would be committing a breach of the regulations if the eggs were not certified and candled by an expert candler and stamped as being properly graded.

Hon. J. Nicholson: It would be rather a process to candle each egg.

Hon. A. THOMSON: That is done in South Australia and it is done here for export. We are told that the regulations will not entail any extra expense, but those of us who have had experience of Government registration and regulation realise that these requirements must involve a smaller return for eggs than the farming community is obtaining to-day.

Hon. J. Nicholson: A smaller return or increased cost.

Hon. A. THOMSON: The increased cost will be deducted from the returns to

the farmers. That is the unfortunate part of it. If the extra cost could be passed on to the consuming public, I might feel satisfied.

Hon. J. Nicholson: But why allow it to be passed on to the consuming public?

Hon. A. THOMSON: If the Government considers the regulations desirable, let their operation be restricted to the metropolitan area and the goldfields for a start. Then we would be able to ascertain whether their application to the country would be beneficial to the producers. While I do not wish to damp the enthusiasm of Mr. Shaw, who is an expert well conversant with his job and carrying it out to the best of his ability, I hope the House will agree that the present time is not opportune to enforce these regulations throughout the State.

On motion by the Chief Secretary, debate adjourned.

BILLS (3)—FIRST READING.

- 1, Optometrists.
- 2, Tramways Purchase Act Amendment.
- 3, Money Lenders Act Amendment (Hon. E. M. Heenan in charge).

Received from the Assembly.

ORDER OF BUSINESS.

The PRESIDENT: In connection with the orders of the day as printed on the notice paper, it will be necessary to make a re-arrangement. Under Standing Order 104, a motion for the disallowance of a regulation shall take precedence of Government and private business. Order of the day No. 7 is for the disallowance of Regulation 10 under the Jetties Act, and has been placed in that position inadvertently. Therefore I shall call upon Order of the day No. 7 first.

MOTION—JETTIES ACT.

To Disallow Regulation.

Debate resumed from the 23rd October on the following motion by Hon. G. W. Miles (North):—

That regulation No. 10 made under the Jetties Act, 1926, as published in the "Government Gazette" on the 6th September, 1940,

and laid on the Table of the House on the 10th September, 1940, be and is hereby disallowed.

THE CHIEF SECRETARY (Hon. W. H. Kitson—West) [4.59]: When Mr. Miles moved his motion for the disallowance of this regulation, I received the impression that considerable increases had been made in quite a large number of instances, but I find on inquiry that the position is not quite so serious as the hon. member suggested. At least 80 per cent. of the cargo landed at North-West ports comes under two headings, that is, the general rate covering "all other goods" and a special rate for commodities such as beer, wine, spirits, cement, chaff, flour, bran, pollard, fodder, grain, inflammable liquids, oil and grease, sugar, tobacco and cigarettes. In all those cases there has been no increase in the wharfage charges. Members will probably recollect that some years ago the wharfage charges at all the North-West ports were reduced by taking off the surtax which had been in operation since the last war. The surtax was 20 per cent. and the Government of the day found it necessary to impose it on account of the increased costs that were being experienced as the result of war conditions. That surtax applied for a good many years, actually until 1935. So that is the position with regard to wharfage along the coast. I also point out that the main items which are exported from North-West ports—that is, so far as the producers for whom Mr. Miles is speaking are concerned—are wool, sheep, cattle, meat and tropical fruits. In those cases there has been no alteration of the wharfage charge. But there have been certain minor alterations with regard to the different individual items which are included in the schedule, and those minor alterations have been brought about mainly to secure uniformity. They have been grouped in accordance with the similarity in the conditions prevailing at the different ports, Carnarvon, Onslow and Port Samson, where the same rates now apply under the new schedule and where different rates applied under the old schedule. At Broome and Derby the conditions are considered to be almost identical and the charges at those two ports have been made uniform. Wyndham stands on its own: no alteration has been made there, and as was pointed out by Mr. Miles, there has been a reduction in

respect of handling charges. The greatest increase in wharfage occurs in connection with explosives regarding which the wharfage has been raised by 3s. 6d. per ton, mainly on account of the dangerous nature of the cargo. So far as I know, the increase has not affected any particular section of the community in that part of the State.

Hon. G. W. Miles: It affects mining.

The CHIEF SECRETARY: The quantity of explosives that goes over the wharves in the North is insignificant. For the year ended 30th September last less than 5 tons was conveyed over the jetties in the North. Thus the difference there can be a matter of only a few shillings on the total quantity taken to the North by vessel. Explosives are mostly taken overland and it is only in the case of this article that the biggest increase has taken place. I would imagine that, comparing the old schedule with the new, the original rate on explosives was much too low, because I find the charge was less than the charge imposed on ordinary cargo. Members will agree that where one is handling cargo such as explosives, it cannot by any stretch of the imagination be claimed that it would be entitled to a rate lower than that charged for ordinary cargo. This was an anomaly that had never been corrected. In any case, in view of the very small quantity that is taken by sea to the ports of the North—as I have stated, less than 5 tons in a period of 12 months—there does not seem to me sufficient justification for the disallowance of the regulation.

Coming to the question of handling charges, we have an entirely different state of affairs. The increase, generally speaking, is 1s. per ton and that applies to all the ports on the coast. It appears that the rate under the old schedule was fixed in 1921—19 years ago. There has been no increase in the handling charges during the whole of that period. The rates of pay in 1921 were 2s. 5d. per hour; to-day the rate is 3s. 1d., that is, for handling ordinary cargo. Of course there are penalty rates which apply when cargo is handled outside ordinary time. As Mr. Miles knows, that occurs frequently at the North-West ports. The increase in wages during that period of 19 years represents 27.5 per cent., while the increase in the handling charges under the new regulations of 1s. per ton represents an increase of 28.5 per cent.; in other words, it just covers the increased cost

which the department has to bear with regard to wages as far as the handling of cargo is concerned. When it was found that the rate charged, 7s. 6d., was more than sufficient to cover the actual charges and costs of the department, the rate was reduced from 7s. 6d. to 6s. 8d. per ton. That goes to show that the department, in revising the regulation, was anxious to bring about uniformity so that one port should not have preference over another in respect of charges; also where it was shown that the charges had been too high in comparison with other ports, the department was quite prepared to reduce them as I have stated. When making his comparison, Mr. Miles did not deal with all the items on the schedule. Of course that would have taken too long, and perhaps would not have been understood by members. For that reason he selected a few items which, in his opinion, were the most important. There again, outside the question of explosives there are one or two reductions which have been made in the present schedule and which have been brought about as the result of the desire of the department that uniformity should prevail.

Hon. G. W. Miles: I quoted that.

The CHIEF SECRETARY: I am speaking from memory and I know that the hon. member submitted a table which he asked should be included in "Hansard." In that time, one found, for instance, that the handling charges on wool at Carnarvon had been increased by 1d. per bale, while at Onslow they had been reduced by 3d. per bale. There has been an increase in the handling charges on skins in bales at all the ports except Wyndham. That increase is 4d. at Carnarvon and Onslow, 3d. at Port Samson, and 6d. at Broome and Derby. Regarding skins in bundles, there has been a reduction in the charge at Broome and Derby of 3d. per bundle. All these changes are the result of the desire of the department to bring about uniformity at the various ports. Generally speaking, I think I have given reasons for the altered schedule. The haulage charges are practically unchanged, notwithstanding the fact that there has been an increased freight on coal which has to be met, and an increase of wages to the jetty and tramway employees as well as other minor increases. Notwithstanding all that, no change has

been made in those charges. Mr. Miles will remember that it is not so long since we made reductions in fares on the trams running from the jetty to the township. In brief, the new schedule means an increase in the handling charges of 1s. per ton and I have pointed out that that increase only just covers the increase in the cost to the department compared with 1921 when the old schedule was first brought into operation.

The other increases are in connection with explosives, the quantity of which, as I have already stated, is so small that it is not going to make very much difference either way. So I do not consider that there is any justification for the disallowance of the regulation. As the quantity conveyed is less than five tons annually—that has been the figure during the past five years—the increase of 2s. per ton is not going to make very much difference to the people who purchase explosives. I repeat that the changes represent merely the rectifying of the anomaly that was created in 1921 when the schedule was first prepared. Regarding the other items, I have explained that in most cases there is no difference except as to the handling charge of 1s. per ton which is the general increase. There are quite a number of instances which can be quoted where people in the North will benefit as the result of the application of the new schedule. For instance, one might refer to motor cars and such like vehicles. The alterations in the new schedule mean that most of these will be carried at a reduction. The charges on small motor cars will be much less than those that obtained formerly. At present, there is a flat rate and every person who desires a small car or utility truck to be taken over a jetty has to pay the same rate as applies to heavy trucks and big motor cars. That was not considered fair or equitable, and the necessary alterations have been made. When the old schedule was first introduced in 1921, the use of motor cars and trucks was not as popular as at present. Not so many of them were in use and experience shows that to-day quite a number of small vehicles are being sent north. Not nearly so much will have to be paid on those vehicles by way of wharfage, handling, or haulage charges if the new schedule applies. There are other items to

which I could refer as indicative of the considerable decreases provided for, but the quantity handled in such instances is so small that that phase is hardly worth considering.

Boiled down, Mr. Miles desires the regulations to be disallowed mainly because there has been an increase of 1s. per ton in the handling charges. The department believes that increase is fair. During the 1914-18 war it was found necessary to raise charges by 20 per cent. That impost was removed a few years ago. Under the new schedule the main increase, apart from explosives, is 1s. per ton in handling charges. As to wharfage and haulage charges, particularly as they apply to the requirements or products of the pastoralists, with the exception of one or two items involving increases to bring about uniformity, no changes have been effected at all. In view of all these considerations, I feel that the reasons advanced by Mr. Miles would not justify the disallowance of the regulation. I oppose the motion.

HON. J. J. HOLMES (North) [5.18]: If the hard and fast business methods indicated by the Chief Secretary were applied to all State activities and particularly to trading concerns under Government control. I might not have so much to say. On the other hand, to select the northern ports for this discrimination at the present period when the pastoralists have been confronted with droughts formerly unparalleled—they have suffered that disability for the past six or eight years—and saddle them with additional charges, seems to me altogether wrong. First of all, I would like to clear up the position regarding the reduction of the surcharge of 20 per cent. If I understand the position correctly, goods imported into Western Australia were made subject to a 20 per cent. increase in charges. When those goods were sent up the coast to northern ports, a further 20 per cent. additional charge was imposed. When the goods were landed at a northern port, a further 20 per cent. impost was levied. That position has been rectified, but the surcharge should never have been enforced. So much for that matter.

The position, viewed from the State standpoint, is not easy to understand. I do not like to raise the question of the North versus the South, but when the position is analysed, a comparison becomes almost inevitable. The

pastoralists have been confronted with difficulties for six or eight years and they are battling on. The agriculturists have been up against one year of drought and they have come here and stormed this Chamber with their pleadings.

Hon. E. H. H. Hall: Now, now!

Hon. J. J. HOLMES: They have been threatening the country by the thousands regarding what action they would take if nothing was done. A Royal Commission was appointed to inquire into the difficulties of the pastoralists. I understand the report of the Royal Commission has been completed. If I know anything about the matter, surely I am right in saying that if the Government is to be recommended to do anything as a result of the furnishing of that report, it will be to afford relief and certainly not to impose added charges. We are confronted with the spectacle of one branch of the Government, represented by the Minister for Lands, appointing a Royal Commission to ascertain how the pastoralists can be assisted, and at the same time another department is imposing further charges to add to the burdens of the people in the North.

Hon. E. H. H. Hall: Does not the Government appoint a Royal Commission, not the Minister?

Hon. J. J. HOLMES: But the Government appoints a Royal Commission on the recommendation of the Minister.

Hon. E. H. H. Hall: I am surprised at an old member like you making such a statement.

Hon. J. J. HOLMES: In any event, I try to deal with the industry, instead of persons.

Hon. E. H. H. Hall: Then do not drag the farmers into the argument!

Hon. A. Thomson: Do not antagonise members!

The PRESIDENT: Order!

Hon. J. J. HOLMES: I am discussing the position of the pastoral industry.

Hon. E. H. H. Hall: Then do not sling off at the agriculturists.

Hon. J. J. HOLMES: The truth does not suit some people.

Hon. E. H. H. Hall: But do not sling off at the farmers.

Hon. J. J. HOLMES: The hon. member seems to be annoyed.

Hon. E. H. H. Hall: You have a good case without doing that.

Hon. J. J. HOLMES: If Mr. Hall wishes to address the House, I shall sit down.

Hon. E. H. H. Hall: No, go on.

The PRESIDENT: Order!

Hon. J. J. HOLMES: I was about to say that the least we can do will be to await the report of the Royal Commission. If we do not disallow the regulation, the House can hold it in abeyance until members learn what the Royal Commissioner has to say. Considering the relative position of the North and the South, the fact remains that a reference to the details of loan expenditure as set out in the "Statistical Register" shows that for the ten years ended the 30th June last no less than £56,753,909 was borrowed and allocated to the agricultural industry. I have searched the records and I cannot find that one single penny was set aside for the pastoral industry.

Hon. J. Cornell: Yes, there was a little.

Hon. J. J. HOLMES: According to the evidence tendered by the Minister for Lands before the Commonwealth Grants Commission, £20,000,000 of the amount allocated to the agricultural industry has been written off. I want to emphasise the point that the pastoralists have spent their own money in promoting their industry. Those people are battling on even now, and they are satisfied to await the recommendations of the Royal Commissioner. After all the pastoralists have done for themselves, surely it is not fair at this juncture to place any further burden upon the load they have to carry. I agree with the Chief Secretary that perhaps some of the increased charges do not represent very much. On the other hand, after the pastoralists have been up against difficulties, as they have been for the past eight years, after they have spent their own money and have made use of any profits by putting in more improvements, what do we find? The improvements are still there, but the livestock have gone. When the pastoralists require fodder for their starving stock, what is disclosed? The imposition of an extra handling charge of 1s. a ton! On the other hand, after one year's drought, we find that the Government has appointed a committee to consider the question of carrying livestock at half rates or even free, so as to help the agriculturists.

Hon. A. Thomson: Has that been done?

Hon. J. J. HOLMES: That was the recommendation.

Hon. V. Hamersley: I have heard nothing about it.

Hon. J. J. HOLMES: I read the other day about the appointment of four men. I think the idea was to carry stock free one way.

Hon. A. Thomson: That is different from what I have heard.

Hon. L. B. Bolton: In any event, you agriculturists and pastoralists get it between you.

Hon. J. J. HOLMES: I understand that the four men were appointed to inquire into the reduction of railway freights on account of starving stock, but pastoralists, after facing eight years of continuous drought, have to pay 1s. per ton extra on fodder supplies for their starving stock.

The Chief Secretary: But your people have had certain concessions on account of their starving stock.

Hon. A. Thomson: He forgets that.

Hon. J. J. HOLMES: We have had some concessions because we had a good case and were justly entitled to that assistance. What is the good of the Government granting a concession on one hand and increasing the handling charges on the other? There is no equity in that sort of treatement, and the Minister knows it. I know my agricultural friends do not like the truth.

Hon. E. H. H. Hall: We do not like your spoiling a good case.

Hon. J. J. HOLMES: Let members consider the position regarding the rabbit-proof fences. Two main fences were constructed running north and south with the object of keeping out the rabbits.

Hon. J. Cornell: Rather keeping them inside the fences.

Hon. J. J. HOLMES: People in the North paid their quota towards the cost and constructed another fence on their own account. They erected 400 miles of fencing 30 years ago, for which they borrowed £60,000 on which they have been paying 5 per cent. interest ever since. To date they have paid off £58,000 of the amount borrowed and unless the Royal Commissioner recommends writing off the remaining £2,000, the pastoralists will pay that amount as well. These are facts regarding what is done by the people in the North, not in the South. It is time the people generally learned the facts.

Hon. A. Thomson: You are raising the issue; we have not done so.

The PRESIDENT: Order! I must appeal to hon. members to allow Mr. Holmes to proceed with his speech without interruption. Hon. members will have an opportunity to reply.

Hon. J. J. HOLMES: The Chief Secretary referred to reductions in freight. I must point out to him that the State Shipping service controls seaborne transport to and from the North and will not allow overseas ships to carry cargo from port to port. Unless the consignment is such that the State ships cannot transport it, other vessels are not allowed to handle it.

Hon. J. Cornell: But that is because of the Navigation Act.

Hon. J. J. HOLMES: The State Shipping Service has a monopoly, and already has increased freights by 10 per cent. since the war commenced.

The Honorary Minister: That did not cover the extra costs.

Hon. J. J. HOLMES: No, and I understand another 5 per cent. or so is to be added. I may not have been correctly advised, but I understand that is what the pastoralists have to face. Then again, we find that the State ships carry freight from Fremantle to Derby, which is half way to Darwin for £2 12s. 6d. a ton. They carry it to Wyndham, 300 or 400 miles further on, for £3, but when they get to Darwin where they come into competition with other steamship services travelling the other way, they carry it for 10s. a ton less than to Wyndham. They charge £2 12s. 6d. freight to Derby and £3 to Wyndham, and only £2 10s. to Darwin. When the State Shipping Service, which has a monopoly on our coast, comes into competition with shipping services proceeding the other way, charges are reduced. If the troubles of the pastoralists were due to their own fault one would not complain, but they are due entirely to drought. Expert station managers in the North-West, have suffered just the same as everybody else. I do not care how efficient the management is, one cannot carry on successfully if he has been faced with seven or eight years' drought. I do not wish to labour the question, but there is a principle involved, namely, that all parts of the State should be treated the same.

The Chief Secretary: Do not you think they should pay the actual handling charges?

Hon. J. J. HOLMES: If the Minister would apply the same business methods to everyone else I would not mind, but I looked up the returns, and I found that three State trading concerns in the metropolitan area between them lost £107,000 in the last six years, and nobody seems to care.

Hon. L. B. Bolton: The manufacturer does not get much; the pastoralists and the farmers get it all.

Hon. J. J. HOLMES: There was a loss of £14,000 on the State Brickworks, £13,000 on the State Quarries, and £80,000 on the State Implement Works. This has been going on under the Government's nose, and when on top of that loss the Government chases odd shillings in the North-West, I think it is time someone said something about it.

The Chief Secretary: Is that a fair comparison?

Hon. J. J. HOLMES: The Chief Secretary is good at making comparisons.

The Chief Secretary: I could have quoted all those figures, but I did not want to.

Hon. J. J. HOLMES: The Government should consider the extravagance that could be curtailed in the metropolitan area instead of chasing odd shillings in the North-West. We have only to go to the door of Parliament House and see the array of motor cars and extravagance in all directions. There is no check whatsoever imposed upon expenditure. I am annoyed to find that this sort of thing is allowed to occur down here while the Government chases shillings in the North. I understand that the report of the Royal Commissioner on the pastoral industry has been completed. I have not the information officially, but I believe he has gone East and that he intended to complete the report before he left. I contend that the regulations should be disallowed so that we may ascertain what the Royal Commissioner has to suggest for the alleviation of distress in the North, instead of imposing additional burdens on the pastoralists. I support the motion.

HON. F. R. WELSH (North) [5.35]: A good deal of ground has been covered by Mr. Holmes in connection with this motion,

and I do not propose to delay the House long. The Chief Secretary was quite in order in saying much that he did, but I think I am right in stating that the jetty charges on the North-West coast are among the highest in the Commonwealth. Although 1s. a ton extra does not sound much, every little helps so far as pastoralists are concerned, owing to the condition of the industry, and we desire to avoid extra imposts. People in the North have to suffer many disabilities of which those living in the South are not aware, and the handling charges which are the subject of debate, could well have been left as they were. It is true that concessions have been granted. The surcharge to which reference has been made was removed two years ago, and that was a great help. I was interested in the Chief Secretary's remark regarding the handling charges in connection with motor cars at North-West ports. Last year I was forced to shift my car from Carnarvon to Perth. The wharfage charge at Carnarvon was £2 17s., but to take the same car off the boat at Fremantle cost only 10s. I admit that the car had to be taken over three miles of railway at Carnarvon, but in addition to the charge of £2 17s. I had also to pay freight.

Hon. A. Thomson: How much?

Hon. F. R. WELSH: I think it was about £5. The point is, however, that the wharfage charge at Carnarvon was £2 17s. as compared with 10s. at Fremantle. Mr. Holmes spoke about the State Shipping Service. I have been a supporter of the service ever since it started, though we have to thank the authorities for certain concessions. Unfortunately the State Shipping Service has a monopoly, and there is an embargo on cargo being taken on other vessels bound for ports on the North coast. Since the "Kybra" was taken off the run, we have had a very inadequate service, although I suppose it is the best the Government can provide. Admittedly, we were granted a concession in relation to starving stock. I believe that was first made available by a former Ministry, but the present Government is giving us as good a service as it can. However, the value of such concessions is considerably reduced by the imposition of niggling charges such as those to which exception has been taken by Mr. Miles. In view of the fact that people in the North are right up against it in every

way, I am glad the hon. member moved for the disallowance of the regulation. One shilling a ton does not seem to be a large amount but it becomes of considerable importance when added to other expenses which have to be borne. I support the motion.

HON. E. H. H. HALL (Central) [5.39]: It has been well said that comparisons are odious, and while I am quite willing to admit that at times comparisons may be necessary, I am wondering why Mr. Holmes, who has been a member of this Chamber for so many years, saw any necessity for making odious comparisons. I have not discussed this motion with members of the Country Party, but I am sure that all of them, feeling as they do about their own people, will sympathise with Mr. Miles and that his motion will have their unanimous support. The Chief Secretary had to take up the attitude he did, but if there is not a unanimous vote from members of this Chamber, apart from those of the Government party, I shall be surprised. What are we to do with that great big empty North? The position fills me, a Western Australian-born citizen, with dismay; I frequently think about it. What will happen to that portion of the State, rich with possibilities?

Hon. G. W. Miles: It will be all right.

Hon. E. H. H. HALL: The hon. member knows a lot more about it than I do. But that is a very complacent attitude to adopt when the North is losing people. I stand open to correction but I said without contradiction during the last election campaign when addressing the people of the Central Province, and now repeat that there are fewer people in the North-West to-day than were there 20 years ago. What are we going to do about it?

Hon. J. Cornell: The Jews are trying to get there.

Hon. E. H. H. HALL: The position is serious. The Chief Secretary, by interjection, asked Mr. Holmes whether he did not think people should pay the handling charges. I think we ought to pay people to go up there. If the folk living there were not imbued with the good old British bulldog spirit they would not remain. Mr. Holmes said that the drought was responsible for the position in which the pastoralists find themselves. If I were rude I would

say, "Nothing of the sort!" Continued drought over a period of years has been one factor, but there is another—the high cost everybody in that region has to pay for everything. That has been brought about by the wretched policy of high protection adhered to by the Commonwealth Government. Even the man who seeks to win gold from Mother Earth in the North-West is at a greater disadvantage than those who dig elsewhere for the metal, because of the high price he has to pay for everything he wants. The Premier last session said that the State had not the finance necessary to do justice to those pioneering the great empty North-West. If that is true—and I think the Premier believed it to be true—there is only one decent thing for us to do and that is to hand that area over to the Federal Government which has the finance necessary for its development. In that way the people battling there for a living will have a chance to make good. I support Mr. Miles in his attempt to have these regulations disallowed.

On motion by Hon. A. Thomson, debate adjourned.

BILLS (2)—THIRD READING.

1, Fremantle Gas and Coke Company's Act Amendment.

2, Royal Agricultural Society Act Amendment.

Passed.

BILL—BILLS OF SALE ACT AMENDMENT.

Second Reading.

Debate resumed from the 8th October.

HON. J. NICHOLSON (Metropolitan) [5.45]: This Bill appears to be a comparatively simple one, but we have to look a little further ahead in connection with the matter than was indicated when placed before us by the member who moved the second reading. The measure seeks to follow up one that was passed in 1938, concerning the seizure of beds and bedding and other articles as a result of an execution under the Local Courts Act. It is suggested that because Parliament recognised the desirability of passing another Bill to

prevent the seizure under an execution, of goods of a similar nature to those mentioned in this Bill, there would be every justification for passing this Bill. I cannot share that view, which I think is a wrong one to take. The position of an execution creditor is totally different from that of the holder of a bill of sale. The execution creditor is a man who secures a judgment against a debtor, and seeks to enforce that judgment by way of execution against the goods and chattels of the debtor. The bill of sale holder, however, or the grantee, as he is called, under the bill of sale, is in a totally different position. A bill of sale is really a contract made between the owner of the goods, who is called the grantor, and the holder, who is usually referred to as the grantee. The effect of that contract is that the goods referred to in the schedule of the bill of sale are assigned to the grantee subject to an equity of redemption in favour of the grantor. If the grantor performs his part of the deed and pays back the money he has borrowed under the bill of sale, there is no trouble. The contract is one that gives security for money borrowed by one party from another. This Bill sets out that "in any bill of sale by way of security hereafter executed" the chattels shall be exempt. Is it going to be any use passing such a measure, which will make it impossible for a person who is the owner of certain chattels to raise money on them by way of a loan, or in other words prevent him or her from borrowing money and thus overcoming a temporary difficulty?

Hon. G. Fraser: We would be doing such people a good turn if we did prevent them.

Hon. J. NICHOLSON: There is nothing in the Bill to prevent a person from selling his goods, and it would be wholly undesirable to bring down a Bill for that purpose. Under a bill of sale, provided it is allowed to follow its ordinary course, there is an assignment of goods to the person who lends the money, subject as I have stated to an equity of redemption in favour of the person who borrows the money. In place of that course of dealing being permitted any further to the borrower of the money, he would by this measure be forced, in order to overcome his difficulty, to sell his goods. Which is the better course for him to follow? I think we would be making a great mistake to pass legislation of this

character. It is something the House should not agree to. I draw attention to the second part of Clause 2. The person who makes out the bill of sale may quite innocently include in it the particular articles that are the subject of this legislation. The person who draws the deed may in a general way include all the goods and chattels that are situated in a certain place. Unless words are put in exempting, say, the bed and bedding to the value of £10, and other household goods of a similar value, he would be committing a breach and would render himself liable to a penalty of £25.

The Chief Secretary: Do not we think these articles should be exempt?

Hon. J. NICHOLSON: I do not think any good purpose would be achieved by exempting them. It is a wrong way to legislate. The individual cannot be prevented from selling his goods, but this Bill will force him to sell them. Of what use is it to follow such a course?

Hon. G. Fraser: He would be getting true value for what he sold instead of paying interest on the money he would have to borrow.

Hon. J. NICHOLSON: In a sale of that nature the owner of the goods usually gets the lowest value possible for them. He is, by the nature of the sale, prevented from realising the full value of the goods. If I could see any merit in the Bill, I would support it, but, candidly, I see no good in it. In the circumstances I must oppose the second reading.

HON. SIR HAL COLEBATCH (Metropolitan) [5.55]: I cannot follow Mr. Nicholson's reasoning. He speaks of a bill of sale as a contract between the lender and the borrower. It will remain a contract just the same after this Bill has been passed. The measure will have no application to present bills of sale, and will apply only to future bills of sale. Both parties will, therefore, know where they stand. The lender will know he cannot touch the beds and furniture in the house of the borrower below the value stated in the Bill. The whole question resolves itself into whether it is wise or desirable that we should take steps to protect people against themselves and—this is what appeals perhaps more strongly to me than anything else—protect wives against their husbands, and prevent the last

stick of furniture being pledged. Mr. Nicholson said that people could still sell their possessions. Of course they can do so, but many people would hesitate to sell their beds when they are quite willing to borrow money upon them hoping, Micawber-like, that something will turn up to enable them to pay it back. In every community is found a large number of improvident people who are only too ready to go to a money lender, only too ready to pledge all that they have, property that should be regarded as the possession of the family rather than of their own. In this community, because of the extraordinary encouragement to gambling, etc., that we have, that disposition to risk everything on something turning up in the future is probably more pronounced than it is in most other places. It is an entirely proper thing to see that persons shall not pledge their last stick of furniture. Cases may crop up now and again when perhaps it would be a good thing if they could do so, but such cases would be small in number compared with the number of instances in which people should be prevented from pledging themselves to that extent. It seems to me that the difference Mr. Nicholson suggested between these cases and a judgment debt has little practical application. We thus come to the basic point, that a person should not be allowed to pledge his bed and his last few sticks of furniture. I hope the Bill will be passed.

On motion by the Honorary Minister, debate adjourned.

BILL—BUSH FIRES ACT AMENDMENT.

Second Reading.

THE HONORARY MINISTER (Hon. E. H. Gray—West) [6.1] in moving the second reading said: By this Bill it is proposed to amend, and add certain sections to, the Act which provides for better provision for diminishing the dangers resulting from bush fires, for their prevention, control, and extinguishment, and for other purposes incidental thereto. The Bill is intended, mainly, to tighten up control in these matters, and to overcome certain difficulties which have become apparent since the Act was passed. Over recent years, the Government has recognised the need for organised measures to be taken in an endeavour to reduce the

losses sustained each year in the agricultural areas in this State arising from uncontrolled summer fires; and in 1937 a new Bush Fires Act was assented to by Parliament. That measure made a considerable change in the then existing law in relation to bush fires principally by giving certain powers to local authorities and those desirous of forming local bush fire brigades. It provides that every road board may on application be proclaimed a local authority under the Act, and this having been done, can appoint bush fire control officers and from the ordinary revenue of the Board purchase and maintain fire fighting equipment for the prevention, control and suppression of bush fires. Provision is also made for any association of persons which may be formed voluntarily, to be gazetted as a bush fire brigade. To handle properly the fire menace in country districts it was, and is still, evident that fire prevention and control must be undertaken by local authorities assisted by volunteer organisations, and it is very encouraging to the Government to learn of the rapid advances which have been made in this direction since the Act was passed. Following the passing of the Act, the Minister for Lands, on the advice of the Conservator of Forests, agreed to the formation of an Advisory Committee consisting of five departmental heads, and the president of the Road Boards' Association. An officer of the Forests Department—now transferred to the Lands Department—who has considerable experience in fire control work, was appointed on full-time work to assist road boards and landholders generally in the development of volunteer organisations to deal with outbreaks of fire. Under the direction of the committee, this officer, as Rural Fires Advisory Officer, has spent considerable time in visiting local authorities and advising them as to powers and measures that can be taken for the prevention and control of fires and the organisation of fire brigades. It has been very gratifying to the Government to learn of the cordial reception he has been given by the numerous road boards visited; and, almost without exception, the co-operation of the boards has resulted in active steps being taken to organise brigades.

At the present time there are 85 road boards and seven municipalities registered as authorities under the Act; and 37 bush fire brigades are also registered, these in all

comprising a personnel of 412 fire control officers and 212 captains and lieutenants. It has been found with the practical application of the provisions of the Act arising out of the activity and interest which has been taken in fire prevention and control in rural areas, that certain difficulties are being encountered under its provisions. As a result, suggestions have been forthcoming from local authorities and the Forests Department for improvements to be made in the existing legislation. These suggestions have been carefully considered by the Advisory Committee, and the amending legislation as proposed in the Bill, is the result of the committee's recommendation. They have been thoroughly reviewed by officers of the Forests Department, and it is considered that their approval by Parliament will be a step towards better and more efficient control of the bush fire menace.

The first amendment I propose to deal with is that provided for in Clause 3 of the Bill. It proposes to give definitions of the words "adjoining" and "occupier of land." The Act provides in certain cases that anyone intending to burn the bush shall give notice to adjoining holders. There is no definition in the Act. The Bill provides for one, and this will make certain that notice of intention to burn will have to be given to the owner of an adjacent property, even if on the other side of the road, railway or watercourse. In regard to the words "occupier of land," the Act provides that to be an occupier of land a person is required both to reside on the land and to be in charge thereof. The Bill provides that a person is an occupier of land if he resides there, or if he is in charge, whether residing or not. Provision is made in the Bill for the statutory appointment of a committee, to be called the Rural Fires Prevention Advisory Committee. The Act does not provide for the appointment of such a committee. The proposal is that the committee shall consist of not more than nine members, such number of which as is nearest to one-third shall be recommended by the executive of the Road Board Association, the balance on the recommendation of the Minister, all to be appointed by the Governor. It is provided, also that a chairman shall be recommended by the Minister for appointment by the Governor. The present committee consists of six members, five Government servants and a representative of the Road Board Associ-

ation. It is considered that by providing for statutory appointment, more standing will be given to the committee when dealing with local authorities. This clause is based on the South Australian Act.

One provision in the Bill is to overcome the difficulty of a permit being necessary to a person desiring to burn at any time during the year. Such a permit is considered to be unnecessary in the winter months, and provision is therefore made that one only will be required between the 1st October and the 31st May. Under the Act a person can obtain a permit for burning clover by complying with certain conditions. The Bill proposes to limit this power to some extent by providing that the forest officer granting a permit must be an officer for the district in which the land is situated, that such officer must inspect the land before granting a permit, and that he may refuse to grant a permit if he considers it would be dangerous to do so. The burning of clover takes place in the prohibited period, and is therefore a privilege. Such burning should not constitute a menace to other properties in the vicinity. In the Act it is provided that four days' notice of intention to burn shall be given. The Bill provides for two days. Practical experience has proved that two days is quite sufficient time in which to give notice, and that the provision is more likely to be complied with.

Another provision is that a person burning on any land shall give notice to all owners surrounding his property, whether adjoining the actual land to be burnt or not. The reading of the Act in this regard is doubtful. The new provision is intended to make sure that there shall be no doubt on this point. A person may himself own all the area surrounding the land on which burning is to take place, and it is desired that other adjoining holders should have notification. At present it is provided that the carrying out of conditions laid down in one section shall not relieve any person from liability for any actionable damage sustained by any other person in consequence of burning operations. The Bill proposes to add to this that it will also not relieve any person from any payment for expenses incurred in preventing the extension of a fire.

A further provision in the Bill relates to precautions to be taken in regard to motor vehicles equipped with producer gas apparatus. Since the increased use of such units,

it has become apparent that some protection is necessary in an endeavour to prevent outbreaks of fire from this source. People in rural areas are concerned by the fire risk which may result from the greatly increased use of producer gas on cars, trucks and tractors. The Bill provides that it shall be unlawful to use such motor vehicles unless they are so equipped with a gas producer as to prevent the escape of sparks, live coals, ashes or cinders. It shall also be unlawful for anyone to clean out a firebox during the prohibited period unless a space of ground around the vehicle, having a radius of at least 20 feet, has first of all been cleared of all stubble, scrub or other inflammable material.

There is also a proposal in regard to the sale of certain matches. The Act gives power to prohibit the sale of wax matches; but as there are other types of matches which are equally dangerous, it is considered necessary to bring these within the provisions of the Act.

Section 14 of the Act provides that during the prohibited period a person shall not light any fire not specifically mentioned in the Act without having cleared at least 10 feet around the fire. It is considered that while this 10 feet provision may be sufficient for camping and cooking, it is not sufficient for other fires which have to be lighted, as, for example, a charcoal fire. Provision is made in the Bill, therefore, for an additional space around a fire, increasing it to 20 feet. Additional space is also provided for where it is proposed to burn dead animals or garden or orchard rubbish.

Clause 12 of the Bill proposes to add a new section to permit the burning of tomato plants or the refuse thereof within a prohibited period, from the 1st October to the 15th January, in the road districts of Geraldton, Upper Chapman, Greenough, Gascoyne, and Minilya, subject to stringent conditions to enable the eradication of disease, to which tomatoes are subject. The burning is within the prohibited period, and therefore stringent conditions are very necessary.

Section 17 of the Act gives power to the local authority to require owners of land to plough fire breaks, and if they neglect to do so, to do the work itself and recover the costs. The Bill provides that in the

event of mutually satisfactory arrangements for the making of fire breaks between the owner or occupier of any land and the Conservator of Forests not being made, the same power shall be given to the Minister, who shall exercise it in the first instance through the local authority, and will only deal with the matter if the local authority fails to take the necessary action.

The Act provides that a forest officer shall take control of any operations for the extinguishing of a fire when it is in a State forest. The Bill proposes to give the same control to a forest officer when a fire is nearest to a State forest. Section 28 of the Act provides that if one owner clears his land along a fence for at least 10 feet, and the owner on the opposite side does not, and the fence is damaged by fire, the first owner can recover costs unless the fence is repaired within one month. Legal opinion obtained by several local authorities has been to the effect that such authorities would be looked upon as owners for the purpose of this section in relation to roads and reserves vested in them. As it was not intended that this be so, a provision in the Bill relieves the local authority of any liability in regard to roads and reserves.

In order that the department may be able to keep in touch with the activities of local authorities, it is considered desirable that a record should be kept in the department of the names and other particulars of bush fire control and fire brigade officers, also of fire fighting equipment and appliances available in each district. The Bill provides that these particulars shall be forwarded in the month of August of each year. Finally, there is a provision in the Bill by which members of the police force and forest officers are relieved of the obligation to report any person to a local authority for a breach of the Act. Section 32 provides that it shall be the duty of every member of the police force and every control officer, and also every forest officer appointed under the Act, to report any offence to the local authority. It is thought unnecessary that police or forest officers should be required to take these steps, as they have authority under Section 35 to take action against any person for a breach of the Act. Where a bush fire control officer is concerned, however, it is necessary for

him to report any offence to the local authority, as he can only prosecute at the request of such authority. I know country members are keenly interested in the Bill. Any further explanation desired I shall be glad to furnish during the Committee stage. I move—

That the Bill be now read a second time.

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

House adjourned at 6.15 p.m.

Legislative Assembly,

Tuesday, 29th October, 1940.

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

QUESTION—NURSES, TRAINING.

Mr. SAMPSON asked the Minister for Health: 1, In view of the increasing demand for nurses, both overseas and locally, will he take action to liberalise the conditions relating to their training? 2, As a war measure, will he give consideration to (a) a reduction of the commencing age to 17 years in lieu of 19 years as at present; (b) if necessary, establish additional grades of nurses; and (c) arrange for the training of nurses in all country hospitals where fully qualified matrons are engaged? 3, If he considers these proposals practicable, will he give publicity to the altered conditions?

The MINISTER FOR HEALTH replied: 1, The Minister has no power in this matter, which is in the hands of the Nurses' Registration Board. 2, (a) Some training

schools admit at 18; some at 19 years of age. It is not considered desirable to further reduce the commencing age, and there is no necessity in view of the fact that sufficient numbers of applicants are always available. (b) and (c) The suggestions are quite impracticable. The inclusion of several medium-sized hospitals in the training scheme has recently been accomplished. 3, Answered by 2 (b) and (c).

BILLS (2)—THIRD READING.

1, Tramways Purchase Act Amendment.

2, Money Lenders Act Amendment.

Transmitted to the Council.

BILL—REGISTRATION OF FIRMS ACT AMENDMENT.

Report of Committee adopted.

BILL—CIVIL DEFENCE (EMERGENCY POWERS).

Recommittal.

THE MINISTER FOR MINES (Hon. A. H. Panton—Leederville) [4.33]: I move—

That the Bill be recommitted for the purpose of further considering Clause 10 and inserting a new subclause.

Members will recall that Subclause (2) of Clause 10 was deleted from the Bill in Committee. On going into the question and discussing the matter with the officers of the Crown Law Department, I found that much of the effectiveness of the measure will be lost if members adhere to their original decision. That arises from the fact that only by implication will local governing bodies, should they so desire, be permitted to undertake any work regarding civil defence. The subclause I propose to move to insert in the Bill represents the original provision which has been made purely permissive instead of compulsory. Another factor that has caused the Government concern as a result of the Committee's decision to strike out the subclause and particularly in relation to the debate that ensued in Committee, was the argument advanced by the member for Perth (Mr. Needham) and supported